

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

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

6 I started working for UP in 1996. Initially, I worked in the engineering department,
7 doing track construction and maintenance work. In 1997, I moved to the claims department
8 as a claims representative. I left UP for approximately one year and returned in January
9 2000 to the claims department, working first in Salt Lake City, then near Hermiston,
10 Oregon, and finally in Portland. In 2005, I was promoted to Catastrophic Crossing
11 Specialist, managing the most severe injury cases and fatalities in Oregon, Washington,
12 Idaho and Montana. In 2006, I transferred to the railroad's police department. In the police
13 department, I have served as Special Agent, Senior Special Agent, Senior Special Agent-
14 Public Safety, and now as Supervising Special Agent. During my entire time in the claims
15 department and as a railroad police officer, I have responded to and investigated crossing
16 accidents and accidents involving pedestrians.

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

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

TESTIMONY OF VINCE HOFFARTH- 2
uni045-0004

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1 the railroad right of way and cross the tracks illegally, to get to a school on the north side of
2 the tracks.

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

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

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

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

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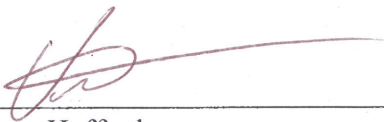
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1 are far less susceptible to being cut, vandalized, or climbed over. In Pendleton, Oregon,
2 there is a fence along the right-of-way constructed of 3/4-inch square metal pickets, with 2-
3 1/2-inch posts that has held up well. Unlike chain link, it cannot be cut with bolt cutters. It
4 would require a saw to compromise the integrity of the fence. The cost of this fencing
5 (materials plus installation) was about \$35/lineal foot. An image of this fence is attached as
6 Exhibit No. ___ (VH-1). UP has had substantial experience in the state of California with
7 expanded metal fencing. It would take an acetylene torch to cut through this fence. It is not
8 susceptible to being scaled. It has no places for a foothold or finger hold. I understand this
9 fence costs \$55-\$65 per lineal foot. An image of this fencing is attached as Exhibit No. ___
10 (VH-2). I would consider a substantial 8-foot high fence a big improvement over the
11 existing fence. If a grade-separated pedestrian crossing were ever installed, the cost of the
12 fence would not be a waste. It would still be useful in steering children toward the
13 underpass or overpass, and keep them from trespassing on the right of way.

14 **DECLARATION**

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

18 DATED this 19th day of January, 2011.

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21 _____
22 Vince Hoffarth
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TESTIMONY OF VINCE HOFFARTH- 4
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Richmond CA



Modesto CA



Merced CA



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the date set forth below, I filed by overnight mail the
3 original of the TESTIMONY OF VINCE HOFFARTH with the State of Washington
4 Utilities and Transportation Commission, and on the same date and in the same manner
5 served a true and correct copy or copies of the same on:

6
7 Executive Director and Secretary _____ By hand delivery
8 Washington Utilities & Transportation Commission _____ By first-class mail
9 1300 S. Evergreen Park Drive S.W. X By email
10 P.O. Box 47250 X By overnight mail
11 Olympia, WA 98504-7250 _____ By facsimile transmission
12 records@wutc.wa.gov

13
14 Honorable Patricia Clark _____ By hand delivery
15 pclark@utc.wa.gov _____ By first-class mail
16 Administrative Law Judge X By email
17 _____ By overnight mail
18 _____ By facsimile transmission

19
20 Loren Combs _____ By hand delivery
21 City Attorney X By first-class mail
22 VSI Law Group, PLLC X By email
23 3600 Port of Tacoma Road, Suite 311 _____ By overnight mail
24 Tacoma, WA 98424 _____ By facsimile transmission
25 ldc@vsilawgroup.com

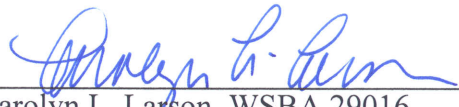
26
27 Attorneys for City of Fife
28 Fronda Woods _____ By hand delivery
29 Assistant Attorney General X By first-class mail
30 1400 S. Evergreen Park Drive. S.W. X By email
31 P.O. Box 40128 _____ By overnight mail
32 Olympia, WA 98504-0128 _____ By facsimile transmission
33 fwoods@utc.wa.gov

34 Attorneys for WUTC Staff

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DATED this 19 day of January, 2011.



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