

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

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BNSF RAILWAY COMPANY,	)	
	)	DOCKET NO. TR-090121
Petitioner,	)	
	)	Volume V
vs.	)	Pages 392 to 424
	)	
SNOHOMISH COUNTY,	)	
	)	
Respondent.	)	
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A public hearing in the above matter was held on March 30, 2009, from 6:15 p.m to 7:00 p.m., at 9124 - 271st Street Northwest, Stanwood, Washington, before Administrative Law Judge ADAM TOREM.

The parties were present as follows:  
THE COMMISSION, by JONATHAN THOMPSON, Assistant Attorney General, 1400 South Evergreen Park Drive Southwest, Olympia, Washington 98504-0128, Telephone (360) 664-1225, Fax (360) 586-5522, E-Mail jthompso@wutc.wa.gov.

BNSF, by BRADLEY SCARP and KELSEY ENDRES, Attorneys at Law, Montgomery Scarp MacDougall, PLLC, 1218 Third Avenue, Suite 2700, Seattle, Washington 98101, Telephone (206) 625-1801, Fax (206) 625-1807, E-Mail brad@montgomeryscarp.com and kelsey@montgomeryscarp.com.

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Joan E. Kinn, CCR, RPR

Court Reporter

0393

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2 INDEX OF EXAMINATION

3 -----

4 WITNESS: PAGE:

5 JEFFREY D. PEARCE 403

6 PEARL SCHAAR 406

7 TOM CURTIS 407

8 BARBARA DADD SHAFFER 409

9 TIM GRAY 411

10 MARY LANIER 413

11 MARILYN TEMPLETON 417

12 ALBERT BURKLAND 419

13 GILBERT EMORY 422

14

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1 P R O C E E D I N G S

2 JUDGE TOREM: Ladies and gentlemen, we will  
3 be on the record in the public comment portion of the  
4 hearing regarding the petition to close the Logen Road  
5 at-grade crossing here in Snohomish County. Good  
6 evening, my name is Adam Torem, I'm an Administrative  
7 Law Judge with the Utilities and Transportation  
8 Commission. For the record, today's date is Monday,  
9 March 30th, 2009. Those of us that have been here all  
10 day, yes, it's still Monday. It's now a little after  
11 6:15 in the evening, and I thank you for your patience  
12 as we're starting 15 or 20 minutes late. That was due  
13 to accommodate the earlier hearing that took place in  
14 this Stanwood PUD conference room earlier today.

15 To my right are a series of the parties that  
16 participated in that. The Snohomish County attorney I  
17 believe had another engagement tonight and couldn't be  
18 here, but I'm going to have these folks introduce  
19 themselves here in just a minute.

20 Our role tonight is to collect your comments  
21 and let the Utilities and Transportation Commission as I  
22 represent it hear from you as to your questions that I  
23 can't necessarily answer, but concerns that you want to  
24 state or any other views that are relevant to the  
25 proposed closing of the Logen Road crossing. What I

0395

1 have in front of me are an indication that about 10 of  
2 you want to speak. There are some sheets here that are  
3 public hearing sign-in sheets that Mr. John Cupp has  
4 collected signatures on. He may yet have a fifth sheet  
5 to bring me with some additional folks who want to  
6 speak, and I know there's a lot more than 10 folks in  
7 the room, so if you change your mind, let me know. A  
8 variety of you have signed in and indicated you do not  
9 want to speak but simply wanted to attend to hear what  
10 your neighbors and residents here in Snohomish County or  
11 Stanwood have to say.

12 I am going to ask anyone that is going to  
13 speak tonight to come and sit at the table up on the  
14 left one at a time as I call you. And all of you that  
15 have indicated yes, I will have you stand up in a few  
16 moments and take an oath. This is a court-like  
17 proceeding, so your testimony will be under oath. I  
18 will time you and give you three or four minutes to say  
19 your piece tonight. I hope you will find that will be  
20 sufficient, and that way it prevents folks from taking  
21 15 or 20 minutes, but it also makes sure that everybody  
22 gets a chance. If there is a person that speaks and  
23 says something you agree with, you don't necessarily  
24 need to come and repeat that same testimony. You can  
25 indicate that Mr. Smith or Mrs. Jones stated the same

0396

1 views that you have, whether they're in support of or in  
2 opposition to the proposed closing. You don't have to  
3 rehash it four or five or six times. So I encourage you  
4 if you're hearing the same sentiments in support or  
5 opposition being voiced before you come up, please feel  
6 free to reference that speaker. Don't feel you have to  
7 take the entire two or three minutes or four as the case  
8 may be. I think you'll find that two minutes starts to  
9 feel a little bit long when you're sitting in that seat.  
10 I've been speaking at least that long now, but I'm  
11 comfortable talking for a long time. You can check with  
12 my wife or my kids or any of these folks.

