

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

2 -----)
 UNION PACIFIC RAILROAD COMPANY)
 3) DOCKET NO. TR-961394
 Petitioner,)
 4 vs.)
)
 5 CITY OF FIFE, WASHINGTON) VOLUME 1
)
 6 Respondent.) PAGES 1 - 125
 7 -----)

8 A hearing in the above matter was held on
 9 March 25, 1997, at 9:30 a.m. at 11211 - 41st Avenue SW,
 10 Tacoma, Washington, before Administrative Law Judge
 11 JOHN PRUSIA.

12 The parties were present as follows:

13 CITY OF FIFE, by LOREN D. COMBS, Attorney at
 14 Law, 1102 Broadway, Suite 500, Tacoma, Washington
 98401-1317.

15 WASHINGTON UTILITIES AND TRANSPORTATION
 16 COMMISSION STAFF, ANN E. RENDAHL, Assistant Attorney
 General, 1400 South Evergreen Park Drive Southwest,
 Olympia, Washington 98504.

17 UNION PACIFIC RAILROAD, by CAROLYN L.
 18 LARSON, 732 NW 19th Avenue, Portland, Oregon, 97209.

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Michael P. Townsend, CSR

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1 Court Reporter

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I N D E X

	WITNESSES:	D	C	RD	RC	EXAM
3	MR. FLOYD	9				
4	MR. DEKEYSER	14	18			
	MR. MYRICK	19				
5	MR. LOUDY	23				
	MR. GRIMM	28				
6	MR. DACCA	32				
	MS. LOUDY	39				
7	MR. TARRANT	41				
	MR. NAUMANN	45				
8	MR. TRUMBULL	48				
	MR. HINES	59				
9	MR. TODDTLI	67	81			82
	MR. SCHESSER	85	98			
10	MR. GEHRKE	103				
	MR. BOITANO	107				
11	MR. MIZUKAMI	109				
	MR. MENINSKY	113	117			
12	MR. STEGMAN	119				

13 EXHIBITS:

MARKED

ADMITTED

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1 P R O C E E D I N G S

2 JUDGE PRUSIA: Let's be on the record. The
3 hearing will please come to order. The Washington
4 Utilities and Transportation Commission is set for
5 hearing at this time and place upon due and proper
6 notice to all interested parties for a hearing in
7 Docket No. TR-961394. This case is Union Pacific
8 Railroad Company, Petitioner, versus City of Fife,
9 Washington, Respondent. This is a petition by Union
10 Pacific for authority to abandon, close to public use
11 a highway railway crossing at grade. The crossing
12 is at the intersection of 54th Avenue East and existing
13 tracks at the Union Pacific Railroad Company.

14 The location of the crossing is at or
15 near railway mile 149.08 Seattle Subdivision located on
16 the common boundary of the southeast quarter of the
17 southeast quarter of Section 12, Township 20 North,
18 Range 3 East, W.M., and the southwest quarter of the
19 southwest quarter of Section 7, Township 20 North,
20 Range 4 East, W.M. in Pierce County, State of
21 Washington.

22 My name is John Prusia, I'm the
23 Administrative Law Judge assigned to this proceeding.
24 Today's date is March 25, 1997, the time is 10:00 a.m.,
25 we are convened in -- is this Lakewood, or what do you

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1 call this area, South Tacoma? At the Department of
2 Transportation in Lakewood. I will begin by taking
3 appearances of the parties. Please state your name,
4 who you represent, and your mailing address. I'll
5 begin with the Petitioner, Ms. Larson.

6 MS. LARSON: Carolyn Larson, I'm
7 representing Union Pacific Railroad Company, I'm with
8 the law firm of Kilmer, K I L M E R, Voohrees,
9 V O O R H E E S, and Laurock, L A U R O C K, 732
10 Northwest 19th Avenue, Portland, Oregon, 97209.

11 JUDGE PRUSIA: And I will ask that
12 everybody speak up, I understand the audience is having
13 a difficult time hearing us back there. Thank you,
14 Ms. Larson. And for the Respondent?

15 MR. COMBS: Loren Combs, L O R O N,
16 C O M B S, representing the City of Fife. My business
17 address is 1102 Broadway, Tacoma, Washington. I'm with
18 the law firm of McGavick Graves.

19 JUDGE PRUSIA: And for Commission staff,
20 Ms. Rendahl?

21 MS. RENDAHL: Ann Rendahl R E N D A H L,
22 representing the Commission Staff. My address is 1400
23 South Evergreen Park Drive Southwest, Olympia,
24 Washington 98504-0228.

25 JUDGE PRUSIA: Members of the public will

1 be given the opportunity to present their views and
2 their comments on this petition to close the crossing.
3 We'll do that before the parties. There will be one
4 opportunity for that before the parties to put on their
5 presentations and a second opportunity after they put
6 on their presentations. However, I will ask at this time
7 if there are any other appearances in the way of
8 petition to intervene at this point. Let the record
9 reflect that there are none.

10 We now move to preliminary matters. Before
11 we went on the record, I marked for identification a
12 number of exhibits, and I will identify those now.
13 Marked for identification as Exhibit No. 1 is a
14 multi-page document which is a memorandum from H.C.
15 Naumann to Allan Scott dated March 18, 1997 with
16 attachments. Marked for identification as Exhibit
17 No. 2 is a four-sheet WUTC photo sheet, four-sheet
18 document. Marked for identification as Exhibit No. 3
19 is an affidavit of the publication signed 3-24-97.

20 Marked for identification as Exhibit No. 4
21 is a map of tracks through Fife with Frank Albert Road,
22 54th Avenue East and 70th Avenue East highlighted.
23 Marked for identification as Exhibit No. 5 is a folded
24 large sheet which is a vicinity map of the vicinity of
25 the crossing. Marked for identification as Exhibit No.

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1 6 is a multi-page document headed, "Technical Document
2 Agreement between the Puyallup Tribe of Indians, Local
3 Government in Pierce County, State of Washington,
4 United States of America, and Certain Property Owners,"
5 dated August 27, 1988. Marked for identification as
6 Exhibit No. 7 is a three-page document headed
7 Supplemental Agreement between the Union Pacific
8 Railroad Company, the City of Fife, and Puyallup Indian
9 Tribe concerning conveyance of Union Pacific property.

10 Marked for identification as Exhibit No. 8
11 is a two-page document, an easement deed from Union
12 Pacific Railroad Company to City of Fife. Marked for
13 identification as Exhibit No. 9 is a one-page
14 background sheet on Larry W. Totally. Marked for
15 Identification as Exhibit No. 10 is a booklet which is
16 a traffic impact analysis for closure of the UPRR 54th
17 Avenue East crossing of Fife, Washington. And marked
18 for Identification as Exhibit No. 11 is a one-page
19 letter dated March 9, 1997 from Howard P. Scheser,
20 Community Development Director, City of Fife, to
21 Carolyn L. Larson, Portland, Oregon.

22 I believe that's all of the prefiled
23 exhibits. May we enter into the record by stipulation
24 of the parties the documents that have been pre-marked
25 as Exhibits 1 through 11?

1 MR. COMBS: The City has no objection to
2 the admission.

3 MS. RENDAHL: No objection.

4 (Marked and Admitted Exhibits 1 through 11.)

5 JUDGE PRUSIA: Ms. Larson, I believe you
6 indicated that there was some stipulation regarding
7 authenticity of certain of the documents.

8 MS. LARSON: Yes, the WTC and the City have
9 stipulated as to the authenticity of Documents 6, 7,
10 and 8.

11 JUDGE PRUSIA: Is that correct?

12 MR. COMBS: Yes, sir, that is correct.

13 JUDGE PRUSIA: Thank you. Are there any
14 other preliminary matters we need to cover before we
15 take witness testimony? Let the record reflect there
16 is no affirmative response. At this point, then, we'll
17 give the members of the public who need to make an
18 initial statement or cannot be here for the full
19 proceeding, we'll give them an opportunity to make
20 their presentation, make their statement, and be
21 cross examined by the parties. I believe we will begin
22 with you, Mr. Floyd.

23 MR. FLOYD: Thank you, your Honor.

24 JUDGE PRUSIA: Are you going to be
25 testifying or will your client testify?

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1 MR. FLOYD: I represent the estate, so I
2 will be able to testify, he will make a statement.

3 JUDGE PRUSIA: Do you want to be sworn?

4 MR. FLOYD: Sure.

5 JUDGE PRUSIA: I will ask you, then, to
6 come up front, stand by the podium, or we can move the
7 podium and you can stand behind it. Please raise
8 your right hand.

9 (Witness sworn.)

10 JUDGE PRUSIA: To the extent you make a
11 statement, please indicate what is statement and what
12 is testimony.

13 MR. FLOYD: Okay.

14 MS. LARSON: Your Honor, would you like to
15 me to ask preliminary questions of the witnesses?

16 JUDGE PRUSIA: Yes. Ms. Rendahl has
17 volunteered to ask preliminary questions such as name
18 and identification, that sort of thing of all of the
19 public witnesses, so I will ask if she would do that,
20 please, to Mr. Floyd.

21 Whereupon,

22 FRANCIS FLOYD,
23 having been first duly sworn, was called as a witness
24 herein, and was examined and testified as follows:

25

1 DIRECT EXAMINATION

2 BY MS. RENDAHL:

3 Q. Would you please state your full name for
4 the record?

5 A. Francis Floyd, and I represent the estate
6 of George K. Yamimoto. My mailing address is 2505
7 Third Avenue, Suite 300, Seattle, Washington 98121, and
8 my phone number is Area Code 206-441-4455.

9 Q. Thank you. Please go ahead and make your
10 statement

11 A. My statement is that I have concerns and
12 questions regarding public health and safety as it
13 relates to this road closure. I have reviewed the
14 exhibits, and I see nothing that addresses the fire
15 and police service to the property that's going to be
16 isolated that I represent. The Yamimoto estate owns 20
17 acres at the corner of 54th Avenue and Levy Road. So
18 we would be south of the closure in an area that we
19 have a fairly large piece of property here, and the
20 fire hall is right here on 54th Avenue and right just
21 south of 20th Street, and the direct access would be
22 straight down 54th Avenue at this time for fire
23 service. And what we don't want to end up doing is
24 building another fire station. The estate donated the
25 land to put the property in, as I understand it,

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1 initially back before the City was even formed, and now
2 we don't want to be in a situation where we have to
3 build another fire hall because we are isolated.

4 And we would like to see if the -- new
5 route would be very circuitous, you would have to go
6 on 20th Street, the traffic is going to be increased
7 on that as a result of this closure, over to Frank
8 Albert, this traffic is going to be increased across
9 this overpass back across this road which hasn't even
10 been approved yet, down to this property. And we think
11 that the City of Fife needs to study to determine
12 whether, in fact, the response time will be adequate,
13 whether a new fire hall will be necessary. If one
14 isn't necessary, it's not a problem. If one is
15 necessary, we think it should be considered and there
16 should be some mitigation measures required in this
17 proposal. Two mitigation measures are, perhaps, there
18 is a contribution towards building a new fire hall,
19 second, would be to put the water line under the
20 railroad and loop the water line at least south of the
21 railroad so we can get water to these properties that
22 are now going to be essentially isolated from the rest
23 of the City.

24 And those are the two mitigation measures
25 that I would think would be the most logical to

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1 consider, and the third would be to build an overpass
2 so we can get the fire trucks over the overpass. So I
3 don't have -- my only question is, has this been
4 considered from anyone from a public health and safety
5 issue? I saw nothing regarding fire and police in the
6 proposal or any of the exhibits, I just don't know. Is
7 there anyone here that's kind of in charge of that, has
8 it been considered?

9 JUDGE PRUSIA: Let's be off the record
10 briefly.

11 (Off the record.)

12 JUDGE PRUSIA: Let's be back on the record.
13 While we were off the record, we were discussing
14 whether the concerns express by Mr. Floyd were going to
15 be covered by another witness and counsel for the City
16 indicated they would be, and I will ask him to indicate
17 that now on the record.

18 MR. COMBS: Thank you, your Honor. Mr.
19 Floyd, your issues were addressed by the City during its
20 analysis of the road closure. The City contacted both
21 the fire service purveyor, which is City of Tacoma, and
22 also the public safety purveyor, which is City of Fife
23 through its police department. Both carriers indicate
24 that this road closure would not create a health and
25 safety risk, and in fact, they thought it would be a

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1 better option to have a known route, as opposed to
2 responding down 54th and having the intersection
3 blocked by trains as it is now, which then requires
4 them to backtrack and go around the different way.
5 With the road closure, they have defined routes which
6 are 70th Avenue and 54th, and -- excuse me, and Frank
7 Albert, which is -- they felt would not result in any
8 significant increase in response time. So they did not
9 feel any other improvements were necessary. We have
10 the Community Development Director here today that will
11 testify to those issues.

12 MR. FLOYD: And what about the issue of
13 water, locating a water main under the railroad?

14 MR COMBS: Well, you don't have a water
15 main down there now, that's a red herring as it relates
16 to the road closure. There is not a public water
17 service out there today, even if the road were open.

18 MR. FLOYD: But you're saying that the
19 fire department does not respond down 54th Avenue at
20 this time?

21 MR. COMBS: What I'm saying is that the
22 fire department says that it will not have any adverse
23 effect on public health or safety having that road
24 closed because it is unknown when there is an emergency
25 call whether you will be able to go through 54th

1 anyway, and it will work just as well going down
2 Frank Albert, coming back through the new road. In the
3 City's response to the petition, we have indicated we
4 do not want the road closed until that intersector
5 road, the proposed bypass is constructed for that
6 very reason. Once that is constructed, the fire
7 department has indicated there will be no significant
8 increase in response time.

9 MR. FLOYD: Okay. I'm done.

10 JUDGE PRUSIA: Thank you, Mr. Floyd.

11 Let's be off the record just briefly so the witnesses
12 who wish to testify at this time can indicate to Ms.
13 Rendahl that they wish to be called. Let's be off the
14 record.

15 (Off the record.)

16 JUDGE PRUSIA: While we were off the
17 record, members of the public who wished to testify at
18 this time indicated that to Ms. Rendahl. Ms. Rendahl,
19 would you please call your next witness or the next
20 witness.

21 Whereupon,

22 JOHN DEKEYSER,

23 having been first duly sworn, was called as a witness
24 herein, and was examined and testified as follows:

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1 DIRECT EXAMINATION

2 BY MS. RENDAHL:

3 Q. Would you please state your full name for
4 the record?

5 A. John Dekeyser.

6 Q. And would you spell your last name.

7 A. D E K E Y S E R.

8 Q. Would you state -- are you here
9 representing yourself or a business organization?

10 A. I'm here as a Commissioner on Pierce County
11 Water District No. 21.

12 Q. And would you give the address for the
13 Water District.

14 A. It's my home address, which is 7901 - 48th
15 Street East, Puyallup, 98371.

16 Q. Thank you. Would you go ahead and make
17 your statement.

18 A. Okay. I have lived in this area for nearly
19 50 years, and I have a habit of observing the water.
20 I would like to describe the situation that exists here
21 and some conditions that evolved over time. This is
22 current river, it has been channelized. The old river
23 bed used to be in here, and in some places it was quite
24 low, maybe lower than the bottom of the river.

25 JUDGE PRUSIA: Let the record reflect that

1 he is indicating that the old river bed used to meander
2 to the north and more parallel to the current
3 river bed; is that correct?

4 THE WITNESS: Yes, and later I will submit
5 another map with this and some explanation in writing
6 within a week's time. The railroad has actually built
7 an artificial levy along here, and through a period of
8 years this levy used to have holes in it where there
9 was trestles, and the railroad came along and put
10 in culverts. So that if we did have a breach in the
11 river levy the water that naturally flows this
12 direction now is forced to go this direction. There is
13 excess of 20 feet difference --

14 JUDGE PRUSIA: Let the record reflect
15 that the witness is saying that the water that used to
16 naturally flow to the north through the tracks now
17 would flow to the west?

18 THE WITNESS: It's still going to go
19 northwest, but it is going to be confined between
20 the railroad tracks and the river.

21 JUDGE PRUSIA: I will ask you to try to
22 describe things so that someone reading it can
23 understand what you are showing on the map.

