



Yakima Valley Trolleys

September 26, 2022

Dear Yakima City Council and Staff,

The Yakima Valley Trolleys organization has operated, preserved, and maintained the City's YVT trolley railroad through an operating agreement for the last 21 years with a perfect safety record. We wish to keep it that way.

There is a proposal before you from an outside trail group wanting to build a walkway and fences in the middle of the track on the City's railroad bridge for non-railroad purposes. This would create a very dangerous and unsafe condition which would expose the City to great liability, severely disrupt trolley operations, and threaten our chances of giving the City its first National Historic Landmark.

We ask that you carefully read and view the enclosed information. Then at your October 4th meeting, reject the trail group's proposal. Let's end this controversy, which has gone on for 17 years, and move forward in positive directions for the City's historic trolley railroad.

Sincerely,
Ken Johnsen, President
Yakima Valley Trolleys

P.O. Box 796, Yakima, WA 98907



THE HISTORIC YVT PEGRAM TRUSS BRIDGE OVER THE NACHES RIVER

(OR, PEDESTRIANS AND TRAINS DO NOT MIX!)

1. Pedestrians and trains do not mix!
2. Public safety and City liability
3. National Historic Landmark
4. Historic appropriateness
5. Far better alternatives
6. “Spatial and Temporal Separation” is not realistic in practice
7. Ending the controversy

September, 2022

Yakima Valley Trolleys

1. Pedestrians and trains do not mix!

The William O. Douglas Trail Foundation is promoting a dangerous proposal to build a trail pathway down the middle of the active YVT trolley railroad, over the confined bridge crossing the Naches River. In so doing, they are demonstrating total disregard of railroad operation and safety procedures. Even professional railroad employees are instructed **never** to walk in the middle of a railroad track.

It would be hard to imagine a worse possible choice for locating a hiking trail boardwalk than between the rails of an active railroad, over a 300-foot long railroad bridge that is 40 feet above the river, and has no escape route for pedestrians other than to try and outrun the trolley to the other end of the bridge. The Yakima Valley Trolleys' officers and board of directors unanimously condemn the trail group's proposal advocating a pedestrian pathway to be built on the bridge.

This is not the first time the trail group has made this reckless proposal. Over the past 17 years their previous attempts have been met with refusal by the City Attorney, the City Council, and the City Manager. It is time to put this issue to rest once and for all.

Please carefully read the following pages to learn all the ramifications the proposal would have on the City and trolley railroad, as well as a couple of excellent alternatives that could be used to meet everyone's needs.

2. Public safety and City liability

Washington ranks fourth in the nation in trespassing railroad fatalities. Implementation of the William O. Douglas Trail Foundation's irresponsible plan could easily boost Washington to an even worse ranking. Trespassers have already died on the YVT trolley railroad bridge and also on the adjacent BNSF railroad bridge.

The Yakima trolley railroad is in use year-round. In addition to its regularly scheduled runs, there are maintenance runs, weed spraying runs and weed spraying company calibration tests of their equipment, rock removal and track repair in Selah Gap from rocks falling on our track. In addition, we offer charters over the entire railroad 365 days a year. There is no "safe" time for pedestrians to be on our railroad and no logical reason for them to be there in the first place. Imagine what a disruption it would make to trolley operation if every time we took a load of passengers to Selah we would have to stop at the bridge and wait many minutes for hikers to get off.

Because of the extreme danger to life and limb posed by the trail group's plan, the liability to the City of Yakima, as owners of the railroad, would become enormous! It would be hard to find an insurance company willing to insure the City for liability with such a dangerous scheme. It should be obvious that putting pedestrians in harm's way on our working railroad would be a very unwise move for the City of Yakima. And the precedent it would set would forever kill the City's defense in any litigation arising from injuries or deaths on the bridge. Once people are allowed to walk on the bridge, they are "invitees", not "trespassers". The liability would be untenable.

The trolley railroad and bridge pass over the right of way of the Burlington Northern Santa Fe (BNSF) railroad by means of an easement. We agree with, and strictly adhere to, the rules of the BNSF regarding trails on railroad right of way and additions to railroad infrastructure on railroad right of way. The letter from BNSF in this section clearly states that BNSF will not allow any type of trail walkway to be constructed on our bridge, nor routed over our tracks.

And in addition to the disruption of trolley service to Selah, the WODTF proposal would place a liability on the operators of the trolley railroad that Yakima Valley Trolleys are not willing to accept.



WASHINGTON OPERATION LIFESAVER

P.O. BOX 47250

Olympia, WA 98504-7250

Phone: (360) 701-1612

www.utc.wa.gov/operationlifesaver

June 17, 2022

Washington Operation
Lifesaver Executive
Committee

Washington Utilities and
Transportation
Commission

Washington State Patrol

Washington State
Department of
Transportation

Amtrak

BNSF Railway Co.

Union Pacific Railroad

Superintendent of Public
Instruction

Federal Railroad
Administration

Washington Traffic Safety
Commission

Brotherhood of
Locomotive Engineers

United Transportation
Union

Sound Transit

Ken Johnson, President
Yakima Valley Trolleys
306 West Pine Street
Yakima, WA 98902

Sent via email to kjohnsen@yakimavalleytrolleys.org

Dr. Mr. Johnson:

Thank you for contacting Washington Operation Lifesaver (WAOL) regarding the City of Yakima's proposal to add pedestrian access to an existing railroad bridge. WAOL works in partnership with Operation Lifesaver, a non-profit organization that provides public education programs in states to prevent collisions, injuries and fatalities on and around railroad tracks and highway-rail grade crossings.

WAOL takes no position on the merits of the project but offers these rail safety reminders to consider.

- Always expect a train from either direction, at any time.
- Walking on or near railroad tracks is illegal.
- Trains have the right of way 100% of the time.
- Cross train tracks at designated public crossings with a crossbuck, flashing red lights or a gate and follow all warning signs and signals posted there.
- Stay off railroad bridges and trestles, there is only room for the train.
- Stay alert around railroad track.

Thank you for the opportunity to offer these important rail safety reminders. For more information, please visit oli.org.

Sincerely,

Kathy Hunter

Kathy Hunter, State Coordinator
Washington Operation Lifesaver

Trespassing Casualties by State

Top 15 States Ranked by Total Trespass Casualties

(Based on Preliminary 2021 Federal Railroad Administration Statistics)

UPDATED 7/13/22

According to FRA statistics, **1,144** pedestrian rail trespass casualties (fatalities + injuries) occurred in **2021**. There were **617** trespass-related fatalities and **527** trespass injuries across the U.S. in 2021. Approximately 69% of all 2021 trespass casualties occurred in the 15 states listed below.

