

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

BNSF RAILWAY COMPANY,) DOCKET TR140382 and
) DOCKET TR140383
Petitioner,)
vs.)
)
YAKIMA COUNTY,) PREFILED TESTIMONY OF
) ALLEN ZECCHINO
Respondent.)
_____)

1. Please state your full name and address.

Allen Zecchino, 1431 Satus Longhouse Road, Granger, WA 98932.

2. What is your occupation?

We have a family-owned farm in Granger, WA called Zecchino Farms. Farm operations are centered at 1543 Satus Longhouse Road. We farm approximately 400 acres of land to the north of the BNSF line. We also farm 221 acres of land south of the BSNF line. This property is located directly adjacent to and south of the Barnhart Road crossing. We grow primarily corn and wheat on the south 221 acres.

3. Do Zecchino Farm’s farming operations use the railroad at-grade crossings at N. Stevens Road and Barnhart Road?

We use the Barnhart Road crossing extensively. Barnhart Road travels southbound, crosses the BNSF line and terminates at SR 22. We farm 221 acres on the

1
2
3 south side of SR 22 directly across from this junction. I will refer to this field as the
4 “south 221 acres.” The map attached as Exhibit A depicts the south 221 acres.

5 Zecchino Farms stores all of its farm equipment about two miles north of the
6 BNSF line at our storage facility at 1543 Satus Longhouse Road. Due to theft concerns,
7 we do not leave farm equipment overnight on unsecured fields. Instead, each morning
8 our farm equipment is moved from the storage facility to our fields. Each afternoon the
9 equipment is moved from the fields back to our storage facility.

10
11 Moving our equipment from our storage facilities to the south 221 acres involves
12 travelling west on Drainbank Road for almost two miles to the intersection of Drainbank
13 Road and Barnhart Road. We then turn south onto Barnhart Road and follow it a short
14 distance until it dead-ends at SR 22. Within close proximity of this junction are three
15 entrances to our south 221 acres. Our preferred access point is a couple hundred yards
16 southeast on SR 22. This access point is preferred because it allows a right hand turn
17 directly onto the south 221 acres rather than a left hand turn across oncoming traffic. I
18 have depicted our route of travel on the map attached as Exhibit A. In order to move our
19 equipment back from the south 221 acres to our storage facility at the end of the day, we
20 travel the above-described route in reverse.

21
22
23 **4. What impact would the closing of the railroad at-grade crossings at N.**
24 **Stevens Road and Barnhart Road have on Zecchino Farm’s farming**
25 **operations?**

26 If the Barnhart Road crossing is closed, Zecchino Farms will need to utilize a
27 different route to move our equipment to and from the south 221 acres. The shortest
28 alternate route involves travelling south on Satus Longhouse Road across the BNSF line
29 to SR 22, then travelling about two miles in a northwest direction on SR 22 to our south

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

221 acres. I have depicted this route on the map attached as Exhibit A. There are two narrow bridge crossings within this two-mile stretch of SR 22.

5. Do you have concerns about transporting farm equipment on SR 22?

I am very concerned about moving our farm equipment along SR 22 in the event the Barnhart Road crossing is closed. I live near and am very familiar with SR 22. It is a major transportation route for agricultural commodities. The highway becomes particularly busy in late summer and early fall. This is also harvest time, when our farming activities are at their busiest. The result is an increase in travel of our farming equipment along SR 22 at a time when the highway is particularly congested.

In addition, we transport our equipment to the south 221 acres early each morning and return the equipment to our storage facility each evening. Much of the time our farm equipment will be on SR 22 will be during the dawn and dusk hours. The highway is oriented generally in a northwest to southeast direction, and driver's visibility is therefore significantly impaired during these hours. The risk arising from potentially reduced visibility is particularly acute given that vehicles on SR 22 commonly travel well in excess of the posted speed limit of 60 mph.

Closing the Barnhart Road crossing will also have direct financial implications for Zecchino Farms. The shortest alternate route to the south 221 acres requires about 20 minutes of additional transportation time each way. As a result, our farm would lose nearly 40 minutes of productive time each day for each piece of equipment we need to move to the south 221 acres. There is also an increase in the hourly wages we pay to our employees or additional fuel costs incurred due to the increased travel distance.

