



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY (360) 586-8203

February 20, 2008

Paul Loveless, Town Administrator
Town of Steilacoom
1030 Roe Street
Steilacoom, WA 98388

**Re: TR-072417, Town of Steilacoom
Notice of Intent to Establish a Quiet Zone at Union Avenue and
Sunnyside Park**

Dear Mr. Loveless:

Commission staff concurs with the comments filed by John Li on behalf of BNSF Railway, dated February 8, 2008. A copy of BNSF Railway's comments and a copy of the e-mail referenced by Mr. Li are also attached to this letter.

Thank you for the opportunity to provide comments. Please contact Kathy Hunter at (360) 664-1257 or by e-mail at khunter@utc.wa.gov if you have any questions.

Sincerely,

Carole J. Washburn
Executive Secretary

Attachments

Cc: John Li, BNSF
Alvin Richardson, AMTRAK
Steven Berki, Union Pacific Railroad
Ahmer Nizam, WSDOT
Christine Adams, Federal Railroad Administration
Associate Administrator for Safety, Federal Railroad Administration



TR-072417



John Li
Manager, Public Projects

BNSF Railway Company
2454 Occidental Avenue South
Suite 1A
Seattle, WA 98134
208-625-6146 Office
John.li@bnsf.com

February 8, 2008

Mr. Paul Loveless
Town Administrator
1030 Roe Street
Steilacoom, WA 98388

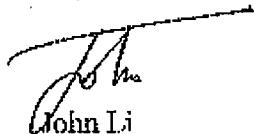
Re: Notice of Intent for New Quiet Zone at Union Avenue (DOT 085755E) and Public
Park Access (DOT 085754X) at Town of Steilacoom

Dear Mr. Loveless:

BNSF is in receipt of the Town of Steilacoom's (Town) Notice of Intent (Notice) to create a New Quiet Zone dated December 12, 2007. However, pursuant to the email correspondence we received from the FRA on February 5, 2008, FRA has determined this is not a quiet zone since the only public crossing is to be treated with a wayside horn.

Please feel free to call should you have further questions.

Regards,



John Li

cc: Kathy Hunter, UTC - Olympia, WA
Christine Adams, FRA - Vancouver, WA
Lyn Hartley, BNSF - Kansas City, KS
John Shurson, BNSF - San Bernardino, CA
Nicole Hightower, BNSF - Fort Worth, TX

Hunter, Kathy (UTC)

From: christine.adams@dot.gov
Sent: Tuesday, February 05, 2008 9:17 AM
To: john.li@bnsf.com; Hunter, Kathy (UTC); ralbritton@railroadcontrols.com
Cc: darryl.morrow@dot.gov
Subject: FW: Steilacoom QZ

As you can see by Ron Ries's response, you cannot create a qz if the public crossing within the boundary is treated with a wayside horn. The ped crossing cannot be silenced according to our rule. The city will have to work with the State.

From: Ries, Ronald <FRA>
Sent: Tuesday, February 05, 2008 9:04 AM
To: Adams, Christine <FRA>
Subject: RE: Steilacoom QZ

You are exactly right. If there is only one public crossing involved and it is treated with a wayside horn, then they are not establishing a QZ and we don't have role in the pedestrian crossing. They will need to deal with State law for the pedestrian crossing as our rules don't apply. Of course, reach out to the next public crossing and sandwich the pedestrian crossing to establish a QZ which means that they'd have to treat (in all likelihood) the second public crossing.

Since we don't require the sounding of the horn for the pedestrian crossing, FRA is out of the picture.

Ron

From: Adams, Christine <FRA>
Sent: Tuesday, February 05, 2008 11:57 AM
To: Ries, Ronald <FRA>
Subject: Steilacoom QZ

Hi Ron,
The plot thickens.....the highway-rail grade crossing associated with this qz is going to be treated with a wayside horn. Therefore, they cannot silence the horn at the ped crossing because they are not creating a qz. It is a one to one replacement. Am I correct? Is this a moot issue?