RANK	STATE	TOTAL CASUALTIES	DEATHS	INJURIES
1.	California	243	142	101
2.	Texas	119	57	62
3.	Florida	58	36	22
4.	New York	49	23	26
5.	Washington	40	24	16
6.	Illinois	39	20	19
7.	Ohio	35	15	20
8.	Pennsylvania	34	19	15

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From: **Semenick, Stephen** <Stephen.Semenick@bnsf.com>
Date: Wed, Mar 16, 2022 at 10:24 AM
Subject: RE: Railroad Safety Issue for BNSF and YVT
To: Ken Johnsen <kjohnsen@yakimavalleytrolleys.org>

Ken,

I agree that a pedestrian path (or shared use path) attached to a railroad structure is a bad idea. The public safety points you made below are valid and I'd share the same concerns. It does look like the trolley bridge is operating on an easement within BNSF's ROW. With that in mind, I've attached BNSF's formal position paper on at-grade trails/parallel roadways. BNSF does not approve of trails within our ROW, particularly ones that are proposed to be attached to railroad infrastructure. Although I haven't seen the proposed alignment, I'd bet a portion of the proposed trail would fall within railroad ROW. Feel free to forward this message to City staff that are reviewing the proposal, as they may ultimately have to work with BNSF if they decide to proceed with some variation of a trail in that area. BNSF will not authorize any type of trail running parallel to our mainline or within the ROW. A separate structure for pedestrians/bicyclists spanning the river is what I would recommend.

Thanks,

Stephen Semenick, PE

Manager Public Projects – WA, OR, & B.C.

BNSF Railway Company

44 South Hanford Street, Building C

Seattle, WA 98134

Office: 206.625.6152

Cell: 817.422.2486

BNSF Position on At-Grade Trails and Parallel Roadways

This generally addresses Agency Sponsored projects that include parallel roadways or pedestrian, bicyclist, or multi-use trails on or adjacent to BNSF right-of-way (ROW).

Parallel trails and roadways:

- In general, public parallel roadways or trails are not allowed on BNSF property. BNSF ROW is reserved for railroad infrastructure to ensure that current customer demands are met and to support future expansion needs.
- BNSF's maintenance and inspection roads are for the duties of operating, maintaining, and inspecting track. Public uses of railroad service roads are not acceptable for public roadway or trail use.
- BNSF rail bridges are designed to carry train traffic and are not designed for multimodal use. Trails parallel and/or attached to railroad bridges are not allowed.
- If trail is adjacent to BNSF property, fencing should be installed along the trail to keep users off of BNSF property.
- Trail construction and maintenance shall not reduce the BNSF ROW or adversely impact train operations during construction.
- Increased pedestrian activity adjacent to active track increases exposure points to train movement and potential for trespassing. Efforts to deter trespassing should be included in any trail project.

BNSF will consider accommodating parallel roadways within BNSF ROW when the new roadway will eliminate one or more at-grade crossings.

Trails crossing BNSF tracks at-grade:

- BNSF may accommodate trails that cross the tracks or BNSF ROW.
- Trails crossing the tracks at-grade must cross adjacent to an existing public at-grade crossing. Stand-alone at-grade trail crossings are not allowed.
- The trail should cross the railroad tracks at a 90-degree angle.
- Trail crossing must meet the requirements of the Manual on Uniform Traffic Control Devices, (MUTCD).
- Trail owners must enter into the proper license agreement with BNSF and be responsible for the ownership and maintenance of the trail.
- BNSF may require specific trail features at its discretion.

Trails combined with drainage structures are not allowed. For guidance on grade separated trails, refer to the Union Pacific Railroad – BNSF Railway Guidelines for Railroad Grade Separation Projects.

BNSF publishes position statements to clarify BNSF's position on the subject matter. The information contained in a position statement is neither exhaustive nor exclusive to all circumstances or individuals. The relevance and implementation of these recommendations may be affected by local, state, or federal statutes, other rules or regulations, and differing project conditions. Position statements are not intended to provide any approval of a public agency project. Nothing in this position statement, supersedes or supplements the terms of a governing agency agreement with BNSF. The position statement should not be relied upon as being inclusive of all BNSF's policies on the subject matter, but only as a resource. BNSF takes great care in publishing position statements and reserves the right to rescind or modify these statements at any time.

*Approved by Craig Rasmussen, AVP Engineering Services and Structures
Date Approved: August 16, 2017*

PAUL D. EDMONDSON

Attorney-at-Law

313 NORTH THIRD STREET

YAKIMA, WA 98901

(509) 452-7963

June 23, 2022

Ken Johnsen, President
Yakima Valley Trolleys
PO Box 161
Renton, WA 98057

Re: Pedestrians on City Railway

Dear President Johnsen:

You have inquired about a proposal to permit pedestrians to use the City-owned railroad tracks now used by Yakima Valley Trolleys over the Naches River between Yakima and Selah, WA. I understand that the group asking for City permission is a hiking group interested in traversing the Naches River bridge into Selah Gap where the tracks are located along a narrow shelf adjacent to the BNSF mainline tracks which are used for mile-long 100 car freight trains returning to North Dakota from Western Washington oil refineries. I further understand that the Naches bridge has no special accommodation for pedestrians or hikers although an adjacent freeway bridge a short distance downriver does have pedestrian facilities to allow foot access into Selah from the Yakima Greenway.

From a legal perspective the most serious issue obviously confronting the City is the enormous expansion of City liability in endorsing pedestrian use of a railroad bridge and narrow right-of-way expressly built for railway use only. I know of no other city in America which has done so. I also do not know of the position of BNSF, the owner of the right-of-way, as opposed to the City-owned easement upon which the tracks lie. Since the easement is

for railway purposes only the addition of pedestrian use would obviously be beyond the scope of the easement and unlawful, thereby exposing the City to possible litigation and damages from BNSF who I am quite sure do not want people hiking on their right-of-way adjacent to long oil trains.

At the present time the right-of-way is posted to warn trespassers to keep out. If the City decides to invite pedestrian use of the bridge and tracks the legal doctrine of an "attractive nuisance" would appear to become relevant. A common example is a homeowner's liability for a swimming pool in his backyard which is used by kids in the neighborhood. This creates substantial risk for the owner who has "invited" the users explicitly or impliedly. This is the reason for the warning signs presently posted in Selah Gap and by the bridge.

In addition from the aforementioned dangers it should be noted that the Selah Gap hillside next to the trolley tracks is very steep. In places it is a vertical rock wall right next to the trolley tracks and the oil trains on the downhill side. Every Spring large two-man boulders fall down the hillside onto the tracks below creating a dangerous situation for rail traffic, not to mention pedestrians. Every Spring and Summer weekends trolley members clear out these boulders to keep the tracks clear and safe. Encouraging people to walk in this narrow corridor anytime during the boulder season is obviously not in the City's interest.

In summary, permitting pedestrians on city railroad tracks is just asking for litigation by invitees, no longer trespassers. It is unthinkable as a matter of prudent public policy.

Very truly yours,

Paul D. Edmondson
WSBA 3634, HSBA 6687
EOIR XN 287101



YVT trolley bridge showing gates and signs posted by BNSF to keep people off the bridge

Original easement granted by Northern Pacific to YVT in 1912 clearly was safety conscious and did not allow pedestrians on the right of way. See section 9.

