

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

**RESPONDENT, CITY OF ELMA'S,  
TESTIMONY AND EXHIBITS**

DANIEL O. GLENN  
Attorney for City of Elma  
P. O. Box 49  
Olympia, WA 98507-0049  
Telephone: 360-943-7700  
Facsimile: 360-943-7721  
[glennsatsop@msn.com](mailto:glennsatsop@msn.com)

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

TESTIMONY OF

JOHN DUNCAN

GIBBS & OLSON

November 10, 2011

EXHIBIT NO. \_\_\_\_\_ (JD \_\_\_\_\_)  
Docket TR-110157, 110162, 110159, 110160, 1110161  
Witness: John Duncan

TABLE OF CONTENTS

I. WITNESS QUALIFICATIONS AND EXPERIENCE

EXHIBIT LIST

Exhibit No. _____ (JD 1)	Curriculum Vitae
Exhibit No. _____ (JD 2)	Report

1 I. WITNESS QUALIFICATIONS AND EXPERIENCE

2 Q. Please state your name.

3 A. My name is John Duncan.

4 Q. For whom do you work?

5 A. I am employed as a professional Engineer by Gibbs & Olson,  
6 P.S., a professional engineering firm which provides  
7 services to private and public entities. Those services  
8 include engineering, general consulting, and land surveying  
9 work. My work address is 1405 17<sup>th</sup> Avenue, Longview,  
10 Washington 98632.

11 Q. What is your professional experience?

12 A. Attached to this is Exhibit Number 1 which sets out my  
13 Curriculum Vitae. As it indicates, I have over 42 years of  
14 experience. I am both a licensed professional engineer and  
15 professional land surveyor. I am licensed in both areas to  
16 perform services in the State of Washington and the State of  
17 Oregon. A number of the projects upon which I have worked  
18 are listed upon the Curriculum Vitae.

19 Q. What is your current title with Gibbs & Olson?

20 A. I am a Senior Engineer Principal.

21 Q. In terms of your employment with Gibbs & Olson, what is your  
22 professional work history?

23 A. As the Curriculum Vitae sets out, I provide professional

1 design and guidance services to municipal corporations, as  
2 well as private companies. Those services include projects  
3 in street improvements, storm water improvements, general  
4 engineering, and development services and similar projects.

5 **Q. To what extent have your professional duties related to**  
6 **issues of railroad crossing safety?**

7 A. Many of the street projects with which I have worked have  
8 involved roads that cross railroads. In order to properly  
9 manage these, I have had to acquire familiarity with  
10 requirements for railroad crossings.

11 **Q. To what extent do you have special training and experience**  
12 **in municipal engineering?**

13 A. As my Curriculum Vitae notes, I have managed many projects  
14 for municipal corporations. Further, as part of my  
15 continuing professional engineering requirements, I have  
16 attended many training sessions in municipal public works  
17 and civil engineering, planning, design, construction, and  
18 management so as to maintain the engineering and surveying  
19 certifications I possess.

20 **Q. As part of an environmental review of the application filed**  
21 **by Puget Sound & Pacific Railroad to close the railroad**  
22 **crossings at North 2<sup>nd</sup> Street, North 5<sup>th</sup> Street, North 10<sup>th</sup>**  
23 **Street, North 17<sup>th</sup> Street, and Hewitt Street, the latter two**

1 of which are in the unincorporated area and thus outside the  
2 corporate limits of the City of Elma, to your knowledge, is  
3 there any application to close the railroad crossing at  
4 South 5<sup>th</sup> Street or South 10<sup>th</sup> Street?

5 A. No. I do not believe there are any crossings on South 5<sup>th</sup>  
6 or South 10<sup>th</sup>.

7 Q. Within the scope of your assignment, did you review the  
8 impacts operationally and fiscally of the closing of the  
9 various crossings?

10 A. Yes.

11 Q. Did you prepare a report summarizing your opinions and  
12 conclusions?

13 A. Yes. A copy of that is attached as Exhibit Number 2.

14 Q. Does that report summarize your conclusions about the  
15 impacts and costs of closing the various crossings?

16 A. Yes.

17 Q. Does this conclude your testimony at this time?

18 A. Yes.

19

20

21

22

23

24

25

## JOHN DUNCAN, PE, PLS

### SENIOR ENGINEER PRINCIPAL

**SPECIALITY:** Roads, Civil Site  
Development, and Land Surveying

Professional Engineer -  
Washington License 21711, 1989  
Oregon License 14365, 1990

Professional Land Surveyor -  
Washington License 21711, 1983  
Oregon License 1890, 1980

BS Applied Science and  
Structural Engineering,  
Portland State University

John is both a licensed professional engineer and land surveyor. He has 42 years of experience. John's projects include site planning and development design, road and drainage design, and land surveying tasks. John has been a Project Manager for dozens of Gibbs & Olson's projects including 35 road design projects and more than 50 civil site and industrial site development projects. He provides general municipal engineering services to a number of our clients and performs many of our development plan reviews.

#### REPRESENTATIVE PROJECT EXPERIENCE

##### **South Hubbard Avenue Improvements, Yacolt, WA.**

*Project Manager.* John performed design and construction phase services for reconstruction of approximately 1,100-foot of roadway and replacement of approximately 670-foot of water main. John performed the majority of services on the roadway portion of the project including: provide project administration; prepare drawings and specifications and opinion of cost; provide assistance in obtaining permits and approvals; consultations with agencies for environmental compliance, grant eligibility issues and for utilities replacement; prepare contract documents; provide bid advertisement and award services; and provide construction phase services. Roadway improvements were constructed for approximately \$247,900.

**Municipal Engineer/Development Plan Reviewer for Town of Yacolt.** John reviews Developer submitted drawings and design documents to check for compliance with Town code. He meets with developers, citizens and elected city officials as required regarding plans for proposed residential, commercial and/or industrial development projects. He performs all requirements necessary to facilitate recording with County Auditor. As Town Engineer, John assists in preparation of project scopes of work, schedules and budgets; assists in preparation of state and/or federal grant and/or loan applications and administration of funding packages; Assists in obtaining environmental permits and/or regulatory agency approvals and reviews; and conducts or assists in conducting council presentations, public hearings and public involvement programs.

## John Duncan, PE, PLS

### Project Experience (Project Name and Client)

#### Streets and Roadways

- Eaton Street Improvements; City of Elma
- National Avenue and Airport Road Flood Repair; City of Chehalis
- FEMA-Funded Flood Damage Roads Repair (6 locations); City of Chehalis
- Central Avenue Improvements; City of Tenino
- Blackmore Avenue Improvements, Phase III; Town of Yacolt
- Humphrey Street And Ranck Avenue Sidewalks; Town of Yacolt
- South Hubbard Avenue Improvements; Town of Yacolt
- Jones Street Sidewalk Improvements; Town of Yacolt
- Dunham Street Road, Sewer and Water Improvements; City of Woodland
- Elm Street Widening; City of La Center
- North Cedar Avenue Improvements; Town of Yacolt
- West Third Street Re-construction; City of La Center
- West "D" Avenue and West Fifth Street; City of La Center
- Tenth Street Improvements; City of La Center

### Civil Site Development

- Fill Site Plan and Site Improvements; Clatskanie Public Utility District
- Lower Columbia Pathologists' Building Site, Longview; Taylor Gregory Butterfield Architects
- Light Industrial Park Building, Vancouver; Washington State Department of Transportation
- Medical Office Building, Longview; Peace Health
- Longview Housing Authority's Phoenix House; Michael Willis Architects
- Solo Storage Units, Longview; Solo Storage
- St. Vincent de Paul Food and Clothing Warehouse, Longview; St. Vincent de Paul
- Columbia Bank Building, Longview; Zenczak & Partners Architects
- Civic Center Office Building, Longview; Craig Collins, Collins Architecture Group
- Baptist Church Complex, Longview; First Baptist Church of Longview
- New Parrott Way Building, Kelso; JL Storedahl
- Field of Dreams Subdivision, Castle Rock; Lower Columbia Community Action Council

### Land Surveying

- Licensed Land Surveyor in charge of hundreds of Gibbs & Olson survey projects while Head of Gibbs & Olson's Land Survey Department 1984 – 2000
- Assists in the Survey Department as needed

### Other

- Town Park Improvements; Town of Yacolt
- Stormwater Management Program (SWMP) for Secondary Permittee, Cowlitz County; Consolidated Diking Improvement District No. 1
- Benjamin Square Retail Complex Drainage Review, Woodland; Western Design
- General Engineering and Development Plan Review for the Town of Yacolt
- General Engineering Services for City of Elma
- Development Plan Review for the City of Tenino
- General Engineering Services for City of Rainier, OR



LaRae Erickson <larae.erickson75@gmail.com>

# Re: John's Resume

1 message

Daniel Glenn <glennsatsop@msn.com>  
To: John Duncan <JDuncan@gibbs-olson.com>

Tue, Nov 8, 2011 at 2:34 PM

Mr. Duncan,

That is fine. We will include in your written "testimony."

