BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY, Petitioner, v. CITY OF MOUNT VERNON, Respondent SKAGIT COUNTY, WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, WEST VALLEY FARMS LLC, and SKAGIT COUNTY, Intervenors.	DOCKET NO. TR-070696 WRITTEN TESTIMONY OF JEFFREY SCHULTZ

Q. Please state your name and business address.

A. My name is Jeffrey T. Schultz, and my business address is 310 Maple Park Drive Southeast, P.O. Box 47407, Olympia, Washington 98504-7407. My business e-mail address is schultj@wsdot.wa.gov.

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Q. By whom are you employed and in what capacity?

A. I am employed by the Washington State Department of Transportation (WSDOT), State Rail Office as the Operations and Rolling Stock Manager.

Q. What are your duties as the Operations and Rolling Stock Manager?

A. I manage a number of programs and projects for the Department. I am the Amtrak *Cascades* service contract manager. I also manage the Talgo passenger train set maintenance agreement with Talgo and serve as the project manager for the Mount Vernon Siding Extension Project. The Washington State Grain Train and Produce Railcar project are also projects that I am tasked with managing in addition to being the Rail Offices' designee for grade crossing closure issues.

Q. How long have you held this position?

A. Approximately 9 months.

Q. What other positions have you held with the WSDOT Rail Office?

A. From 1993 to 1998, I served as a rail planning specialist. In 1998, I was promoted to rail operations and technical expert. I held that position until earlier this year, when the rail office was reorganized and my title and duties were modified.

Q. Please state your professional and educational qualifications and experience to provide testimony in this proceeding.

A. I have provided a description of my qualifications, which are set forth in Exhibit A attached to this written testimony.

Q. Have you presented testimony before this Commission in other cases?

A. Yes. I testified in Docket No. TR-010194, which concerned a petition for the closure of a railroad/highway grade crossing at 156th St. in Snohomish County, Washington.

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Also, in Docket No. TR-940330, which concerned a petition for the closure of a railroad/highway grade crossing at Thornton Road in Ferndale, Washington, and in Docket No. TR- TR-961002, which concerned a petition for the closure of a railroad/highway grade crossing at Main St. in Winlock, Washington. I have also testified in several train speed cases.

Q. What is the purpose of your testimony?

A. My testimony provides the background of the State of Washington's rail passenger program, its Legislative authority, our long range plan and goals for rail passenger service, and the Mount Vernon Extension Siding Project, as necessary in order to understand the importance to the public of closing the Hickox Road at grade crossing.

I. WASHINGTON STATE DEPARTMENT OF TRANSPORTATION'S RAIL PASSENGER PROGRAM

Q. What is Washington State's intercity passenger rail program?

A. WSDOT's intercity passenger rail program, commonly known as Amtrak *Cascades* service, was established to provide safe, fast, frequent and more reliable rail passenger service between Portland, Seattle, Vancouver, B.C., and ten intermediate cities. Amtrak and WSDOT operate several daily Amtrak *Cascades* passenger trains between Portland, Seattle, Bellingham and Vancouver, B.C. Currently, there are four daily round trips between Portland and Seattle, serving the communities of Vancouver, Washington, Kelso/Longview, Centralia, Olympia/Lacey, Tacoma, and Tukwila. There are also two daily round trip trains between Seattle and Bellingham, with service to Edmonds, Everett and Mount Vernon. One of these daily roundtrip trains continues on

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to Vancouver, B.C. These services are operated under an operating agreement between the State of Washington and Amtrak.

Q. How did Washington State's intercity rail program begin?

A. The vision of reduced travel times and better passenger rail service in the Pacific Northwest began in the late 1980s when the Washington State Legislature funded a program to improve rail depots across the state. In 1991, the Washington State Legislature directed WSDOT to develop a comprehensive assessment of the feasibility of developing a high speed ground transportation system in the state of Washington.

In October 1992, the *High Speed Ground Transportation Study* was delivered to Washington's Governor and the Legislature. This study confirmed the feasibility of developing high speed rail between Portland, Oregon, Seattle and Vancouver, B.C.

Following release of this study in April 1993, WSDOT was directed under the Revised Code of Washington (RCW) Chapter 47.79 to develop "high-quality intercity passenger rail service . . . through incremental upgrading of the existing [Amtrak] service." The Legislature believed that this step-by-step approach would help to build a "rail culture" in the region that would eventually make rail a competitive and viable alternative to automobile and regional air travel.