THIS AGREEMENT made this 15th day of January A. D. 1912, between the NORTHERN PACIFIC RAILWAY COMPANY, hereinafter called the "Pacific Company", and the YAKIMA VALLEY TRANSPORTATION COMPANY, hereinafter called the "Valley Company", WITNESSETH:

WHEREAS, the Pacific Company owns a right of way four hundred (400) feet in width, being two hundred (200) feet on each side of the center line of its railway as now constructed through and over sections one (1) and twelve (12) in township thirteen (13) North, Range eighteen (18) E. W. M., in Yakima County, Washington; the said right of way and railway being, as shown on the map hereto attached, marked "Exhibit A" and made a part hereof, and;

WHEREAS, the Valley Company desires to construct a single or double track railway on the right of way aforesaid, and, for such purpose the Pacific Company is willing to grant to the Valley Company an easement to occupy perpetually, for a main line railway, a strip of land upon said right of way fifty (50) feet in width; provided the right so granted shall not in any manner interfere with the occupation of any other portion of the aforesaid right of way by the Pacific Company, and shall not cause any additional burden or expense to the Pacific Company in occupying or using the same:

THEREFORE, in consideration of the sum of One Dollar (\$1.00) to it paid and the covenants to be performed by the Valley Company the Pacific Company does hereby grant to the Valley Company, to the full extent of its legal right to make such grant the right perpetually to occupy and use for its main line, single or double track railway, the strip of land fifty (50) feet in width over and upon the Pacific Company's right of way aforesaid, which is colored in red as shown upon Exhibit A; Provided, however, that the location of said strip may be changed as hereinafter provided.

Said grant being subject to the following conditions and covenants:

Section I The center line of the Valley Company's nearest or northerly track shall be initially constructed at least fifty-four (54) feet from the present center line of the main track of the Pacific Company as shown on Exhibit A.

The Valley Company's road-bed shall be so constructed as to enable the Pacific Company to excavate, use and occupy a strip of ground forty (40) feet in width parallel to and southerly from the present center line of its main track, and at such time as the Pacific Company shall elect to revise its alignment by reducing its present 6 degree curve to a maximum of 3 degrees, the Valley Company will either remove its tracks to such distance from the revised center line as will enable the Pacific Company to similarly occupy a strip of ground forty (40) feet in width upon the southerly side of said revised center line, or pay the extra cost of reconstructing the Pacific Company's railroad upon a center line re-established satisfactorily to the Pacific Company, which shall not increase the present total curvature, or exceed a maximum rate of 3 degrees; and in the event that the tracks of the Valley Company are moved as in this sentence provided, then the location of the 50 foot strip, the right to use which is by this instrument granted to the Valley Company, shall be changed to correspond.

A true copy

RAK

Such slopes of cuts and fills of the the Valley Company's road-bed as shall encroach upon said forty foot strip shall be removed by the Valley Company whenever said strip is desired for occupation by the Pacific Company, and the Valley Company, at all times at its sole expense, will build and maintain such retaining walls as the Pacific Company may deem necessary properly to protect said strip for unobstructed use by the Pacific Company,

The Valley Company, at all times and at its sole expense will build and maintain such snow sheds, rock sheds or other protective structures, made necessary as a result of the construction of the Valley Company's line, when and as the same are required by the Pacific Company to protect its operation from snow, rock, gravel or other material.

The slopes of the Valley Company's road-bed, either permanent or temporary, shall be retained at least ten (10) feet from the center line of the Pacific Company's nearest track or the siding as shown upon said Exhibit A.

Section 2. The Valley Company shall have the right to extend the slopes of its main line road-bed beyond the limits of the right of way hereby granted, subject to the conditions contained in Section 1 hereof. Both of the said companies shall have the right to joint occupation of such portion of the slopes between their respective road-beds as lies upon the fifty (50) foot right of way granted the Valley Company for telegraph, telephone and signal wires or apparatus.

Section 3. In case it shall at any time in the future become necessary for the Pacific Company to occupy a greater width than the forty (40) foot strip before defined, the Valley Company at its sole expense will remove its tracks to such increased distance from the Pacific Company's line as shall be necessary therefor; but in that event the Pacific Company will pay the Valley Company the value of any work done by it, which it would have been necessary for the Pacific Company to do had the Valley Company not occupied the right of way hereby granted.

Section 4. The grant herein contained is subject to all the terms and conditions of the contract existing between the Pacific Company and the State of Washington, providing for the occupancy of the right of way of the Pacific Company by the State and the right of the State of Washington to take rock therefrom; the Pacific Company hereby consenting to the change in the location of the Stockade and buildings belonging to the State as indicated upon Exhibit A. The Valley Company will secure the consent of the State of Washington to such proposed change.

The Valley Company agrees that it will construct its line of railroad in a manner that will not interfere with the operation of the rock crusher belonging to the State of Washington, situated adjacent to and served by the Pacific Company's line, provided it shall be permitted to occupy the temporary alignment at the said crusher, shown upon the said Exhibit A, and marked thereon "Temporary Alignment", so long as such occupation does not interfere with the requirements of the Pacific Company or the State of Washington in connection with the operation of the rock crusher, and upon notice of such interference from either the Pacific Company or the State, the Valley Company will move its track or tracks to the extent necessary to avoid such interference.

Section 5. This grant is made subject to the rights of the public in and to any county road now existing upon the right of way of the Pacific Company, and the Valley Company assumes all liability and expense arising from interference with or relocation of any such road caused by its occupation of said right of way.

Section 6. It is further agreed that rock excavations in cuts adjacent to the Pacific Company's operated track will be handled by the Valley Company, with extreme care, and in such manner as to avoid in every possible way interference with the operation of the trains, telegraph or telephone lines of the Pacific Company, and any injury to its property of every nature.

Section 7. The Valley Company assumes, indemnifies and insures the Pacific Company against all loss and damage whatsoever suffered by the Pacific Company or by any other persons or corporation caused or in any way growing out of the construction, reconstruction or repair of any work which the Valley Company may do hereunder, or out of the operation of the Valley Company's line, except when occurring from the negligence of the employees of the Pacific Company. The Valley Company further agrees to reimburse the Pacific Company for any increased cost of constructing additional tracks, over what would have been the cost of the same construction had this grant not been made; such payment will be made as and when such increased expenditures are incurred.

By reason of the fact that the rights granted to the Valley Company are granted without any substantial consideration to the Pacific Company, the Valley Company hereby releases and agrees to hold harmless the Pacific Company from any loss, cost damage or injury which the Valley Company, its passengers, employees or property in its possession may suffer by reason of the construction of additional tracks by the Pacific Company whether caused by the negligence of its contractors, agents, servants or employees, or otherwise, but the Valley Company may recover from contractors of the Pacific Company for the negligent acts of such contractors.

Section 8. In case any claim for damage is made against the Pacific Company, which damage the Valley Company has assumed under the provisions of this contract, the Pacific Company may give written notice to the Valley Company of the claim or the pendency of suit thereon, and thereafter the Valley Company may handle the compromise of the claim or the defense of any action brought thereon in the name of the Pacific Company, but at the sole cost and expense of the Valley Company.

Section 9. The right herein granted is for the purpose of main line operation only by the Valley Company and it will not receive or deliver passengers or freight at any point upon the right of way herein granted. Nothing herein contained shall in any way restrict the right of the Pacific Company to make such use as it may deem proper of the remainder of its right of way not covered by this agreement and the right is reserved to make crossings for any purpose of the right of way strip granted to the Valley Company, provided such crossings are made in a safe and substantial manner so as not to interfere with or endanger the operation of the Valley Company's railway or its telegraph, telephone or power transmission lines.

Section 10. Each covenant in this agreement shall be construed to extend to and bind the successors and assigns of the parties obligated thereby and the benefit of each covenant hereof, shall inure to the successors and assigns of the parties benefited.

