



TR-072009

1300 S. Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504-7250  
(360)664-1257 or (360)664-1100  
Fax: (360)586-1150  
Web: [www.wutc.wa.gov](http://www.wutc.wa.gov)  
E-mail: [records@utc.wa.gov](mailto:records@utc.wa.gov)

## GRADE CROSSING PROTECTIVE FUND APPLICATION FOR FUNDING

The Washington Utilities and Transportation Commission (commission), through its Grade Crossing Protective Fund (GCPF), funds projects that eliminate or mitigate public safety hazards at railroad crossings and along railroad rights-of-way in Washington State. Any public, private, or non-profit entity may submit an application to the commission for GCPF monies.

**Please complete and submit the following information as part of the application process:**

### **Applicant Information**

Applicant Name:	Dick Zais, City Manager
Organization:	City of Yakima
Address:	129 North Second Street, Yakima, WA 98901
Phone:	(509) 575-6040
E-mail:	
Fax:	(509) 576-6335

Please list all other companies, organizations or state or local agencies that may be involved in implementing this proposal and the contact name, address and phone number for each.

Yakima Valley Trolleys  
Kenneth G. Johnson  
P.O. Box 796  
Yakima, WA 98907-0796  
[yakimavalleytrolleys@hotmail.com](mailto:yakimavalleytrolleys@hotmail.com)

Burlington Northern Santa Fe Railroad Company  
Daniel MacDonald, P.E.  
Managing Engineer - Seattle  
2454 Occidental Avenue South, Suite 1\_A  
Seattle, WA 98134  
(206) 625-6150, Fax (206) 625-6115  
[daniel.macdonald@bnsf.com](mailto:daniel.macdonald@bnsf.com)

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## Grade Crossing Protective Fund Application Form

### Project Information

1. *Provide a detailed summary of the hazard being addressed. Include:*
  - *Any information about accidents or incidents at the site.*
  - *Photographs, drawings or other materials that supports the application.*

Currently, there are only two pedestrian crossing facilities for crossing the Naches River at the northern city limits of the City of Yakima. One is located at the eastern city limits (I-82) and the other is at the western city limits (Powerhouse Road). Due to this lack of pedestrian facilities, and despite "No Trespassing" signs, pedestrians occasionally use the BNSF railroad bridge to cross the Naches River. On July 12, 2007, a man and woman who were crossing the Naches River on the railroad bridge were struck by a passing train and seriously injured.

On several occasions recently, railroad police hired by BNSF have had to remove trespassers from the railroad property in this vicinity.

2. *Provide a detailed description of the proposed project and explain how it will eliminate or mitigate the hazard. Include any drawings or construction plans for the proposed project.*

This project will construct six-foot chain link fence to impede pedestrian and motor vehicle trespass onto BNSF property in the vicinity of the Naches River Bridge. As part of the William O. Douglas Trail project, a pedestrian pathway is planned to be constructed across the trolley bridge within the next couple of years. Fencing as shown on the attached drawing would deter pedestrians from accessing the railroad bridge. The fence would begin where Gordon Road crosses underneath the railroad tracks, then heads west approximately 150 feet across the trolley tracks to approximately 8-feet west of the trolley tracks, then head in a northwesterly direction parallel to the trolley tracks for approximately 670 feet, then make a 90 degree turn across the trolley tracks, then head in a northeasterly direction for approximately 70 feet to end adjacent to the BNSF south bridge abutment. At both locations where the fence crosses the trolley tracks, 20-foot gates will be installed. The fencing will continue east of the BNSF bridge for approximately 150 feet parallel to the Greenway Path.

In addition to improving safety, this fencing project may reduce the railroad's requirement for police enforcement.

3. *Provide cost estimates. Include:*
  - *Total costs of the project.*
  - *Names of parties contributing to the project and the amount each is contributing.*

Total project costs are estimated to be \$37,000. The City is requesting a grant of \$20,000 toward this total from WUTC.



## Grade Crossing Protective Fund Application Form

4. *Provide the name of the party responsible for long-term maintenance.*  
**The City of Yakima and/or the Yakima Greenway Foundation will provide longterm maintenance of the fence.**
5. *Provide an estimated timeline of project, if approved.*  
**Weather permitting; the project will be completed this fall. If not, the project will be completed next spring**
6. *Provide a description of how the project's success would be measured.*  
**Success of this project can be measured by demonstrating a decrease in trespass incidents and pedestrian accidents on the BNSF Bridge.**
7. *Provide any other information the applicant believes would be useful to the commission in considering the project.*  
**At several recent meetings, BNSF personnel have expressed their encouragement and approval of our plans to channel pedestrians away from railroad property and to reduce trespass by means of fencing.**
8. *If the project involves any construction, modification or demolition on a railroad right-of-way, complete the attached Railroad Commitment form. This includes fencing, gates or other structures located near enough to the tracks to be on the railroad right-of-way, modification to a grade crossing or any other project that involves railroad property or rights-of-way.*  
**See accompanying email from BNSF engineer Daniel MacDonald expressing the railroad's concurrence with this project.**

### Submitting the Application

After completing the GCPF application, please send the original to:  
Washington Utilities and Transportation Commission  
Attention: Grade Crossing Protective Fund  
1300 S. Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504-7250

A signed application may be filed electronically at [records@utc.wa.gov](mailto:records@utc.wa.gov). When filing electronically, please specify "Grade Crossing Protective Fund" in the subject line.

### Assistance

For questions or assistance, please contact:

- Kathy Hunter at (360)664-1257 or by e-mail at [khunter@utc.wa.gov](mailto:khunter@utc.wa.gov).
- David Pratt at (360)664-1100 or by e-mail at [dpratt@utc.wa.gov](mailto:dpratt@utc.wa.gov).



Railroad Commitment  
TR-072009

The undersigned represents the Railroad Company in the GCPF application described as (enter a brief description):

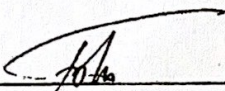
The City of Yakima has applied for GCPF funds to erect fencing for trespass abatement purposes. The City's trolley bridge and the adjacent BNSF Railway bridge cross the Naches River at the northern end of Yakima City limits. See attached photos for location of fencing. It is believed the BNSF has a 200 ft. right-of-way at this location and much of the fencing would be on that right-of-way. The City of Yakima and/or the Yakima Greenway Foundation will provide long-term maintenance of the fence.

We have reviewed the application and are satisfied the conditions are the same as described by the applicant in this matter. We agree to allow construction, modification or demolition on a railroad right-of-way as described in the application.

See Notes below.

John Li

Printed name of Railroad Representative



Signature of Railroad Representative

Manager, Public Projects

Title

206 625 6146

Phone

john.li@bnsf.com

E-mail

Date:

4/21/08

Notes: BNSF supports this application for safety improvements. The final design and location of the fencing will need to be approved by BNSF prior to its installation. The City will also need to obtain a permit from BNSF with current indemnity language and insurance limits and with a 30-day cancellation clause, if the fencing would be on BNSF's Right-of-Way.

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2008 APR 22 AM 10:06  
UTIL. DIVISION  
BNSF



**From:** MacDonald, Danniell  
**To:** Wayenberg, Karen  
**Cc:** Polnick, Bruce K; Agee, David W  
**Subject:** RE: Yakima, WA - UTC Grant Application  
**Date:** Friday, October 05, 2007 3:24:51 PM

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Ms. Wayenberg,

Thank you for the opportunity to review the City of Yakima's UTC GCPF application. BNSF supports this application for safety improvements. The final design and location of the fencing will need to be approved by BNSF prior to its installation. We look forward to working with the City of Yakima address this safety concern.

Please contact me if you need additional information regarding BNSF's participation. Again, we look forward to working with the City on this issue.