In October 1992, the U.S. Department of Transportation's Federal Railroad Administration (FRA) designated the Pacific Northwest Rail Corridor as one of five high speed rail corridors in the United States. The 466-mile long rail corridor stretches from Eugene, Oregon to Vancouver, B.C. This designation helps our region compete

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for potential federal funds to assist our state with planning and implementing improved passenger and freight rail service throughout the corridor.

Q. What is the purpose of the rail passenger program?

A. Freight and passenger rail is an important part of our state's transportation system. Moving people and goods by rail is safer and friendlier to the environment than adding traffic to our already congested highways. Improvements to the state's rail system, whether funded by the private sector or the public sector, can help mitigate the impacts of our growing economy and population in many ways such as reducing highway congestion and maintenance costs.

The purpose of Washington State's passenger rail program is to:

- Provide a viable, cost-effective travel mode that significantly increases options for intercity travel;
- Respond to the direction given in RCW Chapters 47.79 and 47.82 to develop high quality passenger rail service through the incremental upgrading of the existing service;
- Develop faster, more frequent, safe and reliable Amtrak *Cascades* service that requires little or no operating subsidy;
- Reduce the overall impacts of transportation improvements on local communities and the environment;
- Increase safety throughout the corridor; and
- Team with our partners and customers to provide more efficient, predictable, reliable and cost-effective movement of people and goods.

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Q. What type of future service is WSDOT planning?

A. Washington state plans to incrementally improve Amtrak *Cascades* service over the next 20 years, based on market demand, partnership investment and legislative authorization. Improvements to track, safety systems, train equipment and stations will reduce travel times, increase train frequency and improve safety and reliability. WSDOT's current long range plan for Amtrak *Cascades* (Exhibit B) outlines rail corridor and service development through the year 2023. (This document is also available online at: http://www.wsdot.wa.gov/NR/rdonlyres/E768E7BA-4788-42B1-ADC8-1BE01D1424E7/0/DraftLongRangePlanAmtrakCascades.pdf .)

Q. Is WSDOT developing the Amtrak *Cascades* program by itself?

A. Rail corridor development is a cooperative effort of many entities, including the states of Oregon and Washington, and the following: BNSF; Union Pacific Railroad; Amtrak; Sound Transit; the province of British Columbia and its ports, local communities and ticket-buying passengers.

Throughout the program, WSDOT and these organizations and agencies are continually reviewing system improvements and negotiating the funding arrangements for these improvements.

Q. What work has already been done or is currently underway?

A. Over the past 15 years, Washington and Oregon have commissioned a series of feasibility studies to assess practical problems, costs and benefits of providing public investment to upgrade the corridor for safe, faster, more frequent and reliable passenger rail service.

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In addition, a number of major capital improvement projects have been completed. These include:

- Seattle-Blaine traffic control and rail replacement;
- Swift siding construction;
- Custer/Cherry Point yard tracks and siding;
- Bow siding extension;
- Burlington track relocation;
- Ferndale siding extension;
- Mount Vernon siding Phase I;
- English siding extension;
- Amtrak Seattle Maintenance Facility equipment;
- Titlow and Ruston crossovers;
- Felida and Woodland crossovers;
- Purchase of three Talgo-built passenger trains;
- Centennial and Winlock crossovers; and
- New station construction and improvements.

These capital improvement projects allow new and improved rail passenger services to be added. These include:

- 1994: Second daily Seattle-Portland round trip added;
- 1995: Seattle-Vancouver, B.C. service reestablished;
- 1998: Third daily Seattle-Portland round trip added;
- Twenty-five minute travel time reduction between Seattle and Portland;
- 1999: New Talgo train sets go into service as Amtrak *Cascades*;
- Seattle- Bellingham service starts;
- 2003: WSDOT purchases third Talgo train set;
- 2004: Master Corridor Agreement with BNSF;

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- 2005: Total Amtrak *Cascades* ridership surpasses 600,000; and
- 2006: Fourth Seattle-Portland round trip added.

Q. What is WSDOT's vision for Amtrak *Cascades* service in the long range plan?

A. The goal for the program is to incrementally improve rail passenger service over the next 20 years. Rail passenger service between Seattle and Portland, OR would increase from 4 to 13 round trips per day. Vancouver, B.C. to Seattle service would include four trains per day, three of which will continue on to Portland, OR. In addition, the estimated travel times would be reduced from three-and-one-half hours to two-and-one-half hours for travel from Seattle to Portland; reduced travel time from four hours to slightly less than three hours from Seattle to Vancouver, B.C.; and, reduced travel time of approximately five-and-one-half hours from Vancouver, B.C. to Portland.

Q. What are WSDOT's "Building Blocks" and how will they be put in place?

A. Following the Legislature's directive, WSDOT's long range plan for Amtrak *Cascades* uses an incremental approach that allows the state of Washington to add faster, more frequent Amtrak *Cascades*' service based on market demand, partnership investment and legislative authorization.

