

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.	)
	) PREFILE TESTIMONY OF ANDY
YAKIMA COUNTY,	) CURFMAN
	)
Respondent.	)
_____	)

**1. Please state your full name and address.**

Andy Curfman. 1621 State Route 223, Toppenish, WA 98948.

**2. What is your occupation?**

I manage a farm. My parents own T & K Farms, which operates as a corporation. I am the vice president. Farm operations are centered at 1621 State Route 223, in Toppenish.

We farm about 5,000 acres in Yakima County in an area generally from Barnhart Road north to the City of Toppenish. We produce silage crops, including several varieties of corn, as well as wheat, peppermint, spearmint, grapes and alfalfa.

**3. Do T & K Farm's farming operations use the railroad at-grade crossings at N. Stevens Road and Barnhart Road?**

1  
2  
3 T & K Farm's equipment use both crossings during the April through October  
4 farming season. Use is most intense from late August through October. The closure of  
5 N. Stevens Rd. will have the greater impact on our farming operations. This is because T  
6 & K Farms farms n both sides of the BNSF line and SR 22 in the near vicinity of N.  
7 Stevens Rd. I recently took a photograph of one of our tractors using the N. Stevens  
8 Road crossing. True and correct copy of the photograph is attached as Exhibit A. The  
9 photograph depicts the type of equipment that uses the N. Stevens Road crossing on a  
10 regular basis and that will be diverted onto SR 22 if the crossing is closed.  
11

12 **4. Are you aware of any collisions on state highways involving any of T & K**  
13 **Farms' equipment?**

14 Yes. Approximately four years ago we were moving a tractor and disc ripper  
15 from the field back to the maintenance facility at 1621 SR 223, in Toppenish. The disc  
16 ripper was 18 feet wide and the tractor moved at a slow pace. The collision occurred on  
17 SR 223 directly in front of our shops. Do to the size and speed of the tractor and disc  
18 ripper, we stationed pilot cars in front and behind the tractor. The collision occurred  
19 when the tractor had stopped and just began to make a left turn into our shops. A vehicle  
20 in the same lane of traffic passed the rear pilot car on the left and then attempted to  
21 swerve to the right and pass the disc ripper on the shoulder. The driver was unsuccessful  
22 in making this maneuver and collided with the rear end of our equipment. T & K Farms  
23 ended up paying the repair costs.  
24  
25

26 In my view, there is great risk of these types of collisions when farm equipment  
27 travels on state highways. Local county roads have lower speed limits. People travelling  
28 on them tend to live and work in the area and have familiarity with farming operations.  
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

Drivers on the state highways are in contrast often transiting the area at high speed. They tend to have less patience with slowdowns and are, correspondingly, more willing to undertake dangerous maneuvers like the one leading to the collision with our disc ripper.

**5. What impact would the closing of the railroad at-grade crossings at N. Stevens Road and Barnhart Road have on T & K Farm's farming operations?**

Closing the N. Stevens Road crossing would cause significant operational and financial burdens on our farming operations. T & K Farms uses the N. Stevens Road crossing to move equipment between fields on the north and south sides of the BNSF line. If this crossing is closed, our farm equipment must use a more circuitous route. The shortest alternate route from our fields north of the BNSF line to our fields south of the BNSF line is following S. Track Road to the northwest for approximately 1.4 miles, turning south and crossing the BNSF line on Myers Road, then backtracking for about a mile on SR 22.

If the crossing at N. Stevens Road is closed, each trip between our fields north and south of the line will require several miles of extra travel. Much of our equipment travels at speeds below 25 mph. Great care must be taken when transporting this type of equipment on a state highway where speeds exceed 60 mph. As a result, the time required for one round-trip across the BNSF line would increase from less than five minutes to more than 30 minutes. This costs our farm money in three ways. First, we are paying wages for the driver, who during transit is not engaged in productive activity. Second, it removes the farm equipment from productive activity. And third, it increased the wear and tear on farm equipment, which is not designed for maximum speed travel on state highways.

1  
2  
3 This expense is greatly exacerbated where particularly large pieces of equipment  
4 are being moved. For some of our equipment, state regulations require that we utilize  
5 pilot cars. Moving this equipment means the payment of additional wages, but also takes  
6 multiple employees away from their normal duties. In many cases, this means that other  
7 farm equipment cannot be utilized productively because the operators are elsewhere.  
8

9 Closing the North Stevens Road crossing also creates a more dangerous work  
10 environment for our employees, as well as the general public. Our farm equipment will  
11 be diverted onto South Track Road, which in my view is a narrow, unsafe road. It will  
12 also be diverted onto North Myers Road, which is quite heavily travelled. I understand  
13 that there are plans to develop North Myers Road as the primary link between US 82 and  
14 US 97, in which case the volume and speed of traffic is likely to increase. Of even  
15 greater concern is travel by our heavy, slow-moving farm equipment on SR 22. The legal  
16 speed limit on SR 22 is 60 mph, but as a practical matter most vehicles are travel in  
17 excess of 60 mph. In my view, there is a heightened risk of collision where vehicles  
18 travelling at these rates of speed encounter slow moving farm equipment.  
19

