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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CITY OF FIFE,)
)
Petitioner,) DOCKET TR-100098
)
v.)
)
UNION PACIFIC RAILROAD,) TESTIMONY OF
) TERREL A. ANDERSON
)
Respondent.)

Q. PLEASE STATE YOUR NAME, TITLE AND PLACE OF BUSINESS.

My name is Terrel A. Anderson. I am Manager – Industry & Public Projects for Union Pacific Railroad Company (UP) in Roseville, California.

Q. BRIEFLY DESCRIBE YOUR RAILROAD BACKGROUND AND EXPERIENCE.

I started with UP as a track laborer in 1986, worked as a machine operator and track foreman and in supervisory positions in the engineering department until becoming Manager Industry & Public Projects in 2006. I have been Manager - Industry & Public Projects for Washington, Oregon and northern California since 2009.

1 **Q. WHAT ARE YOUR PRESENT DUTIES AND RESPONSIBILITIES?**

2 I am involved in negotiations with the states of Washington, Oregon and
3 California and with city and county officials on a variety of construction projects on
4 railroad operating property. I have responsibility within those states for working
5 with public agencies and private parties to provide engineering services associated
6 with industrial development and grade crossing safety improvements administered
7 through the Federal Highway Administration Section 130 Program, as well as other
8 federal, state, and local infrastructure projects.

9 **Q. ARE YOU FAMILIAR WITH THE CITY OF FIFE'S PROPOSED AT-
10 GRADE PEDESTRIAN CROSSING IN THE VICINITY OF 54TH AVENUE
11 EAST?**

12 Yes, I have known about this proposal since 2009.

13 **Q. DO YOU KNOW WHY UP OBJECTS TO THE CITY'S APPLICATION TO
14 INSTALL A PEDESTRIAN CROSSING AT THIS LOCATION?**

15 Yes. Union Pacific's primary objection to the proposed crossing is that it
16 will not be grade-separated. Washington law requires that new crossings be grade-
17 separated, where practicable. As testified by Charles E. Burnham of David Evans &
18 Associates, Inc., the city engaged his firm in 2007 to analyze options for pedestrian
19 overcrossings and undercrossings that would provide access between the junior high
20 school north of the tracks and the residential area south of the tracks. From a
21 preliminary engineering standpoint, all of the grade-separated crossing options were
22 practicable. David Evans & Associates' 2007 report did not highlight any
23 extraordinary property acquisition, building demolition, or engineering challenges
24 with the options it considered. The estimated costs were in the range I would expect

1 for such projects and certainly not higher than is normal. If the mere fact that a
2 grade-separated crossing is more expensive than an at-grade crossing were sufficient
3 to render the crossing “impracticable,” it would be hard to imagine any grade-
4 separated crossing that could ever be considered “practicable.” Cost alone,
5 especially if it is not an extraordinary cost, is not a sufficient reason to choose an at-
6 grade crossing over a grade-separated crossing.

7 **Q. WHAT ARE THE PROBLEMS WITH HAVING AN AT-GRADE**
8 **PEDESTRIAN CROSSING?**

9 An at-grade pedestrian crossing, even if signalized, poses the risk of a
10 pedestrian being hit by a train. Most crossing accidents occur at signalized
11 crossings. Just because gates or signals exist does not mean that pedestrians will
12 obey them. It is not at all uncommon for vehicles to drive around gates. Similarly,
13 children may think they still have time to dash across the tracks, even though the
14 gates are down, especially when friends are already on the other side of the tracks or
15 school is about to start. It is difficult for anyone to judge the speed of an oncoming
16 train. Children might not realize that 20-30 seconds of warning time will be given
17 no matter what speed the train is travelling. If they have watched some trains go by
18 at 13 – 14 miles per hour, they may think all trains move equally slowly and might
19 assume they have time to beat the train. If they have waited 4-5 minutes in the past
20 for a slow train to go by, and see a train approaching when they are trying to get to
21 school, they may be too impatient to wait and may try to cross the track even though
22 the warning devices are activated.