Dan Glenn

----- Original Message -----

**From:** John Duncan  
**To:** glennsatsop@msn.com  
**Sent:** Tuesday, November 08, 2011 2:28 PM  
**Subject:** FW: John's Resume

Dan: Here is a resume. Please review and it can be edited if needed.

John A. Duncan, P.E.,P.L.S.

Gibbs & Olson Inc.

1405 17th Ave.

Longview, Wa. 98632

Ph. 360-425-0991

Fax 360-423-3162

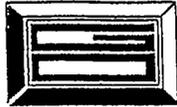
Cell 360-430-7385

---

Gibbs & Olson is happy to announce the launch of our new website at <http://www.gibbs-olson.com>  
The new design will keep you up-to-date on the services we offer along with details on some of our latest projects.  
Gibbs & Olson provides civil engineering and land surveying services to clients throughout western Washington and

northern Oregon.

---



COPY

March 7, 2011

RECEIVED

MAR - 9 2011

ELMA CITY HALL

Jim Starks, Public Works Director  
Steve Petitt, Building Official/Fire Marshal/Director of Community Development  
City of Elma  
202 W Main Street  
P.O. Box E  
Elma, WA 98541

Re: Four (4) Proposed Railroad Crossing Closures

Dear Jim and Steve;

I have reviewed the four proposed railroad crossing closures and developed project construction costs associated with each closure. Enclosed are copies of the Opinion of Probable Cost spreadsheets for each identified railroad crossing closure location. The following are my evaluations of each closure location:

1. North 2<sup>nd</sup> Street Crossing

The North 2<sup>nd</sup> Street Crossing is an at-grade (north-south) crossing that is relatively flat in each directions. It is located in the Martins Addition to the Town of Elma subdivision platted in November 1889. Based on preliminary review of records, it appears that the plat predates the existence of the railroad, and as such, the rights of the public to 2<sup>nd</sup> Street as a public right-of-way precede any railroad rights. A formal street vacation process administered by the City of Elma will likely be required to close the 2<sup>nd</sup> Street crossing.

Since this location has a very flat grade crossing in each direction, it accommodates well the passage of vehicles with minimal street clearance, such as lowboy trailers, chip trucks, trailers with low hitches and cars that have been lowered (low riders). Should a closure at this proposed location be approved, cul-de-sacs accommodating emergency vehicle's turnaround areas will need to be installed on both the north side and south side of the railroad tracks.

Additionally, West Pine Street and North 2<sup>nd</sup> Street would require improvements to accommodate the rerouted vehicle traffic (see attached opinion of cost). The current North 2<sup>nd</sup> Street crossing traffic would most likely be routed to 3<sup>rd</sup> Street.

Jim Starks, Public Works Director  
Steve Petit, Building Inspector  
City of Elma  
March 7, 2011

## 2. North 5<sup>th</sup> Street Crossing

The North 5<sup>th</sup> Street Crossing is a light traffic area with a narrow, at-grade crossing (north-south), with access primarily to commercial and industrial properties on the north side of the tracks. In addition, the existing street is narrow, with a 30-foot right-of-way on the northerly side of the tracks. Should the proposed North 5<sup>th</sup> Street closure be approved, cul-de-sacs accommodating emergency vehicles and commercial trucks will need to be installed on both the north side and the south side of the tracks. Additionally, West Pine Street and North 5<sup>th</sup> Street will require widening to accommodate the rerouted vehicle traffic. As a note, the existing 30-foot right-of-way is insufficient to accommodate the street widening, and therefore, additional right-of-way will need to be purchased for any proposed street improvements (see attached opinion of cost). Closure of the 5<sup>th</sup> Street crossing traffic would most likely be routed to 3<sup>rd</sup> Street.

## 3. North 10<sup>th</sup> Street

The North 10<sup>th</sup> Street Crossing is an at-grade (north-south) crossing which provides access to residential neighborhoods and the city park. The area northerly of the railroad tracks is relatively flat, and during large storm events, 11<sup>th</sup> and 12<sup>th</sup> Streets experience ponding and vehicle wash wakes from traffic, which flood the adjoining homes on either side of the street. During these heavy rainfall events, traffic is detoured to the 10<sup>th</sup> Street crossing to reduce stormwater impacts to the existing homes.

Should the proposed North 10<sup>th</sup> Street closure be approved, cul-de-sacs accommodating turnaround for emergency vehicles will need to be installed on both the north side and south sides of the tracks. Additionally, an engineering design study is recommended to be undertaken to address the stormwater, wash wake issue that occurs during heavy rainfall events. A \$20,000 budget for a stormwater pre-design study is proposed. Based on the results of the stormwater pre-design, an opinion of cost can be developed for the required improvements to the City's stormwater system. The current North 10<sup>th</sup> Street traffic would most likely be routed to 11<sup>th</sup> Street.

## 4. North 17<sup>th</sup> Street Crossing

The North 17<sup>th</sup> Street Crossing is an at-grade (north-south) crossing with the southerly side of the tracks zoned City of Elma residential and the north side zoned Gray's Harbor County rural. The north side is at a relatively even grade with the railroad tracks, with the southerly side experiencing a sharp drop of 6-feet ± within a short distance. This crossing location provides access to the City's potable water wells, which are located 1,500-feet northwesterly from this crossing. This location

Jim Starks, Public Works Director  
Steve Petit, Building Inspector  
City of Elma  
March 7, 2011

provides the most direct access from the westerly side of the City, and is the backup access during the heavy rainfall storm events discussed in the North 10<sup>th</sup> Street crossing narrative above.

Should the proposed North 17<sup>th</sup> Street closure be approved, a cul-de-sac accommodating turnaround for emergency vehicles will need to be installed on the south side (City side) of the tracks. It is unknown at this time what improvements Gray's Harbor County will require. The current 17<sup>th</sup> Street traffic would most likely be routed to 11<sup>th</sup> Street, except during heavy rainfall events.

### General Discussion

The closing of North 2<sup>nd</sup> Street and North 5<sup>th</sup> Street will reroute traffic onto North 3<sup>rd</sup> Street, which has sufficient width to handle the traffic, but is in extremely poor street condition. The State of Washington Transportation Improvement Board (TIB) rates streets under their GMap dashboard (available for review on-line at TIBGMAP.com, click on Small City Maintenance, then to City of Elma under Gray's Harbor County). As shown on the GMap dashboard, Third (3<sup>rd</sup>) Street is tied for the lowest street rating in the entire city, with the portion from the railroad southerly to Anderson Street the lowest rated street in the City. Routing additional traffic onto the lowest rated street in the city is not recommended without significant improvements.

Additionally, while the vertical street grade northerly from the existing railroad track crossing at 3<sup>rd</sup> Street is a relatively flat grade, the vertical alignment to the south of the tracks drops 5-feet ± within a short distance, providing opportunity for vehicles to become high-centered while crossing the tracks. This represents a safety hazard.

To accommodate the proposed crossing closures at identified locations, cul-de-sacs to provide turnarounds for emergency vehicles will be required. A maximum distance of 150-feet or less for emergency vehicle backup is allowed before a turnaround is required. Costs were developed for a cul-de-sac turnaround capable of being constructed at the identified locations. An alternate turnaround design, such as a hammer head, may also be a viable option, with the costs for this style of turnaround similar to those of a cul-de-sac. Further, additional right-of-way will need to be acquired to accommodate required street improvements on both North 5<sup>th</sup> Street and West Pine Street, as well as the required cul-de-sac turnarounds at all the identified locations. Land acquisition costs for required right-of-way will be in addition to the identified project construction costs, which are shown below. (See attached Opinion of Probable Cost breakdowns of individual cost elements).

Jim Starks, Public Works Director  
Steve Petit, Building Inspector  
City of Elma  
March 7, 2011

**Proposed Railroad Crossing Closures**

North 2<sup>nd</sup> Street

Cul-de-sac North (Exhibit A).....\$90,700  
Cul-de-sac South (Exhibit A).....\$90,700  
Pine St., 3<sup>rd</sup> to 2<sup>nd</sup> and 2<sup>nd</sup> to Cul-de-sac (Exhibit B) ....\$316,200

North 3<sup>rd</sup> Street

Young to Pine Street (Exhibit D).....\$921,250

North 5<sup>th</sup> Street

Cul-de-sac North (Exhibit A).....\$90,700  
Cul-de-sac South (Exhibit A).....\$90,700  
Pine St., 3<sup>rd</sup> to 5<sup>th</sup> and 5<sup>th</sup> to Cul-de-sac (Exhibit C) .....\$495,800

North 10<sup>th</sup> Street

Cul-de-sac North (Exhibit A).....\$90,700  
Cul-de-sac South (Exhibit A).....\$90,700  
Stormwater Design Study .....\$20,000  
Stormwater Improvement Cost..... Unknown

North 17<sup>th</sup> Street

Cul-de-sac South (Exhibit A).....\$90,700

Opinion of Total Probable Costs for Closures as Proposed      \$2,388,150

Unknown costs:

- Land acquisition
- Stormwater Improvements
- Improvements for 11<sup>th</sup> and 12<sup>th</sup> Streets

Jim Starks, Public Works Director  
Steve Petit, Building Inspector  
City of Elma  
March 7, 2011

Should you have any questions or wish to discuss further, please do not hesitate to contact me at your convenience.

