

BEFORE THE SURFACE TRANSPORTATION BOARD

FD 35496

PETITION FOR DECLARATORY ORDER

**DENVER & RIO GRANDE RAILWAY HISTORICAL FOUNDATION, INC. 232748
D/B/A DENVER & RIO GRANDE RAILROAD, LLC**

**REBUTTAL TO JOINT REPLY STATEMENT OF
THE CITY OF MONTE VISTA, CO.
AND THE SAN LUIS & RIO GRANDE RAILROAD**

ENTERED
Office of Proceedings
August 13, 2012
Part of
Public Record

VERIFIED STATEMENT OF Mr. DONALD H. SHANK

My name is Donald H. Shank. I am the President and Executive Director of the Denver & Rio Grande Railway Historical Foundation. I have held this position from the inception of the organization in 1997 to the present. I am over the age of 18. I am competent and authorized to make this Verified Statement.

The purpose of this Verified Statement is to provide the Board with sworn testimony which I am uniquely qualified to present to the Board for its deliberations in the above captioned proceeding. I will address a number of items in this Verified Statement, the majority of which will be to provide rebuttal testimony to certain statements made by outside counsel for the San

Luis and Rio Grande Railroad and certain additional statements made in a purported Verified Statement of Mr. Mathew W. Abbey.

As previously stated, I am the President and Executive Director of the Denver & Rio Grande Railway Historical Foundation (DRGRHF). I have held that position since the inception of the organization. My responsibilities include providing all the management and oversight of all aspects of the DRGRHF organization. As such, there is no aspect of the DRGRHF organization which I do not have direct personal knowledge of, or involvement with. I have reviewed the entire pleading of July 11th, 2012. I will begin with the so-called Verified Statement of Mr. Abbey.

I have reviewed what appears to purport, or represent, a so-called Verified Statement of a Mr. Matthew W. Abbey dated July 11th, 2012. The statement makes a number of representations. A large number of statements are either questionable, half-truths, or are flat out false. For certain statements, I have insufficient personal knowledge to determine if they are true or false. A number of colored photos appear to follow the document. I will address each paragraph herein below.

I noted that the document submitted to the Board, which appears on the Board's website as a continuation of the main portion of the joint response of the City of Monte Vista and the San Luis and Rio Grande

Railroad, contains several un-numbered pages, and is followed by a number of uncaptioned, unmarked photographs. I also noted a few unusual issues with the document.

The first item which caught my eye was that the document appears unsigned. While an STB required verification page does accompany the document, the main body of the document appears unsigned. The document appears to contain nineteen or so unnumbered paragraphs, but no signature. The main body of the document appears to be in a single space format, but the verification page appears to be double spaced. The fonts appear to be slightly different sizes too. I also noted the Verified Statement appears to just end, without any conclusion. I found this to be strange.

With respect to the content of the document itself, I have insufficient personal knowledge to determine if the statements made in the 1st and 2nd paragraphs are true. With regards to the statements contained in the 3rd paragraph, I noted that the last sentence of the paragraph talked about being the “author of the only recognized Monorail Operator’s License, issued through the City of Seattle”. I found that statement both puzzling, and amusing. That phrase reminded me of the many STB pleadings of one Mr. Robert Kemp, d/b/a The Nevada Central Railroad. I have never heard of a “license” which had an “author” which is issued by a city to whom (?). I

found that statement odd.

In the 4th paragraph, I have insufficient personal knowledge to know if, in fact, SLRG's counsel had asked Mr. Abbey to review the Petition filed with the Board. He goes on to state: "Given my experience, I believe I am qualified to make the following observations." With that statement, Mr. Abbey appears to be attempting to qualify himself as an expert witness.

Given that the only experience Mr. Abbey appears to represent he has is contained in certain statements found in the 2nd and 3rd paragraphs, I began to research the alleged qualifications of Mr. Abbey. What I discovered was very disconcerting.

Upon doing some research on the internet, I came across a number of online articles. The first article appears to be a "feel good" news story. It appears to announce Mr. Abbey's appointment to his position at the SLRG. The Valley Courier is a local newspaper that covers the San Luis Valley area. The article was published Jan 28th, 2010. I have included a copy of the article as exhibit VS 1, hereto attached.

Further research lead to what appears to be Mr. Abbey's "LinkedIn" profile. LinkedIn is a social media network for professionals. One profile for a person identified as "Matt Abbey" closely mimics the statement's contained in the 2nd and 3rd paragraph of the purported Verified Statement. I have

included a copy of the profile, as printed from the internet, as exhibit VS 2, hereto attached. I noted just a few minor discrepancies between information in the Verified Statement and the LinkedIn profile. I concluded the LinkedIn profile was likely for the same individual, one Mr. Mathew W. Abbey.

Two items caught my attention. The first was that the date of hire for the San Luis and Rio Grande position do not match. The second, and more interesting item, was the lack of job descriptions for a position(s) he appears to indicate he held from 2000 to 2004. Given the level of detail in the rest of the profile, I found it strange he left such a significant portion of his early career blank in his LinkedIn profile. So I kept looking.

According to what I found on public sources provides a significant clue as to a possible reason why he didn't elaborate much about his time at the Seattle Monorail. The monorail system experienced not one, **but two** of the most devastating accidents in its 50 year history. On, or about May 31st, 2004, the Seattle Monorail was shut down when a fire broke out on a train carrying 150 passengers. All had to be evacuated. Nine people were hospitalized for their injuries.

According to Mr. Abbey's verified statement, and what I was able to find online, it appears Mr. Abbey may have been the operations manager at the time of the accident. I noted the accident occurred at the end of May.

According to Mr. Abbey's LinkedIn profile, he was no longer with the Monorail organization by August of that same year. I am continuing to investigate what actions the management of the Monorail took in the wake of the 2004 accident.

In 2005, one year later, two Monorail trains collided high above the streets of Seattle. I have included a Wikipedia article which includes additional information, and photographs of both accidents as exhibit VS 4. I noted in that article, it mentions a number of other incidents which occurred in 2002, and 2003, where people had to be evacuated by emergency personnel. For the Board's review, I have included three additional articles in exhibit VS 5 which discuss the 2002, 2003 incidents and 2005 crash. According to the newspaper reports, Operator error was given as one of the main reasons for the 2005 crash.

I noted that the article gave approximate length of service for the operators of both monorail trains. Both employees were hired during the period of time when Mr. Abbey indicates he was in charge of operations, and in his verified statement, he seems to indicate he was responsible for employee training.

I also noted his claim in the 3rd paragraph to be the "author" the only recognized Monorail license issued by the City of Seattle. However, the

Wikipedia article seems to indicate that the Monorail, while owned by the City, was not operated by the City, but rather by a private contractor. My suspicion over Mr. Abbey's claims with regards to his role at the Monorail has yet to be diminished by the flowery comments contained in Mr. Abbey's verified statement.

I have sought additional information from both the City, and the National Transportation Safety Board with regards to all the incidents which occurred in 2002, 2003, 2004 and 2005. I will supplement the record with any additional information that may come to light as soon as it is procured.

In the 5th paragraph, Mr. Abbey states he is familiar with the operations of the Foundation. He also claims to have observed our operations and viewed our facilities. I have insufficient knowledge to say if that statement is true or false. What I can state is that, to the best of my knowledge, I personally have never observed Mr. Abbey on, or near, our property or equipment. In conjunction with the preparation of this Verified Statement, I presented a photo of Mr. Abbey to most of the people who volunteer on the railroad. No one indicated to me they have ever seen Mr. Abbey on, or near our property. Mr. Abbey has never contacted me for permission to come onto our property in order to conduct an inspection of our property.

Mr. Abbey's statement in 6th paragraph is accurate. There are no

agreements which *currently exist* between the DRGRHF and the SLRG

However, the 7th paragraph starts off with an incorrect statement. In March of 2010, The DRGRHF had two railcars shipped from St. Helens, Oregon to Monte Vista, Colorado. The cars, both of which were TTX cars¹, traveled more than 1000 miles over the tracks of the Portland and Western Railroad, BNSF, and Union Pacific Railroad. The cars were refused by the San Luis and Rio Grande Railroad before the cars even arrived on their interchange tracks.

