

1 **What are the duties of your current position?**

2 I work on all of Union Pacific's ("UP") public projects that are on or near UP right of way
3 in Washington. As such, I work directly with the road authorities on public projects, such as grade
4 crossing surface and signal modifications, crossing maintenance, grade separations, quiet zones,
5 and other public projects.

6 **Did you have any experience in working as a public project manager prior to working at**
7 **Benesch?**

8 Yes. I have previously been employed by Norfolk Southern where I was the Manager of
9 Public Projects for 2 years.

10 **In her prefiled testimony, Gloria Mantz offered that the City of Spokane Valley (the "City")**
11 **began coordinating with UP on the Barker Road Corridor Improvement Project (the**
12 **"Project") in early 2019. To your knowledge, when did communications and coordination**
13 **begin between the City and UP for the Project?**

14 I am not certain of when the first communication occurred; however, the Preliminary
15 Engineering Agreement ("PEA") was entered into on August 29, 2019. The PEA is the first step
16 in coordinating a proposed project.

17 **In her prefiled testimony, Gloria Mantz offered that UP delays caused phase two of the**
18 **Project to be split into two additional phases. Do you know why this delay occurred?**

19 No, I do not, and I am unaware of UP causing any such delay. The diagnostic had not been
20 conducted at that point and was ultimately conducted on June 30, 2020.

21 **In her prefiled testimony, Gloria Mantz offered that "when the gates are down at the UPRR**
22 **crossing during the PM peak hour, queues typically build up to about 500 feet southbound**
23 **and 225 feet northbound (with queue typically spilling onto both directions of Euclid**
24 **Avenue)." How will the Project alleviate the backup of such queues?**

25 The Project will not create any additional room or storage southbound and will only add
26 additional room or storage for northbound motorists making a left turn. A grade separation would
27 be the most effective way to accomplish a reduction in queues.

1 **In her prefiled testimony, Gloria Mantz offered that Barker Road has already been widened**
2 **to three lanes everywhere but the intersection of Barker Road and Euclid Avenue, and**
3 **asserted that without the proposed third lane, there will be queuing issues causing traffic to**
4 **back up, which would affect traffic and public safety. What do you believe the impact will**
5 **be if a third lane is not added to this intersection of Barker Road and Euclid Avenue?**

6 I believe the traffic impact would be limited to queuing of northbound Barker Road traffic
7 turning westbound onto Euclid. The third lane at this intersection is a center left turn lane that
8 transitions to a dedicated turn lane.

9 **In his prefiled testimony, Robert Lochmiller offered a description of the proposed**
10 **modifications at this crossing. Does the description he’s given seem accurate to you?**

11 No. Mr. Lochmiller has described that “the northbound cantilever will provide flashers for
12 both lanes of travel,” and this is inaccurate. The northbound cantilever will provide a flasher for
13 the left turn lane. The flashers for the through lane will be on the mast, not on the northbound
14 cantilever.

15 Mr. Lochmiller also stated that there would be a total of nine flashers and three warning
16 bells at this crossing, and this is inaccurate. Per the signal design, there are ten flashers and two
17 warning bells.

18 Additionally, Mr. Lochmiller has asserted that UP “specifically requested” that the median
19 curb extends further south to block left turns out of Hattamer Lane, and this is incorrect – this
20 modification was made pursuant to the diagnostic team’s recommendation.

21 **In his prefiled testimony, Robert Lochmiller offered that the City designed specific**
22 **improvements at the request of and with the help of UP. Is this correct?**

23 No. The City designed the improvements Mr. Lochmiller is referring to pursuant to the
24 diagnostic team’s recommendations.

25 **In his prefiled testimony, Robert Lochmiller asserted that UP “told the City all of the**
26 **required improvements that the City was going to have to fund.” Is this correct?**

27

1 I cannot say for certain without knowing which improvements Mr. Lochmiller is referring
2 to, but all improvements are dictated by project needs, and are based on UP's Engineering
3 Standards and the diagnostic team's recommendations.

4 **In his prefiled testimony, Robert Lochmiller offered that with the exception of the additional**
5 **turning lane and pedestrian path, the additional road and crossing improvements were**
6 **included due to UP's traffic safety concerns. Is this correct?**

7 The additional road and crossing improvements were included pursuant to the diagnostic
8 team's recommendations.

9
10 **DECLARATION**

11 I, ELLIS MAYS, declare under penalty of perjury under the laws of the State of
12 Washington that the foregoing REBUTTAL TESTIMONY OF ELLIS MAYS is true and correct
13 to the best of my knowledge and belief.

14
15 DATED this 26th day of April 2022.

16
17 /s/ Ellis Mays
18 ELLIS MAYS

1 **DECLARATION OF SERVICE**

2 I hereby declare under penalty of perjury under the laws of the State of Washington that I
3 caused a true and correct copy of the foregoing to be served via the methods below on this 26th
4 day of April, 2022 on the following counsel/party of record:

5 Kenneth W. Harper 6 MENKE JACKSON BEYER, LLP 7 807 N. 39 th Avenue 8 Yakima, WA 98902 9 Phone: (509) 575-0313 10 Email: kharper@mjbe.com zfoster@mjbe.com qplant@mjbe.com Julie@mjbe.com <i>Attorneys for City of Spokane Valley</i>	<input type="checkbox"/> via U.S. Mail, first class, postage prepaid <input type="checkbox"/> via Legal Messenger Hand Delivery <input type="checkbox"/> via Facsimile <input checked="" type="checkbox"/> via E-mail:
11 Washington Utilities & Transportation 12 Commission	<input checked="" type="checkbox"/> efiling.utc.wa.gov/form
13 Jeff Roberson 14 Assistant Attorney General 15 Office of the Attorney General 16 Utilities and Transportation Division 17 P.O. Box 40128 18 Olympia, WA 98504-0128 19 Phone: (360) 664-1188 20 E-mail: jeff.roberson@utc.wa.gov betsy.demarco@utc.wa.gov	<input type="checkbox"/> via U.S. Mail, first class, postage prepaid <input type="checkbox"/> via Legal Messenger Hand Delivery <input type="checkbox"/> via Facsimile <input checked="" type="checkbox"/> via E-mail:

21 /s/ Elizabeth Pina
22 Elizabeth Pina, Legal Assistant
Elizabeth.Pina@lewisbrisbois.com