13           So does anybody have questions that I need to  
14 address as to how this is going to go tonight? I take  
15 it many of you have been to public comment hearings  
16 before, planning commissions or city councils, county  
17 councils before. I'm going to call you up by name but  
18 swear you in as a group and then take your comments.

19           Now as you can see, there's a hard working  
20 court reporter who we've tried to tucker out most of the  
21 day. She's going to be taking down your comments as  
22 well, and the chair is aimed so the rest of the audience  
23 can hear you. There's no microphone, so I encourage you  
24 to definitely speak up, but also speak at a rate that's  
25 considerate of her ability to keep up with you. She's

0397

1 already been challenged a few times today by us that are  
2 the professionals, but I encourage you to speak slowly,  
3 deliberately, and take your time. If it's necessary,  
4 I've got some signs to show you how much time is  
5 remaining, and if you see the yellow card, it really  
6 doesn't mean you need to speak that much faster to get  
7 your points across, but it's just a chance for you to  
8 wrap up.

9           And if there is anybody that feels that they  
10 have more to say or you brought written comments with  
11 you that you're reading, you can simply give us the  
12 highlights of the written pieces and then hand those in.  
13 I recognize that a lot of you may have already submitted  
14 written comments to the Commission. Those are already  
15 in the record. I may have reviewed some but not  
16 necessarily all of them prior to tonight's hearing. So  
17 if you want to indicate you've already filed written  
18 comments, please do so. If any of you after hearing  
19 testimony tonight think you need to submit either  
20 comments for the first time or additional comments, we  
21 will accept those so long as they're postmarked by this  
22 Friday, April the 3rd.

23           The attorneys here put on their witnesses all  
24 today and are going to be submitting written briefs and  
25 arguments on the proposed closing or the opposition

0398

1 thereto, and their deadline is the first week of May. I  
2 want them to be able to have a chance to take your  
3 public comments into consideration. So by this Friday  
4 if you have anything further to say in writing, make  
5 sure it's postmarked. If it arrives at the Commission  
6 after Friday but has that postmark, we will accept it  
7 and entertain it as part of the formal record of this  
8 case.

9           A lot of you are going to be concerned as to  
10 when will the Commission be making its decision. I  
11 don't know for certain because for once we're waiting on  
12 another state agency to do its part as well. My  
13 understanding today there are some environmental  
14 analyses that need to be accomplished. The lead agency  
15 for that appears to be the Department of Ecology, and we  
16 anticipate once they hear from the Corps of Engineers  
17 regarding some wetland mitigation issues that need to be  
18 analyzed and addressed for this proposed project,  
19 Ecology will then be able to issue its environmental  
20 analysis, and from there you will also be invited or  
21 have the opportunity to comment on the Department of  
22 Ecology's environmental decision-making process.

23           I need to be able to consider Ecology's  
24 decision and the comments submitted, which is usually a  
25 30 day comment period under the State Environmental

0399

1 Policy Act or SEPA, so the official record in this case  
2 won't close until a week or so after the SEPA documents  
3 are complete. So as much as their post hearing briefs  
4 are due to me the first week of May on Friday, May the  
5 8th, I may yet have time that I have to wait on Ecology  
6 before I can finish my thought process on writing the  
7 decision and be able to issue a decision. With any  
8 luck, Ecology's process will be done sometime in late  
9 May or early June, and I will be ready to issue a  
10 decision hopefully very quickly thereafter. So sometime  
11 in the first part of summer is the target. If it can be  
12 sooner, it will be, but it will be up to Ecology to get  
13 that done.

14           If you have questions as we go along as to  
15 where Ecology is or that status is, the Commission's  
16 Public Outreach Staff, Mr. Cupp, may be able to answer  
17 that question, but I would hold your horses and wait  
18 until about June 1st to call for any status updates  
19 unless I've been able to issue my decision before then.  
20 But again, with briefs on May 8th and Ecology somewhere  
21 in late May, early June would be the earliest that I  
22 could on behalf of the Commission issue an initial  
23 decision.

24           I think that's all the procedural questions  
25 that I can normally answer at these hearings. Again,



0400

1 once I swear folks in, you will come up one at a time  
2 and give your testimony. If you pose a question to me  
3 or the other folks, this isn't a chance for a dialogue,  
4 you may be able to stay after and ask a question of the  
5 railway staff or of any of the other parties, but we  
6 can't answer it as part of the public comment session,  
7 it's not a Q&A session on the record.

