



Stephen Semenick  
Manager Public Projects  
WA & B.C.

BNSF Railway Company  
2454 Occidental Ave S Suite 2D  
Seattle, WA 98134

206.625.6152  
Stephen.Semenick@bnsf.com

May 16, 2018

Joseph P Rutan, PE  
County Engineer/Assistant Director  
322 N. Commercial St, Suite 301  
Bellingham, WA 98225

Cody Swan  
Project Engineer, Design and Construction Section  
Whatcom County Public Works  
322 N. Commercial St, Suite 301  
Bellingham, WA 98225

**RE: Whatcom County NOI Cliffside Dr Letter BNSF Response**

Messrs. Rutan and Swan:

BNSF is in receipt of the Whatcom County ("County") Notice of Intent ("Notice") dated March 16, 2018 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.

DOT#	Crossing Name	RR Milepost	Safety Measure
084821L	Cliffside Drive	100.299	SSM/ traversable medians 100' and 100'

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.

BNSF acknowledges and appreciates the County's efforts to install Supplemental Safety Measures ("SSM") at this single-crossing Quiet Zone. BNSF understands the County plans to use traversable medians with traffic channel devices on the east and west sides of the crossing, each with a length of 100'. Please note that we do not support the use of traversable medians and strongly encourage County to use non-mountable concrete center medians with a minimum height of 7" instead. Posts or delineators used on the channelization devices can bend or break; please note that the County 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.

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.

The County is required to issue a Notice of Establishment (“NOE”) for the Quiet Zone implementation. In the Notice of Establishment, the City should certify that the required SSMS and ASMS have been constructed and comply with the requirements set forth in Appendix A or Appendix B of the Rule. Please ensure all proper advanced warning signage (“NO TRAIN HORN”, etc.) will be installed. Whatcom 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. If BNSF can be of further assistance, please feel free to contact me or French Thompson, Public Projects Director for BNSF, 2600 Lou Menk Drive, OOB3, FW, TX 76131 (Office phone 817-352-1549).

Regards,



Stephen Semenick  
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:  
Megan McIntyre, BNSF Railway; French Thompson, BNSF Railway; Nicole Hightower, BNSF Railway;  
Jennifer Willingham, BNSF Railway