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**BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION
COMMISSION
FOR THE STATE OF WASHINGTON**

BNSF RAILWAY COMPANY,
Petitioner,

vs.
CITY OF MOUNT VERNON,
Respondent

**SKAGIT COUNTY, WASHINGTON
STATE DEPARTMENT OF
TRANSPORTATION, WEST VALLEY
FARMS, LLC,**
Intervenor

Docket No. TR-070696
**PREFILED TESTIMONY OF BUD
NORRIS**

Q. Please state your full name, job title and business address.
*Bud Norris, Mayor of Mount Vernon, 910 Cleveland Avenue (P.O. Box 809) Mount
Vernon, WA 98273*

Q. How long have you been Mayor of Mount Vernon?
Three (3) Years, ten (10) months. I took office on January 1, 2004.

Q. Is this an elected position?
Yes.

1
2 **Q. How is Mount Vernon's City Government Organized?**

3
4 *The City is organized as a strong Mayor-City Council form of government. Generally, the*
5 *City's legislative function such as setting a budget and policy is performed by the Mount Vernon*
6 *City Council consisting of seven elected officials which I Chair and in the event of a tie vote*
7 *would cast the deciding vote. I function as the chief executive officer of the City.*

8
9 **Q. Have you held any other elected positions and if so when and for how long?**

10
11 *Yes. Skagit County Commissioner for District No. 2, Skagit County, from January 1,*
12 *1977 to December 31, 1984.*

13
14 **Q. Please describe your role as Mayor for the City of Mount Vernon.**

15
16 *The Mayor's office which I hold, functions as the chief executive and administrative*
17 *officer of the city. This means I am in charge of all departments and employees,*
18 *implementation of the budget, with authority to designate assistants and department*
19 *heads and appointment. Part of my duties is to see that all laws and ordinances are*
20 *faithfully enforced and that law and order is maintained in the City. I have general*
21 *supervision of the administration of city government and all city interests.*

22
23 **Q. What was your role as Skagit County Commissioner?**

24
25 *I was one of three elected officials consisting of a Board of Commissioners which was in*
26 *charge of exercising legislative decisions, administering the Skagit County Code, serving*
27 *as a land use appellate body, fixing amount of County taxes according to law. Generally,*
28 *the Board served as the County governing body which functioned as the legislative body*
29 *and also performed executive functions which included establishing the budget.*

1 **Q. What Role do you serve in managing flood fighting efforts?**

2
3 *In the context of emergency management, as Mayor, my functions are as chairperson of*
4 *the emergency management committee or policy group which group includes many*
5 *Department Head involved in making emergency management decisions such as the*
6 *Police Chief, Public Works Director and Fire Chief.*
7

8 **Q. What functions does this committee have?**

9
10 *The committee is empowered to review and recommend for adoption any mutual aid*
11 *plans, regional mobilization plans, and other agreements related to emergency*
12 *management and such resolutions, rules, and regulations as are necessary to implement*
13 *such plans and agreements. It develops an emergency management plan and program*
14 *consistent with the State Comprehensive Emergency Management Plan. The Committee*
15 *also performs emergency management functions within the City and with any other*
16 *governmental agency we have entered into an agreement providing for the performance.*
17

18 **Q. In the event an emergency needs to be declared who or what body performs that**
19 **function?**

20
21 *Whenever a disaster or emergency or imminent threat occurs the mayor is the decision*
22 *maker who would proclaim in writing the existence of a disaster or emergency and is the*
23 *decision maker to proclaim the emergency ceases to exist. It then has to be presented as*
24 *soon as possible to the City Council for ratification or rejection.*
25
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1 **Q. What does such a proclamation do?**

2
3 *Generally, once an emergency or disaster is declared, our ordinance allows for me to*
4 *issue certain orders depending on the nature of the disaster such as imposing a curfew,*
5 *requiring business establishments to remain closed, closing public places such as streets*
6 *and alleys, orders to evacuate areas and such other orders imminently necessary for the*
7 *protection of the life and property of the people in Mount Vernon. It also allows the*
8 *mayor to enter into contracts and incur obligations necessary to combat the emergency or*
9 *disaster for example purchasing supplies and equipment necessary to combat the*
10 *emergency.*

11
12 **Q. Who holds supervisory control of the emergency management functions of the City?**

13
14 *I do.*

15
16 **Q. Have you, in performing your functions as Mayor, had to declare or proclaim an**
17 **emergency and if so under what circumstances?**

18
19 *Yes. I had to proclaim an emergency occurring within the City of Mount Vernon in*
20 *November of 2006.*

21
22 **Q. During these events, did you have to consider at any time ordering an evacuation**
23 **and if so can you explain the circumstances?**