24 A. There is a condition that exists due to two
25 manmade features. One is the railroad bed forms a

1 levy. The second is the levy forms a levy, the land
2 that lays between those two levies is between on the
3 levy, I would say, 5 to 15 feet lower than the levy,
4 and on the railroad tracks 8 to 15 feet lower than the
5 levy, so if we get water in there, it's going to stay
6 confined. Heading towards the northwest is the lower
7 elevation of in excess of 20 feet. It is also shaped
8 like a funnel towards the lower elevation. So if we
9 happen to get a lot of water, it's going to all go in
10 this direction like a funnel and it is going to pile up
11 down here where the only road out is going to be and I
12 would suspect that that road may be under water.

13 Wapato Creek meanders through this area and
14 primarily takes care of a small drainage that surrounds
15 it. The water would flow down here and cause a
16 situation where you couldn't get out if 54th is closed.
17 Now, there is a natural river bed in this area and
18 there is a drainage system through here that we call
19 the Firwood Ditch, and it drains water all the way from
20 Meridian down to old river we had a reservoir, which
21 is 30 to 50 acres, and it is very wonderful natural
22 containment. And then when the river is low, it goes
23 out to a tide gate into the river, a four foot, six
24 inch tide gate that is often at full capacity. And I
25 have observed several times in the last few years that

1 this whole natural reservoir has been full. And we
2 have been blessed so far that once this reservoir is
3 full, the rain stops and the river goes down, and it
4 gets to drain out. If we get circumstances where that
5 doesn't happen, we continue to get water, this is going
6 to flood. I believe that the surface water at this
7 one, its capacity is higher than the ground down here,
8 and we could travel the ground water through there.

9 At the time that we had the first public
10 hearing in the City on this, I'm on the Park
11 Commission, so I'm hesitant to come down here and say
12 anything against getting the park, of course. At that
13 time, I was not aware they were going to put 900 houses
14 in here, this will also flood, I believe, right across
15 here, so that people will not be able to get out
16 towards 70th, and if they can't get on at 54th, this is
17 under water, and you have got potential to have a
18 school here, maybe a few fire stations, and a lot of
19 people, and even without the levy being breached, I
20 believe that there is potential for this to be under
21 water, and I think an analysis should be done and that
22 situation both with a breach in the levy and just with
23 what could happen with natural rainfall if this is a
24 capacity when the rains starts.

25 I think some mitigation could be done, I

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1 don't know what the impact would be, but I think that
2 if the railroad opened up the culverts at these places,
3 there is four of them here, back to being bulkhead
4 trestles, then if we did have a situation where this
5 started to fill up with water instead of it all
6 funneling down here, you could get across under there
7 and it would be a sheet of water maybe six inches
8 deep which would not devastate people, but we can get a
9 situation in here where I think we could have 8 to 10
10 feet of water at Frank Albert, and about that time
11 people would say, "Golly, I wonder why they closed
12 54th." Thank you.

13 JUDGE PRUSIA: Do any of the parties have
14 cross examination for this witness?

15 MS. LARSON: I have one clarifying
16 question.

17 CROSS-EXAMINATION

18 BY MS. LARSON:

19 Q. The area you are talking about, the housing
20 development that was between 54th and 70th?

21 A. Yes.

22 Q. Has any of that been approved yet?

23 A. You would have to ask the City of Fife.

24 Q. Okay. It doesn't currently exist?

25 A. No, but some type of development would

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1 eventually be in there. I would surmise the same
2 dilemma would be whether it was something different.

3 MS. LARSON: Thank you.

4 JUDGE PRUSIA: Did any of the other --
5 okay. You may be excused.

6 MS. LARSON: I call Bob Myrick. Would
7 you please come up.

8 JUDGE PRUSIA: Please raise your right
9 hand.

10 (Witness sworn.)

11 Whereupon,

12 BOB MYRICK,

13 being first duly sworn, was called as a witness
14 herein, and was examined and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MS. LARSON:

18 Q. Would you please state your full name for
19 the record and spell your last name, please.

20 A. My name is Charles Bob Myrick, and my last
21 name is M Y R I C K.

22 Q. Thank you.

23 A. I live at 6015 Pacific Avenue, in Tacoma
24 Washington.

25 Q. Are you here today representing yourself or

1 an organization or business?

2 A. I'm representing an organization, the
3 Tacoma Wheelmen's Bicycle Club.

4 Q. Thank you. Please go ahead and make your
5 statement.

6 A. Yes, thank you.

7 Q. Speak up please, so we can hear.

8 A. Yes, I'm a member of the Tacoma Wheelmen's
9 Bicycle Club, a 500-member club in Tacoma and Pierce
10 County, Washington. I'm also the Governmental Affairs
11 Coordinator for that club, and I'm also a member of the
12 Pierce County Parks Regional Trails Advisory
13 Commission. And I'm also a member of the, I think it
14 is called Puget Sound Regional Council Enhancement
15 Committee that reviews grants applications for trail
16 projects under the IC program. And the main reason I'm
17 here today is our bicycle club is concerned with having
18 lost two prior crossings on this railroad in the past
19 that we used to use some years ago, and we are also now
20 concerned about losing, I believe it is 54th Avenue
21 East, mainly because of the impact it will have on
22 70th Avenue East and on the Frank Albert road crossing.
23 We are afraid that it will divert more traffic to those
24 two roads and cause a safety problem for us. And we
25 are having a little trouble with the sentence in your

1 hearing statement where you say the ultimate issue
2 involved is whether the public safety requires an order
3 be entered authorizing closure of the crossing.

4 Our feeling is just the opposite; that when
5 traffic is diverted to the two other road systems, the
6 road systems that we are presently using on a daily
7 basis for commuting and on the weekends for
8 recreational riding, we are concerned about our safety
9 on those other roadway alternatives. We are also
10 concerned because grant money has been given to the
11 City of Tacoma, to Pierce County and to the City of
12 Puyallup to build a trail on the north side of the
13 river along the levy, and there is also the way the
14 trail is thought of is that the what's called Levy Road
15 would be reconfigured and moved to the north, and that
16 the trail might end up where the present road profile
17 is on parts of the north side of the river. The
18 traffic that's going to be generated by other growth
19 in Fife kind of plays into this situation, and that's
20 why we would like to have as many crossings of that
21 railroad as is possible and not lose any more.

22 The other concern we have is that on 70th
23 Avenue near where I-5 is, Pierce County and several of
24 the communities have an interest in developing
25 something that would be a trail that would be on the

1 old Interurban right of way which is presently owned by
2 Puget Power, and I believe parts of it have been turned
3 over to Pierce County Parks for possible trail use.
4 King County and several of the communities in King
5 County own other parts of the trail and the idea is
6 that that would all be connected and emerge near 70th
7 Avenue East and I-5. There is some construction going
8 on, or proposed construction in that area that will
9 affect that trail and the traffic patterns so we wanted
10 to bring to your attention that we are concerned that
11 it's a safety issue if you close that crossing. And
12 that's the conclusion of my testimony.

13 JUDGE PRUSIA: Thank you, Mr. Myrick. Do
14 any of the parties have cross-examination of this
15 witness? Okay.

16 MS. RENDAHL: Mr. James Loudy.

17 JUDGE PRUSIA: Please raise your right
18 hand.

19 (Witness sworn.)

20 Whereupon,

21 DENNIS LOUDY,
22 having been first duly sworn, was called as a witness
23 herein, was examined and testified as follows:

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1 DIRECT EXAMINATION

2 BY MS. RENDAHL:

3 Q. Would you please state your full name
4 for the record, please, spelling your last name.

5 A. Yes, James Dennis Loudy, 5002 - 27th Street
6 East.

7 Q. How do you spell your last name, sir?

8 A. L O U D Y.

9 Q. Thank you. Are you here today representing
10 yourself or a business or organization?

11 A. Myself.

12 Q. Please go ahead.

13 A. I live right here and --

14 JUDGE PRUSIA: Let the record reflect that
15 the witness pointed to 27th Street.

16 A. The end of 27th Street, cul de sac there,
17 just north of the railroad tracks. I measured the
18 tracks, and from the first track to the our property
19 line is 137 feet. And I have lived near railroad
20 tracks all my life, my father and brother both retired
21 from the railroad tracks -- from the railroad. And
22 when we moved to Fife in 1980, the community was a farm
23 community, and it has changed from a farm community to
24 an industrial area now. And we think the change that
25 has affected us most has been the increase in railroad

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1 traffic.

2 When we got there, one train just a few
3 times a day, and now we are getting larger trains,
4 bigger boxcars, they are about twice the size or
5 heavier, and there are many more than one a day now.
6 And it is affecting all of our houses over there. And
7 if you just drive by and take a look at the driveways,
8 you can see how they are cracked, foundations are
9 cracked, inside of the walls are showing some cracks
10 in them. And I have seen as high as eight engines
11 pulling a train through there. We never had that
12 before. The thing that has changed has been the
13 railroad, it hasn't been us. And there is switching
14 going on anywhere from midnight to 6:00 a.m. in the
15 morning now. It has gotten a lot better here
16 recently since, I guess, the railroad people had some
17 inspectors come out there because these guys would
18 stand out here on the tracks and blow their whistles
19 and bang their cars just as hard as they could. And I
20 guess we complained enough to where we got that
21 eliminated to a point. We still have the traffic out
22 there between midnight and 6:00 a.m.

23 Closing 54th is going to eliminate an
24 emergency exit for us. Our only exit is going to be
25 out right through here, and this is congested enough

1 as it is. Even during working hours, you can't hardly
2 get on that Valley Avenue. I would like to see rather
3 than close 54th just put an overpass in it like they
4 did Frank Albert. And I think there is enough land on
5 each side to do it. Another thing that really concerns
6 us is the drainage. Now, the last two years you have
7 had some -- I had a lot of high water, and this field,
8 this field over here all drains into a sort of a
9 wilderness area right here, that's grown up the trees,
10 and when we first came, moved in here, there was some
11 drainage ditches in there, but nobody was taking care
12 of them. And since then they have come along and put
13 a small drain over on this side, but this area still
14 fills up and drains and we had water up on our property
15 right in there during the high water.

16 JUDGE PRUSIA: Let the record reflect that
17 the area he is indicating is to the west of the cul de
18 sac you live on?

19 THE WITNESS: Yes.

20 JUDGE PRUSIA: Between it and the tracks?

21 THE WITNESS: Yes, right here.

22 Q. And there is a triangle area right here
23 that just -- evidently is turned over to the wilderness
24 area. But what we would like to see instead of putting
25 that track over here is maybe possibly putting it on

1 the other side here. I understand there is a big ditch
2 there, but they should be able to move that, move it
3 over enough to -- they say right here they could put
4 another track on this side and still not affect the
5 small drainage ditch here.

6 JUDGE PRUSIA: That's the north side you
7 are talking about?

8 THE WITNESS: On the north side, yes.

9 A. On the south side they should be able to
10 put a track over there. I mean, if they can do it on
11 one side, I think they can do it on the other side.
12 That's about all I have about it. But I would like to
13 remind you that we haven't changed, our neighborhood
14 hasn't change, it's been the railroad that's done the
15 changing. And the way I see it and the way the other
16 people have seen it, it has affected our living
17 conditions, our houses, and stuff like that. Thank you
18 very much.

19 JUDGE PRUSIA: Are there any questions for
20 this witness? Okay. You may be excused.

21 MS. RENDAHL: George Grimm.

22 JUDGE PRUSIA: Before we call this witness,
23 I will have Mr. Dekeyser come up again. I failed to
24 swear him in, I will do it.

25 (Witness sworn.)

1 JUDGE PRUSIA: Thank you. And you
2 indicated, also, Mr. Dekeyser, that you would be
3 submitting something additional within a week's time?

4 MR. DEKEYSER: One week. The one thing I
5 forgot to mention last time is something that compounds
6 that situation is the river has not been drenched in
7 a long time, and I think the situation is getting worse
8 because of that. Thank you.

9 JUDGE PRUSIA: I will be leaving the record
10 open for a one-week period after the hearing for an
11 exhibit of public letters, that sort of thing.

12 MR. DEKEYSER: Do you have an address I can
13 mail those to?

14 JUDGE PRUSIA: You can get the address from
15 Ms. Rendahl. Very well. Sir, will you please raise
16 your right hand and I will swear you in.

17 (Witness sworn.)

18 JUDGE PRUSIA: Ms. Rendahl, will ask you
19 some initial questions.

20 Whereupon,

21 GEORGE GRIMM,
22 having been first duly sworn, was called as a witness
23 herein, and was examined and testified as follows:

24

25

1 DIRECT EXAMINATION

2 BY MS. RENDAHL:

3 Q. Would you please state your name for the
4 record, spelling your last name.

5 A. My name is George Grimm, G R I M M.

6 Q. Thank you. Are you here today representing
7 yourself or a business?

8 A. Myself.

9 Q. And would you please state your address
10 for the record.

11 A. 5211 North Levy Road.

12 Q. That's in Fife?

13 A. In Fife, 98424.

14 Q. Thank you. Please go ahead make your
15 statement.

16 A. Okay. I live at the third house from the
17 intersection at the end of 54th Avenue on the Levy
18 Road.

19 JUDGE PRUSIA: Let the record indicate that
20 when the witness said "Levy Road," he was indicating
21 something that's right north of the river; correct?

22 THE WITNESS: Well, this is Levy Road,
23 isn't it, right here? Come down 54th Avenue and turn
24 to the right and I'm the third house down there, not
25 counting the house on the corner.

1 A. My main concern is safety and health. I
2 clocked it from my house to the fire department from
3 where the emergency vehicles are dispensed, took me
4 five minutes. Just one mile took me five minutes
5 following traffic, rules and regulations, from the
6 fire hall which is probably right in here, up to 20th
7 Street, over the Frank Albert Road and back down to my
8 place, it took me, I believe, 13 minutes. I went to
9 the fire hall, and this was something that, I don't
10 know where it came from, I went to the fire hall and I
11 talked to, I suppose he would be maybe -- I would call
12 him an assistant chief, I didn't get his name. He told
13 me that the contract with the City of Fife is they
14 are supposed to -- response time is supposed to be
15 eight minutes. Around this congested area here under
16 the best of circumstances, depending on time of the day
17 or night, it is 13 minutes.

18 In 1984 I had a heart attack, I don't know
19 if that five minutes would have killed me or kept me
20 alive. That's something I can't prove, but I don't
21 know. This gentleman that I talked to at the fire
22 hall, he went up, I had a call from the main office up
23 in Tacoma, and they confirmed the fact that it was an
24 eight-minute response time. I don't know why they
25 can't put in an overpass on 54th Avenue right in here,

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1 run their new line on the south side. That gives
2 plenty of room for an overpass. I went up and checked
3 it unofficially, unscientifically with the speedometer
4 on my car, compared to the Frank Albert Road, there is
5 enough room to put an overpass.

6 The second part that I have is going to put
7 600 homes down in here --

8 JUDGE PRUSIA: Would you please describe
9 where that is in terms of the streets and roads.

10 THE WITNESS: Well, it is east of 54th, to
11 70th East, between the railroad tracks and the Levy
12 Road. Didn't you tell me, Loren, 600 homes? Come on.

13 JUDGE PRUSIA: Just make --

14 MR. COMBS: Go ahead, I'm not under oath.

15 A. Anyhow, that's what I was told yesterday,
16 600 homes. That's in the future. It looks to me like
17 it is an awful long run from here to here for the
18 people that live in here to get out there.

19 JUDGE PRUSIA: When you say "here to here,"
20 you're saying from --

21 THE WITNESS: From 70th Avenue to Frank
22 Albert Road, south of the railroad tracks. As I said
23 before, my main interest is safety of our property
24 and our health. I don't have a personal interest in it
25 other than that. I have lived there since 1947, and

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1 my personal opinion is that we are getting to be an
2 awful mess as far as this road here between 54th and
3 Frank Albert Road.

4 JUDGE PRUSIA: You are indicating the
5 proposed bypass road?

6 THE WITNESS: That proposed bypass road.

7 A. If any of you have ever driven a truck, a
8 big truck, you are going to know that you are not going
9 to go up 54th Avenue, cross this new road, drop into
10 the bottom of your gear box, and crawl up over the
11 Frank Albert Road, you are going right down the Levy
12 Road, same as they do now. And there is enough traffic
13 on that road right now that if I want to take out of
14 there in the morning with my trailer, I can't do it
15 until mostly after 9:00. I don't think I have
16 anything else to say about it, so thank you, gentlemen.