Respectfully,

Dan

Danniell MacDonald, P.E.  
Manager Engineering - Seattle  
BNSF Railway Company  
2454 Occidental Avenue South, Suite 1A  
Seattle, WA 98134  
Office: (206) 625-6150  
Fax: (206) 625-6115  
danniell.macdonald@bnsf.com

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**From:** Wayenberg, Karen [mailto:kwayenbe@ci.yakima.wa.us]  
**Sent:** Friday, October 05, 2007 12:53 PM  
**To:** MacDonald, Danniell  
**Subject:** RE: Yakima, WA - UTC Grant Application

Thanks for reviewing our application and the page requiring BNSF signature. Feel free to call me or reply to this email.

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**From:** MacDonald, Danniell [mailto:Danniell.MacDonald@BNSF.com]  
**Sent:** Friday, October 05, 2007 12:47 PM  
**To:** Wayenberg, Karen  
**Subject:** Yakima, WA - UTC Grant Application

Ms. Wayenberg,

With reference to our conversation this afternoon, my contact information is following. I look forward to reviewing this application.

Respectfully,

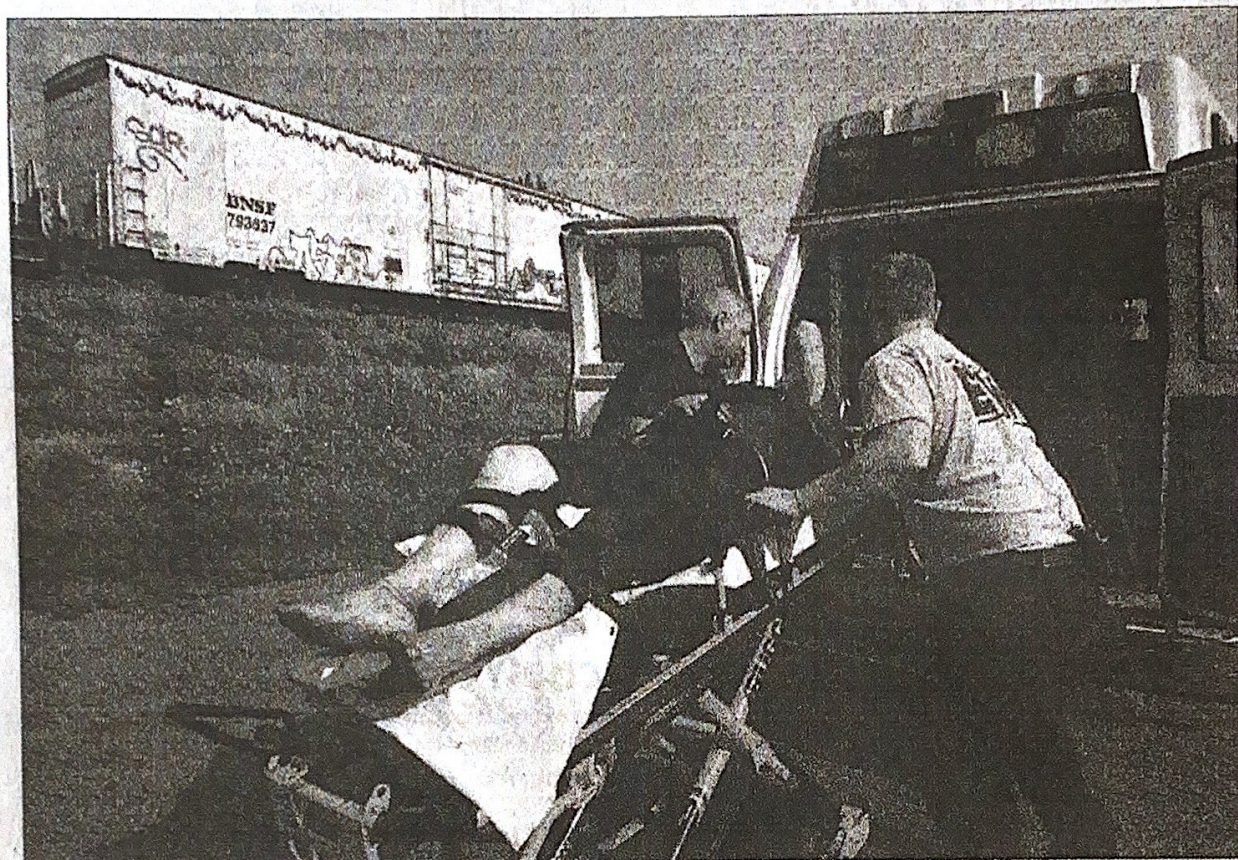
Dan

Danniell MacDonald, P.E.



# HOME FRONT

Yakima Herald-Republic  
Friday, July 13, 2007



GORDON KING/Yakima Herald-Republic

A woman is placed in an ambulance after nearly being struck by a train near Berglund Lake in Yakima on Thursday. She was injured when she was thrown off the tracks by a companion as the train approached.

## Man hit by train after saving companion

By ROD ANTONIE  
YAKIMA HERALD-REPUBLIC

A man was struck by a train Thursday morning after Yakima police said he saved a woman moments earlier by throwing her from a trestle as the train bore down on them.

The man, who has not been identified, suffered serious injuries and was taken to Seattle's Harborview Medical Center.

The two were among four people attempting to walk across a railroad bridge over the Naches River shortly after 8 a.m.

Although two of the men reached safety, the woman fell on the tracks, police said. She was helped to her feet by the third

### He tosses woman from the tracks

man, who attempted to get them both to safety. But he ended up throwing her down a 10 to 15 foot embankment moments before being struck, police said.

The crew of the train, an east-bound Yakima day-switcher returning from Ellensburg with two locomotives and two refrigerated boxcars of corn, tried to warn the group by sounding the horn and then applying emergency brakes, said Burlington Northern Santa Fe spokesman Gus Melonas.

