



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DEC 19 2016

Mr. Joseph P. Rutan  
County Engineer/Assistant Director  
Whatcom County Public Works Department  
322 North Commercial Street, Suite 301  
Bellingham, WA 98225-4042

**Re: THR-000000440001 (U.S. DOT National Highway-Rail Crossing Inventory Number  
084796F)**

Dear Mr. Rutan:

The Federal Railroad Administration (FRA) reviewed the public authority application you submitted on behalf of Whatcom County (County), Washington, under Title 49 Code of Federal Regulations (CFR) Section 222.39(b).

The County is seeking FRA's approval of the proposed effectiveness rate for the alternative safety measure (ASM) at the Yacht Club Road crossing. The proposed ASM at the Yacht Club Road crossing will consist of 100 feet of channelization on the east side of the crossing.<sup>1</sup> The west side of the crossing will be equipped with 35 feet of channelization due to an intersecting street within 60 feet of the gate arm. The County suggested a 15 percent reduction in risk. However, FRA has determined that an effectiveness rate of 0.59 is more appropriate due to the lengths of the channelization.

After recalculating the risk index using the revised effectiveness rate, FRA approves the County's application. FRA has determined that implementation of the proposed ASM, as described in the application, will result in a Quiet Zone Risk Index of 7,269. This index is below the Risk Index With Horns (the risk that would be present if the horns were still sounding) of 17,730.

The County may submit its Notice of Quiet Zone Establishment consistent with 49 CFR 222.43, *What notices and other information are required to create or continue a quiet zone?*, after implementation of the proposed ASM described in the application and compliance with all applicable quiet zone requirements in 49 CFR 222.25, *How does this rule affect private highway-rail grade crossings?*, 222.27, *How does this rule affect pedestrian grade crossings?*, and 222.35, *What are the minimum requirements for quiet zones?* In addition, 49 CFR 222.39(b)(1)(vi) requires the County to provide a commitment to implement the safety

---

<sup>1</sup> The County stated that approximately 20 feet from the gate arm there will be a 1-foot or less gap in the channelization to allow for drainage.

improvements it proposed in the public authority application. Thus, FRA's approval is conditioned upon implementation of the safety improvements described in the County's application.

If you have any questions or need additional information, please contact Mr. Ron Ries, Staff Director, Highway-Rail Crossing and Trespasser Programs Division, at (202) 493-6285 or [Ronald.Ries@dot.gov](mailto:Ronald.Ries@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl Alexy', written in a cursive style.

Karl Alexy  
Director, Office of Safety Analysis

cc: Ms. Kathy Hunter, Washington Utilities and Transportation Commission  
Ms. Elizabeth F. Klute, National Railroad Passenger Corporation  
Mr. Richard W. Wagner, BNSF Railway

Addresses:

Ms. Kathy Hunter  
Deputy Assistant Director, Transportation Safety  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive, SW  
Olympia, WA 98504

Ms. Elizabeth F. Klute  
Northwest Regional Emergency Manager OR/WA/ID/MT/ND  
Emergency Management & Corporate Security  
National Railroad Passenger Corporation  
187 S Holgate Street  
Seattle, WA 98134

Mr. Richard W. Wagner  
Manager Public Projects  
BNSF Railway  
2454 Occidental Avenue, Suite 2D  
Seattle, WA 98134