

1 Brandon L. Johnson  
2 Minnick-Hayner  
3 P.O. Box 1757  
4 Walla Walla, WA 99362

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7 **IN THE SUPERIOR COURT OF WASHINGTON**  
8 **IN AND FOR THE COUNTY OF WALLA WALLA**  
9

10 CITY OF KENNEWICK,

11 Petitioner,

12 vs.

13 UNION PACIFIC RAILROAD, PORT  
14 OF BENTON, and TRI-CITY and  
15 OLYMPIA RAILROAD,  
16

17 Respondents.  
18

NO. TR-040664 and TR-050967

PREPARED TESTIMONY OF  
RANDOLPH V. PETERSON

19 **PREPARED TESTIMONY OF RANDOLPH V. PETERSON**  
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21 Q. *PLEASE STATE YOUR NAME, TITLE, AND PLACE OF BUSINESS.*

22 A. Randolph V. Peterson, General Manager, Tri-City and Olympia Railroad.

23 Administrative Offices are located in Richland, Washington.  
24

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

26 A. I formed a new company in 1999, began operation January 1, 2000 in Richland,  
27

28 Washington, and we named the new company Tri-City Railroad. We have since  
29

30 added a branch operation in Olympia, Washington, and do business as the Tri-City and

1 Olympia Railroad. My experience is mostly mechanical prior to that in the repair and  
2 rebuild of railroad equipment.  
3

4 Q. *WHAT ARE YOUR PRESENT DUTIES AND RESPONSIBILITIES?*

5 A. As General Manager, I oversee the day to day operations of the railroad and the  
6 administrative functions.  
7

8 Q. *ARE YOU FAMILIAR WITH THE CITY OF KENNEWICK'S PROPOSED  
9 EXTENSION OF CENTER PARKWAY ACROSS UNION PACIFIC AND TRI-CITY  
10 AND OLYMPIA TRACKS AT RICHLAND JUNCTION?*

11 A. I am familiar with the subject.

12 Q. *HOW WERE YOU INTRODUCED TO THAT CITY'S CONCEPT?*

13 A. I don't recall exactly how I became familiar with this subject, it was some years ago.  
14  
15 It has been a subject of ongoing discussion for a number of years and I have become  
16 more intimately familiar with the details of it as time has gone by.  
17

18 Q. *PLEASE DESCRIBE TCRY'S TRACKAGE AT THE RICHLAND JUNCTION IN THE  
19 AREA WHERE THE PROPOSED TRACKAGE WOULD BE IMPLEMENTED.*

20 A. Our line that we have under long term lease with the Port of Benton, formerly United  
21 States Department of Energy Government Railroad Track, meets the Union Pacific  
22 Track at Richland Junction. That is the location in which we interchange our railroad  
23 traffic with both the Union Pacific as well as the Burlington Northern Santa Fe.  
24

25 Q. *YOUR MAIN LINE RUNS THROUGH THERE AND THEN DIRECTLY CONNECTS  
26 TO THE UNION PACIFIC LINE. IS THERE ALSO A SPUR?*

27 A. Yes, our main line connects to the UP branch line at Richland Junction. The UP has a  
28 siding there and we have on our line a siding as well. We primarily use our siding for  
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1 conducting the interchange business with the Burlington Northern Santa Fe and utilize  
2 the UP siding for interchanging the UP traffic.  
3

4 Q. *WILL THE CROSSING CROSS BOTH OF THOSE SIDINGS AS WELL AS THE MAIN*  
5 *LINES?*

6 A. I am not sure that the City has finalized the plan, I'm certainly not familiar with it if  
7 they have finalized one. They have, as I recall, presented a number of different plans  
8 or ideas, I think all of which propose an at grade crossing across the UP siding tracks  
9 and across our main line and one or two of their plans I believe would cause a  
10 relocation of our side track, a shortening of our side track.  
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13 Q. *HOW WOULD A SHORTENING OF THE SIDE TRACK AFFECT YOUR*  
14 *OPERATION? WHAT IS THE PURPOSE OF THE SIDE TRACK? ARE RAILCARS*  
15 *LEFT THERE AND THEN PICKED UP? USED AS A STORAGE?*

16 A. No, not for storage, it is actually our interchange of business. Our point of interchange  
17 with the Burlington Northern Santa Fe. So, whether the Burlington Northern is  
18 bringing us the car or picking the cars up from us, that is where they discharge, drop  
19 their cars and we pick them up, and the opposite, when we're bringing cars for  
20 interchange with Burlington Northern, then that is where we drop them for them to  
21 pick up. At that siding.  
22

23  
24 Q. *THE UP SIDING IS USED FOR THE SAME FUNCTION WITH THE UP BUSINESS,*  
25 *THE UP CARS?*

26 A. Yes, that is correct.  
27

28 Q. *TALKING ABOUT THE FREQUENCY OF USE, HOW MANY CARS CURRENTLY,*  
29 *STARTING WITH THE BNSF, ARE YOU INTERCHANGING AT THE RICHLAND*  
30 *JUNCTION?*

1  
2 A. Through June of this year, we have interchanged 2,474 cars at the Richland junction.  
3 Of that number, 2,343 were Union Pacific cars and 131 were Burlington Northern.  
4  
5 During that time, the slowest month was 371 cars, which was January, and the busiest  
6 was 517, which was May.