In order to ensure public funds are expended in a most efficient manner, the long range plan identifies all the construction projects necessary to achieve WSDOT's service goals. Each construction project is designed to solve a particular problem within the corridor. These projects are then grouped into "building blocks" that must be constructed in the sequence described in the plan. Each successive "building block" adds upon the preceding investments and allows WSDOT to add more daily trains, improve schedule reliability and reduce travel times in a methodical and rational way.

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These "building blocks" ultimately become the daily timetables that the traveling public will rely upon once a "block" of construction projects have been completed. This planning approach combines methods commonly used by intercity rail planners in Europe with the incremental approach sought by the state legislature.

Q. How will this program benefit the citizens of Washington now and in the future?

A. The public funds invested to support faster and more frequent Amtrak *Cascades'* service offers Washington citizens a number of benefits in the years ahead. The service will provide a viable alternative to automobile and regional air travel, while supporting improved freight rail mobility within the state of Washington.

Continued implementation of the Amtrak *Cascades'* program will help ease our region's growing pains in a cost-effective manner. The efficient movement of people and goods within the region is crucial to the state's ability to compete in world markets, to protect the environment and to maintain a high quality of life. At full build out of the rail passenger program, the system could carry three million riders per year, with no public operational subsidy.

II. THE MOUNT VERNON SIDING EXTENSION PROJECT

Q. What is the Mount Vernon Siding Extension Project?

A. The Mount Vernon Siding Extension Project is a two-phase project that will improve rail service between Seattle and Vancouver, B.C. The first phase rehabilitated the existing Mount Vernon Siding track. The second phase will extend the siding track approximately 3,700 feet south from the existing Mount Vernon Siding.

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Q. How does the Mount Vernon Siding Extension Project fit within the long range plan?

A. The Mount Vernon Siding Extension Project is an incremental improvement to the overall Amtrak *Cascades* program. It is a building block towards meeting the goals contained in the long range plan of faster and more frequent Amtrak *Cascades* service.

Q. Is demand for the Amtrak *Cascades* service growing?

A. Amtrak *Cascades*' service has grown substantially since it started in 1993. That year, less than 95,000 passengers rode Amtrak between Seattle and Portland. In 2006, approximately 630,000 riders traveled on Amtrak *Cascades* trains between Eugene, OR and Vancouver, B.C. Amtrak *Cascades* service frequently experiences sold out conditions on weekends, holidays and during the summer. Surveys of Amtrak *Cascades* passengers indicate that riders want more frequent rail passenger service.

Q. Explain what WSDOT's role is in the Mount Vernon Siding Extension Project.

A. The Mount Vernon Siding Extension Project was originally used as a location to meet and pass trains on the single track rail line from Everett to Vancouver, B.C. However, as rail traffic grew over the years, trains became longer and many would no longer fit into the 6,000 foot siding. BNSF Railway then began to use the siding for short-term storage of freight cars.

As part of the state's plans to improve and expand Amtrak *Cascades* service, WSDOT and Amtrak planned to revise train schedules and provide improved train service from Bellingham to Portland. Train schedules at the time included a rather long one-and-one-half hour connection time in Seattle for passengers traveling to or from Bellingham, Mount Vernon, Everett and Edmonds to destinations south of Seattle.

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Both Amtrak and WSDOT had received numerous public comments as well as a request from the Washington State Legislature to shorten the connection times in Seattle, in order to reduce the overall travel time for passengers traveling between points north and south of Seattle. In addition, the Legislature provided funding in the 2005-2007 biennium for an additional Seattle to Portland round trip starting on July 1, 2006. Both of these issues had to be addressed using the five existing train sets available for Amtrak *Cascades* service. In order to accomplish these twin goals with the existing equipment pool, the Amtrak *Cascades* service schedules had to be adjusted to use the equipment more efficiently.

Q. Why is this location important?

Since this portion of the rail line is single track, the distance between sidings is important to the flow and scheduling of railroad traffic. The Mount Vernon Siding is strategically located between other sidings on this single track rail line. The next siding south of Mount Vernon is ten miles away at Stanwood, Washington and is only 6,400 feet long. The next siding north is approximately 13 miles away at Bow, Washington and is 8,000 feet long. In other words, the location, size and travel time between these sidings relative to each other is critical to train scheduling, reliability and customer needs. In addition, a small change to the schedule of one train may have significant impacts in another location to other trains. Therefore, a complete train schedule for the entire system must be developed that minimizes overall delays and impacts.