17 JUDGE PRUSIA: Wait just a minute, do any
18 of the parties have any cross-examination for
19 Mr. Grimm?

20 THE WITNESS: To confirm what I say?

21 JUDGE PRUSIA: They are not under oath.
22 Okay. Very well, you may be excused.

23 MS. RENDAHL: There is just one more member
24 of the public, Mr. Dacca.

25 JUDGE PRUSIA: Please raise your right

1 hand.

2 (Witness sworn.)

3 Whereupon,

4 FRANKLIN L. DACCA,

5 having been first duly sworn, was called as a witness

6 herein, and was examined and testified as follows:

7

8 DIRECT EXAMINATION

9 BY MS. RENDAHL:

10 Q. Would you please state your name for the

11 record, spelling your last name.

12 A. Yes, my name is -- last name is Dacca,

13 D A C C A, first name Franklin, middle initial L. I'm

14 an attorney here locally in Fife. My office address is

15 1406 - 54th Avenue East, Suite G, 98424. I'm here

16 on behalf of my mother who is not able to be here

17 today. Her name is Mariann C. Dacca, her residence is

18 2820 - 54th Avenue East in Fife.

19 Q. Why don't you go ahead.

20 A. Thank you. I have to leave at noon, I

21 wasn't sure how long -- hopefully we'll get out of here

22 by noon, and I appreciate the ability to speak on behalf

23 of my mother and my family. My folks own 10 acres of

24 property at the corner of 54th Avenue and the railroad

25 crossing in question. Basically, it is kind of a

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1 triangle, there is 10 acres basically on the north side
2 of the railroad. We also own three acres to the east
3 of 54th, also on the north side of the railroad tracks.
4 I was born there in 1947, I can match Mr. Grimm's
5 length of contact, and basically I'm pushing 50 here in
6 a couple of months, so I would attest I'm as familiar
7 with this point in time as anyone probably in the
8 county. I slept there for 20 years and heard the
9 railroad sounds for all those years. My family also
10 owned for close to 20 years the 10 acres to the south
11 of the railroad which is now owned by the Puyallup
12 Tribal Nation, I believe.

13 I want to be of record, and I really kind
14 of -- this is a re-hash in large part of the hearing
15 which was taken place before the Fife City Council on
16 October 22nd of 1996, and I would urge the examiner
17 to look at that record, because I think it was a very
18 thorough hearing before the Council, an emotional one,
19 and many of the people that are here were there at that
20 time. And again, I request that the examiner,
21 administrative law judge look at that record, because I
22 think unfortunately when we have change that's involved
23 here, everybody is coming from a different perspective.
24 It impacts everybody's ease of life a little bit
25 differently, and I think there is a tendency for people

1 to come who have some perhaps critical or negative
2 impacts; there were a lot of people there on October
3 22nd that lived in this residential area that were for
4 this closure. I would like the examiner and the
5 administrative law judge to consider that despite my
6 agreement with a lot of the comments that the other
7 people made, the general public health and safety issue
8 goes on the side of the closure of 54th Avenue and how
9 it impacts the City of Fife and the neighborhood.

10 I know there is some questions of fire
11 protection and water that are beyond my expertise, but
12 I think the ALJ should know that as part of the road
13 closure -- and road closure is an absolute condition,
14 that has to happen before this area that my parents
15 own were basically with an agreement with the City of
16 Fife and the railroad that if the road is closed and
17 there is an appropriate bypass road that is
18 constructed, the railroad is buying the 10 acres or
19 9 acres here, and the three acres here as a design only
20 for park and open space and recreation. And that will
21 only happen if the road is closed and if the road comes
22 in, if those things don't happen, it doesn't
23 materialize. And if there is an overpass here, I
24 submit that it probably won't happen, which costs an
25 enormous amount of money. My family has something to

1 gain economically here, but I'm submitting to you that
2 what we are selling it for is a very, very reasonable
3 price. And it is in the best interest and public
4 safety that this be closed.

5 Now, let me just get to the chase here.
6 This road was a road we played baseball in the early
7 '50's, and cars would come along every 10 minutes or
8 so, and we would move --

9 JUDGE PRUSIA: Are you talking about 54th?

10 THE WITNESS: Right, this area here. There
11 is a stop, let's see, Valley Avenue comes here as you
12 can see, there is a stop sign here, there is going
13 to be a light, I think, at some point, but there is no
14 traffic signal at all.

15 JUDGE PRUSIA: That's at the intersection
16 of 54th and Valley?

17 THE WITNESS: All the way to the -- well,
18 virtually all the way to the North Levy Road, there is
19 no traffic signal at all.

20 A. So when the people that live in Berry Lane,
21 and David Court, and my folks -- my mother lives right
22 here, you have to come down here, you hit a stop sign,
23 then you can go to Valley, or you can proceed north on
24 54th Avenue. The road, you know, I think one of the
25 gentlemen said, you know, only the railroad has changed

1 the situation. Well, it's all part of change in life,
2 I would submit, and what used to be, you know, you
3 could go out there and have a good recreational
4 afternoon, now I submit from my mother to cross the
5 roadway to get the mail puts her life in jeopardy, I mean,
6 it's a horribly busy road, and I know when I preach at
7 Mr. Grimm and some of the other parties that live down
8 here, it is convenient to go to Fife or cross this way,
9 but for the residents here, and there were many that
10 testified on the record, this is an absolute speedway.
11 Trucks and speed and many of the families that are
12 here, I know the railroad is impacting them, but you
13 know, you don't walk your dog or take your kid along
14 here, and you are risking your life if you go on this
15 roadway. And to close this off and make it a cul de
16 sac here, and this area to the west of 54th or to the
17 East of 54th Avenue is pretty much agricultural now.
18 This would be such for the public safety and welfare of
19 these families that despite there being another siding
20 here, would have the most positive impact on the City
21 of Fife in the last 30 years, because there is no open
22 space. That's part of the mitigation factor here that
23 I would ask you to consider. Not because, you know, my
24 family -- somebody will buy it eventually, I mean, it's
25 not going to be little onion fields and cabbage patches

1 forever. Farming is over there, and that's just the
2 way it is.

3 And I submit having that mitigating factor
4 there, the closure of the road, this would be of such
5 a positive impact to the City of Fife, that I can't say
6 it any stronger. And I know there is some downside to
7 it, but I'm submitting there, too, and that was
8 testified earlier, and I know there is some -- I'm not
9 an expert on the switching, but there may very well be
10 less noise because they don't blow the whistle and they
11 don't have to switch as much down there. But as I
12 say, I listened to many a railroad when I was a young
13 kid there, and I want to have of record and I would
14 like you to think throughout this morning that there
15 are many people that are here -- not necessarily here,
16 but in this community, that are for it. This would
17 promote the growth to the east of 54th Avenue, and
18 these homes would have, in terms of public safety and
19 welfare, they would have an open space here and a
20 quietude that I submit is a very, very positive factor.

21 And again, that's only going to happen,
22 this whole thing is only going to happen if this road
23 goes in and the closure takes place. And to that
24 extent it may be a factor for the parks and everything
25 else.

1 Let's see, I had one other comment. I
2 would just close in saying this, again, I went to Fife
3 High School 35 years ago, I have lived here, my
4 business is here, my family lives here, and it's not a
5 perfect solution, it impacts people, and I hate change,
6 I wish I was out cutting cabbage today, but I'm not,
7 and that's the way it is, and I would ask that you
8 consider the positive side of this road closure in the
9 big picture of what it is going to do to that area. I
10 think that's all I have.

11 JUDGE PRUSIA: Any cross-examination for
12 this witness? Thank you, you may be excused. Are
13 there any other witnesses that indicated they wanted to
14 speak, Ms. Rendahl?

15 MS. RENDAHL: Not at this time. Do we have
16 time for one more? I think this should be it.

17 JUDGE PRUSIA: Let's be off the record for
18 just a minute.

19 (Off the record.)

20 JUDGE PRUSIA: Let's be back on the record
21 with one additional witness, then. Please raise your
22 right hand.

23 (Witness sworn.)

24 Whereupon,

25 KEIKO LOUDY,

1 having been first duly sworn, was called as a witness
2 herein, and was examined and testified as follows:

3

4 DIRECT EXAMINATION

5 BY MS. RENDAHL:

6 Q. Would you please state your full name for
7 the record and spell your last name.

8 A. My name is Keiko Loudy, L O U D Y.

9 Q. How about your first name, too?

10 A. K E I K O.

11 Q. You are here representing yourself or a
12 business?

13 A. My neighbor, myself. And more like the
14 people.

15 Q. Would you please state your address for
16 the record.

17 A. 5002 - 27th Street East, Fife.

18 Q. Thank you. Please go ahead.

19 A. Okay. My husband speak up before, but we
20 live in the end of 27th Street, we have two houses
21 on our property. From house to railroad, right now
22 145 feet. If you make another railroad this side,
23 we not -- it is not livable. It is very, very cross.
24 I don't know how much you want to take it, how many
25 feet you want to take, but it just too close, right

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1 now it is pretty close. And if you make on the other
2 side, you don't have problem. And I just don't
3 understand why you don't make on the other side, have
4 so much house on this side and damage all the 27th
5 Street. And a lot of people want to come here today,
6 but everybody have very important work. They can't
7 jeopardize work, and I don't speak very good English,
8 but I think I can make point cross, how they feel.

9 I talk to everybody, they say they are
10 willing to come, but can't jeopardize work. Sure,
11 house is important, but job is important, too. And
12 everybody have nightmare, really. I can't even sleep,
13 I have headache every day. Get up in the morning have
14 headache, and headache all day. Just think about
15 this, it damage my property. And this is most of the
16 people lifetime investment. Maybe business people
17 think such a small thing, but for us, it is a most big
18 investment, and destroying this. And especially ours,
19 in the '60's, we can't do all over it again. And just
20 a nightmare. And if you have meeting like this, I
21 really like to come, so a neighbor can come, working
22 people can come, and would appreciate it. Thank you.

23 JUDGE PRUSIA: Are there any questions for
24 this witness? You may be excused. Would everyone like
25 to take a break, say five minutes, or do you just want

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1 to proceed on?

2 MR. COMBS: Whatever your pleasure is.

3 Fine with us, your Honor.

4 JUDGE PRUSIA: It's about 11:00. Why don't
5 we take about a five-minute break.

6 (Break taken.)

7 JUDGE PRUSIA: Let's be back on the record,
8 if everyone will please be seated. There is an
9 additional member of the public who cannot remain
10 throughout the proceedings and wishes to testify at
11 this time. So Ms. Rendahl, would you please have that
12 person come forward.

13 MS. RENDAHL: Mr. Tarrant.

14 JUDGE PRUSIA: Step forward and raise
15 your right hand. Thank you. Ms. Rendahl?

16 (Witness sworn.)

17 Whereupon,

18 THOMAS TARRANT,

19 having been first duly sworn, was called as a witness
20 herein, and was examined and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MS. RENDAHL:

24 Q. Would you please state your full name for
25 the record and spell your last name.

1 A. My name is Thomas E. Tarrant, my last name
2 is T A R R A N T.

3 Q. Are you here today to speak on your own
4 behalf or on behalf of a business or organization?

5 A. I'm representing myself.

6 Q. And what is your address, please, for
7 the record?

8 A. My address is 2911 - 146th Avenue East,
9 Sumner, Washington.

10 Q. Thank you. Please go ahead.

11 A. I own a piece of property, it's been in my
12 family for over 50 years on 54th. I own two and
13 three-quarter acres in this area right east of -- what
14 would you consider this?

15 JUDGE PRUSIA: East of 54th and north of
16 the river. Between the river and the tracks.

17 A. Okay. And I would like to make a few
18 statements on this issue of blocking off 54th. No. 1,
19 the traffic load in this area, 54th comes off a main
20 arterial here and is a direct route --

21 JUDGE PRUSIA: Comes off Interstate 5?

22 A. Yes, and there is a direct route to the
23 City of Fife. Fife wants to annex this land, but with
24 the closing of 54th, we would have to go all the way
25 around outside of the City of Fife to get to the City

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1 of Fife. And that really raises questions with me.
2 What's been brought up before is the medical response
3 time to anybody in this area because of this closing,
4 and it's been suggested that there will be a
5 residential, large residential area put in here.

6 So this raises my question of there will
7 have to be another fire department, more equipment
8 added, police, just to take care of the residential
9 areas or the development of this area. There has
10 been issues of the flooding safety of getting out of
11 this area in case of a flood or a disaster. Closing
12 54th would limit that greatly, it would force all the
13 traffic onto these other routes, which I don't feel can
14 hold the load now even to this day. The railroads have
15 upped the speeds of the trains which impacts the
16 ground and noise problems to anybody with a residence
17 or a business, even. If a residential area goes into
18 this like they plan, there will be children and
19 liability problems with the railroad as far as them
20 being on the tracks.

21 I think to eliminate all these problems
22 it would be most cost effective just to put an overpass
23 on 54th and allow it to be what it is. The traffic
24 problems on 54th at this time are because the issues
25 haven't been dealt with earlier and should have been,

1 but now they are getting greater. And by closing it,
2 it is just going to force the problem into other areas,
3 into other people's responsibility.

4 I think that this whole issue of this
5 overpass is going to drive the cost of everything --
6 without this overpass coming in, it's going to drive
7 the cost of the taxpayers of the City of Fife way up
8 to meet these needs. And I feel that with all these
9 liabilities, the railroad or whoever should put that
10 overpass in and be done with it, and we wouldn't have
11 all these problems. That's all I have to say.

12 JUDGE PRUSIA: Is there any cross-
13 examination for this witness, Ms. Larson?

14 MS. LARSON: No, no cross-examination?

15 JUDGE PRUSIA: The City?

16 MR. COMBS: No cross-examination, your
17 Honor.

18 JUDGE PRUSIA: You may be excused. Very
19 well, then. I believe among the parties, Commission
20 staff is going to go first; is that correct?

21 MS. RENDAHL: That's correct.

22 JUDGE PRUSIA: Please call your first
23 witness, Ms. Rendahl.

24 MS. RENDAHL: Mr. Naumann, please.

25 JUDGE PRUSIA: Please raise your right

1 hand.

2 (Witness sworn.)

3 JUDGE PRUSIA: Thank you.

4 Whereupon,

5 H.C. NAUMANN,

6 having been first duly sworn, was called as a witness

7 herein, and was examined and testified as follows:

8

9 DIRECT EXAMINATION

10 BY MS. RENDAHL:

11 Q. Would you please state your full name and
12 spell your last name for the reporter.

13 A. Herman Carl Naumann, N A U M A N N.

14 Q. And who is your employer?

15 A. Washington Utilities and Transportation
16 Commission.

17 Q. Would you please state your business
18 address for the record, as well.

19 A. It is 1300 South Evergreen Park Drive
20 Southwest, Olympia, Washington, 98504.

21 Q. What is your current position with the
22 Commission?

23 A. I'm a railroad safety inspector in the
24 transportation section.

25 Q. And how long have you been a Commission

1 employee?

2 A. Twenty-three and a half years.

3 Q. Through your position as a rail safety
4 inspector, or investigator with the Commission, were
5 you assigned to post public notices of the 54th Street
6 crossing that is in question here?

7 A. Yes, I did.

8 MS. RENDAHL: Your Honor, we have marked
9 Exhibits 1, 2, and 3, I believe.

10 JUDGE PRUSIA: Those have been admitted.

11 Q. Mr. Naumann, if you look at the first
12 document, that is, Exhibit 1, would you please describe
13 that.

14 A. It is an office memorandum that was written
15 by me and served to my supervisor, Allan Scott.

16 Q. And in this memorandum, you state that a
17 notice of hearing was posted at the crossing and that
18 photos were taken of the notice; is that correct?