7 Q. *THE TESTIMONY FROM SOME OF THE UP EMPLOYEES ON THIS ISSUE*  
8 *INDICATES THAT ABOUT 25 PERCENT OF THE TIME THERE ARE MORE THAN*  
9 *9 OR 10 UNION PACIFIC CARS TO BE PICKED UP OR DROPPED OFF. THE*  
10 *TESTIMONY IS THAT IF THE CROSSING IS ADDED, IT WILL IMPACT HOW*  
11 *CARS ARE INTERCHANGED. DO THOSE IMPACTS ALSO AFFECT THE TRI-*  
12 *CITY AND OLYMPIA RAILROAD?*

13 A. It would in essentially the same way that it is described in the UP testimony. It  
14 reduces our capacity on the exchange track.

15 Q. *IT IS A FAIR STATEMENT THAT ANY REDUCTION IN THE ABILITY TO*  
16 *INTERCHANGE CARS IS A POTENTIAL FOR A NEGATIVE ON BUSINESS AND*  
17 *YOUR OPERATIONS IN GENERAL?*

18 A. It is not a positive, it's definitely negative.

19 Q. *REGARDING THE FREQUENCY OF THE RAILROAD TRAFFIC WITH BOTH THE*  
20 *UP AND THE BN OVER THE PAST FEW YEARS AND IN THE PROJECTED*  
21 *FUTURE, HAS THAT STAYED THE SAME, DO YOU SEE IT GOING DOWN OR DO*  
22 *YOU SEE IT INCREASING?*

23 A. I think it has increased gradually since 2000. Its complexion changes from year to  
24 year, types of cars, some years more BNSF less UP, other years more UP and less  
25 BNSF. We anticipate that it will continue to increase.

26  
27 Q. *IN REVIEWING THE TESTIMONY OF LLOYD LEATHERS, THAT TESTIMONY*  
28 *WAS SIGNED IN NOVEMBER 2005. HAVE ANY CIRCUMSTANCES CHANGED*  
29 *THAT WOULD HAVE INCREASED THE FLOW OF CARS THAT ARE DOING*  
30 *BUSINESS AND INTERCHANGING WITH THE UP SINCE THEN?*

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A. Yes. Refrigerated railcar repair at a facility in Richland has increased rail traffic.

Q. *THOSE ARE UP CARS THAT ARE BEING MAINTAINED OR WORKED ON AND THOSE CARS ARE COMING TO YOU EMPTY, BEING REPAIRED AND GIVEN BACK TO THE UP EMPTY, AND THEN DEPARTING TO PARTS UNKNOWN TO BE UTILIZED?*

A. They're coming onto our line to get repaired by our repair facility, that's correct.

Q. *IS THE NUMBER OF UP CARS BEING REPAIRED AT THE RICHLAND FACILITY EXPECTED TO SAME THE SAME OR INCREASE IN THE FUTURE?*

A. I think that it will mostly likely increase.

Q. *YOU'VE HAD THE CHANCE TO REVIEW THE TESTIMONY OF LLOYD LEATHERS PROVIDED BY THE UP, DO YOU HAVE ANY DISAGREEMENT WITH HIS CALCULATIONS REGARDING THE NUMBER OF TIMES THAT RAILCARS WILL BE FORCED TO MOVE BACK AND FORTH ACROSS THE CENTER PARKWAY CROSSING WHENEVER MORE THAN 9 OR 10 CARS ARE SWITCHED?*

A. Yes, I agree with that. As he stated in his testimony.

Q. *ASSUMING THAT THE CENTER PARKWAY IS EXTENDED AS PLANNED BY THE CITY NOW, WILL THAT AFFECT YOUR SIDING? WILL YOUR SIDING BE PUSHED BACK FURTHER TO THE WEST?*

A. At least one or a couple of the proposals that were presented propose to push our siding back northwest, which pushes our activity further away from the Richland Junction, which in effect, certainly is going to put operating refrigerated railcars deeper into the neighborhood, closer to those homes of the people that live west of the interchange.