IN TESTIMONY WHEREOF, the respective parties hereto have caused these presents to be executed by their respective officers, thereto duly authorized, the day and year above written.

(SEAL)

Attest:

R.H. Relf,

Ass't Secretary

NORTHERN PACIFIC RAILWAY COMPANY

By Howard Elliott, T.C.

President.

(SEAL)

Attest:

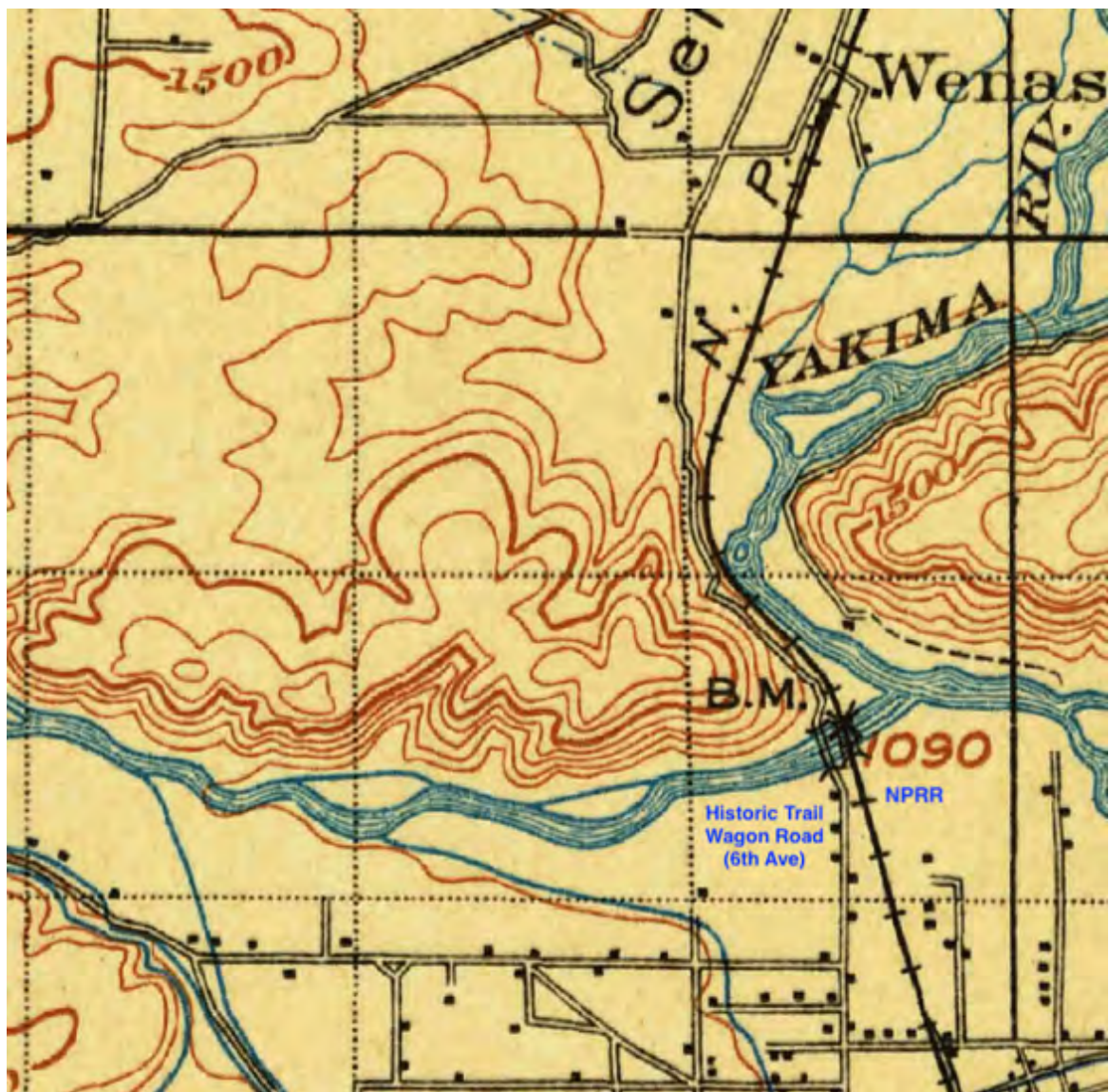
R. E. Allingham

Secretary.

YAKIMA VALLEY TRANSPORTATION COMPANY

By N. C. Richards,

President.



USGS Topographic Map ca. 1905

3. National Historic Landmark

For 30 years the YVT railroad has been listed on the National Register of Historic Places as the last intact early 20th Century electric interurban railroad. In early 2021, the Washington State Department of Archaeology & Historic Preservation advised us that our railroad meets the qualifications of national importance to make it designated a National Historic Landmark, and offered to help us nominate it to the National Park Service.

The City of Yakima enthusiastically agreed that the YVT should become a National Historic Landmark and sent us a letter "wholeheartedly supporting the application" and "standing firmly with you in your efforts to have the YVT designated a National Historic Landmark." As a National Historic Landmark, "the ability of YVT to become eligible for [large] grants such as Save America's Treasures, would be greatly enhanced."

The two primary criteria for becoming a National Historic Landmark are 1.) Relating in some way to the national history of the United States, and 2.) Being in as unmodified, original condition as possible. Our existence as an interurban railroad satisfies the first criterion, and our time capsule-like collection of historic buildings, equipment, bridge and trolleys satisfies the second.

Any alteration to the bridge, such as building a pathway and fences on it, would be a diminishment of the historic integrity of the YVT system, and thus materially reduce the chances of becoming a National Historic Landmark. The bridge is so rare, and so highly valued by bridge experts because it has remained completely unchanged over the last 127 years, that all the scholars and experts in historic preservation strongly advise the City to avoid any alterations to the bridge. Please carefully read the following letters.



OFFICE OF THE MAYOR
129 North Second Street
City Hall, Yakima, Washington 98901
Phone (509) 575-6050 • Fax (509) 576-6335

March 3rd, 2021

Dr. Kenneth Johnson, President
Yakima Valley Trolleys
P.O. Box 796
Yakima, Washington 98907

Dear Dr. Johnsen,

The Yakima City Council and the City of Yakima are proud to wholeheartedly support the application to the National Park Service to designate the combined facilities and rolling stock of the Yakima Valley Transportation Company (YVT) a National Historic Landmark.

The YVT is beloved in the Yakima community and for more than a century has served our area. The YVT's unique status as the last historically intact early 20th century electric interurban railroad in America makes it an ideal candidate for designation as a National Historic Landmark.

The remarkable dedication and commitment of many people over the years has ensured the survival of the YVT. The YVT has endured multiple challenges to its continued existence, not the least of which is adequate funding to maintain and operate the historic fleet of streetcars and locomotives, five miles of track and overhead electric lines, and other associated facilities.

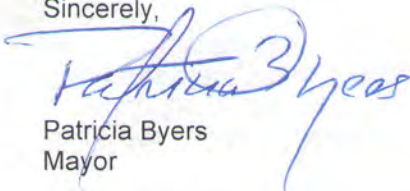
Being designated a National Historic Landmark would open new doors and create additional funding opportunities for the YVT. The ability of the YVT to be eligible for grants, such as a Save America's Treasures grant, would be greatly enhanced were the YVT to be given the highest level of historic recognition in the U.S.

