

Rock Creek Hills Citizens' Association

Kensington, MD 20895



www.rchca.org

August 28, 2007

Subject: Request for assistance to finally resolve six-year effort to obtain relief from excessive Train Horn Noise at Forest Glen/Linden Lane rail grade crossing.

Dear US Representative Van Hollen, US Senator Mikulski, and US Senator Cardin, Senator Madaleno, Delegate Gutierrez, Delegate Waldstreicher, Delegate Lawton, County Executive Leggett, Councilmember Ervin, Councilmember Leventhal, Councilmember Elrich, Councilmember Floreen, Councilmember Trachtenberg:

The purpose of this letter is to request your assistance and bring a final resolution to this long standing problem in our community. Letters requesting such help have now been forthcoming over the years from three separate citizens' associations (Rock Creek Hills, Capitol View Park, and Linden Civic) plus a homeowners' association (Rock Creek Hills). We also gathered 390 signatures in a May 2001 petition in which residents requested adoption of a Quiet Zone as permitted under Federal Law (Swift Rail Development Act of 1994.)

Background:

The quality of life for communities like ours, in close proximity to rail grade crossings, is severely and adversely affected by the extremely loud sounding of train horns, day and night. After working with the Montgomery County's DPWT, a formal study was performed in March 2006 in which alternative solutions were recommended. Although community residents would prefer to have a full Quiet Zone solution as provided for under Federal rules, we were willing to accept an alternative, cost-effective solution proposed in that study.

The full Quiet Zone solution, under Federal Railroad Administration (FRA) rules, would allow substitution of alternative safety measures such as four-quadrant gates that would be used in lieu of trains blowing their horns. Currently, train horns must be heard at a minimum of 96 decibels while approaching the rail-grade crossing from either side, creating a large area "soundprint". The Wayside Horn solution, also referenced in FRA rules, may be adopted within a Quiet Zone. However, instead of silencing train horns completely, it substitutes for train mounted horns with a quieter (minimum of 92 decibels) site-mounted horn that blows directly toward the road crossing, resulting in a softer, much more contained "soundprint". **The cost of the Wayside Horn solution was estimated in the County study to be around \$64,000 vs. about \$500,000 for the full Quiet Zone solution involving four quadrant gates.**

Based on our concurrence with the DPWT-proposed solution, then-Councilmember Silverman sent a letter in July 2006 requesting DPWT to work toward resolution based on the Wayside Horn. On October 18, 2006, the State Highway Administration (SHA) wrote CSX Transportation (the rail company owning the track right-of-way), offering to fund this project under its Highway-Rail Crossing Safety Program, contingent upon the concurrence of CSXT. After no response by CSXT, and upon our prompting, SHA wrote a second letter to CSXT on March 7, 2007. In its March 15, 2007 response, after raising a number of issues, CSXT wrote the following statement:

“Subject to CSXT requirements, CSXT will allow wayside horns to be placed upon our right-of-way when necessary”.

SHA responded on April 17, 2007, saying that they “...will work ...on the actual design and construction as you have directed”.

However, speaking with SHA in late August, four months later, I was told that CSX is stalling, and keeps raising more issues. It appears now that CSX is unlikely to do anything further unless compelled to do so. Based on my experience with CSX, including a first letter back in 2001, I strongly believe that this is true.

SHA informs me that they cannot compel CSX' cooperation on this matter. Needless to say, we are quite disappointed that SHA acts as if it has no leverage with CSX. It appears that SHA and CSX both just wish this problem will go away if they wait long enough.

Action Requested:

Although residents living in close proximity to the Forest Glen rail grade crossing would certainly prefer the Quiet Zone solution, we understand that budgetary considerations always are important. That is why we accepted having the Wayside Horn as a cost-effective alternative. However, if the element of compulsion is necessary to obtain CSX' cooperation, and if the only way to compel CSX to cooperate is by having this area formally designated as a Quiet Zone, thus bringing in the Federal Railroad Administration, then we request that the Quiet Zone solution be implemented. If need be, we are prepared to engage in another petition drive to show once again that citizens strongly wish to obtain train noise relief.

After over six year years of community requests for noise relief, we are asking our public officials to make this a high priority and move with dispatch to bring it to a satisfactory resolution.

Thank you very much for your consideration.

Sincerely,

Joseph I. Rosenberg, President
Rock Creek Hills Citizens' Association
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cc:

Mr. Bill Warren, President, Linden Civic Association
Ms. Elizabeth Tebow, President, Capitol View Park Citizens' Association
Mr. George Edler, President, Rock Creek Hills Homeowners Association
Mr. Neil Pedersen, Administrator, Maryland State Highway Administration
Mr. Arthur Holmes, Jr., Director, Montgomery County Department of Public Works and Transportation

Note: Copy of Montgomery County DPWT Study is being sent via email