19 A. Yes, ma'am.

20 Q. And did you post the notice?

21 A. Yes, I did.

22 Q. Okay. Is the notice in there a copy of the
23 notice in Exhibit 1?

24 A. In Exhibit 1? No -- wait a minute, yes,
25 it is.

1 Q. Thank you. Looking at Exhibit 2, are
2 those the photos that were taken of the notice posted
3 at the crossing?

4 A. Yes.

5 Q. And did you take those photos?

6 A. Yes, I did.

7 Q. And in your memorandum, you also stated
8 that copies of the hearing notice were given to the
9 Tacoma News Tribune for publication. Did you provide
10 the copies to the News Tribune?

11 A. Yes, on March 13, 1997.

12 Q. And looking at Exhibit 3, is that a copy of
13 an affidavit from the Tacoma News Tribune of the
14 publication?

15 A. Yes, it is.

16 MS. RENDAHL: Thank you. I have no further
17 questions.

18 JUDGE PRUSIA: Mr. Combs, do you have any
19 cross-examination of this witness?

20 MR. COMBS: No questions of this witness,
21 your Honor.

22 JUDGE PRUSIA: Ms. Larson?

23 MS. LARSON: I have no questions of this
24 witness.

25 JUDGE PRUSIA: Very well. You may be

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1 excused. Ms. Rendahl, your next witness?

2 MS. RENDAHL: That's my only witness.

3 I'm done.

4 JUDGE PRUSIA: Very well, then. I believe
5 the railroad will go next.

6 MS. LARSON: Yes, I call as my first
7 witness, John Trumbull.

8 JUDGE PRUSIA: Please raise your right
9 hand.

10 (Witness sworn.)

11 Whereupon,

12 JOHN TRUMBULL,

13 having been first duly sworn, was called as a witness
14 herein, and was examined and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MS. LARSON:

18 Q. Please state your name for the record.

19 A. John Trumbull, it's spelled

20 T R U M B U L L.

21 Q. Where are you employed?

22 A. Nampa, Idaho.

23 Q. For which company?

24 A. For the Union Pacific Railroad.

25 Q. What is your address in Nampa?

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1 A. 1313 First Street North, Nampa, Idaho,
2 83687.

3 Q. What position do you hold with Union
4 Pacific?

5 A. Manager of industry and public projects.

6 Q. And how long have you been employed by
7 Union Pacific?

8 A. Twenty-nine years.

9 Q. How many years in this current position?

10 A. Six years.

11 Q. What territory do you cover in your current
12 position?

13 A. I cover the states of Idaho, Montana,
14 Oregon, and Washington.

15 Q. What are your responsibilities as a public
16 projects engineer for Union Pacific?

17 A. I work with states and local governments to
18 help improve safety at railroad crossings.

19 Q. Are you familiar with the crossing at 54th
20 Avenue East that is the subject of this proceeding?

21 A. Yes, I am.

22 Q. What subjects do you intend to cover in
23 your testimony pertaining to that crossing?

24 A. I would like to cover the general outlining
25 areas showing the tracks, houses, so forth, and also to

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1 support the closure of 54th Avenue, safety issues to
2 support the closure of 54th Avenue.

3 Q. Will your testimony be covering any
4 operating issues along the current main line track or
5 the proposed setting extension?

6 A. No, there will be another witness that will
7 attest to the operations currently and in the future.

8 Q. And will you be testifying as to the
9 traffic impact upon closure of this crossing?

10 A. No, I would not, there will be another
11 witness that will attest to the traffic impacts.

12 Q. Okay. I'm going to hand you what's been
13 marked as Exhibit 4. This is the same print as is on
14 the overhead, and ask you to identify it for us.

15 A. Okay. This is a map that shows the
16 location of the roadways, the railroad track in the
17 vicinity of 54th Avenue East.

18 MS. LARSON: I understand this has already
19 been admitted into evidence.

20 JUDGE PRUSIA: Yes, Exhibits 1 through 11
21 have been admitted by stipulation of the parties.

22 Q. I'm also handing you Exhibit 5, and I'd ask
23 that you identify what that exhibit is.

24 A. This is a smaller scale version showing
25 more of the outlying areas of within the City of Fife

1 and 54th Avenue.

2 Q. Pointing to the overhead, and remembering
3 to speak in terms of south, north, east, west, for the
4 record, could you give us the general description of
5 the type of development that is north and south of the
6 tracks and east and west of the subject crossing.

7 A. Yes. This 54th Avenue, and the railroad
8 tracks south on the west side. There is approximately
9 nine houses between the tracks and North Levy Road to
10 the south. Along North Levy Road, there is four or
11 five homes between 54th, and on west of Frank Albert.
12 On the east side of 54th Avenue, south of the railroad
13 tracks towards North Levy Road, there is four or five
14 houses in this area in the northwest corner. There is
15 a -- looks like a trucking outfit down on the corner of
16 54th and North Levy Road. On the east side, there
17 is -- looks like it's a nursery or gardening center.

18 Going on east along North Levy Road, there
19 is a smoke shop and a few other houses on along north
20 Levy Road towards 70th on the east side. The railroad
21 tracks are shown on the map showing the yards to the
22 west of 54th Avenue, and at Frank Albert there is an
23 overpass over the railroad tracks. It also depicts the
24 siding that will be extended through 54th Avenue on
25 the north side for about 1,300 feet or so plus or

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1 minus. Then on the north of 54th Avenue from the
2 railroad crossing, there is a fairly large residential
3 area on the west side, and then there is also homes on
4 the east side along 54th Avenue on the north. It also
5 depicts the Puyallup River running mostly east and west
6 and also the proposed bypass road between 54th Avenue
7 and Frank Albert. At the railroad track of 54th
8 Avenue, there is signal lights and gates at that
9 location, and also at 70th, there is signal lights and
10 gates at that location. Also, generally, depicting
11 the location of Interstate 5.

12 Q. Thank you. Are you familiar with the
13 proposal to extend the siding east of the existing
14 Fife yard?

15 A. Yes, I am.

16 Q. And can you describe some of the mitigation
17 efforts that Union Pacific will perform in conjunction
18 with that siding extension.

19 A. Yes, going back to the map, Union Pacific
20 will acquire and purchase and convey the property
21 of all, oh, approximately this area here, which is west
22 of 54th Avenue, from the railroad right of way line,
23 approximately in this area which I will just say that
24 it is west and north of the railroad tracks, and also
25 approximately three acres from our right of way line

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1 north and east of 54th Avenue, a parcel of land that
2 could be used as a parkway for the City, be given to
3 the City.

4 And the other thing is we will contribute
5 towards the purchase of some trees to act as a buffer
6 as the City desires in their parkway. Also, we will
7 assure before this roadway is closed at 54th Avenue,
8 the construction of this proposed bypass road, that is,
9 south and west between 54th Avenue and Frank Albert.

10 Also, we have agreed to contributing
11 towards the cost of constructing traffic light signals
12 at Industry Drive and 20th Street East, and also the
13 traffic light signals construction at Frank Albert Road
14 and 20th East.

15 Q. Has Union Pacific also agreed to construct
16 an easement for a pedestrian or bicycle overcrossing
17 at 54th Avenue East?

18 A. Yes, ma'am, we have.

19 Q. When this siding extension plan was
20 developed, did Union Pacific consider simply leaving
21 the crossing open at that grade across this siding
22 extension?

23 A. Yes.

24 Q. What kind of factors would come to play if
25 this crossing were left open after the siding were

1 constructed?

2 A. It would be really a very poor safety
3 situation.

4 Q. Can you elaborate?

5 A. The crossing could be blocked for several
6 hours, and when the crossing is blocked, a lot of times
7 children or adults, even, try climbing through the
8 train to access the other side of the track. Or
9 possibly if someone sees a train coming knowing or,
10 say, they drive this quite often, knowing that the
11 crossing would be blocked maybe they will hurry and
12 try to beat the train, and get hit by a train at the
13 crossing.

14 Another thing is the gates that are
15 currently there, we still have lots of accidents at
16 gate road crossings. This still does not stop
17 train/car accidents. We feel it is safer for the
18 access over an overpass.

19 Q. Did Union Pacific consider putting in an
20 overpass at 54th Avenue in conjunction with this
21 project?

22 A. No, we did not.

23 Q. Why is that?

24 A. The City of Fife and the railroad did look
25 at that, and the City just does not want that to be an

1 arterial.

2 Q. When was that issue looked at by the City
3 and railroad?

4 A. I think it was back in 1988 or '90.

5 Q. I'm going to hand you what's been marked as
6 Exhibits 6, 7, and 8, and if you could first identify
7 Exhibit 6.

8 A. Yes, this is an agreement between Puyallup
9 Tribe of Indians, local governments, Pierce County,
10 State of Washington, United States of America, and
11 private property owners which would include the Union
12 Pacific Railroad.

13 Q. What pages from that document are excerpted
14 in Exhibit 6?

15 A. Yeah, this --

16 Q. Can you identify page numbers that are
17 attached?

18 A. Yeah, you know, this is really an excerpt
19 of a really large document agreement to begin with. On
20 page 17 of the excerpt, this pertains to the roadway
21 easement which is estimated to cover four acres, and 65
22 feet wide, talking about the roadway here.

23 Q. Does it address the issue of an over-
24 crossing, also, in that document?

25 A. Yes, it does. The road over -- or the

1 overcrossing was addressed in this document to be
2 located at Frank Albert Road. The City did not want an
3 overpass at 54th, they wanted it at Frank Albert, and
4 they didn't want 54th to be like a main arterial.

5 Q. Do you understand why they did not want
6 that to be as a main arterial?

7 A. Yes, because of the residential areas that
8 are encompassed in that area.

9 Q. Okay. The document that is marked as
10 Exhibit 7, could you please identify that document for
11 us.

12 A. This is a supplemental agreement between
13 Union Pacific Railroad Company and the City of Fife and
14 the Puyallup Indian Tribe concerning conveyance of
15 Union Pacific property.

16 Q. And what does that document say that's
17 pertinent to this proceeding?

18 A. This is an agreement that would cover the
19 verbiage that would be used in the easement deed for
20 the roadway.

21 Q. Where did that roadway go?

22 A. Between 54th and Frank Albert.

23 Q. And the grantor of that easement was to
24 be?

25 A. Basically, that it was agreed by the

1 railroad that the City and the tribes could determine
2 the actual location of the roadway when it was built.

3 Q. This document that is marked Exhibit 8.
4 Can you describe what this is?

5 A. Okay. This is the actual easement deed
6 that was granted in 1988 stating that the road, A, is
7 to be constructed to City of Fife standards, and B,
8 that actual construction, maintenance and repair of
9 the road will be by the Puyallup Tribe of Indians at
10 its expense or by others. With expense allocation
11 subject to future negotiation and agreement.

12 Q. What date did you say that deed was?

13 A. Well, it actually was marked the 20th of
14 March, 1990.

15 Q. Thank you.

16 A. Sorry.

17 Q. One of the issues that was raised by one of
18 the -- some of the public testimony was the noise
19 associated with the crossing itself. Are you aware of
20 any Washington regulation that require whistling in
21 advance of public crossings?

22 A. Yes, the way the situation is now, our
23 trains either heading east or west have to blow their
24 horns within a quarter of a mile of the road crossing,
25 and then they have to blow it as they are passing

1 through the road crossings.

2 Q. And if the crossing itself is closed, what
3 does that mean in terms of the whistling by the
4 railroad men?

5 A. Then if the crossing is closed and no
6 longer physically there, then there would be no
7 whistling through that crossing area.

8 Q. Thank you. Going back a moment to the
9 question about the proposed bypass road between Frank
10 Albert Road and 54th, are you aware of negotiations
11 that are going on at the present time between Union
12 Pacific and the Puyallup Tribe about the construction
13 of that road?

14 A. Yes.

15 MS. LARSON: Thank you. I have no further
16 questions of this witness.

17 MR. COMBS: I have no questions, your
18 Honor.

19 JUDGE PRUSIA: Does Commission staff have
20 cross-examination?

21 MS. RENDAHL: No.

22 JUDGE PRUSIA: You may be excused, Mr.
23 Trumbull. Ms. Larson, your next witness?

24 MS. LARSON: Yes, as my next witness, I
25 call Bob Hines.

1 JUDGE PRUSIA: Please step over and raise
2 your right hand.

3 (Witness sworn.)

4 Whereupon,

5 BOB HINES,
6 having been first duly sworn, was called as a witness
7 herein, and was examined and testified as follows:

8

9 DIRECT EXAMINATION

10 BY MS. LARSON:

11 Q. Please state your name for record.

12 A. Bob Hines, H I N E S.

13 Q. Where are you employed?

14 A. Current at Boise, Idaho.

15 Q. For which company?

16 A. Union Pacific Railroad.

17 Q. What is your mailing address in Boise?

18 A. 510 East River Park Lane, Suite 210, Boise,
19 Idaho, 83706.

20 Q. What position do you hold with Union
21 Pacific?

22 A. I'm currently the Director of the Quality
23 Transportation.

24 Q. And what position did you hold prior to
25 this new position?

1 A. I was the senior manager of terminal
2 operation here in Seattle.

3 Q. What territory did that cover when you
4 were the senior manager of the terminal operation?

5 A. From Seattle to the Fife River here at
6 Tacoma to the Puyallup River here at Tacoma.

7 Q. How long did you hold that position?

8 A. Approximately two and a half years.

9 Q. How long have you been employed by Union
10 Pacific?

11 A. Twenty years.

12 Q. What were your responsibilities as a senior
13 manager of terminal operations between Seattle and
14 Tacoma?

15 A. I was in charge of the railroad train
16 operations and local switching operations between
17 Seattle and Tacoma.

18 Q. Are you familiar with the crossing of 54th
19 Avenue and the Union Pacific tracks which is the
20 subject of this proceeding?

21 A. Yes.

22 Q. What subjects will you be covering in your
23 testimony today?

24 A. Operation of the railroad, both present and
25 proposed, as well as safety concerns with 54th Avenue.

1 Q. Okay. Can you please describe the project
2 to extend the siding, why the siding is to be extended,
3 and you point to the overhead while you do this, but if
4 you do so, make sure that you use words such as east
5 and west, north and south so that the record will
6 reflect what you are pointing to.

7 A. I don't have the benefit of 47 years in the
8 area, I do have benefit of two and a half years roughly
9 in the area during which time I have seen substantial
10 growth both in population and in the industrial base.
11 And obviously with that growth, both population and
12 industrial base, the demands upon the railroads to
13 provide the services necessary to support that has
14 increased. To do so efficiently, we are proposing
15 extending the siding from our Fife yard area, through
16 the 54th Avenue area, to a location which would be east
17 of 54th Avenue.

18 What that would get the railroad is
19 approximately 9,000 feet in length. As businesses
20 increase to both Port of Seattle and Port of Tacoma,
21 the international steamship companies that have come
22 into the area, both ports run trains that, when fully
23 utilized, to benefit the railroad's efficiency, would
24 reach 9,000 feet in length.

25 The current siding where it cuts in right

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1 now short of 54th Avenue is about 4,800 feet in length
2 which severely limits the efficient operation of
3 the railroad, drives the cost up for us and our
4 customers, and the industrial base here in the area.
5 What we propose is a 9,000 foot siding which will let
6 us maximize our efficiency associated with both the
7 Ports of Seattle and Tacoma. In addition to that, it
8 would allow us to serve all customers in the area, not
9 just the international steamships and the ports, but
10 all customers and warehouse and other facilities in the
11 area by meeting and passing trains more efficiently.

12 Currently, in the 34 miles between Seattle
13 and Tacoma, there is one siding that is able to meet
14 passing trains greater than 6,000 feet. This is going
15 to be our second siding, which will allow us to meet
16 and pass trains.

17 Of particular importance of the siding
18 comes into play when you consider the Port of Tacoma,
19 which you can see is located up here, would be the
20 northwest side of the -- it would be the Fife yard.
21 Due to the layout of the river and the geographic
22 specifications and layout with our yard, in order to
23 serve the Port of Tacoma, both boxcarwise and
24 international steamshipwise, container trainwise, it's
25 necessary to come around through the Fife yard area

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1 located here, shoving back out onto what is now the
2 main line before we can proceed south, across the
3 Puyallup River here to get on the runs going to Tacoma.