In the 2nd paragraph, Mr. Abbey states he was hired in January of 2010. Therefore, it was during his tenure that railcars destined for the DRGRHF, were refused by the SLRG in violation of SLRG's common carrier obligation. When the SLRG refused the railcars, I contacted the Board's consumer assistance program. I was told that I would have to file a formal complaint with the Board. I was told that the Board would not intervene in the dispute without a formal complaint. The filing fee for a complaint, at the time, was over \$18,000.00 plus whatever it cost for an attorney to litigate the matter. In addition, additional costs would likely occur due to the litigation and the ability to recover those damages could not be assured. While the

¹ The two flat cars were provided by the connecting Class I carriers. The cars included car # ITTX 911198.

DRGRHF believed it had a strong case, no attorney could guarantee a successful outcome. The attorneys I contacted stated that the Board's policy on awarding attorney's fees varied greatly based on the facts of a case, and there was no way to even remotely guess which way the Board would rule on a request for attorney's fees.

In short, the STB's own policies and procedures were not a viable option. The DRGRHF had to unload the cars in Pueblo, CO and truck the cargo the rest of the way, at considerable expense, to South Fork.

Mr. Abbey continued his misrepresentations of the facts in the following paragraph. In the 8th paragraph, Mr. Abbey falsely stated that the DRGRHF had a "lease agreement" for a "spur track" with SLRG in South Fork, CO for the "purposes of storing derelict equipment". I have included, as exhibit VS 6 the original sidetrack agreement with Union Pacific Railroad and myself with regards to the spur track, which I own personally.

The Union Pacific sold me the sidetrack after the lumber mill it served closed. That agreement remained in effect until it was cancelled by the SLRG shortly after the two TTX cars had been billed to the siding. Contrary to the representations of Mr. Abbey, that agreement was NOT terminated for sometime, but rather terminated only when railcars had been shipped to the siding. Mr. Abbey appears to claim that Foundation equipment, stored on a

siding lawfully sold to me, is somehow subject to their fictitious claims of ownership. The agreements with the Union Pacific clearly shows that SLRG has no ownership claims in the siding in South Fork.

It should be noted that nowhere in the agreement does it contain any language which indicates the purpose of the agreement is to store derelict equipment on the sidetrack. Mr. Abbey's statements are just plain false.

In addition, SLRG has developed a case of convenient amnesia. Car SLRG 5904 (still lettered with these marks) is part of the DRGRHF's fleet and was leased to SLRG for it's Excursion train during 2006 and 2007, and was interchanged from the Creede Branch property to SLRG enroute to Monte Vista for rebuilding at Petitioner's Monte Vista Facility. The car then traveled in service for SLRG through the end of the 2007 summer season. Over our objections, the car was returned to the DRGRHF Monte Vista facility. The care was to have been returned to South Fork.

Locomotive D&RG 7863 was also leased to Permian Basin Railways, and used on SLRG beginning in 2006 through 2007 and returned early to the Creede Branch. These leased pieces of equipment were used in revenue service and were interchanged to and from DRGRHF locations. DRGRHF and SLRG did not arrange a formal interchange agreement at that time, just simply interchanged the Equipment across the property line.

In the 9th paragraph, Mr. Abbey makes another false statement. The SLRG no longer has any rights in the property in Monte Vista. The SLRG did reserve a right to use the sidetrack when the property was sold to the Rio Grande Southern. However, when the SLRG unilaterally cancelled the sidetrack agreement and removed the switch into the property, they were told to remove all their material within 48 hours, or it would be deemed abandoned. Not having removed their material in a timely manner, and cancelling the agreement which permitted them to enter upon the property lead them to abandon any and all claims in the Monte Vista Property. They no longer have any legal interest in the property for them to level any claim over any portion of the property.

In the 10th paragraph, Mr. Abbey makes a statement which is accurate. DRGRHF currently has no agreements with Union Pacific to interchange equipment directly to them.

In the 11th paragraph, Mr. Abbey makes a number of contradictory statements. The foundation will address the statements in the 11th paragraph in our Rebuttal Statement.

In the 12th paragraph, Mr. Abbey makes a number of unsubstantiated statements. The DRGRHF will address the statements in the 12th paragraph in our Rebuttal Statement.

In the 13th paragraph, Mr. Abbey makes a number of statements. I noted that some of those statements conflict with statements he makes in the 11th paragraph. The DRGRHF will address the conflicting statements in the 13th paragraph in our Rebuttal Statement.

In the brief 14th paragraph, Mr. Abbey appears to repeat one of his earlier statements. (See 7th paragraph, last sentence.)

In the 15th and 16th paragraphs, Mr. Abbey makes a number of false statements. In the first sentence of the 17th paragraph, Mr. Abbey starts out by saying “Without a detailed inspection of the line...” It would appear he is conceding a detailed inspection of the line is necessary to determine what it would cost to put the line back into a state of good repair. However, he fails to explain just how, without a similar detailed inspection, he reaches his alleged findings on the current condition of the line. The foundation will address Mr. Abbey’s statements in paragraphs 15 through 17 in our Rebuttal Statement.

The 18th paragraph contains yet another half truth. In that paragraph, Mr. Abbey states “SLRG’s active track is FRA Class 2 (or better track condition)” . For the Board’s review, I took the liberty to procure just a small number of photos of a small section of SLRG’s active track. In the exhibit VS 7, the Board will find three photographs. The photographs were

taken by me on Saturday, August 11th, 2012. The tracks in the photographs belong to the San Luis and Rio Grande Railroad. They were taken from the private railroad crossing located near Milepost 275. The location is just west of the City of Monte Vista, along the SLRG line between Monte Vista and South Fork CO.

The private crossing is the crossing which permit's the Honorable Mr. Doug Davie access to his home. Mr. Davie is a current Rio Grande County Commissioner. The nearest street address for the location depicted in the photos is 1849 CR 27 Monte Vista CO.

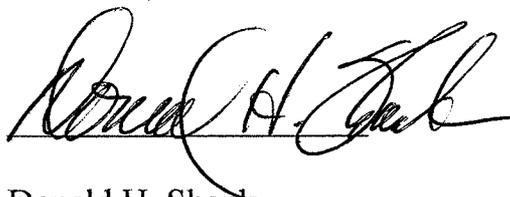
The photos depict the current condition of SLRG track in the immediate area of the crossing. The images look both east and westbound. As the Board can see, the tracks appear to be in rough shape.

As a result of the many years I've been associated with the DRGRHF, I can state, with certainty, that the track depicted in the photos do not meet FRA Class 2 standards. I can also state that the SLRG's entire line to South Fork is in poor condition over its entire length. However, very little, if any, meets FRA Class II standards. The vast majority of the line varies from Exempt to FRA Class 1. It should be noted that the SLRG closely parallels the main highway between South Fork and Monte Vista and, as such, can be easily observed from the public highway without trespassing.

The last paragraph appears to reiterate statements made in the 7th and 14th paragraphs.

In closing I would like to reiterate that the Foundation has, and will continue to, maintain a safe operation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald H. Shank", written over a horizontal line.

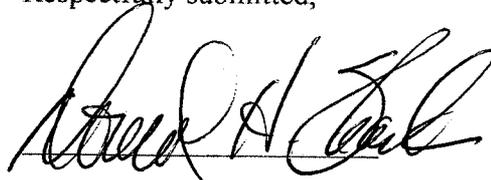
Donald H. Shank

Dated: August 13th, 2012

VERIFICATION

I, **Donald H. Shank**, do swear, under penalty of perjury, that the preceding Verified Statement is true and accurate to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald H. Shank", written over a horizontal line.

Donald H Shank

Dated: August 13, 2012

Exhibit # VS 1

**Verified Statement
of
Donald H. Shank**

Valley Courier

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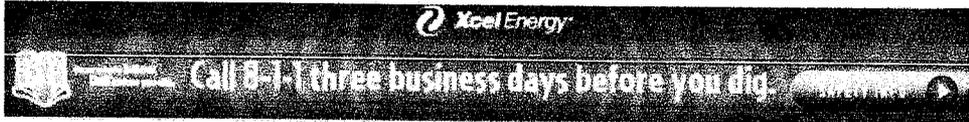
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SL & RG railroad hires new general manager

Posted: Thursday, Jan 28th, 2010

Abbeys move from Alaska

By RUTH HEIDE

ALAMOSA — Trains - and Mathew Abbey - link Anchorage, Alaska to Alamosa, Colorado.

