



Stephen Semenick, PE
Manager Public Projects
WA, OR & B.C.

BNSF Railway Company
2454 Occidental Ave S Suite 1A
Seattle, WA 98134

206.625.6152
Stephen.Semenick@bnsf.com

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Received
Records Management

Mayor Seth Fleetwood
210 Lottie Street
Bellingham, WA 98225

11/03/20 14:10

Chad Schulhauser, PE
City Engineer
Public Works Department
104 West Magnolia – Suite 109
Bellingham, WA 98225

State Of WASH.
UTIL. AND TRANSP.
COMMISSION

RE: Notice of Intent to Establish a Railroad Quiet Zone Under 49 CFR 22.43 Quiet Zone: City of Bellingham Quiet Zone, Fairhaven, ET-0029 Letter - BNSF Response

Mayor Fleetwood & Mr. Schulhauser:

BNSF is in receipt of the City of Bellingham (“City”) Notice of Intent (“Notice”) dated September 2, 2020 for a proposed quiet zone (“Quiet Zone”) at the crossings listed below.

At the outset of this letter, BNSF would like to be clear that we believe that if not properly accounted for with appropriate safety enhancements, the elimination of the train horn can be detrimental to safety. BNSF writes this comment letter based in part upon requirements set by FRA in the Train Horn Rule ("Rule") at 49 CFR 222. The train horn is intended to alert the motoring and pedestrian public of train movement. The City should use the Rule as a minimum guideline in its approach to creating a situation where the train horn is eliminated as a safety measure. For any quiet zone implemented on BNSF-owned track, we strongly recommend each crossing receive appropriate enhanced safety devices to accommodate for removal of the horn prior to the establishment of the quiet zone.

DOT#	Crossing Name	RR Milepost	Safety Measure
084798U	Harris Avenue	93.283	SSM/ traversable medians
084800T	Alaska Ferry Access Road	93.394	Four-quadrant gate system, pedestrian channelization and gate system
084801A	Private Crossing	93.537	MUTCD required pavement markings and signage
084805C	Bayview Drive	94.270	Four-quadrant gate system, pedestrian channelization and gate system
919108C	Blvd Park Pedestrian Crossing	94.382	Pedestrian gate system

BNSF acknowledges and appreciates the City’s efforts to install Supplemental Safety Measures (“SSM”) throughout this Quiet Zone. BNSF understands the City plans to use traversable medians with traffic channel devices on the east and west sides of the Harris Avenue crossing, with a length of 67 feet to the west and 90 feet to the east. Please note that we do not support the use of traversable medians and strongly encourage the City to use non-mountable concrete center medians with a minimum height of 6” instead. BNSF does not recommend the use of vinyl or plastic channelization devices without the installation of a 6-inch concrete curb.

Advertisements for those products promote the ability for vehicles to traverse the delineators or panels without damage, defeating the treatment goal of deterring motorists from traversing activated gates. Notwithstanding, the City is responsible for ensuring the median design and associated traffic controls are both compliant with the Rule and appropriate for highway purposes. Please note that the City is responsible for the cost and maintenance of these devices.

Further, additional signage and enhancements were discussed at the diagnostic meeting. Please ensure these are implemented in accordance with the diagnostic notes and ensure that the appropriate vehicular and pedestrian signage is installed per the MUTCD and that the appropriate roadway markings are in place including at all driveways affected by the changes proposed by the City. The City will be responsible for obtaining any necessary permits and easements for work related to this Quiet Zone within BNSF right of way.

Additional comments for each crossing can be found below:

- Harris Avenue
 - Non-mountable medians strongly preferred to the proposed mountable medians with delineators.
- Alaska Ferry Access Road
 - Pedestrian channelization plan is not yet finalized. Recommend installation of fencing on eastern side of mainline.
- Private Crossing
 - Please confirm installation of pavement markings and signage are compliant with MUTCD requirements.
- Bayview Drive
 - Please confirm installation of pavement markings and signage are compliant with MUTCD requirements.
- Blvd Park Pedestrian Crossing
 - Please confirm installation of pavement markings and signage are compliant with MUTCD requirements.

Please review the requirements, specifically with regard to median length and height requirements as well as allowance of driveways, and confirm if the safety measures will qualify as an SSM under Appendix A. Should the safety measures not meet the SSM requirements under the Rule, the City is required to submit an application to FRA for the approval of the ASM and this Quiet Zone. Any such application should include all relevant calculations made by the City with the other information required by the Rule for further review and comment by BNSF. The City's application to FRA for any quiet zone should detail all such specifications, noting applicable considerations such as maximum speed requirements applicable to qualification as an SSM or ASM. BNSF discourages the use of ASMs, and at a minimum, encourages the use of wayside horns at any location where the installation of an SSM which fully complies with the requirements of Appendix A is not possible. The City will need to enter into a Construction Maintenance Agreement for the crossing located at Alaska Ferry Road for any changes required to existing signal systems and for any other work required on BNSF's right of way.

The comments submitted by BNSF herein are provided solely in accordance with the requirements of the Rule, and shall in no way be construed or deemed to be an opinion, direction to the City, or approval that the plans and specifications or any work performed in pursuit of establishing the Quiet Zone is appropriate for any purpose including highway purposes, is structurally sound or appropriate, or that such plans, specifications, or completed work meet applicable standards, regulations, laws, statutes, or local ordinances, and/or building codes. No benefits to the City or any third party are provided, intended or implied herein. The City shall at all times be solely responsible for determining the adequacy of and ensuring compliance with all design elements of the Quiet Zone for highway and other public purposes.

In any Notice of Establishment for the implementation of an approved Quiet Zone following application to the FRA, the City should certify that the required SSMs and/or ASMs have been constructed and comply with the requirements set forth in the Appendices to the Rule. The NOE should also identify the railroad milepost limits of the Quiet Zone, which must extend at least 0.25 miles on either side of the crossing. The City is responsible to ensure all proper advanced warning signage (“NO TRAIN HORN”, etc.) and highway speed limit signs are installed and placed at the appropriate location in full accordance with current MUTCD requirements. The City, by issuing the NOE, certifies that it has proper jurisdiction to establish the Quiet Zone, and that the Quiet Zone meets or exceeds federal requirements.

Please be aware the trains operating in the proposed QZ are within the limits of an advanced technology system called Positive Train Control (PTC). To assist with internal notifications and PTC preparation efforts, BNSF respectfully requests **60 days’ advance notice** of the planned QZ establishment. This communication can be made by email or phone in advance of the NOE mailing.

We look forward to working with you on this effort. If BNSF can be of further assistance, please contact me or Paul Cristina, Public Projects Director, 2650 Lou Menk Drive, Fort Worth, TX, 76131, 817-352-1549, paul.cristina@bnsf.com

Regards,



Stephen Semerick
Manager Public Projects, BNSF Railway

cc: Union Pacific Railroad
Engineering Department
Re: Quiet Zone Establishment
1400 Douglas St, STOP 0910
Omaha, NE 68179

Jeffrey Stewart
Regional Manager, Region 8
Federal Railroad Administration
500 Broadway, Suite 240
Vancouver, WA 98660

FRA Associate Administrator
1200 New Jersey Ave, SE
Washington, D.C. 20590

Kathy Hunter
Deputy Assistant Director, Transportation Safety
Washington Utilities and Transportation Commission
1300 S Evergreen Park Dr SW
PO Box 47250
Olympia, WA 98504

cc via electronic mail:

Paul Cristina, BNSF Railway; Kelli Scoma, BNSF Railway; Kevin Baldwin, BNSF Railway