1
2
3 Finally, our farm equipment is simply not made for travelling at maximum speed
4 on state highways. Closing Barnhart Road will lead to increased wear and tear on our
5 farm equipment. There is an increased risk of a flat tire or other mechanical issue
6 occurring on SR 22. I am very concerned about a piece of heavy farm equipment
7 breaking down on the highway.
8

9 **6. Would the closure of the railroad at-grade crossings at North Stevens Road**
10 **and Barnhart Road divert farm equipment onto SR 22?**

11 Yes. Our equipment can presently access the south 221 acres with minimal travel
12 on SR 22. If the Barnhart Road crossing is closed, access to our south 221 acres will
13 require travel along SR 22 for a distance of approximately two miles. Given the slow
14 speed at which most of our farm equipment moves, this represents an exponential
15 increase in the amount of time our equipment will be on the highway.
16

17 **7. What types of farm equipment would be diverted onto SR 22?**

18 I can only speak for Zecchino Farms. We rotate crops from year to year, so the
19 number and types of farm equipment diverted to SR 22 would vary depending on the
20 crop grown on the south 221 acres.

21 If the south 221 acres are utilized for **corn**, the following farm equipment will be
22 required to travel an extended distance on SR 22.

23 In the early spring, we would use a tractor to pull a 20 foot wide John Deere disc
24 ripper across the south 221 acres. We have two large tractors that we can use for this
25 process. One is a John Deere and the other a Steiger, both are very large with about 350
26 hp. They travel about 20 miles per hour. Application of the disc ripper requires four to
27 five days to complete. Each morning the tractor and disc ripper must be driven to the
28 south 221 acres and each afternoon the tractor and disc ripper must be driven back to our
29

30 PREFILED TESTIMONY OF ALLEN ZECCHINO - 4

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351

1
2
3 storage facilities. The closure of the Barnhart Road crossing would result in
4 approximately eight to ten trips by these large tractors with 20 foot wide disc rippers in
5 tow along SR 22.

6 After application of the disc rippers, we then use a smaller tractor with a mounted
7 ditcher bar to furrow the farmland. These tractors are also John Deere, with about 150
8 hp. The ditcher bar is about 20 feet wide. This process requires four to five days. Our
9 smaller tractors travel at speeds below 25 mph. Each morning a tractor with mounted
10 ditcher bar must be driven to the site and each afternoon the tractor with mounted ditcher
11 bar must be driven back to the storage facility. The closure of the Barnhart Road
12 crossing would result in approximately eight to ten trips by one of our tractors with a 20-
13 foot wide mounted ditcher bar along SR 22.
14
15

16 Following the ditch work, a 20-foot wide tractor-mounted rod weeder is used to
17 kill weeds and smooth the ground for planting. This requires 4-5 days of work. The
18 tractor travels at a speed below 25 mph. Each morning the tractor with mounted rod
19 weeder must be driven to the site and each afternoon the tractor with mounted rod weeder
20 must be driven back to the storage facility. The closure of the Barnhart Road crossing
21 would result in approximately eight to ten trips by the tractor with 20-foot wide mounted
22 rod weeder along SR 22.
23

24 Corn planting is accomplished by a 20-foot wide tractor-mounted corn planter.
25 The corn planter is mounted onto one of our smaller John Deere tractors. The corn
26 planter also inserts fertilizer into the soil. The fertilizer is brought to the site by a semi-
27 truck. It takes about four to five days to plant the south 221 acres. The closure of the
28
29

1
2
3 Barnhart Road crossing would result in approximately eight to ten trips by our tractor-
4 mounted corn planter and fertilizer-bearing semi-truck along SR 22.

5 When the corn is about knee high, we side-dress the corn, a process that involves
6 injecting nitrogen into the soil. Side-dressing is accomplished by way of a tractor-
7 mounted side dressing bar, which is about 20 feet in width. It can take several days to
8 complete side dressing of the south 221 acres. The closure of the Barnhart Road crossing
9 would result in approximately four to six trips by 20-foot wide tractor-mounted side
10 dressing bars along SR 22.
11

12 Following side-dressing, we use our self-propelled sprayer to administer
13 pesticides. Our sprayer is an older model and travels approximately 10 mph. I have
14 attached a photograph of myself standing next to our self-propelled sprayer at Exhibit B.
15 It takes about two days to complete spraying on the south 221 acres. The sprayer would
16 travel to and from the south 221 acres by way of SR 22.
17

18 Our smaller tractors are then utilized to make primary water ways for irrigation.
19 The process may take several days, depending on conditions. The tractors travel to and
20 from the south 221 acres at a speed that does not exceed 25 mph.
21