Sincerely

GIBBS & OLSON, INC.

  
\_\_\_\_\_  
John A. Duncan, P.E.

JAD/bbk

Attached: Exhibits A, B, C and D

Exhibit A

Owner: City of Elma  
 Project: Cul-de-Sac for Railroad Closure  
 Opinion of of Probable Cost March 7, 2011

Radius = 45' with Curb

Item No.	Item Description	Bid Quantity		Engineer's Estimate Gibbs & Olson, Inc.	
				Unit Price	Amount
1	Mobilization	1	L.S.	\$ 3,840.00	\$ 3,840.00
2	Traffic Control	1	L.S.	\$ 1,000.00	\$ 1,000.00
3	Miscellaneous Construction	1	L.S.	\$ 800.00	\$ 800.00
4	Clearing & Grubbing	1	L.S.	\$ 1,200.00	\$ 1,200.00
5	Removal of Structures and Obstructions	1	L.S.	\$ 2,000.00	\$ 2,000.00
6	Cul-de-Sac Excavation, Including Haul	250	C.Y.	\$ 25.00	\$ 6,250.00
7	Unsuitable Foundation Excavation	20	C.Y.	\$ 10.00	\$ 200.00
8	Embankment Compaction	20	C.Y.	\$ 20.00	\$ 400.00
9	Gravel Borrow	20	C.Y.	\$ 18.00	\$ 360.00
10	Crushed Surfacing Base Course	360	TN.	\$ 20.00	\$ 7,200.00
11	Crushed Surfacing Top Course	125	TN.	\$ 22.00	\$ 2,750.00
12	Hot Mix Asphalt, Class A	130	TN.	\$ 110.00	\$ 14,300.00
13	12- inch HDPE Storm Pipe	75	L.F.	\$ 50.00	\$ 3,750.00
14	Trench Safety Systems	1	L.S.	\$ 2,000.00	\$ 2,000.00
15	Type 1 Catch Basin	1	E.A.	\$ 1,100.00	\$ 1,100.00
16	Temporary Erosion Control	1	F.A.	\$ 1,500.00	\$ 1,500.00
17	Cement Concrete Curb & Gutter	250	L.F.	\$ 12.00	\$ 3,000.00
<b>Subtotal</b>					<b>\$ 51,650.00</b>
Construction Contingency @ 25%					\$ 12,900.00
<b>Total Construction Cost</b>					<b>\$ 64,550.00</b>
Design Engineering and Construction Management @25%					\$ 16,150.00
Biological Historical Archeological Assessment					\$ 10,000.00
<b>Project Total Cost</b>					<b>\$ 90,700.00</b>

Prepared by:

*John A. Duncan*  
 John A. Duncan, P.E.  
 Gibbs & Olson, Inc.

March 7, 2011

Date

Exhibit B

Owner: City of Elma  
 Project: Pine St., 3rd to 2nd and 2nd St. South to Railroad  
 Opinion of of Probable Cost March 7, 2011

L = 630'  
 W = 32' Curb to Curb  
 5' Sidewalk on One Side

Item No.	Item Description	Bid Quantity		Engineer's Estimate Gibbs & Olson, Inc.	
				Unit Price	Amount
1	Mobilization	1	L.S.	\$ 14,240.00	\$ 14,240.00
2	Traffic Control	1	L.S.	\$ 4,000.00	\$ 4,000.00
3	Miscellaneous Construction	1	F.A.	\$ 3,500.00	\$ 3,500.00
4	Clearing & Grubbing	1	L.S.	\$ 2,000.00	\$ 2,000.00
5	Removal of Structures and Obstructions	1	L.S.	\$ 8,000.00	\$ 8,000.00
6	Roadway Excavation Incl. Haul	750	C.Y.	\$ 25.00	\$ 18,750.00
7	Unsuitable Foundation Excavation	20	C.Y.	\$ 10.00	\$ 200.00
8	Embankment Compaction	20	C.Y.	\$ 20.00	\$ 400.00
9	Gravel Borrow	20	C.Y.	\$ 18.00	\$ 360.00
10	Crushed Surfacing Base Course	1,150	TN.	\$ 20.00	\$ 23,000.00
11	Crushed Surfacing Top Course	450	TN.	\$ 22.00	\$ 9,900.00
12	Hot Mix Asphalt, Class A	440	TN.	\$ 110.00	\$ 48,400.00
13	12- inch HDPE Storm Pipe	250	L.F.	\$ 50.00	\$ 12,500.00
14	Trench Safety Systems	1	L.S.	\$ 3,000.00	\$ 3,000.00
15	Type I Catch Basin	2	E.A.	\$ 1,100.00	\$ 2,200.00
16	Temporary Erosion Control	1	F.A.	\$ 2,000.00	\$ 2,000.00
17	Cement Concrete Curb & Gutter	1,250	L.F.	\$ 12.00	\$ 15,000.00
18	Concrete Sidewalk (4 inch thick)	300	S.Y.	\$ 30.00	\$ 9,000.00
19	Cement Concrete Driveway (6 inch thick)	50	S.Y.	\$ 35.00	\$ 1,750.00
20	Pedestrian Ramps with Detectable Warning	2	E.A.	\$ 700.00	\$ 1,400.00
21	Pavement Markings	1	L.S.	\$ 1,200.00	\$ 1,200.00
22	Monument Case and Cover	1	E.A.	\$ 400.00	\$ 400.00
23	Hydrant Relocation	1	E.A.	\$ 4,000.00	\$ 4,000.00
24	Water Service Replacement	6	E.A.	\$ 1,100.00	\$ 6,600.00
<b>Subtotal</b>					\$ 191,800.00
Construction Contingency @ 25%					\$ 47,950.00
<b>Total Construction Cost</b>					\$ 239,750.00
Design Engineering and Construction Management @25%					\$ 59,950.00
Biological Historical Archeological Assessment					\$ 16,500.00
<b>Project Total Cost</b>					\$ 316,200.00

Prepared by:

*John A. Duncan*  
 John A. Duncan, P.E.  
 Gibbs & Olson, Inc.

March 7, 2011

Date

Exhibit C

Owner: City of Elma  
 Project: Pine St., 3rd to 5th and 5th/Pine Street to Railroad  
 Opinion of of Probable Cost March 7, 2011  
 Additional R/W required

L = 1,025'  
 W = 32' Curb to Curb  
 5' Sidewalk on One Side

Item No.	Item Description	Bid Quantity		Engineer's Estimate Gibbs & Olson, Inc.	
				Unit Price	Amount
1	Mobilization	1	L.S.	\$ 22,740.00	\$ 22,740.00
2	Traffic Control	1	L.S.	\$ 5,000.00	\$ 5,000.00
3	Miscellaneous Construction	1	F.A.	\$ 4,000.00	\$ 4,000.00
4	Clearing & Grubbing	1	L.S.	\$ 4,000.00	\$ 4,000.00
5	Removal of Structures and Obstructions	1	L.S.	\$ 10,000.00	\$ 10,000.00
6	Roadway Excavation Incl. Haul	1,300	C.Y.	\$ 25.00	\$ 32,500.00
7	Unsuitable Foundation Excavation	20	C.Y.	\$ 10.00	\$ 200.00
8	Embankment Compaction	20	C.Y.	\$ 20.00	\$ 400.00
9	Gravel Borrow	20	C.Y.	\$ 18.00	\$ 360.00
10	Crushed Surfacing Base Course	1,850	TN.	\$ 20.00	\$ 37,000.00
11	Crushed Surfacing Top Course	750	TN.	\$ 22.00	\$ 16,500.00
12	Hot Mix Asphalt, Class A	650	TN.	\$ 110.00	\$ 71,500.00
13	12- inch HDPE Storm Pipe	500	L.F.	\$ 50.00	\$ 25,000.00
14	Trench Safety Systems	1	L.S.	\$ 3,000.00	\$ 3,000.00
15	Type I Catch Basin	4	E.A.	\$ 1,100.00	\$ 4,400.00
16	Temporary Erosion Control	1	F.A.	\$ 2,000.00	\$ 2,000.00
17	Cement Concrete Curb & Gutter	2,050	L.F.	\$ 12.00	\$ 24,600.00
18	Concrete Sidewalk (4 inch thick)	500	S.Y.	\$ 30.00	\$ 15,000.00
19	Cement Concrete Driveway (6 inch thick)	70	S.Y.	\$ 35.00	\$ 2,450.00
20	Pedestrian Ramps with Detectable Warning	4	E.A.	\$ 700.00	\$ 2,800.00
21	Pavement Markings	1	L.S.	\$ 4,500.00	\$ 4,500.00
22	Monument Case and Cover	1	E.A.	\$ 2,000.00	\$ 2,000.00
23	Hydrant Relocation	2	E.A.	\$ 4,000.00	\$ 8,000.00
24	Water Service Replacement	8	E.A.	\$ 1,100.00	\$ 8,800.00
<b>Subtotal</b>					\$ 306,750.00
Construction Contingency @ 25%					\$ 76,700.00
<b>Total Construction Cost</b>					\$ 383,450.00
Design Engineering and Construction Management @25%					\$ 95,850.00
Biological Historical Archeological Assessment					\$ 16,500.00
<b>Project Total Cost</b>					\$ 495,800.00

Prepared by:

*John A. Duncan*  
 John A. Duncan, P.E.  
 Gibbs & Olson, Inc.