New San Luis & Rio Grande Railroad General Manager Mathew Abbey comes to Alamosa this month from Anchorage where he worked in the railroad industry. With a strong background in transporting people, Abbey is excited to be involved with the Rio Grande Scenic Railroad passenger excursions and said he can hardly wait until the tourist season hits full force.

He manages the passenger side of the railroad, supervising Arvin Van Ry in special projects, public relations and many other duties, and Nacho Martinez in on-board services.

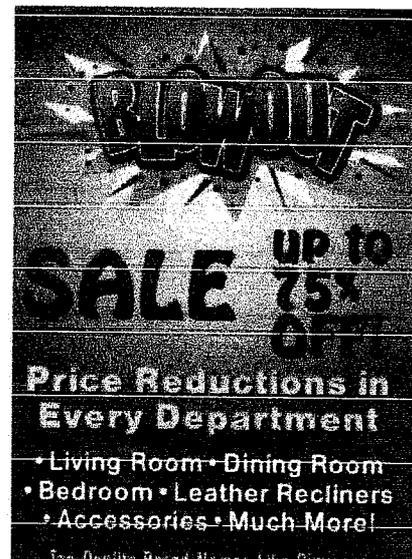
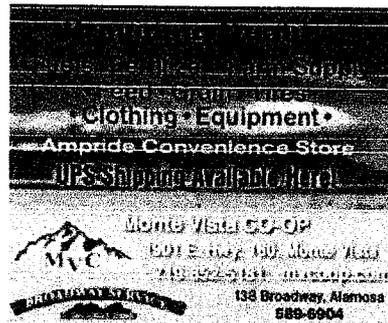
Abbey also manages the freight side of the rails supervising Safety Manager/Train Master Will Slinkard and new Mechanics Superintendent Steve Peck.

"I am not a freight man but I am becoming one," Abbey said. "My background is passengers. I have been moving people for money my whole career, and I love doing that."

He said his goals for the Rio Grande include improvements to the passenger services to enhance the rail's profitability and passengers' enjoyment. He said a ride on the Rio Grande is more than just a train ride. It is also a cultural journey, and he said Alamosa and all of the towns along the passenger rail's route provide rich historical context for those journeys.

"There is so much this Valley has to tell, and we are going to use the trains to do it, and that's going to bring people back ... It's an amazing narrative."

Abbey said Ed Ellis, president of the railroad, is very committed to this rail line, its



success in this area and its ability to provide good-paying jobs for residents. Abbey hopes to reward that commitment.

"I learned a few tricks up north, and we are going to put those to work for this community and this train," he said.

Mathew and his wife Tammy are Washington natives who grew up in the Seattle and Puget Sound areas. They both worked for an Alaskan tour company, she behind a desk and he behind the wheel of a bus, to put themselves through college in the 1990's.

Tammy earned a bachelor of fine arts and is an artist.

After earning his bachelor of science degree, Mathew worked as operations/marketing manager for the Seattle Center Monorail before he and Tammy found their way back to Alaska in 2004.

Mathew served as the general manager of Holland America's Rail Division, featuring the McKinley Explorer train, for 4.5 years. The train would provide connections for tourists visiting such Alaskan landmarks as the Denali National Park where Mt. McKinley lies.

"That was quite an adventure," Mathew Abbey recalled. "We open in May and we close completely in late September."

The rail division would go from 3 full-time staff to 170 during the tourist season, with Abbey working several months each year without a single day off, and many of those days lasting 12 hours.

He said he could keep that pace when he was younger but reached a point when he no longer wanted to work 12-hour days 7 days a week.

The timing for a job change worked out for him, and ultimately for Alamosa, because in March of 2009 Abbey's position was downsized during management team consolidation due to the economy.

Last April Mathew Abbey went to work as an administrator in Whittier, Alaska, which numbers 173 year-round residents, 80 percent of whom live in a single building because the former World War II-era Army supply site essentially has no buildable land. The town is accessible through a 2.5-mile car/train tunnel.

When Abbey found out about the position opening in Alamosa, he was glad to get back on the rails.

He was already acquainted with the railroad here because he had participated in the sale of the first dome cars from Alaska to Alamosa.

"We stayed in touch," he said.

The railroad community is not that large, so he was abreast of developments within the industry. He had also made regular trips to Colorado, primarily the northern portions, when he worked for Holland America. For example, he would recruit summer staff from among northern Colorado colleges and universities.

He established many relationships and friendships during that time.

He also developed a love for Colorado and looks forward to spending many years in Alamosa, which has some similarities to Alaska with its surrounding mountains and outdoor opportunities such as hiking and camping. He said the nighttime temperatures are also about the same but Alamosa's daytime temperatures are warmer because Alamosa enjoys more sun.

Mathew Abbey said the reception of the Alamosa community has also been warm.

"One of the things I was most concerned about was the town, what it was going to be like and whether it would provide the quality of life we desire," he said.

"After talking to folks that lived here, worked here and spent time here, it became apparent this was going to be a good fit for us ... The pace is right."

He added, "Everybody's been so nice."

He said he wants to become actively involved in the community.

Tammy Abbey said she has always lived near mountains and coasts. "This is the first

Top Quality Brand Name Like Simmons,
Best Chair, Riverdale, LazBoy, Stylecraft,
Vaughan, Bessell & Ashley.

Lockhart's

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Tammy Abbey said she has always lived near mountains and coasts. This is the first time I have lived inland. I think I would miss the mountains more. I can find bodies of water. The mountains are very comforting."

She said she was also impressed by the beauty depicted in the photos she saw of the area surrounding Alamosa such as the Great Sand Dunes National Park.

"All of our family is excited we are moving here," she added. The only way to visit the Abbeys in Alaska was by plane, and now the Abbeys will be more accessible to their relatives and friends. Tammy said family members have already made plans to visit.

Tammy Abbey will not be moving permanently to Alamosa until school is out. She and the couple's two children, Emily, 8, who is fluent in Russian, and Toby, 5, will then help dad find permanent housing in the area.

For more information about the railroad go to coloradotrain.com. Please note the web address is corrected from an earlier edition.

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Exhibit # VS 2

**Verified Statement
of
Donald H. Shank**

Matt Abbey

General Manager at San Luis & Rio Grande Railroad and Rio Grande Scenic Railroad

Join LinkedIn and access Matt Abbey's full profile.

As a LinkedIn member, you'll join 150 million other professionals who are sharing connections, ideas, and opportunities. And it's free! You'll also be able to:

- See who you and **Matt Abbey** know in common
- Get introduced to **Matt Abbey**
- Contact **Matt Abbey** directly

[View Full Profile](#)

Matt Abbey's Overview

General Manager at San Luis & Rio Grande Railroad

Director of Administration at City of Whittier

General Manager of Rail Services at Holland America Line

Operations and Marketing Manager at Seattle Center Monorail

see all

Central Washington University

7 people have recommended Matt

277 connections

Company Website

Abbeyinc Studios

Matt Abbey's Summary

Hello and thanks for taking the time to view my profile.

Experience:

Passenger transportation for profit in freight rail, buses, monorail, and passenger tourist rail services.

Food and beverage experience overseeing a \$3m per year dining operation staffed primarily by seasonal / temporary workers.

Heavy operational scale up / scale down responsibilities including recruitment, screening, hiring, training, deploying, and separating up to 200 employees per year.

Full responsibility for operating expense budgets up to \$15million per year.

Full responsibility for deployment of the nation's largest fleet of domed rail cars.

Alamosa Chamber of Commerce - VP

Heart of the Rockies Railroad Association - Board Member

Alamosa County Economic Development Committee - Board Member

Past President of the Seattle Center Association of Marketing Professionals.

Past Co-chair of the Puget Sound Attractions council.

Specialties

I get tremendous enjoyment from streamlining operations. I enjoy driving profitability, customer satisfaction, crew satisfaction and loyalty. Passenger rail services are hideously expensive to operate and maintain. The number of people left in the industry who can do it successfully and profitably are few. I am one of those people.