The YVT's historic significance was formally recognized nearly three decades ago when it was listed on the National Register of Historic Places. Now is the time for the YVT to be recognized for its national significance by being named a National Historic Landmark.

The YVT has long been a key element of the tourism industry in the Yakima Valley drawing people from across the country and around the world to experience the enchanting journey between Yakima and Selah aboard a historic streetcar and tour the original electric substation, repair barn, and other YVT facilities. The elevation of the YVT to National Historic Landmark status would undoubtedly boost its impact on tourism in our community.

Thank you for the outstanding devotion you and so many other volunteers have demonstrated to make the YVT the jewel of the Yakima Valley that it is. The Yakima City Council and the City of Yakima stand firmly with you in your efforts to have the YVT designated as a National Historic Landmark.

Sincerely,


Patricia Byers
Mayor



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

June 9, 2022

Bob Harrison, (Yakima City Manager), Sara Watkins, Yakima City Attorney, and
City Council Members
City of Yakima
129 N 2nd St
Yakima, WA 98901

Dear Yakima City Officials,

I am writing to stress the importance of preserving the Yakima Valley Transportation Company Naches River Bridge (also known as the Pegram Truss Bridge). Listed on the National Register of Historic Places in 1992 as part of the Yakima Valley Transportation Co. Electric Interurban Railroad, the bridge is an important component of telling the story of this unique historic linear resource. At the time of listing, the bridge was considered a contributing resource. Since then, its significance has been further recognized by the discovery of its engineering significance. Designed by noted Union Pacific RR civil engineer George H. Pegram, the bridge truss design was named after him and remains one of the few standing projects by him in the nation (and the only one in Washington State).

Such significance links the bridge as an important element within a proposed National Historic Landmark (NHL) nomination. Over the last year, I have been working with the Yakima Valley Trolley organization to nominate their facilities and infrastructure to this higher level of recognition. NHL status is the highest level of historic designation a resource can receive, and is reserved for the best of the best. In fact, currently Washington State has only 25 such designations.

The proposed altering of the 1912 bridge will jeopardize this listing. Given its active use to this day and its high level of architectural and material integrity, the DAHP recommends avoiding any structural interventions that would compromise its integrity. While we often supported reactivating vehicular or locomotive bridges as pedestrian crossings or "rail-to-trails", we find those types of changes are best reserved for abandoned, decommissioned, or structural outdated structures. The Yakima Valley Transportation Company Naches River Bridge does not fall under these categories and is still being actively used for its original purpose.

The DAHP hopes that you consider helping to preserve this unique bridge and come up with alternatives to trail project which will meet everyone needs. Should you have any questions, please feel free to contact me at (360) 890-2634.



Sincerely,



Michael Houser
State Architectural Historian, DAHP
(360) 586-3076
E-Mail: michael.houser@dahp.wa.gov

CC: Huy Pham, WA Trust Preservation Programs Director,
Ken Johnsen, President Yakima Valley Trolley kjohnsen@yakimavalleytrolleys.org





March 21, 2022

Bob Harrison, Yakima City Manager
Sara Watkins, Yakima City Attorney

[sent via electronic mail]

Dear Yakima City Officials,

We, at the Washington Trust for Historic Preservation, are writing to support Yakima Valley Trolley's preservation efforts of the Pegram Truss Bridge over the Naches River, in conjunction with the nomination of the Yakima Valley Transportation railroad line as a National Historic Landmark.

The Washington Trust is a nonprofit organization dedicated to saving the places that matter in Washington State and to promoting sustainable and economically viable communities through historic preservation. We are Washington's only statewide nonprofit advocacy organization working to build a collective ethic that preserves historic places through education, collaboration, and stewardship.

The Trust has recognized the importance of the Yakima Valley Transportation railroad line as early as 1989 when it was first listed on our "10 Most Wanted" list, a precursor to our Most Endangered Places list. The railroad line was deemed "saved" in 1992 when it was listed on the National Register of Historic Places and then in 1994, the late Les Tonkin, an architect and former president of the Washington Trust, began to devise its total restoration plan. Now more than a century old, the Yakima Valley Transportation railroad line is being operated by the non-profit passionate volunteer group Yakima Valley Trolleys and is passing on the love of the trolley to younger generations.

We return our attention today specifically towards the Pegram Truss Bridge and conversations around its potential adaptive reuse and contribution to the National Historic Landmark status. The bridge has remained in regular service over the Naches River, unaltered, for over 109 years and a total lifespan of 127 years and is one of only ten remaining Pegram Truss bridges in the United States. Given its active use to this day and its high level of architectural and material integrity, the Trust recommends avoiding any structural interventions that would not only jeopardize its said use and integrity, but also its subsequent eligibility for National Historic Landmark status. While we have often supported reactivating vehicular or locomotive bridges as pedestrian crossings or "rail-to-trails", we find those interventions as best reserved for abandoned, decommissioned, or structural outdated structures, whereas the Pegram Truss Bridge has astonishingly avoided such a fate likely due to the stewardship of Yakima Valley Trolley and Les Tonkin.

We hope that you consider the unique conditions of the Pegram Truss Bridge over the Naches River and its contribution to Yakima Valley Transportation railroad line as a National Historic Landmark during Yakima City's planning processes. We look forward to the opportunity to continue conversations about these important issues.

Sincerely,

Huy Pham
Preservation Programs Director

CC:
Ken Johnsen, President
Yakima Valley Trolley
kjohnsen@yakimavalleytrolleys.org



Nathan Holth

269-290-2593
nathan@historicbridges.org

Subject: Yakima Valley Trolley Bridge Proposed Trail

August 4, 2022

To Whom It May Concern:

I would like to express disagreement with the proposed plan to construct a cantilevered sidewalk on the historic Yakima Valley Trolley Bridge. It is my understanding that a trail has been proposed on this bridge to commemorate Supreme Court Chief Justice William O. Douglas walking across the bridge as a child. There are several reasons why I am in disagreement to this plan.

First, as some background, the Yakima Valley Trolley Bridge is a historic metal truss bridge originally fabricated in 1895 in Kansas, and later moved to this location in 1912. Relocation of truss bridges is related to the ease with which they can be relocated, and unlike houses and buildings, their relocation does not diminish their historic significance because relocation is part of the unique engineering significance of metal truss bridges. The most significant part of this bridge is its truss configuration (the arrangement of the members that form the truss). The bridge is the only example in the state of a Pegram truss bridge, a patented design by George Pegram and is notable as one of the unique designs used as engineers tried to find new and effective ways of constructing truss bridges.

I disagree with both proposed deck placements. A cantilevered sidewalk will obstruct the clear view of the Pegram truss design. Examples of added cantilever sidewalks in the Chicago area and in Memphis, TN are shown below. The Chicago view from the river shows the obstruction of the truss itself. The Memphis view shows a view on the walkway, and illustrates the extent to which fencing may be required to separate pedestrian traffic from the railroad itself. Further, the other proposed plan to put a walkway in the middle of the bridge deck represents a major safety hazard, and is unheard of on bridges carrying through railroad traffic. Unless a special (expensive and not historically accurate) deck is used (which carries a risk of increased dirt and corrosion to the rails, increasing maintenance costs), there will be a trip hazard, plus the safety risks of train engineers needed to watch for pedestrians. For example, small children running out into the walkway might not be visible from the engineer's cab.