The train had slowed from 35 mph to between 10 and 15 mph when it struck the man, he said.

"This is an unfortunate situ-

ation," he said. "But this time of year we see an increase in trespassing situations.

"People take shortcuts and risks often by crossing railroad property and we encourage the public to use designated areas."

Yakima police initially said the man may have suffered back injuries. Authorities initially said it appeared the woman, who was also not identified, broke a leg when she landed on rocks below the trestle.

Melonas later said she suffered only cuts and bruises. There was no immediate word on their conditions. Although Yakima police



TJ MULLINAX/Yakima Herald-Republic

handled the initial investigation, it has been handed off to BNSF investigators.

Melonas said nine people have been killed on railroads this year in Washington state.



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# 'No doubt he saved my life'

Train encounter broke  
victim's leg, pelvis

By ROD ANTONI  
YAKIMA HERALD-REPUBLIC

**A**s they crossed the bridge over the Naches River, Lisa Boitano was telling her three friends how cool it would be to see a passing train from up close.

That's when they saw the locomotive bearing down.

From her hospital bed Friday, Boitano recalled her friend Mark Brown's reaction.

"He said, 'You might get your chance — run.'"

But as they ran, Boitano fell, and her right leg slipped and became stuck between the wooden ties.

"I was freaking out and tried to pull myself up," she said. "But Mark came up behind me, grabbed both arms and pulled me out."

"No doubt he saved my life."

As the two prepared to leap off the tracks to an embankment about 10 to 15 feet below the tracks, they were struck.

"I felt the train hit my lower back, but he got the full force of it," said 21-year-old Boitano.

The impact threw them about 20 feet into the rocks below. Boitano said she broke her nose and fractured her right leg and pelvis. But then she looked up she saw that Brown, or Green as he is known to his friends, was hurt much worse.

"It was the scariest thing I've ever seen. Blood was everywhere," she said. "I kept saying, 'Green, don't die, Green, don't die. Wake up, wake up.'"

