
BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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

**DIRECT TESTIMONY AND EXHIBITS
OF LANCE KIPPEN
ON BEHALF OF UNION PACIFIC RAILROAD**

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

2 A. Lance Kippen. My business address is 360 South Fort Lane, Suite 3A, Layton, UT 84041.

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

4 A. I am currently employed by RailPros and have been with RailPros for 4 years. For those
5 4 years, I have been a Public Projects Engineering Consultant (“PPEC”).

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

7 A. I work on all of Union Pacific's (“UP”) public projects that are on or near Union Pacific
8 rights of way in Utah. As such, I work directly with the road authorities on public projects,
9 such as grade crossing surface and signal modifications, crossing maintenance, grade
10 separations, quiet zones, and other public projects.

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

12 A. I’m testifying on behalf of UP. The purpose of my testimony is to explain how UP works
13 with road authorities regarding grade crossing projects.

14 **Q. Generally, and briefly describe the process for how UP works with the road
15 authorities regarding grade crossing projects.**

16 A. Public Agencies typically contact UP when they have a project that impacts the UP right
17 of way. After UP confirms the local and general scope of the project, UP enters into a
18 preliminary engineering agreement (“PE”) with the Public Agency so that UP can be
19 reimbursed for associated expenses. UP then coordinates with the Public Agencies for plan
20 reviews, field diagnostics, construction and maintenance agreements, and construction
21 coordination/observation.

22 **Q. Are you familiar with the at-grade crossing at 1400 North 600 West in Logan, Utah?**

23 A. Yes. I was assigned to be the Public Project Engineering Consultant (“PPEC”) on that
24 project.

25 **Q. When did the City first submit its request for the 1400 North Logan crossing project?**

26 A. The City first contacted me in late 2016 and we entered into a PE on December 8, 2016.

27 **Q. Can you please explain what the diagnostic is and its purpose?**

28 A. After the PE has been executed, the diagnostic is conducted. This is a field review of the
29 Public Agency's project. The diagnostic team is comprised of representatives from the
30 Road Authority (in this case Logan), the railroad, the regulatory authority (i.e., the Utah
31 Department of Transportation (“UDOT”)) and the lead agency’s designer. The purpose of
32 the diagnostic is to review site specific features and recommendations for the changes to
33 the crossing.

34 **Q. Did you attend the diagnostic in this case?**

35 A. Yes.

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

37 A. The entire diagnostic team discusses recommendations for the safety improvements,
38 however, UDOT makes the final determination for safety devices through a site-specific
39 surveillance report.

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

41 A. UDOT's Chief Railroad Engineer.

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

43 A. To summarize the diagnostic and make safety recommendations for the Public Agency's
44 project.

45 **Q. Are you familiar with the Master Agreement that UP has with UDOT?**

46 A. Yes.

47 **Q. Is that Master Agreement applicable to the Logan 1400 North and 600 West project?**

48 A. No. The Logan project is funded by the local government. The Master Agreement is a two-
49 party agreement between UP and UDOT that is used only on federally funded projects. So
50 that agreement has no applicability in this case.

51 **Q. What types of maintenance are generally done at at-grade crossings throughout a**
52 **year?**

53 A. In addition to signal maintenance, UP does vegetation control and surface maintenance at
54 its at-grade crossings.

55 **Q. Ken Tom mentions in his testimony that you are familiar with unauthorized access to**
56 **UP property by Logan at the 1400 North project. Is this true?**

57 A. Yes, in my role as PPEC for the project, I occasionally visit and monitor the project. In
58 doing so, I discovered that there has been the placement of electrical devices and signage
59 on the UP right-of-way, which is approximately 66 feet wide at this location. Attached to
60 my testimony as Exhibit UP__(LK-1) are several pictures I took after making this
61 discovery of unauthorized access. This is a clear violation of UP's property rights.

62 **Does this conclude your testimony?**

63 A. Yes.