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	Proposition (1995) (199
BEFORE THE WASI UTILITIES AND TRANSPO	
CITY OF KENNEWICK,	)
Petitioner,	) ) DOCKET NO. TR-040664
v.	) SUPPLEMENTAL PREPARED
UNION PACIFIC RAILROAD,	) TESTIMONY OF JAMES T. ) LABBERTON
Respondent.	) ) )
CITY OF KENNEWICK,	. ) ) )
Petitioner,	) ) DOCKET NO. TR-050967
v.	) SUPPLEMENTAL PREPARED
PORT OF BENTON and TRI-CITY & OLYMPIA RAILROAD,	) TESTIMONY OF JAMES T. ) LABBERTON )
Respondent.	) ) )
	)
INTRODU	<u>ICTION</u>
Pursuant to the request of Administrative	Law Judge Patricia Clark and other parties
to this matter during the Pre-Hearing Conference	on October 16, 2006, following is the



supplemental prepared testimony of BNSF Railway Company's (BNSF) witness James T.

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Labberton.

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## PREPARED TESTIMONY

1. Please state your full name, job title and place of business.

James T. Labberton, BNSF Railway Company (BNSF) Terminal Manager. My office is at the BNSF Pasco Yard in Pasco, Washington.

2. Please describe your railroad background, experience, and current position with BNSF Railway Company.

I have been employed by BNSF, or one of its predecessors, for approximately 31 years. During my employment, I have worked as a Dispatcher, Chief Dispatcher, Trainmaster, and Terminal Manager, including the last 4 years in said position out of BNSF's Pasco, Washington terminal. In general, my duties as Terminal Manager include supervising the receipt and re-classification of railcars for subsequent transportation and supervising employees that make up and run BNSF trains out of Pasco.

3. Are you familiar with the City of Kennewick's proposed extension of Center Parkway across the tracks of Union Pacific Railroad Company (UP) and the Port of Benton (Port)?

Yes, I have participated in discussions with BNSF Operations Department personnel about the proposed crossing since 2003.

4. Does BNSF own the property and/or tracks at the location of the proposed crossing?

No.

No.

5. Due to the fact that BNSF does not own the tracks or property at issue, does it have the right or ability to undertake work to alter or improve said property?

6. Does BNSF have occasion to use the trackage at Richland Junction?

Yes, BNSF uses the trackage to interchange cars with Tri-City & Olympia Railroad (TCRY) on the Port's track. TCRY sets out cars for BNSF in the morning. BNSF picks them up between noon and 6:00 p.m. and sets out cars for TCRY to pick up the following morning.

The procedure for BNSF picking up and setting out cars involves the following: BNSF interchanges with TCRY at Richland Junction by pulling its train westbound from Kennewick off of the UP main line and onto the Port's main track. The BNSF crew will pull the entire train west until it clears the west end of the Port Pass track switch. After clearing said switch, the crew will line the switch and back the entire train into the Port Pass. After the train clears the west Pass switch they will cut their engines away from the cars and pull west past the switch. The BNSF crew will then move east and clear past the east Port Pass switch. Subsequently, the crew will line the switch into the pass and couple to the cars delivered by the TCRY. After performing a visual inspection and air test of the cars picked up they will pull out and move east back to Kennewick.

7. Please describe the effect that BNSF's railroad operations will have on the proposed crossing and the effect that said crossing will have on BNSF's railroad operations.

BNSF and the UPRR interchange with Tri-City & Olympia Railroad at the Richland Juction. BNSF performs switching operations in the location of the proposed crossing approximately one time per day, five days per week. Each switching maneuver could require several switching moves, which could block the proposed crossing for up to 30 minutes. Most of said movements would be made as shove moves that would be protected by one employee positioned at the rear at the cut of railcars. Extensive crossing blockage increases the risk of reckless behavior by pedestrians waiting to cross the tracks, such as individuals attempting to get through the blockage by climbing between the train's cars.