## TRAIN

Continued from Page 1A

The crew of the train, an eastbound Yakima day-switcher returning from Ellensburg with two locomotives and two boxcars, spotted the group and began sounding the horn and applying emergency brakes, which slowed the train from 35 to about 10 to 15 mph, Burlington Northern Santa Fe spokesman Gus Melonas said Thursday.

Boitano said that the horn came too late — the train was almost on them when it sounded. And while braking probably saved their lives, she had no idea at the time that the train had slowed at all.

"It sure as hell didn't feel like it was going 15 mph when it hit us," she said.

Although Melonas said that technically the four were trespassing on railroad property, he did not say whether BNSF would pursue charges.

Boitano said she and her friends did not know they were

Form

**S**he is now at Yakima Memorial Hospital. Brown, 26, was taken to Seattle's Harborview Medical Center, where he was listed in serious condition after undergoing surgery Friday.

Boitano said doctors there told her he suffered multiple injuries, including two broken legs, a shattered pelvis, a broken jaw and a broken arm.

"He would have been okay if he had just jumped, if he hadn't stopped to help me," she said.

Earlier that morning, the four had watched the sunrise from the ridge between Yakima and Selah. They were walking the tracks back to Yakima, and were crossing the bridge shortly after 8 a.m.

Boitano said two of her friends had nearly reached the end of the bridge; she and Brown were only about halfway across.

SEE TRAIN PAGE 8A



SARA GETTYS/Yakima Herald-Republic  
**Lisa Boitano recovers in Yakima Valley Memorial Hospital on Friday, after being hit by a train while she and three others were crossing the trestle over the Naches River.**

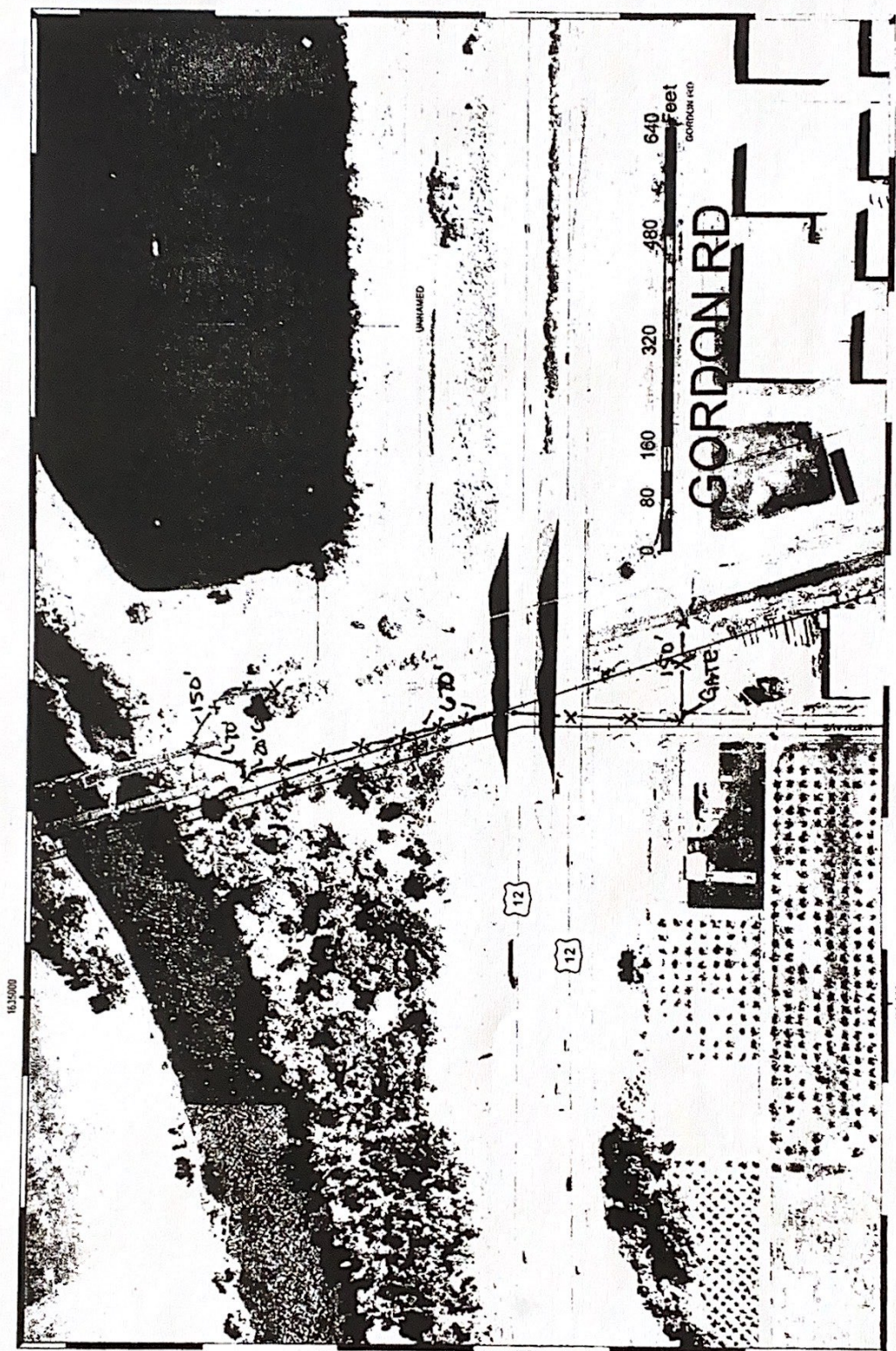
trespassing.

