



1 **Commission seeking to close two at-grade railway crossings, located at Barnhart**  
2 **Road and North Stevens Road on the Yakama Indian Reservation near Toppenish,**  
3 **Washington. Are you familiar with each of those crossings?**

4 A: Yes. I am familiar with each of the crossings, and have personally inspected both.

5  
6 Q: **Have you reviewed the pre-filed testimony submitted by Yakima County and the**  
7 **Yakama Nation in opposition to BNSF's petitions to close the Barnhart Road and**  
8 **North Stevens Road crossings?**

9 A: Yes, I have reviewed each set of prefiled testimony.

10  
11 Q: **In Kent McHenry's prefiled testimony, at paragraph 2, he states that:**  
12 **A[n]o quantifiable safety benefit will result from the closing of these crossings? Is that**  
13 **consistent with your opinion or do you take exception to his statement?**

14 A: I believe that Mr. McHenry's statement is incorrect and unsupported with regard to both  
15 the North Stevens Road crossing and the Barnhart Road crossing.

16  
17 Q: **Can you explain the reasons why you take exception to Mr. McHenry's statement?**

18 A: It is an undisputed fact that railway crossings controlled with active warning devices, for  
19 example, those controlled by lights and/or gates, have statically significant fewer crashes  
20 than crossings with passive warning devices, such as crossbucks and stop signs. This fact  
21 is supported by recent national studies regarding crash experience at railway crossings  
22 controlled by active and passive devices. In 2011, the United States Department of  
23 Transportation, Federal Railroad Administration, published a report stating the risk of a  
24 crash between trains and motor vehicles, at passive crossings, was almost *10 times greater*  
25 than at crossings controlled by active control devices. The reason for this is fairly  
26 obvious: people are much less likely to try to drive across tracks in front of the train, either  
27 accidentally or intentionally, if they have to run a red light and evade lowered gates. Under  
passive control, the driver must determine if it is safe to cross whereas under active control,

1 the driver is informed through gates and flashers that it is not safe to cross. The North  
2 Stevens Road railway crossing is controlled with passive devices. Both of the adjacent  
3 crossings, which would be logical alternatives to the North Stevens Road crossing, if it  
4 were closed, are controlled with active control devices. Accordingly, all of the traffic  
5 previously crossing at the passive North Stevens Road railway crossing will be rerouted to  
6 crossings which have been statistically proven to have significantly fewer train/motor  
7 vehicle crashes than the North Stevens Road railway crossing. The Barnhart Road  
8 railway crossing is also controlled with passive control devices. One of the adjacent  
9 crossings, available to motorists if Barnhart Road is closed, is an active crossing, the other  
10 is controlled with passive devices. So, with closure of the Barnhart Road railway  
11 crossing, a substantial portion of those previously using Barnhart Road will be diverted to  
12 an active crossing. Based on recent counts, the current daily volumes crossing Barnhart  
13 Road and North Stevens Road are 130 and 120 vehicles, respectively. If these volumes  
14 are diverted to the four adjacent crossings, the resultant impact on overall potential for  
15 increased crashes, at the four adjacent crossings, is negligible using the TM method for  
16 measuring risk obtained from the 2011 FRA Report. In fact, the existence of additional  
17 volume, with the closing of the railway crossing at the adjacent railway crossings would  
18 not be verifiable within the statistical reliability of existing traffic volume measuring  
19 equipment. Mr. McHenry is concerned about the geometrics and other potential physical  
20 limitations at the adjacent alternative crossings using active control. In fact, the physical  
21 limitations of the railway crossing is mitigated with the existence of active control. What  
22 is important to note is that data shows that the risk of collisions at passive crossings, those  
23 that are proposed to be closed, is still ten times higher based on actual national data than the  
24 risk at crossings with active control. The statistical verified national data is much more  
25 reliable than local anecdotal comments.

26  
27 **Q: The exhibit in front of you is a copy of a December, 2011 report entitled Data  
Analysis of Grade Crossing Incidents (GN-12T). Is this the Federal Railroad**

1 **Administration study to which you were referring?**

2 A: It is.

3  
4 **Q: Elsewhere in his prefiled testimony, Mr. McHenry argues that any safety benefit to**  
5 **closing the North Stevens Road and Barnhart Road Crossings, is offset by the risk of**  
6 **additional traffic, and in particular farm traffic, traveling on State Route 22 and**  
7 **South Track Road. Do you agree his statement?**

8 A: I do not. I have seen no data supporting any statistically significant increase in traffic on  
9 those roads as a result of either closure. As set forth in my earlier prefiled testimony, State  
10 Route 22 already experiences significant traffic volumes, which includes a substantial  
11 volume of existing farm traffic. The fact that SR 22 is currently regularly used by farming  
12 equipment is verified in the photos presented by the Respondent. That factor is significant  
13 and needs to be included in the overall evaluation. The same is true for South Track Road.  
14 Given the negligible number of vehicles currently using either the North Stevens Road or  
15 Barnhart Road crossings, the amount of additional traffic diverted onto either State Route  
16 22 or South Track Road due to closing those crossings would be undetectable. Compared  
17 to the substantial amount of existing traffic, including farm vehicle traffic, already on those  
18 roads, the additional travel on those roads would have virtually no impact. It is the  
19 equivalent of adding a drop of water to a five gallon bucket.

