

Rock Creek Hills Citizens' Association

Kensington, MD 20895

www.rchca.org



January 9, 2010

Senator Ben Cardin,
509 Hart Senate Office Building,
Washington, DC 20510

Representative Christopher Van Hollen
51 Monroe St., Suite 507
Rockville, MD 20850

Subject: Request for Help Regarding Quiet Zone Application for Forest Glen Road-Linden Lane Rail Crossing in Silver Spring

Dear Senator Cardin and Representative Van Hollen:

In October 2007, you (Senator Cardin) had correspondence on this issue with then-Secretary of Transportation Porcari as well as with Catherine Bocskor, President of Forest Estates Homeowners' Association. Her association and mine, along with seven other civic and homeowners associations plus three other local organizations have all requested that our elected officials help achieve train horn noise relief by means provided for under Federal Railroad Administration (FRA) rules. While it had appeared that this issue was moving towards a successful resolution (however glacially), recent developments may negate almost nine years of effort and leave our impaired quality of life unchanged. That is why we would like once again to request your help.

A brief recap where we are on this issue: As a first tangible step toward resolution, during the summer of 2009, the Montgomery County DOT installed lane separators (also called median barriers). This technology is an FRA-approved safety measure, since it prevents foolish drivers from driving around the lowered gate arm when a train is crossing. After this installation, County DOT then sent letters of intent to establish a Quiet Zone (QZ) to all relevant parties, as required by FRA. Unfortunately, Maryland DOT wrote a letter On October 9 saying that they do not support having a QZ here despite the installation of FRA-approved safety measures (see Attachment 1). This latest response by MDOT was surprising because in October 2007, then-MDOT Secretary Porcari wrote to you (Senator Cardin) saying that while it didn't support the QZ, it would pass along the QZ application to FRA taking a "neutral position" (see Attachment 2).

Since State DOT has ultimate jurisdiction over highway safety and must forward to FRA the County DOT's request to establish a QZ, its current position may be a fatal blow to achieving train horn noise relief. A County DOT official has made some efforts to discuss this issue with State DOT officials, asking them to uphold their prior commitment to taking a neutral position in this process. It's also unclear how much weight FRA will place on any State DOT objection that is based on simple opposition to the concept of Quiet Zones, as opposed to the specific facts of this case. In the most recent study conducted by County DOT, using the FRA's own Quiet Zone Risk Index measured at the site in question, it shows the benefit of a **75% reduction in risk vs. the status quo** by placing lane separators/median barriers leading up to the tracks (see Attachment 3). This technology has been proven to deter cars from driving around the lowered gate arm, hence the lowered risk index, vs. a status quo of trains blowing horns but with no lane separators/barriers in place.

Your help is needed now: The bottom line is that the QZ effort remains in a critical phase. Any assistance that you can provide in urging MDOT to pass along the QZ application with a neutral position, as previously committed to, would be greatly appreciated. We have also been in touch with our District 18 Maryland state delegation asking for their help as well.

Thanks in advance for whatever assistance you can provide.

Sincerely,

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

Attachments

CC:

Civic and Homeowners' Associations:

Shelly Bock/Betsy Tebow, **Capital View Park Citizens' Association**
Catherine Bocskor, President, **Forest Glen Station Homeowners' Association**
Trent Wojtacha/Catherine McDermott, **Glen Manor Condominium Association**
Bill Warren/Francine Brailsford, **Linden Civic Association**
Shawn Marie Jarosz/Adam Pagnucco, **Forest Estates Community Association**
Bruce and Bonnie Rosenthal, **Glen Briar Condominium Association**
Bruce McLendon/George Edler, **Rock Creek Hills Homeowners' Association**
Brian Jackson, **The Neighborhoods of EYA (on behalf of National Parks Seminary)**

Other:

Peter Fosselman, Mayor, **Town of Kensington**
Donna Savage, **Coalition of Kensington Communities**
L. Blaine Charak, **Mid-County Citizens Advisory Board**