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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,

Petitioner

v.

YAKIMA COUNTY,

Respondent

YAKAMA NATION,

Intervenor.

DOCKET NO.: TR-140382

AND

DOCKET NO.: TR-140383

PREFILED TESTIMONY OF AL  
PINKHAM

**SUMMARY**

Alvin A. Pinkham, Jr. (“Al Pinkham” or “Mr. Pinkham”) is the Engineering Planner II for the Yakama Nation Engineering Program. His testimony—based on his engineering and roads-related education, accumulated knowledge, and professional experience—provides testimony evidence that the proposed railroad crossing closures at Barnhart Road and N. Stevens Road will not make conditions for Yakama Nation Reservation residents and other people travelling through the reservation safer, as Petitioner BNSF Railway Company (“Petitioner”) contends. Instead, the proposed closures will adversely impact the road system on the Yakama Reservation and increase risk to drivers traveling on or though the Yakama Reservation.

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## TESTIMONY

Q: Please state your name and current position of employment.

A: My name is Alvin A. Pinkham, Jr. I am the Engineering Planner II for the Yakama Nation Engineering Program.

Q: Can you please describe your position?

A: I am in charge of the Yakama Nation's transportation planning, which includes planning for road tribal transportation system on the Yakama Reservation. I prepare and assist with documentation and reports as required by the Yakama Nation's Program Agreement with BIA, to include road right-of-way acquisition and environmental compliance as required by the National Environmental Policy Act (NEPA). Also as the planner I work with and coordinate road projects with the other transportation agencies on the reservation.

Q: When did you assume your current position?

A: In November 2010.

Q: What did you do before 2010?

A: I worked for the Bureau of Indian Affairs for about 32 years in the Yakama Agency BIA Branch of Roads.

Q: Are you retired as a federal civil employee?

A: Yes.

Q: Will you please describe the position you held at the time of your retirement with the BIA?

A: I was a Supervisory Civil Engineering Technician, Acting Branch Manager. I was responsible for the reservation road system. Basically, I worked to ensure that the reservation

1 roads needing improvement were addressed, and I worked in planning, right-of-way acquisition,  
2 environmental review, and construction contracting.

3  
4 Q: Can you describe your education background?

5 A: I studied at Washington State University and Yakima Valley Community College and  
6 received an Associate's Degree as a Civil Engineering Technician from Yakima Valley  
7 Community College. I've also trained with the BIA on soil testing, right-of-way acquisition,  
8 land surveying, NEPA compliance, P.L. 93-638 contracting and CAD design.

9 Q: How long have you worked on the Yakama Reservation?

10 A: I've worked in and around the Yakama Reservation for 37 years.

11  
12 Q: How would you describe your knowledge of the Yakama Reservation road system?

13 A: Because of my work, I have professional knowledge about the transportation and road  
14 system on the Yakama Reservation, and I have 37 years of experience working with the system,  
15 addressing engineering-related issues, traffic issues, and other matters that are required to  
16 manage transportation on the Yakama Reservation from an engineering perspective.

17 Q: Do you believe closing the railroad crossings at Barnhart Road and N. Stevens Road, as  
18 BNSF proposes, will make the Yakama Reservation road system safer for its residents and those  
19 who travel on the Reservation or through it?

20 A: No.

21 Q: Why not?

22 A: It will make things worse and, in fact, less safe for a number of reasons. First, people  
23 who use these crossings that BNSF wants to close will very likely still need to cross the railroad  
24 at other railroad crossings to access their residences, farms, or places of business. So any  
25 reduction in traffic crossing the railroad crossing is likely negligible if not totally nullified. In



1 essence, the closure will just divert traffic from one crossing to another crossing. And even if the  
2 other crossings may be safer, which is unlikely, the vehicles that would normally use the  
3 Barnhart Road or N. Stevens Road crossings are now increasing their travel times and distances,  
4 which increases the chances that they may get in an accident elsewhere. Second, the areas  
5 surrounding these railroad crossings are largely used for farming. Those farmers who would  
6 normally use the crossings at Barnhart Road or N. Stevens Road will now likely need to operate  
7 their farm equipment at longer distances along State Route 22 and other roads. The operation of  
8 farm equipment on roads where vehicles travel at high rates of speeds and cross over into the  
9 oncoming lane of traffic to pass farm equipment logically increases the risk of accidents. The  
10 closures of these crossings will result in more farm equipment traffic on these roads, and  
11 therefore increase the risk of accidents on the Yakama Reservation.