4 To accommodate that particular move right
5 now with the train out of the Port of Tacoma, we have
6 to shove back through our site, which is only 4,800
7 feet and if the train exceeds 5,000 feet, which is
8 quite a few of them, it requires us to shove out onto
9 the main line and block our main line traffic which not
10 only impedes movement to and from the Port, but also
11 from all the businesses located in the Kent Valley all
12 the way through to Seattle. So by putting this siding
13 here, it will allow us to conduct business in our yard
14 at Fife, which is mostly addressed to the Port of
15 Tacoma area efficiently while not impeding the traffic
16 going to and from the Kent Valley area as well as the
17 Seattle area.

18 Q. What is the railroad's time frame for
19 constructing this siding extension?

20 A. The proposal was originally put forth prior
21 to my arriving here in June of '94. I think they have
22 been working on the proposal since sometime in '92 or
23 '93. If the project is approved at 54th Avenue is
24 allowed to be closed, we could probably have the siding
25 in place sometime by late summer, early fall.

1 Q. Okay. That would mean closing the crossing
2 itself approximately when?

3 A. I don't have an exact date on that, but
4 somewhere short of that. Obviously, the testimony I
5 have heard earlier, they say with the completion of the
6 road, whatever date that would be.

7 Q. To provide sufficient leave time to have
8 that road constructed, when would a decision need to
9 come from the WUTC to approve the closure in order for
10 us to meet a summer construction schedule?

11 A. Almost immediately.

12 Q. All right. I would like you to explain
13 from your experience with railroad operation what the
14 concerns are from an operating standpoint with leaving
15 the crossing open if this site extension were made
16 across 54th Avenue East.

17 A. Well, as was explained a little bit by Mr.
18 Trumbull earlier, if we were to extend the siding as
19 currently is proposed to this location, which is east
20 of 54th Avenue, for efficiency purposes, it would go
21 through the 54th Avenue road crossing. Leaving the
22 crossing in place, when a train which is exceeding
23 7,400 feet, use that siding to meet and pass another
24 train, we would have 54th Avenue blocked. From other
25 locations where I have worked in 20 years of service

1 with the railroad, that is a great temptation as Mr.
2 Trumbull explained earlier, the people, trespassers to
3 start cutting through, cutting across. We have people
4 turning angle cocks and pulling the pins, which when
5 the train goes to pull, it will separate the train
6 in two, leaving a portion on the track because they get
7 mad because we block the crossing.

8 It is an attraction to children that happen
9 to ride up on bikes to play around on the trains,
10 endanger them. It can be an attraction for transients
11 that are walking down the street and want to hop on a
12 train, to happen by that area and try and hop on the
13 trains at that location. So there are several hazards
14 involved.

15 Q. Is there any current problem right now with
16 trains blocking the 54th Avenue crossing?

17 A. Yes, there are.

18 Q. Can you elaborate about that?

19 A. Well, again, as I said earlier, with the
20 growth of the industrial population base, our trains
21 in the two and a half years I have been here have grown
22 dramatically. The amount of business we carry has
23 grown dramatically. Quite often when trains are making
24 set-outs and/or pick-ups, but most often set-outs in
25 the Fife yard, a train coming out of Portland will

1 travel across the Puyallup River, come by the Fife
2 yard, and have to pull north in order to make the
3 set-out in the Fife yard.

4 As the business has grown, the trains have
5 gotten longer and more frequent, as earlier testimony
6 has shown, such that the trains sometimes pull down
7 north of 54th Avenue in order to make the cut on their
8 train to shove cars that are destined to the Fife yard,
9 to set out at Fife yard. And those cars are serving,
10 again, industries both at the Port of Tacoma and the
11 City of Fife itself, as well as through portions of the
12 Kent Valley right now.

13 Q. What happens currently when the crossing is
14 blocked?

15 A. Depending upon the length of time,
16 citations are issued to the railroad.

17 Q. Okay. Could Union Pacific fully utilize
18 its new siding if the crossing remained open and it was
19 subject to penalty for blockages?

20 A. No.

21 Q. In your opinion, does the public safety
22 require that the crossing be closed if that site is
23 extended across 54th?

24 A. In my opinion, yes.

25 MS. LARSON: I have no further questions of

1 this witness.

2 MR. COMBS: The City has no questions.

3 MS. RENDAHL: Nothing from Commission
4 staff.

5 JUDGE PRUSIA: The witness may be excused.
6 Please call your next witness.

7 MS. LARSON: My next witness, I call Larry
8 Toddtli.

9 JUDGE PRUSIA: Please raise your right hand.
10 (Witness sworn.)

11 Whereupon,

12 LARRY TODDTLI,

13 having been first duly sworn, was called as a witness
14 herein, and was examined and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MS. LARSON:

18 Q. Please state your name for the record, and
19 spell your last name.

20 A. My name is Larry Toddtli, T O D D T L I.

21 Q. What is your occupation?

22 A. I'm a senior transportation engineer.

23 Q. And what is your educational background?

24 A. I have a Bachelor of Science in Civil
25 Engineering from the University of Colorado and a

1 Master of Science in Civil Engineering and Urban
2 Transportation from the University of Washington.

3 Q. I'm handing you what's been marked as
4 Exhibit 9 and ask you to identify this document.

5 A. This is a copy -- or a resume of mine.

6 Q. That explains some of your experience in
7 the field of traffic consulting?

8 A. Transportation planning, traffic
9 engineering.

10 Q. Okay. Where are you currently employed?

11 A. I have been employed by the Transpo Group
12 for almost 12 years.

13 Q. What do you do for Transpo Group?

14 A. I'm one of the principals of the firm, and
15 I direct transportation planning studies and traffic
16 engineering studies.

17 Q. Okay. Are you personally familiar with the
18 crossing of 54th Avenue and the Union Pacific main line
19 tracks?

20 A. Yes, I am.

21 Q. Were you asked by Union Pacific to study
22 the traffic impact on this crossing?

23 A. Yes.

24 Q. Were you specifically asked to examine the
25 effect that closure of the crossing would have on the

1 intersection of 20th Street East and Industry Drive,
2 and 20th Street East and Frank Albert Road?

3 A. Yes.

4 Q. Were you asked to estimate the cost of
5 signalizing those intersections?

6 A. Yes, we were.

7 Q. And were you also asked to determine what
8 Union Pacific's pro-rata share of the cost of that
9 signalization would be based on the added traffic that
10 would be diverted to those crossings?

11 A. That's correct.

12 Q. I'm going to hand you what's been marked as
13 Exhibit 10 and ask you to identify that document.

14 A. This is a copy of the traffic impact
15 analysis that was prepared by the Tranpo Group under my
16 direction, by me and my staff -- my staff and I, dated
17 March 10, 1997.

18 Q. Was your study reviewed by the City of
19 Fife?

20 A. Yes, it was.

21 Q. I'm going to hand you what's been marked
22 Exhibit 11 and ask you to identify this document.

23 A. This is a letter from Howard Scheser,
24 Community Development Director for the City of Fife to
25 Carolyn Larson indicating that they have accepted and

1 approved a traffic study taken by the Transpo Group.

2 Q. As part of your testimony today, I would
3 like for you to summarize what you determined in your
4 traffic study beginning with what you found as to the
5 current traffic patterns in the vicinity of the Frank
6 Albert Road crossing. And I believe you have some
7 large boards which are blown up images of some of the
8 exhibits in your traffic study which you will be using.

9 A. That's correct.

10 Q. And for people, members of the public who
11 would like to see those, we have some extra copies of
12 these exhibits, and you can pass those around.

13 A. The exhibits are numbered 1 through 7,
14 I may not use them all in that order, so you have to
15 flip a little bit. The first thing Transpo undertook
16 was getting a feel for the actual traffic counts in the
17 area, in the vicinity. And we relied on traffic
18 information from the City of Fife, as well as new
19 traffic counts that were undertaken, and one of the
20 traffic counts was on 54th Avenue, right approximately
21 at the existing railroad crossing. That indicated that
22 there was 5,700 vehicles per day. These counts were
23 taken, I believe, August or September of 1996. That
24 was over the course of a day, both directions added
25 together.

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1 This is Figure 3 in the packet. During the
2 p.m. peak hour, 430 vehicles per day -- vehicles per
3 hour go over the crossing, 55 percent of those
4 southbound, 45 percent of those northbound, and that's
5 Figure 2 of the packet. Some of the other information
6 for comparison purposes, the 5,700 vehicles at this
7 crossing compare to 11,000 to 15,000 cars a day on 20th
8 from Frank Albert Road to Port of Tacoma Road,
9 and approximately 4,000 vehicles a day on Frank Albert
10 Road between Industry Drive and 20th, and a range of
11 about 2,000 vehicles a day on Frank Albert Road south
12 of Industry Drive down to North Levy Road. And there
13 is approximately 3,000 to 3,500 cars a day on sections
14 of Industry Drive.

15 In addition to the traffic counts, we also
16 had peak hour traffic counts taken at the two
17 intersections, 20th and Industry Drive and 20th and
18 Frank Albert Road so we would have a basis for
19 understanding the existing traffic operations, and I
20 will get into that in just a minute. Using traffic
21 volume, as well as the Puget Sound Regional Council
22 Traffic Forecast Model that has been modified for
23 working with the Port of Tacoma to access the
24 circulation study in 1995, '96 -- or '96 with
25 modifications, Transpo was able to develop kind of a

1 traffic pattern where this traffic at the crossing
2 currently goes to and from. We have observed that
3 about 95 percent of the traffic at this crossing has a
4 destination to the Melroid Bridge crossing over to
5 SR-167. So the major travel pattern from Melroid, from
6 the crossing of the bridge, Levy Road, up 54th, and
7 then the traffic splits out into the different arrows,
8 and this is Figure 1 in the packet. About 5 percent of
9 the traffic kind of stays in the 20th Street corridor.
10 Half the traffic heads to their original destination up
11 I-5 north and east. Another 17 percent on I-5 south or
12 west, and the remaining 29 percent either up to the
13 Port of Tacoma or the Pacific Highway corridor in the
14 City of Fife.

15 Q. Excuse me a moment, Larry, when you have
16 those rectangles and boxes next to your arrows, can you
17 describe what's in the top middle and bottom.

18 A. Yeah, the numbers are just describing --
19 the numbers are kind of averages of both northbound and
20 southbound together, that's the bottom box. I was
21 going to identify that distribution pattern is somewhat
22 different northbound and southbound during the p.m.
23 peak hour. We have traffic that would be more
24 northbound oriented, that's on the northbound -- there
25 is a higher percentage of that once they head to and

1 from the -- west or south on I-5 compared to 22 percent
2 versus only 14 percent of the southbound traffic coming
3 that direction.

4 And that will affect where the traffic will
5 be diverted to if 54th Avenue is closed. So that was
6 an important component of what we also had to look at
7 was not only how much traffic and where it was going,
8 but which direction it was going, northbound or
9 southbound. Also to assist us through the evaluation
10 of existing conditions, the potential closure of this
11 street, we had to understand how people could change
12 their travel patterns, so we conducted some travel
13 time surveys. We took travel times from somebody who
14 would be using I-5 at Port of Tacoma Road, and took
15 some travel times coming down Industry Road, Frank
16 Albert Road, Levy Road, to the bridge, both directions,
17 northbound and southbound.

18 Another pattern, 20th and Frank Albert, and
19 down Levy Road, and another pattern that just stays on
20 the freeway, comes down 54th, take Valley over to 70th.
21 We also did that for traffic from the north and east,
22 that would be traffic that would come from I-5 or from
23 the area to Fife, Port of Tacoma area. I set travel
24 patterns from this intersection at 20th and 54th,
25 traffic had a choice of either converting over to the

1 west Frank Albert, back down Levy Road, to the bridge,
2 or 54th, Valley, to 70th, and the bridge here. We also
3 conducted some that take 20th down 70th and found that
4 this route would -- is much more inductive to that, so
5 we could spend a lot more time looking at this
6 potential route.

7 There is also, for the percent of traffic
8 in the 20th corridor, we took some travel time
9 estimates from point about midpoint between Frank
10 Albert Road and 54th, and down Frank Albert Road to
11 Levy Road or 54th, Valley to 70th to the bridge. And
12 we did that both northbound and southbound. Did
13 several travel time runs, both directions, averaged
14 them together so we could have a basis for what is the
15 shortest route during peak periods to that traffic
16 that would be diverted.

17 As part of our analysis, we also, as I
18 indicated, looked at the traffic operations at the
19 existing intersections of Frank Albert Road and 20th
20 and Industry Drive at 20th, the two intersections
21 that we were focusing a lot of our study on. And based
22 on the existing peak hour counts, traffic operation for
23 those two intersections, Industry Drive and 20th, the
24 north to west left turn movement during the p.m. peak
25 hour operates at what's called level service F, which

1 indicates some substantial delays for that particular
2 traffic movement.

3 The same northwest left turn at Frank
4 Albert Road on 20th operate at a level service E, which
5 is slightly better, but approaching the capacity of the
6 intersection for those left turn movements. All other
7 traffic movements at these two intersections operate
8 at a level service A or B, so the left turns from 20th
9 onto Frank Albert Road, or the right turns northbound
10 from Frank Albert Road onto 20th or even through
11 traffic, which really isn't measured because they don't
12 have to stop, they don't conflict with anybody.

13 Q. How did you determine how traffic patterns
14 would change if the crossing were closed at 54th
15 Avenue?

16 A. With a different -- if 54th were closed as
17 I indicated we had an orientation of where traffic was
18 coming from and going to, percent of traffic each way.
19 We also knew how much travel time would take to get to
20 and from the different areas. The California
21 Department of Transportation has a procedure which
22 basically relates differences in travel time and
23 distance to route choice. For an example, two routes
24 of the same length that both distance-wise and
25 time-wise, you would expect about 50 percent of the

1 traffic to choose each of those two routes.

2 However, if one of those routes, the same
3 distance, would save the driver two minutes, this
4 procedure would indicate that 70 percent of the traffic
5 would use the faster route and 30 percent of the
6 traffic would use the alternative route. That's
7 because some people just like to take the other road.
8 As you get up to 8 to 10 minutes travel time savings,
9 everybody takes the fastest route. They perceive that
10 to be the best way to go. So we applied that procedure
11 to all the different traffic components, traffic from
12 the I-5 or the 54th border north of I-5, and said,
13 "Okay, for that traffic, how much would want to come
14 down Frank Albert versus Valley based on these
15 differences in travel times. We did the same for the
16 traffic from the Port of Tacoma Road area, how much
17 would want to go down Industry Drive versus 20th,
18 versus coming down the freeway and down Valley Avenue,
19 this way. We did that for all the travel patterns both
20 northbound and southbound and went through and
21 summarized them, and the basic result that's shown on
22 the Figure 4 of this pattern is that northbound traffic
23 which is the top box, southbound traffic would be on
24 the bottom boxes, it's about a 50/50 split for
25 southbound traffic, 54 percent choice to use the Frank

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1 Albert Road route and 46 percent chose to use the
2 Valley, 70th Avenue route.

3 Northbound, less would have to take 70th up
4 to Valley Avenue, about 33 percent, and more would take
5 Frank Albert Road because a lot of the Frank Albert
6 Road traffic is making a right turn to get onto 20th
7 and come through this intersection, as opposed to
8 having to make a left turn and some of the delay
9 associated with left turns at the different
10 intersections. So the travel time surveys we did, also
11 it did take into account all the delays at the
12 different intersections, so we had that included in our
13 assessment.

14 This basically results, as shown on Figure
15 5, this is our estimate of where the traffic would
16 divert to if 54th was closed. Over Frank Albert Road,
17 we would have 238 trips out of 430, and the remaining
18 trips would have to divert over to 70th through that.
19 That represents about 3,100 of the 5,700 daily trips,
20 and this would represent about 2,600 of the daily trips
21 on 70th. This traffic was then superimposed and added
22 to the existing counts of traffic on this location,
23 which is essentially added traffic, and that's
24 identified on Figure 5 and 6 -- yes, 5, 6 and 7, it is
25 kind of the total traffic volumes which would then --

1 were then used to analyze the levels of service at the
2 two intersections, Industry Drive and 20th and Frank
3 Albert Road and 20th. With the diverted traffic, p.m.
4 peak hours, Industry Drive at 20th north to west, left
5 turns, we continued to operate a level service F, and
6 the north to west left turns at Frank Albert and 20th
7 would also operate at a service level F if 54th were
8 closed. And these two intersections were unsignalized.

