

## Watkins, Sara

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**From:** Semenick, Stephen <Stephen.Semenick@BNSF.com>  
**Sent:** Thursday, August 18, 2022 5:08 PM  
**To:** Bleek, Ryan  
**Cc:** Watkins, Sara  
**Subject:** RE: Yakima Valley Trolley bridge

Ryan,

The UTC petition provides evidence that BNSF supported a fencing project to reduce trespassing within our ROW. While the trail project was referenced in the application, I do not believe it would suggest we supported that project. If at some point the City would like to discuss a larger scale pedestrian trail project that would utilize the trolley bridge, BNSF will participate. If that proposal includes a long segment of a trail within our ROW, it will not be approved.

Thanks,

Stephen Semenick, PE  
Manager Engineering – NW Division  
BNSF Railway Company  
44 South Hanford Street, Building C  
Seattle, WA 98134

Office: 206.625.6152  
Cell: 817.422.2486

**From:** Bleek, Ryan <Ryan.Bleek@YAKIMAWA.GOV>  
**Sent:** Thursday, August 18, 2022 3:49 PM  
**To:** Semenick, Stephen <Stephen.Semenick@BNSF.com>  
**Cc:** Watkins, Sara <Sara.Watkins@YAKIMAWA.GOV>  
**Subject:** RE: Yakima Valley Trolley bridge

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## EXTERNAL EMAIL

Steve, I've been provided with a bit more background regarding the City's request for BNSF's current position on pedestrian/bicycle use of the trolley bridge, specifically. Attached you'll find on pages 1 – 4 an application from 2008 to the UTC for funding to build a fence to channel pedestrians away from the railroad bridge that runs parallel to the trolley bridge. On page four BNSF signed a Railroad Commitment form supporting the application.

On the one hand, the Commitment form doesn't explicitly endorse pedestrian/bicycle use of the trolley bridge. On the other hand, the application itself makes it clear that the request to fund the fencing is in the specific context of plans to

construct a pedestrian trail on the trolley bridge, so one could interpret the Commitment form as an implicit endorsement of the pedestrian/bicycle trail.

Either way, that was 2008 and it's now 2022. I know that you just provided me with BNSF's current formal position paper on at-grade trails and parallel roadways, and I can presume that that represents your current position with respect to the trolley bridge. However, in an attempt to anticipate the position of those who are advocating for a pedestrian/bicycle trail, I can imagine the argument that the position paper represents BNSF's general position, but the 2008 Commitment form and UTC funding application represents BNSF's contrary position for the specific trolley bridge in question.

I apologize for imposing on your time, but it would be quite helpful to have BNSF's explicit position on the issue in order to unambiguously and definitively advise City Manager and Council as to the same.

Thanks,  
**Ryan Bleek**  
Senior Assistant City Attorney

**City of Yakima Legal Department**  
200 South Third Street 2<sup>nd</sup> Fl | Yakima WA 98901  
P: 509.575.6030 | F: 509.575.6160  
[ryan.bleek@yakimawa.gov](mailto:ryan.bleek@yakimawa.gov)

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**From:** Semenick, Stephen <[Stephen.Semenick@BNSF.com](mailto:Stephen.Semenick@BNSF.com)>  
**Sent:** Thursday, August 18, 2022 9:07 AM  
**To:** Bleek, Ryan <[Ryan.Bleek@YAKIMAWA.GOV](mailto:Ryan.Bleek@YAKIMAWA.GOV)>  
**Cc:** Watkins, Sara <[Sara.Watkins@YAKIMAWA.GOV](mailto:Sara.Watkins@YAKIMAWA.GOV)>  
**Subject:** RE: Yakima Valley Trolley bridge

Ryan,

See attached for BNSF's formal position paper on at-grade trails and parallel roadways.

Thanks,

**Stephen Semenick, PE**  
Manager Engineering – NW Division  
BNSF Railway Company  
44 South Hanford Street, Building C  
Seattle, WA 98134

Office: 206.625.6152  
Cell: 817.422.2486

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**From:** Bleek, Ryan <[Ryan.Bleek@YAKIMAWA.GOV](mailto:Ryan.Bleek@YAKIMAWA.GOV)>  
**Sent:** Thursday, August 18, 2022 8:27 AM  
**To:** Semenick, Stephen <[Stephen.Semenick@BNSF.com](mailto:Stephen.Semenick@BNSF.com)>  
**Cc:** Watkins, Sara <[Sara.Watkins@YAKIMAWA.GOV](mailto:Sara.Watkins@YAKIMAWA.GOV)>  
**Subject:** RE: Yakima Valley Trolley bridge

## EXTERNAL EMAIL

Steve, I received the copy of the map of BNSF's right-of-way, and as expected it shows that the City's trolley bridge falls within the ROW. Thanks again for your help with that.