8 Mr. Cupp, do you think there's anything else  
9 I need to address?

10 MR. CUPP: The written comments.

11 JUDGE TOREM: Yes, written comments again by  
12 Friday, April 3rd will be the postmarked date.

13 MR. CUPP: No, the ones we have received so  
14 far.

15 JUDGE TOREM: Those are already in the  
16 record, so again I'm going to have Mr. Cupp present  
17 later on an envelope so you'll see that he's got them  
18 all printed out that I'm going to take as the official  
19 in-progress public comment exhibit, and that will become  
20 something that our records center marks as just -- we'll  
21 assign a number eventually, probably 31 I think is where  
22 we are in the numbering scheme, but the public comment  
23 exhibit will include the transcript from tonight as well  
24 as all of those comments that are received on or before  
25 April 3rd postmark, which will include in-progress what

0401

1 he's going to hand me in a little while.

2 All right, let me have the parties to my  
3 right introduce themselves quickly, and then I will  
4 swear in those of you who intend to testify.

5 MR. THOMPSON: My name is John Thompson, I am  
6 with the State Attorney General's Office, and I am the  
7 lawyer for the Utilities and Transportation Commission  
8 Rail Safety Staff.

9 MR. SCARP: My name is Bradley Scarp, and I'm  
10 one of the attorneys for BNSF Railway Company.

11 MS. ENDRES: My name is Kelsey Endres, I'm  
12 also one of the attorneys for BNSF.

13 MR. LOGEN: And I'm Lynn Logen, and I was a  
14 party to this proceeding opposing the closing for our  
15 family, my family.

16 JUDGE TOREM: Thank you, Mr. Logen.

17 Also present from Staff, Ms. Kathy Hunter  
18 heads our Railway Safety Division at Utilities and  
19 Transportation Commission, and Paul Curl works with her  
20 as well, so these two folks and Mr. Cupp are probably  
21 your best source of information for how the program  
22 works within the Commission.

23 I wanted to be clear also though,  
24 Mr. Thompson represents those folks as legal counsel.  
25 My job working for the Commissioners as their judge,

0402

1 Mr. Thompson doesn't represent the Commissioners per se,  
2 but the Commission Staff, and that may be a little bit  
3 confusing to sort out how the agency can have a staff  
4 advocating one thing or another and its commissioners  
5 making a decision, but the Commissioners don't hear from  
6 Mr. Thompson in an advisory role. He's an advocate for  
7 whatever the Staff on their expertise wants the  
8 Commission to decide, but they make an independent  
9 decision. And through the Administrative Law Division  
10 for whom I work, myself and our fellow judges in that  
11 division provide legal advice, and as needed we can have  
12 a separate Attorney General also advising those  
13 Commissioners or judges that are making a decision. So  
14 it's a little interesting to have an in-house counsel  
15 that we can't talk to for our decisions, but I want that  
16 to be clear for anyone who wonders how the AG's Office  
17 and the Utilities and Transportation Commissioners  
18 making decisions function.

19 All right, with that in mind, the folks I  
20 have wanting to speak are as follows: Pearl Schaar,  
21 Jeffrey Pearce, Tom Curtis, Barbara Shaffer, Tim Gray,  
22 Mary Lanier, Marilyn Templeton, Albert Burkland, Lois  
23 and Gil Emory. I believe that's all that have indicated  
24 yes they want to speak. If I've left you out and I  
25 haven't called your name and you know you're going to

0403

1 testify, this is a good time to stand up and raise your  
2 right hand. I'm going to swear you in so we can begin  
3 the public comment session and hear from all of you  
4 rather than me.

5 (Witnesses sworn in.)

6 JUDGE TOREM: All right, I will indicate  
7 everybody has given an affirmative response, thank you.

8 Jeffrey Pearce will be our first witness, I  
9 will ask him to come up. As you take a seat,  
10 Mr. Pearce, for all of the witnesses I'm going to ask  
11 you to state and spell both your first and your last  
12 name, and then give us your address, and tell us how  
13 long you've lived at that address or in this community.  
14 And if you're representing someone other than yourself,  
15 perhaps a group, please tell us that as well.

16 So, Mr. Pearce, if you will.

17

18 Whereupon,

19 JEFFREY D. PEARCE,  
20 having been first duly sworn, was called as a witness  
21 herein and was examined and testified as follows:

22

23 MR. PEARCE: My name is Jeffrey D. Pearce,  
24 J-E-F-F-R-E-Y, middle initial D, last name P-E-A-R-C-E.  
25 I live at 29017 - 64th Avenue Northwest in Stanwood, and

0404

1 I've lived at my present address for approximately 16  
2 years, and I have lived in the community most of my  
3 life.