12 Q: Are there any other reasons why you oppose the proposed railroad closures at Barnhart  
13 Road and N. Stevens Road?

14 A: Yes. Emergency response times to the residents nearby these closings will likely  
15 increase, in some cases significantly.

16 Q: Can you explain why?

17 A: Well, on Barnhart Road, for example, there are four 90-degree turns between Indian  
18 Church Road, the closest railroad crossing to the north of the Barnhart Road crossing, and  
19 Drainbank Road. These turns are all marked 20 miles per hour and would be difficult for  
20 emergency vehicles to navigate quickly. If the Barnhart Road crossing is left open, the  
21 emergency vehicles can travel directly to the Barnhart Road crossing instead of crossing at  
22 Indian Church Road, making the tough turn onto Barnhart Road, and then navigating the four 90-  
23 degree turns.

24 Q: Do you have exhibits that illustrate this?  
25

1 A: Yes, Exhibit 1 is an aerial map taken from Google Earth that shows the location of the N.  
2 Stevens Road and Barnhart Road crossings relative to the nearby communities of Toppenish and  
3 Granger, along with other roads. The red line on this Exhibit represents the railroad lines. You  
4 can see the 90-degree turns that emergency responders coming from Toppenish or Granger  
5 would have to navigate to get to the residences around Barnhart Road, Drainbank Road, and the  
6 other locales most easily accessed via the Barnhart Road crossing.

7 Q: What about Exhibit 2?

8 A: I made Exhibit 2 from the tribe's GIS plat map to show alternative routes required for  
9 those who would normally access their destinations through the Barnhart Road railroad crossing.  
10 I use three home sites to illustrate the increased travel distances in the event that the Barnhart  
11 Road railroad crossing is closed. The distance is increased by roughly half a mile if vehicles use  
12 Barnhart Road from the Indian Church Road to access the home sites in question. But I'm not so  
13 sure larger emergency vehicles will be able to navigate Barnhart Road without stopping and  
14 making several-point turns. If they cannot make the turn from Indian Church Road to Barnhart  
15 Road, and they need to use Schuster Road or drive down to Longhouse Road, the travel distance  
16 to the home sites increases by at least six miles.

17 Q: Why would larger vehicles have difficulty navigating Barnhart Road south of Indian  
18 Church Road?

19 A: Well, in addition to the 90-degree turns, there is a very sharp turn at the intersection of  
20 Indian Church Road and Barnhart Road, reflected in Exhibit 3. The figures shown in Exhibit 3  
21 show that even a passenger car would have difficulty making the turn given the turning radii of  
22 this particular intersection. A school bus and a semi, or a large fire truck, for example, would  
23 need to make several-point turns to access Barnhart Road.

24 Q: And what do you base this information on?  
25



1 A: I derive these figures and information from the Geometric Design of Highways and  
2 Streets, published by the American Association of State Highway and Transportation Officials.  
3 This is an industry standard manual for the design of highways and roads.

4  
5 Q: Can you please describe Exhibit 4?

6 A: Exhibit 4 is similar to Exhibit 2, except this exhibit illustrates the alternate distances  
7 between the Satus Longhouse and Indian Church Road if the Barnhart Road railroad crossing is  
8 closed.

9 Q: What is a longhouse and why is this relevant?

10 A: A longhouse is a place of worship, community, and fellowship used by Tribal members.  
11 Longhouses are also used for funeral services. There is a cemetery nearby the relevant areas  
12 marked on Exhibit 4 often times used by Tribal members who travel to the cemetery from  
13 funeral services at the Satus Longhouse. The shortest route between the Longhouse and the  
14 cemetery includes crossing the Barnhart Road railroad crossing. Exhibit 4 shows that closing  
15 this railroad crossing would increase the distances for Tribal members traveling between the  
16 Satus Longhouse and the nearby cemetery.