9 Q. What about the other turns from that --

10 A. The other turns at these locations, except
11 for the north/west left turns would still operate at a
12 level service B or better.

13 Q. As a part of your study, you were asked to
14 estimate what it would cost to signalize the
15 intersection at 20th and Industry Drive and 20th and
16 Frank Albert Road; is that right?

17 A. Right, and one of the things we first did
18 was with signalization, how would these intersections
19 operate and they would operate at a level service B or
20 A.

21 Q. For all directions?

22 A. For all directions. Signalized
23 intersections are calculated kind of as overall
24 intersection, as opposed to specific movements, but
25 unsignaled intersection are analyzed as --

1 Q. What is --

2 A. -- since you will have to fit the same pot.

3 Q. What did you conclude as to the cost of
4 making those improvements, signalize the two
5 intersections?

6 A. We develop costs, basically field estimate
7 costs at the two intersections. We haven't done
8 specific designs or quality take-offs, and we have a
9 range of cost at both locations. The range represents
10 some design issues that we identified in the field, to
11 accommodate the driveways on the north lanes that would
12 need to be incorporated into signaling in our opinion.
13 Again, there are some potential right of way issues
14 and utility issues that play into the cost estimate,
15 which, in turn, you do a specific design, you won't
16 have a specific answer.

17 So the costs right now, estimates for
18 Industry Drive and 20th was in the range of \$220,000 to
19 \$285,000 in 1996 dollars, and the cost at 20th and
20 Frank Albert, the range is even bigger, at \$225,000 to
21 \$440,000 because there is more particular issues with
22 the north light at this intersection than the other
23 one.

24 Q. Were you also asked to determine what
25 the specific pro rata share of those costs would be?

1 A. Correct. The calculated pro rata share, we
2 have both p.m peak hours, as well as daily traffic at
3 the two intersections. And what we did was essentially
4 took the traffic shown on Figure 5 of the diverted
5 traffic and called that to be, essentially, the shared
6 portion for the railroad for the closure of 54th, and
7 divided that by existing traffic plus this traffic. So
8 what conditions would be there, with the closure in
9 place, essentially, that's figure 6 for peak hour, p.m.
10 peak hour. And for the p.m. peak hour, calculations
11 were 4.9 percent at Industry Drive, at 20th, and 11.7
12 percent for Frank Albert Road at 20th Street. The
13 daily traffic percentages were slightly higher than
14 that, at 6.6 percent for Industry Drive, 20th Street
15 intersection, and 15.4 percent at Frank Albert Road and
16 20th.

17 Q. Are you familiar with the terms of the
18 mitigated determination of non-significant issues
19 by the City of Fife as to whether you would use the
20 daily or the p.m. peak hours to determine Union
21 Pacific's specific share?

22 A. Yes, the City's mitigated determination on
23 significance indicated that the higher percentages
24 should be used, in this case it would be the daily.

25 MS. LARSON: Okay. I have no further

1 questions of this witness.

2 MR. COMBS: I have no questions, your
3 Honor.

4 MS. LARSON: Just one question on Figure 5.

5

6 CROSS-EXAMINATION

7 BY MS. RENDAHL:

8 Q. Looking at your diverse numbers, there are
9 no numbers for the alternate routes of going up 54th
10 from Levy Road North and then left on the future road
11 or down Frank Albert Road south, then turning left onto
12 Levy Road.

13 A. So this route versus this route?

14 Q. Right. And did you do any analysis of that
15 in your study, and if so, what are the results? If you
16 didn't, why didn't you?

17 A. Well, our basic analysis was that the
18 travel time between using this route or this route
19 would be the same, so the traffic from this point to
20 this point would be there. So how traffic would go
21 here, you might expect 50/50, but not having the
22 specific designs of this road in place and how that
23 might -- how the corners and other types of things
24 might be configured, we didn't want to guess on that,
25 we weren't in a position to make that determination.

1 So it could be if they were all equal, it would be
2 50/50 approximately, but it really depended somewhat on
3 the design.

4 MS. RENDAHL: That's all I had.

5 JUDGE PRUSIA: I just had a clarification
6 question for the record.

7

8 E X A M I N A T I O N

9 BY JUDGE PRUSIA:

10 Q. Could you explain again what's the
11 difference between service level A, B, and F?

12 A. Good question. Traffic engineers use a
13 grading system, level service A to level service F.
14 Level service A basically means free flow conditions,
15 and level service F means congestion typically
16 considered above capacity of the intersection. The way
17 we measure is there is various ways of doing it of
18 volume capacity ratios, other ways are measuring in
19 terms of delay, and the methodology we use here was
20 in terms of delay, average delay per vehicle entering
21 that intersection or that particular movement.

22 So for a signalized intersection, level
23 service F begins at any delay where the average vehicle
24 entering that intersection is greater than 60 seconds.
25 It still may not be above its capacity, though, the

1 capacity of the intersection could handle more signal
2 time, it says we want to look at the east/west traffic
3 going faster than the south/north traffic. It can be
4 pulled into that configuration. Level service E would
5 be 40 seconds of delay, between 40 and 60, level
6 service C would be 25 to 40, and up the scale. Level
7 service is 5 seconds or less of delay, on average. And
8 it's just a way of quantifying something that's very
9 qualitative in nature, it is people's view of how
10 much --- how easy it is to travel in an area, so as
11 traffic engineers, we need to put numbers to things,
12 and we found ways to put numbers to it. And I think
13 there may be a description of that in the Exhibit 10.
14 If there is not, there should have been.

15 JUDGE PRUSIA: Very well. Thank you. Were
16 there any other questions of the witness? You may be excused.

17 MS. LARSON: Union Pacific has no additional
18 witnesses.

19 JUDGE PRUSIA: Now we will go to the City's
20 case. It is noon, at this time did everybody want to
21 take a lunch break, or do you want to just --

22 MR. COMBS: Whatever is your pleasure, your
23 Honor. It makes no difference to me.

24 JUDGE PRUSIA: Let's be off record and we
25 will discuss this.

1 (Off the record.)

2 (Marked Exhibit 12.)

3 JUDGE PRUSIA: Let's be back on the
4 record. While we were off record, I was handed an
5 additional document which has been marked for
6 identification as Exhibit No. 12, it's it a five-page
7 document. The first page is headed, "Adopted City of
8 Fife Comprehensive Plan." I understand the document
9 has been circulated to counsel, and I will ask if that
10 document may be admitted by agreement of counsel. Ms.
11 Rendahl?

12 MS. RENDAHL: Yes, it may.

13 JUDGE PRUSIA: Ms. Larson?

14 MS. LARSON: Yes.

15 JUDGE PRUSIA: That document will be
16 admitted as Exhibit 12, and now we are to the City's
17 portion of the hearing.

18 (Admitted Exhibit No. 12.)

19 MR. COMBS: The City calls Howard Schesser
20 as its first and only witness.

21 JUDGE PRUSIA: Would you please raise your
22 right hand.

23 (Witness sworn.)

24 Whereupon,

25 HOWARD SCHESSER,

1 having been first duly sworn, was called as a witness
2 herein, and was examined and testified as follows:

3

4 DIRECT EXAMINATION

5 BY MR. COMBS:

6 Q. Would you state your name, please.

7 A. It's Howard P. Schesser, S C H E S S E R.

8 Q. And your occupation?

9 A. I'm Community Development Director for the
10 City of Fife.

11 Q. Your business address?

12 A. 5213 Pacific Highway East, Fife,
13 Washington.

14 Q. Mr. Schesser, you have been requested by
15 the City of Fife Administrator to come here and testify
16 today?

17 A. That's correct.

18 Q. And has the City expressed its position with
19 regards to the Railroad's proposal?

20 A. The City has approved the proposal subject
21 to compliance with the conditions that the Council
22 imposed, as well as those imposed in the revised
23 mitigated determination of non-significance.

24 Q. And you heard testimony today from Mr.
25 Trumbull from the Railroad indicating that the Railroad

1 has agreed to the reservation of a grade separation
2 easement at 54th Avenue for bicycle and pedestrian
3 access?

4 A. That's correct.

5 Q. And the City is in agreement with that?

6 A. That's correct.

7 Q. Mr. Schesser, what are your job duties with
8 the City of Fife?

9 A. I'm in charge of the Community Development
10 Department that deals with all land use, as well as
11 public works issues, engineering issues, and building
12 issues on behalf of the City.

13 Q. In that capacity, were you involved in the
14 preparation of the City of Fife's comprehensive plan?

15 A. Yes, I was.

16 Q. And the City currently has adopted a
17 comprehensive plan?

18 A. That's correct, it's been adopted.

19 Q. It's been approved by the State pursuant to
20 the Growth Management Act?

21 A. Yes, it has.

22 Q. Handing you a document that's been admitted
23 into evidence as Exhibit 12, could you identify that
24 for me.

25 A. This is a document that I prepared. The

1 first page is a cover page that summarizes the attached
2 pages. The attached pages are all excerpts out of the
3 adopted comprehensive plan of the City, primarily all
4 out of the transportation section dealing with
5 transportation elements applicable to the application
6 for the spotting.

7 Q. Would you explain for the record what the
8 comprehensive plan is as a document for the City?

9 A. It is a policy document that guides the
10 growth and development of the City both within the City
11 jurisdiction, as well as the area outside the
12 jurisdiction that can be annexed into the City which is
13 known as the urban growth area. It also contains
14 implementation measures to provide or implement the
15 policies and goals contained within the plan.

16 Q. And does the adopted comprehensive plan as
17 excerpted in Exhibit 12 address the closure of the 54th
18 Avenue Railroad crossing?

19 A. Yes, it does, in several places. The first
20 place is the third page back, which is a future
21 transportation network map, Map No. 9, and it shows the
22 road closure at this crossing, as well on the next
23 page, which is on the bottom note, page 73,
24 Implementation Policy 1.4, which states that we should
25 explore with Union Pacific Railroad the closing of the

1 crossing at the time that the road is contemplated in
2 the Indian Settlement Agreement, which is shown as the
3 bypass road that's built between Frank Albert and 54th
4 East, closing to eliminate traffic going through the
5 residential area and reducing congestion on 54th Avenue
6 East and Valley Avenue, as well as on the next page, on
7 page 75, Implementation Policy 1.6.8, again addresses
8 the closure at 54th Avenue.

9 Q. And you were here during the testimony
10 of -- the sworn testimony of Mr. Trumbull from Union
11 Pacific Railroad Company?

12 A. Yes, I was.

13 Q. And you heard him testify with regards to
14 the rationale for placing the overpass, the grade
15 separation of Frank Albert, as opposed to 54th, during
16 the land planning negotiations?

17 A. Yes.

18 Q. Was that an accurate statement?

19 A. To the best of my knowledge it is.

20 Q. Okay. You have heard members of the public
21 speak earlier about their desire to have a grade
22 separation at 54th Avenue, and in your capacity as the
23 Community Development Director for for City, would you
24 support such a grade separation?

25 A. No, I would not. It is the City's policy

1 to direct primarily through traffic, which a lot of
2 this traffic is, around the City's residential areas
3 and not through them. By constructing an overpass, you
4 are directing more traffic through the whole
5 transportation network in this area, which the plan
6 addresses, is kind of a puzzle that we are putting
7 together. The eventual plan is to have a 167 that's
8 east of 70th to route traffic around and away from this
9 area. We are working with the County on several
10 options of where to relocate the Melroid Bridge. One
11 of those would be opposite of 70th, which would then
12 direct more traffic up 70th, and diverting to Valley
13 all the way up to Highway 99 to a crossing at the
14 freeway at that location, therefore taking traffic off
15 of the Frank Albert location. So there is various
16 pieces that we are putting together so eventually
17 traffic will go around the City; that's going through
18 us primarily to the Port.

19 Q. Would an overpass at that location thwart
20 those efforts?

21 A. An overpass would encourage through traffic
22 to continue to travel down 54th and cross, and would go
23 through a residential area.

24 Q. Which would be contrary to your planning
25 efforts at this time?

1 A. That's correct.

2 Q. And during the time that you were studying
3 the closure of the 54th Avenue crossing, did you give
4 consideration to emergency issues such as fire,
5 response times, and police response times?

6 A. We did through the environmental process,
7 we also -- I specifically spoke with the Chief of
8 Police for the City of Fife, Mr. Jim Paulson, as well
9 an Assistant Chief for the Tacoma Fire Department that
10 contracts with the Pierce County Fire District No. 10
11 that provides services. Both of those gentleman
12 indicate to me that neither agency had a concern with
13 the closure of 54th, and they could provide service to
14 the area south of the tracks.

15 Q. And you are responsible for the
16 environmental effect for the City of Fife?

17 A. Yes, I am.

18 Q. And these issues were looked at during the
19 environmental review?

20 A. That's correct.

21 Q. And you issued a finding of no significance
22 with regards to those issues?

23 A. That's correct.

24 Q. During the public testimony that you heard
25 earlier today, there was some mention with regards to

1 proposed development south of the railroad tracks and
2 north of Levy Road, and how this development might have
3 an adverse impact upon flooding and closure of the
4 road might eliminate an escape route during flooding.

5 Did you hear that testimony?

6 A. Yes, I did.

7 Q. Do you have a position with regards to that
8 testimony in your official capacity?

9 A. No matter what you develop in that area,
10 which is presently designated on the northern portion
11 as an industrial, the southern portion being a median
12 against the residential, you are going to have to
13 address the flooding issues. At the time of the
14 project proposal, they are going to have to address the
15 compensatory storage issues with regard to flooding, as
16 well as the on-site storm retention and discharge of
17 storm water off of the property as it is developed. So
18 those issues will need to be addressed at the time that
19 projects come forward. We are aware of the issue with
20 regard to what Mr. Dekeyser referred to as the oxpo,
21 and how that drains, and taking those into account at
22 the time when projects come forward. It's our opinion
23 with the closure and the building of the bypass, that
24 the escape route is not lost.

25 Q. And you are the City official that would be

1 responsible for reviewing those development projects?

2 A. That's correct.

3 Q. And under the current City standard, any
4 development would have to deal with the flooding issues
5 before it would be approved?

6 A. That's correct.

7 Q. And in your opinion, there is no safety
8 risk involved in closing 54th as it relates to
9 development south of the railroad tracks?

10 A. That's correct.

11 Q. Now, part of that area, in fact, the entire
12 area that we are discussing, is that currently in the
13 City limits?

14 A. The area that is east of 54th and south of
15 the track is presently not in the City. It is just
16 finishing a process with the Pierce County Boundary
17 Review Board on annexation application that was made by
18 petition by the property owners. The Boundary Review
19 Board last Friday has approved that petition and will
20 be making a formal approval of their findings on April
21 8th. And so it should come back to the City within
22 a month after that for final action by the City
23 Council.

24 Q. So it's currently in the County, Pierce
25 County?

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1 A. That's correct.

2 Q. And the County supports its annexation into
3 the City?

4 A. That's correct.

5 Q. And the Boundary Review Board, the official
6 State agency, has approved the annexation?

7 A. That's correct.

8 Q. It's anticipated all land will be within
9 City limits by summer 1997?

10 A. Most likely by the first of June, most
11 likely.

12 Q. You have heard testimony from residents of
13 the residential area north of the tracks and the
14 residential area to the west of 54th Avenue and their
15 concerns about emergency access and egress and their
16 inability to get onto Valley Avenue in rush hour
17 traffic. Has the City dealt with that particular
18 concern?

19 A. The City has dealt with it in two ways, the
20 first way is that the land that's east of 54th, north
21 of the tracks, a good percentage of that is
22 undeveloped. As that is developing and there is
23 interest lately in doing residential development in
24 that area, we are looking at placement of a road
25 network so we have another access out to Valley Avenue.

1 Secondly, the City is under an engineering study
2 presently with regard to improvement to 54th between
3 Valley and 20th street, which includes signalization at
4 Valley and 54th.

5 Q. That will eliminate the access problem on
6 Valley Avenue?

7 A. That's correct.

8 Q. You heard the testimony of the
9 representative from Transpo Group speak to the traffic
10 counts and the percent of total traffic flow at the
11 intersection of Frank Albert Road and 20th and Industry
12 Drive and 20th, and the percentage that would result
13 from the closing of the 54th Avenue crossing?