24
25 *Yes, in 2006 the Army Corps of Engineers had relayed to the Emergency Management*
26 *Team recommending an evacuation due to a strong weather cell coming our way*
27 *apparently per the weather reports the cell just missed hitting our area.*

1 **Q. How long have you lived in Skagit County?**

2
3 *Approximately 60 years.*

4
5 **Q. How familiar are you with the Skagit River and its history of flooding?**

6
7 *I am extremely familiar with this subject. I grew up in Hamilton Washington, and my*
8 *family's home was flooded on multiple occasions. In addition, as a Skagit County*
9 *Commissioner for eight years I participated in numerous flood fighting events throughout*
10 *Skagit County. Most recently, as Mayor of Mount Vernon, I was the chairperson of the*
11 *emergency management committee during the Mount Vernon flood fight in November,*
12 *2006.*

13
14 **Q. What damages have you witnessed or experienced that were a result of flooding of**
15 **the Skagit River?**

16
17 *As mentioned above, my family's home experienced multiple flood events. As Skagit*
18 *County Commissioner, I witnessed extensive flood damage to river banks, roadways,*
19 *drainage systems, homes, barns and crop fields.*

20
21 **Q. How would you rate the level of threat that flooding along the Skagit River has to**
22 **the local communities within Skagit County? Why?**

23
24 *The level of threat from flooding in Skagit County to all local communities is exceptional*
25 *in terms of potential danger to the life, health and safety of our residents, as well as the*
26 *economic damage to existing property, and the future economic well-being of the region.*
27 *When flooding occurs, all resources go into flood fight mode to contain the Skagit River*
28 *within its banks. History is replete with actual Skagit River flood events and their*
29 *resultant monetary damage.*

30

1 **Q. What is the likelihood that the Skagit River system will experience another flood**
2 **event?**

3
4 *The likelihood of a future Skagit River flooding event is 100% guaranteed. The only*
5 *question becomes the “When” and the severity, or magnitude of the flooding.*
6

7 **Q. In terms of priority to the City, what priority does the City place to providing flood**
8 **protection for its citizens? Why?**

9
10 *Flood protection for our citizens is a top priority of my administration and that of the*
11 *Mount Vernon City Council. We all recognize how important the flood issue is because*
12 *much of our downtown business and resident area is located within the Skagit River*
13 *floodplain.*
14

15 **Q. What involvement do you have with Mount Vernon’s plans for future growth?**

16
17 *As Mayor, I am involved with all aspects of future growth planning.*
18

19 **Q. Are you familiar with the City’s Comprehensive Plan?**

20
21 *Yes*
22

23 **Q. Generally speaking, what are the City’s future plans for growth in the South Mount**
24 **Vernon area east of I-5?**

25
26 *The South Mount area east and west of I-5, down to and including the Hikcox Road area,*
27 *is appropriately zoned for future industrial and commercial development that is vitally*
28 *needed for the overall economic well-being of our City.*
29
30

1 **Q. What is the basis for this need?**

2
3 *We desperately need more commercial and industrial property within the City limits of*
4 *Mount Vernon to properly balance the residential population that the City was mandated*
5 *to accept over the next 20 years. The City completed a study that evaluated the ratio of*
6 *residential to commercial and industrial areas, and the study concluded that the City*
7 *needed additional commercial and industrial areas, and the City Council passed*
8 *adopted this study via a resolution.*

9
10 **Q. Are you familiar with the WSDOT's Mount Vernon Siding Project?**

11
12 *Yes*

13
14 **Q. How does that project affect the Railroad Crossing at Hickox Road?**

15
16 *It will close this crucial crossing that must remain open for flood fighting evacuation to*
17 *ensure the life and safety of our residents, and to provide transportation connectivity*
18 *when the City expands its commercial and industrial base. .*

19
20 **Q. In your opinion would closure of the crossing assist in the City's planning efforts to**
21 **achieve more commercial and industrial development? Why or why not?**

22
23 *No. It would hinder future commercial and industrial development by removing a vital*
24 *transportation corridor to and from the surrounding areas.*

25 **Q. Have you previously been involved with discussions or communicated with state**
26 **officials involved with the project and if so did you express any opinions regarding**
27 **this?**

28
29 *Yes, I have previously sent a letter to the Washington State Utilities and Transportation*
30 *Commission strongly voicing my objections to closure of the crossing.*

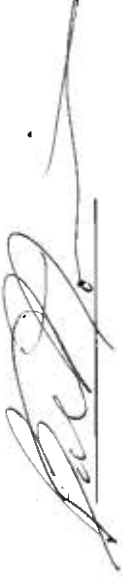
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Q. Has anyone from WSDOT proposed any alternatives to closure to your knowledge?

None, to the best of my knowledge.

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

DATED this 5th day of November, 2007 at Mount Vernon, Washington.



Bud Norris, Mayor