Kiers, Roger

From: b.c.peters@comcast.net
Sent: Thursday, July 14, 2011 10:58 AM
To: Kiers, Roger
Subject: McMillan Bridge, teleconference of 7/13/2011

Roger,

Here are some of my thoughts regarding the meeting, not as a County representative, but as a retired WSDOT right of way agent doing some volunteer work for Pierce County in historic preservation. Where I express opinions, they are not necessarily those of Pierce County or any department of the County.

Mention was made in yesterday's phone conference that the County was "not interested" in taking over the bridge. If the question had been,

- "If the State offered to disassemble and move the railroad bridge to a storage yard or to another mutually acceptable location, and
- if the State would hold the County harmless from costs in excess of what it now incurs on the railroad bridge, would the County be willing to take over routine day to day maintenace of the McMillan bridge under a maintenance and operations agreement?

  Then the answer may have been different.

Maintenance & Ultimate Removal, McMillan Bridge

Obviously, the County really does not *need* the McMillan Bridge, it had no part in putting it on the Register, and it is not currently in a financial position to assume increased costs (over those costs it presently incurs with the Railroad Bridge) associated with system maintenance the McMillan Bridge, even if it wanted to. Giving the County a lump sum in the amount necessary to remove the bridge today (if the County were to assume fee title ownership of the McMillan Bridge) not only would not cover ongoing structural repair long term, but it probably would not cover the future cost to remove the bridge if and when removal became necessary. Nor, as far as I know, is there any way for a public agency to set such money aside long term for a specific purpose like bridge maintenance or removal.

If the State retained ownership of the McMillan Bridge, I'd guess the County *might* consider assuming responsibility for normal day to day maintenance and operation of the bridge and probably indemnifying the State for accident or injury on the McMillan Bridge related to its use as part of the Foothills Trail--as long as the State maintained the bridge in a safe condition. I would *not* expect the County to be willing to assume costs for structural repair or any costs in excess of the amount it now incurs with the RR bridge), that's probably a reasonable condition for the County to expect.

Title to the Railroad Bridge

The title to the railroad bridge is clear. I am assured by a title examiner that the railroad abandoned this portion of the right of way. The Railroad is **NOT** a party to removal of the Railroad Bridge. If the Railroad Bridge were to be removed and disassembled by the State for the County as part of a deal, I am informed that there is likely a place to use the bridge on the Foothills trail somewhere between Carbonado and the Park entrance. If the recycling of the Railroad Bridge for trail purposes becomes

a part of the overall project, the State might require that the bridge "be used only on a trail in Pierce County" (and not just on the Foothills Trail) in case it is found that there is no suitable location on the Foothills trail. If no location is found within, say, 10 (?) years, then the County might be allowed to scrap the railroad bridge.

Liability.
As has been pointed out, liability isn't a serious issue either, as long as the public is not charged for use of the bridge or trail and as long as the public is warned of any obvious hazards. That protects the State as well as the County (or other entity) in any operating agreement for trail/recreational purposes, if negotiated.

Recreational or Other Grant Money for moving, Reassembling the Bridge?
Since the RR bridge could be used for a new bicycle/pedestrian trail extension, WSDOT might ask the Interagency Committee for Outdoor Recreation *hypothetically of course, "just in case the RR bridge becames surplus"*) if disassembling, moving, and/or reassembling the railroad bridge would qualify for a grant to cover the cost of hauling the bridge either to a maintenance facility or to another location on the Foothills Trail, **OR** if no money is *currently* available be willing to give assurance that the project would be given a high priority when funds do become available. There may be other state or federal money available for such trails or stream improvement. Again, I do not speak for the County, but the County MIGHT reconsider it's position if approached with an option along these lines. Even if no grant money were available, the State could probably disassemble the Railroad Bridge into movable "chunks" at its expense and haul it to a storage area and still come out under the cost of some of the other options. If this option were endorsed by a number of the parties involved, one might reasonably assume such an endorsement could influence the securing grant money for work related to removing and recycling the Railroad Bridge for use at another location.

Impact on Stream Flow
I believe it became clear yesterday that the railroad bridge is a more serious impediment to river flow than the McMillan highway bridge. The reality is, there may be an opportunity to remove at least the more serious impediment. The railroad bridge is probably in better condition than the McMillan bridge and probably will outlast it if it is left in place. The next opportunity to remove it may be many decades into the future. If the plan to remove the McMillan Bridge is chosen because of its impact on stream flow and that plan is trumped by it's status on the historic register, the parties run the risk of seeing NEITHER bridge removed. (Of course, if those interests who believe so strongly that *both* bridges should be removed are willing to fund both the removal AND replacement of the railroad bridge, I suspect the County might cooperate in allowing those agencies to build the County a new trail bridge. However, I doubt they are quite that interested.

In the outline I presented, the tribe and fisheries interests walk away with at least one bridge removed--the one having the greatest impact on stream flow. But, it may take some compromise. And, if removing the Railroad Bridge in place of the McMillan Bridge takes a waiver, then I think a waiver should be requested, because removing the Railroad Bridge may be a better solution to the overall problem than removing the McMillan Bridge--for a variety of reasons. The opportunity to improve stream flow, preserve the existing bridge and to play a part in extending the foothills trail should be recognized by the public as an excellent decision, and it ought to be a workable compromise for a number of the parties involved.