

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

BNSF RAILWAY COMPANY,
Petitioner

vs.
YAKIMA COUNTY,

Respondent,

YAKAMA NATION,

Intervenor.

DOCKET NO: TR-140382 and
DOCKET NO: TR-140383

PREFILED TESTIMONY OF
MICHAEL E. TYCKSEN ON BEHALF
OF PETITIONER BNSF RAILWAY
COMPANY

INTRODUCTION

Q: What is your name and business address?

A: My name is Michael Tycksen. My business address is 4920 N. Railroad Ave, Pasco,
WA 99301.

Q: Who do you work for?

A: BNSF Railway Company.

1 Q: How long have you worked for BNSF?
2 A: Since June of 1995, nearly 19 ½ years.
3
4 Q: Will you please tell the Commission the jobs you've had working for the railroad, and
5 the approximate dates or length of time for each.
6 A: Initially trained as a conductor, and worked as a switchman or conductor until entering
7 locomotive engineer training in June of 1996. Promoted to locomotive engineer
8 November 1996, working as an engineer as seniority allowed until being promoted to
9 Road Foreman of Engines in January of 2010.
10
11 Q: You've been a Road Foreman of Engines for about five years, since January of 2010.
12 What generally are your duties and responsibilities?
13 A: Supervision of train crews, operations testing, certification, train ride and event recorder
14 evaluation, and incident response.
15
16 Q: When you were a locomotive engineer, did you ever have a collision with a vehicle at
17 an at-grade railroad crossing?
18 A: Yes. In my experience, unfortunately, when you are a railroad engineer, it is a matter of
19 "when," not "if," that will happen. It's only a matter of time.
20
21 Q: And did you ever have a collision involving farm vehicles or equipment during your
22 career?
23 A: No, but I had a very close call.
24
25 Q: Where and when was that?
26 A: About fifteen years ago, near Sprague, Washington.
27

1 Q: Please tell the Commission about that incident.

2 A: My train was heading west between Spokane and Pasco, approaching a grade crossing
3 at about sixty miles per hour. I saw a couple of pickup trucks, one following the
4 other, heading towards the crossing, towing twenty-foot trailers used to haul farm
5 equipment. They began to cross the tracks in front of the train. The first pickup and
6 trailer cleared the crossing, and pulled up to a gate that needed to be opened before they
7 could pass through. The second truck pulled over the crossing, stopping behind the first
8 pickup and trailer, waiting for him to open the gate. The trailer was still sitting on the
9 crossing directly ahead of me. I had already begun the braking process to slow the train,
10 but I was on a descending grade going close to 60 mph, and trains do not slow quickly.
11 I was prepared to place the train in emergency, but was hoping to avoid that, as there is
12 potential for derailment. I was blowing the horn vigorously to get the attention of the
13 driver, and at the last moment, he moved to the right of the other pickup, pulling his
14 trailer off of the crossing.

15
16 Q: How did that make you feel?

17 A: I could feel my heart pounding in my chest. It was such a close call at a high rate of
18 speed. I could envision pulling the pickup with the trailer, likely killing the occupant.
19 It is a vision I will never forget.

20
21 Q: Why?

22 A: Aside from throwing the train into emergency, there was nothing else that I could do,
23 but wait and watch. Everything was otherwise out of my control. I was along for the
24 ride. If I had placed the train in emergency, I would not know, until the train stopped –
25 which takes a very, very long time – and a crew member went back to investigate,
26 whether I had injured or killed someone or not.

1 Q: As a Road Foreman of Engines at BNSF, is it part of your job to respond to grade
2 crossing accidents?

3 A: Yes, it is.
4

5 Q: Are people sometimes injured or killed in grade crossing incidents you've responded
6 to?

7 A: Often, yes, sadly.
8

9 Q: Are the individuals injured or killed on the train, or in a vehicle crossing the tracks?

10 A: Usually in a vehicle crossing the tracks. In cases where a collision, or just throwing the
11 train into emergency, results in a derailment, the casualties can be in the train or other
12 bystanders on the ground.
13

14 Q: Have you been called upon during your career to respond to grade crossing incidents
15 involving injury or death of a vehicle driver and/or passenger?

16 A: Yes.
17

18 Q: Are the victim and his or her family and friends the only people affected by the tragedy?

19 A: No.
20

21 Q: How so?

22 A: In my experience, train crews are often also victims of grade crossing
23 collisions. Railroad engineers and their crew are almost always devastated by grade
24 crossing injuries and fatalities. Although they may share none of the blame, they feel
25 tremendous anguish. To recover, many require time off and some need counseling.
26
27

1 Q: Are you familiar with the at-grade railroad crossings at Stevens Road and Barnhart
2 Road in the Toppenish area?

3 A: I am.
4

5 Q: Would you like to see those grade crossings closed?

6 A: Yes.
7

8 Q: Why?

9 A: Because I believe that closing an at-grade railroad crossing with passive warning
10 devices in favor of nearby crossings, three out of four of which have active warning
11 devices, reduces the chances of a train/vehicle collision.
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13 Q: What is the track speed for freight trains at the Stevens and Barnhart Road crossings?

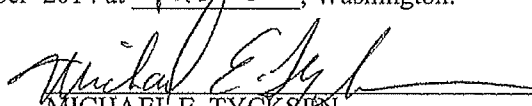
14 A: Forty nine miles per hour.
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DECLARATION

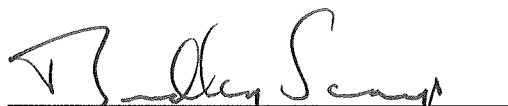
I, Michael E. Tycksen, declare under penalty of perjury under the laws of the State of Washington that the foregoing PREFILED TESTIMONY OF MICHAEL E. TYCKSEN ON BEHALF OF PETITIONER BNSF RAILWAY COMPANY is true and correct to the best of my knowledge and belief.

DATED this 23 day of December 2014 at Pasco, Washington.


MICHAEL E. TYCKSEN

DATED this 24th day of December, 2014.

Montgomery Scarp, PLLC


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CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that the original and 3 copies of PREFILED TESTIMONY OF MICHEAL E. TYCKSEN has been sent by FedEx to Steven King at WUTC and a PDF version filed electronically. I also certify that true and complete copies have been sent via electronic mail to the following interested parties:

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

DATED this 31st day of December 2014 at Seattle, Washington.



Lisa Miller, Paralegal