

RESOLUTION # _____

RESOLUTION REQUESTING QUIET ZONE AT PRIVATE RAIL CROSSING

WHEREAS, there is a private railroad crossing near Exit 55 off I-40 in East Asheville identified by Norfolk Southern as Crossing 951131D;

WHEREAS, only a billboard sign and MSD sewer lines are located in that area accessed by the private crossing, and when MSD worked to update some of its infrastructure in the area MSD was required to negotiate a private crossing agreement with Norfolk Southern in late 2018, and trains now blow their horns every night;

WHEREAS, a group of four hotel owners on Tunnel Road near Crossing 951131D have tried to negotiate a resolution with the railroad without success, and they have now hired The Van Winkle Law Firm to ask that the County Commissioners adopt a resolution to request that Norfolk Southern establish a quiet zone at this crossing;

WHEREAS, information provided indicates the quiet zone impetus is typically triggered by a public crossing conflicting with nearby residences or businesses; Federal regulations require safety measures be taken for public crossings; However, Norfolk has informed the hotel owners that its standards expands beyond federal guidance to blow horns at every crossing- private or public;

WHEREAS, counsel for MSD has indicated that they have no objection to a quiet crossing at this location so long as their right of access is preserved;

WHEREAS, this Board is advised that railroads have general responsibility to protect the traveling public at crossings; and

WHEREAS, this Board is of the opinion that if a quiet zone can be safely placed at Crossing 951131D then this Board will support this request.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That this Board requests the establishment of a quiet zone by Norfolk Southern at Crossing 951131D consistent with this resolution and directs its County Attorney's to assist as reasonably necessary.
2. That no Buncombe County funds will be expended in this matter.

3. That all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
4. That this resolution shall be effective upon its adoption.

This the 21st of March, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney