



Kyle Leatham
 Manager Public Projects
 OR, WA & BC

BNSF Railway Company
 1310 W 11th St
 Vancouver, WA 98660
 206-625-6152
 Kyle.Leatham@BNSF.com

December 18, 2024

Steven Miller,
 City of Marysville,
 Public Works Department
 Civic Center
 501 Delta Avenue
 Marysville, WA 98270
smiller@marysvillewa.gov
 (360) 363-8285

Subject: Notice of Intent to Create Quiet Zone within the City of Marysville, WA

Mr. Miller,

BNSF is in receipt of the City of Marysville’s (“City”) Notice of Intent (“Notice”) dated November 1, 2024 for a proposed quiet zone (“Quiet Zone”) at the following crossings:

DOT#	Crossing Name	Safety Measures	LS	MP
084630B	1 st St	Install 3-quadrant gates (exit gate on east side only). Reinstall pavement markings & warning signs, install No Train Horn signs	50	38.49
084640G	4 th St (SR-528)	2-quadrant gates. Approximately 35’ non-traversable median with channelization on west side and 100’ on east side. Reinstall pavement markings & warning signs, install No Train Horn signs	50	38.68
084644J	8 th St	Install 4-quadrant gates, reinstall pavement markings & warning signs, install No Train Horn signs	50	38.95
084646X	Grove St	2-quadrant gates. 100’ non-traversable median with channelization only on west side. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	39.32
084647E	80 th St NE	2-quadrant gates. 100’ non-traversable median with channelization only on west side. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	39.83
084648L	South of 84 th St	Install warning & No Train Horn signs	50	40.02
084649T	North of 84 th St	Install warning & No Train Horn signs	50	40.11
084650M	88 th St NE	2-quadrant gates. 100’ non-traversable median with channelization only on west side. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	40.34
084651U	92 nd St NE	Install warning & No Train Horn signs	50	40.6
084652B	97 th St NE	Install warning & No Train Horn signs	50	40.95
084653H	104 th St NE	2-quadrant gates. 25’ non-traversable median with channelization on west side and 60’ on east side & gate upgrade. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	41.33
084654P	116 th St NE	2-quadrant gates. 100’ non-traversable median with channelization on west side and 15’ on east side. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	42.04
084657K	122 nd St NE	2-quadrant gates. 25’ non-traversable median with channelization on west side and 25’ on east side. Reinstall	50	42.45

		pavement markings & warning signs, install No Train Horn signs.		
084658S	124 th St NE	2-quadrant gates. Install warning & No Train Horn signs	50	42.55
		2-quadrant gates. 100' non-traversable median with channelization on west side and 15' on east side. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	42.80
084660T	128 th St NE			
084661A	South of 132 nd Pl NE	2-quadrant gates. Install warning & No Train Horn signs	50	43.1
		2-quadrant gates. 40' non-traversable median with channelization on west side and 20' on east side. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	43.35
084664V	136 th St NE			
084668X	Near 19 th Ave NE	Install warning & No Train Horn signs	50	45.5
		2-quadrant gates. 100' non-traversable median with channelization on both sides & gate upgrade. Reinstall pavement markings & warning signs, install No Train Horn signs.	50	45.9
084669E	172 nd St NE (SR-531)			

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. The train horn is intended to alert the motoring and pedestrian public of train movement. BNSF writes this comment letter based in part upon requirements set by FRA in the Train Horn Rule (“Rule”) at 49 CFR 222. 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 a quiet zone.

BNSF acknowledges and appreciates the City’s efforts to install Supplemental Safety Measures (“SSMs”) at crossings within this proposed Quiet Zone. Please review the requirements for SSMs as outlined in Appendix A of the Rule, including with regard to median height, length requirements and four quadrant gates, and confirm that the proposed modifications to the roadway and other safety measures will qualify as SSMs.

Should the safety measures not meet the SSM requirements (most of these crossings do not meet that criteria) under the Rule, the City is required to submit an application to the FRA for the approval of the ASMs 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 a SSM which fully complies with the requirements of Appendix A is not possible.

The Notice indicates that the City plans to implement non-traversable medians. BNSF does not recommend the use of vinyl or plastic channelization devices without the installation of an 8-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. The City will need to enter into a Construction and Maintenance Agreement with BNSF for the crossings in this proposed quiet zone for any changes required to existing signal systems and for any other work required on BNSF’s right of way.

The City should 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.

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.

To assist us with updating our operational databases and communicating the changes to the affected departments and employees, BNSF respectfully requests that the City inform us of the intended effective date as soon as it is determined. This communication can be made by email or phone in advance of the official Notice of Establishment.

If BNSF can be of further assistance, please feel free to contact myself or French Thompson, General Director of Public Investment and Infrastructure for BNSF, 2600 Lou Menk Drive, OOB3, Fort Worth, TX 76131 (817-352-1549).

Regards,



Kyle Leatham
Manager Public Projects, BNSF Railway

cc: Federal Railroad Administration
Associate Administrator for Safety
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

cc via electronic mail:
Mike Turcott, UTC
Jeffrey Stewart, FRA
Connie Raezer, Washington DOT
Richard Scott, BNSF Railway
French Thompson, BNSF Railway
Kelli Scoma, BNSF Railway