Second, such a walkway, if commemorated to Douglas, will create a false sense of history. Douglas did not cross using this bridge, instead he crossed the adjacent Northern Pacific Railway Bridge (today an active railroad bridge used by BNSF). I understand and expect that BNSF would not allow such a walkway on its active bridge, however despite that fact, it does not change the fact that Douglas did not walk on the Yakima Valley Trolley Bridge.

Constructing this walkway would also be redundant, as an existing crossing for pedestrians is present on I-82, and adding a walkway here would simply duplicate the existing trail, as the existing trail connects to the same places as the Yakima Valley Trolley's railroad line. A better use of funds would be to place interpretive signage on the existing Yakima Greenway at the southeast quadrant of the Northern Pacific Railway Bridge. This is an ideal solution as the trail already goes right by the bridge, and allows visitors to safely view the bridge from a public area.

These proposed alterations could also affect the bridge's current listing on the National Register of Historic Places, and adversely affect the railroad's present ongoing program to become a National Historic Landmark, which is a designation that is very hard for a bridge to achieve and requires outstanding historic integrity with no major alterations. Further, being as a trail system already passes by both of these bridges, access on the bridges themselves is not needed to provide public viewing. The visitor experience could be improved through some tree clearing, and perhaps viewing platforms.

Finally, another option would be to construct a "Memorial Footbridge" for Douglas in a completely new location where there would be greater benefit in terms of expanding the existing trail system. In a different location, the bridge could still be a memorial to Douglas. One way of making such a bridge a unique signature crossing would be to construct the pedestrian bridge using a relocated and preserved historic metal truss bridge. Such bridges are available across the country. And just like the Yakima Valley Trolley Bridge, an existing highway bridge could be dismantled, repaired, and shipped to Yakima for assembly. Many different bridges are available. Learn more about available bridges at this website: <https://historicbridgefoundation.com/links/bridges/> and here is a website for Bach Steel, a company that works across the county to relocate and restore historic bridges like these and can do it in a way that respects the original design and materials, including historically correct hot riveting. Visit their website here: <https://bachsteel.com/> and see below a couple example bridges Bach Steel has restored.



Sincerely,

Nathan Holth

Nathan Holth

Author/Webmaster, HistoricBridges.org
HistoricBridges.org

Promoting the preservation of our transportation heritage.

August 9, 2022

Mr. Ken Johnsen, President
Yakima Valley Trolleys
306 W. Pine St.
Yakima, WA 98902

Dear Mr. Johnsen:

Thank you for contacting me regarding the proposed alterations of the historic Naches River Bridge (also known as Pegram Truss bridge) to allow for pedestrian access. In 2005, when I served as the interim executive director of the Washington Trust for Historic Preservation, our organization supported a grant request that included the bridge in a proposal expanding the William O. Douglas trail. Recently I have become aware of efforts to nominate the historic trolley system to National Historic Landmark status. I write to you as a private citizen concerned about the future of this amazing resource.

My personal opinion is that the system is eminently eligible for NHL listing. The process, however, is exacting and arduous and requires that a property maintain a high level of integrity. In my view, altering the bridge could jeopardize this effort as it is such an integral part of the overall system, and is the only remaining Pegram-designed bridge in Washington. With only two dozen NHLs listed in Washington, I believe we should fiercely protect those resources that have potential to be so designated. If successful, the trolley system would join a prestigious group of the most important historic sites in the nation.

While I also support the development of historic trails that can tell the full stories of places, I believe alternatives exist to altering this bridge that can achieve both objectives. I look forward to seeing a partnership that expands safe access to both the historic trolley system and the story of William O. Douglas.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Mary Thompson". The signature is written in dark ink and is positioned above the printed name and address.

Mary M. Thompson
74 Brigantine Bay Rd.
Anacortes, WA 98221



August 8, 2022

Honorable Mayor Janice Deccio
Yakima City Councilmembers
City of Yakima
129 N 2nd St.
Yakima, WA 98901

Re: Consultation on W.O. Douglas Trail Development

Honorable Mayor Deccio,

With a measure of embarrassment, I feel compelled to write to you regarding the disingenuous use of my correspondence, dated January 29, 2008, regarding the William O. Douglas Trail development between the State Historic Preservation Office (SHPO) and the Washington Department of Transportation (WSDOT). Several important issues with this process should be brought to your attention. Having been the regulatory compliance specialist for the state of Washington for 15-years, part of my duties was to educate grant applicants on the applicability of federal law and SHPO policy regarding consultation requirements. To that end, project consultation originates either with the Federal Agency or the agency's designee. In this particular case, the designee was (and still is) Trent DeBoer. The undertaking is viable so long as consultation between parties continues. SHPO policy states that if the chain of consultation stops or is otherwise suspended for a length of time (five years), a re-initiation of consultation must take place between the project proponents (trail advocates, WSDOT, and others.) with the SHPO and her staff. Jaime Dudman, Records Manager for the SHPO, recently confirmed that correspondence regarding this undertaking was initiated in 2007. No official correspondence has occurred regarding this undertaking between consulting parties since 2014.

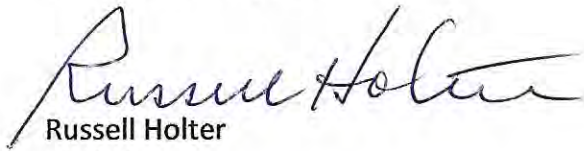
The project proponents wish to include a connection to said trail utilizing taxpayer funds while affecting a cultural resource deemed by the SHPO as eligible as a National Historic Landmark; therefore, the federal undertaking is subject to Section 4(f) of the National Transportation Act of 1966. Under Section 4(f) of the Act, the Lead Agent (or designee) must compel the project proponent (the trail advocates and their consultants) to analyze all feasible and prudent alternatives. In that analysis, if any feasible and prudent alternative exists that minimizes harm to known cultural resources, then the Lead Agency must give preference to that alternative. In the case of the William O Douglas Trail, a feasible alternative exists that nullifies any potential harm to the National Register of Historic Places structure: The I-82 bike/ped crossing. As proposed, moving

the trail to the YVT Naches River bridge could jeopardize the pending listing as a National Historic Landmark. This is due to the fact that the standards for achieving this status are significantly higher than the National Register as defined by the Secretary of the Interior.

Finally, it should be obvious that the official correspondence from 14-years ago, cannot be construed as an endorsement of the plans of the project proponents. Furthermore, over time, my comments could in no way reflect the current opinions of my former supervisor, Dr. Allyson Brooks, the State Historic Preservation Officer. Therefore, consultation on this undertaking must be reinitiated by defining the area of potential effect.

Federal law allows local governments, such as Yakima, to access information on specific undertakings (36CFR800.2c(3)). I want to encourage the City Council to designate a city staff person to engage the Lead Agency designee, Trent DeBoer, at WSDOT's Highways and Local Programs Office, for the most up-to-date and complete information regarding the viability of the project proponent's plans and their 4(f) analysis. My successor at SHPO is Holly Borth. I recommend she, too, be consulted.

With all due respect,

A handwritten signature in black ink, appearing to read "Russell Holter". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Russell Holter
Historian
Cultural Reconnaissance

Cc: Allyson Brooks, SHPO
Trent DeBoer, WSDOT
Chris Moore, WA-Trust
Ken Johnsen, YVT Museum

City of Yakima Historic Preservation Commission

At its meeting of July 27, 2022, the City of Yakima Historic Preservation Commission voted unanimously to write a letter to the City of Yakima urging them not to allow any modifications to the YVT Pegram Truss bridge, and also to tell the trail group to look at other alternatives for getting across the river.

The letter was not yet available at press time for inclusion in this information packet, but the Y-PAC video of the meeting of July 27th clearly shows the commission's intent.

4. Historic appropriateness (or lack thereof)

For years we have been told that William O. Douglas used the trolley bridge to get across the Naches River on his hikes. Recent research has shown those claims to be completely groundless. In fact, Douglas actually used the Northern Pacific Railway (today's BNSF) bridge as the following pages will attest.

So there is no historical connection between William O. Douglas and the YVT trolley bridge.

The railroad is owned by the City of Yakima and is preserved and operated by the Yakima Valley Trolleys through an agreement with the City. Unlike the trolleys, the WOD trail group has no official connection with the City.

WHICH BRIDGE DID WILLIAM O. DOUGLAS REALLY USE?

It is very clear that William O. Douglas used the **Northern Pacific Railway (today's BNSF) bridge** and not the YVT bridge to cross the Naches River.

Here are the facts:

- * Ask the experts. The William O. Douglas Trail Foundation's website states that Douglas used the **Northern Pacific Railway bridge** to cross the Naches River.

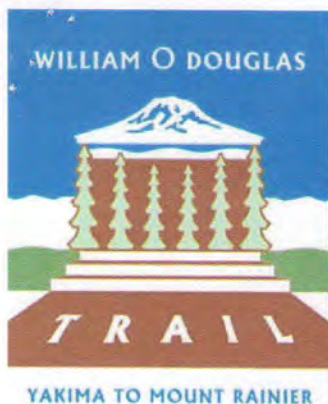
- * To illustrate which bridge Douglas used, the William O. Douglas Trail Foundation's website posted a photograph of **the Northern Pacific Railway bridge**.

- * William O. Douglas stated in his autobiography ("Go East, Young Man") that he used the **Northern Pacific Railway bridge** to cross the river when he was hiking to strengthen his legs after contracting polio.

- * William O. Douglas made his treks up into the hills in **1910** and **1911**. The YVT bridge over the Naches River was not installed until **1913**.

- * The **Northern Pacific Railway bridge** has dedicated walkways on it beside the track. There is no room for a walkway on the YVT bridge and there never has been one. So it is no surprise that William O. Douglas would use the **Northern Pacific Railway bridge** to cross the river rather than the YVT bridge.

- * In Douglas' memoirs he noted that he went back to the **Northern Pacific Railway bridge** in his later years to talk with hoboes and wobblies.


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Selah Gap Hillclimb



William O. Douglas was 5 years old when his father died in 1904. Also struggling from a bout with infantile paralysis, Douglas was left greatly weakened during childhood. In 1910 he decided to strengthen his legs by hiking north from his 5th Avenue house in Yakima, along North 6th Avenue to the Naches River bridge and then up into the hills near Selah Gap. Douglas describes his condition in the book *Go East, Young Man*,

By boyhood standards, I was still a cripple, unable to compete physically. . . . I was a failure. If I were to have happiness and success, I must get strong. And so I searched for ways and means to do it. I got myself a set of barbells and practiced day after day, trying to strengthen my legs, back, and arm muscles. Even so, strenuous exercise still made me feel faint. Sometimes I would vomit, sometimes I'd get a severe headache. So I decided to start hiking the sagebrush hills that rim Yakima.

Thus I started my treks, and used the foothills as one uses weights or bars in a gymnasium. First I tried to go up them without stopping. When I conquered that, I tried to go up without a change of pace. When that was achieved, I practiced going up not only without a change of pace but whistling as I went.



Railroad bridge next to former Native American village of *Ti'mani*.
c. 1910

I always went alone. The hills to the north of Yakima were only about two miles away. I often crossed the [Naches] River on the Northern Pacific Railroad bridge (where later I was to spend much time with hoboes and Wobblies) and then went up the hill.

That fall and winter the exercise began to work a transformation in me. By the time the next spring arrived, I had found new confidence in myself. My legs were filling out. They were getting stronger. I could go the two miles to Selah Gap at a fast pace and often reach the top of the ridge without losing a step or reducing my speed.

My heart filled with joy, for I knew I could accept the invitation [to get acquainted with the mountains]. I would have legs and lungs equal to it.

My love of the mountains, my interest in conservation, my longing for the wilderness - all these were lifetime concerns that were established in my boyhood in the hills around Yakima and in the mountains to the west of it.

It was at Father's funeral that Mount Adams made its deepest early impression on me. Indeed, that day it became a symbol of great importance. . . . I happened to see Mount Adams towering over us on the west. It was dark purple and white in the August day and its shoulders of basalt were heavy with glacial snow. As I looked, I stopped sobbing. My eyes dried. Adams stood cool and calm, unperturbed by the event that had stirred us so deeply. Suddenly the mountain seemed to be a friend, a force for me to tie to, a symbol of stability and strength.

Yakima Herald-Republic, Saturday, September 10, 2005



Over the hills or by railway

Louis Paciello begins his trek as he takes part in the inaugural hike along the new William O. Douglas Trail. The 75-mile trail starts at Davis High School and links Yakima to Mt. Rainier. Students and trail enthusiasts gathered at the William O. Douglas statue on the Davis campus Friday morning. Then they walked to the Selah gap, where most of them returned to the high school on a Yakima Valley Transportation Co. trolley. Those who journeyed on will cover the rest of the trail over the next four days.

