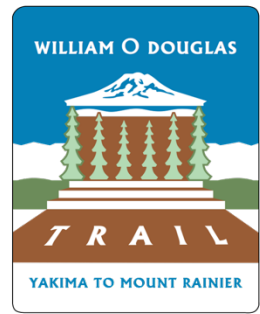


September 28, 2022

Yakima City Council  
129 N. Second Street  
Yakima, WA 98901



Dear City Council Members:

About 15 years ago, the Yakima City Council and Yakima County Commissioners unanimously approved the William O. Douglas Heritage Trail program, which was designed to preserve and enhance two unique historic resources: the Yakima Trolleys and the William O. Douglas Trail. The trolley and trail share the same historic route starting at the Pine Street Trolley Barn and Davis High School, then north along 6<sup>th</sup> Avenue and across the Naches River at Selah Gap.

By combining trolley and trail in a complementary, synergistic program, the City was able to leverage \$2.7 Million that would not otherwise have been available. These trail grant funds were spent to improve the 6<sup>th</sup> Avenue trolley/trail corridor, purchase and repair the trolley barn, and repair/restore the Naches River Bridge for joint use by the trolley and trail. Over \$300,000 in multimodal trail funds were spent to repair/restore the deteriorating trolley bridge, along with a commitment to install a “shared use (trolleys & pedestrians) pathway.”

A key grant deliverable was the pedestrian bridge walkway for public access to the William O. Douglas natural area on the north side of the river -- this 70-acre destination property was recently purchased using almost \$200,000 contributed by many Yakima businesses and individuals. To overcome polio and poverty while growing up in Yakima, future U.S. Supreme Court Justice Douglas frequently walked the historic trail/wagon road from his 5<sup>th</sup> Avenue house up 6<sup>th</sup> Avenue, crossed the Naches River on this historic route, and then ascended Selah Ridge. Justice Douglas was on the Supreme Court longer than any other justice in U.S. history and was a strong advocate for First Amendment rights and protected natural areas.

Today, the William O. Douglas Trail Foundation (WODTF) proposes to improve public safety and health by enabling broad community access to the historic trolley and historic trail via a safe pedestrian walkway on the Naches River Bridge for educational, scientific, and recreational uses. Dimensional lumber planks would be installed on the bridge deck using private funds, while complying with federal historic preservation standards.

#### Historic Preservation Will Be Enhanced by Adding Pedestrian Side Path to Bridge

The Washington Department of Archaeology & Historic Preservation (DAHP) recently determined that the unique connection between the Trolleys and William O. Douglas Heritage Trail enhances the historic significance of the Naches River Bridge.<sup>1</sup> DAHP said they have many examples where historic rail bridges have accommodated pedestrian use.

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<sup>1</sup> Letter from State Architectural Historian Michael Houser (September 16, 2022), superseding a June 9, 2022 initial reaction letter that was prematurely issued due to incomplete project information.

The City of Yakima previously completed an extensive process under Section 106 of the National Historic Preservation Act which culminated in DAHP's formal determination that the pedestrian bridge path "**will not adversely affect**" the Naches River Bridge or the YVT Historic District.<sup>2</sup> This "No Adverse Effects" Determination was approved and supported by the WA State Department of Transportation (WSDOT), federal funding agencies, and historic preservation experts under contract with the City. The Yakama Nation Historic Preservation Officer was also consulted.

The bridge path previously approved by historic preservation officials will be physically separated from the streetcar tracks and is based on a design to place the path parallel to the existing rails, between the face of the trusses (no outside cantilever), using dimensional lumber attached directly to the existing bridge ties, and with no structural modification. To protect historic integrity, all work will comply with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures in 36 CFR § 67.7.

In accordance with federal historic standards, the added walkway planks are "Reversible" – they can all be removed without affecting the historic character-defining features of the bridge. Historic materials and structural elements will not be changed nor damaged. The Pegram trusses will not be altered or obscured. The walkway will improve public access to history.

Tourist trolley excursions will not be affected by adding the bridge walkway. In addition to spatial separation, the structural engineer specified controls to prevent trolleys and pedestrians from using the bridge at the same time. The trolley operating season is late May to September, on weekends and holidays. Pedestrians prefer to use that area in fall, winter, and spring -- not during the summer trolley operating season when it's too hot to hike up the hill.

The State Historic Preservation Department wants to facilitate further discussions among the City, Trolley, and Trail groups to serve as a national example of stewardship and cooperation.

National Historic Landmark designations are governed by federal law. A key designation criterion is "National Significance." The association of U.S. Supreme Court Justice William O. Douglas with this bridge and the Naches River Crossing will significantly strengthen a National Historic Landmark nomination because Justice Douglas is *nationally significant in the history of the United States* -- NHL criterion 2 under 36 CFR § 65.4(a)(2).

#### Public Safety Enhancements – UTC & BNSF Approvals of Proposed Pedestrian Bridge Path

The trolley car is 8'-0" wide, and Naches River Bridge is 15'-8" wide (inside trusses). So, 7'-8" is the unused space on the bridge that is available for a separated pedestrian walkway.

