

Exhibit No.  
Docket No. TR-100127  
Witness: Delphie Nielsen

**BEFORE THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION**

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION,

Petitioner,

CENTRAL PUGET SOUND REGIONAL  
TRANSPORTATION AUTHORITY; and  
CITY OF LAKEWOOD,

Respondents.

Docket No. TR-100127, TR-100128, and TR -  
100129 (*Consolidated*)

**WRITTEN DIRECT TESTIMONY OF**

**Delphie Nielsen  
Director of Transportation  
Clover Park School District**

**City of Lakewood**

**May 5, 2010**

1 DELPHIE NIELSEN testifies as follows:

2 I submit this testimony in opposition to the petitions of the Washington State  
3 Department of Transportation in the above-referenced dockets.

4 **Q. Please state your name and business address.**

5 **A.** My name is Delphie Nielsen, and my business address is 10903 Gravelly Lake Drive  
6 SW, Lakewood, WA 98499-1341. My email address is [dnielsen@cloverpark.k12.wa.us](mailto:dnielsen@cloverpark.k12.wa.us).

7 **Q. Who is your employer?**

8 **A.** The Clover Park School District.

9 **Q. Describe your position with the Clover Park School District including your duties  
10 and responsibilities.**

11 **A.** As the Director of Transportation for the School District, I am responsible for the  
12 operations of all school bus drivers, routes and service to students as well as coordination  
13 within the community. Safe transportation of students to and from school is a primary  
14 responsibility of the position.

15 **Q. How does your background and experience qualify you to hold this position?**

16 **A.** I have worked in this field for seventeen years and in this position for four. I was a  
17 Transportation Manager for seven years before that. All of this involves the safe routing of  
18 school buses.

19 **Q. Are you familiar with the "Point Defiance Bypass" project?**

20 **A.** Yes.

21 **Q. What is it?**

1 A. The implementation of rail grade service between Mounts Road to Point Defiance. My  
2 understanding is that this is for high-speed rail.

3 **Q. Are you familiar with Clover Creek Drive, Berkeley Street and North Thorne lane**  
4 **where the rail road tracks cross?**

5  
6 A. I am.

7 **Q. Do Clover Park School buses go through those crossings?**

8 A. They do.

9 **Q. With what frequency?**

10  
11 A. If you just count those three crossings, there are 57 buses a day, 51 with students on  
12 board.

13 **Q. Do you have concerns about the three crossings at issue here?**

14 A. I do.

15 **Q. Please describe your concerns.**

16  
17 A. We already do what we can to develop routes that avoid the tracks. With Berkeley and  
18 North Thorne Lane we have no choice because those are the only way to get to Tillicum and  
19 Woodbrook. For all three crossings the signage is weak, there are insufficient flashing lights  
20 and arms and the plans to increase rail traffic do not take into account some limited turn radius  
21 issues on Pacific Highway or space for a stop arm or room for a buffer. There is not enough  
22 space to add trains to the buses and the traffic from Joint Base Lewis-McChord.

23  
24 **Q. Have you raised your concerns with WSDOT?**

25 A. Yes.  
26  
27

1 **Q. Describe your interaction with WSDOT as it relates to your safety concerns about**  
2 **these three crossings.**

3 **A.** They issued a questionnaire that we responded to and which resulted in some meetings  
4  
5 between the School District, WSDOT and the WUTC.

6 **Q. Was there any effort to work with other interested parties such as the City of**  
7 **Lakewood?**

8 **A.** None to my knowledge.

9 **Q. Describe the interaction.**

10 **A.** Cordial and open. They took notes, made some modifications and suggestions. It  
11  
12 seemed like they understood our safety concerns and even agreed with them.

13 **Q. So you feel like the plans for these crossings are safe?**

14 **A.** No.

15 **Q. Please explain.**

16 **A.** It comes down to money. They even tried to persuade us to waive a safety requirement  
17  
18 for school buses at rail grade crossings in an attempt to make the crossing work – there just  
19 wasn't the money to do it right.

20 **Q. What do you mean when you say that they tried to persuade you to waive a safety**  
21 **requirement?**

22 **A.** By law buses are required to stop no closer than fifteen and no farther than fifty feet  
23  
24 before any rail grade crossing, check for oncoming train traffic and then proceed.

25 **Q. You have to stop regardless of signals?**

26 **A.** Correct unless the railgrade has a posted exemption  
27

1 Q. And you were asked to waive this requirement?

2 A. Yes. I was asked to explore whether the school district will consider exempting buses  
3 from stopping at the crossings. Under the best of circumstances this requirement means 27  
4 seconds per bus per crossing. Given how bad the crossings are as it is those seconds make a  
5 difference.  
6

7 Q. So why not agree to waive the safety requirement?

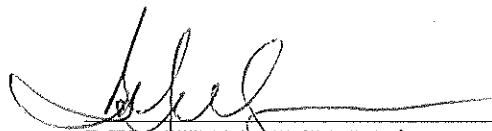
8 A. I do not think that is the safe course for the students that we are responsible for  
9 transporting.  
10

11 Q. Does this conclude your testimony?

12 A. Yes it does.

13 I declare under penalty of perjury under the laws of the State of Washington that the  
14 foregoing is true and correct to the best of my knowledge.

15 DATED this 5<sup>th</sup> day of May, 2010 at Lakewood, Washington.

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17  
18 

19 DELPHIE NIELSEN, Director of Transportation  
20 Clover Park School District