20  
21 **Q: John Hood, another Yakima County employee, argues in his prefiled testimony that**  
22 **although urban crossings present a danger, rural farm crossings such as Barnhart**  
23 **Road and North Stevens are not and have not been a danger. Is he missing**  
24 **something?**

25 A: He is. Mr. Hood's testimony focuses on the difference between urban and rural crossings  
26 which isn't relevant to this petition. We can all agree that urban crossings are likely to  
27 have a higher crash rate, as documented in the 2011 FRA report, because of increased  
vehicular and train traffic. This petition however, focuses on the comparison between

1 adjacent rural crossings. Mr. Hood is discounting the significantly adverse impact and  
2 safety concerns related to passive railway crossings as compared to railway crossings with  
3 active control. The crossings at North Stevens Road and Barnhart Road are both railway  
4 crossings under passive control. He does this without articulating any substantive basis or  
5 supporting documentation. The data referenced in the 2011 FRA Report is based on a  
6 decade of national data. As set forth in my prior testimony, using the well-established  
7 Department of Transportation Accident Prediction Model, it can be assumed that if not  
8 closed, there is likely to be a train/vehicle crash once every 10 years at the Barnhart Road  
9 crossing and once every 20 years at the North Stevens Road railway crossing. The risk of  
10 crashes at passive crossings is compounded during harvesting season when there is  
11 generally an increase in farm traffic crossing the railway, pressure to produce during a  
12 short time window and long working hours for seasonal labor. Under passive control, the  
13 operator of the farm equipment is required to make a decision on whether there is sufficient  
14 time to cross the railway prior to the arrival of an oncoming train. Furthermore, as  
15 depicted in the photographs, the farm equipment is large, slow moving, and relatively  
16 noisy. All of these factors adversely impact the operators decision making process when  
17 determining when to cross the railway under passive control. Under active control, that  
18 decision is made for the operator. As we are all aware, the impact of train/vehicle crashes  
19 is catastrophic, generally resulting in fatalities. The Burlington Northern Santa Fe  
20 Railroad has recognized the danger of at-grade crossings in general, and has established an  
21 aggressive program entitled Grade Crossing Consolidation Program. This program  
22 focuses on closing the most dangerous at-grade crossings first, those that have passive  
23 control.

24  
25 **Q. In his prefiled testimony, Al Pinkham references certain Yakama Nation funeral**  
26 **processions, expressing that the shortest route between the [Satus] Longhouse and**  
27 **the cemetery includes crossing the Barnhart Road railroad crossing, and that closing**  
**this railroad crossing would increase the distances for Tribal members traveling**

1       **between the Satus Longhouse and the nearby cemetery. Do you know how many**  
2       **additional miles participants would have to travel from the Satus Longhouse to the**  
3       **cemetery if they took the Indian Church Road crossing instead of the Barnhart Road**  
4       **crossing.**

5       A:     According to Exhibit 4 in Mr. Pinkham's prefiled testimony, it is an additional three-tenths  
6       of a mile, or 1,584 feet, for a procession to use the Indian Church Road crossing.


7  
8       Q.     **Are there any additional safety benefits to using the Indian Church Road crossing**  
9       **instead of the Barnhart Road crossing for such funeral processions.**

10      A.     There are two obvious safety benefits of using Indian Church Road for a funeral  
11      procession. First, the procession would be using a railway crossing with active control  
12      devices, rather than passive control, when crossing at Indian Church Road. As discussed  
13      above, there is no dispute a crossing with active control has a statistically significant lower  
14      rate for train/vehicle crashes and therefore is considered inherently safer than a crossing  
15      with passive control. In this circumstance, the use of an active crossing is particularly  
16      important because vehicles are likely to follow the vehicle in front without observing the  
17      potential for on coming trains when crossing the railway. With active control, crossings  
18      are controlled by gates which constrain undesired crossings. Second, using the Indian  
19      Church Road crossing will further limit the amount of time a funeral procession would be  
20      on SR 22. Although the Nation has not produced any requested information about the  
21      nature, frequency, or other details of such processions, the prefiled testimony of the  
22      Nation's witnesses have stated clearly that because traffic during such ceremonies is slow,  
23      it is considered safer to stay off the public highway during these times. In other words,  
24      because the Nation's witnesses have indicated a preference to keep slow moving funeral  
25      processions off SR 22, diverting the procession from Barnhart Road to the Indian Church  
26      Road crossing accomplishes that goal, and also utilizes the safer option of an active  
27      crossing.

DECLARATION

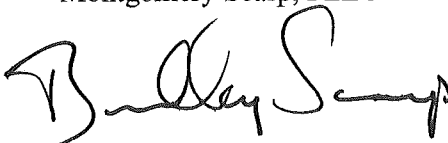
I, Gary A. Norris, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREPARED TESTIMONY OF GARY A. NORRIS is true and correct to the best of my knowledge and belief.

DATED this 12<sup>th</sup> day of March 2015, at Preston, Washington.

  
GARY A. NORRIS

DATED this 13<sup>th</sup> day of March 2015.

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CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that the original and 3 copies of PREFILED REBUTTAL TESTIMONY OF GARY NORRIS has been sent by FedEx to WUTC and a PDF version filed electronically. I also certify that true and complete copies have been sent via electronic mail to the following interested parties:

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

DATED this 13<sup>th</sup> day of March 2015 at Seattle, Washington.



Lisa Miller, Paralegal