



U.S. Department of Transportation

Federal Railroad Administration

TR-120841

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 27 2012

Mr. Brian K. Carlson
Director of Public Works
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

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FOR MANAGEMENT
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STATE OF WASH
UTIL. AND TRAN
COMMISSION

Re: **THR-000761**, (U.S. DOT National Highway-Rail Grade Crossing Inventory Numbers: 090090W, 090091D, 090092K, 090093S)

Dear Mr. Carlson:

The Federal Railroad Administration (FRA) has reviewed the public authority application that you submitted on behalf of the City of Vancouver, Washington (City), as required by Title 49 Code of Federal Regulations (CFR) Section 222.39(b)–*Public authority application to FRA*. The City has requested FRA’s approval of the proposed alternative safety measures (ASM) at the 139th Avenue and 147th Avenue crossings.

The 139th Avenue crossing will consist of 56 feet of channelization devices on the south side of the crossing and 16 feet of channelization devices on the north side of the crossing. The City suggested an effectiveness rate of 0.45. FRA concurs with the analysis used to derive this estimate of effectiveness.

The 147th Avenue crossing will consist of 41 feet of channelization devices on the south side of the crossing and 16 feet of channelization devices on the north side of the crossing. The City suggested an effectiveness rate of 0.36. FRA concurs with the analysis used to derive this estimate of effectiveness.

Pursuant to 49 CFR § 222.39(b)(4)(ii), FRA hereby approves the application submitted by the City. FRA finds that implementation of the ASMs described above and the supplemental safety measure (SSM) at the 164th Avenue crossing will result in a Quiet Zone Risk Index of 27,129, which is below the Risk Index With Horns of 30,481 (the risk that would be present if the horns were still sounded).

FRA notes that the City previously applied for and obtained relief from the regulatory requirement in 49 CFR § 222.25(b)(1)–*How does this rule affect private highway-rail grade crossings?* This rule states that private highway-rail grade crossings that are located within New Quiet Zones and have been determined to allow access to the public must be treated in

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accordance with the recommendations of a diagnostic team. As part of FRA's review of this quiet zone application, FRA reviewed the regulatory relief that FRA's Railroad Safety Board granted by an April 12, 2011, letter and determined that the conditions previously imposed as part of that relief continue to be sufficient and necessary.

Therefore, prior to the establishment of a quiet zone, the City must comply with the conditions imposed in FRA's April 12, 2011, decision letter. Accordingly, after successful installation of the proposed ASMs and SSM, and compliance with all applicable quiet zone requirements contained within 49 CFR §§ 222.25, 222.27—*How does this rule affect pedestrian grade crossings?*, and 222.35—*What are the minimum requirements for quiet zones?*, the City may submit its Notice of Quiet Zone Establishment in accordance with the requirements of 49 CFR § 222.43—*What notices and other information are required to create or continue a quiet zone?*

If you would like to discuss FRA's decision, the FRA point of contact for this issue is Mr. Ron Ries, Staff Director, Highway-Rail Grade Crossing Safety and Trespass Prevention Programs. Mr. Ries may be contacted at (202) 493-6285 or Ronald.Ries@dot.gov.

Sincerely,

Tom Mc Farlin for

Jo Strang

Associate Administrator for Railroad Safety/Chief Safety Officer

cc: Ms. Katherine Hunter, Washington Utilities and Transportation Commission
Ms. Mary A. Kellogg, Property Owner
Mr. and Mrs. Ralph and Mary Jacob, Property Owners
Mr. and Mrs. Joseph Leas and Julianne Ament-Leas, Property Owners
Mr. Kurt Laird, Amtrak
Ms. Kathy Marshack, Property Owner
Mr. Ahmer Nizam, Washington Department of Transportation
Mr. John Shurson, BNSF Railway
Mr. Richard Wagner, BNSF Railway