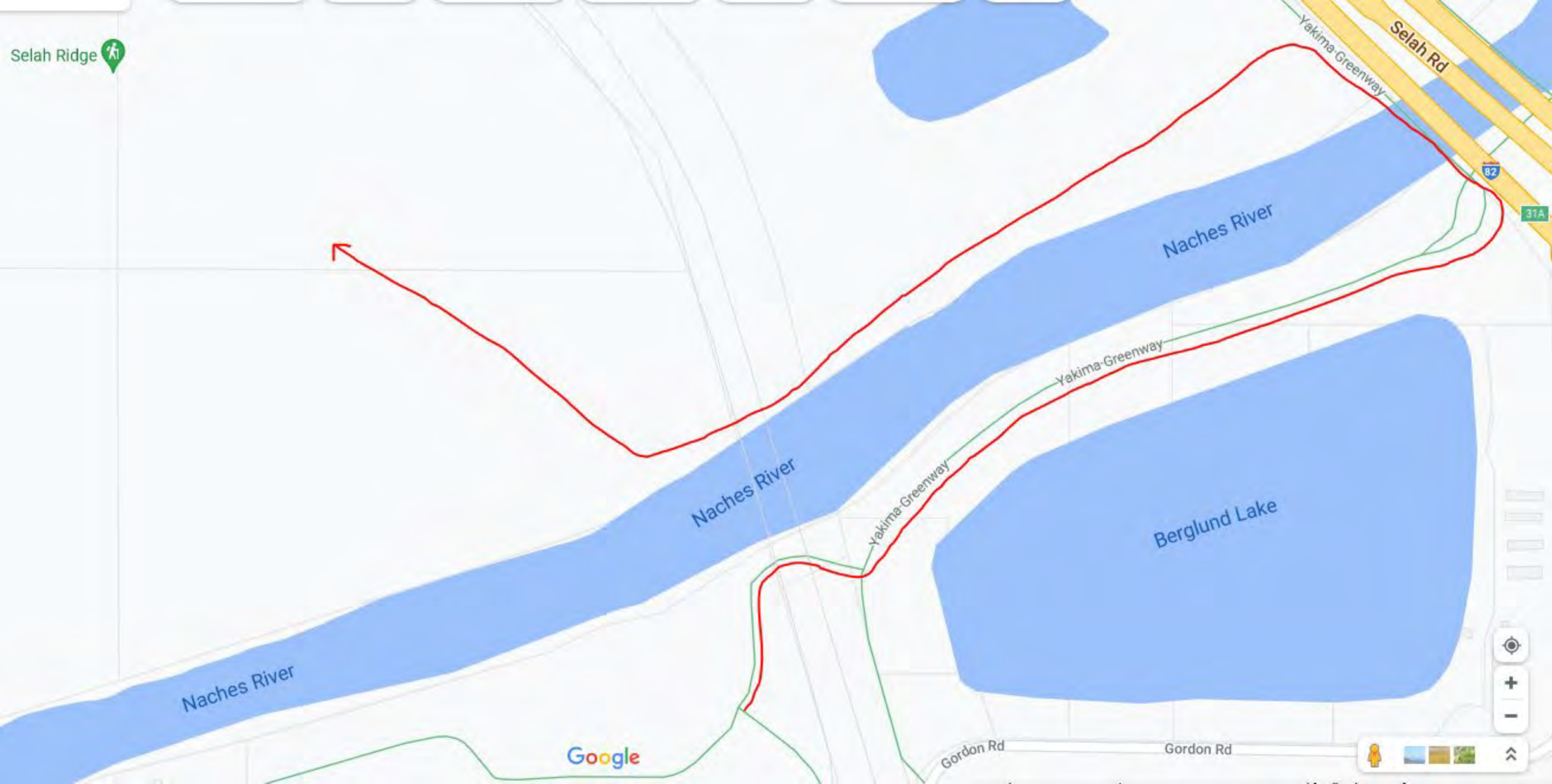
5. Far better alternatives

There are at least two excellent and appropriate alternatives for the William O. Douglas Trail crossing of the Naches River. One is already in place and would be no or low cost to the trail group. It is the bicycle-pedestrian bridge across the Naches River that is attached to the Interstate 82 freeway bridge, just 1300 feet to the east of the YVT bridge.

People walking on the Greenway already use this freeway-attached bridge to go over the river because that is what it was designed for. It carries with it none of the problems associated with the railroad bridge. It is there just waiting to be used by the William O. Douglas trail.

Another alternative would be for the William O. Douglas trail to cross the river via a dedicated bridge. A simple prefabricated span or a repurposed decommissioned truss bridge brought over from another location could be built to cross the river just west of the YVT bridge, using the route formerly used by the Selah-Yakima wagon road to cross the river. See the letter from the Historic Bridges.org for more information on repurposing decommissioned truss bridges.

And all of the alternatives avoid the problems of public safety, liability to the City, disruption of trolley operation and risk to National Historic Landmark designation. And they would not be as "scary" as it is to walk across the YVT Pegram Truss bridge high above the river.





I-82 Eastbound: South side of Naches River Bridge showing pedestrian walkway over river. Source: Google Maps Streetview (November 2021).



Yakima Greenway Access to I-82 crossing of Naches River. Source: Google Maps Streetview (November 2021).



Aerial view of Yakima Greenway Access to I-82 crossing of Naches River. Source Google Maps (2022).

Selah Ridge



Naches River

Naches River

Naches River

Yakima Greenway

Yakima Greenway

Berglund Lake

Selah Rd

Yakima Greenway

82

31A

Privado Security

State Wide Co

Gordon Rd

Gordon Rd

Gordon Rd



1st St

6. “Spatial and Temporal Separation” is not realistic in practice

The proposal to allow pedestrian use of the YVT bridge hinges on the notion that pedestrians will be safe due to “spatial and temporal separation” from railroad operations, i.e. trains and pedestrians will not be allowed on the bridge at the same time.

Unfortunately, this is a promise which sounds convincing when dressed in somewhat technical jargon, but is not realistic in practice.

Today, the bridge is not pedestrian friendly and looks rather foreboding. Signage clearly prohibits pedestrian transit of the bridge, and yet trespassers do so regularly. Fortunately for the City and the trolley organization, the legal system clearly recognizes these individuals as trespassers and the liability is lessened, should the worst occur.

Imagine the situation if the bridge is made to be inviting to pedestrian traffic. If trespassers cannot be fully deterred today, they will certainly not be deterred by a sign telling them to give way to trolley traffic during specific times to ensure spatial and temporal separation.

Stop signs and traffic lights are all means of providing spatial and temporal separation, and yet traffic accidents are commonplace. Why? Human error and reckless decisions inevitably creep in.

The best engineered systems accept human error as a reality and attempt to mitigate it through design. Thus, the longstanding and common-sense practice of grade-separation between trains and pedestrians. The Yakima Valley Trolleys are not aware of any other bridge in the nation where pedestrians and trains share a common right of way without absolute physical grade separation. Is Yakima ready to be the first?

Everywhere else across the nation, pedestrian and bicycle advocacy groups demand physical grade separation wherever possible—separated cycle tracks, curbs, dedicated bike paths, car-free streets, etc. Why? Because grade separation works, while “spatial and temporal separation” does not.

7. Ending the controversy

We sincerely wish to end the 17-year controversy and adversarial relationship with the William O. Douglas Trail Foundation. Both groups have much to offer the citizens of Yakima. If City Council will act definitively to confirm that the YVT bridge is unfit for pedestrians, both organizations can move forward on their own paths, making productive, positive contributions to the community.

We therefore ask that the City Council carefully and thoughtfully evaluate the information presented here and take action on the following items:

1. Reject the present proposal from the William O. Douglas Trail Foundation to put a walkway on the YVT Naches River Bridge.
2. In the future, refuse to allow anyone to make alterations to the historic YVT Naches River Bridge, and refuse to allow any kind of pedestrian or bicycle use of the bridge. Because the BNSF perpetual easement prohibits pedestrians on the right of way, pass a resolution refusing to consider any future proposal that puts pedestrians on working railroad bridges.
3. Direct the City Attorney's office to create an ordinance which will prohibit and make illegal any type of pedestrian or bicycle use of City-owned railroad bridges, and enact the ordinance at the earliest possible date.

The Yakima Valley Trolleys stand ready to help the William O. Douglas Trail Foundation in any way we can and form a cordial, neighborly relationship with their organization. We share common goals of preserving Yakima's history and enhancing cultural opportunities.

However, as responsible stewards of the City's trolley railroad, and as concerned citizens, we cannot stand for a proposal which would imperil public safety, expose ourselves and the City to legal liability, and diminish the historic integrity of the YVT bridge when we are on the road to becoming a National Historic Landmark.

Let's end this controversy permanently, so both organizations can move forward in the service of the people of Yakima!

Ken Johnsen, President
Yakima Valley Trolleys
kjohnsen@yakimavalleytrolleys.org