Matt Abbey's Experience

General Manager

San Luis & Rio Grande Railroad

January 2009 – Present (3 years 8 months)

The SLRG is a combination short line freight and passenger railroad based in Alamosa, Colorado.

The SLRG performs daily freight operations between Alamosa, Walsenburg, Antonito, and Monte Vista Colorado.

Our in-house passenger operation the Rio Grande Scenic Railroad provides daily passenger service.

Director of Administration

City of Whittier

Government Agency; 201-500 employees; Government Administration industry

April 2009 – December 2009 (9 months)

Responsible for day to day operation of the city including lease management, contract management, RFP/RFQ, personnel/HR, running the city office, supervising the City Clerk, Accounting Clerk, and Commission Clerk. Daily interaction with city council members, local business people, and residents. Maintained grant files and contracts including interval reporting and reimbursement requests. Authored the city's first personnel policy manual.

General Manager of Rail Services

Holland America Line

Public Company; 10,001+ employees; CCL; Leisure, Travel & Tourism industry

August 2004 – March 2009 (4 years 8 months)

- Designed and deployed operational and sales process and procedure changes for retail, tours, food, and beverage resulting in a 30% increase in on board revenue.
- Redesigned the safety training curriculum and implemented a competency certification, resulting in lowered incidents and injuries to crew and guests.
- Directed the Operations and Food/Beverage Departments in the annual startup and shutdown of a tour, rail, restaurant, and sales experience operated by 170 seasonal staff.
- Every-year improvement on my annual review and assessment of skills.
- Developed new tools for tracking and reporting operational readiness of secondary railcar systems.
- Served as person-in-charge of the relationship between the Rail Division and our railroad pull contractor, Alaska Railroad Corporation.
- Full profit and loss responsibility for the operation.
- Coordinated the efforts of contractors performing system refurbishment projects.

- Prepared and executed capital projects.

Operations and Marketing Manager

Seattle Center Monorail

March 2000 – August 2004 (4 years 6 months)

Dispatcher, Highway

Gray Line of Alaska

May 1999 – September 1999 (5 months)

Highway Motor Coach Dispatcher, Gray Line of Alaska, Summer 1999

- Responsible for scheduling and dispatching of motor coach drivers originating in Fairbanks, AK on multi-day itineraries across Alaska and the Yukon Territory

Driver Trainer

Gray Line of Alaska

February 1997 – May 1999 (2 years 4 months)

Note- This was a seasonal 4-month position which I occupied for three years.

Motor Coach Driver Trainer, Gray Line of Alaska, February-May 1997, 1998, 1999

- Responsible for training and instruction of newly-hired motor coach drivers in all aspects of motor coach operation including Federal Motor Carrier Regulation compliance, technical instruction, general operating instruction, passenger management, preparation and delivery of tour narrative material.

Motor Coach Driver / Guide

Gray Line of Alaska

May 1998 – September 1998 (5 months)

- Responsible for the safe operation of a 50-passenger motor coach while providing tour narration to the guests.

Motor Coach Driver / Guide

Gray Line of Seattle

June 1995 – February 1998 (2 years 9 months)

Motor Coach Driver/Guide, Gray Line of Seattle, 1995 - 1998

- Responsible for the safe operation of a 50-passenger motor coach while providing tour narration to the guests.

Driver and Serviceman

Pro Rentals, Inc

June 1992 – September 1994 (2 years 4 months)

Driver and Serviceman, Pro Rentals, Inc 1992 – 1994

- Operated a commercial vehicle delivering contractor and earth moving equipment including loading, unloading, fueling, and servicing the equipment and the truck.

- Provided direct customer service including basic instruction on the use of the equipment, answered questions, and offered advice on performance of their particular task

Matt Abbey's Education

Central Washington University

Bachelor of Science, Industrial Technology

1995 – 2000

Matt Abbey's Additional Information

Websites:

- Company Website
- Abbeyinc Studios

Interests:

Transportation, passenger transportation and railroading, buses, monorail, model railroading, wife and kids, vintage cars, old houses, logistics/production/operations, food and beverage, dirt bikes, fishing, camping, driving, exploring, teaching, making money (more business than personal).

Groups and Associations:

Northern Lights Model Railroad Club American Association of Private Railcar Owners National Chew Association tdcclub.com
Knights of Columbus



Advanced Transit Advocate



Alaska



Central Washington University Alumni



CoolWorks.com



FasTracks Denver



Holland America Line



RAIL PROFESSIONALS



RailPeople



RailTech



Railgroup – [5000+ Rail Minds]



Scenic Trains of Colorado



The Cruise Ships Professionals

Contact Matt for:

- career opportunities
- expertise requests
- reference requests
- job inquiries
- business deals
- getting back in touch

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FIRE DEPARTMENT

Monorail train catches fire in Seattle

May 31, 2004

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A monorail train carrying passengers to a Memorial Day festival caught fire Monday afternoon in Seattle, Washington, and fire crews hurriedly rescued passengers from smoky cars about one story above ground.

At least five people were taken to Harborview Medical Center where they were being evaluated, a nursing supervisor said. She said none had burns.

"There was a pop and then we started seeing smoke," a shaken female passenger holding a child told KIRO-TV, a CNN affiliate. Asked if she felt in danger before rescuers arrived, the woman said, "We all did."

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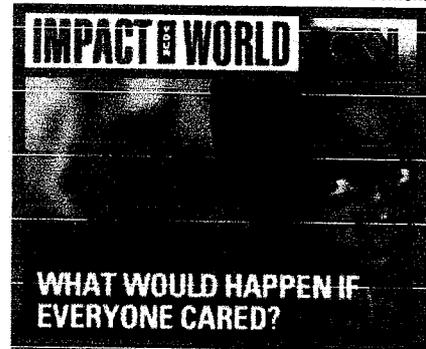
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Dozens of emergency crews were on the scene. Firefighters used ladders, including one ladder truck, to reach the smoking train. Dozens of passengers crowded the open doors of the monorail awaiting rescue.

Fire Department spokeswoman Helen Fitzpatrick said it was not immediately clear what caused the fire and that an investigation has been launched.

"When our crews arrived, there was black smoke coming down Fifth Avenue and there were flames coming from the roof of one of the cars," she told CNN affiliate KING-TV.

She said firefighters had had previous experience in rescuing monorail passengers.

"People on the car were calm, and firefighters got them out safely," she said.

Glenn Barney, general manager of the Seattle Center Monorail, said he did not know what caused the fire.

Based on what he saw on television before heading to the scene, he said a red line train was being used to evacuate the blue line train that caught fire.

He said each monorail train can hold as many as 450 passengers.

Matt Christiansen, who shot home video at the scene, told KING-TV he saw smoke and sparks when he arrived.

"There were people screaming inside before the Fire Department got there," he said.

The monorail travels a mile between downtown Seattle and the Seattle Center Fairgrounds where the annual Memorial Day Folklife Festival was taking place. The fairgrounds were the site of the 1962 World's Fair.

The Seattle Center is the site of the Space Needle, Pacific Science Center and the Experience Music Project.

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resume full service at the earliest possible date that we can do it safely," Albro said.

During a typical July, the monorail carries about 400,000 people, officials said. The shuttle service is far less popular: Officials estimated it will provide fewer than 100,000 rides this month.

The decrease in ridership has affected business in Seattle Center and Westlake Center, although Seattle Center has fared better than was expected.



"We are experiencing some decline," Anderson said. "From our perspective, it's not been as dramatic as we might have thought. I think for Westlake it might be a little bit more dramatic."

Judy Burnside, manager of the Westlake Center Made in Washington store, said her shop is seeing about one-quarter fewer customers since the beginning of June.

Matthew Rodriguez: 206-464-3192

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KOMO News

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Fire On The Seattle Monorail

Originally printed at <http://www.komonews.com/news/archive/4125941.html>

By [KOMO Staff](#)

May 31, 2004

SEATTLE - Fire struck one of Seattle's monorail trains outside the Experience Music Project at the Seattle Center Monday afternoon.

Firefighters used ladders to evacuate dozens of passengers from the "Blue Train," one of two trains in the monorail system.

About 40 people were evaluated at the scene for respiratory problems from the smoke, Seattle Fire Department spokeswoman Helen Fitzgerald said.

