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3
4 BEFORE THE WASHINGTON STATE
5 UTILITIES AND TRANSPORTATION COMMISSION

6 CITY OF KENNEWICK,

7 Petitioner,

8 vs.

9 UNION PACIFIC RAILROAD,

10 Respondent.
11

NO. TR-040664

TESTIMONY OF
JOHN W. TRUMBULL

12
13 **Q. PLEASE STATE YOUR NAME, TITLE AND PLACE OF BUSINESS.**

14 My name is John W. Trumbull. I am Manager – Industry & Public Projects for
15 Union Pacific Railroad Company (UP) in Portland, Oregon.

16 **Q. BRIEFLY DESCRIBE YOUR RAILROAD BACKGROUND AND EXPERIENCE.**

17 I started with UP as a surveyor in Nampa, Idaho in 1967 and worked as an assistant
18 engineer in Idaho and Utah until I was promoted to Manager – Industry & Public Projects in
19 Salt Lake City in 1991, covering the states of Utah, Nevada, Wyoming and Colorado. I have
20 been Manager - Industry & Public Projects for the northwest region since 1995, covering the
21 states of Oregon, Washington, Idaho and Montana.

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

23 I am involved in negotiations with the states of Oregon, Washington, Idaho and
24 Montana and with city and county officials on a variety of construction projects on railroad
25 operating property. I have responsibility within those states for working with public
26 agencies and private parties to provide engineering services associated with industrial

1 development and grade crossing safety improvements administered through the Federal
2 Highway Administration Section 130 Program, as well as other federal, state, and local
3 infrastructure projects.

4 **Q. ARE YOU FAMILIAR WITH THE CITY OF KENNEWICK'S PROPOSED**
5 **EXTENSION OF CENTER PARKWAY ACROSS UP'S TRACKS IN RICHLAND**
6 **JCT?**

7 Yes, I have been involved in discussions with the city about the proposed crossing
8 since 2001.

9 **Q. DO YOU KNOW WHY UP OBJECTS TO THE CITY'S APPLICATION TO**
10 **EXTEND THE ROAD ACROSS UP'S TRACKS?**

11 Yes. Union Pacific routinely reviews proposals for new at-grade crossings of our
12 rail lines, and we will oppose projects that do not promote rail safety. We are acutely
13 aware that once a public grade crossing is established, it will be almost impossible to
14 close. We also protested this particular crossing because, in our opinion, the city has
15 failed to demonstrate that it is absolutely required by public convenience and necessity or
16 that a grade separation at this location is impracticable. We are also concerned that the
17 city has not undertaken the kind of analysis we believe is required to justify adding a new
18 crossing and has not demonstrated that the project, taken as a whole, will promote rail
19 safety or benefit the public.

20 As a matter of public policy, new at-grade crossings are discouraged. The state of
21 Washington will not entertain an application for an at-grade crossing unless it has first
22 been determined that a grade separated crossing is not practicable. The Federal Railroad
23 Administration (FRA) strongly encourages states, political subdivisions, and railroads to
24 reduce existing public and private grade crossings by 25 percent through crossing closure
25 and consolidation. UP shares the FRA's view and seeks to limit crossings to those
26 locations that have the greatest public necessity.

1 **Q. WHY IS THE PREVENTION OF NEW RAIL-HIGHWAY GRADE CROSSINGS**
2 **IMPORTANT TO UP?**

3 There are several reasons. First, when you prevent a physical point of contact
4 between trains and all other modes of travel, including pedestrians, you eliminate the
5 potential for collisions and other dangerous interferences. Preventing creation of the
6 crossing thus avoids accidents, which are generally tragic occurrences for all involved.
7 In addition to loss of life or serious injury to the pedestrian or vehicle driver and any
8 passengers, our train crews can be injured by an impact with a heavy vehicle. Grade
9 crossings accidents often have adverse psychological effects on the train crew.

10 Second, laying a new grade crossing across tracks where switching operations are
11 taking place greatly interfere with those railroad operations. Under UP's own rules, cars
12 cannot be set out within 250 feet of a crossing. Adding a crossing therefore shortens the
13 usable portion of a track by 500 feet plus the width of the crossing itself. This reduces the
14 number of cars that UP is able to interchange on that track. Instead of always being able
15 to set out all cars, coupled together, crews will sometimes need to put some of the cars on
16 side of the crossing and some on the other. This makes extra work for the train crews
17 both in cutting apart and later reassembling the cars for departure.

