
BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**IN THE MATTER OF LOGAN CITY'S
PETITION REQUESTING
INVESTIGATION INTO UNION PACIFIC RAILROAD COMPANY'S
ADMINISTRATION OF AGREEMENTS
AND MAINTENANCE PROVISIONS** Docket No. 21-888-01

**DIRECT TESTIMONY AND EXHIBITS
OF TRAVIS BAILEY
ON BEHALF OF UNION PACIFIC RAILROAD**

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

2 A. Travis Bailey. My business address is 360 S. Fort Ln, Suite 3A, Layton, UT.

3 **Q. Please state your occupation and employment information.**

4 A. I am employed by RailPros and have been for 2 years. For those 2 years, I have held the
5 position of Traffic Engineer/Public Projects Manager.

6 **Q. What are the duties of your current position at RailPros?**

7 A. As a traffic engineer, I provide traffic engineering support to Union Pacific Railroad
8 (“UP”) and other Class I railroads across the western United States. Specifically, I review
9 interconnected crossing designs for compliance with national, state and railroad standards
10 and industry best practices. Once projects are constructed, I support railroad signal
11 construction crews in the cutover process. I also provide public project management
12 services to UP in the State of Utah.

13 **Q. Did you have any experience in working as a traffic engineer/public project manager
14 prior to working at RailPros?**

15 A. Prior to joining RailPros, I was contracted with the Utah Department of Transportation
16 (“UDOT”) to support the Railroad Safety Program, from 2014-2020. I assisted the Chief
17 Railroad Engineer in performing his duties as defined in Utah Administrative Code R930-
18 5.

19 **Q. On whose behalf are you testifying and what is the purpose of your testimony?**

20 A. I’m testifying on behalf of UP. The purpose of my testimony is to demonstrate that UP did
21 not make the decision as to what safety devices were to be installed at the Logan crossing
22 in this case, but that this decision was UDOT’s.

23 **Q. Are you familiar with the 2013 Master Agreement between UP and UDOT that is**
24 **mentioned in the testimony of Logan City’s (“Logan” or the “City”) witness James**
25 **Golden?**

26 A. Yes.

27 **Q. What types of projects are covered under the terms of the 2013 Master Agreement**
28 **between UP and UDOT?**

29 A. The Master Agreement’s first paragraph states that “Whereas, UDOT, with the aid of
30 federal railroad safety funds supplied by the Federal Government, desires to provide for
31 the improvement, installation, maintenance, and operation of active or passive grade
32 crossing warning devices of various descriptions...” My understanding is that this refers to
33 the Federal Highway Administration’s (“FHWA”) Section 130 program as defined under
34 23 USC § 130.

35 **Q. Is the proposed at-grade crossing project at 1400 North 600 West in Logan, Utah a**
36 **Section 130 crossing safety project?**

37 A. No. Utah Administrative Code R930-5-4 defines two types of crossing projects: Section
38 130 (Railroad Safety) Crossing Projects and Non-Section 130 Crossing Projects. Section
39 130 funding was not allocated to the 1400 North 600 West project so the Master Agreement
40 would not apply in this case. While in my role supporting UDOT, I prepared several
41 supplements to the Master Agreement with defined scope and costs for individual projects.
42 Those projects were all Section 130 projects. But this project is not.

43 **Q. Are you familiar with UP’s use of Construction and Maintenance Agreements**
44 **(“C&M”)?**

45 A. Yes, to some extent.

46 **Q. Does UP routinely include maintenance fees in their C&M agreements?**

47 A. Prior to working for RailPros, I was not aware of UP including maintenance fees in C&M
48 agreements. However, that is because I only worked directly with supplements to the
49 Master Agreement while supporting UDOT. I did not see the language in other C&M
50 agreements because UDOT was generally not a party to those agreements. If UDOT was a
51 party to non-railroad safety projects those were handled by the Region Utility and Railroad
52 Leaders.

53 **Q. Are you familiar with the at-grade crossing project at 1400 North 600 West in Logan,
54 Utah that is at issue in this case?**

55 A. Yes.

56 **Q. Could you please explain your involvement in the project?**

57 A. I was the project manager and traffic engineer for the design of the 1400 North project up
58 to construction. After joining RailPros in 2020, the 1400 North project and any construction
59 support services were left to my previous company in support of Logan City.

60 **Q. Were you present at the diagnostic that was conducted for the Logan 1400 North
61 project?**

62 A. Yes.

63 **Q. Please describe what a diagnostic is and its purpose**

64 A. A diagnostic review is an on-site meeting of the Diagnostic Team. The FHWA Highway-
65 Rail Crossing Handbook, 3rd Edition defines a Diagnostic Team as “A group of
66 knowledgeable representatives of the parties of interest (such as the railroad, road
67 authority, State regulatory agency, where applicable) in a highway-rail crossing or group
68 of crossings who evaluate conditions at the crossing(s) to identify safety issues.” Per Utah

69 Administrative Code R930-5-1(1), “The role of the Diagnostic Team is to make
70 recommendations to the Department for the needed safety improvements at a Crossing.”

71 **Q. Who makes the determination of the crossing safety devices to be used at a crossing?**

72 A. UDOT. Per Utah Administrative Code R930-5-5(2), “The Department will consider all
73 recommendations made by the Diagnostic Team and, if appropriate, input received from
74 the public at large (in accordance with Section R930-5-13) before issuing orders for the
75 improvement of Crossings.” But the ultimate decision is up to UDOT.

76 **Q. Are you familiar with the diagnostic recommendation letter?**

77 A. Yes.

78 **Q. Who sends the diagnostic recommendation letter?**

79 A. UDOT. Per Utah Administrative Code R930-5(6)(iii), the Chief Railroad Engineer at
80 UDOT will “Conduct Crossing review and issue related reports in a reasonable time after
81 the review and send copies to all those attending the review.” That process was followed
82 for the 1400 North crossing so UDOT sent the diagnostic letter.

83 **Q. What is the purpose of the diagnostic recommendation letter?**

84 A. The diagnostic letter is referred to as the Surveillance Report and formalizes the
85 recommendations for the crossing.

86 **Q. When was the diagnostic letter sent to Logan in this case?**

87 A. The date on the Surveillance Report for the at-grade crossing project at 1400 North 600
88 West is June 6, 2017. So, I would assume that was when it was sent to Logan.

89 **Q. What was Logan’s response to the diagnostic letter?**

90 A. Logan did not provide any response to UDOT regarding the letter that I am aware of.

91 **Q. What determinations did UDOT make based on the diagnostic?**

92 A. UDOT determined the type of safety treatments at the 1400 North 600 West railroad
93 crossing per the Surveillance Report issued on June 6, 2017, which is signed by the Chief
94 Railroad Engineer. This report was issued following discussion with the diagnostic team.

95 **Q. Did UP make recommendations based on the diagnostic?**

96 A. The Diagnostic Team made recommendations and UP was part of the Diagnostic Team.

97 **Q. Did any other agency make recommendations based on the diagnostic?**

98 A. The Diagnostic Team made recommendations and Logan was also a part of the Diagnostic
99 Team. However, per the Utah Manual of Uniform Traffic Control Devices (“MUTCD”)
100 Section 8A.01, “The highway agency or authority with jurisdiction and the regulatory
101 agency with statutory authority, if applicable, jointly determine the need and selection of
102 devices at a grade crossing.” Therefore, the final determination is made by UDOT and
103 UDOT made the final determination in this case.

104 **Q. Does this conclude your testimony?**

105 A. Yes.