March 7, 2011  
 Date

Exhibit D

Owner: City of Elma  
 Project: N 3rd Street From Young Street, North to Pine Street  
 Opinion of Probable Cost March 7, 2010

L = 1,200'  
 W = 42' Curb to Curb  
 8' Sidewalks on Both Sides

Item No.	Item Description	Bid Quantity		Engineer's Estimate Gibbs & Olson, Inc.	
				Unit Price	Amount
1	Mobilization	1	L.S.	\$ 37,890.00	\$ 37,890.00
2	Traffic Control	1	L.S.	\$ 35,000.00	\$ 35,000.00
3	Miscellaneous Construction	1	F.A.	\$ 5,000.00	\$ 5,000.00
4	Clearing & Grubbing	1	L.S.	\$ 1,000.00	\$ 1,000.00
5	Removal of Structures and Obstructions	1	L.S.	\$ 20,000.00	\$ 20,000.00
6	Roadway Excavation Incl. Haul	200	C.Y.	\$ 25.00	\$ 5,000.00
7	Unsuitable Foundation Excavation	20	C.Y.	\$ 10.00	\$ 200.00
8	Embankment Compaction	20	C.Y.	\$ 20.00	\$ 400.00
9	Gravel Borrow	20	C.Y.	\$ 18.00	\$ 360.00
10	Fibreglass Paving Mat	5,600	S.Y.	\$ 6.00	\$ 33,600.00
11	Crushed Surfacing Base Course	400	TN.	\$ 20.00	\$ 8,000.00
12	Planing Bituminous Pavement	5,500	S.Y.	\$ 7.00	\$ 38,500.00
13	Hot Mix Asphalt, Class A	1,100	TN.	\$ 110.00	\$ 121,000.00
14	12- inch HDPE Storm Pipe	250	L.F.	\$ 50.00	\$ 12,500.00
15	Trench Safety Systems	1	L.S.	\$ 3,000.00	\$ 3,000.00
16	Type 1 Catch Basin	14	E.A.	\$ 1,100.00	\$ 15,400.00
17	Temporary Erosion Control	1	F.A.	\$ 2,000.00	\$ 2,000.00
18	Cement Concrete Curb & Gutter	2,350	L.F.	\$ 12.00	\$ 28,200.00
19	Concrete Sidewalk (4 inch thick)	1,820	S.Y.	\$ 30.00	\$ 54,600.00
20	Cement Concrete Driveway (6 inch thick)	270	S.Y.	\$ 35.00	\$ 9,450.00
21	Pedestrian Ramps with Detectable Warning	12	E.A.	\$ 700.00	\$ 8,400.00
22	Pavement Markings	1	L.S.	\$ 4,500.00	\$ 4,500.00
23	Monument Case and Cover	2	E.A.	\$ 400.00	\$ 800.00
24	8-inch 3034 SDR 35 Sanitary Sewer Pipe	200	L.F.	\$ 50.00	\$ 10,000.00
25	12-inch Ductile Iron Water Pipe with Fittings	1,200	L.F.	\$ 70.00	\$ 84,000.00
26	Hydrant Replacement	4	E.A.	\$ 4,000.00	\$ 16,000.00
27	Water Service Replacement	22	E.A.	\$ 1,100.00	\$ 24,200.00
<b>Subtotal</b>					\$ 579,000.00
Construction Contingency @ 25%					\$ 144,750.00
<b>Total Construction Cost</b>					\$ 723,750.00
Design Engineering and Construction Management @25%					\$ 181,000.00
Biological Historical Archeological Assessment					\$ 16,500.00
<b>Project Total Cost</b>					\$ 921,250.00

Prepared by:

*John A. Duncan*  
 John A. Duncan, P.E.  
 Gibbs & Olson, Inc.

March 7, 2011  
 Date

EXHIBIT NO. \_\_\_\_\_ (DE \_\_\_\_\_)  
Docket TR-110157, 110162, 110159, 110160, 110161  
Witness: Diana Easton

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

TESTIMONY OF  
DIANA EASTON  
CITY OF ELMA  
November 10, 2011

EXHIBIT NO. \_\_\_\_\_ (DE \_\_\_\_\_)  
Docket TR-110157, 110162, 110159, 110160, 1110161  
Witness: Diana Easton

TABLE OF CONTENTS

I. WITNESS QUALIFICATIONS AND EXPERIENCE

EXHIBIT LIST

Exhibit No. _____ (DE 1)	Ordinance 37
Exhibit No. _____ (DE 2)	Ordinance 60
Exhibit No. _____ (DE 3)	Ordinance 89

1 I. WITNESS QUALIFICATIONS AND EXPERIENCE

2 Q. Please state your name, mailing address, and position with  
3 the City of Elma.

4 A. My name is Diana Easton. My mailing address is P. O. Box  
5 3005, Elma, Washington 98541. I am the Clerk-Treasurer of  
6 the City of Elma and have served in that position in excess  
7 of eight years.

8 Q. What are your responsibilities in terms of the written  
9 records maintained by City?

10 A. Within my office, historically copies of all ordinances,  
11 resolutions, council minutes, and that type of thing are  
12 maintained. I am also the Public Records Official for the  
13 City.

14 Q. Within the scope of those responsibilities, have you  
15 discovered any ordinances which relate to the granting of  
16 rights to any predecessor company of Puget Sound & Pacific  
17 Railroad Company?

18 A. Yes. We have discovered Ordinances 37, 60, and 89. These  
19 ordinances were adopted in the 1890's at a time prior to the  
20 utilization by the City of even typewriters. Thus, they are  
21 handwritten. Copies of each of them as they exist in the  
22 City's records are attached as Exhibits, 1, 2, and 3,  
23 respectively.

1 Q. Have you found any evidence of any records in the City's  
2 records that any of these Ordinances were ever repealed or  
3 amended?

4 A. No.

5 Q. Is it correct that the area referenced as Railroad Avenue in  
6 Ordinance Number 60 is the current location of the building  
7 and switching yards utilized by Puget Sound and Pacific  
8 Railroad?

9 A. That is my understanding based upon looking at the Plat Map  
10 for the area.

11 Q. In searching the public records, have you found any  
12 ordinance under which Railroad Avenue, as dealt with in  
13 Ordinance Number 60, was vacated and granted to any  
14 successor of the original railroad?

15 A. No.

16 Q. Does this conclude your testimony at this time?

17 A. Yes.

18

19

20

21

22

23

24

State of Washington,  
County of Chehalis, } Ordinance No. 37.  
Town of Elma.

An ordinance ordering the clearing opening and grubbing of Division avenue from Railroad avenue to Greenwood avenue.

Be it ordained by the Council of the town of Elma.

Section 1. That in accordance with the resolution of the Council passed July 1st, 1890, it is hereby ordered that Division avenue be opened, cleared and grubbed from Railroad avenue to Greenwood avenue.

Section 2. That all lots and parts of blocks abutting on said street between said points for the full depth thereof are hereby established as an assessment district liable for the cost of grading said street.

Passed August 21<sup>st</sup>, 1890.  
Approved August 21<sup>st</sup>, 1890.

Attest: Jno. G. Barney,  
R. M. Weston, Mayor.  
Town Clerk.

I hereby certify that the foregoing ordinance is a true and correct copy of the original ordinance. Witness my hand this 23<sup>rd</sup> day of August, 1890.

R. M. Weston  
Town Clerk.

State of Washington }  
County of Chehalis } Ordinance No 60.  
Town of Elma.

Being an ordinance granting the Tacoma, Olympia and Grays Harbor Railroad Company, its successors and assigns, the right to use and occupy Railroad Avenue between A and Third streets for side tracks, depot grounds, and general railroad purposes.

Be it ordained by the Council of the Town of Elma:

Section I. That the Tacoma, Olympia and Grays Harbor Railroad Company, its successors and assigns, is hereby granted the right to use and occupy Railroad Avenue in the Town of Elma, between A and Third street for the building and maintaining of sidetracks, freight and passenger depot and warehouse buildings, and telegraph lines, and for general railroad purposes, so long as the said Avenue shall be used for Railroad purposes: provided said Railroad company, its successors and assigns, shall provide and maintain suitable and convenient crossings over the T. O. & H. H. and P. S. & G. H. Railroad tracks at all streets intersecting with said Railroad Avenue and keep said crossings unobstructed as provided in an ordinance of the Town of Elma, numbered 39.

Section III. This ordinance shall take effect from and after its passage, approval and publication according to law.

Passed the Council this 6<sup>th</sup> day of October 1897.

Approved and signed by the Mayor this 7<sup>th</sup> day of October 1897.

Attest: L. E. Sackett

H. Blair

Clerk of the Town of Elma.

Mayor of the Town of Elma.

State of Washington }  
County of Chehalis } ss.

