

## Railroad Quiet Zone Standard Response – Revised: Oct. 1, 2012

Greetings:

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

The railroad tracks in Boulder 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. 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/contact-us/>

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 associated costs, and the need for cooperation among agencies.

City staff has been following this issue for many years and working with Regional Transportation District (RTD) and other partners to understand the processes, costs and infrastructure requirements for implementing quiet zones. The following is a list of several RTD studies regarding quiet zones:

- The city is working closely with RTD, the regional transit provider, because the launch of RTD’s FasTracks commuter rail service (called the Northwest Rail) will bring significantly more trains to Boulder. The start date for this service could be as early as 2019, or as late as after 2030, depending on funding availability.
- In October 2007, the RTD board of directors adopted “the Responsible Rail Amendment,” which committed RTD to working closely with communities to understand and implement quiet zones as part of FasTracks improvements. More information is available at <http://www.johntayer.org/2007/10/13/the-responsible-rail-amendment/>.
- The Boulder City Council discussed quiet zones in January 2008 when it adopted guidelines clarifying city policy and positions on the Northwest Rail. 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)
- In accordance with the Responsible Rail Amendment, RTD completed a detailed noise and vibration analysis of crossings along the corridor as part of the Northwest Rail

Environmental Evaluation (EE). Based on this analysis, RTD has committed to completing the infrastructure improvements necessary to implement quiet zones at 8 of the 10 crossings in the Boulder area. RTD's analysis found that the noise impacts at the crossings at 55<sup>th</sup> Street and at north 63<sup>rd</sup> Street in Gunbarrel were not significant enough to justify quiet zone implementation. On the other crossings, RTD identified the improvements that would be needed to bring the crossings up to quiet zone standards. This information is included in the draft EE for the Northwest Rail, section 3.8, available at [http://www.rtd-fastracks.com/nw\\_64](http://www.rtd-fastracks.com/nw_64). In commenting on the draft EE in the spring of 2010, the City of Boulder requested that all crossings be upgraded to be quiet zone compliant, and that RTD strengthen its commitment to quiet zones. These comments are available at [http://www.bouldercolorado.gov/index.php?option=com\\_content&task=view&id=6549&Itemid=2052](http://www.bouldercolorado.gov/index.php?option=com_content&task=view&id=6549&Itemid=2052)

- RTD is planning to construct quiet zone improvements along much of the Northwest (NW) Rail corridor when and if it is built. The city continues to work with RTD and the other agency partners to bring rail and its associated improvements to the corridor within a more reasonable timeline than currently proposed.
- Additionally, RTD is expected to launch a study this fall (2012) to evaluate NW Rail, including potential rail service to Longmont via the North Metro Line, which would remove the Diagonal segment of NW rail and focus on bus rapid transit service options throughout Boulder County. The outcome of such a study would inform the future scale and scope of RTD's commitment to quiet zone improvements in and near the City of Boulder.

The city understands that train horn noise associated with existing freight traffic along the BNSF corridor impacts the quality of life for residents in the area. While RTD's transit studies are welcome, the train noise will persist regardless of the outcome of a regional transit plans.

Given this reality, the city is currently working to refine cost estimates for implementing quiet zones at the 10 railroad crossings in and near the City of Boulder (this includes four crossings located in Boulder County). This work will provide a clearer picture of the actual needs at individual crossings and will allow us to work strategically with agency partners, including RTD and the Colorado Department of Transportation to implement quiet zone improvements incrementally over time if funding sources become available. Cost estimates are expected to be complete by fall of this year (2012) and will be provided as an informational item for future consideration locally and regionally.

Currently, the city's Capital Improvement Program (CIP) doesn't include funding to implement quiet zones. While quiet zone improvements were considered by the Capital Investment Strategy Committee for last year's Capital Improvement Bond ballot item, they were not ranked high in the project selection process.

Applying for quiet zones would require cooperation between the a multitude of agencies, including the city, Boulder County, BNSF, the FRA, the Colorado Public Utilities Commission, RTD and others. 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> Street, Arapahoe Avenue 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 Boulder.

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.

Given the uncertain build out schedule of RTD's FasTracks improvements along the BNSF rail corridor, the city cannot provide a definitive timeline for the implementation of quiet zones in Boulder. Considering the possibility that commuter rail service may come as late as 2030 or beyond, the city will continue to consider other possible funding sources and opportunities to help bring quiet zones to Boulder in advance of RTD's planned investment.

The city has established a "frequently asked questions" website 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 email if you have further questions.

Sincerely,

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