After extensive analysis by consultant experts, BNSF, Amtrak and WSDOT, a schedule was developed that would meet the goals of reducing connection times in

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Seattle, provide a new Seattle-Portland round trip while also minimizing impacts to BNSF's substantial freight operations. This schedule would require extensive use of the Mount Vernon Siding by Amtrak *Cascades* service each day. Furthermore, in order to meet the needs of BNSF Railway's longer freight trains, the siding would also need to be extended.

First, to insert a new Seattle-Portland roundtrip train into the schedule, the existing southbound train departure from Bellingham to Seattle had to be moved approximately two hours earlier. This change forced the daily northbound Seattle to Vancouver, B.C. Amtrak *Cascades*' train schedule to move five minutes earlier, but more importantly it required that these two trains meet and pass each other at the Mount Vernon Siding. After this meet, the southbound train would continue on to Seattle and the northbound train would continue on to Vancouver, B.C.

With the rescheduled Seattle to Bellingham train arriving into Seattle approximately two hours earlier in the day, it was now possible to send the train through Seattle on to Portland, OR and provide an additional train. Furthermore, the waiting time in Seattle for through passengers was reduced to 25 minutes.

Similar schedule changes had to be made to northbound schedules. An existing set of equipment that had a mid-day layover in Portland was used. This new northbound train departed Portland mid-afternoon, arriving in Seattle at 6:20 pm. This new train would continue on to Bellingham at 6:40 p.m., after a brief layover in Seattle, replacing another train that had been departing Seattle for Bellingham at 5:30 p.m. Again, like the morning schedules, the northbound Bellingham train and the

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southbound train returning from Vancouver, B.C. had to meet and pass each other. The Mount Vernon Siding was the location that both trains could pass each other without substantial delays to either train in the evening as well.

In summary, using the Mount Vernon Siding as a meet/pass location for Amtrak *Cascades* service enables these trains to operate efficiently in their equipment cycles and meet the needs of the traveling public. Using other nearby sidings would create scheduling problems and conflicts throughout the rail network that would delay other trains, not meet the needs of the traveling public or require additional rail capital improvement projects. Extending the siding enables BNSF Railway freight trains to use the siding throughout the remainder of the day, improving freight mobility and overall rail line capacity.

Q. When was this new train schedule implemented?

A. It was implemented on June 30, 2006.

Q. What was BNSF Railway's position on using the Mount Vernon Siding?

A. BNSF Railway initially requested that replacement storage tracks built in the area to make up for the loss of rail car storage. Then, BNSF management requested that WSDOT extend the siding instead of building replacement storage tracks. This would provide BNSF with an additional location to meet and pass long freight trains and improve overall rail line capacity. WSDOT management agreed to the request, with the understanding that state funding was limited to legislative appropriations.

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Q. How is the Mount Vernon Siding Extension Project funded and phased?

A. The project is divided into two phases. In the 2003-2005 state fiscal bienniums, the Washington State Legislature provided funding in the amount of $1.3 million to begin phase 1 work on the Mount Vernon Siding Extension Project. Phase 1 of the work upgraded the existing siding track and ties. Phase 1 was substantially completed on June 30, 2005.

In the 2005-2007 and 2007-2009 bienniums, the Legislature provided phase 2 project funding for design, real estate, environmental and traffic studies, and construction of the siding extension. The phase 2 is funded with $2.5 million in funds from the 2003 Legislative Transportation Package. The closure of the Hickox Road crossing is part of phase 2.

Q. Are you familiar with a Hickox Road Railway Crossing Closure Traffic Impact Analysis Mount Vernon, Washington that was prepared by Gary Struthers Associates, Inc.?

A. Yes. I was the person who initiated the study on behalf of WSDOT.

Q. Why did WSDOT want a traffic impact study prepared?

A. The purpose of the study was to have an independent traffic consultant examine the traffic conditions related to this potential grade crossing closure. Previous Commission crossing closure determinations typically used the follow factors to evaluate the impact of closing a crossing:

- the amount and character of travel on the railroad and on the highway;
- the availability of alternate crossings;
- whether the alternate crossings are less hazardous;

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- the ability of alternate crossings to handle any additional traffic that would result from closure; and
- the effect of closing the crossing on public safety factors such as fire and police control.

The consultant could gather traffic and other relevant data, accurately model traffic flows with the railroad crossing closure, and then reach fairly accurate conclusions on the impacts of the closure on the surrounding roadway network. If the impacts to the network were significant, the consultant could examine mitigation strategies to minimize the impacts, if not, then the consultant could document this in the traffic study and present the results to the WUTC and other parties.

Q. What options and alternatives to the Mount Vernon Siding Extension were examined?

A. The location of the siding at the south end of the City of Mount Vernon limited the extension options. Extending the siding north, into the built-up urban core of the City of Mount Vernon was deemed infeasible due to the potential significant impacts, and was eliminated from further consideration. Thus, extending the Mount Vernon Siding to the south became the preferred alternative.

Moving the siding to a new location near Conway, Washington was suggested by the Skagit County fire district staff, Skagit County, and a number of interested members of the public during the public outreach and interviews for the traffic study. However, moving the siding was deemed impractical for several reasons. First, the budget for this project is limited. Our preliminary cost estimates indicate that a new 9,000 foot railroad siding would cost approximately three times as much as the planned

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Mount Vernon railroad siding extension, which would greatly exceed the amount funded for phase 2 of this project. Second, the public would lose the value of the State's phase 1 investment made in upgrading the track in the existing siding in 2005. Third, the proponents of a site near Conway did not include any information about what the environmental and other impacts would be at that location. Fourth, even if additional funding could be obtained, a new siding at that location would push the project schedule back at least two years while it is redesigned and environmental impacts assessed. Finally, locating a new siding further south to Conway would put it even closer to the existing Stanwood siding, which would not meet the operational needs of the railroad. Therefore, delaying the project and building an entirely new siding was not a realistic or cost effective alternative to extending the existing Mount Vernon railroad siding.

Q. Why does Hickox Road at grade crossing need to be closed as part of the Mount Vernon Siding Extension Project?

A. There are at least two reasons why Hickox Road at grade crossing should be closed. First, for safety. Currently, the Hickox Road is bisected by one set of railroad tracks. When the siding is extended, a second set of siding tracks will extend across this location. This new siding track will be used frequently by freight and passenger trains to meet and pass each other. Long freight trains will frequently block Hickox Road if it were to remain open. BNSF Railway witnesses will provide detailed testimony on safety issues presented.

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Secondly, although the crossing may provide some convenience for some users as compared to the other available alternative routes, it is not the sole means of reasonable access for any user and is therefore not a necessary crossing. Based on the results from the Hickox Road Railway Crossing Closure Impact Analysis, January 2007, the crossing can be closed while retaining a reasonable alternative means of access for all users. At grade crossings are dangerous, and those which are merely convenient, but not necessary should be closed.

Q. What kind of outreach did you make to inform the community about the project and to ensure comments or concerns were considered?

A. WSDOT has worked very hard to involve the City of Mount Vernon, Skagit County, Skagit County Fire District Three, and the Skagit Council of Governments in the crossing closure process. This included several meetings with City, County, and Fire District representatives to gather input and information throughout the traffic study process. These efforts have already been documented in my declaration filed to the WUTC on September 21, 2007 which is part of the official record. WSDOT considered the comments of these and other parties, and incorporated many into the final traffic study report.

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Q. Does this end your testimony?

A. Yes.

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

DATED this 8th day of October, 2007 at Olympia, Washington.

JEFFREY SCHULTZ

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DECLARATION OF SERVICE

Lisa M. Savoia declares I am a citizen of the United States of America, over 18 years old and competent to testify to the matters herein. On October 8, 2007, I served by e-mail and first class mail, postage prepaid, a true and correct copy of the foregoing document on the following:

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DATED this 8 day of October, 2007 at Tumwater, Washington.

Lisa Savoia, Legal Assistant

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RESUME OF JEFFREY SCHULTZ

Jeffrey Schultz
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Qualifications: Mr. Schultz is the Operations & Rolling Stock Manager for the Washington State Department of Transportation Rail Office. He has served in this capacity since 1998. Prior to that he served as a Rail Planning Specialist for the Rail Office from 1993 – 1998. In 1988-90 he worked at the Michigan Department of Transportation, in the Rail Passenger program as a Transportation Analyst.

Mr. Schultz has a MA from San Diego State University in Transportation Geography. His BA is in Geography and Political Science from Drake University.

Experience: Mr. Schultz has extensive experience in railroad/highway grade crossing issues. He has (1) testified at WUTC hearings regarding Intercity rail passenger train speed and grade crossing issues at Edmonds, Marysville, Winlock, and Mount Vernon, Washington; (2) made presentations at state and national conferences on grade crossing safety; (3) been a technical representative on several grade crossing studies and grade crossing diagnostic teams around Washington State; (4) served on the Washington Operation Lifesaver (railway/highway safety) committee; (5) been involved in numerous grade crossing improvement project development teams; and (6) been project manager or a technical liaison for several grade crossing and railroad trespasser safety studies for WSDOT.

EXHIBIT A