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Jennifer Lange, PE  
Assistant County Engineer  
Douglas County  
140 19<sup>th</sup> St NW Suite A  
East Wenatchee, WA 98802

**RE: Notice of Intent to Establish a Quiet Zone**

Ms. Lange:

BNSF is in receipt of the Douglas County (“County”) Notice of Intent (“Notice”) dated July 12, 2021 for a proposed quiet zone (“Quiet Zone”) at the crossing 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 County 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
065809D	Spanish Castle Road	1631.11	SSM/ non-traversable medians

BNSF acknowledges and appreciates the County’s efforts to install Supplemental Safety Measures (“SSM”) throughout this Quiet Zone. BNSF understands the County has installed non-traversable medians on the east and west sides of the Spanish Castle Road crossing, with a length of 125.5 feet to the west and 111.4 feet to the east. The installed medians measure 8.5 feet wide and 6 inches tall. Notwithstanding, the County 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 County is responsible for the cost and maintenance of these medians.

Further, additional signage and enhancements were discussed at the diagnostic meetings. 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 County. The County will be responsible for obtaining any necessary permits and easements for work related to this Quiet Zone within BNSF right of way.

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 County 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 County with the other information required by the Rule for further review and comment by BNSF. The County'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 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 County, 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 County or any third party are provided, intended or implied herein. The County 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 County 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 County 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 County, 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](mailto:paul.cristina@bnsf.com)

Regards,



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cc: Union Pacific Railroad  
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Re: Quiet Zone Establishment  
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cc via electronic mail:

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