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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CITY OF FIFE,)	
)	
Petitioner,)	Docket No. TR-100098
)	
v.)	
)	
UNION PACIFIC RAILROAD,)	SUPPLEMENTAL TESTIMONY OF
)	TERREL A. ANDERSON
Respondent.)	

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

My name is Terrel A. Anderson. I am Manager – Industry & Public Projects for Union Pacific Railroad Company (UP) in Roseville, California.

Q. HAVE YOU READ THE TESTIMONY IN THIS MATTER THAT WAS SUBMITTED BY KATHY HUNTER, DATED SEPTEMBER 3, 2010?

Yes.

Q. DO YOU AGREE WITH HER STATEMENT ON PAGE 7 THAT 54th AVENUE EAST IS AN OPEN PUBLIC CROSSING?

No.

Q. WHY NOT?

1 This crossing is not open to and available for use by the general public. There are
2 planters in 54th Avenue East blocking access by the public and there are locked gates at the
3 crossing itself that prohibit entry. There are "Road Closed" signs on the approaches to the
4 crossing. It is clear that for the last 7-8 years, the public has been denied access to this
5 crossing. I agree with Kathy Hunter that the conditions for closing the crossing set forth in
6 the May 1, 1997, Commission Decision and Order in Docket No. TR-961394 were not met.
7 I would characterize this as an unauthorized closure, but nonetheless a closure. The
8 crossing is not open.

9 **Q. DO YOU AGREE WITH KATHY HUNTER'S STATEMENT ON**
10 **PAGE 12 THAT THE CITY'S PETITION SHOULD BE TREATED AS A FILING**
11 **FOR THE MODIFICATION OF AN EXISTING CROSSING RATHER THAN AS A**
12 **FILING FOR A NEW CROSSING?**

13 No.

14 **Q. WHY NOT?**

15 First, the city's petition itself states that it is a petition to "approve construction of
16 an at grade pedestrian railroad crossing," rather than to modify the existing crossing.

17 Second, the petition envisions a separate signal system for this pedestrian path,
18 rather than using the one in place at the existing roadway.

19 Third, according to the "National Highway-Rail Crossing Inventory Instructions and
20 Procedures Manual" published by the Federal Railroad Administration, dated December
21 1996, an excerpt of which was attached to Kathy Hunter's testimony as Exhibit No. ____
22 (KH-14), pedestrian crossings are considered to be part of the public roadway crossing and
23 not a separate crossing if they are "contiguous with, or separate but adjacent to, [the] public
24 road crossings, and in the public road right-of-way." The pedestrian crossing proposed by

SUPPLEMENTAL TESTIMONY OF
TERREL A. ANDERSON- 2
DCAPDX_N649955_V1
uni045-0004

DUNN CARNEY ALLEN HIGGINS & TONGUE LLP
Attorneys at Law
851 SW Sixth Avenue, Suite 1500
Portland, OR 97204-1357
503.224.6440 / Fax: 503.224.7324

1 the city is outside the public road right of way. I base this conclusion on two documents.
2 One is UP's valuation map for this area, a copy of which is attached as Exhibit No. ____
3 (TA-1). This map indicates the extent of UP's historical land ownership. In the 54th Avenue
4 East location, it shows a 39-foot distance between the "cattle guards," an indication of the
5 crossing's width. Nothing is shown on the map to indicate any wider rights that the city
6 might have across the railroad's property. The other document I am relying on is the print
7 submitted by the city on March 1, 2011 to supplement its petition, copy attached as Exhibit
8 No. ____ (TA-2). This print shows the width of the public right of way north and south of
9 the railroad's right of way. In addition, it shows the location of the existing road within the
10 limits of the public right of way: The road hugs the eastern edge of the public right of way.
11 Even if lines were drawn across the railroad right of way connecting the public right of way
12 north of the tracks to the public right of way south of the tracks, the proposed pedestrian
13 crossing would lie east of—outside of—the public road right of way. Thus, this proposed
14 crossing does not satisfy the conditions for being considered part of the existing roadway
15 under the FRA's crossing inventory definitions.