17 Q: Can you describe Exhibit 5?

18 A: These are photos taken along Barnhart Road, showing the signs warning of the 90-degree  
19 turns. This road is not good for large emergency vehicles like fire trucks given the numerous 90-  
20 degree turns in a short distance, not to mention the extremely sharp turn off of Indian Church  
21 Road onto Barnhart Road that is difficult for any motor vehicle.

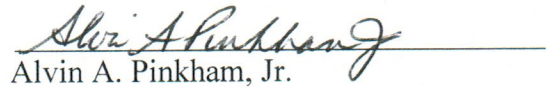
22 Q: Can you tell me about the Stevens Road railroad crossing?

23 A: This railroad crossing leads mostly to farms, as shown in the aerial Google Earth view in  
24 Exhibit 6 and the photos of Stevens Road in Exhibit 7. Closing the Stevens Road railroad  
25 crossing will likely negatively impact farming operations in and around the area, and will likely

1 increase traffic of motorized farm equipment on other roads, increasing risk to other drivers and  
2 farmers who would normally access their properties by using the Stevens Road railroad crossing.

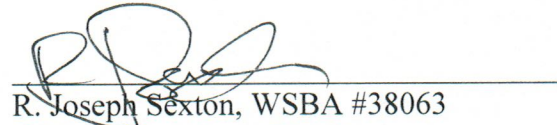
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4 I, Alvin A. Pinkham, Jr., declare under penalty of perjury under the laws of the State of  
5 Washington that the foregoing PREFILED TESTIMONY OF AL PINKHAM is true and correct  
6 to the best of my knowledge and belief.

7 Signed at Toppenish, Washington, this 10<sup>th</sup> day of February, 2015.

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Alvin A. Pinkham, Jr.

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13 DATED this 10<sup>th</sup> day of February, 2015

14 Galanda Broadman, PLLC

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18 R. Joseph Sexton, WSBA #38063  
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**CERTIFICATE OF SERVICE**

I, R. Joseph Sexton, declare as follows:

1. I am now and at all times herein mentioned a legal and permanent resident of the United States and the State of Washington, over the age of eighteen years, not a party to the above-entitled matter, and competent to testify as a witness.

2. I am employed with the law firm of Galanda Broadman PLLC, 8606 35<sup>th</sup> Ave. NE, Suite L1, Seattle, WA 98115.

3. I submitted the foregoing document for filing with the Washington Utilities and Transportation Commission via United States Postal Service or a courier service for hand delivery to Steven King, Executive Director and Secretary of the Washington Utilities and Transportation Commission, and through the Commission's Web Portal. I also submitted an electronic PDF version as well as hard copies via United States Postal Service to the following parties and representatives:


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<p>Counsel for Petitioner, BNSF Railway Tom Montgomery Montgomery Scarp MacDougall, PLLC 1218 Third Avenue, Ste 2700 Seattle, WA 98101</p>	<p>Representative for Petitioner, BNSF Railway Richard Wagner Manager Public Projects BNSF Railway 2454 Occidental Avenue S. Suite 2D Seattle, WA 98134</p>
<p>Counsel for Respondent, Yakima County Kenneth W. Harper Menke Jackson Beyer, LLP 807 North 39th Avenue Yakima, WA 98902</p>	<p>Representative for Respondent, Yakima County Gary Ekstedt Yakima County Dept of Public Services County Engineer / Assistant Director 128 N. 2<sup>nd</sup> Street, Room 408 (Courthouse) Yakima, WA 98901-2639</p>

The foregoing statement is made under penalty of perjury and under the laws of the State of Washington and is true and correct.

Signed at Yakima, Washington, this //th day of February, 2015.

  
R. Joseph Sexton, WSBA #38063