8. How many times would BNSF have to cross Center Parkway to conduct this interchange?

BNSF would cross Center Parkway four times, as described above. Based on this number of switch moves, BNSF would block the proposed crossing for up to 30 minutes per switching operation while putting the train together and performing air brake tests and visual inspections while cars are sitting on top of the proposed crossing. The federally-mandated air

1	brake test requires walking both sides of the train to make sure that the brakes set and release
2	properly.
3	9. How many times are cars delivered to and received from TCRY?
4	Attached as Exhibits A and B are listings form the last 13 months of the number of
5	cars delivered to and received from TCRY.
6	<u>DECLARATION</u>
7	I, James T. Labberton, declare under penalty of perjury under the laws of the State of
8	Washington that the foregoing SUPPLEMENTAL PREPARED TESTIMONY OF JAMES T.
9	LABBERTON is true and correct to the best of my knowledge and belief.
10	DATED this 17th day of October, 2006.
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12	JAMES T. LABBERTON
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## INTERCHANGE RECEIVED VOLUME TOTALS AT SPECIFIC INTERCHANGE POINTS FOR LAST 13 MONTHS

Page 1

STATION		DATE	RR-REC.	FGN RR	CAR COUNT
RICJCT	WA	2005-08-18	RR	TCRY	4
RICJCT	WA	2005-08-19	RR	TCRY	2
RICJCT	WA	2005-08-23	RR	TCRY	5
RICJCT	WΑ	2005-08-24	RR	TCRY	6
RICJCT	WA	2005-08-25	RR	TCRY	8
RICJCT	WA	2005-08-26	RR	TCRY	4
RICJCT	WA	2005-08-31	RR	TCRY	1
RICJCT	WA	2005-09-01	RR	TCRY	2
RICJCT	WA	2005-09-13	RR	TCRY	9
RICJCT	WA	2005-09-16	RR	TCRY	3
RICJCT	AW	2005-09-19	RR	TCRY	2
RICJCT	WA	2005-09-21	RR	TCRY	2
RICJCT	WA	2005-09-22	RR	TCRY	1
RICJCT	WA	2005-09-26	RR	TCRY	3
RICJCT	WA	2005-09-27	RR	TCRY	4
RICJCT	WA	2005-09 <b>-</b> 29	RR	TCRY	1
RICJCT	WA	2005-10-04	RR	TCRY	1
RICJCT	WA	2005-10-07	RR	TCRY	2
RICJCT	WA	2005-10-10	RR	TCRY	1
RICJCT	WA	2005-10-12	RR	TCRY	3
RICJCT	WA	2005-10-14	RR	TCRY	2
RICJCT	WA	2005-10-24	RR	CN	2
RICJCT	WA	2005-10-24	RR	TCRY	2
RICJCT	WA	2005-10-28	RR	TCRY	2
RICJCT	WA	2005-10-31	RR	CN	1
RICJCT	WA	2005-10-31	RR	TCRY	2
RICJCT	WA	2005-11-15	RR	CN	1
RICJCT	WΆ	2005-11-16	RR	TCRY	3
RICJCT	WΑ	2005-11-22	RR	TCRY	1
RICJCT	WA	2005-11-28	RR	TCRY	1
RICJCT	WA	2005-11-30	RR	TCRY	1
RICJCT	WA	2005-12-01	RR	TCRY	1
RICJCT	WA	2005-12-06	RR	TCRY	1