14 A. Yes.

15 Q. And under the terms of the mitigated
16 determination of non-significance, the Railroad was
17 supposed to pay a fare, pro rata portion of the costs
18 of signalization?

19 A. That's correct.

20 Q. And the City has adopted Transpo's study
21 that spells out those figures?

22 A. That's correct.

23 Q. So as far as you know, between the City and
24 the Railroad, there is agreement on the pro rata
25 portion that the Railroad will pay for those traffic

1 improvements?

2 A. That's correct.

3 Q. Prior to the City approving the closure of
4 the 54th Avenue crossing, were public hearings and
5 public meetings held?

6 A. There was one public meeting held early
7 in last fall to discuss the issue, and the Railroad
8 presented their proposal, their formal public hearing
9 before the Council at the end of last year, which
10 testimony was taken and the Council agreed to the
11 closure.

12 Q. And was notice given to the public for
13 all of those meetings?

14 A. Yes.

15 Q. Including the Puyallup Indian Tribe?

16 A. That's correct.

17 Q. And in the adoption of the Comprehensive
18 Plan to which you testified earlier, was public notice
19 given to the Indian Tribe on that, as well?

20 A. That's correct.

21 Q. And also members of the general public?

22 A. That's correct.

23 Q. And public hearings were held before the
24 adoption of the Comprehensive Plan?

25 A. There were workshops, public meetings, and

1 public hearings that were held prior to the adoption.

2 Q. Now, in a document that I believe has been
3 submitted into the record by the Puyallup Tribe of
4 Indians and the public comment period, perhaps if I
5 may, I have received a document addressed to the
6 Washington Utilities and Transportation Commission from
7 Puyallup Tribe of Indians.

8 MR. COMBS: Has that been made part of the
9 record?

10 JUDGE PRUSIA: Let's be off the record.

11 (Off the record.)

12 JUDGE PRUSIA: While we were off the
13 record, I obtained a two-page document which I have
14 distributed, which I marked for identification as
15 Exhibit No. 13. It appears to be a letter from the
16 Puyallup Tribe of Indians to Steve McClellam, Secretary
17 of the Washington Utilities and Transportation
18 Commission, dated March 21, 1997. Proceed.

19 (Marked Exhibit No. 13 for Identification.)

20 MR. COMBS: Thank you, your Honor.

21 Q. Mr. Schesser, you have been handed a copy
22 of Exhibit 13 that's just been identified by the
23 Administrative Law Judge, and this letter purports to
24 be a letter from the Puyallup Tribe of Indians, Tribal
25 Chairman Bill Sterrib to the Washington Utilities and

1 Transportation Commission for placement into the record.
2 I am not asking that it be made part of the record at
3 this time, other than as one of our exhibits, other
4 than for you to refer to it in your testimony. And
5 have you had a chance to review this proposed Exhibit
6 13?

7 A. Yes, I have.

8 Q. And is anything that you have said about
9 your testimony regarding the City's position that the
10 road should be immediately closed altered by reviewing
11 this letter?

12 A. No, it is not.

13 Q. Why is that?

14 A. The comments that the Tribe is making
15 with regard to the consultation process that was under
16 way at the time, that we were processing and did adopt
17 a Comprehensive Plan, because that's the first time we
18 really spoke to the road closure issue, as well as
19 involved as we moved through the City process with
20 regard to the closure, as well as the determination
21 which they had notice of, and made no comment with
22 regard back to us. So they have had at least three
23 opportunities to make comment to the City and have
24 failed to do so.

25 I would note that the issue with regard to

1 the negotiations between the Tribe and the Railroad
2 and City have to do with the bypass road which was a
3 condition of the City's approval. If the bypass road
4 is not built, then the City would not grant the closure
5 of 54th Avenue. So I don't see how -- what they have
6 stated in their letter as any reason for this spotting
7 not to take action.

8 Q. That would be so long as the Utilities and
9 Transportation Commission included a provision that
10 indicated the bypass road should be constructed before
11 the closure is in effect?

12 A. That's correct.

13 MS. COMBS: All right. I have nothing
14 further of this witness, your Honor.

15 JUDGE PRUSIA: Is there any cross-
16 examination for this witness?

17 MS. LARSON: Yes, I have two items that I
18 would like to ask you about.

19

20 CROSS-EXAMINATION

21 BY MS. LARSON:

22 Q. Has the City in the past received
23 complaints from residents who were in the David Court
24 Subdivision north of the tracks about 54th Avenue going
25 through their neighborhood?

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1 A. Yes.

2 Q. What kind of complaints are received?

3 A. It is congested, difficult getting into the
4 neighborhood onto 54th Avenue, and just general
5 increase in traffic, how it is detrimental to the
6 residential character.

7 Q. Okay. Has the City also received
8 complaints about the noise of trains whistling as they
9 go past the crossing?

10 A. Yes, we have.

11 MS. LARSON: All right. I have no further
12 questions.

13 JUDGE PRUSIA: Commission staff?

14 CROSS-EXAMINATION

15 BY MS. RENDAHL:

16 Q. Mr. Schesser, could you just clarify the
17 statement you made at the beginning of your testimony
18 about a trail for bicycles? I must have missed exactly
19 what was said.

20 A. One of the mitigation measures, I think
21 it is No. 11, requires that the railroad shall provide
22 a perpetual easement for a grade separated pedestrian
23 bicycle access across the railroad tracks at 54th
24 Avenue East. They are providing us the easement as we
25 work through our development process using probably

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1 some of the ICT money.

2 MS. RENDAHLK: Thank you. I have no
3 further questions.

4 JUDGE PRUSIA: Any redirect for this
5 witness?

6 MR. COMBS: Not at this time, your Honor.

7 JUDGE PRUSIA: The witness may be excused.
8 Is there any objection to the admission of what's been
9 marked for identification as Exhibit No. 13?

10 MS. RENDAHL: I guess I would reiterate
11 that the Commission, to my knowledge, has received no
12 other letters to this date. If other letters come
13 in, you said you would leave the record open for a
14 certain number of days?

15 JUDGE PRUSIA: Yes.

16 MS. RENDAHL: Maybe all letters received
17 would be admitted as one exhibit and this would be
18 the first letter in that exhibit.

19 JUDGE PRUSIA: Very well. Would that be
20 acceptable? I think that would probably be the best
21 way to proceed. Is there any --

22 MS. LARSON: We can do that.

23 MR. COMBS: We concur.

24 JUDGE PRUSIA: Then we'll make Exhibit No.
25 13 an illustrative exhibit, and this will be a part of

1 that, and the record will be kept over for seven days
2 in case you receive additional public comment, I
3 believe one of the public witnesses indicated he would
4 be submitting something to add to that.

5 MS. RENDAHL: Your Honor, after seven days
6 I will check with the Commission to see what letters
7 have been received, and I will distribute copies to all
8 parties and yourself so the record can be closed.

9 JUDGE PRUSIA: Very well. Did the City
10 have any other witnesses?

11 MR. COMBS: No, we do not.

12 JUDGE PRUSIA: Let's be off the record just
13 a minute.

14 (Off the record.)

15 JUDGE PRUSIA: While we were off the
16 record, I mentioned to -- I discussed with counsel for
17 the City of Fife that some language in the answer to
18 the petition of the City of Fife seemed to be
19 incomplete, and I would ask them to address that now.

20 MR. COMBS: Thank you, your Honor. Two
21 issues, actually, the first one is in our answer to the
22 petition, paragraph 4-D, line 18, the words, "shall be
23 built" should be inserted between the word "extension"
24 and the word "cross." And then since our answer,
25 the City has issued its final mitigating determination

1 of non-significance and added a condition 11 which
2 reads, "The UPRR shall provide a perpetual easement for
3 a grade separated pedestrians/bicycle access across the
4 railroad tracks at the 54th Avenue East alignment."

5 And at this time we would like to at least orally move
6 for permission to amend our answer to the petition
7 to make those two additions to our answer.

8 JUDGE PRUSIA: Is there any objection to
9 proceeding in that fashion?

10 MS. RENDAHL: No.

11 MS. LARSON: No objection.

12 JUDGE PRUSIA: Very well. The answer will
13 be considered augmented.

14 MR. COMBS: Thank you, your Honor.

15 JUDGE PRUSIA: Would any of the parties
16 have anything additional to ask -- to add in the way of
17 testimony or a closing statement? Was there anything
18 that came during anyone else's presentation?

19 MS. RENDAHL: We have nothing further
20 to add.

21 JUDGE PRUSIA: Very well. Do you have a
22 closing statement, or do you want to wait until after
23 the public testimony.

24 MR. COMBS: Your Honor, I would prefer to
25 make them afterwards, but also I would like to reserve

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1 the right to call back the City's witnesses if there
2 are issues that are raised by the public that were
3 not addressed in direct examination.

4 JUDGE PRUSIA: Very well.

5 MR. COMBS: Thank you.

6 JUDGE PRUSIA: At this point, then, we will
7 call the additional members of the public who wanted to
8 testify, and I believe Ms. Rendahl has the list and she
9 will call you by name, and you will come forward, I
10 will swear you in, then she'll ask you some preliminary
11 questions, then you can give your statement.

12 MS. RENDAHL: Mike Gehrke.

13 JUDGE PRUSIA: Please raise your right
14 hand. Please proceed.

15 (Witness sworn.)

16 Whereupon,

17 MICHAEL L. GEHRKE,

18 having been first duly sworn, was called as a witness
19 herein, and was examined and testified as follows:

20

21 DIRECT EXAMINATION

22 BY MS. RENDAHL:

23 Q. Would you please state your full name for
24 the record and spell your last name, please.

25 A. My name is Michael L. Gehrke, last name

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1 is spelled G E H R K E.

2 Q. Are you here today representing yourself or
3 a business or organization?

4 A. I'm here today representing the Port of
5 Tacoma.

6 Q. Would you please give the Port's address,
7 business address.

8 A. Do you wish P.O. Box or street address?

9 Q. P.O. Box.

10 A. P.O. Box 1837, Tacoma, Washington, 98401.

11 Q. Please go ahead with your statement.

12 A. As I stated, my name is Mike Gehrke, I'm
13 the Director of Intermobile Services for the Port of
14 Tacoma. My duties involve looking at the
15 infrastructure of the Port of Tacoma that connects all
16 of the different modes of transportation as they meet
17 at the Port facilities. In doing so, I have been
18 involved in a number of studies addressing congestion,
19 access and egress to and from the Port of Tacoma, both
20 road and rail.

21 Port of Tacoma has experienced a tremendous
22 amount of growth since 1984 when we really got into the
23 intermobile business, container business in a big way.
24 We had 152,000 TEU's, the standard measure for a
25 container through the Port in the year 1984. In 1985,

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1 we got two new steamship companies of major size, one
2 was Sea-Land which came in May of '85, and the
3 second was Maersk, which came in June of '85. For the
4 year 1985, our total TEU count grew to 505,000 TEU's.
5 Since then, in 1991, we have surpassed one million
6 TEU's, and we have been in excess of one million TEU's
7 every year since.

8 I give this as background to show that, in
9 fact, there has been a considerable amount of growth
10 and change in this area, and it is not just the Port of
11 Tacoma, but in fact, Central Puget Sound. Between the
12 Port of the Tacoma and Seattle, we rank No. 10 in the
13 top 25 world container port centers, this is worldwide,
14 and in the United States, we rank No. 2 second only to
15 Los Angeles and Long Beach. Our claim to fame in the
16 Northwest is, in fact, our ability to move these
17 containers through the Port facilities and onto the
18 major population centers which are basically east of
19 Denver, Colorado, quite frankly Chicago and east.

20 Los Angeles and Long Beach is No. 1 because
21 they have 15 million people in a five-county area
22 surrounding the two ports. And they determine whether
23 there are a lot of imports consumed in that area and
24 a lot of export actually generated from that area. We
25 don't have that many people in the states of

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1 Washington, Oregon, Idaho, Montana, North and South
2 Dakota. Our ability to compete is based on input and
3 the minimizing of congestion.

4 The project that the Union Pacific has
5 brought forward will, as you heard earlier, allow a
6 container train, a full container train to be parked
7 off of the main line. Today, with a 4,800 foot track,
8 one end or the other of that train is going to be
9 hanging out in the main line and when you do that, the
10 main line capacity just went to zero. Seattle is the
11 north end of a branch line as far as the Union Pacific
12 Railroad is concerned, and every single train that
13 comes from Seattle going -- or to Seattle from anywhere
14 in the east passes through Tacoma and goes to Seattle.
15 So you can begin to see the magnitude of the impact on
16 congestion at the Port access and egress.

17 Port of Tacoma projects trade in the
18 Pacific Rim to double in the next ten years. We have
19 at the moment about 20 percent of the trade in the
20 Pacific Rim through the PNW, we would like to see our
21 ability to maintain and in fact grow that percent of
22 traffic here in Tacoma and in Seattle and without this
23 kind of an improvement, we are going to lose out to our
24 competitors to the south and to the north; Vancouver
25 B.C. is not exactly standing still.

00107

1 That's my testimony, if there are any
2 questions I would be happy to answer them.

3 JUDGE PRUSIA: Is there any cross-
4 examination of this witness? Let the record reflect
5 there is none. You may be excused. Ms. Rendahl, the
6 next witness.

7 MS. RENDAHL: Lewis W. Boitano.

8 JUDGE PRUSIA: Please raise your right
9 hand.

10 (Witness sworn.)

11 Whereupon,

12 LEWIS W. BOITANO,
13 having been first duly sworn, was called as a witness
14 herein, and was examined and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MS. RENDAHL:

18 Q. Would you please state your full name for
19 the record.

20 A. Lewis William Boitano, B O I T A N O.

21 Q. Thank you. And are you here today on your
22 own behalf?

23 A. My own behalf, yes.

24 Q. Would you please give your address.

25 A. 7316 - 36th Street East, Puyallup.

1 Q. Thank you. Please go ahead.

2 A. Presently, I'm not a resident of Fife, but
3 the next few months I may be. But my family has lived
4 in the Valley in this area since the early part of the
5 century, and we have seen it grow after WWII. Industry
6 and traffic has become unbearable. Now, I feel
7 closing -- and I'm also a bicyclist, and I do ride to
8 Fife, and I feel closing 54th at this time would create
9 more traffic on 20th and Valley Avenue, even the
10 traffic beyond 70th from Valley Avenue would be
11 increased.

12 I do admit that the Fife master plan
13 sounded good, the proposal to widen Valley Avenue and
14 widen 70th may solve many of the problems, but I feel
15 that the closure of 54th Street should wait until these
16 street improvements and master plans are in fact.
17 Thank you.

18 JUDGE PRUSIA: Is there any cross-
19 examination of this witness? All right. The record
20 should reflect there is none. You may be excused.
21 Next witness, Ms. Rendahl?

22 MS. RENDAHL: Excuse me, I may not
23 pronounce this correctly, Bob Mizukami.

24 JUDGE PRUSIA: Please raise your right
25 hand.

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1 (Witness sworn.)

2 JUDGE PRUSIA: Ms. Rendahl.

3 Whereupon,

4 ROBERT MIZUKAMI,

5 having been first duly sworn, was called as a witness

6 herein, and was examined and testified as follows:

7

8 DIRECT EXAMINATION

9 BY MS. RENDAHL:

10 Q. Would you please state your full name for
11 the record and spell your last name.

12 A. Robert Mizukami, M I Z U K A M I. I live
13 at 4524 - 20th Street East.

14 Q. Are you here today on your own behalf or on
15 someone else's behalf?

16 A. Yes, I'm here on my own behalf, yes, thank
17 you.

18 Q. Please go ahead.

19 A. Well, my concern that I wanted to bring up
20 today was that I have a question about the declaration
21 of non-significance as far as this project is
22 concerned. The reason for that is the fact that I
23 think in closing off a street that carries 5,700 trips
24 a day is quite significant, and also, that the
25 extension of the siding is on the north side of the

00110

1 tracks for some 5,000 feet. And the basis of that
2 trackage or the road bed is going to be filling in
3 something, the drainage ditch on the north side of the
4 tracks at this point in time, all that filling drainage
5 ditches and shutting off traffic with that volume, I
6 think, is very significant, and you know, so I disagree
7 with the declaration of non-significance on this
8 particular project.

