

September 8, 2017

Mr. Robert C. Lauby, P.E.
Associate Administrator for Railroad Safety
Chief Safety Officer
Federal Railroad Administration
1200 New Jersey Ave., S.E.
Washington, DC 20590



Docket Number FRA 2016-0028
Request For Permanent Waiver

Dear Mr. Lauby:

Please accept this letter requesting relief from operational restrictions in the current waivers with respect to the Eagle Project University of Colorado A-Line, and B-Line, and the alternative establishment of a permanent waiver as policy guidance for FRA inspectors in the application of 49 CFR 234.225.

49 CFR 234.225, *Activation of warning system*, provides: "A highway-rail grade crossing warning system shall be maintained to activate in accordance with the design of the warning system, but in no event shall it provide less than 20 seconds warning time for the normal operation of through trains before the grade crossing is occupied by rail traffic."

Specifically, RTDC refers to the language, "maintained to activate in accordance with the design of the warning system."

Based on previous written guidance from FRA Region 6 office, RTDC was advised that FRA has historically applied this requirement based on a "significant difference" from the specified prescribed warning time at the crossing. FRA has stated that a "significant difference" would be identified as ± 5 seconds or $\pm 10\%$. These traditional allowances are not readily applicable or appropriate based on the design of the system utilized on the Eagle Project.

RTDC requests a permanent waiver, or similar statement of policy to FRA inspectors that may be relied upon by RTDC and its operator, that would apply a more appropriate application of 49 CFR 234.225 based on the unique design of the Eagle Project signal activation system. The following wording is proposed:

"The application of 49 CFR 234.225 would not consider activations that occur within a 20 second window, with activation occurring within "5 seconds before and 15 seconds after" the programmed warning time, to be "significant differences" from the programmed warning time for each crossing, as established by the Colorado Public Utility Commission."

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Should you have any questions or require additional information regarding this matter, please contact the undersigned.

Thank you for your consideration.

Sincerely,



Henry J. Stopplecamp, P.E.
Assistant General Manager, Capital Programs
Regional Transportation District
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