RICJCT	WA	2005-12-16	RR	TCRY	1
RICJCT	WA	2006-01-09	RR	TCRY	1
RICJCT	AW	2006-01-24	RR	TCRY	1
RICJCT	WA	2006-02-06	RR	TCRY	3
RICJCT	WA	2006-02-26	RR	TCRY	1
RICJCT	WA	2006-03-30	RR	TCRY	2
RICJCT	WA	2006-03-31 2006-04-06	RR	TCRY	2 2
RICJCT RICJCT	WA WA	2006-04-06	RR RR	TCRY TCRY	2
	WA	2006-04-11	RR	TCRY	4
RICJCT RICJCT	WA	2006-04-12	RR	TCRY	1
RICJCT	WA	2006-04-15	RR	TCRY	1
RICJCT	WA	2006-04-26	RR	TCRY	1
RICJCT	WA	2006-04-28	RR	TCRY	1
RICJCT	WA	2006-05-02	RR	TCRY	2
RICJCT	WA	2006-05-02	RR	TCRY	2
RICJCT	WA	2006-05-04	RR	TCRY	1
RICJCT	WA	2006-05-05	RR	TCRY	1
RICJCT	WA	2006-05-08	RR	TCRY	1
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STATION		DATE	RR-REC.	FGN RR	CAR COUNT
RICJCT	WA	2006-05-09	RR	TCRY	1
RICJCT	WA	2006-05-10	RR	TCRY	1
RICJCT	WA	2006-05-11	RR	TCRY	3
RICJCT	WA	2006-05-12	RR	TCRY	1
RICJCT	WA	2006-05-14	RR	TCRY	2
RICJCT	WA	2006-05-16	RR	TCRY	1
RICJCT	WA	2006-05-17	RR	TCRY	3
RICJCT	WA	2006-05-18	RR	TCRY	1
RICJCT	WA	2006-05-23	RR	TCRY	1
RICJCT	WA	2006-05-25	RR	TCRY	2
RICJCT	WA	2006-05-26	RR	TCRY	1
RICJCT	WA	2006-05-30	RR	TCRY	1
RICJCT	WA	2006-05-31	RR	TCRY	1
RICJCT	WA	2006-06-02	RR	TCRY	1
RICJCT	WA	2006-06-07	RR	TCRY	2
RICJCT	WA	2006-06-09	RR	TCRY	1
RICJCT	WA	2006-06-13	RR	TCRY	1
RICJCT	WA	2006-06-14	RR	TCRY	1
RICJCT	WA	2006-06-20	RR	TCRY	2
RICJCT	WA	2006-06-22	RR	TCRY	1
RICJCT	WA	2006-06-23	RR	TCRY	1
RICJCT	WA	2006-06-27	RR	TCRY	2
RICJCT	WA	2006-06-29	RR	TCRY	4
RICJCT	WA	2006-06-30	RR	TCRY	1
RICJCT	WA	2006-07-04	RR	TCRY	1
RICJCT	WA	2006-07-07	RR	TCRY	1
RICJCT	WA	2006-07-11	RR	TCRY	2
RICJCT	WA	2006-07-13	RR	TCRY	6
RICJCT	WA	2006-07-14	RR	TCRY	1
RICJCT	WA	2006-07-21	RR	TCRY	1
RICJCT	WA	2006-07-24	RR	TCRY	1
RICJCT	WA	2006-07-25	RR	TCRY	1
RICJCT	WA	2006-07-28	RR	TCRY	1
RICJCT	WA	2006-07-31	RR	TCRY	1
RICJCT	WA	2006-08-02	RR	TCRY	1
RICJCT	WA	2006-08-03	RR	TCRY	1
RICJCT	WA	2006-08-06	RR	TCRY	2
RICJCT	WA	2006-08-07	RR	TCRY	1
RICJCT	WA	2006-08-08	RR	TCRY	1
RICJCT	$\mathbf{W}\mathbf{A}$	2006-08-10	RR	TCRY	2
RICJCT	WA	2006-08-11	RR	TCRY	1
RICJCT	AW	2006-08-15	RR	TCRY	1
RICJCT	WA	2006-08-16	RR	TCRY	4
RICJCT	WA	2006-08-18	RR	TCRY	1
RICJCT	WA	2006-08-21	RR	TCRY	2
RICJCT	WA	2006-08-22	RR	TCRY	2
RICJCT	WA	2006-08-23	RR	TCRY	2
RICJCT	WA	2006-08-24	RR	TCRY	2
RICJCT	WA	2006-08-25	RR	TCRY	1
RICJCT	WA	2006-08-29	RR	TCRY	1
RICJCT	WA	2006-08-30	RR	TCRY	2
RICJCT	WA	2006-08-31	RR	TCRY	3

