



July 22, 2016

The Honorable Kevin Yoder
215 Cannon House Office Building
United States House of Representatives
Washington, D.C. 20515

Re: Federal Railroad Administration (FRA) Proposed Rule: Safety Inquiries: Use of Locomotive Horns at Public Highway-Rail Grade Crossings; Train Horn Rule (49 CFR Part 222)

Dear Congressman Yoder:

The Federal Railroad Administration (FRA) recently closed its public comment period regarding the "Train Horn Rule" for public railroad crossings. Several municipalities and the National League of Cities responded to this call for comments. We are reaching out to you for support in continuing the dialogue between the FRA, railroads, and cities across the country; and to help you understand some of the challenges we face in potentially implementing a Quiet Zone in Lenexa.

The Train Horn Rule established new requirements for sounding locomotive horns at rail crossings – moving to a time-based method. Prior to 2005, the procedure for sounding horns at rail crossings was distance-based. Provisions for Quiet Zones were also included in the Rule, but only if specific criteria were met. These regulations were adopted to make rail crossings safer. However, the Rule has also resulted in some detrimental unintended consequences.

During recent strategic planning sessions for Old Town Lenexa, several citizens voiced concerns about train noise (specifically the horns) in the area. Homeowners felt the noise may lead to decreased property values, and business owners expressed concerns with attracting and retaining customers because of the noise. Results from the planning sessions, an online forum, and a community survey indicate that citizens strongly support establishing a Quiet Zone for the BNSF railway at this location. However, implementation of a Quiet Zone is problematic because of cost and flexibility. Our concerns with current Quiet Zone regulations encompass three essential considerations:

1. The cost to install a Quiet Zone is not realistic for most municipalities.
 - a. As early as 2005, the City of Lenexa explored the implementation of a Quiet Zone within Old Town Lenexa with BNSF and KDOT. The cost estimate at that time was in excess of \$1 million to install the required safety improvements, plus \$10,000 per year in maintenance. Fast forward ten years, and while the Old Town Lenexa study participants listed Quiet Zones as a high priority, they did not believe that the benefits would outweigh the cost of diverting tax dollars away from other critical city services.
 - b. We hope the outcome of the discussions between the FRA, railroads, and cities allows us to consider new alternatives to the handful of prescribed methods

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included in current FRA regulations. We wish to explore innovative strategies to reduce the cost of Quiet Zone improvements for taxpayers.

- c. However, if alternatives are not feasible at this time, we hope to develop some method of financial assistance or partnership between the parties to help address the cost of mitigating train horn noise in our communities.
2. Continued research in Quiet Zone technology is needed.
 - a. Current technology is cumbersome and outdated. There are alternatives which may be more cost-effective to implement, easier to manage, and safer.
 3. Above all else, the safety of the public is paramount.

Furthermore, the current Train Horn Rule also leaves little leeway for communities to address unique physical constraints and technological capabilities with the wishes of home and business owners. As a participant in the annual Community Days Parade on Independence Day, you know first-hand the challenges we face – especially at the intersection of Pflumm Road and Santa Fe Trail Drive, where the railroad right-of-way is only a few feet from Santa Fe Trail Drive – in meeting the prescribed safety requirements.

We were pleased to see the FRA is open to new solutions; and our situation is much the same as other communities across America. Trains are necessary for commerce and a strong economy, but train horn noise is a negative factor in our Old Town Lenexa redevelopment efforts and impacts the quality of life of our residents. We urge you to work with the Kansas congressional delegation and your colleagues in the House of Representatives to help facilitate changes to the FRA rule to provide more flexibility to address individual local conditions while maintaining a high degree of safety at our railroad crossings. We appreciate your consideration in this matter and encourage you to contact us should you have specific questions about our particular circumstances.

Sincerely,

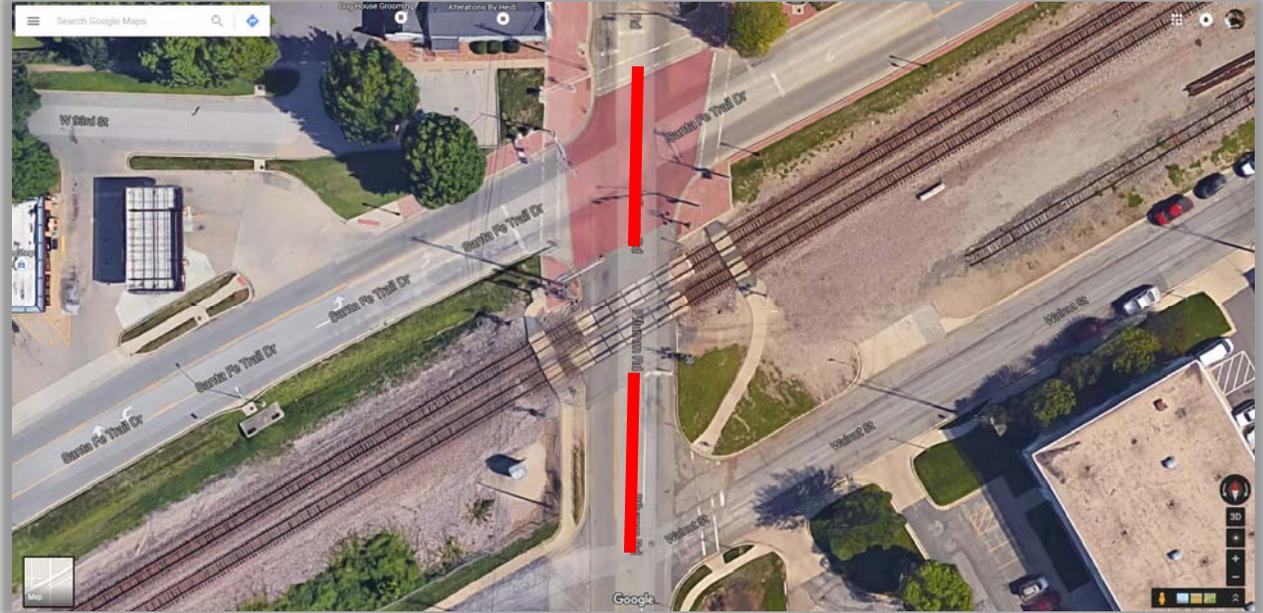
CITY OF LENEXA

A handwritten signature in black ink, appearing to read "M. Boehm", with a horizontal line extending to the right.

Michael A. Boehm,
Mayor

Santa Fe Trail Drive & Pflumm Road

The length of a median needed to provide a two-zone, gated intersection here – one option for a Quiet Zone designation – would likely exceed 60 feet, given the traffic volumes at this intersection. This length would be impossible given the intersection’s geometry and proximity to the rail line and other streets.



Santa Fe Trail Drive & Noland Road

The length of a median needed at this intersection for the two-zone, gated Quiet Zone would also likely exceed 60 feet. That approximate length is shown in red. This solution would also be problematic, given the proximity to adjacent streets.