All she does know is that Brown, a man whom she described as being like a brother to her for the past four to five years, was willing to sacrifice himself to save her. The two met while she was a teenager living on the streets and have been close friends ever since.

"I would have been stuck in the tracks if he hadn't helped me out," she said. "He's just a wonderful person."

• Rod Antoni can be reached at 577-7626 or [rantoni@yakimaherald.com](mailto:rantoni@yakimaherald.com).







TR-072009

**Boston, Bob (UTC)**

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**From:** Sheffield, Brett [bsheffie@ci.yakima.wa.us]  
**Sent:** Tuesday, November 04, 2008 11:59 AM  
**To:** Boston, Bob (UTC)  
**Subject:** Grade Crossing Protective Fund Grant  
**Attachments:** YVT Fence.pdf

Bob,

As we have discussed, part of the William O. Douglas Trail will include a pathway across the Trolley Bridge to allow pedestrians access across the Naches River. I believe that the description in the original application should have been modified to read like the following:

This project will construct six-foot chain link fence to impede pedestrian and motor vehicle trespass onto BNSF property in the vicinity of the Naches River Bridge. As part of the William O. Douglas Trail project, a pedestrian pathway is planned to be constructed across the trolley bridge within the next couple of years. Fencing as shown on the attached drawing would deter pedestrians from accessing the railroad bridge. The fence would begin where Gordon Road crosses underneath the railroad tracks, then heads west approximately 150 feet across the trolley tracks to approximately 8-feet west of the trolley tracks, then head in a northwesterly direction parallel to the trolley tracks for approximately 670 feet, then make a 90 degree turn across the trolley tracks, then head in a northeasterly direction for approximately 70 feet to end adjacent to the BNSF south bridge abutment. At both locations where the fence crosses the trolley tracks, 20-foot gates will be installed. The fencing will continue east of the BNSF bridge for approximately 150 feet parallel to the Greenway Path.

In addition to improving safety, this fencing project may reduce the railroad's requirement for police enforcement.

I have also attached a drawing showing the proposed fencing project. If you have any questions or require additional information, please don't hesitate to contact me. Thanks for your help.

**Brett H. Sheffield, P.E.**

Chief Engineer  
City of Yakima  
PH. (509) 576-6797  
Fax (509) 576-6305