4 JUDGE TOREM: All right, I'm going to give  
5 folks three minutes, and if we need to run over, we'll  
6 see, but we'll start everybody with three minutes.

7 Mr. Pearce, go ahead.

8 MR. PEARCE: Friends, we are faced with a  
9 dilemma. Many of us want a train platform in Stanwood,  
10 but in order to get that platform, BNSF says we must  
11 give up the Logen Road crossing which we and our  
12 neighbors use. There seems to be only one solution to  
13 this dilemma, give up a much used historic railroad  
14 crossing to get a train platform. I would like to  
15 suggest that there must be other solutions to this  
16 dilemma that have not yet been explored, solutions that  
17 would surely satisfy both users of the Logen Road  
18 crossing and BNSF.

19 BNSF is a railroad corporation created  
20 through mergers of many old grand railroad companies.  
21 On BNSF's web site it states that these railroads shared  
22 one or more common features, a pioneering spirit,  
23 innovative thinking, and efficiency, features BNSF is  
24 proud to claim as part of its own heritage.  
25 Highlighting one of these features, innovative thinking,

0405

1 I would like to remind our BNSF friends that they are  
2 heirs of such brilliant men as James J. Hill and John  
3 Frank Stevens, men whose innovative thinking led to the  
4 linking of the great northern line from the Midwest to  
5 the Pacific Northwest in 1893 and men who tempered their  
6 creativity with humility when necessary. These are men  
7 who found another way over the Cascades when Katy Pass  
8 proved inadequate.

9           BNSF is a corporation, but like its  
10 predecessors, this corporation is made up of creative  
11 human beings, people who by their railroad's presence in  
12 our community are our neighbors. I would ask our  
13 neighbors to go back to the drawing board to find an  
14 innovative solution to this problem that will allow both  
15 a train platform in the city of Stanwood and for the  
16 Logen Road crossing to remain open. Certainly a company  
17 with a history of great and innovative thinking can get  
18 out of the mode of one solution to a particular problem  
19 and work with the local citizens of Stanwood and its  
20 surrounding districts to find a solution that will  
21 please all of us. Please take a step back, sit down  
22 with us as neighbors, and let's solve this problem the  
23 way James Hill and John Stevens who drove the great  
24 northern railroad through Stevens Pass when Katy Pass  
25 proved inadequate would have solved it. Let's find

0406

1 another way. Thank you.

2 JUDGE TOREM: Thank you, Mr. Pearce.

3 For those wondering, that was just over two  
4 minutes, so if you thought it was long or short, that  
5 would give you something to mark it by.

6 Can I now have Pearl Schaar come up.

7 And the next speaker then will be Tom Curtis.

8

9 Whereupon,

10 PEARL SCHAAR,

11 having been first duly sworn, was called as a witness  
12 herein and was examined and testified as follows:

13

14 JUDGE TOREM: Ma'am, can you state and spell  
15 your names for the record.

16 MS. SCHAAR: Pearl Schaar, P-E-A-R-L,  
17 S-C-H-A-A-R.

18 JUDGE TOREM: And if you will speak up as  
19 loudly as possible so the folks in the back can hear  
20 you.

21 MS. SCHAAR: Okay.

22 JUDGE TOREM: What's your address?

23 MS. SCHAAR: 1459 Larkspur Lane, Camano  
24 Island, and I've lived in the community for 28 years.

25 JUDGE TOREM: All right, go ahead, ma'am.

0407

1 MS. SCHAAR: First of all, I'm here  
2 representing Design Stanwood, it's a group, grass roots  
3 group that started in 2003. We brought ten  
4 professionals to town to help organize, create the focus  
5 for downtown, and one of their suggestions was to bring  
6 a train to town, and we have worked towards bringing a  
7 train since 2003. While we don't want to see our  
8 neighbors displaced or inconvenienced, if the efficiency  
9 of the train demands closing Logen Road, then we would  
10 support it. But again, listening to Mr. Pearce, you  
11 were very excellent in your comments about trying to  
12 find a different way, so if we could, we would support  
13 that. But if not, we want to see the train run  
14 efficiently.

15 Thank you.

16 JUDGE TOREM: All right, thank you,  
17 Ms. Schaar.

18 Mr. Curtis.

19

20 Whereupon,

21 TOM CURTIS,  
22 having been first duly sworn, was called as a witness  
23 herein and was examined and testified as follows:

24

25 MR. CURTIS: My name is Tom Curtis, T-O-M,



0408

1 C-U-R-T-I-S. I live at 218 Meggia, that's M-E-G-G-I-A,  
2 Lane on Camano Island, I've lived there for  
3 approximately six years, and I'm here representing  
4 Design Stanwood.