16 **Q. IS THE CHARACTERIZATION OF THIS MATTER AS THE**
17 **OPENING OF A NEW CROSSING, AS OPPOSED TO THE MODIFICATION OF**
18 **AN EXISTING CROSSING, SIGNIFICANT?**

19 Yes. If the petition is characterized as a filing to open a new crossing at grade, RCW
20 81.53.030 would require that the petitioner set forth the reasons why the crossing cannot be
21 made either above or below grade. If the petition is characterized as a filing to modify an
22 existing at-grade crossing, the option of a grade separation does not need to be considered.

23 There has never been an open, public route for schoolchildren between the housing
24 development south of the tracks and the junior high school north of the tracks. The 54th

SUPPLEMENTAL TESTIMONY OF
TERREL A. ANDERSON- 3
DCAPDX_N649955_V1
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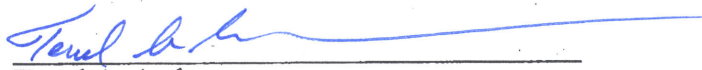
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1 Avenue East crossing was gated and locked shut before the junior high school was opened.
2 The schoolchildren who would be using the crossing are entitled to the analysis mandated
3 by Washington law for situations where a new crossing is opened for their use, rather than
4 the shortened analysis used when an existing use is being modified. An at-grade pedestrian
5 crossing should not be permitted when a grade-separated crossing is feasible, as is the case
6 here.

