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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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BNSF RAILWAY COMPANY, )

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Petitioner, )

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vs. ) DOCKET TR-140382 and

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YAKIMA COUNTY, ) (Pages 312-321)

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Respondent. )

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EVIDENTIARY HEARING, VOLUME IV

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ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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14

April 28, 2015

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6:00 p.m.

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2403 South 18th Street

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Union Gap, Washington

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REPORTED BY:

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PHYLLIS CRAVER LYKKEN, RPR, CCR NO. 2423

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1 APPEARANCES:

2 ADMINISTRATIVE LAW JUDGE:

3 MS. RAYNE PEARSON  
4 Washington Utilities and Transportation Commission  
5 1300 South Evergreen Park Drive, S.W.  
6 P.O. Box 47250  
7 Olympia, WA 98504  
8 360.664.1136

9 FOR THE PETITIONER:

10 MESSRS. BRADLEY P. SCARP and MICHAEL CHAIT  
11 Montgomery Scarp, PLLC  
12 Attorneys at Law  
13 1218 Third Avenue, 27th Floor  
14 Seattle, WA 98101  
15 206.625.1801 206.625.1807 FAX  
16 brad@montgomeryscarp.com  
17 mike@montgomeryscarp.com

18 FOR THE RESPONDENT:

19 MESSRS. QUINN N. PLANT and KENNETH W. HARPER  
20 Menke Jackson Beyer, LLP  
21 Attorneys at Law  
22 807 North 39th Avenue  
23 Yakima, WA 98902  
24 509.575.0313 509.575.0351 FAX  
25 qplant@mjbe.com  
kharper@mjbe.com

FOR THE CONFEDERATED BANDS AND TRIBES OF THE YAKAMA  
NATION:

MR. ROBERT JOSEPH SEXTON  
Galanda Broadman, PLLC  
Attorneys at Law  
P.O. Box 15146  
Seattle, WA 98115-0146  
509.910.8842  
joe@galandabroadman.com

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24

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I N D E X

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BNSF RAILWAY CO. vs. YAKIMA COUNTY

DOCKETS TR-140382 and TR-140383

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April 28, 2015

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T E S T I M O N Y

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FRANK LYALL

PAGE NO.

9

Public Testimony

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1                   BE IT REMEMBERED that on Tuesday, April 28,  
2                   2015, at 6:00 p.m., at 2403 South 18th Street,  
3                   Union Gap, Washington, the Evidentiary Hearing re  
4                   BNSF RAILWAY CO. vs. YAKIMA COUNTY was taken  
5                   before Phyllis Craver Lykken, Certified Court  
6                   Reporter. The following proceedings took place:

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8                   THE JUDGE: Good evening. We'll be on the record  
9                   in the public comment portion of the hearing regarding  
10                  the petition for closing Stevens Road and Barnhart Road  
11                  at-grade crossings here in Yakima County.

12                  My name is Rayne Pearson and I'm an administrative  
13                  law judge with the Utilities and Transportation  
14                  Commission. Today's date is Tuesday, April 28, 2015.  
15                  It's now a little after 6 in the evening.

16                  It looks like we just had someone join us who  
17                  might like to speak.

18                  UNIDENTIFIED SPEAKER: That's correct.

19                  THE JUDGE: Do you have the sign-in sheet that you  
20                  want to bring up here? Okay.

21                  So seated in the room with me today are the  
22                  parties that participated in the evidentiary hearing  
23                  that was held earlier today as well as two commission  
24                  staff members to my right. This is Vicky Elliott and  
25                  that's Kathy Hunter.

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1           And our role tonight is to collect your comments  
2           and let me as a representative of the commission hear  
3           from you about your concerns or any other views that  
4           are relevant to the proposed closing of either the  
5           North Stevens or the Barnhart Road crossings.

6           So can I have the sign-in sheet? It looks like  
7           Frank Lyall. Right now you're the only person signed  
8           in to speak. If you would like to come up here.

9           What I'll do is I'm going to swear you in, because  
10          this is a formal hearing. So we'll put you under oath.  
11          If you could raise your right hand.