## INTERCHANGE RECEIVED VOLUME TOTALS Page 3 AT SPECIFIC INTERCHANGE POINTS FOR LAST 13 MONTHS

STATION		DATE	RR-REC.	FGN RR	CAR COUNT
RICJCT	WA	2006-09-01	RR	TCRY	2
RICJCT	WA	2006-09-06	RR	TCRY	1
RICJCT	WA	2006-09-07	RR	TCRY	1
RICJCT	WA	2006-09-09	RR	TCRY	2
RICJCT	WA	2006-09-12	RR	TCRY	1
RICJCT	WA	2006-09-13	RR	TCRY	1
RICJCT	AW	2006-09-14	RR	TCRY	3
RICJCT	WA	2006-09-16	RR	TCRY	2
RICJCT	WA	2006-09-18	RR	TCRY	2
RICJCT	AW	2006-09-20	RR	TCRY	3
RICJCT	AW	2006-09-21	RR	TCRY	2
RICJCT	WA	2006-09-23	RR	TCRY	2
RICJCT	WA	2006-09-25	RR	TCRY	2
RICJCT	WA	2006-09-27	RR	TCRY	2
RICJCT	WA	2006-09-28	RR	TCRY	3
RICJCT	WA	2006-09-30	RR	TCRY	2
RICJCT	WA	2006-10-02	RR	TCRY	2
RICJCT	WA	2006-10-04	RR	TCRY	1
RICJCT	WA	2006-10-05	RR	TCRY	4
RICJCT	WA	2006-10-06	RR	TCRY	3
RICJCT	WA	2006-10-09	RR	TCRY	1
RICJCT	WA	2006-10-10	RR	TCRY	1
RICJCT	WA	2006-10-11	RR	TCRY	1
RICJCT	WA	2006-10-12	RR	TCRY	1

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## INTERCHANGE DELIVERED VOLUME TOTALS Page 1 AT SPECIFIC INTERCHANGE POINTS FOR THE LAST 13 MONTHS

STATION		DATE	DD-DELV.	FGN RR	CAR COUNT
RICJCT	WA	2005-08-18	DD	TCRY	1
RICJCT	WA	2005-08-22	DD	TCRY	3
RICJCT	WA	2005-08-23	DD	TCRY	5
RICJCT	WA	2005-08-29	DD	TCRY	1
RICJCT	WΑ	2005-08-30	DD	TCRY	3
RICJCT	AW	2005-09-01	DD	TCRY	1
RICJCT	WA	2005-09-06	DD	TCRY	3
RICJCT	WA	2005-09-08	DD	TCRY	3
RICJCT	WA	2005-09-11	DD	TCRY	2
RICJCT	AW	2005-09-12	DD	TCRY	1
RICJCT	WA	2005-09-14	DD	TCRY	2
RICJCT	WA	2005-09-19	DD	TCRY	4
RICJCT	WA	2005-09-21	DD	TCRY	6
RICJCT	WA	2005-09-22	DD	TCRY	2
RICJCT	WA	2005-09-24	DD	TCRY	1
RICJCT	WA	2005-09-26	DD	TCRY	1
RICJCT	WA	2005-09-29	DD	TCRY	1
RICJCT	WA	2005-10-04	DD	TCRY	5
RICJCT	WA	2005-10-09	DD	TCRY	6
RICJCT	WA	2005-10-11	DD	TCRY	1
RICJCT	AW	2005-10-12	DD	TCRY	2
RICJCT	WA	2005-10-13	DD	TCRY	2
RICJCT	WA	2005-10-18	DD	TCRY	2 1
RICJCT	AW	2005-10-24	DD	TCRY	3
RICJCT	WA	2005-10-26 2005-11-06	DD	TCRY	4
RICJCT	WA		DD DD	TCRY TCRY	1
RICJCT	WA WA	2005-11-10 2005-11-15	DD DD	TCRY	2
RICJCT RICJCT	WA	2005-11-15	DD	TCRY	1
RICJCT	WA	2005-11-17	DD	TCRY	1
RICJCT	WA	2005-11-22	DD	TCRY	4
RICJCT	WA	2005-12-13	DD	TCRY	2
RICJCT	WA	2006-01-08	DD	TCRY	2
RICJCT	WA	2006-01-15	DD	TCRY	1
RICJCT	WA	2006-01-18	DD	TCRY	1
RICJCT	WA	2006-02-07	DD	TCRY	1
RICJCT	WA	2006-02-26	DD	TCRY	1
RICJCT	WA	2006-02-28	DD	TCRY	1
RICJCT	WA	2006-03-27	DD	TCRY	6
RICJCT	WA	2006-04-06	DD	TCRY	4
RICJCT	WA	2006-04-14	DD	TCRY	1
RICJCT	WA	2006-04-22	DD	TCRY	2
RICJCT	WA	2006-04-26	DD	TCRY	7
RICJCT	WA	2006-05-01	DD	TCRY	2
RICJCT	WA	2006-05-03	DD	TCRY	1
RICJCT	WA	2006-05-07	DD	TCRY	2
RICJCT	WA	2006-05-08	DD	TCRY	2
RICJCT	WA	2006-05-11	DD	TCRY	3
RICJCT	WA	2006-05-16	DD	TCRY	1
RICJCT	WA	2006-05-22	DD	TCRY	3
RICJCT	WA	2006-05-24	DD	TCRY	1
RICJCT	WA	2006-05-28	DD	TCRY	1

