

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION,

Petitioner,

v.

CENTRAL PUGET SOUND REGIONAL  
TRANSPORTATION AUTHORITY  
(SOUND TRANSIT); CITY OF  
LAKEWOOD; and TACOMA RAIL,

Respondents.

DOCKET TR-081231

DECLARATION OF  
KEVIN M. JEFFERS

USDOT: 085821P  
UTC: 43B.60

I, KEVIN M. JEFFERS, declare the following:

1. I am Kevin M. Jeffers, and I make this declaration in support of WSDOT's Opposition to the City of Lakewood's Motion to Rescind Final Order Granting, With Conditions, a Petition to Modify; and Consolidate for Hearing in UTC Dockets TR-081229, TR-081230, TR-081231, and TR-081232.

2. I am the Rail Engineering Manager for the Washington State Department of Transportation's (WSDOT) State Rail and Marine Office.

3. Among my duties is project manager for the Point Defiance Bypass Project, which is a project sponsored by the State of Washington and administered by WSDOT.

4. On July 2, 2008, I submitted four petitions to the Washington Utilities and Transportation Commission (UTC) to modify the Highway-Rail Crossings located at Steilacoom Boulevard SW, 100th Street SW, 108th Street SW, and Bridgeport Way SW

DECLARATION OF KEVIN M. JEFFERS  
(DOCKET TR-081231)

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in the City of Lakewood, which were subsequently assigned Dockets TR-081229, TR-081232, TR-081230, and TR-081231, respectively.

5. I provided the City of Lakewood's Public Works Director/City Engineer, Don Wickstrom, notice of the subject petition on or about July 11, 2008, in the form of a letter with WSDOT letterhead and with the petitions attached, and in which I stated the subject to be "Pt. Defiance (Rail) Bypass."

6. I spoke with Mr. Wickstrom, as well as other City of Lakewood staff, on June 26, 2006, at a public open house where the potential improvements to the subject grade crossing were discussed.

7. I made presentations to the Lakewood City Council during a study session on November 13, 2006, at which the improvements that were incorporated in the petition were discussed in the presence of Andrew Neiditz, City Manager for City of Lakewood.

8. The improvements were discussed by myself and others, either superficially or in detail, in at least five other meetings where Mr. Wickstrom, Mr. Neiditz and/or other City of Lakewood staff were present between April 2007 and July 2008.

9. To my knowledge, the City of Lakewood submitted a waiver of hearing to the UTC on or about September 19, 2008.

10. As a result of the numerous conversations and presentations that WSDOT had with representatives of the City of Lakewood, which included detailed explanation of the modifications proposed in the relevant petitions and took place prior to the City of Lakewood's submittal of its waivers in those matters, the City of Lakewood's decision to waive hearings was an informed decision.

11. After the final orders for the modifications were issued by the UTC in UTC Dockets TR-081229, TR-081230, TR-081231, and TR-081232 on September 24, 2008 (collectively and hereinafter, "final orders"), WSDOT and Sound Transit relied on the final orders to cooperatively complete construction documents for the safety improvements required by the final orders.

12. Sound Transit has relied on the final orders to hire a construction contractor to construct the safety improvements required by the final orders.

13. Some of the safety improvements required by the final orders have been constructed or are in the process of being constructed.

14. WSDOT, through an agreement with Sound Transit, expended funds, or is liable for the costs incurred to date by Sound Transit and its contractor, for a portion of the costs of the safety improvements required by the final orders.

15. If the UTC was to grant the City of Lakewood's motion to rescind the various final orders authorizing modifications to these crossings at this late date, it would be highly prejudicial to WSDOT and its partners in the Point Defiance Bypass Project. It would create uncertainty regarding those agencies' authority to performance construction contracts that were executed in reliance on those final orders, cause delay, and increase costs.

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

DATED this 2<sup>ND</sup> day of April, 2010, at Tumwater, Washington.

  
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KEVIN M. JEFFERS