5 JUDGE TOREM: Go ahead, Mr. Curtis.

6 MR. CURTIS: I would like to reiterate both  
7 what Mr. Pearce said and what Pearl said. I'm in favor  
8 of having a train come to the Stanwood area. Certainly  
9 it's not designed right now to be exactly what we want,  
10 it's not going to have the Sounder coming up here, it's  
11 not going to be as good as what we would like it to be  
12 at some point, but at least it's a start, and we would  
13 love to see the train here, to see the train station be  
14 built. Of course as both Pearl and Mr. Pearce said, if  
15 there's a way to do that without inconveniencing our  
16 neighbors, we would love to see that happen. We really  
17 don't want to see anybody put out by the train, but we  
18 do realize that if progress is going to occur and if  
19 that is the only way that progress can occur, then that  
20 may be the fallout. But we would really encourage  
21 everybody to look as closely as they can at what could  
22 possibly be done to alter the current plan so that the  
23 train station could be built and the neighborhood around  
24 Logen Road would not be displaced.

25 Thank you.

0409

1 JUDGE TOREM: Thank you, Mr. Curtis.

2 The next speaker is going to be Barbara  
3 Shaffer, and she'll be followed by Tim Gray.

4

5 Whereupon,

6 BARBARA DADD SHAFFER,  
7 having been first duly sworn, was called as a witness  
8 herein and was examined and testified as follows:

9

10 MS. SHAFFER: My name is Barbara Dadd  
11 Shaffer, Barbara traditional spelling, B-A-R-B-A-R-A,  
12 second name D-A-D-D, Shaffer, S-H-A-F-F-E-R.

13 JUDGE TOREM: The spelling of your middle  
14 name, D-A-D-D?

15 MS. SHAFFER: It is.

16 JUDGE TOREM: All right. And your address,  
17 ma'am?

18 MS. SHAFFER: 27901 86th Drive Northwest,  
19 Stanwood. I've lived in that house ten months but in  
20 the community nearly nine years.

21 JUDGE TOREM: All right, thank you, ma'am.  
22 If you will just project your voice to the back of the  
23 room, we'll pick it up here, and if I need to direct it  
24 more toward the court reporter, I will ask.

25 MS. SHAFFER: Great.

0410

1                   I recognize the need of the railroad for  
2 additional sidings. I take them at their word that this  
3 is important to their functioning in our community  
4 whether it's related to the new train station or not. I  
5 see the tracks from where we live. I'm fascinated with  
6 the trains, just fascinated. We count how many are in  
7 the Amtrak train as it goes north and south and things  
8 like that. We also use Logen Road. I don't use 300th  
9 if I can avoid it. I feel uncomfortable driving that  
10 windy steep stretch. The other part of it's fine. I  
11 would much prefer that there be a way to do both rather  
12 than either/or. And I think in this day of incredible  
13 technology, what I'm about to suggest is feasible,  
14 others will know better, and that is to indeed extend  
15 the siding so that the railroad has additional space for  
16 its cars, make the crossing available when the cars are  
17 not there, and then the technical part is devise a  
18 system of signals or information at each end of that  
19 road, both on Pioneer and on Pacific, to alert persons  
20 to the status of that crossing, i.e., is it closed.  
21 Then a person who thought they were going to drive there  
22 would choose a different route. If it's open, then they  
23 could continue as they wish. So that is my suggestion  
24 for both/and as opposed to either/or is a system of  
25 signals at the end of that road.

0411

1 Thank you.

2 JUDGE TOREM: Thank you, ma'am.

3 Tim Gray will be followed by Mary Lanier.

4

5 Whereupon,

6 TIM GRAY,

7 having been first duly sworn, was called as a witness

8 herein and was examined and testified as follows:

9

10 MR. GRAY: My name is Tim Gray, I currently  
11 live at 1028 Gary Lane, Camano Island. I have lived in  
12 the community since 1972, which adds up to a whopping 42  
13 years I believe. I'm technically not really  
14 representing anyone except that I basically grew up in  
15 the house right there.

16 JUDGE TOREM: And you're pointing at our map.

17 MR. GRAY: I'm pointing at the lovely little  
18 map, it's the juncture of Pioneer Highway and Logen  
19 Road, closest end towards town. My mom and dad still  
20 live there, family home is there, and I use the road  
21 really regularly to go see my parents. My parents also  
22 use the road as an access into town, because whether you  
23 know it or you don't, Stanwood is not that easy of a  
24 town to get into, and it's not that easy to get into  
25 Stanwood at times from the direction so they can go

0412

1 through town by the west end, and that to us is  
2 important.