20 Finally, from long experience I know that farm equipment has a propensity to  
21 experience mechanical problems. Despite maintenance efforts, hydraulic hoses blow out  
22 and tires run flat with some level of frequency. The greater distance our equipment has  
23 to travel on SR 22, the greater probability of a breakdown on SR 22. A breakdown could  
24 result in large farm equipment stopped on the highway for an extended period of time.  
25 The result would present a serious safety hazard to my equipment, my employees and  
26 other drivers on SR 22.  
27  
28

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

**6. Would closing the railroad at-grade crossings at N. Stevens Road and Barnhart Road divert farm equipment onto SR 22?**

Yes. If the N. Stevens Road crossing is closed, T & K Farms will be required to divert a significant number of heavy, slow-moving farm equipment onto SR 22.

**7. Do you have documentation that demonstrates the impacts of this farm equipment on traffic along SR 22 in the vicinity of these crossings.**

Yes. I recently took a photograph of one of our tractors hauling a disc ripper and rollers on SR 22. A true and correct copy of the photograph is attached as Exhibit B and indicates the extended backup caused by our equipment. The photograph was taken near the intersection of Harris Road and SR 22, about a mile south of the N. Stevens Road crossing.

As explained below, T & K Farms uses a variety of farming equipment, including combines. While I don't have any photographs of our combines travelling on SR 22, I recently took a photograph of one of my neighbor's combines travelling along SR 223 in the vicinity of my shop. A true and correct copy of the photograph is attached as Exhibit C. The combines used by T & K Farms are similar if not identical to that in the photograph. SR 223 is likewise similar to SR 22 in terms of speed limits and road dimensions, including shoulder width. The photo illustrates to a reasonable degree of accuracy what it looks like when our combines travel along SR 22.

There are numerous bridges along SR 22. The highway often lacks shoulders in the vicinity of these bridges, leading to more significant blocking issues. This is illustrated in another photograph I took recently on SR 22. A true and correct copy of the photograph is attached as Exhibit D. The photograph depicts one of our tractors hauling

1  
2  
3 a disc ripper and rollers along a section of SR 22 in the vicinity of the Barnhart Road  
4 crossing.

5 **8. What types of farm equipment would be diverted onto SR 22?**

6 I can only speak for T & K Farms. We rotate crops yearly. The number and type  
7 of farm equipment diverted onto SR 22 would vary depending on what crops are grown  
8 on either side of the BNSF line. I will use **corn** as an example, because we commonly  
9 grow corn on both sides of the BNSF line. It should also be said that the following  
10 explanation is illustrative only, as conditions dictate frequent and ongoing operational  
11 changes in farming operations.  
12

13 In the early spring, T & K Farms will move self-propelled sprayers to the fields.  
14 These sprayers have a 15 foot transport width and fold out to a width of 90 feet during  
15 application. They have a travel speed of less than 25 mph. Depending on weather  
16 conditions, the sprayers could cross the BNSF line several times per day over the course  
17 of several days.  
18

19 We will then move three tractor-mounted side-dressing bars to the fields for  
20 fertilizer application. The dressing bars have a travel width of 18 feet and are pulled by  
21 200 hp tractors, the travel speeds of which does not exceed 25 mph. A semi-truck will  
22 act in support capacity and transport fertilizer to the fields. This equipment will likely  
23 make several trips across the BNSF line over the course of several days.  
24

25 Planting is accomplished with a tractor-mounted corn planter. This corn planter is  
26 approximately 23 feet wide and folds out to a width of 40 feet during application. It can  
27 plant more than 20 rows of corn on one pass. The travel speed of this equipment does not  
28  
29

1  
2  
3 exceed 25 mph. It would also likely make several trips across the BNSF line over the  
4 course of several days.

5         After planting, the tractors and three side-dressing bars will again be transported  
6 to the fields for fertilizer application.

7  
8         The self-propelled sprayer will then travel to the fields. Depending on conditions,  
9 the self-propelled sprayer may spray each field up to three times. Each time, it will travel  
10 along SR 22 at less than 25 mph.

11         We use four tractor-mounted corn choppers to harvest the corn. T & K Farms has  
12 two types of corn choppers, one of which is 20 feet in width and the other of which is 30  
13 feet in width. Due to their size, the chopper attachments are assembled on tractors are  
14 delivered to the field on semi-truck.  
15

16         Following harvest, three disc rippers with roller packages are transported to the  
17 fields. This would be similar to the equipment depicted on Attachments A and D. The  
18 pulling disc rippers are 17.5 feet wide. The roller packages are wider but fold to transport  
19 widths of 18 and 22 feet, depending on which rollers are used. The equipment will make  
20 two applications to the ground, possibly necessitating multiple trips on SR 22. The  
21 tractors pulling this equipment travel at speeds that do not exceed 25 mph.  
22

23         Finally, T & K Farms will transport a tractor-mounted bedding bar to the fields.  
24 The bedding bar has a transport width of approximately 22 feet and unfolds to a width of  
25 approximately 42 feet in the field. It is pulled by 260 hp tractor, the travel speed of  
26 which does not exceed 25 mph.  
27

1  
2  
3 During some rotations, T & K Farms may plant **peppermint** or **spearmint** on  
4 either side of the BNSF line, in which case a different variety of farm equipment will  
5 travel between the south and north side of the BNSF line along Track Road and SR 22.