Nine people, including a firefighter who injured a knee, were taken to Harborview Medical Center, but none of the injuries was considered serious, and none appeared to be burns, she said.

Witnesses reported a metallic grinding for about 3-5 seconds as the train exited the tunnel through the EMP and then a loud explosion. They said smoke then started pouring out from beneath the train. People on board the train started moving to the front of the train and that's when the flames broke out.



People tried to get close to the ground and away from the flames. A short time later, monorail officials pulled up the second monorail train so people could evacuate to the red train. But one witness says the wind was blowing the smoke into the red train, so they abandoned that idea.

The fire department arrived a short time later and brought the fire under control. They then began evacuating passengers from the red and blue trains via ladder trucks.

Fire officials said the fire was brought under control Monday evening. Streets were closed in the area.

About 150 people were on the train at the time of the fire. Fitzgerald says the cause was caused by a short in the electrical wiring to the motor.



The fire occurred as thousands of people gathered at the Seattle Center for the annual Folklife Festival on the holiday weekend.

The Experience Music Project is a rock 'n' roll museum known for its unusual design as well as its collection of music artifacts.

The monorail, which includes both the "Blue Train" and a "Red Train," runs through the museum on its pathway between the Seattle Center and downtown Seattle.



Video from our photographers shows extensive damage to the blue monorail, with part of the floor and roof melted at part of one section.

Both trains will be out of service for an undetermined amount of time.

The monorail was originally built for the 1962 World's Fair in Seattle.

There have been several incidents over the years when the fire department's high-angle rescue team has been called out to remove

passengers when a train broke down.

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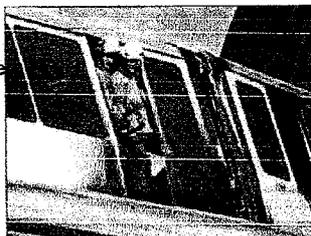


Tuesday, June 01, 2004 - Page updated at 10:00 A.M.

Fire hits monorail at Seattle Center

By The Associated Press

SEATTLE — Fire struck one of Seattle's monorail trains outside the Experience Music Project at the Seattle Center this afternoon.



Enlarge MARK HARRISON

Firefighters used ladders to evacuate dozens of passengers from the "Blue Train," one of two trains in the monorail system.

About 40 people were evaluated at the scene for respiratory problems from the smoke, Seattle Fire Department spokeswoman Helen Fitzgerald said.

Nine people, including a firefighter who injured a knee, were taken to Harborview Medical Center, but none of the injuries was considered serious, and none appeared to be burns, she said.

Fire officials said the fire was brought under control Monday evening. Streets were closed in the area.

About 100 people were on the train at the time of the fire, the cause of which was under investigation, Fitzgerald said.

The fire occurred as thousands of people gathered at the Seattle Center for the annual Folklife Festival on the holiday weekend.

The Experience Music Project is a rock 'n' roll museum known for its unusual design as well as its collection of music artifacts.

The monorail, which includes both the "Blue Train" and a "Red Train," runs through the museum on its pathway between the Seattle Center and downtown Seattle.

Both trains will be out of service for an undetermined amount of time.

The monorail was originally built for the 1962 World's Fair in Seattle.

There have been several incidents over the years when the fire department's high-angle rescue team has been called out to remove passengers when a train broke down.

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Exhibit # VS 4

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Seattle Center Monorail

From Wikipedia, the free encyclopedia

The **Seattle Center Monorail** is an elevated monorail line in Seattle, Washington, that runs a little under one mile along Fifth Avenue between Seattle Center in Lower Queen Anne and Westlake Center in Downtown. Seattle Center Monorail is a fully self-sufficient public transit system with a top speed of 45 mph (72 km/h). Owned by the City of Seattle, the line has been operated by a private contractor, Seattle Monorail Services, since 1994.^[1] The monorail trains and their tracks were given historical landmark status by the Seattle Landmarks Preservation Board April 16, 2003.^[2]

Contents

- 1 Creation and route
- 2 Operations
- 3 Technical details
- 4 Accidents
- 5 See also
- 6 References
- 7 External links

Creation and route

The monorail, which cost \$3.5 million to build, opened on March 24, 1962 for the Century 21 Exposition, a World's Fair held at the current site of Seattle Center. Eight million people rode the monorail during the half year the fair was open; today, annual ridership is around 2 million. The line and its trains were built by Alweg Rapid Transit Systems.

Originally, the south end of the line was a large station over Pine Street at Westlake Avenue that formed a lid over the street and a portion of Westlake Park. In 1988, the station was moved north a block with the construction of the Westlake Center

Seattle Center Monorail



Overview

Type	Monorail
Status	Operational
Locale	Downtown Seattle, Washington
Termini	Seattle Center (west) Westlake Center (east)
Stations	2
Daily ridership	7,000

Operation

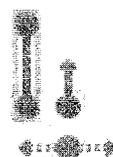
Opened	March 24, 1962
Owner	City of Seattle
Operator(s)	Seattle Monorail Services
Character	Elevated

Technical

Line length	1.2 mi (1.9 km)
Electrification	Third rail
Operating speed	50 mph (80 km/h)

Route map

Legend



Seattle Center

Westlake Center (Streetcar)

Central Link

This route map:

shopping mall on what had been the right-of-way of Westlake Avenue.

The Westlake station of the monorail has an elevator down to the Westlake Station of the Downtown Seattle Transit Tunnel, a stop for the Central Link light rail line, and major Metro bus lines. Westlake Center is also near the southern terminus of the South Lake Union Streetcar and numerous surface bus routes.

At the northern end of the line, the Experience Music Project building was designed so that the monorail passes through it on its way to the terminal.

Operations

The Seattle Center Monorail is operated by a private contractor, Seattle Monorail Services (SMS), which took over operation from the City in June 1994.^[1] Operating profits, which can be as much as \$750,000 per year, are split between the City and SMS.^[1]

Service operates daily. Trains depart every 10 minutes from the station at Seattle Center en route to Westlake Center Mall, at Fifth and Pine Street. Each trip takes two minutes to cover the approximately one-mile route. Each train can carry up to 450 passengers per trip. The monorail provides two-train service during special events and activities, with departures every five minutes or less.

One-way fares are \$2.25 for adults, \$1.00 for youth ages 5-12, \$1.00 for reduced rate (seniors 65+, disabled, persons with Medicare cards, and active duty U.S. military with identification. Roundtrip fares are twice the price of a one-way. Children four and under ride free.

Technical details

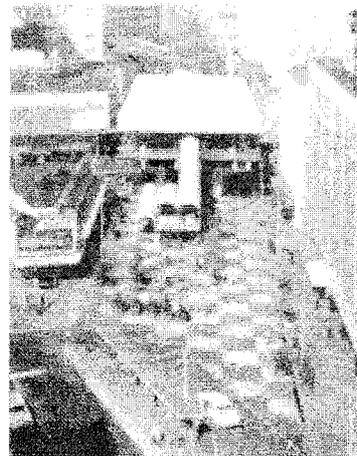
The line consists of two parallel tracks with one train riding each track.

The fleet consists of two trains constructed by Alweg in 1961. These original trains are still in service and have served the line since its opening in 1962.

Each train is powered by four 750 Hp DC Motors running at 700V and typically drawing up to 700 amps. The motors are controlled by a mechanical motor controller that adjusts the position of the motors and number of resistors in the circuit. The motors run into a standard truck differential, with one side blocked off and the other running to the driving wheel, which runs a standard truck tire.

The electric current is drawn from a two-tiered electric rail that is aligned with the side of the track. The top rail is ground, with the live rail suspended beneath it.

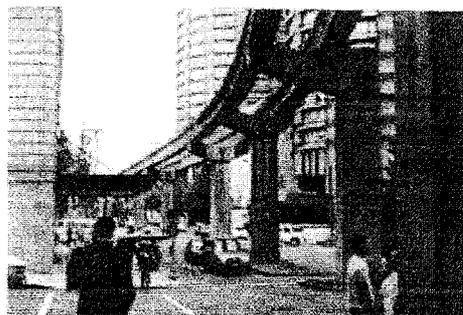
The monorail uses dynamic braking for higher speed braking (over 10 mph), and has drum brakes for lower speeds.



