

Exhibit No. ____ (KH-2)
Docket TR-100098
Witness: Kathy Hunter

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CITY OF FIFE,

Petitioner,

v.

UNION PACIFIC RAILROAD,

Respondent.

DOCKET TR-100098

EXHIBIT TO TESTIMONY OF

Kathy Hunter

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

*Safety Diagnostic Meeting Notes
April 1, 2009, Revised July 14, 2009*

September 3, 2010

Safety Diagnostic Meeting
54th Avenue East Railroad Crossing in the City of Fife
April 1, 2009 @ 1 p.m.

Revised July 14, 2009

Participants:

City of Fife

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Union Pacific Railroad

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Utilities and Transportation Commission (UTC)

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Background:

This safety diagnostic meeting was convened by the City of Fife (City) in response to concerns about pedestrians climbing the fence near the 54th Avenue East crossing. The City is proposing a pedestrian-only at-grade crossing at this location to address the trespassing issue. A junior high school and city park are located north of the tracks and several large housing developments are located on the south side of the tracks.

History of the 54th Avenue East Crossing:

Staff researched the history of this crossing and discovered that the commission issued an order in May 1997, to close this crossing, with conditions. See docket TR-961394.

Highlights of the case:

- In November, 1996, Union Pacific Railroad (UP) filed a petition to close the crossing. The City filed a response supporting the closure, with conditions.
- The case went to hearing, see Initial and Final Orders.
- Several reasons were cited for closure of the crossing but the primary reason was that UP intended to extend an existing siding track through 54th Avenue. This would create extended blockages at the crossing and result in an exceptionally hazardous crossing.
- Relevant Conditions:
 - ✓ Construct a bypass road south of the tracks from 54th Avenue East to Frank Albert Road which is a grade separated crossing.
 - ✓ The crossing would be left in place and the siding not utilized until the bypass road is constructed and open for use by the public.
 - ✓ UP would build a temporary cul de sac on the north side of the crossing.
 - ✓ UP would donate land to the city for a park.
 - ✓ UP would contribute towards adding/upgrading traffic signals at adjacent intersections.
 - ✓ UP would contribute \$10,000 for landscaping materials.
 - ✓ UP would grant the city a perpetual easement for construction of a pedestrian overpass.
- The Puyallup Tribe of Indians would construct and maintain the bypass road.
- The Puyallup Tribe of Indians was given 57 acres of land southwest of the crossing (separate settlement agreement), with an option to purchase an additional 22 acres. Part of the agreement included an easement for the bypass road which was estimated to cover four acres.

New information from the April 1, 2009 on-site meeting:

- The active warning devices, shoulder mounted lights and gates are still in place and operational.
- The street leading to the crossing on the south side of the crossing is blocked with a chain link gate secured by chain and padlock. Access to the tracks is restricted by chain link fencing east and west of the crossing.
- Ecology block barriers have been placed intermittently on both street approaches to the crossing which cause users to slow down and drive in an "s" pattern.
- First responders and public works staff use the crossing on a daily basis.
- The crossing is closed for use by the general public.
- The bypass road has not been built.
- The area around the crossing has been extensively developed since the order was issued.
- The siding track has not been extended.

- The City considers the crossing “open” because many, if not most, of the conditions of the UTC order have not been met.
- UP considers the crossing closed but the crossing surface is still in place and the active warning devices are operational and regularly maintained.
- Documented problems exist with pedestrians, primarily children, climbing the fence to access the park, school and residential neighborhoods.
- UP will only support a pedestrian overpass at this location.
- The City is proposing an at-grade pedestrian-only crossing with active warning devices east, but adjacent to, the existing crossing.
- The City does not want to reopen the crossing for public use vehicular traffic but would like to keep it open for use by first responders and city staff.

Follow-up:

1. Kathy will e-mail key documents from TR-961394 to the stakeholders. City of Fife and Union Pacific will forward these documents to their legal departments for review and guidance. (Completed April 2, 2009)
2. Another meeting will be scheduled in one month and the stakeholders will confirm their positions.

July 14, 2009

1. E-mail sent to stakeholders RE: Opinions of the city, Union Pacific and staff on the status of the 54th Avenue crossing.
2. Await petition from city if changes are proposed.