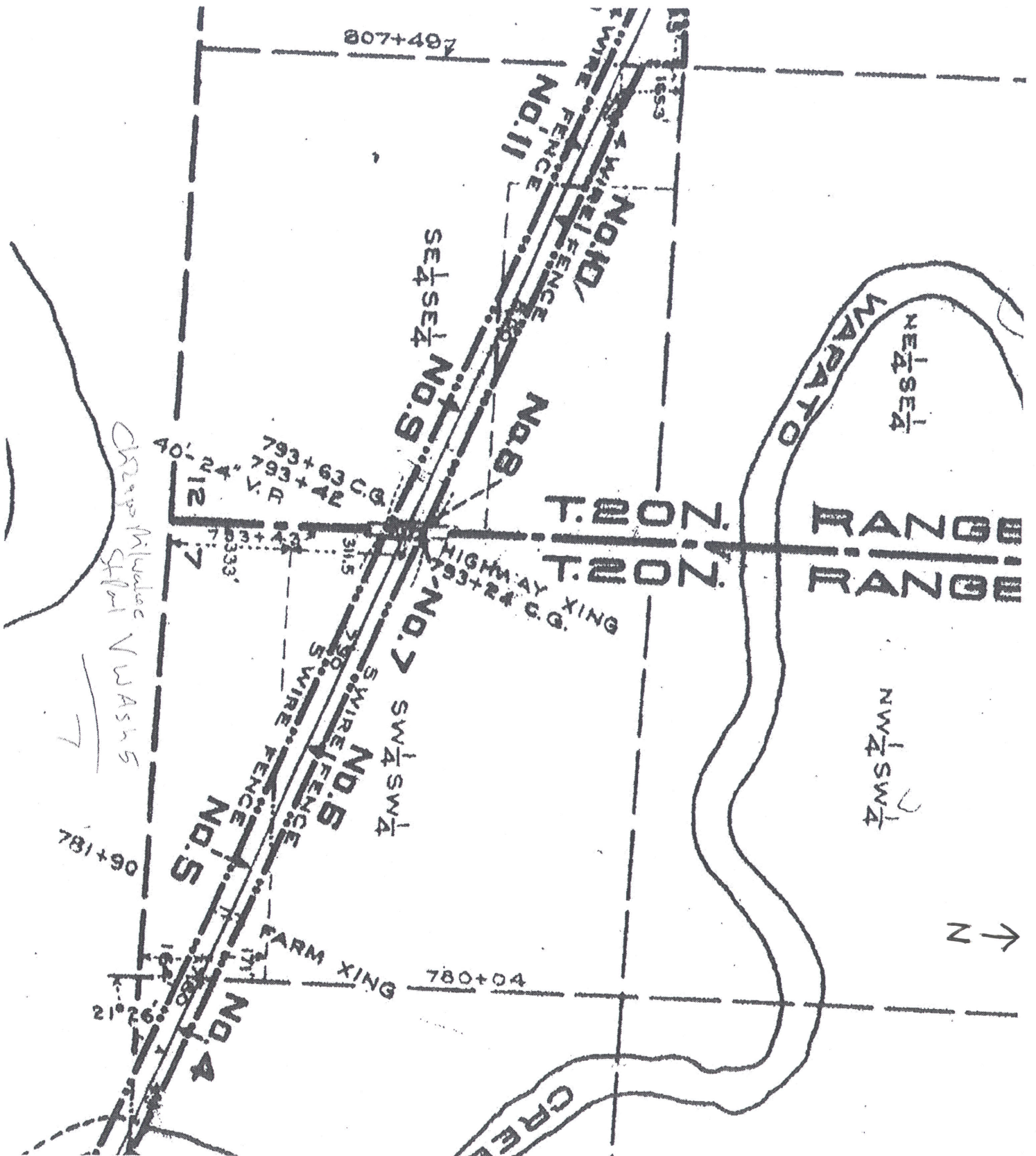
7 **DECLARATION**

8 I, Terrel A. Anderson, declare under penalty of perjury under the laws of the State
9 of Washington that the foregoing SUPPLEMENTAL TESTIMONY OF TERREL A.
10 ANDERSON is true and correct to the best of my knowledge and belief.

11 DATED this 18th day of January, 2011.

12 
13 Terrel A. Anderson

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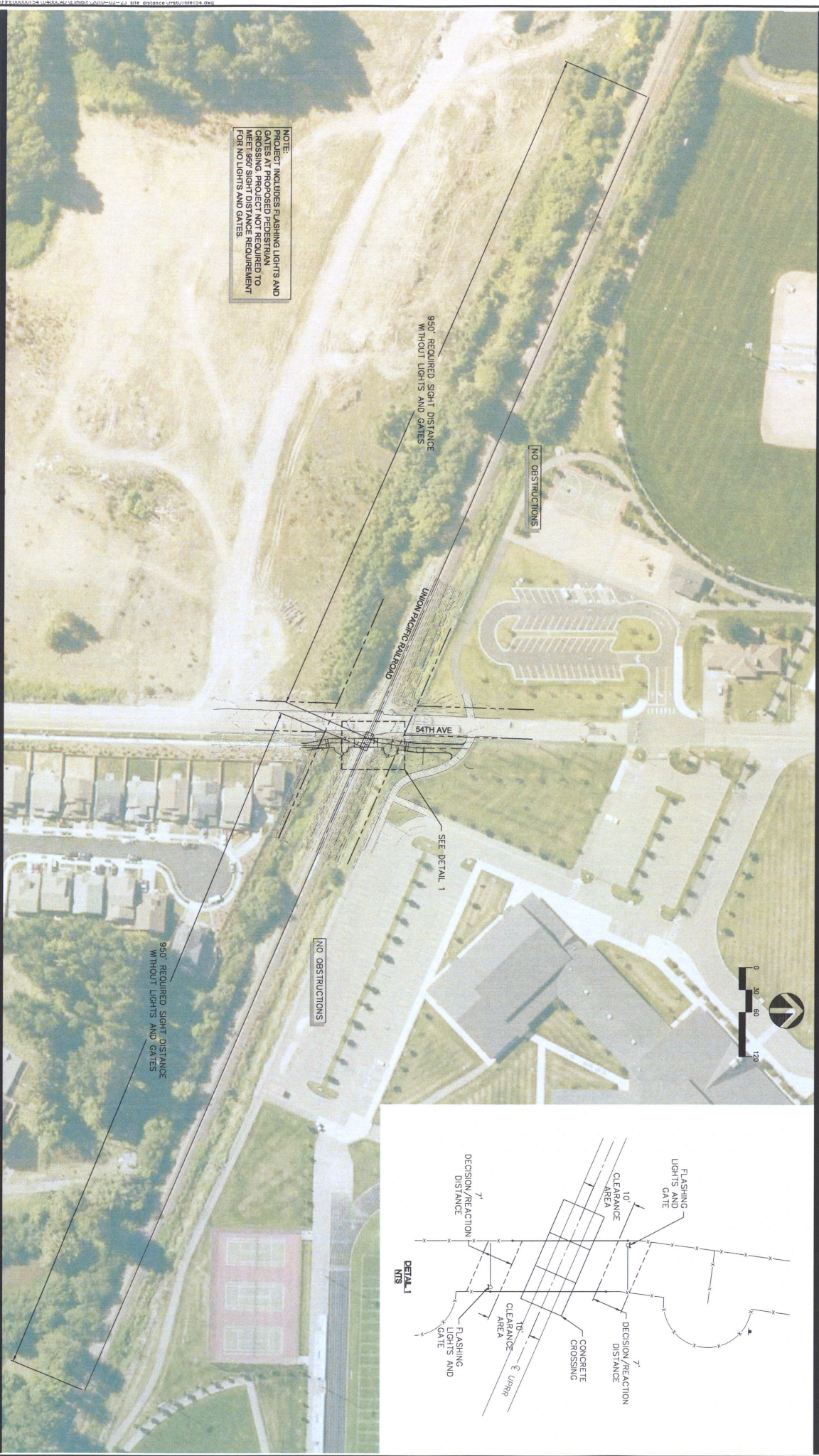
PROJECT ENGINEER:	C. BURRUMAK
DESIGNED BY:	C. BURRUMAK
DRAWN BY:	C. BRECKLEY
CHECKED BY:	C. BRECKLEY
DATE PLOTTED:	MARCH 2010
FILE:	RST010P2R154.DWG
SCALE:	
REVISIONS:	
APPROV:	



