BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

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| CITY OF FIFE,Petitioner,v.UNION PACIFIC RAILROAD,Respondent. | )))))))))) | Docket No. TR-100098TESTIMONY OF VINCE HOFFARTH |

**Q. PLEASE STATE YOUR NAME, TITLE AND PLACE OF BUSINESS.**

My name is Vince Hoffarth. I am a Supervising Special Agent for Union Pacific Railroad Company (UPPD). I supervise police officers who work in Oregon, Washington, Idaho and Montana. I am headquartered in Portland, Oregon.

**Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND PROFESSIONAL ACHIEVEMENTS.**

 In 1994, I received a B.S. degree in Agricultural Management from North Dakota State University. I was a reserve deputy with the Clackamas County sheriff’s office from August 2003 until April 2006. I have been a certified police officer since April 2007. I hold

an intermediate certificate from the Oregon Department of Public Safety Standards and Training. I have taught Grade Crossing Collision Investigation at the Oregon Police Academy since 2007.

**Q. BRIEFLY DESCRIBE YOUR RAILROAD BACKGROUND AND EXPERIENCE.**

I started working for UP in 1996. Initially, I worked in the engineering department, doing track construction and maintenance work. In 1997, I moved to the claims department as a claims representative. I left UP for approximately one year and returned in January 2000 to the claims department, working first in Salt Lake City, then near Hermiston, Oregon, and finally in Portland. In 2005, I was promoted to Catastrophic Crossing Specialist, managing the most severe injury cases and fatalities in Oregon, Washington, Idaho and Montana. In 2006, I transferred to the railroad’s police department. In the police department, I have served as Special Agent, Senior Special Agent, Senior Special Agent-Public Safety, and now as Supervising Special Agent. During my entire time in the claims department and as a railroad police officer, I have responded to and investigated crossing accidents and accidents involving pedestrians.

**Q. WHAT ARE YOUR PRESENT DUTIES AND RESPONSIBILITIES AS THEY RELATE TO THIS PROCEEDING?**

In addition to responding to accidents, I am continually looking at ways to reduce crossing accidents and trespassing incidents. Three important tools are education (educating both the general public and municipal and state police officers as to the dangers associated with trains), enforcement of laws relating to crossing safety and trespass, and physical deterrents. I understand that a problem currently faced at Fife is that some children from a housing development south of UP’s tracks climb under or through holes in fencing along the railroad right of way and cross the tracks illegally, to get to a school on the north side of the tracks.

**Q. DO YOU THINK THAT AN AT-GRADE SIGNALIZED PEDESTRIAN CROSSING IS THE BEST WAY OF ADDRESSING THIS CONCERN?**

No. The best way of addressing the concern would be to install a grade-separated crossing. I field many complaints about a signalized pedestrian/vehicle crossing in Salem, Oregon, where middle and grade school students play chicken with the train and run under and around the gates. Having lights and gates will not stop children from engaging in risky behavior. I have worked traffic enforcement details, specifically targeted at vehicle and pedestrian safety at grade crossings, specifically the above mentioned location in Salem, OR, and have observed students walking and running past the activated lights and gates, when a train was approaching. As a result of the detail, the students were cited for the pedestrian violation. An at-grade pedestrian crossing at Fife would be even worse as this is an area where trains set out cars. When doing so, the trains will stop over the crossing for several minutes while a trainman walks back to throw a switch. Then the train will begin moving again. If a child were climbing through the train at that moment, the child would most likely be killed or severely injured. While on patrol, I have personally observed students climb through a stopped train. Fortunately, the train didn’t move and they were uninjured. Both students were investigated for Criminal Trespass.

**Q. DO YOU HAVE A BETTER SOLUTION?**

I understand that a school bus is available for use by children in getting to and from school. I would prefer to see a substantial fence installed to keep children from trespassing across the right of way and across the at-grade crossing. I have experience with fences that

are far less susceptible to being cut, vandalized, or climbed over. In Pendleton, Oregon, there is a fence along the right-of-way constructed of ¾-inch square metal pickets, with 2-1/2-inch posts that has held up well. Unlike chain link, it cannot be cut with bolt cutters. It would require a saw to compromise the integrity of the fence. The cost of this fencing (materials plus installation) was about $35/lineal foot. An image of this fence is attached as Exhibit No. \_\_\_ (VH-1). UP has had substantial experience in the state of California with expanded metal fencing. It would take an acetylene torch to cut through this fence. It is not susceptible to being scaled. It has no places for a foothold or finger hold. I understand this fence costs $55-$65 per lineal foot. An image of this fencing is attached as Exhibit No. \_\_\_ (VH-2). I would consider a substantial 8-foot high fence a big improvement over the existing fence. If a grade-separated pedestrian crossing were ever installed, the cost of the fence would not be a waste. It would still be useful in steering children toward the underpass or overpass, and keep them from trespassing on the right of way.

**DECLARATION**

I, Vince Hoffarth, declare under penalty of perjury under the laws of the State of Washington that the foregoing TESTIMONY OF VINCE HOFFARTH is true and correct to the best of my knowledge and belief.

DATED this 19th day of January, 2011.

 */s/ Vince Hoffarth*

Vince Hoffarth