9 Also, I have lived in the Fife area this
10 summer will be 60 years now, and right now my home is
11 on the corner of Frank Albert and 20th Street East, and
12 we are experiencing an awful lot of traffic on Frank
13 Albert as it is, and so my feeling is that an
14 alternative to shutting down 54th that you know, I
15 would like to see an overpass put in at 54th. The
16 proposed extension of 54th along the south side of the
17 tracks to Frank Albert and then the traffic making a
18 90-degree return and go up and over the overpass at
19 Frank Albert I think is undue hardship for truckers and
20 whoever uses that particular street, and the same thing
21 coming off Industrial Way and making a right over the
22 overpass. It is right at the base of the overpass
23 there, so you still have the same difficult problem of
24 coming up over the grade starting from zero miles an
25 hour to try to get over an overpass at Frank Albert.

00111

1 As some of the other people have inquired
2 about the emergency response on the south side of the
3 tracks between 54th and actually 70th, I have a little
4 concern about that, too, you know. I haven't heard
5 anything from the Fire Department or the Police
6 Department per se that, you know, that the timing
7 involved of making a run around the trains is not
8 going to make any difference in the response time. I'm
9 also wondering about whether the siding that is going
10 to end on the east end of the tracks on 54th there,
11 would that some day -- is that dead ended track? Can I
12 ask you a question?

13 JUDGE PRUSIA: Sure. You can go ahead
14 and indicate if it is or it isn't.

15 A. If it is dead-end, then, I'm sure that
16 someday they will say, "Well, it's easier for us to
17 continue that spur a little bit further east and make a
18 switch back onto the main tracks so that there will be
19 an extension of that track." And actually, the yard in
20 Fife right now that was allowed to be put there was
21 when we allowed that to happen, we had given the
22 railroad extra tracking so that by storing trains in
23 there, that they wouldn't have to impede the vehicle
24 traffic at 54th. And so just a few years down the
25 road, and so in another few years, you know, when

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1 conditions change, I'm sure that, you know, we'll
2 probably be asked for other extensions, there, too,
3 because we already vacated further on the road at the
4 end of 20th and the railroad there to allow for the
5 yard to be put in there in the first place. So, you
6 know, I'm not too sure whether, you know, they want
7 Fife to keep vacating roads for the train service.

8 And my question, too, is that these trains
9 that they are having problems with going through
10 Auburn, are they going to vacate all the crossings
11 in Auburn, too, so that the, you know, the train travel
12 would not be impeded? You know, also, you know, people
13 complain about the farm disappearance in the Fife area,
14 and the reason for that is we are already being taxed
15 at the highest and best use, and then when you close
16 a main arterial like that in order to get equipment
17 from one side of the tracks to the other, if they have,
18 you know, farm land on either side, they have to make a
19 big detour to get equipment across the tracks to work
20 the land on the south side.

21 And so people are wondering why farms
22 disappear. Well, it makes us farmers harder and harder
23 for us to make a living anymore because of all the
24 regulations and restrictions that are put on us there.
25 So some of these are the concerns that I have today and

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1 I thank you very much for the opportunity to express
2 them. Thank you.

3 JUDGE PRUSIA: Is there any cross-
4 examination of this witness? You may be excused, thank
5 you for your testimony.

6 MS. RENDAHL: Mr. Meninsky.

7 JUDGE PRUSIA: Please raise your right
8 hand.

9 (Witness sworn.)

10 JUDGE PRUSIA: Please proceed, Ms. Rendahl.
11 Whereupon,

12 ISHTOSH MENINSKY,
13 having been first duly sworn, was called as a witness
14 herein, and was examined and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MS. RENDAHL:

18 Q. Would you please state your full name for
19 the record and spell your last name.

20 A. Ishtosh Meninsky, M E N I N S K Y.

21 Q. And are you here today representing
22 yourself or a business or organization?

23 A. A company, landowner in the area.

24 Q. Okay. And what's the name of the company?

25 A. The name of the company is CMC Heartland

1 Partners.

2 Q. And what is the business address for the
3 partnership?

4 A. The address is 547 West Jackson Boulevard,
5 Chicago, Illinois, 60661.

6 Q. Please go ahead.

7 A. I'd just like to pick up on some of the
8 comments in the testimony that have been made here
9 today and try to sort of work our way through it. The
10 company that I represent owns about 170 acres which is
11 bound on the north by the railroad right of way, on the
12 west by 54th Avenue, and on the east by 70th Avenue,
13 and on the south by a wetland, former river bed which
14 forms our southerly boundary.

15 To focus on the traffic issues as they
16 concern us, as you can tell, as the parcel lays between
17 54th and 70th, the closure of 54th Street is extremely
18 important to the development of the project in that it
19 provides for utilities service from one end to the
20 other facing terms of whatever development does occur
21 there, and in terms of access to major transportation
22 systems, which I believe are vital in this region. We
23 are in the growth management area, and what we see
24 in terms of escalating land costs is usually associated
25 with its distance from major transportation corridors.

1 There was several things mentioned, but to
2 focus a bit on the traffic study, the traffic study as
3 I understand it does not classify the intersection
4 at 20th and 54th Avenue. It does not bring into
5 account a roadway program which includes the real
6 location of Melroid Bridge and expanding of that
7 facility, so I don't see the impact of that project on
8 this particular report. I understand it could be, I'm
9 not sure of the ground rules for the traffic study
10 itself, but in terms of what is on the drawing board or
11 in discussion of either County or State level, it seems
12 important to us, at least, along with that.

13 As was mentioned by Howard, the 167th
14 Street roadway project, which I believe is the County
15 project, and something to do with 99th and 70th Avenue
16 overcrossings. Now, the two bilateral roadway projects
17 as I understand it, do not contemplate connection with
18 I-5. So from my perspective and representing the
19 company, what we are looking at is a situation where
20 people would be asked to backtrack out and then cross
21 into an intersection which I haven't seen any traffic
22 study or traffic count on that particular intersection,
23 that is, at 20th and 54th Avenue. I have only
24 experienced it by driving it, but there seems to be a
25 bit of an impact there.

1 So as the man from the Port Commission
2 spoke about development, increasing development in the
3 area and a desire to be part of that development, we
4 are concerned that the impact of closure of 54th Street
5 which may go through a residential community today of
6 about, I don't know, 250 homes, that the eventual
7 development in an area of urban growth would be
8 insignificant relative to the urban growth areas that
9 would be included in the future development of the City
10 of Fife.

11 There is also the testimony that was made
12 by the Railroad that they have been cited for traffic
13 interruption on 54th Avenue, and if we look at the sort
14 of evolution of what I understand to be moving from
15 west to east, there was mention of a road closure to
16 facilitate expansion of a yard, Frank Albert Road,
17 the overpass had to be created, now we are moving to the
18 east at 54th. What happens at 70th Avenue if there is
19 a road closure there? It hasn't been addressed, and I
20 don't know if public safety and health has anticipated
21 that. There was discussion about routing and if they
22 knew the road was closed, they wouldn't come up face to
23 face with a railroad cars blocking the crossing.

24 So these were just making use of the
25 previous testimony and it's raising concerns in my

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1 mind, and and I'm a bit baffled by the proposal,
2 frankly, with regard to regional growth and
3 transportation enhancement.

4 JUDGE PRUSIA: Is there any cross
5 examination of this witness?

6 MR. COMBS: I do, your Honor.

7 CROSS-EXAMINATION

8 BY MR. COMBS:

9 Q. Mr. Meninsky, I'm Loren Combs, with the
10 City of Fife. You represent CNC Hartland?

11 A. I do.

12 Q. Was CNC Hartland aware of the City's
13 process that has been described earlier where public
14 hearings before the City to discuss this road closure
15 issue, was CNC aware of that?

16 A. Yes, we attended.

17 Q. Did you testify against this road closure?

18 A. We had filed a paper against the road
19 closure early on in the process.

20 Q. Okay. And CNC Hartland has petitioned for
21 annexation of the City knowing that the City wants
22 this road closed under its comprehensive plan; is
23 that correct?

24 A. Yes.

25 Q. And, in fact, you wanted the CNC property

1 to still be annexed into the City of Fife?

2 A. Yes.

3 Q. Knowing that the City wants to close that
4 road?

5 A. Yes.

6 Q. And you would be applying for development
7 permits within the City of Fife knowing that the City
8 wants the road closed?

9 A. Yes.

10 MR. COMBS: No other questions.

11 JUDGE PRUSIA: Did have you anything to
12 add?

13 THE WITNESS: No, I just -- I think there
14 were questions raised by testimony here today and it
15 was significant enough to make me concerned. And so I
16 don't know what really the basis of your -- what the
17 question is, but sure, we own land, we want to be
18 part of the region like everybody else in this room.

19 JUDGE PRUSIA: Thank you for your
20 testimony. Are there any additional witnesses?

21 MS. RENDAHL: W. Carl Stegman.

22 JUDGE PRUSIA: Raise your right hand.

23 (Witness sworn.)

24 Whereupon,

25 W. CARL STEGMAN,

1 having been first duly sworn, was called a witness
2 herein, and was examined and testified as follows:

3

4 DIRECT EXAMINATION

5 BY MS. RENDAHL:

6 Q. Would you please state your full name for
7 the record and spell your last name, sir?

8 A. W. Carl Stegman, S T E G M A N.

9 Q. Are you here today representing yourself or
10 a business or organization?

11 A. Myself and a few neighbors.

12 Q. And your address, please for the record?

13 A. 2402 Berry Lane East.

14 Q. Please go ahead.

15 A. At this point in time, I really question
16 whether the road closure is most appropriate
17 especially as opposed to an overpass. It seems to me
18 that this road closure does present a danger to the
19 health and safety, that is, the fire and the police
20 protection, the different utilities, and flooding
21 for present and future residents and commercial
22 activities south of the railroad -- the railroad and
23 the Puyallup River.

24 Secondly, I think it increased traffic
25 congestion, I know it increased traffic congestion as

1 indicated by the materials presented at the major
2 intersection of 20th Street and 54th Avenue, and 20th
3 Street and Industrial Way, and 20th Street and Frank
4 Albert Road, and also Pacific Highway. That's my
5 presentation. Thank you.

6 JUDGE PRUSIA: Could you please describe in
7 a little more detail exactly where you live in
8 relationship --

9 THE WITNESS: I live on borderline which is
10 at the end of David Court.

11 JUDGE PRUSIA: So you live north of the
12 crossing?

13 THE WITNESS: North of the crossing, that's
14 correct. I live in what's called David Court, Berry
15 Lane, 27th, 28th, through 26th Street.

16 JUDGE PRUSIA: Is there any cross
17 examination for the witness? Let the record reflect
18 there is none. Thank you for your testimony. Ms.
19 Rendahl, are there any other members of the public
20 who wish to testify?

21 MS. RENDAHL: I think that's it.

22 JUDGE PRUSIA: Thank you, members of the
23 public, for your testimony. Do any of the parties wish
24 to recall any witnesses for additional testimony or do
25 they have additional witnesses at all?

1 MR. COMBS: No, your Honor.

2 JUDGE PRUSIA: Did anyone have a closing
3 argument they wish to make?

4 MS. LARSON: Certainly.

5 JUDGE PRUSIA: You are not required to make
6 a closing argument, but you are welcome to.

7 MS. LARSON: Well, as can be shown today,
8 the Union Pacific Railroad and the City of Fife have
9 some different but yet overlapping reasons for
10 advocating closure of the crossing at 54th Avenue.
11 Union Pacific's reasons were prompted by the need to
12 extend the siding across that street to serve the
13 large increase in volume of traffic coming out of the
14 ports of Seattle and Tacoma and need to have a siding
15 that was long enough to hold an entire train.

16 As the testimony today showed, there are
17 significant safety issues involved with having a siding
18 going across a grade crossing, and so it would not be
19 feasible either from a safety standpoint or for
20 purposes of it being able to actually use the tracks,
21 siding track that was constructed, to leave the stray
22 crossing in place. There was a problem of people
23 coming to the crossing, finding that there is -- they
24 can't use it after all and getting blocked at the
25 crossing, and there is the problem of people trying to

1 climb through a stopped train and, of course, the
2 problem of trains on two tracks, and even with a gate,
3 that would supposedly keep someone who couldn't see an
4 approaching train from going across the tracks. There
5 was people have a tendency to go around the end of the
6 gate anyway. So we a have a safety problem of leaving
7 that crossing in place.

8 In terms of examining the option for an
9 overpass at 54th, this option was quite thoroughly
10 explored back in the days of the Puyallup settlement
11 negotiations when it became clear that the City did not
12 want 54th to be a major arterial route because of the
13 neighborhood north of the tracks, and wanted this
14 traffic to be routed around the neighborhood and not
15 through it. So that's why when money was available to
16 put in an overpass it was put in at Frank Albert Road
17 instead of at 54th.

18 Also as part of the testimony today, we had
19 the evidence about the impact of the crossing closure
20 on traffic that would be added to the intersections of
21 20th Street and Industry Drive and 20th and Frank
22 Albert Road. The evidence presented by the Transpo
23 Group was that on a daily basis that the traffic at the
24 intersection of Industry Drive an 20th would be
25 increased by 6.6 percent, and that the traffic at the

1 intersection seconds of 20th and Frank Albert Road
2 would be increased 15.4 percent, and Union Pacific will
3 be required to, and is willing to pay that percent cost
4 towards signalizing those intersections.

5 There was also testimony today about the
6 impact on the intersection at 54th and Valley Avenue,
7 in which Howard Schesser of the City spoke as to the
8 fact that this is now under design for signalization,
9 and which is why it is not part of the study that was
10 done by Transpo Group. Also, as testimony was
11 indicated by the Transpo group, actually the amount of
12 traffic through that particular intersection at Valley
13 and 54th gets reduced when the crossing is closed, or
14 increased by closure of the crossing.

15 For the reasons that were presented here,
16 we believe that extension of the siding will require
17 from the safety standpoint that the crossing be closed,
18 and that adequate mitigating measures are being
19 undertaken that are consistent with the City of Fife's
20 comprehensive plan to handle the traffic that will
21 necessarily be diverted to other intersections. Thank
22 you.

23 JUDGE PRUSIA: Thank you, Ms. Larson. Does
24 the City have a closing argument?

25 MR. COMBS: Just briefly. This is one of

1 the few times in my career that I have ever agreed with
2 the railroad, and maybe the last time I ever agree
3 with the railroad, but the City, my client's
4 comprehensive plan, the traffic element of the
5 comprehensive plan all support the railroad's
6 application. We are the Governmental jurisdiction, the
7 sole Governmental jurisdiction with land use regulatory
8 authorities on both sides of that track within -- from
9 the Puyallup River north to the Port of Tacoma, and on
10 both sides of the tracks, and both sides of 54th
11 Avenue.

12 In that capacity, our client supports this
13 application. We could virtually put -- close the road
14 on both sides of the track to further the land use
15 plan, because it is of such a strong nature to the City
16 to protect those residential areas from through
17 traffic. You heard the testimony earlier of a person
18 who has been a resident there on the north side of the
19 tracks for 50 years, and it was unsafe to have their
20 children out in the residential area because of the
21 truck drivers. We could, in essence, put a dead end
22 road, dead end the road on the south side of the north
23 end of the tracks to protect those residential areas
24 even without the crossing. But than good goodness the
25 railroad has requested a close of the crossing so we

1 can further ? Our comprehensive plan.

2 The WUTC would be furthering our
3 comprehensive plan and safety of our residential
4 neighborhood by closing the crossing and we would ask
5 that the Commission do so. Thank you.

6 JUDGE PRUSIA: Ms. Rendahl, do you have
7 anything?

8 MS. RENDAHL: No.

9 JUDGE McINTOSH: Thank you. Is there
10 anything else to come before us today? If not, the
11 record will be left open for one week. Ms. Rendahl
12 will be circulating the documents that she receives and
13 if anyone has any objection to them, please let me
14 know, if not, then, they will be admitted as
15 illustrative exhibits, and the record will be closed
16 at the end of one week.

17 (Hearing adjourned at 1:00 p.m.)

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