



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 3/21/2023

New Business

Department: Legal

Presenter(s): Michael Frue

Contact(s): Michael Frue, Senior Staff Attorney

Subject: Resolution Requesting Quiet Zone at Private Rail Crossing

Brief Summary: A group of four hotel owners on Tunnel Road near East Asheville exit #55 off Interstate 40 have hired The Van Winkle Law Firm to ask that the County Commissioners adopt a resolution to request that Norfolk Southern establish a quiet zone related to Crossing 951131D. These hotels are in close proximity to this crossing which is a private crossing serving as limited access to a small number of parcels: a billboard sign and MSD lines are located in that area. Norfolk Southern was notified of MSD's use of the crossing in 2019 and per Federal Railroad Administration guidelines Norfolk was required to have its trains blow their horns. Trains use the line regularly while the crossing itself is rarely used. The resulting noise obviously conflicts with the various lodging facilities and the guests that are trying to sleep.

This request does not commit any County funding.

MSD indicates they have no objection to a quiet crossing at this location so long as their right of access is preserved.