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<sup>2</sup> "No Adverse Effects" Determination from Department of Archaeology & Historic Preservation (January 29, 2008), which under federal rules has no expiration date. See also: Determinations from WSDOT Archaeologist Trent de Baer (January 2, 2008) and Cultural Resources Consultants Technical Analysis (October 1, 2007) that Naches River Bridge pedestrian walkway will have "No Adverse Effect" on the historic integrity or aesthetic qualities of the bridge.

The City previously hired a structural engineer to design repairs of the deteriorating bridge structural elements and to design a safe pedestrian walkway. At the City's request, WODTF recently hired the same engineer to update the walkway plans and specifications, who certified that the walkway meets and exceeds all applicable safety standards and codes.<sup>3</sup>

In addition to *physical separation* from the streetcar tracks, the structural engineer specified *temporal separation* so trolleys and pedestrians will not use the bridge at the same time. Under city ordinances, the trolley has a maximum speed limit of 12 MPH and should have a flagman on the trolley to help warn pedestrians about the trolley's movements.

There is a history of serious pedestrian & train collisions on the downstream, high-speed BNSF bridge. To improve public safety, BNSF Railway supported and approved Yakima's 2008 grant application to the State Utilities & Transportation Commission (UTC) for safety fencing around the BNSF tracks. The purpose of this fencing was to prevent pedestrians from crossing the BNSF bridge and divert pedestrians away from BNSF tracks to the City's upstream trolley (multimodal) bridge pathway, thereby enabling safe pedestrian river crossings. In application correspondence filed with UTC, the City stated:

part of the William O. Douglas Trail will include a pathway across the Trolley Bridge to allow pedestrians access across the Naches River.

UTC approved funding for this safety project. The City committed to long term maintenance of fencing to divert pedestrians to Yakima's bridge path. Yakima Valley Trolleys, Kenneth G. Johnsen, and BNSF were listed as involved in implementing the project. UTC orders & project agreements are binding upon agents and all persons acting through the parties.

The bridge path will enable safe, no-cost public access to the historic bridge and historic trail on the William O. Douglas Hill Climb property at the bridge north end, for educational, scientific, and recreational uses.<sup>4</sup>

#### No Feasible Alternative

There is no practical alternative to cross the Naches River via a safe and historically authentic route used by Justice William O. Douglas. Rerouting the W.O.D. Trail to cross a modern highway bridge 0.4 mile downstream on the Greenway path into downtown Selah does not accomplish the purpose of the W.O.D. Trail, which is to access the historic trail on the Naches River north bank and hike up Selah Ridge. Furthermore, building a new trail starting from the modern downstream highway bridge has significant technical, environmental, and fiscal challenges -- uncertainties about constructing a new trail in floodplains, and whether it would be feasible to tunnel near structural piers under the BNSF and trolley pier structures next to the river.

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<sup>3</sup> Safety Standards Compliance Memo for Naches River Bridge Path (July 11, 2022).

<sup>4</sup> See attached letters from Stanton and Davis High Schools and Curriculum Concepts for Environmental and Cultural Literacy.

### Historic Preservation Funding Opportunities

Tragically during 2005-2006, thieves removed, cut up, and sold off the copper running and feeder wires that historically powered the interurban streetcars along 6<sup>th</sup> Avenue and into downtown Selah. The electric bridge catenary was removed. Until the historic power system is re-engineered and rebuilt, the trolley needs to use a diesel fuel power car. In an April 2016 memo, City Economic Development Manager Sean Hawkins told City Council that the remaining trolley infrastructure was deteriorating and about \$9 Million was then needed in upgrades.

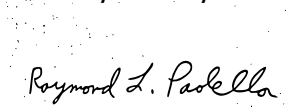
Historic preservation experts advise that federal and state funding opportunities are much greater when a historic property is part of a multimodal transportation system. In August 2022 the Yakima Valley Museum hosted an event at the Yakima Convention Center honoring former U. S. Secretary of the Interior Sally Jewell. Secretary Jewell and other attendees wanted to hike the William O. Douglas Trail to Selah Ridge. This group visited the historic Naches River Bridge and discussed historic preservation funding opportunities.

The group learned that federal historic preservation funds are very limited and extremely competitive nationwide. An association with U. S. Supreme Court Justice William O. Douglas and his historic trail would significantly improve the prospects for federal funding along with National Historic Landmark designation. At the state level, the Washington Legislature recently allocated \$5.4 Billion for multimodal active transportation, i.e., walking, bicycling, and rolling.

### Conclusion

WODTF respectfully requests City Council direction for Yakima Valley Trolleys and William O. Douglas Trail Foundation to work together with City Staff to: (1) strengthen a Naches River Crossing National Historic Landmark application by including the Naches River Trolley Bridge in association with the historic William O. Douglas Trail, and (2) find a win-win accommodation that promotes the complementary community interests in the historic trolley and historic trail.

Thank you for your consideration,



Raymond L. Paolella, President  
William O. Douglas Trail Foundation  
P. O. Box 2003  
Yakima, WA 98907