STATION	·	DATE	DD-DELV.	FGN RR	CAR COUNT
RICJCT	WA	2006-05-30	DD	TCRY	1
RICJCT	WA	2006-06-01	DD	TCRY	1
RICJCT	WA	2006-06-05	DD	TCRY	3
RICJCT	WΑ	2006-06-20	DD	TCRY	3
RICJCT	WA	2006-06 <b>-</b> 22	DD	TCRY	2
RICJCT	WA	2006-06-25	DD	TCRY	1
RICJCT	WA	2006-06-26	DD	TCRY	1
RICJCT	WA	2006-06-28	DD	TCRY	3
RICJCT	WA	2006-07-03	DD	TCRY	1
RICJCT	WA	2006-07-05	DD	TCRY	1
RICJCT	WA	2006-07-09	DD 	TCRY	1
RICJCT	AW	2006-07-10	DD	TCRY	4
RICJCT	WΑ	2006-07-11	DD	TCRY	3
RICJCT	WA	2006-07-12	DD	TCRY	16
RICJCT	WA	2006-07-17	DD	TCRY	4
RICJCT RICJCT	WA	2006-07-20	DD	TCRY	3
RICJCT	WA MZ	2006-07-23	DD	TCRY	2
RICJCT	WA WA	2006-07-25	DD	TCRY	4
RICJCT	WA	2006-07 <b>-</b> 31 2006-08 <b>-</b> 03	DD DD	TCRY	1
RICJCT	WA	2006-08-06	DD DD	TCRY	1
RICJCT	WA	2006-08-08	DD	TCRY	2
RICJCT	WA	2006-08-13	DD	TCRY TCRY	1
RICJCT	WA	2006-08-20	DD	TCRY	3
RICJCT	WA	2006-08-20	DD DD	TCRY	1 1
RICJCT	WA	2006-08-23	DD	TCRY	1
RICJCT	WA	2006-08-30	DD	TCRY	2
RICJCT	WA	2006-09-03	DD	TCRY	2
RICJCT	WA	2006-09-06	DD	TCRY	3
RICJCT	WA	2006-09-10	DD	TCRY	2
RICJCT	WA	2006-09-14	DD	TCRY	2
RICJCT	WA	2006-09-18	DD	TCRY	4
RICJCT	WA	2006-09-21	DD	TCRY	2
RICJCT	WA	2006-09-25	DD	TCRY	4
RICJCT	WA	2006-10-02	DD	TCRY	9
RICJCT	WA	2006-10-03	DD	TCRY	1
RICJCT	WA	2006-10-04	DD	TCRY	2
RICJCT	WA	2006-10-05	DD	TCRY	1
RICJCT	WA	2006-10-10	DD	TCRY	1
RICJCT	WA	2006-10-12	DD	TCRY	5
RICJCT	WA	2006-10-15	DD	TCRY	6