South terminus of the monorail in 1963



Aerial view of monorail in downtown Seattle



The monorail tracks with the Space Needle visible in the distance

Accidents

On July 25, 1971, a brake failure on the red train resulted in it striking the girder at the end of the track in the Seattle Center station, causing injuries to 26 passengers.^[3]

On May 31, 2004, a fire broke out on the monorail with 150 people aboard. Five passengers were taken to the hospital with minor injuries.^[4]

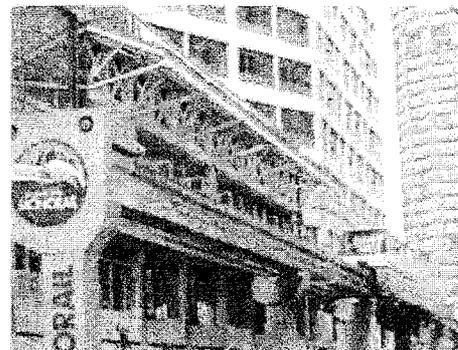
On November 26, 2005, the two trains clipped one another on a curve, shearing a door off one train. Two people were hospitalized with minor injuries. Poor design and driver error were blamed for the crash.^{[5][6][7]} in 1988, the space between the monorail tracks had been reduced at the southern end of the line to make room for the new Westlake Center, effectively making gauntlet/interlaced track.

See also

- List of monorail systems
- Seattle Monorail Project (now defunct plan for a new Seattle monorail)

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- ↑ *a b c* Yardley, William (September 25, 2006). "In Seattle, a Dream From the Past Has a Hazy Future" (<http://www.nytimes.com/2006/09/25/us/25monorail.html>) . *The New York Times*. <http://www.nytimes.com/2006/09/25/us/25monorail.html>. Retrieved 2009-12-13.
- ↑ McRoberts, Patrick. "Space Needle officially becomes a City of Seattle historic landmark on April 19, 1999." (http://www.historylink.org/essays/output.cfm?file_id=1443) . *HistoryLink*. http://www.historylink.org/essays/output.cfm?file_id=1443. Retrieved 2006-01-09.
- ↑ "Monorail crashes into steel girder at Seattle Center injuring 26, on July 25, 1971." (http://www.historylink.org/index.cfm?DisplayPage=output.cfm&file_id=7561) . *HistoryLink.org*. http://www.historylink.org/index.cfm?DisplayPage=output.cfm&file_id=7561. Retrieved April 12, 2011.
- ↑ "Fire hits monorail at Seattle Center" (http://seattletimes.nwsource.com/html/localnews/2001943722_webmonofire31.html) . *The Seattle Times*. June 1, 2004. http://seattletimes.nwsource.com/html/localnews/2001943722_webmonofire31.html. Retrieved April 12, 2011.
- ↑ "Monorail trains collide" (http://seattletimes.nwsource.com/html/localnews/2002649089_monorail27m.html) . *The Seattle Times*. November 27, 2005. http://seattletimes.nwsource.com/html/localnews/2002649089_monorail27m.html. Retrieved April 12, 2011.
- ↑ Lindblom, Mike (November 28, 2005). "Monorail collision result of hazard created during 1988 track redesign" (http://seattletimes.nwsource.com/html/localnews/2002650818_monorail28m.html) . *Seattle Times*.



The south end of the monorail line, near Westlake Center



The monorail passes through the EMP building



Aftermath of the 2005 collision, the train on the right was approaching the station, and should have yielded

http://seattletimes.nwsource.com/html/localnews/2002650818_monorail28m.html.

- ↑ Lange, Larry (January 5, 2006). "Monorail damage more than just dents" (http://www.seattlepi.com/transportation/254555_monorail05.html) . Seattle Post-Intelligencer. http://www.seattlepi.com/transportation/254555_monorail05.html.

External links

Media related to Seattle monorail at Wikimedia Commons

- Seattle Center Monorail (current) (<http://www.seattlemonorail.com/>)
- Seattle P-I archives: Seattle Center Monorail (<http://www.seattlepi.com/local/gallery.asp?SubID=5916&page=1>itle=P-I%20archives%3A%20Seattle%20Center%20Monorail>)
- Seattle page at the Monorail Society (<http://www.monorails.org/tMspages/Seattle.html>)
- Unofficial site about the monorail (<http://world.nycsubway.org/us/seattle/monorail.html>)

Retrieved from "http://en.wikipedia.org/w/index.php?title=Seattle_Center_Monorail&oldid=505864759"

Categories: Transportation in Seattle, Washington | Monorails | Landmarks in Seattle, Washington

Rapid transit in Washington (state) | Seattle Center | ALWEG people movers

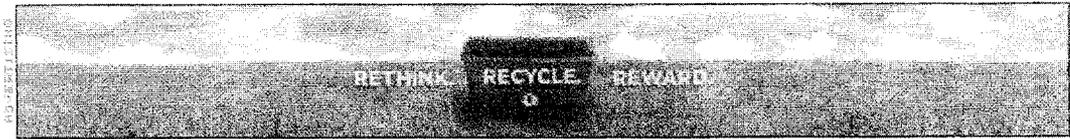
World's fair architecture in the United States

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Originally published November 27, 2008 at 12:07 AM | Page modified November 28, 2008 at 7:43 AM

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Monorail collision result of hazard created during 1988 track redesign

For 17 years, monorail drivers managed to elude a known safety hazard — that two tracks would wedge together near Westlake Center.

By Mike Lindstrom
Seattle Times staff reporter

For 17 years, monorail drivers managed to elude a known safety hazard — that two trains would wedge together near Westlake Center, where the dual tracks converge at a pinch point.

The run of good luck finally ended Saturday night, when the monorail system's safety procedures broke down, and two trains sideswiped each other.

"This is not a design we are too thrilled about," said Stuart Rolfe, a partner in Seattle Monorail Services, which operates the one-mile system for Seattle Center. The layout, he said, was "not a good engineering decision." The tracks were aligned that way in 1988 to fit with the new Westlake Center mall, prior to SMS taking over the monorail in 1994.



Enlarge (JUSTIN SAIPES / THE SEATTLE TIMES)
Two monorail cars are shown jammed together Sunday, one day after an accident near Westlake Center mall. Officials say the process of getting the two cars unstuck could take days. Each brake must be loosened, then a crane must be brought in to pull the cars apart.

Rolfe said Sunday that he doesn't expect the tight section to be rebuilt to solve the problem, but the accident may prompt other safety improvements or better procedures. Seattle police are investigating the accident, and the National Transportation Safety Board may participate, a police spokesman said. There were no serious injuries in the 7:10 p.m. accident, though 84 passengers aboard the two trains were evacuated.

The first job is to disentangle the trains with a crane. That was to happen Sunday but will be postponed until at least tonight, after rush hour, said Seattle Center spokesman Perry Cooper. The trains will be pulled by tow truck for a mile, back to the maintenance shop.

Seattle Center will consider providing a shuttle bus to downtown for the holidays, Cooper said. Last year, a shuttle bus operated for a month and a half after a May 31 fire closed the line until just before Christmas. The repair costs, as well as the overall future of the historic line, are unknown.

In September, Seattle Center Director Virginia Anderson told the City Council the 43-year-old system is being held together by "baling wire and chewing gum," and that it would require \$50 million to \$100 million to rebuild, based on estimates for the now-aborted Green Line from Ballard to West Seattle. Cooper downplayed those numbers over the weekend: "It was just a figure thrown out. We had no research, no validity or anything for it," he said.

Rolfe said costs to restart the existing line would be nowhere near that high. Even if both trains were a total loss, new ones would cost, at most, \$8 million each, based on the Green Line bid price.

The metal sides of the trains, at least one door and a power rail along the trackway were damaged.

The decision to taper the tracks 4 to 5 feet apart, for trains just over 10 feet wide, was part of an attempt to beautify downtown by getting rid of a bulkier station.

Bullitt Foundation's new green building
Construction has started on the Bullitt Center, which will be one of the world's greenest and most energy-efficient commercial buildings in the world.

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When the monorail opened in 1962, a huge station formed a lid over Pine Street and a piece of Westlake Park, leaving plenty of room for both trains. It was demolished in the late 1980s, in favor of a compact station that poured tourists into the upper level of the new Westlake Center mall.