Q. *DO YOU BELIEVE THAT INSTALLING AN AT GRADE CROSSING AS IMPOSED BY THE CITIES WOULD HAVE A DETRIMENTAL IMPACT ON TCRY'S OPERATIONS?*

1 A. I believe that it would create a safety hazard, which in a number of ways, ultimately  
2 ends up having a detrimental affect on TCRY's operations. Also, purely from an  
3  
4 operating standpoint, it obviously reduces our interchange track and reduces the  
5  
6 existence of what we have now, so we have to do more with less, which has a  
7  
8 detrimental impact on our operation.

8 Q. *ARE YOU FAMILIAR WITH THE FRA'S POSITION WITH REGARD TO AT GRADE  
9 CROSSINGS IN GENERAL?*

10 A. Yes I am, there is a concentrated effort to reduce the number of at grade crossings  
11  
12 across the United States. I am familiar with it.

13 Q. *IS THAT BASED PRIMARILY ON SAFETY ISSUES?*

14 A. To my knowledge, it is totally based on safety issues.

15 Q. *WHAT ARE THE SAFETY ISSUES THAT ARISE WITH AN AT GRADE CROSSING?*

16 A. When you are bringing motorists in physical contact with railroad tracks, every time it  
17  
18 increases the chance of injury to persons as well as property damage.

19 Q. *DOES THE FACT THAT THIS PROPOSED CROSSING NOT ONLY GOES ACROSS  
20 YOUR MAIN LINE, BUT WOULD CROSS YOUR MAIN LINE AT A POINT WHERE  
21 YOU DO SWITCHING WITH NOT ONLY THE UP BUT ALSO WITH THE BNSF,  
22 DOES THAT ADD ADDITIONAL SAFETY CONCERNS FROM YOUR  
23 PERSPECTIVE?*

24 A. From my perspective it adds safety concerns that aren't even necessarily railroad  
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26 interface safety concerns but nonetheless safety concerns, such as you are going to put  
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28 this road in and a good part of the time the road is going to be closed because of the  
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30 railroad activity going on at the location. It's likely that there will be situations in

1 which motorists become impatient to the point of electing to take a different route than  
2 the one that they initially chose. So in other words, they are going to be waiting in  
3 line, the gates will be down, railroad activity will be going on, and they will be waiting  
4 15 to 20 minutes and going no where. I myself foresee that there will be a certain  
5 number of motorists that get impatient to the point that they will attempt to make u-  
6 turns, back up, turn around, drive forward, turn around, turn left, turn right, get out of  
7 line, likely back into the front of the car behind you, or driving into the car in front of  
8 you. You're turning around, you're going to be out of position and then you're going  
9 to be going the other way and I'm not sure what kind of stop light configuration they  
10 are going to have, but if it is tied into the silent crossing, quiet zone, interconnected,  
11 the lights most likely will be locked out so there won't be a green coming back to get  
12 across Gage, which will force a right hand turn, but the mall is on your left and its not  
13 necessarily the case that all motorists will turn right. To me that is just on one side of  
14 the crossing and not addressing the same scenario on the other side of the crossing.  
15 That is on a hill, so they are going to be trying to turn and I'm not sure how wide the  
16 road is being proposed, but you'll have the same situation, so you are creating a mess  
17 in which you have to ask do you really want to do that.

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25 Q. *DOES THE FACT THAT YOU ARE CROSSING MULTIPLE RAIL LINES, DOES*  
26 *THAT ALSO IMPACT SAFETY?*

27 A. I don't know if I would be the appropriate one to ask that. Obviously, the more tracks  
28 you cross, the longer that you're in contact with motorized vehicles and railroad tracks,  
29  
30

1 so its bound to be more hazardous to cross multiple tracks than it is to cross a single  
2 track.  
3

4 Q. *YOU MENTIONED THAT THE MALL IS NEARBY. IS THIS AN AREA WHERE*  
5 *THERE HAS GENERALLY BEEN PEDESTRIAN TRAFFIC AS WELL?*

6 A. Quite a bit of pedestrian traffic.

7 Q. *AND THAT PEDESTRIAN TRAFFIC WOULD ALSO THEN BE SUBJECT TO THE*  
8 *SAME?*

9 A. And vice versa. Yes.

10 Q. *HAS THE CITY OF KENNEWICK EVER APPROACHED YOU ABOUT INSTALLING*  
11 *A SEPARATED GRADE CROSSING?*

12 A. No.

13 Q. *BECAUSE THIS CROSSING OVER A SWITCHING ACTIVITY AND THE CITY HAS*  
14 *IMPOSED A SILENT CLOSED CROSSING, IS THERE AN ESTIMATE OF WHEN*  
15 *SWITCHING ACTIVITY OCCURS, HOW LONG THOSE GATES COULD BE DOWN*  
16 *FOR ANY ONE PERIOD OF TIME?*