23 If someone is dashing across the tracks when a train is approaching, the
24 surface of the crossing could cause them to stumble. The flangeways are wider on

1 freight lines than on passenger lines, making it possible for children to trip on the
2 rails or for bicycle or wheelchair wheels to become lodged in the flangeway. These
3 are risks that could be avoided with a grade-separated crossing.

4 In addition, in an area such as this one, where trains regularly stop,
5 pedestrian at-grade crossings pose an added safety risk. When trains block vehicular
6 crossings, cars will back up and traffic will come to a standstill. When trains block
7 pedestrian crossings, there is the risk that an impatient pedestrian will decide to
8 climb through the train, with tragic consequences if the train should move. On
9 numerous times I have seen people climb through or crawl under stopped trains.
10 Once I saw a woman hand her baby to someone else on the other side of the train. In
11 Salt Lake City, whenever a train blocked the crossing leading to a junior high
12 school, schoolchildren would routinely climb through the train.

13 There is a good reason that Union Pacific, the state of Washington and the
14 Federal Railroad Administration discourage the creation of new at-grade crossings
15 and encourage the closure of existing at-grade crossings. Grade crossing accidents
16 have traumatic consequences not only for the people hit by the train and their
17 families and friends, but also for railroad employees who are on the train or
18 responding to the accident. In addition, grade crossings complicate and interfere
19 with the implementation of high speed rail projects and railroad projects to add
20 tracks or change operations on existing tracks.

21 **Q. DO YOU HAVE COMMENT ON THE CITY'S ALLEGATION THAT**
22 **PEOPLE ARE NOW CROSSING THE TRACKS ILLEGALLY?**

23 Trespassing is a concern, but it is my understanding that the majority of
24 students living south of the tracks ride the school bus and do not cross the tracks

1 illegally. With a new pedestrian crossing, I assume the number of people crossing
2 the tracks at grade would increase dramatically.

3 **DECLARATION**

4 I, Terrel A. Anderson, declare under penalty of perjury under the laws of the State
5 of Washington that the foregoing TESTIMONY OF TERREL A. ANDERSON is true and
6 correct to the best of my knowledge and belief.

7 DATED this 1ST day of September, 2010.

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Terrel A. Anderson

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the date set forth below, I filed by overnight mail the
3 original of the TESTIMONY OF TERREL A. ANDERSON with the State of Washington
4 Utilities and Transportation Commission, and on the same date and in the same manner
5 served a true and correct copy or copies of the same on:

6 Executive Director and Secretary _____ By hand delivery
Washington Utilities & Transportation Commission _____ By first-class mail
7 1300 S. Evergreen Park Drive S.W. X By email
P.O. Box 47250 X By overnight mail
8 Olympia, WA 98504-7250 _____ By facsimile transmission
records@wutc.wa.gov

9
10 Honorable Patricia Clark _____ By hand delivery
11 pclark@utc.wa.gov _____ By first-class mail
X By email
12 Administrative Law Judge _____ By overnight mail
_____ By facsimile transmission

13
14 Loren Combs _____ By hand delivery
City Attorney X By first-class mail
15 VSI Law Group, PLLC X By email
3600 Port of Tacoma Road, Suite 311 _____ By overnight mail
16 Tacoma, WA 98424 _____ By facsimile transmission
ldc@vsilawgroup.com

17 Attorneys for City of Fife

18
19 Fronda Woods _____ By hand delivery
Assistant Attorney General X By first-class mail
1400 S. Evergreen Park Drive. S.W. X By email
20 P.O. Box 40128 _____ By overnight mail
Olympia, WA 98504-0128 _____ By facsimile transmission
21 fwoods@utc.wa.gov

22 Attorneys for WUTC Staff

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24 ///

1 DATED this 3 day of September, 2010.

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Dunn Carney Allen Higgins & Tongue LLP
851 SW Sixth Avenue, Suite #1500
Portland, Oregon 97204
Of Attorneys for Respondent