3           To a certain degree, it feels like a group of  
4 little people here in Stanwood fighting the really big  
5 company and all the attorneys from everywhere else, and  
6 it does to a certain degree almost feel like we're being  
7 held hostage with our train station for the closure of  
8 Logen Road. If you let us, no, when we take over and  
9 close Logen Road, then you will get to get your train  
10 station. And whether right or wrong, to me that just  
11 doesn't personally feel all that correct or right, and  
12 it doesn't seem something that should be allowed to do.

13           I stand on the belief that the -- I mean my  
14 family home has only been there since 1948 or whatever  
15 it is, and the Logen family has been there for far  
16 longer. I can't help but believe like the previous  
17 speaker said that there should be a system for dual  
18 tracks, because there will be, there will be a siding,  
19 and I see no reason why there can't be for those very  
20 brief periods of time a closure of the access. It's not  
21 that hard to do. If you get down there, there's a  
22 train, you got to turn around. It's easier than most of  
23 the time everything just being shut off and not having  
24 access to it. So I think the dual system, basically  
25 what we have now, it closes when the train comes

0413

1 through. And having grown up and listening to the  
2 trains and counting them, I happen to know that there  
3 aren't that long of a period of time where this is a  
4 train sitting in a standby position that would force the  
5 entire closure of the road for all history.

6 I think that the population of Stanwood in  
7 the hills above it as it slowly increases is going to  
8 get busier and busier, the Stanwood city limits just  
9 basically grew from where I grew up, it's, you know, a  
10 quarter of a mile away, now it is my mom and dad's  
11 driveway is the new city limits, and I think that's  
12 going to continue. So I think that for the people that  
13 talk about the train of the future, that's great, but I  
14 also think that we need to keep the past and the present  
15 in the future and not close the road.

16 Thank you.

17 JUDGE TOREM: Thank you, Mr. Gray.

18

19 Whereupon,

20

MARY LANIER,

21 having been first duly sworn, was called as a witness  
22 herein and was examined and testified as follows:

23

24 MS. LANIER: My name is Mary Lanier, Mary,  
25 L-A-N-I-E-R. I live at 1077 Utsalady Road.

0414

1 JUDGE TOREM: Can you spell that?

2 MS. LANIER: U-T-S-A-L-A-D-Y, on Camano  
3 Island, and I represent Soundview Association  
4 Incorporated, a social service agency that is located at  
5 8707 - 288th Street Northwest, which is the uphill side  
6 of Logen Road. Our agency employs 28 families, people  
7 who work for our agency, and we share a lot of traffic  
8 that accesses the west end of town. We also serve  
9 people who are severely physically disabled, and their  
10 medical care is on the west end of town at the Stanwood  
11 Camano Medical Center. So there's an element of social  
12 need in our use of that road. And I would say a good  
13 portion of my staff who live on Camano or on the west  
14 end of Stanwood, that's how they get to and from work,  
15 and that's how they access the local businesses. I'm  
16 not sure about the logistics of trains and train  
17 stations, and I think that's a great thing. That road  
18 is very valuable to all of us that work at Soundview and  
19 for the people that live there, and I would really hate  
20 to see that close. It's a really beautiful little road.

21 JUDGE TOREM: Ms. Lanier, for clarification,  
22 you said you were a social service organization.

23 MS. LANIER: We're a non-profit corporation  
24 serving people with developmental disabilities.

25 JUDGE TOREM: And is that where the work

0415

1 headquarters is that makes use of the road?

2 MS. LANIER: The agency, the corporation  
3 headquarters is at 8707 - 288th Street Northwest. We  
4 have a home located right adjacent to the office. We  
5 also have another home in Skagit County, and staff from  
6 both places use that road. They do come to our agency  
7 for training, the people that live in Skagit County, so.

8 JUDGE TOREM: Now the families and members of  
9 the community that you service aren't necessarily along  
10 Logen Road, but they're elsewhere in the community and  
11 you go out to them?

12 MS. LANIER: There are residents that live in  
13 the group home, people who are disabled that live there.  
14 And the staff that we employ, many of them come from  
15 Camano Island and that's how they come to work, that's  
16 how I get to work is that way. And it actually creates  
17 a much longer commute, even though for those of you who  
18 commute to Seattle it's not a long commute, but all of  
19 the congestion along 532 has really become a problem,  
20 and trying to navigate through all the stop lights and  
21 all the traffic in the afternoon and in the morning,  
22 people avoid it at all costs. It's sort of a quality of  
23 life and getting home earlier and just better access all  
24 around for all the people that work there.

