

Greetings:

Thank you for your comments to City Council concerning train noise. I have been asked to provide information on potential noise mitigation. I understand your concerns, and we have heard from a number of other residents on this issue.

The city is working with the Regional Transit District (RTD) to explore the implementation of quiet zones. As you may know, the railroad tracks in our area are owned and operated by the Burlington Northern Santa Fe Railroad (BNSF). The sounding of train horns at crossings is regulated by federal rules from the Federal Railway Authority (FRA). We understand that train horn noise may have increased recently, despite the number of trains passing through our community remaining fairly stable (about seven per day). This is due to new federal rules, which were adopted in 2005, governing the blowing of horns at crossings. Previously, the blowing of train horns had been governed by state and local rules. The new federal rules require that all trains sound horns at between 96 and 110 decibels at all public crossings. You may wish to contact BNSF for clarification and further explanation on its current freight operations and use of horns. <http://www.bnsf.com/communities/contacts.html>

In the same 2005 rulemaking process, the FRA established a process by which local governments can establish “quiet zones,” which remove the requirement for train operators to routinely sound their horns at crossings. Information concerning quiet zones is available at <http://www.fra.dot.gov/us/content/1318>.

The city has assembled a staff team to explore quiet zones. There are several elements to consider, including the application process, liability and safety issues, required physical improvements and the associated cost, and the need for cooperation between agencies. The city is working closely with RTD because the launch of FasTrack’s commuter rail service (called the Northwest Rail) will bring significantly more trains to Boulder, possibly as soon as 2015.

The quiet zone application process requires cooperation between the city, BNSF, the FRA, the Colorado Public Utilities Commission, RTD and others. The quiet zone rules stipulate that the entity that controls the roadway at the crossing is the one who must apply for quiet zone status. There are 10 railroad crossings in the stretch of rail line that runs through the Boulder area between 63<sup>rd</sup> & Arapahoe and Gunbarrel. Five of those are on roadways controlled by the city of Boulder and the other five are on Boulder County roads. A quiet zone must be at least a half mile in length, so a collaborative effort between the city and the county will likely be necessary to effectively address horn noise in our area.

The city must consider liability issues as well. When a quiet zone is established, liability for any accidents in the quiet zone is shifted from the railroad owner or transit operator to the local government. The City Attorney’s Office and the city’s risk management team are exploring this aspect. Since quiet zones are relatively new, little case law has been established to date. FRA and railroad documentation indicate that quiet zones may increase the likelihood of accidents at a crossing. In its consideration of establishing quiet zones, City Council will need to weigh the trade-offs and consider the costs of assuming liability.

The establishment of quiet zones usually requires major physical improvements to crossings, such as enhanced warning circuitry, a special type of traffic control gating, extended medians and other “supplemental safety measures.” Denver is exploring a quiet zone at one crossing, and is estimating it will cost \$300,000 for the necessary improvements. Other communities put the cost of establishing a quiet zone at between \$250,000 and \$500,000 per crossing if significant infrastructure is required, which will be likely at Boulder’s crossings. To date, the city of Boulder has not budgeted any funding toward these types of improvements.

The city is working closely with RTD FasTracks to explore the establishment of quiet zones in conjunction with the coming of Northwest Rail commuter trains. RTD is undergoing a planning process for the Northwest Rail. One element of the analysis includes the identification of noise impacts and appropriate measures to mitigate those impacts. The public is invited to participate in this planning process, which is scheduled to wrap up in late 2009. More information is at [http://www.rtd-fastracks.com/nw\\_1](http://www.rtd-fastracks.com/nw_1).

In October 2007, the RTD board of directors adopted “the Responsible Rail Amendment.” The amendment commits RTD to working closely with communities to understand and implement quiet zones. More information is available at <http://www.johntayer.org/2007/10/13/the-responsible-rail-amendment/>.

RTD, as part of its FasTracks planning for the Northwest Rail commuter service, is in the process of inventorying all the crossing on the FasTracks system in order to identify the improvements that would be needed to bring the crossings up to quiet zone standards. Estimates of train noise expected from the FasTracks service are also being prepared by RTD. These two pieces of work will determine RTD’s level of involvement and investment in the establishment of quiet zones along the corridor. We expect this first phase of work to be completed by the end of summer 2009.

The Boulder City Council discussed quiet zones in January 2008 as part of the Northwest Rail planning process. Council adopted guidelines clarifying city policy and positions. As part of this document, council strongly encouraged RTD to provide the necessary improvements to enable quiet zones to be established along the corridor. This document can be found at [http://www.bouldercolorado.gov/files/Transportation/Projects/nwrail\\_councilguides\\_0108.pdf](http://www.bouldercolorado.gov/files/Transportation/Projects/nwrail_councilguides_0108.pdf)

The city has established a “frequently asked questions” Web site on train horn noise. Go to [www.bouldertransportation.net](http://www.bouldertransportation.net) and look for "Quiet Zones" under the "Projects" button.

I hope this explanation has been helpful. Please contact me at 303-441-4155 or via e-mail if you have further questions.

Sincerely,

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