I, L. E. Sackett, Clerk of the Town of Elma hereby certify that the foregoing is a true and correct copy of an ordinance of the Town of Elma numbered 60, and entitled an ordinance granting the T. O. & H. R. R. Co., its successors and assigns, the right to use and occupy Railroad Avenue between A and Third streets for side tracks, depot grounds, and general railroad purposes, and that said ordinance has been published as required by law in the Elma Chronicle a newspaper published in the Town of Elma and of general circulation therein.

In witness whereof I have hereunto set my hand and the seal of said Town of Elma this 17<sup>th</sup> day of October 1897.

Section 4.

The town of Elma shall have the right to, at its own expense and without cost to said Railroad Company, grade any street over, or tunnel any street under said railroad by not obstructing or interfering with the operation thereof.

Section 5.

Any violation of the provisions of this ordinance shall be deemed a misdemeanor and said Railroad Company upon conviction thereof shall be subject to a fine of not more than Fifty Dollars and costs for each offense.

Section 6.

The said town of Elma hereby reserves the right to alter or amend this ordinance in any and all respects not inconsistent with the purposes of this grant.

Section 7.

This ordinance shall be in force and effect after its passage, approval and publication and its acceptance by said Railroad Company, Approved October 07, 1890.  
Passed the Council October 07, 1890.

Attest:

R. M. Watson,  
Town Clerk.

A. H. Kennedy,  
Mayor Pro Tem.

I hereby certify that the foregoing ordinance is a correct and true copy of the original ordinance.  
Witness my hand this 10<sup>th</sup> day of October, 1890.

R. M. Watson  
Town Clerk.

State of Washington }  
 County of Skagitavia } Ordinance No. 39  
 Town of Elma }

An Ordinance permitting the Tacoma, Olympia & Grays Harbor Railroad Company, its successors and assigns, to cross certain streets and alleys in the Town of Elma.

Be it ordained by the Council of the town of Elma:

Section 1.

That the Tacoma, Olympia & Grays Harbor Railroad Company, its successors and assigns are hereby granted the right-of-way and the privilege to construct, maintain and operate its line of railway over, across and through the streets and alleys which now are or may hereafter be dedicated to the public in the town of Elma, said railroad to run only as now surveyed and located, and as shown by a map of said railroad on file in the office of the clerk of said town of Elma, and which map is hereby a part of this ordinance.

Section 2.

Said Railroad Company, its successors and assigns, shall before they begin the operation of said railroad, provide and maintain, at their own expense, suitable and convenient crossings on all streets and alleys crossed by said railroad, and said streets shall be graded back by said Railroad Company so that there will not be over a six per cent grade in approaching or passing over said railroad.

Section 3.

No street crossing shall be obstructed by the trains or locomotives on said railroad for a period of more than twenty minutes at one time in said town of Elma, and the locomotive bell shall be kept ringing while trains are in motion in the corporate limits thereof and trains or engines shall not run at a greater speed than ten miles per hour in said town.

EXHIBIT NO. \_\_\_\_\_ (SH )  
Docket TR-110157, 110162, 110159, 110160, 1110161  
Witness: John H. Hughes

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

TESTIMONY OF

JOHN H. HUGHES

UNIVERSAL REFINER CORPORATION

November 7, 2011

EXHIBIT NO. \_\_\_\_\_ (SH )  
Docket TR-110157, 110162, 110159, 110160, 1110161  
Witness: John H. Hughes

TABLE OF CONTENTS

I. WITNESS QUALIFICATIONS AND EXPERIENCE

EXHIBIT LIST

Exhibit No. _____ (JH 1)	March 3, 2011, Letter to David Danner from John H. Hughes
--------------------------	---

1 I. WITNESS QUALIFICATIONS AND EXPERIENCE

2 Q. Please state your name and mailing address.

3 A. My name is John H. Hughes. My mailing address is P. O. Box  
4 151, Montesano, Washington 98563.

5 Q. For whom do you work?

6 A. I am the President of Universal Refiner Corporation.

7 Q. What is the nature of that Corporation?

8 A. It is a corporation which produces equipment utilized to  
9 process wood waste, including, but not limited to, by  
10 grinding it. It has been in existence in the State of  
11 Washington since 1980.

12 Q. What locations does it maintain?

13 A. It maintains three locations in the State of Washington.  
14 The one which is utilized as our parts manufacturing and  
15 supply shop is located just north of the railroad crossing  
16 on 5<sup>th</sup> Street in Elma, Washington.

17 Q. Prior to being contacted by the City or otherwise becoming  
18 aware of the request of Puget Sound & Pacific Railroad to  
19 close the 5<sup>th</sup> Street crossing, did you receive any contact  
20 from the railroad?

21 A. Not to my knowledge.

22 Q. Upon becoming aware, did you take any steps to set forth  
23 your position?

1 A. Yes. We sent a letter to Mr. Danner, the Executive Director  
2 of the Commission, dated March 3, 2011. A copy of that  
3 letter is attached as Exhibit Number 1.

4 Q. What would be the impacts upon you if this crossing were  
5 closed?

6 A. They would be major. As I have indicated, the site is  
7 utilized by our company to manufacture and distribute parts.  
8 In order to do that, we must receive shipments of our  
9 primary source of material utilized in that processing.  
10 These are large steel plates. The suppliers of those plates  
11 currently utilize 5<sup>th</sup> Street as the only viable option to  
12 transport their materials to our site given the size of the  
13 material and of the vehicles utilized to deliver that  
14 material.

15 Q. If the 5<sup>th</sup> Street crossing were closed, how would your  
16 suppliers access your site?

17 A. Effectively, there would not be a reasonable means to do  
18 that. I say that since, in the event of the closure of 5<sup>th</sup>  
19 Street, 3<sup>rd</sup> Street would become the next theoretically  
20 available alternative. The truck drivers would be required  
21 to go up 3<sup>rd</sup> Street and then use West Pine Street to get to  
22 our shop at 501 North 5<sup>th</sup> Street. Unfortunately, the freight  
23 trucks, given the size of the tractor-trailer combinations

24

25

1 and of the material, are not able to make that turn because  
2 of the width of the street and the obstructions which are on  
3 the respective sides.

4 **Q. What is your bottom line position as to the closure of 5<sup>th</sup>**  
5 **Street?**

6 A. The closure would have a huge negative impact upon us.  
7 First, it would make access to our site basically impossible  
8 for our major material suppliers. Additionally, we would  
9 not be able to move our manufacturing equipment in or out of  
10 our facility.

11 If, as I understand it, the basis for the request for  
12 closure is "safety purposes". In our years of operation at  
13 this site, there has never been, to our knowledge, an  
14 accident or a near accident in terms of vehicles colliding  
15 with or being threatened by moving trains.

16 **Q. Do you have any final comment upon the request.**

17 A. Yes. I have had the opportunity to read the written  
18 testimony put forth by Mr. Hefley. He indicates, by closing  
19 the crossings rather than improving them through the  
20 installation of improved signing and other feasible  
21 improvements, that "eliminates the risk entirely." What  
22 bothers me is he apparently does not accept and recognize  
23 that it also eliminates the ability of those businesses and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

private parties who utilize the crossing to continue to use  
the crossing regardless of the effects upon them of that  
closure.

Q. Does this conclude your testimony at this time?

A. Yes.

March 3, 2011

David Danner  
Executive Director  
Utilities Transportation Commission  
PO Box 47250  
Olympia, WA 98504

Re: TR-110160

Mr. Danner,

I have been informed that there is discussion about the railroad crossing to the south of my property located at 501 North 5<sup>th</sup>, Elma, WA 98541 being closed to through traffic.

The property referred to is a building that is currently used as a parts department for our business in Montesano, WA 98563 and has deliveries of materials that come in on freight trucks that would have a hard time doing so if they had to take a different route.

I am not sure of the proposed closings and would appreciate receiving information concerning this. Please send it to: Universal Refiner Corporation, PO Box 151, Montesano, WA 98563 or send via email at: [universalrefiner@techline.com](mailto:universalrefiner@techline.com)

Thank you.

John H. Hughes



## I. WITNESS QUALIFICATIONS AND EXPERIENCE

**Q. Please state your name, mailing address, and position.**

**A.** My name is Richard D. Lovely. My mailing address is P.O. Box 480, Aberdeen, Washington. I am the General Manager of PUD No. 1 of Grays Harbor County and have served in this position for twelve (12) years.

**Q. Briefly describe the business you represent in this testimony.**

**A.** I represent Public Utility District No.1 of Grays Harbor County, an electric utility providing for the energy needs of the residents and businesses of Grays Harbor County, which it has been doing for nearly 75 years. It has had facilities in the Elma area for this entire time period

**Q. If the railroad crossing closes, how would that closure affect Public Utility District No. 1 of Grays Harbor County's (the "District's") operations?**

**A.** Elma is a small town with limited access to the northern part of town. The District's Elma facilities are located on 2<sup>nd</sup> Street, which has the best access for larger vehicles that need to have access going north to Pine Street. The District strongly opposes the closure of this railroad crossing for the following reasons:

1. Closure of this crossing would severely limit the District's access to its Elma facilities, including the Elma shop and its large electric substation;
  - a. All of the District's storage, truck garages and offices are on 2<sup>nd</sup> Street.
  - b. 2<sup>nd</sup> Street is how the District accesses all of these facilities and its major power supply station on Pine Street.
  - c. The 2<sup>nd</sup> Street crossing presents no passage issues for the District's vehicles or needs.
2. Safety would be compromised by concentrating more vehicles at the alternate crossing;
3. The alternate route is not just inconvenient – it would cause delays and logistical problems in responding to emergency situations and in conducting routine repairs and maintenance;
4. Access to the District's equipment and materials during emergencies, such as power outages, would be hindered. For example, if the District had a large substation transformer failure, 3<sup>rd</sup> Street in Elma would present a very serious problem for the District as it has a steep rise that presents a ground clearance issue for large vehicles. A low boy trailer, typically used for moving these large devices which often weigh 50 tons, would not make it over this crossing. Cranes necessary for lifting this loads would also

find 3<sup>rd</sup> Street problematic if not impassable. In addition, if the 2<sup>nd</sup> Street railroad crossing was closed and the District was forced to utilize 3<sup>rd</sup> Street in its present condition, the District's larger vehicles and poles loaded onto its pole trailers would drag as they crossed;

5. The District believes that it would be difficult and expensive for Elma to make improvements to 3<sup>rd</sup> Street that would improve access as there are businesses and residents close to the crossing; and
6. The District used to be able to access its facilities from 1<sup>st</sup> street and had built gates on its substation fence to facilitate this. Several years ago the Railroad eliminated this crossing, which went through their yard. The District did not oppose this and believed the Railroad had the right to do this, as 1<sup>st</sup> Street was not a through street as it dead ended at the tracks except for the access provided to the District. This is not the case with 2<sup>nd</sup> Street, which is a thorough fare which provides essential and important access for the District.

The District remains hopeful that Puget Sound & Pacific Railroad will take its concerns into consideration and allow this railroad crossing to remain open, as the District's operations would be very negatively impacted by this closure.

**Q. Does this conclude your testimony at this time?**

Yes.

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

TESTIMONY OF  
STEVE PETITT  
CITY OF ELMA  
November 7, 2011

EXHIBIT NO. \_\_\_\_\_ (SP )  
Docket TR-110157, 110162, 110159, 110160, 110161  
Witness: Steve Pettit

TABLE OF CONTENTS

I. WITNESS QUALIFICATIONS AND EXPERIENCE

EXHIBIT LIST

Exhibit No. _____ (SP )	Mitigated Declaration of Non-significance
-------------------------	---

1 I. WITNESS QUALIFICATIONS AND EXPERIENCE

2 Q. Please state your name, mailing address, and position with  
3 the City of Elma.

4 A. My name is Steve Petitt. My mailing address is P. O. Box  
5 3005, Elma, Washington 98541. I am the Director of  
6 Community Development of the City of Elma and have served in  
7 that position for over five years.

8 Q. Within the position of Director of Community Development,  
9 what responsibility do you have in terms of environmental  
10 reviews?

11 A. It is my responsibility to undertake review of any  
12 application which requires the submission of an  
13 Environmental Checklist.

14 Q. In relation to the application of Puget Sound & Pacific  
15 Railroad to close the various crossings within the City  
16 limits of the City of Elma, did you undertake such a review?

17 A. Yes.

18 Q. As a result of that review, did you issue a decision?

19 A. Yes.

20 Q. What was that decision?

21 A. Based upon all the information, that the application  
22 required the issuance of a Mitigated Declaration of Non-  
23 significance. I am attaching a copy of that Declaration to

1 this as Attachment Number 1.

2 Q. Did you give notice of this decision to the applicant, Puget  
3 Sound & Pacific Railroad?

4 A. Yes.

5 Q. Did they in any way administratively or judicially challenge  
6 your decision?

7 A. No.

8 Q. Upon what did you base the decision?

9 A. The Company's filing, factual information brought to me, my  
10 knowledge of the various locations which results from my  
11 living in the area for many years and serving as the  
12 Director of Community Development of the City. Further, the  
13 report prepared by Mr. John Duncan, P.E., of Gibbs & Olson.

14

15 Q. Does this conclude your testimony at this time?

16 A. Yes.

17

18

19

20

21

22

23

24

# City of Elma

Public Works/Community Development  
P.O. Box 3005 – 202 W. Main Street  
Elma, WA 98541-0487  
(360) 482-4482 Fax (360) 482-4960  
steve@cityofelma.com

## STATE ENVIRONMENTAL POLICY ACT MITIGATED DETERMINATION OF NON-SIGNIFICANCE

### SEPA Application 2011-03

**Description of proposal:** Puget Sound & Pacific Railroad proposes to close the North 2<sup>nd</sup> Street crossing, North 5<sup>th</sup> Street crossing, North 10<sup>th</sup> Street crossing, North 17<sup>th</sup> Street crossing, and Hewitt Street crossing, at grade, highway/railroad crossing to **vehicular traffic**. The project entails removing the existing crossing surface and grade crossing warning active or passive systems along with the roadway on each side of the railroad track to the railroad right of way line. Barricades are to be installed at the railroad right of way line prevent ingress onto the railroad's property. Signage is to be installed in advance of the crossing indicating the crossing closure. The proposed work is planned to be performed by PSAP personnel. The planned work should take approximately two days per crossing to remove the existing crossing, install signage, remove the roadway pavement to the railroad right of way line and install barricades. The work will be done with a crew of approximately Four (4) men using a backhoe, air compressor and a boom truck. The work will be performed during day light working hours.

**Proponent:** Puget Sound & Pacific Railroad  
411 North 3<sup>rd</sup> Street  
Elma, WA 98541

**Location of Proposal, including street address, if any:** The projects are located at the grade street crossings at North 2<sup>nd</sup> Street, North 5<sup>th</sup> Street, and North 10<sup>th</sup> Street, which lie in Elma City Limits, Elma Washington. The crossings are identified by Washington Department Of Transportation as Latitude and Longitude and are taken from the Washington Utility Transportation Commission Crossing Inventory list. North 2<sup>nd</sup> street, DOT number is 096525J with a latitude of 47.00794 and longitude of -123.40333. North 5<sup>th</sup> Street, DOT number 096635U and latitude 47.0074 and longitude -123.40747, and North 10<sup>th</sup> Street, DOT number 096639W, Latitude 47.00728 and Longitude -123.41395.

**Lead agency:** City of Elma

**Findings:** The lead agency, pursuant to WAC Chapter 197-11-924, has determined that this proposal does not represent a probable significant adverse impact on the environment, provided that the attached mitigating measures are conditions of closing the crossings. This decision is based upon review of the completed environmental checklist and other information on file and is available for review Monday through Friday from 8:00 a.m. to 5:00 p.m., at the Department of Community Development/Building Official office, 202 West Main Street, Elma, WA. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The following mitigation measures are assigned to this proposal pursuant to the authority granted under the City of Elma Unified Development Code (UDC) Article 11, Adverse Impact Mitigation Fees, RCW chapter 4321C.135 and WAC Chapter 197-11-350:

A. BACKGROUND

11. Location: The submitted checklist listed North 17<sup>th</sup> street and Hewitt street as within the City limits. However 17<sup>th</sup> and Hewitt street crossings are outside of the corporate limits.

B. ENVIRONMENTAL ELEMENTS

1.EARTH: To mitigate for probable significant adverse impacts from the proposed work to the natural environment:

1. The applicant shall install temporary erosion and sediment control measures during construction, with measures consistent with those contained in latest edition of the Washington Department of Ecology stormwater manual.
2. The applicant shall install barrier and silt fence's to the best management practice (BMP's) as an appropriate means to prevent silt-laden stormwater and other pollutants from entering waters of the state.

(b) WATER. To mitigate for probable significant adverse impacts from the proposed work to the natural environment:

1. Applicant has indicated a construction stormwater pollution prevention plans will be prepared and implemented, and shall be provided to the City of Elma for review and comment.
2. Provisions should be made to minimize the tracking of sediment by construction equipment onto paved public roads. If sediment is deposited on public right of ways it should be cleaned every day by shoveling or sweeping. Water should be used only after the area has been shoveled or swept.

(c) TRANSPORTATION. To mitigate for probable significant adverse impacts from the road closures:

1. The applicant shall be responsible for all improvements necessary for the additional traffic that will be routed onto the closest arterials. These cost are identified in a report generated by the City of Elma consultant engineer John Duncan P.E. from Gibbs and Olson, dated March 7, 2011 and is available on request for review. Any additional cost for investigation, analysis, or reports necessary for a determination of direct impacts shall be borne by the applicant. These cost are identified by Article 11 of the Elma Unified Development Code to mitigate the direct impacts that have been identified by the City as a consequence of the proposed street closures.