25 JUDGE TOREM: Can you just clarify again, you



0416

1 said there's a group home, is that where the residents  
2 are, and that's adjacent to your business?

3 MS. LANIER: The property on 288th Northwest,  
4 there's Soundview Group Home is there. Soundview  
5 Association Incorporated has an office, the corporate  
6 office is attached to the group home, and we have  
7 monthly board member meetings and activities that occur  
8 there. But five of the ten residents that we serve live  
9 there on that road, and those people are the people that  
10 are real -- they're physically handicapped as well as  
11 developmentally disabled. We have another home in  
12 Skagit County, so we have two different locations where  
13 we serve people with disabilities.

14 JUDGE TOREM: That's what I was trying to  
15 clarify, if those developmentally disabled clients were  
16 residing along the area that uses the road.

17 MS. LANIER: Yes, they do.

18 JUDGE TOREM: Does that clarify the  
19 questions?

20 MR. SCARP: If I could, Ms. Lanier, where is  
21 288th, it's from where Logen Road comes off Pioneer?

22 MS. LANIER: It's like the continuation of  
23 Logen Road. If you take the crossing and you go up  
24 around 288th, it's just across Pioneer Highway.

25 MR. SCARP: On the east side?

0417

1 MS. LANIER: Yes, on the east side of Pioneer  
2 Highway, we're just up the hill.

3 MR. SCARP: Thank you.

4 JUDGE TOREM: Thank you, ma'am.

5 The next speaker I'm showing that wanted to  
6 talk tonight is Marilyn Templeton, and she will be  
7 followed by Albert Burkland.

8

9 Whereupon,

10 MARYLYN TEMPLETON,

11 having been first duly sworn, was called as a witness  
12 herein and was examined and testified as follows:

13

14 MS. TEMPLETON: My name is Marilyn Templeton,  
15 M-A-R-I-L-Y-N, T-E-M-P-L-E-T-O-N, and we live at 28715  
16 Pioneer Highway.

17 JUDGE TOREM: How long have you lived in the  
18 community, ma'am?

19 MS. TEMPLETON: Since 1957, in our current  
20 home across the street from Logen Road 34 years.

21 JUDGE TOREM: Go ahead, ma'am.

22 MS. TEMPLETON: We've enjoyed Logen Road for  
23 so many years for walking, for accessing businesses that  
24 we need to go to, the bank, the church. My mother's in  
25 the nursing home for eight years, and I can go down that

0418

1 little road and across right down to the nursing home.  
2 To me it's an asset to our neighborhood. It's a  
3 community, and it provides us a lot of different things  
4 that we've enjoyed for so many years. We meet our  
5 neighbors walking down there. We enjoy the wildlife, we  
6 enjoy the wetlands and seeing the ducks and the geese,  
7 sometimes there's tons of swans, sometimes there's a  
8 field of geese down there. Also it has acted as an  
9 emergency access when there have been incidents in town  
10 where you can't use the main streets of town, which I  
11 consider very important.

12 My understanding is Burlington Northern wants  
13 it closed so they can run longer, store longer train  
14 containers on the road, not so much -- for longer  
15 periods of time than they do now, if I understood that  
16 correctly at the informational meeting that they had.  
17 I'm not sure that it's so much about access for Amtrak.  
18 We've taken people to Mount Vernon to the train station  
19 up there, and that train is in and out just like that,  
20 you know, it's in maybe three, four minutes and they're  
21 on the road. Right now there's four trains that go  
22 through a day. It wouldn't seem to me like it would be  
23 necessary to close Logen Road to make that access for  
24 the Amtrak train to do what it has to do in town and be  
25 on its way.



0420

1 State are being held hostage by the railroad company so  
2 they can expand the siding. You know, Logen Road was  
3 there before the railroad, so it's kind of a little  
4 silly. You know, the amount of traffic through the  
5 train is estimated at 6 fares in the morning and 6 fares  
6 in the evening. It seems like a small quantity of  
7 people to be traveling on the train, you know, to close  
8 the road. What about the 12 people that drive on Logen  
9 Road, do they not have a say in any of this? It seems  
10 like \$5 Million for 12 people a day seems kind of high.

11           You know, one of the things about this is  
12 that once you close the, you know, the road, it will  
13 never come back. Seems that closing the road, Logen  
14 Road, before we find out if there is going to be enough  
15 traffic to support Amtrak is a little premature.

16 Besides, the railroad manages now to have the track  
17 clear without the extended siding for the Amtrak to go  
18 through town, so it seems that they should be able to  
19 continue that in the future for a 5 or 10 minute stop.