6 In the spring, a three-wheeled TerraGator will travel to the fields for spray  
7 application approximately five times. Our TerraGator is 12 feet wide and travels at a  
8 speed of less than 22 mph. T & K farms grows **mint** on some of these fields. Mint  
9 production requires three additional spray applications by tractor-hauled sprayers with a  
10 travel width of 15 feet. The tractors have travel speed that does not exceed 25 mph.

11 A self-propelled swather is driven to the fields for harvest. The swather has a  
12 travel width of 15 feet and a travel speed that does not exceed 25 mph. When the  
13 swathing is completed, choppers and tanks will be transported to the fields. This  
14 equipment is pulled by tractors. Together, the tractors, choppers and tanks have a travel  
15 width of approximately 14 feet, a travel length of at least 60 feet, and a travel speed that  
16 does not exceed 25 mph. We usually transport three tractor-chopper-tank combinations  
17 in tandem.

18 After the harvest, a corrugator will need to be transported to the fields by tractor  
19 or grader. The corrugators is a power driven implement that powered by the tractor to  
20 stir the soil and make a ditch. Our corrugators have a travel width of 16 feet. As pulled  
21 by tractor or grader, it has a travel speed that does not exceed 25 mph. This equipment  
22 will be diverted onto SR 22.

23 Following corrugation, additional spraying is performed by our self-propelled  
24 sprayers. Depending on conditions, between one and two spray applications will be  
25 required. This equipment will be diverted onto SR 22.

26  
27  
28  
29  
30  
PREFILED TESTIMONY OF ANDY  
CURFMAN - 8

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



1  
2  
3 If the fields are used for wheat, a different variety of farm equipment will travel  
4 between the south and north side of the BNSF line using SR 22. In the spring, T & K  
5 Farms will transport its disc rippers to the fields for soil preparation. The disc rippers are  
6 utilized for two applications to each field and as such may need to be transported across  
7 the BNSF line twice.  
8

9 Following application of the disc rippers, the side-dressing bars will need to be  
10 transported to the fields for fertilizer application.

11 The wheat is planted by way of a tractor that pulls a roller head, followed by a  
12 grain drill, and finally another roller. This equipment has a travel width of 15 feet, an  
13 assembled length of at least 60 feet, and a travel speed that does not exceed 25 mph.  
14

15 Subsequent to planting, spraying will be undertaken by our self-propelled  
16 sprayers.

17 Harvest is accomplished by combines. T & K Farms has three combines. They  
18 have a travel width of 15 feet and 17.5 feet, depending on brand and model, with a travel  
19 speed that does not exceed 25 mph.  
20

21 Following harvest, the swather is applied to the fields. The swather has a travel  
22 width of 15 feet and a travel speed that does not exceed 25 mph. After swathing, a bailer  
23 comes in to bail the straw. The straw bailer has a travel width of 14 feet and a travel  
24 speed that does not exceed 25 mph. A loader is also utilized, and has a travel width of 10  
25 feet. All of this equipment will be diverted to SR 22.

26 Finally, the pulling disc rippers will need to be transported to the fields for two  
27 more applications.  
28

1  
2  
3 In addition to the farm equipment identified above, we utilize a variety of other  
4 vehicles and equipment in day-to-day farming operations. T & K Farms has about 4  
5 maintenance rigs and between 8 – 10 operator vehicles, all of which travel frequently  
6 between our fields. All of these vehicles will be required to utilize South Track Road and  
7 SR 22 to travel between T & K Farms fields north and south of the BNSF line.  
8

9  
10 DECLARATION

11 I, ANDY CURFMAN, declare under penalty of perjury under the laws of the  
12 State of Washington that the foregoing PREFILED TESTIMONY OF ANDY  
13 CURFMAN is true and correct to the best of my knowledge and belief.

14 DATED THIS 28 day of November, 2014.

15  
16   
17 \_\_\_\_\_  
18 ANDY CURFMAN  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

30 PREFILED TESTIMONY OF ANDY  
CURFMAN - 10

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

Exhibit No. \_\_\_\_\_ (AC-1T)

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 39<sup>th</sup> Avenue  
Yakima, WA 98902  
(509) 575-0313  
(509) 575-0351/Fax  
[kharper@mjbe.com](mailto: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 39<sup>th</sup> 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 12<sup>TH</sup> day of February, 2015.

  
KATHY S. LYCZEWSKI