City of Fife
Department of Public Works
 54th-23rd Street East
 File, Washington 98424

PLANS PREPARED BY:
DAVID EVANS AND ASSOCIATES, INC.
 3700 Pacific Hwy, East Suite 301
 Tacoma, Washington 98424
 Phone: 253.922.9790

54TH AVENUE/UPRR PEDESTRIAN GRADE CROSSING	SHEET 1
PEDESTRIAN SIGHT DISTANCE	1 OF 1



TR100098-EX (TA-2)

CERTIFICATE OF SERVICE

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I hereby certify that on the date set forth below, I filed by overnight mail the original of the SUPPLEMENTAL TESTIMONY OF TERREL A. ANDERSON with the State of Washington Utilities and Transportation Commission, and on the same date and in the same manner served a true and correct copy or copies of the same on:

Executive Director and Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
records@wutc.wa.gov

By hand delivery
By first-class mail
 By email
 By overnight mail
By facsimile transmission

Honorable Patricia Clark
pclark@utc.wa.gov
Administrative Law Judge

By hand delivery
By first-class mail
 By email
By overnight mail
By facsimile transmission

Loren Combs
City Attorney
VSI Law Group, PLLC
3600 Port of Tacoma Road, Suite 311
Tacoma, WA 98424
ldc@vsilawgroup.com

By hand delivery
 By first-class mail
 By email
By overnight mail
By facsimile transmission

Attorneys for City of Fife

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Assistant Attorney General
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fwoods@utc.wa.gov

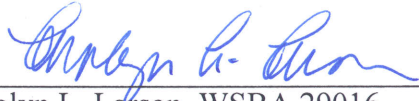
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Attorneys for WUTC Staff

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DATED this 19 day of January, 2011.



Carolyn L. Larson, WSBA 29016
Dunn Carney Allen Higgins & Tongue LLP
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Portland, Oregon 97204
Of Attorneys for Respondent