20           You know, there's another way to look at  
21 this, as Mrs. Templeton said, you know, it is an  
22 alternate route and an emergency route. When State  
23 Route 532 was closed for the flooding, the traffic on  
24 Logen Road jumped tremendously. There was a lot of  
25 people using that. And I echo the other lady about

0421

1 Dettling Road, that's kind of a nasty road to try to  
2 take, it's got a big bend in it. And coming up in the  
3 future, we're going to have this road work on 532 here,  
4 there's going to expand the road going up the hill, and  
5 I can picture that Logen Road is going to take an  
6 overflow for people wanting to avoid having to go  
7 through town with all that sort of trouble.

8           The other thing too is that according to the  
9 City of Stanwood's comprehensive map, right through that  
10 area is all wetlands, and I know that your Ecology is  
11 going to address that, but I don't know how they can go  
12 through the wetlands. Maybe they get an exemption.

13           Thank you.

14           JUDGE TOREM: Thank you, Mr. Burkland.

15           The next speakers that I have listed, and I  
16 think the last two that have indicated they want to  
17 speak tonight, are Lois and Gil Emory.

18           MR. EMORY: I thought she was going to talk.

19           JUDGE TOREM: I have to leave that between  
20 the two of you to work out.

21           MR. EMORY: She's on the phone all day, I  
22 thought she would be good at this.

23           JUDGE TOREM: All right, sir, before you get  
24 into too much trouble, tell us your name.

25

0422

1 Whereupon,

2 GILBERT EMORY,

3 having been first duly sworn, was called as a witness

4 herein and was examined and testified as follows:

5

6 MR. EMORY: Gilbert Emory, G-I-L-B-E-R-T,

7 E-M-O-R-Y.

8 JUDGE TOREM: And your address, sir, or what

9 you thought was your address?

10 MR. EMORY: 29229 Logen Road.

11 JUDGE TOREM: All right, sir.

12 MR. EMORY: We lived there 12 years.

13 And I'm not going to repeat what a lot of  
14 them said other than a few points that they did make on  
15 300 not being a good alternative. And we're against  
16 the, of course, the close of the Logen Road there. We  
17 feel that they could put up some more signs and do what  
18 they said. But one of the biggest things probably in  
19 being as we live right up that road there is the  
20 garbage. We see it if becomes dead end, we just had the  
21 other day someone dumped a car there, and they left it  
22 for several days, and even now they're coming through  
23 there and they're still doing it. Can you imagine what  
24 it will be like when there's a dead end road there,  
25 party and everything, and we can't go join them because

0423

1 we're getting too old to party, so we feel that, you  
2 know, maybe we wouldn't want those kids having too much  
3 fun. But that's probably the biggest thing as far as  
4 we're concerned is a dead end becomes kind of a dumping  
5 ground for garbage. And you can see whoever uses the  
6 road every day there's something new there, tires, and I  
7 know my neighbor, he's done gawn with his tractor and  
8 picked them up and everything. But anyway we would like  
9 to see some alternative to keep the road open.

10 Thank you.

11 JUDGE TOREM: Thank you, sir.

12 MR. EMORY: See, Hon, that wasn't hard.

13 JUDGE TOREM: Mrs. Emory, did you want the  
14 last word?

15 MR. EMORY: She'll have that.

16 JUDGE TOREM: All right, now that's all the  
17 folks that signed up that said they wanted to speak.  
18 After all this brave show of courage, is there anyone  
19 else who wants to be heard tonight before I close the  
20 public hearing?

21 I won't auction it off, but I thank you again  
22 for the time you took to come out tonight. It's now  
23 nearly 7:00, and if you have questions that you want to  
24 ask of our Commission Staff or you have questions you  
25 want to ask of the railway attorneys that are here about



0424

1 some of the perceptions that have been expressed tonight  
2 or their intent and reason for the petition, they have  
3 some other staff in the room that can help them and  
4 perhaps make sure they get your name and send you more  
5 information that might address some of the concerns they  
6 heard tonight. Those of you that just want me to be  
7 quiet so you can skedaddle, I'll do that as well.

8                   We're going to close the public hearing here  
9 at about 5 minutes to 7:00, and again thank you for your  
10 participation. Look for a June, July time frame when  
11 I'll be issuing my decision. That may not be the last  
12 word. There are appeals that can be taken by any of the  
13 parties here up to the full three member Commission, and  
14 we'll see what my decision is and see what the parties  
15 here deem necessary from there. But again, thank you  
16 for your participation and your concern, and for those  
17 of you who didn't speak, for coming out to listen and  
18 show support for your community and your neighbors.  
19 Thank you and good evening.

20                   (Hearing adjourned at 6:55 p.m.)

21

22

23

24

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