The potential pedestrian/bicycle use of the trolley bridge to cross the river continues to be an issue of debate among members of the community. It is my understanding from your previous correspondence with Ken Johnsen of Yakima Valley Trolleys that as a general matter BNSF opposes trails parallel and/or attached to railroad bridges within BNSF's ROW. Could I impose upon you (or whomever) to draft a brief letter on BNSF letterhead to the City Manager (Bob Harrison) specifying the railroad's official position with respect to pedestrian/bicycle use of the particular bridge in question? I assume that it will align with your general policy, but either way, having BNSF's formal position in writing will be very helpful in bringing the issue to resolution.

I greatly appreciate your time and assistance.

Thanks,  
**Ryan Bleek**  
Senior Assistant City Attorney

**City of Yakima Legal Department**  
200 South Third Street 2<sup>nd</sup> Fl | Yakima WA 98901  
P: 509.575.6030 | F: 509.575.6160  
[ryan.bleek@yakimawa.gov](mailto:ryan.bleek@yakimawa.gov)

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**From:** Semenick, Stephen <[Stephen.Semenick@BNSF.com](mailto:Stephen.Semenick@BNSF.com)>  
**Sent:** Friday, June 10, 2022 5:41 PM  
**To:** Bleek, Ryan <[Ryan.Bleek@YAKIMAWA.GOV](mailto:Ryan.Bleek@YAKIMAWA.GOV)>  
**Subject:** RE: Yakima Valley Trolley bridge

Hi Ryan,

Thank you for following up and I apologize for the delayed response. I wasn't able to find a copy of the easement document for the structure, but BNSF has a third party representative that may be able to dig into archives I do not have access to. The link below will direct you to the webpage where you can submit a request for the desired information. There is a \$75 fee for the associated research. If you choose to submit a request please reference that you have coordinated with me on the project. Location details to include would be LS 48 MP 91.5 – 92.0. There are other prompts for project details, so please include a brief summary on the project. It may take a week or two for Bartlett and West to find the information, but it should result in the City's desired outcome.

If you have any questions please let me know.

<https://www.bartlettwest.com/services/rail-maps>

Thanks,  
Steve

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**From:** Bleek, Ryan <[Ryan.Bleek@YAKIMAWA.GOV](mailto:Ryan.Bleek@YAKIMAWA.GOV)>  
**Sent:** Friday, June 10, 2022 2:55 PM  
**To:** Semenick, Stephen <[Stephen.Semenick@BNSF.com](mailto:Stephen.Semenick@BNSF.com)>  
**Subject:** RE: Yakima Valley Trolley bridge

## EXTERNAL EMAIL

Stephen, I thought I'd check in one last time. I won't bother you again.

Thanks either way, and have a nice weekend.

**Ryan Bleek**

Senior Assistant City Attorney

**City of Yakima Legal Department**

200 South Third Street 2<sup>nd</sup> Fl | Yakima WA 98901

P: 509.575.6030 | F: 509.575.6160

[ryan.bleek@yakimawa.gov](mailto:ryan.bleek@yakimawa.gov)

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**From:** Bleek, Ryan <>

**Sent:** Thursday, April 14, 2022 4:39 PM

**To:** 'stephen.semenick@bnsf.com' <[stephen.semenick@bnsf.com](mailto:stephen.semenick@bnsf.com)>

**Subject:** RE: Yakima Valley Trolley bridge

Good afternoon, Stephen. I'm following up on my email below. If a copy of the easement isn't something you have, then no worries. I just thought I'd check.

Thanks,

**Ryan Bleek**

Senior Assistant City Attorney

**City of Yakima Legal Department**

200 South Third Street 2<sup>nd</sup> Fl | Yakima WA 98901

P: 509.575.6030 | F: 509.575.6160

[ryan.bleek@yakimawa.gov](mailto:ryan.bleek@yakimawa.gov)

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**From:** Bleek, Ryan

**Sent:** Tuesday, April 5, 2022 10:44 AM

**To:** 'stephen.semenick@bnsf.com' <[stephen.semenick@bnsf.com](mailto:stephen.semenick@bnsf.com)>

**Subject:** Yakima Valley Trolley bridge

Stephen, I got your contact info from Ken Johnsen of Yakima Valley Trolleys. In the email that you and Ken exchanged on March 16<sup>th</sup>, you mentioned that the trolley bridge is on an easement within BNSF's right-of-way. Do you happen to have a copy of the easement that you could share with me? If BNSF won't authorize a trail on your easement, then it seems like that is rather dispositive of any internal debate within the City on the issue, and documentation of the easement/right-of-way could put the issue to rest.

Thanks!

**Ryan Bleek**

Senior Assistant City Attorney

**City of Yakima Legal Department**

200 South Third Street 2<sup>nd</sup> Fl | Yakima WA 98901

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[ryan.bleek@yakimawa.gov](mailto:ryan.bleek@yakimawa.gov)

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