

TR-120143



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Axel Swanson
Senior Policy Analyst
Clark County Board of Commissioners
1300 Franklin Street
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RE: Clark County WA – 122nd St (092421N) NOI Letter BNSF Response

Mr. Swanson:

BNSF is in receipt of the Clark County's ("County") letter dated January 25, 2012 containing the Notice of Intent ("Notice") for a proposed quiet zone at the following crossing: USDOT 092421N, 122nd Street. 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 County's use of the Rule should be used 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 understands that the City is considering the use of the Tuff Curb product for QZ treatments in lieu of raised concrete median channelization on the City streets, County roads, and State (TXDOT) highways. From watching the on-line "Product Videos" of the Tuff Curb product at <http://www.impactrecovery.com/products/tuff-curb1/> it shows vehicles easily driving over the delineators (knocking them down) with no damage to the vehicles and then the delineators raise back up. This product seems to be contradictory to the Quiet Zone treatment goal of deterring motorists from driving around the gates. Once a motorist drives over the delineators one time (or another motorists sees another car do it), they will realize that there is no challenge to prohibit such a violation. BNSF believes the City should install at a

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minimum concrete medians with 6-inch minimum height curbs for channelization, which provides a physical barrier to prevent drivers from attempting to drive around down gates. Please understand that BNSF is NOT supportive of the Tuff Curb product absent a 6" concrete curb.

We were disappointed to see the County's treatment described within the Notice. The on-site meeting with you and Mr. Schulte on September 28, 2011 left both John Shurson and me with the opinion that wayside horns and/or non-traversable medians were the consensus for the crossing's treatment. Additionally, we discussed safety concerns not addressed by the Rule, such as

- Grades to both approaches;
- Lane widths at the west bound approach;
- Site distances at both approaches due to geography and double-track rail traffic;
- Type of traffic use such as boat-launching activities.

In subsequent conversations with the County (January 31, 2012 phone conversation and a February 16, 2012 meeting), the County made it clear that the cost of proper safety treatment is the driving force in selecting the traversable medians as the quiet zone treatment for the crossing at 122nd. BNSF strongly believes traversable medians to be inadequate for the quiet zone.

Please forward the County's final engineering plans to BNSF Railway in the requested format previously shared on August 2, 2011. We are not trying to be difficult or confrontational. I am sure that you agree that public safety is a priority for all of us and we are simply bringing our public safety concerns to your attention.

If BNSF can be of further assistance, please feel free to contact me or Lyn Hartley, Public Projects Director for BNSF, 4515 Kansas Avenue, Kansas City, KS 66106 (Office phone 913-551-4540).

Regards,

A handwritten signature in black ink, appearing to read "Richard Wagner".

Richard Wagner
Manager Public Projects, BNSF

cc:
Kurt Laird



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