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13           FRANK LYALL,           being first duly sworn to  
14                                    tell the truth, the whole  
15                                    truth, and nothing but the  
16                                    truth, testified as follows:

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18          THE JUDGE: Go ahead and have a seat.

19          Do you have any questions before we get started  
20          about how any of this works?

21          THE WITNESS: No. I just have a few general  
22          comments to make about this matter. I'm here  
23          representing the Yakima County Farm Bureau this  
24          evening.

25          THE JUDGE: Okay.

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1           THE WITNESS: Is it possible for me to ask anyone  
2 here a question?

3           THE JUDGE: Not on the record, no. If you want to  
4 speak with the parties after we're done, that's fine.  
5 But we're just here to take your comments tonight. So  
6 whenever you're ready, you can begin.

7           THE WITNESS: Okay. Our general position at the  
8 Yakima County Farm Bureau is -- first, we're the  
9 largest agricultural organization that represents  
10 farmers in both the nation, the state, and the county.  
11 By membership numbers. We operate on one farmer, one  
12 vote, a structure, so we're, it's not vote by corporate  
13 entity.

14           On this matter regarding the closing, or potential  
15 closing of these two crossings, first off, I'd like to,  
16 if there's any representatives of the railroads here  
17 tonight, I would like to thank them for the work that  
18 they do insofar as we appreciate the necessity of  
19 hauling freight, both our products to market and  
20 supplies to our farms.

21           On the matter of these road crossings, our general  
22 position is, or the closing of these road crossings on  
23 railroads, our general position is to oppose these.  
24 And the reason being is farmers often farm in  
25 discontinuous blocks these days, as consolidation has

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1       came through the industry, and that means that they  
2       have to often move large heavy machinery across these  
3       crossings in trying to get to the most direct manner to  
4       another block of land possible.

5               When farmers are forced to divert from the most  
6       direct path possible, we believe it increases both the  
7       danger to farmers and perhaps the public, insofar as  
8       our agricultural machinery is often very large or even  
9       over width, and it kind of creates a touch of nuisance  
10      to be on the public road any longer than it absolutely  
11      has to be.

12              We also need, we have a necessity to haul our  
13      products to market or packing or processing plants, and  
14      there again, generally the most direct means we can get  
15      there is to our advantage and to the advantage of  
16      everyone.

17              I was just actually out today at the Barnhart Road  
18      crossing. It's in a very rural area, but surrounding  
19      that crossing is hops on one side and mint, winter  
20      wheat, and it looks like corn is going to go in on the  
21      other side. So it's definitely an agricultural area  
22      and we would like to keep access of those two  
23      crossings.

24              I will say one other thing, though. If there is a  
25      landowner that's adjacent to that crossing, a farmer

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1 that for some reason would like to see that closed or  
2 is not opposed to it, we would divert -- or defer to  
3 him. That's the conclusion of my remarks.

4 THE JUDGE: Thank you. Just for the record, could  
5 I get you to give us your address?

6 THE WITNESS: Yes, it's 850 Olmstead Road,  
7 O-L-M-S-T-E-A-D, in Grandview. And the ZIP is 98930.

8 THE JUDGE: Thank you very much.

9 THE WITNESS: Thank you. I appreciate the  
10 opportunity to speak here today.

11 THE JUDGE: Thank you for coming.

12 It's about ten after 6 right now. We'll wait a  
13 few more minutes to see if anyone else shows up. We'll  
14 go ahead and go off record so you can continue your  
15 conversation. Thank you.

16 (A SHORT RECESS WAS HAD.)

17 THE JUDGE: So we're back on the record. It's  
18 approximately 6:18 p.m. We're going to go ahead and  
19 call it a night.

20 So thank you, Mr. Lyall, for coming and speaking.  
21 And we'll see you back here tomorrow at 8:30 in the  
22 morning.

23 I do have copies of the public comments that have  
24 been submitted to the commission for each of the  
25 parties to take with them to review tonight and we can



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1 discuss them tomorrow when we're back on the record.

2 Thank you.

3 (HEARING ADJOURNED AT 6:18 P.M.)

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