A. 2<sup>nd</sup> Street:

The North 2<sup>nd</sup> Street Crossing is an at-grade, north-south, crossing that is relatively flat in each direction. It is located in the Martins Addition to the Town

of Elma subdivision platted in November of 1889. Based on preliminary review of records, it appears that the plat predates the existence of the railroad, and as such the rights of the public to access 2<sup>nd</sup> Street as a public right-of-way precede any railroad rights. A formal street vacation process administered by the City of Elma will be required to close the 2<sup>nd</sup> street crossing. Since this location has a very flat grade crossing in each direction, it accommodates the passage of large vehicles with minimal street clearance, such as lowboy trailers, chip trucks, trailers with low hitches and cars that have been lowered. Should a closure at the proposed 2<sup>nd</sup> street be approved, cul-de-sacs accommodating emergency vehicle and school buses, turnaround areas will need to be installed on both the north and south side of the railroad tracks. The closing of North 2<sup>nd</sup> Street will reroute traffic onto North 3<sup>rd</sup> Street, which has sufficient width to handle increased traffic, but is in extremely poor condition. The State of Washington Transportation Improvement Board (TIB) rates streets under their GMap Dashboard, available for review online at TIBGMA.com, click on Small City Maintenance, then to City of Elma under Gray's Harbor County. As shown on the TIB GMap, Third (3<sup>rd</sup>) Street is tied for the lowest street rating in the entire city, with the portion from the railroad right of way southerly to Anderson Street, rated the lowest in the City of Elma. Routing additional traffic onto the lowest rated street in the City is not recommended without significant improvements.

Additionally, while the vertical street grade northerly from the existing railroad crossing at 3<sup>rd</sup> street is a relatively flat grade, the vertical alignment to the south of the tracks drops 5 feet  $\pm$  within a short distance, providing opportunity for vehicles to become high-centered while crossing the tracks. This represents a safety hazard.

To accommodate the proposed crossing closures at the identified locations, cul-de-sacs will be required to provide turnarounds for emergency, buses, and public vehicles. A maximum distance of 150 feet or less for emergency vehicle backup is allowed by the International Fire Code before a turnaround is required. Costs were developed for a cul-de-sac turnaround capable of being constructed at the identified locations. An alternate turnaround design, such as a hammer head, may also be a viable option but will be designed by the applicant and approved by the City of Elma. Land acquisitions costs for required right of way will be in addition to the identified project construction costs, listed for the each crossing identified within this MDNS.

Proposed estimated cost for improvements to Pine Street, 3<sup>rd</sup> street to 2<sup>nd</sup> street, and cul-de-sacs for North 2<sup>nd</sup> street, north and south. John Duncans Report dated March 7, 2011 (exhibit A and exhibit B) \$316,200.00 dollars

Proposed estimated cost for 3<sup>rd</sup> street improvements from Young street to Railroad crossing on Southerly side of closure. (exhibit D) \$921,250.00 dollars

#### B. North 5<sup>th</sup> Street Crossing

The north 5<sup>th</sup> Street crossing is a light traffic area with a narrow, at grade crossing, north and south, with access to commercial and residential properties on the north

side of the tracts. The existing street is narrow, with a 30 foot right of way, on the northerly side of the tracts. The north and south sides of 5<sup>th</sup> street shall be provided with cul-de-sacs to accommodate emergency, buses, commercial and private vehicles. Additionally, West Pine street and North 5<sup>th</sup> street will require widening to accommodate the rerouted vehicle traffic. As noted, the existing 30 foot right of way is insufficient to accommodate the street widening, and therefore, additional right of way will need to be purchased for any proposed street improvements. See John Duncans report dated March 7, 2011.

Proposed estimated cost for two cul-de-sacs, Pine street from 3<sup>rd</sup> street to 5<sup>th</sup> street, 5<sup>th</sup> street to cul-de-sac, (exhibit A and exhibit C) **\$495,800.00 dollars**

#### C. North 10<sup>th</sup> Street

Initial concern was raised that the traffic count was conducted during off season use of the City Park facilities. Thus the count is likely far below the average one would obtain if done during the extended season during which the facilities are utilized by the public. A revised traffic count of North 10<sup>th</sup> shall be conducted at a time when the fields are being used for spring, summer or fall events. The North 10<sup>th</sup> street crossing is an at grade (north-south) crossing which provides access to residential neighborhoods and the City park. The area northerly of the railroad tracks is relatively flat, and during large storm events, 11<sup>th</sup> and 12<sup>th</sup> streets experience ponding of rainwater and vehicle wash wakes from traffic, which flood the adjacent homes on either side of the streets. During these heavy rainfall events, traffic is detoured to the 10<sup>th</sup> street crossing to reduce storm water impacts to the existing homes. The proposed 10<sup>th</sup> street closure shall be provided with cul-de-sacs on the north and south side of the railroad crossing accommodating turnaround for emergency vehicles, school buses, and private vehicles. Additionally an engineering design study is required to address the storm water, wash wake issue that occurs during heavy rainfall events. Based on the results of the storm water pre-design, a cost can then be developed for the required improvements to the City's storm water system. The current north 10<sup>th</sup> street traffic would be routed to 11<sup>th</sup> street.

Proposed estimated cost for two cul-de-sacs, and storm water design study (storm water improvement cost are unknown) **\$201,400.00 dollars**

#### D. North 17<sup>th</sup> Street

The north 17<sup>th</sup> street crossing is an at grade, north-south, crossing with the southerly side of the tracts zoned City of Elma residential and the north side zoned Gray's Harbor County rural. The north side is at a relatively even grade with the railroad tracks, and the southerly side experiencing a sharp drop of 6 feet ± within a short distance. This crossing location provides access to the City's potable water wells, which are located 1,500 hundred feet northwesterly from this crossing. This location provides the most direct access from the westerly side of the City, and is the back up access during the heavy rainfall storm events discussed in the North

10<sup>th</sup> street crossing above. The north 17<sup>th</sup> street crossing shall be provided with a cul-de-sac accommodating turnaround for emergency and private vehicles, installed on the south side (City). It is unknown at this time what improvements Grays Harbor County will require. The current 17<sup>th</sup> street traffic will be routed to 11<sup>th</sup> street, except during heavy rainfall events

Proposed estimated cost for a cul-de-sac on the southerly side of 17<sup>th</sup> street.

**\$90,700.00 dollars**

Total probable estimated cost for the four closures **\$2,388,150.00 dollars**. Some of the unknown costs associated with this SEPA mitigation are:

1. Land acquisition
2. Stormwater Improvements
3. Improvements for 11<sup>th</sup> street and 12<sup>th</sup> street

**Responsible official:** Steve Petitt **Position/title:** Dir. of Community Development/ Building Official

**Address:** PO Box 3005, Elma, WA 98541

**Phone:** (360) 482-4482 **Date:** March 9, 2011

This MDNS is issued under WAC 197-11-340(1). The City of Elma will not take final action on this proposal for 15 days from the published date listed below. Comments relative to the subject application shall be directed to the City of Elma Responsible Official as noted above and submitted by April 1, 2011. Appeals of this determination shall be made as set forth by the laws of Washington State RCW 43.21C.

**Signature:** Steve Petitt **Date:** March 9, 2010

Published in the Montesano Vidette on March 17, 2011

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

TESTIMONY OF  
JAMES STARKS  
CITY OF ELMA  
November 7, 2011

EXHIBIT NO. \_\_\_\_\_ (JS \_\_\_\_\_)  
Docket TR-110157, 110162, 110159, 110160, 110161  
Witness: James Starks

## TABLE OF CONTENTS

### I. WITNESS QUALIFICATIONS AND EXPERIENCE

1 I. WITNESS QUALIFICATIONS AND EXPERIENCE

2 Q. Please state your name and mailing address.

3 A. My name is James Starks. My mailing address is P. O. Box  
4 3005, Elma, Washington 98541.

5 Q. What is your position with the City of Elma?

6 A. I am the Director of Public Works and have been for a period  
7 in excess of thirteen years. My employment with the Public  
8 Works Department of the City is for over twenty-one years.

9 Q. Have you had the opportunity to review the Petitions,  
10 written testimony, and exhibits submitted by Mr. Hefley of  
11 Puget Sound and Pacific Railroad and by Mr. Cary Stewart,  
12 Professional Engineer, upon behalf of that railroad?

13 A. Yes.

14 Q. In relation to Mr. Hefley's indication that the primary  
15 basis for seeking the closure of these various crossings is  
16 a safety concern, are you aware of any accidents or  
17 threatened accidents involving those crossings within the  
18 last twenty years?

19 A. No. I have lived in Elma basically all my life and, to my  
20 knowledge and memory, I am aware of only one crossing  
21 collision between a vehicle and a train. To my knowledge,  
22 there have been no others and I am unaware of any major  
23 injuries resulting from that collision and absolutely no

1 fatalities, but nothing since then.

2 Q. Based upon your personal and professional observations, what  
3 in reality has changed in relation to these crossing?

4 A. Due to the increased freight being transported to and from  
5 the Port of Grays Harbor, the use by the Railroad of the  
6 switching area located upon Railroad Avenue has greatly  
7 increased. This has resulted in an increased blockage of  
8 the crossings, as well as an increase in the complaints by  
9 the citizens of late night and early morning noise being  
10 generated by idling locomotives.