18 Third, after reconnecting cars across a crossing, the crossing will be blocked for
19 while the railroad crew performs the federally required air brake test, including walking
20 both sides of the train. Crossing blockages are annoying to motorists and pedestrians and
21 can lead to risky behavior, e.g, impatient pedestrians climbing through the train. Severe
22 injury or death to such pedestrians would be likely if the train were to move while they
23 were climbing through it.

24 Fourth, in a crossing such as this one with multiple tracks, motorists might
25 mistakenly assume that stationary railcars spotted near the crossing are the reason for the
26 crossing gates' activation. Tragically, motorists making such assumptions have at times

1 attempted to drive around the gates, only to be hit by a train approaching on the second
2 track which was hidden from view by the stationary cars on the closer track.

3 In this particular situation, there are additional reasons to oppose the crossing. As
4 stated in the testimony of the traffic engineer who was asked by UP to look at this
5 proposed crossing, putting the road across two UP and two Port tracks would result in an
6 unsatisfactory road profile, from the motorist's perspective, if the tracks were left as is.
7 Lowering UP's tracks to fit the city's proposed road profile would be very expensive and
8 would generate drainage concerns. In addition, there are noise issues presented by the
9 crossing that offset any perceived benefit to the public that the new route is intended to
10 provide.

11 **Q. WHAT NOISE ISSUES DO YOU SEE WITH AN AT-GRADE CROSSING AT THIS**
12 **LOCATION?**

13 There are two sources of concern about noise. The first is whistles. UP's operating
14 rules require the train horn to be sounded for a quarter mile approaching all at-grade
15 crossings. The requirement to sound the horn applies to all trains and it applies at all hours
16 of the day or night and without regard to whether the crossing is equipped with active
17 warning devices. This would be a new and unwelcome noise to many existing residents and
18 businesses. Whenever UP blows its whistle in areas where residents are unaccustomed to
19 the noise—even in areas where new homes are built next to existing crossings, I field
20 numerous complaints from homeowners. If, as the city hopes, the Federal Railroad
21 Administration authorizes a quiet zone at this crossing, UP would not be sounding the
22 whistle, but we do not know at this point whether a quiet zone will be approved.

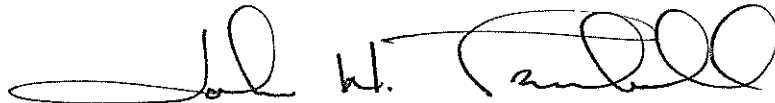
23 The other noise source is the running motors on the refrigerator cars carrying
24 produce being delivered to UP by TCRY. To the west of the proposed crossing is a housing
25 community bounded on the south by the UP tracks and on the north by the Port of Benton's
26 tracks. This area can be seen on the attached aerial marked Exhibit A. Currently, when cars

1 are interchanged between the TCRY and UP, the cars are spotted as far to the east on the UP
2 tracks as is possible. Even then, residents complain about the noise emanating from the
3 refrigeration motors on these railcars. See the complaints attached hereto as Exhibit B. As
4 stated in Lloyd Leathers' testimony, if Center Parkway is extended across the tracks,
5 refrigerator cars will be parked opposite more residents' homes more often than they now
6 are. This will be a daily annoyance to these residents, which should be taken into
7 consideration when deciding whether the crossing should be authorized. Considering the
8 lack of any substantial urgent need for the crossing and the many problems the installation
9 of such a crossing would create, UP strongly opposes its construction.

10 **DECLARATION**

11 I, John W. Trumbull, declare under penalty of perjury under the laws of the State of
12 Washington that the foregoing TESTIMONY OF JOHN W. TRUMBULL is true and correct to
13 the best of my knowledge and belief.

14 DATED this 7 day of November, 2005.

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17 

18 John W. Trumbull
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1 CERTIFICATE OF SERVICE

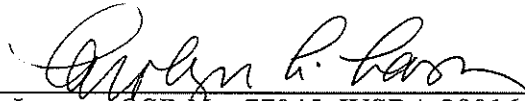
2 I certify that on this 7th day of November, 2005, the foregoing TESTIMONY OF JOHN
3 W. TRUMBULL was served ELECTRONICALLY on the following persons at the following
4 email addresses:

5
6 Commission Records Center – records@wutc.wa.gov

7 Karen Caille - kcaille@wutc.wa.gov

8 Jonathan Thompson – jthompson@wutc.wa.gov

9 John Ziobro - john.ziobro@ci.kennewick.wa.us

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11 

12 Carolyn L. Larson, OSB No. 77045 WSBA 29016
13 Of Attorneys for Respondent