According to a design document from 1987, builders wanted to squeeze the tracks together and allow passengers to reach them on retractable ramps from the mall. Otherwise, the alternative would involve switching trains from the outer track to an inner track adjacent to the mall. Such track switches in other cities require massive concrete platforms.



The Westlake station was designed by Raymond Kaiser Engineers and the Rouse Co., the mall developers, subject to city review.

The tracks were squeezed closely together near Westlake Center so that automatic ramps could reach from the platform on the mall's upper level to trains on either the inner or outer rail. But only about 4 feet separate the tracks, leaving no room for two trains to fit — or even pass. To prevent a sideswiping crash, monorail drivers are supposed to call the operations base by radio when leaving the Westlake station, said Rolfe. For the approaching drivers coming down Fifth Avenue, a signal on one of the track-support piers will show a green arrow when the light Westlake Center area is clear of the other train, explained Glenn Barney,

monorail general manager.

Darcy Uphaus, who witnessed the crash Saturday night, said she saw the driver of the southbound Blue Train waving, and she heard a honk.

Rolfe called the collision, the first of its kind, a "breakdown in protocol." One of the drivers has three years' experience, the other more than one year, so both are familiar with the hazard, Cooper said. Usually just one train operates, with dual-train operations on busy days. The accident happened at the end of a holiday rush. Barney said one of the trains was on its last run before the line was to revert to single-train service.

"Monorailists have been concerned with the Westlake Station redesign ever since it was built," said Kim Pedersen, California-based founder of The Monorail Society, a worldwide enthusiasts group. "Besides increased collision danger, the pinched track prevents any hope of system extensions further downtown."

The worst mishap in the monorail's history came in 1971, when a train smacked a girder at the Seattle Center station, injuring 26 people. Similar, less severe crashes occurred in 1979 and 1980. Last year's fire stranded about 150 people aboard until firefighters rescued them, while stalled trains required ladder evacuations in 2002 and 2003.

Despite the weekend accident, Cooper said Seattle Center is confident Seattle Monorail Services can operate the system safely. He praised SMS for its response to the 2004 fire, when the firm spent \$2.6 million to install warning systems, flame-retardant materials and new upholstery.

City Councilwoman Jan Drago said she doesn't know yet whether she'd support fixing the system. "I don't know what the damage was, I don't know what the cost is. What I can tell you is that it is a part of our transit system, it carries over 2 million people a year between Seattle Center and downtown." The Center earns some parking revenues from people who ride the monorail downtown, she said.

Rolfe, who met with city officials Sunday, said, "We've had very good cooperation and support from all the agencies. We've not had any conversation about not going back into operations. The real question is what needs to be done, how much is it going to cost, and how long will it take?"

Ed Brighton, an advocate of preserving the historic monorail, said the city should seek a "silver lining" in the accident, by taking the opportunity to make the tracks safer, and consider extending them to the Washington State Convention and Trade Center.

Since voters dissolved the Green Line project this month, some citizens have been considering a political effort to back long-term improvements for the one-mile monorail, he said.

Geof Logan, an activist who fought the Green Line, predicted the city will back a restart, even though he believes the old monorail has reached the end of its lifespan. "People are too attracted to this thing. They'll pour \$25 million, \$40 million into this project. ... The city's going to have to figure out how it's going to spend its financial resources."

Seattle Times staff reporter Carol Ostrom contributed to this report.

Mike Lindholm: 206.516.5621 or mlindholm@seattletimes.com

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His 1980 VW Rabbit lets him hop right past the gas pump. **OWNER:** Jack McKee (right), pictured with brother Doug, Bellingham. **OCCUPATION:** Semi-retired. **PERKUPS MAKE AND MODEL:** 1980 Volkswagon Rabbit pickup (C.O...
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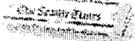
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Passengers evacuated after monorail stalls

By Dave Birkland and Susan Gilmore
Seattle Times staff reporters

The monorail got stuck in downtown Seattle again this morning, just four days after a nearly identical incident.

Shortly after 11:30 a.m., the monorail, with 25 passengers, came to a stop along Fifth Avenue near Broad Street.

According to Perry Cooper, a spokesman for the Seattle Center, which owns the monorail, the monorail experienced a breaker failure within the power system under the maintenance yard at the center. The passengers were led down on fire department ladders, with one firefighter in front and one in back to reduce the chance of a fall, said Heien Fitzpatrick, fire department spokeswoman. No one was injured.

This was the second Monorail breakdown in less than a week.

On Sunday, twenty-six passengers were on board when an air compressor failed, halting the monorail along Fifth Avenue at Battery Street. Firefighters also rescued those passengers and no one was injured.

When the power failed today, the car glided to a stop, as it is designed to do.

"The safety stop worked perfectly," Cooper said.

Under most circumstances, when a Monorail car becomes disabled, a second car is brought along side it and passengers are moved from the disabled car to the second car, Cooper said.

However, that second car is presently out of service for maintenance.

That means there would be no monorails running this afternoon, and Cooper said didn't know when service would be restored.

The center contracts operation of the Monorail to a private company, Seattle Monorail Services.

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Seattle Center Monorail May Never Run Again

Originally printed at <http://www.komonews.com/news/archive/4130926.html>

By By KOMO Staff & Seattle P-I.Com

August 6, 2004

SEATTLE - The old Seattle monorail may never run again.

It's been shut down since a Memorial Day fire, and monorail officials say the trains will remain out of service until at least the fall.

A final investigative report on the fire that heavily damaged one of the Seattle Center's two monorail trains pinpointed several safety flaws and recommended improvements.

The report called for a better evacuation plan, electrical renovations, a new public-address system and possibly fireproof seats before the charred Blue Train and its twin, the Red Train, return to service.

It recommended major upgrades to the 1961-vintage trains and the safety procedures for running them.

Now, our newspaper partner, the Seattle P-I, reports that officials are deciding whether its worth the cost of upgrades, since it's due to be replaced by the new monorail.

Originally installed as part of the 1962 World's Fair, the monorail is scheduled to be removed and replaced within the next five years when a new 14-mile monorail system is built.

Upgrading the old system before that involves "a significant cost," said Tom Albro, a

director of Seattle Monorail Services, the private company that operates the monorail under a profit-sharing contract with the city.

The repair cost hasn't been determined and won't be for two more weeks while the private company and the city determine the price and whether to go ahead with the fixes.

The fire broke out at the Seattle Center after two drive shafts on the Blue Train broke and one smashed into components on a rear car's undercarriage, causing a series of electrical short-circuits and arcing that ignited part of the car.

The blaze trapped 150 passengers inside the train until they could be rescued. Eight passengers and one firefighter were treated for smoke inhalation.

The fire was the first in the monorail's 42-year history.

The report also noted that during a monorail stall on Dec. 13, 2003, firefighters took two hours to empty a packed train carrying 450 people.

"The current emergency evacuation procedures and support systems need to be revised to ensure that, under all passenger load situations, passengers can be safely evacuated from the trains," the report said.

Seattle Center spokesman Perry Cooper says officials will decide in the next couple of weeks whether the benefits of restarting the line outweigh the costs.

Meanwhile a shuttle bus is running the one-mile monorail route between the Seattle Center and Westlake Center in downtown Seattle.

You can read the full article in the [Seattle P-I](#)

Exhibit # VS 6

**Verified Statement
of
Donald H. Shank**

**INDUSTRY TRACK CONTRACT
ARTICLES OF AGREEMENT**

AUDIT 221844

^{15th} ^{October 2002} ^{HBC}
THIS AGREEMENT is made and entered into as of the ~~1st~~ day of ~~September~~, 2001, between **UNION PACIFIC RAILROAD COMPANY** (hereinafter the "Railroad") and **DONALD H. SHANK**, to be addressed at 1474 Main Ave., Suite 223, Durango, Colorado 81301-5195 (hereinafter the "Industry").

IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

Article I. CONTINUED USE OF TRACK; PURPOSE.