11 Ironically, I perceive that the number of switching  
12 events has actually decreased as compared with fifteen to  
13 twenty years ago when Burlington Northern operated the line.  
14 At that time, they actually put their 15 to 25 car trains  
15 together and would typically "build their trains" in the  
16 mid-morning or later afternoon. The trains would move back  
17 and forth between 2<sup>nd</sup> and 5<sup>th</sup> Streets stopping just long  
18 enough to redirect the switch and reverse the engine's  
19 direction. Now what we see are much longer trains. Thus,  
20 if the crew has to stop for paperwork or other reasons, more  
21 crossings are blocked and it takes longer to get the system  
22 moving again.

23 Q. What about the matter of crossing blockage?

24

25

1 Most of the crossing blockages occurred during the period  
2 when the PS & P RR seems to have little, if any, regard for  
3 the citizenry trying to cross the tracks. The practice was  
4 to park the southbound train while waiting for the  
5 northbound train coming from the Centralia facility to clear  
6 the "Y" in Elma's tracking. It was not until the practice  
7 was brought to the attention of the UTC and the Commission  
8 staff raised a formal enforcement issue with the Railroad  
9 that the Company apparently shuffled its schedules so the  
10 southbound train did not have to wait for the passage of the  
11 Centralia train. This eliminated most, if not all, of the  
12 blockage complaints.

13 Q. As to Mr. Stewart's report, have you reviewed it?

14 A. Yes.

15 Q. Did you identify any issue with the validity of the traffic  
16 study?

17 A. Yes. The first issue is the study was carried out during a  
18 season during which traffic at certain of the crossings  
19 would be at a minimum. For instance, the crossing at 10<sup>th</sup>  
20 Street is the crossing which is used more often than not in  
21 order to access the parks and recreation site located to the  
22 north of the railroad. This is heavily utilized during the  
23

24

1 spring, summer, and early fall for sporting activities.  
2 However, after the sports leagues end, the use goes way  
3 down.

4 I have requested the assistance of the Public Works  
5 staff of Grays Harbor County in terms of undertaking a  
6 traffic study on the crossings. I anticipate receiving the  
7 final results shortly. However, it will still not reflect  
8 the travel of the higher use periods.

9 Q. Have you reviewed his conclusion in terms of improvement  
10 requirements as a result of these closures?

11 A. Yes.

12 Q. What is your opinion as the Director of Public Works on  
13 those recommendations?

14 A. They simply do not deal with the problems that would be  
15 presented. The construction of turn arounds, hammer heads,  
16 and that type of thing assumes there is already adequate  
17 existing rights-of-way, which in several cases there is not.  
18 Further, it fails to take into consideration the effects  
19 upon the businesses and the fact that, if these crossings  
20 were closed, the access to the businesses to which he must  
21 be assuming could be done by other means, would in at least  
22 one situation, specifically Universal Refiner Corporation,  
23

1 simply not work.

2 As to his opinion there will not be "any significant  
3 traffic impacts" from the closure of 2<sup>nd</sup> Street, 5<sup>th</sup> Street,  
4 10<sup>th</sup> Street, and in the County, 17<sup>th</sup> Street, it simply is  
5 based upon inadequate information and, again, disregarding  
6 the impacts on emergency response, citizen access, and  
7 businesses operating in those areas.

8 The fundamental problem with many of the crossings is  
9 they do not meet current construction standards. For  
10 example, in terms of width, visibility down the rail line  
11 and, as to the crossings at 3<sup>rd</sup> Street and 5<sup>th</sup> Street, there  
12 are vertical grade issues. I would note the crossing at 17<sup>th</sup>  
13 Street, which is in the County, has the same vertical grade  
14 issue. Taking into consideration all of the issues and  
15 impacts, the most appropriate action to be taken by the  
16 Railroad is not closing the crossings but rather carrying  
17 forth the construction activity necessary so as to bring  
18 them into compliance with applicable standards and to reduce  
19 the practical problems certain of the crossing present, such  
20 as grade or visibility issues I have mentioned.

21 **Q: Do you have specific examples?**

22 **A.** Yes. I have read the testimony submitted by Mr. Hughes,  
23

1 President of Universal Refiner Corporation, and Mr. Zepp,  
2 President of Elma Feed and Supply Company. Their summaries  
3 of the impacts are correct. Also, the local "yard" utilized  
4 by the Grays Harbor Public Utility District to store its  
5 equipment and supplies, including power poles, is located on  
6 property adjacent to the railroad tracks and just north of  
7 the crossing.

8 Basically, if the crossing currently serving their yard  
9 was closed, there would be no reasonably viable way for  
10 their staff to access their site for purposes of delivery or  
11 picking up the power poles when they are needed for  
12 replacement. Also, accessing the site by their large  
13 trucks, especially when towing items, would be difficult, at  
14 best, for the same reasons Mr. Hughes stated.

15 Q. Does this conclude your testimony at this time?

16 A. Yes.  
17  
18  
19  
20  
21  
22  
23

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110157
	]	DOCKET TR-110162
Petitioner,	]	
	]	
v.	]	
	]	
GRAYS HARBOR COUNTY,	]	
	]	
Respondent,	]	
-----	]	
PUGET SOUND & PACIFIC RAILROAD,	]	DOCKET TR-110159
	]	DOCKET TR-110160
Petitioner,	]	DOCKET TR-110161
	]	
v.	]	
	]	
CITY OF ELMA,	]	
	]	
Respondent.	]	
_____	]	

TESTIMONY OF

ALBERT ZEPP

ELMA FEED AND FARM SUPPLY, INC.

November 7, 2011

EXHIBIT NO. \_\_\_\_\_ (AZ \_\_\_\_\_)  
Docket TR-110157, 110162, 110159, 110160, 110161  
Witness: Albert Zepp

**TABLE OF CONTENTS**

**I. WITNESS QUALIFICATIONS AND EXPERIENCE**

1 I. WITNESS QUALIFICATIONS AND EXPERIENCE

2 Q. What is your name?

3 A. My name is Albert Zepp.

4 Q. What is your association with Elma Feed and Farm Supply,  
5 Inc.?

6 A. I am the President and one of the two shareholders.

7 Q. Where is this located?

8 A. It is located at 424 North 2<sup>nd</sup> Street in Elma, Washington.

9 Q. How does that relate to the requested closure of the  
10 railroad crossing at 2<sup>nd</sup> Street in Elma?

11 A. Our business is located immediately to the south of the  
12 railroad tracks.

13 Q. What is the nature of your business?

14 A. We sell and receive all types of farm supplies, seed, feed,  
15 and various forms of equipment. We acquired the property  
16 and the business operations from its prior owners, Ray Scott  
17 and Bev Scott, in 2009. The Company has been in this  
18 location for over 35 years.

19 Q. Are you aware that Puget Sound & Pacific Railroad is seeking  
20 to close the crossing at 2<sup>nd</sup> Street?

21 A. Yes.

22 Q. Prior to being contacted by the City or otherwise becoming  
23 aware of the request of Puget Sound & Pacific Railroad to

1 close the 5<sup>th</sup> Street crossing, did you receive any contact  
2 from the railroad to discuss the reasons for and potential  
3 impacts upon your business in the event of closure?

4 A. Not to my knowledge.

5 Q. Do you have a position as to whether or not such closure is  
6 necessary for safety reasons?

7 A. Yes.

8 Q. What is your position on that?

9 A. Based upon my observations over the last two years and based  
10 upon the information I have been provided, there have been  
11 no accidents at this crossing at any time in the last 30  
12 plus years.

13 Q. Have you noticed a change in the utilization of the railroad  
14 tracks at that crossing?

15 A. Yes.

16 Q. What is that change?

17 A. Due to apparently increased business activity by the  
18 railroad, the frequency with which the crossing is blocked  
19 has increased significantly as they carry out switching  
20 activities.

21 Q. What would be the impacts upon your business of the closure?

22 A. Among the impacts would be the following:

23 1. We are not a business that is located on a main street

1 or highway. There would be an immediate problem with the  
2 trucks delivering materials and supplies to the Company,  
3 specifically to the front portion of the Company. The loop  
4 they currently utilize to access the Company and then return  
5 to Highway 12 by coming up 2<sup>nd</sup> Street, crossing the tracks,  
6 going west on the cross street, and then going back to the  
7 freeway over the 3<sup>rd</sup> Street crossing would be lost.

8 2. Further, I have significant concerns about the impact  
9 upon the value of our business as a result of it suddenly  
10 going from a street where there is drive by traffic and easy  
11 access for potential customers to what would be a dead-end  
12 street.

13 3. Finally, the reality is that many of our customers  
14 access our business through the utilization of pickups while  
15 towing trailers such as horse trailers. Losing the crossing  
16 will make it far more difficult for these folks to access  
17 our store and, in my opinion, would result in a significant  
18 decrease in our business.

19 **Q. Do you have any final comment for the Commission?**

20 **A.** Yes. That comment is, in the two years we have owned the  
21 business, we have tripled the business volume achieved by  
22 the Company even in the face of this very difficult  
23 recession. We have done that without causing problems for

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the Railroad. Any change in access or ease in reaching us would significantly harm our business. Please do not grant the request to close 2<sup>nd</sup> Street and, in effect, fence us in at the end of 2<sup>nd</sup> Street.

Q. Does this conclude your testimony at this time?

A. Yes.