22 The corn harvest is accomplished with our John Deere combine. Depending on
23 yields, it usually takes about six to eight days to complete corn harvest on the south 221
24 acres. As you might imagine, the combine is large and slow moving. It travels about 21
25 or 22 mph. I have attached a photograph of myself with our combine as Exhibit C. Our
26 combine will need to make 12 to 16 trips along SR 22 each harvest season if the Barnhart
27 Road crossing is closed.
28
29
30

1
2
3 In the event the 221 acres are used for **wheat** production, many of the same steps
4 are required. The disc rippers are used to prepare the ground. As with corn, this process
5 requires four to five days to complete, with the equipment being driven to and from the
6 site each day. There is no need to apply furrows to the farmland. However, the tractor-
7 mounted rod weeder is used to kill weeds and smooth the ground for planting. As with
8 corn, this process requires four to five days to complete, with the equipment being driven
9 to and from the site each day. Wheat is planted using a tractor-mounted wheat driller, a
10 process that requires five to six days to complete. A self-propelled sprayer is utilized.
11 This is the same sprayer that applies spray to corn, with a travel speed of approximately
12 10 mph. Tractors are used to make irrigation water ways. Harvest is accomplished by
13 combine. The mounting used to harvest wheat is 25 feet wide. The harvest takes four to
14 five days. If the Barnhart Road crossing is closed, all of this farm equipment will need to
15 travel to and from the south 221 acres by way of SR 22.
16
17

18 Omitted from the foregoing is any reference to the numerous trips we make
19 during farming operations that do not involve heavy farm equipment. Employees and
20 maintenance rigs travel to and from the south 221 acres almost every day during the
21 farming season. All of this travel will likewise be diverted onto SR 22.
22

23 DECLARATION

24 I, ALLEN ZECCHINO, declare under penalty of perjury under the laws of the
25 State of Washington that the foregoing PREFILED TESTIMONY OF ALLEN
26 ZECCHINO is true and correct to the best of my knowledge and belief.
27
28
29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

DATED THIS 30 day of November, 2014.



ALLEN ZECCHINO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

DATED THIS 12th day of February, 2015.

MENKE JACKSON BEYER, LLP



KENNETH W. HARPER
WSBA #25578
Attorneys for Respondent Yakima County
807 North 39th Avenue
Yakima, WA 98902
(509) 575-0313
(509) 575-0351/Fax
kharper@mjbe.com

1
2
3 CERTIFICATE OF SERVICE

4 I am over the age of 18; and not a party to this action. I am the assistant to an
5 attorney with Menke Jackson Beyer, LLP, whose address is 807 North 39th Avenue,
6 Yakima, Washington, 98902.

7 I hereby certify that the original and three copies of the foregoing have been sent
8 by Overnight Delivery to Mr. Steven King, Executive Director and Secretary,
9 Washington State Utilities and Transportation Commission, 1300 South Evergreen Park
10 Drive, S.W., Olympia, Washington, 98504; and a .pdf version electronically filed
11 (www.utc.wa.gov/efiling) and emailed (records@utc.wa.gov). I also certify that true and
12 complete copies have been sent via electronic mail to the following interested parties:

13 Mr. Tom Montgomery
14 Mr. Bradley Scarp
15 Attorneys at Law
16 Montgomery Scarp, PLLC
17 1218 Third Avenue, Suite 2500
18 Seattle WA 98101

19 Mr. Ethan Jones
20 Associate Attorney
21 Confederated Tribes & Bands of the Yakama Nation
22 P.O. Box 151
23 Fort Road
24 Toppenish WA 98948

25 Mr. R. Joseph Sexton
26 Attorney at Law
27 Galanda Broadman, PLLC
28 8606 35th Avenue NE, Suite L1
29 P.O. Box 15146
30 Seattle WA 98115

Rayne Pearson
Administrative Law Judge
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504

I declare under penalty of perjury under the laws of the State of Washington that
the foregoing information is true and correct.

DATED THIS 12th day of February, 2015.


KATHY S. LYCZEWSKI

PREFILED TESTIMONY OF ALLEN ZECCHINO - 10

Exhibit No. _____ (AZ-1T)

MENKE JACKSON BEYER, LLP
807 North 39th Avenue
Yakima, WA 98902
Telephone (509)575-0313
Fax (509)575-0351