The Industry desires the continued maintenance, operation and use of 814 feet of Track No. ICC 26-1 (WD338, yard 02, track 719) (hereinafter the "Track") at or near M.P. 298.34, Alamosa Subdivision, South Fork, Colorado, as shown on the attached print dated September 1, 2001, marked Exhibit A, hereto attached and hereby made a part hereof. The Track shall not be used for the storage and handling of cars containing hazardous materials.

Article II. TRACK IDENTIFICATION MARKERS.

For the purpose of this Agreement, the following segments of the Track shall be identified as follows:

- 1. Engineering Station 0+00 -- the initial switch connection or sometimes referred to as the point of switch.
- 2. Engineering Station 1+30 -- the initial clearance point of the Track. It is the point on the Track where a rail car either being moved or stored on the Track will not interfere with the movement of other rail cars on adjacent main, branch or lead trackage owned by the Railroad.
- 3. Engineering Station 2+15 -- the point on the Track that intersects the property line or right of way boundary line of the Railroad.
- 4. Engineering Station 8+14 -- the end of the Track.

Article III. OWNERSHIP OF THE TRACK.

A. The Railroad shall own the following portions of the Track:

The initial switch connection to the clearance point.

B. The Industry shall own the following portions of the Track:

The clearance point to the end-of-track.

Article IV. RIGHT OF WAY AND PRIVILEGE

The Industry shall procure any needed right-of-way, public authority or permission for construction, maintenance and operation of the Track outside the limits of the Railroad's right-of-way. The Industry shall pay any fees or costs imposed by any public authority or person for the privilege of constructing, maintaining and operating the Track

Article V. GRANT OF RIGHT AND USE AND OPERATION OF THE TRACK

(a) Subject to the terms and conditions set forth in this Agreement, the Railroad hereby grants to Industry the right to use, operate, maintain, repair and reconstruct the portion of the Track located on Railroad's right of way.

(b) The Railroad shall operate the Track subject to any applicable tariffs or rail transportation contracts and the terms of this Agreement, but the Railroad shall not be obligated to operate or maintain the Track (and the Industry shall not have any claim against the Railroad) if the Railroad is prevented or hindered from doing so by the Industry's breach or by acts of God, public authority, strikes, riots, labor disputes, or other cause beyond its control. The Railroad shall have the right to use the Track when not to the detriment of the Industry.

(c) The Industry shall bear the cost of any modifications to the Railroad's tracks, structures and communication facilities, other than track changes connected with the initial switch connection, required by the construction, reconstruction or operation of the Track.

(d) The use and operation of the Track shall also be in accordance with the terms and conditions set forth in **Exhibit B**, hereto attached and hereby made a part hereof.

**Article VI. MAINTENANCE OF THE TRACK STRUCTURE
(RAIL, TIES, BALLAST, OTHER TRACK MATERIAL).**

A. The Railroad, at its expense, shall maintain the portion of the Track located from the point of switch to the clearance point.

B. The Industry shall maintain the portion of the Track from the clearance point to the end-of-track.

Article VII. MAINTENANCE OF RIGHT OF WAY AND TRACK APPURTENANCES.

A. The Railroad, at its expense, shall maintain the portion of the Track from the switch connection to the clearance point. The Railroad, at Industry's expense, shall also maintain any automatic signal system activated by rail operations on the Track.

B. The Industry, at its expense, shall perform the following maintenance from the clearance point to the end of the Track:

1. Remove snow, ice, sand and other substances and maintain drainage and grading as needed to permit safe operation over the Track.

2. Maintain all appurtenances to the Track (other than an automatic signal system), including without limitation, gates, fences, bridges, undertrack unloading pits, loading or unloading devices and warning signs above, below or beside the Track.

- - -

Article VIII. MAINTENANCE BY INDUSTRY TO CONFORM TO RAILROAD STANDARDS; OTHER PROVISIONS PERTAINING TO MAINTENANCE.

A. Maintenance and track construction performed by the Industry shall conform to the Railroad's standards. If, in the judgment of the Railroad, any portion of the Track is non-conforming and/or unsafe for railroad operations, the Railroad shall not be obligated to operate over the Track.

B. The Railroad (at the Industry's expense) shall have the right (but not be required) to perform maintenance on the portion of the Track (if any) owned by the Industry when requested by the Industry or when necessary to operate the Track safely.

Article IX. ADMINISTRATIVE HANDLING CHARGE

Upon execution and delivery of this Agreement, the Industry shall pay to the Railroad an Administrative Handling Charge of Five Hundred Dollars (\$500.00).

Article X. TERM.

This Agreement shall take effect as of the date of this Agreement and shall continue in full force and effect until terminated as provided in **Exhibit B**.

Article XI. INSURANCE

A. The Industry, at its expense, shall obtain the insurance described in **Exhibit C** hereto attached and hereby made a part hereof, and provide a certificate or certificates of insurance certifying to the effectiveness of such insurance to the person named in Paragraph C below.

B. If the Industry will be using the Track to store and/or handle hazardous materials, the Industry, in addition to the other endorsements to be obtained by Industry as provided in **Exhibit C**, must also ensure that the Commercial General Liability insurance policy contains a Designated Premises Pollution Coverage (CG00-39) endorsement. Evidence of the endorsement must also be indicated on the certificate of insurance that is provided to Railroad.

C. All insurance certificates and correspondence shall be addressed and sent to:

Union Pacific Railroad Company
Real Estate Department
1800 Farnam Street
Omaha, NE 68102
ATTN: Scott A. Jones
Folder No.: 02029-64

Article XII. TERMINATION OF PRIOR AGREEMENT

Effective as of the date hereof, there shall be, and hereby is, terminated that certain track agreement dated January 15, 1990 now in effect between the Railroad and STONE FOREST INDUSTRIES, INC., identified in the records of the Railroad as its Audit Number: SPB0074 (original Contract Number 25231), Folder Number: 1930-81; PROVIDED, however, that such termination shall not affect any of the rights or obligations of the parties hereto under such agreement, which may have accrued, or liabilities, accrued or otherwise, which may have arisen prior thereto.

Article XII. CONSENT OF THE RAILROAD TO CERTAIN FACILITIES OR OPERATIONS.

The Railroad hereby consents to:

- A. the performance by the Industry of intra-plant switching;

subject to the terms, provisions and conditions set forth in this Agreement and to any prior regulatory approval that may be needed.

Article XIII. SWITCH MAINTENANCE FEE

For the purposes of this Agreement, the parties hereto agree that the doing of business in an active and substantial manner over the Track shall require the movement of a minimum of ten (10) cars to or from the Track, which yield road haul revenue to the Railroad within any twelve (12) month period (hereafter "Twelve-Month Period"). If the Industry fails to do business in an active and substantial manner over the Track in any Twelve-Month Period, the Industry agrees to pay the Railroad, in addition to any other charges specified in this Agreement, an annual fee of One Thousand, Five Hundred Dollars (\$1,500.00) for the maintenance of the initial switch connection (hereinafter the "Maintenance Fee"). Such payment shall entitle Industry to a continuation of service unless the Railroad in its sole and reasonable business judgment determines that the Maintenance Fee does not justify the continuation of the Agreement. In such cases, the Railroad shall inform Industry of its decision as soon as practicable. The switch connection consists of that portion of the Track from the point of switch to the clearance point. The Maintenance Fee shall be paid annually in advance, beginning with the commencement date of any applicable respective Twelve-Month Period and shall continue to be paid in advance for any subsequent Twelve-Month Period that the Industry fails to do business in an active and substantial manner over the Track. It is understood that any Maintenance Fee paid by the Industry for a Twelve-Month Period shall be refunded to the Industry in the event the Industry commences doing business in an active and substantial manner over the Track for any applicable respective Twelve-Month Period. The aforesaid Maintenance Fee is the Railroad's current system wide charge and the Railroad may adjust it at twelve-month (or greater) intervals to reflect the Railroad's then-current rate used system wide.

Article XIII. SPECIAL PROVISIONS

Industry will be responsible for the maintenance of all public and private road crossings associated with the Track.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate as of the date first herein written.

UNION PACIFIC RAILROAD COMPANY

X: *Harry B. Collins*
Director - *Ret Estate*

DONALD H. SHANK

X: *Donald H. Shank*
Title: *AN UNMARRIED MAN*

Exhibit # VS 7

**Verified Statement
of
Donald H. Shank**



