



U.S. Department
of Transportation

**Federal Railroad
Administration**

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CITY ATTORNEY'S OFFICE
CITY OF RICHMOND

1120 Vermont Ave., N.W.
Washington, D.C. 20590

2007 JAN 11 A 10: 35

Via Facsimile to (817) 352-2399 and U.S. Mail

JAN 5 2007

Mr. Paul R. Hoferer
Vice-President and General Counsel
BNSF Railway Company
2500 Lou Menk Drive
Fort Worth, Texas 76131

Re: West II Quiet Zone in Richmond, CA

Dear Mr. Hoferer:

The Federal Railroad Administration (FRA) is in receipt of the Notice of Quiet Zone Establishment for the West II corridor in the City of Richmond, California (City), which has previously been sent by the City to the BNSF Railway Company (BNSF). FRA understands that BNSF has raised questions as to whether the establishment of this quiet zone complies with the requirements of 49 CFR Part 222 (Part 222). Specifically, we understand that BNSF believes that the gate tip gap at Canal Boulevard is more than one foot, that constant warning time circuitry should be installed at the Canal Boulevard and Cutting Boulevard crossings, and that the City should provide engineering stations. Mr. Ron Ries, FRA's Staff Director of the Highway-Rail Grade Crossing Safety and Trespass Prevention Programs Division, specifically responded to these issues in his January 4th e-mail to Ms. Nicole Hightower of your office. In summary, FRA believes that these issues have been adequately addressed and that the City is in substantial compliance with the provisions of Part 222.

Inasmuch as a quiet zone has been established in accordance with Part 222, BNSF is required to comply with the requirements of that regulation. Therefore, locomotive crews should cease routine sounding of the locomotive horns in this quiet zone, except in those situations permitted by Part 222. BNSF is subject to assessment of civil penalties in the event it fails to comply with the requirements of Part 222.

If you have any further questions, please contact Ms. Melissa Porter, Trial Attorney, at (202) 493-6034.

Sincerely,

Mark Tessler
Assistant Chief Counsel for Safety

cc: Carlos A. Privat, City of Richmond