17 A. I obviously can't speak for the BNSF, or the UP train crews, but speaking for our train  
18 crews, because all three railroads interchange traffic at this Richland Junction, you will  
19 have three different railroad companies operating at the proposed at-grade crossing.  
20 From our perspective, you could expect that we will have railroad activity going on  
21 that does, in fact, have the road closed and the gates down. At any one point of time,  
22 you could expect an hours delay each day, at least once on a normal day and on a busy  
23 day probably three hours at any one time because the activity is in a concentrated area,  
24 the gates won't come up, the gates will stay down, and that road will stay closed  
25 during that period of time.  
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1 Q. *DOES THE TCRY HAVE A REGULAR SCHEDULE FOR DROPPING OFF AND*  
2 *PICKING UP TRAFFIC FROM THE UP AND THE BN?*

3 A. Yes we do, but it regularly changes and then there are always exceptions to the  
4  
5 schedule and there are always multiple trips.

6 Q. *IS THERE A MINIMUM THAT YOU ARE OUT AT THE INTERCHANGE? IN*  
7 *OTHER WORDS DO YOU DROP OFF AND PICK UP UNION PACIFIC CARS AT*  
8 *LEAST ONCE A DAY?*

9 A. Yes.

10 Q. *DO YOU DROP OFF AND PICK UP BURLINGTON NORTHERN CARS ONCE A*  
11 *DAY?*

12  
13 A. It depends upon the time of the year, but multiple times a week.

14 Q. *IF YOU HAVE UNION PACIFIC AND BURLINGTON NORTHERN CARS BOTH, DO*  
15 *YOU TAKE THEM ALL AT THE SAME TIME? OR DO YOU TAKE A LOAD OF*  
16 *UNION PACIFIC CARS AND THEN LATER TAKE BURLINGTON NORTHERN?*

17 A. It depends on how many there are. We usually get them in one trip unless there is  
18  
19 cause for additional, multiple switching for our customers on our line, which could  
20  
21 entail a second or third trip to the interchange that day. But normally, the road would  
22  
23 be closed for an hour a day on our end.

24 Q. *AND THAT'S JUST FOR TCRY SWITCHING. IT WOULD ALSO BE CLOSED*  
25 *WHEN THE BURLINGTON NORTHERN DROPS OFF AND PICKS UP CARS AND*  
26 *ALSO WHEN THE UNION PACIFIC DROPS OFF AND PICKS UP CARS?*

27 A. Correct.

28 Q. *IS IT UNUSUAL FOR THE TCRY TO SWITCH TWO TO THREE TIMES A DAY*  
29 *DURING THE BUSY TIME OF THE YEAR?*

30 A. Not unusual.

1 Q. DO THE UNION PACIFIC OR THE BURLINGTON NORTHERN LIMIT THEIR  
2 SWITCHING TO ONCE A DAY AT THE RICHLAND JUNCTION?

3 A. Pretty much. Yes.

4 Q. SO ASSUMING THEY ARE OUT THERE ONCE A DAY AND YOU'RE OUT THERE  
5 TWO OR THREE TIMES A DAY, THERE COULD BE INSTANCES WHEN THERE  
6 WOULD BE UP TO FIVE TIMES A DAY THAT SWITCHING ACTIVITY TO SOME  
7 DEGREE COULD OCCUR? THEREBY CLOSING THE NEW ROAD?

8 A. It's possible. It has happened.

11 **DECLARATION**

12 I, Randolph V. Peterson, declare under penalty of perjury under the laws of the State  
13 of Washington that the foregoing PREPARED TESTIMONY OF RANDOLPH V.  
14 PETERSON is true and correct to the best of my knowledge and belief.

17 DATED this 15 day of July 2006.

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21 RANDOLPH V. PETERSON

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**CERTIFICATE OF SERVICE**

I certify that on this 17<sup>th</sup> day of July 2006, the foregoing PREPARED TESTIMONY OF RANDOLPH V. PETERSON was served ELECTRONICALLY on the following persons at the following email addresses:

Commissions Records Center – [records@wutc.wa.gov](mailto:records@wutc.wa.gov)

Karen Caille – [kcaille@wutc.wa.gov](mailto:kcaille@wutc.wa.gov)

Jonathan Thompson – [jthompson@wutc.wa.gov](mailto:jthompson@wutc.wa.gov)

John Ziobro – [john.ziobro@ci.kennewick.wa.us](mailto:john.ziobro@ci.kennewick.wa.us)

Carolyn Larson - [cll@dunn-carney.com](mailto:cll@dunn-carney.com)

Tom Cowan - [tcowan@cowanmoore.com](mailto:tcowan@cowanmoore.com)

Kevin MacDougall - [kevin@montgomeryscarp.com](mailto:kevin@montgomeryscarp.com)

MINNICK • HAYNER, P.S.

By: /s/ Brandon L. Johnson  
Brandon L. Johnson, WSBA# 30837  
Of Attorneys for Respondent TCRY

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