

TR-160319



Richard W Wagner  
Manager Public Projects  
NW Division – ID, WA & BC

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

206-625-6152  
206-625-6115 (fax)  
Richard.Wagner@bnsf.com

May 10, 2016

Cody Swan  
Engineering Technician III  
Whatcom County Public Works  
322 N. Commercial St., Suite 301  
Bellingham, WA 98225-4042

Joseph Rutan  
County Engineer/Assistant Director  
Whatcom County Public Works-4042  
322 N. Commercial Street Ste 301  
Bellingham, WA 98225-4042

2016 MAY 12 PM 1:59  
RECEIVED  
MANAGEMENT  
STAFF OF THE  
UTL AND TRAVEL  
COMMISSION

**RE: Whatcom County WA – Yacht Club Rd (084796F) NOI Letter BNSF Response**

Mr. Rutan:

BNSF is in receipt of the Whatcom County’s (“County”) Notice of Intent (“Notice”) dated March 11, 2016 for a proposed quiet zone (“Quiet Zone”) at the following crossing: Yacht Club Rd (084796F). 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. 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 writes this comment letter based in part upon requirements set by FRA in the Train Horn Rule (“Rule”) at 49 CFR 222.

BNSF understands that the County plans to use a mountable median for safety treatment in lieu of raised concrete non-traversable median channelization for this crossing. While no specifics are given on either the product or construction of the mountable medians, it is clear from watching the on-line “Product Videos” of the mountable median Tuff Curb at <http://www.impactrecovery.com/products/tuff-curb1/>, this product seems to be contradictory to the Quiet Zone treatment goal of deterring motorists from driving over the median and around the gates. BNSF believes the County should install, at a minimum, concrete medians with 6-inch minimum height curbs for channelization, which provide a physical barrier to prevent drivers from attempting to drive around down gates. Please understand that BNSF is NOT supportive of a mountable 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 Messrs. Swann, Hower, Donahue and Vandersypen in June 2015 left both John Shurson and me with the opinion that exit gates and/or non-traversable medians or a combination of the two treatments were the consensus for this 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;
- Types of daily traffic use;
- Drainage issues.

In subsequent conversations with the County since, the County made it clear that the cost of proper safety treatment is the driving force in selecting only the traversable medians as the quiet zone treatment for the crossing at Yacht Club Rd. BNSF strongly believes traversable medians to be inadequate for the west-bound approach and wholly inadequate on the east-bound approach for this quiet zone.

Please forward the County's final engineering plans to BNSF Railway. 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. The County is required to issue a Notice of Establishment for the quiet zone implementation. In the Notice of Establishment, the County should certify that the required SSMS have been constructed and comply with the requirements set forth in Appendix A of the Rule. Please ensure all proper advanced warning signage ("NO TRAIN HORN", etc.) will be installed. 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.

If BNSF can be of further assistance, please feel free to contact me or French Thompson, Public Projects Director for BNSF, 2500 Lou Menk Drive, OOB 3 FTW 76131 and the phone number to 817-352-1549.

Regards,

Richard Wagner  
Manager Public Projects, BNSF

cc: Kathy Hunter  
Deputy Assistant Director, WUTC  
1300 S. Evergreen Park Dr. SW  
P.O. Box 47250  
Olympia, WA 98504-7250

FRA Associate Administrator  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Chris Adams  
FRA Regional Manager  
500 Broadway, Suite 240  
Vancouver, WA 98660

cc via electronic mail:  
John Shurson, BNSF Railway  
French Thompson, BNSF Railway  
Nicole Hightower, BNSF Railway  
Jennifer Willingham, BNSF Railway