

THE “TRAIN HORN RULE” Frequently Asked Questions

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1. General

1.1 Why has FRA issued this rule?

FRA is required by law (49 U.S.C. 20153) to issue regulations that require trains to sound a locomotive horn while approaching and entering upon public crossings. The law also permits FRA to issue rules providing exceptions to that requirement to enable communities to create quiet zones in which locomotive horns are not routinely sounded at grade crossings. The rule promotes quality of life by permitting the silencing of locomotive horns at grade crossings while at the same time ensuring that safety is maintained at those crossings.

1.2 What effect will the rule have on the environment?

The Interim Final Rule will have highway-rail grade crossing safety and noise effects. The Final Environmental Impact Statement (FEIS) describes the expected increase in safety at highway-rail at-grade crossings and changes in noise from locomotive horns. The maximum horn sound level (*Section 229.129*) and the horn sounding requirements (*Section 222.21*) will reduce noise at all of the approximately 150,000 public crossings nationwide where locomotive horns are presently used.

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The establishment of New Quiet Zones will also result in less noise from locomotive horns. If a community that currently has a whistle ban chooses *not* to establish a quiet zone, the horn sounding requirement would result in an increase in local noise levels. The number of persons potentially impacted in each whistle ban community is reported in the FEIS. Because the Interim Final Rule provides an opportunity for affected communities to convert pre-existing whistle bans to Pre-Rule Quiet Zones (*Section 222.41*), most of these communities are expected to establish quiet zones.

1.3 When will the rule be effective?

The rule will take effect on December 18, 2004. However, the compliance schedule for communities with existing whistle bans allows them 5 years to fully implement the new rule (until December 18, 2008), and up to 8 years if a state agency is assisting one or more communities.

The one-year time period is based on the statutory requirement that any regulations issued under 49 U.S.C. 20153 (the section of the United States Code that requires this rulemaking) shall not take effect before the 365th day following the date of publication of the final rule.

1.4 Does this mean that communities wanting new quiet zones cannot progress them during the first year?

No. Communities seeking to establish New Quiet Zones are encouraged to thoroughly investigate the options available to them under the rule. FRA will be working with public authorities and reviewing applications for quiet zones in order to permit communities to institute quiet zones at the *earliest* possible date after the one-year required period has elapsed. Accordingly, **FRA will accept quiet zone applications from public authorities during the one-year period commencing with publication of the rule.** While this interval should enable public authorities to begin planning, they should also be aware that the final rule may contain changes based on comments in response to this interim final rule. FRA will make every effort to issue a final rule expeditiously after the close of the comment period.

Please note that under limited circumstances quiet zones are already permitted in certain States. FRA will work with state authorities, communities and railroads to ensure continuity if New Quiet Zones established under state law meet the requirements of the rule.

1.5 Can a railroad prohibit the establishment of a quiet zone?

No. Under this Interim Final Rule only public authorities have the authority to establish quiet zones.

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FRA appreciates the role that railroads must play in establishing quiet zones, from possible installation of Supplementary Safety Measures to providing updated information for the National Grade Crossing Inventory. We anticipate that railroads will work with public authorities in designing appropriate and cost-effective quiet zones.

While the rule does not specifically require that a railroad provide access to its property to accommodate the installation of equipment such as four quadrant gates, we expect that railroads will continue to cooperate with local and state authorities for the installation of grade crossing safety improvements. The fact that the reason for installation of such improvements is the creation of a quiet zone does not impair any authority available under state law for a state agency to order installation of those improvements.

Once a public authority establishes a quiet zone under the terms of this rule, the railroad is legally prohibited from sounding the locomotive horn at crossings within the quiet zone unless otherwise permitted in the rule (i.e. during emergency situations).

2. Creating Quiet Zones

2.1 What is a quiet zone?

A quiet zone is a section of a rail line that contains one or more consecutive public crossings at which locomotive horns are not routinely sounded. This rule describes the requirements that communities must meet in order to implement a quiet zone. (*Section 222.9 - definition of a quiet zone*)

2.2 How long can a quiet zone be?

There is no maximum length for a quiet zone. However, for New Quiet Zones the rule establishes a minimum length of at least ½ mile along the length of railroad right-of-way. The length of a Pre-Rule Quiet Zone may continue unchanged from that which existed as of October 9, 1996. (A Pre-Rule Quiet Zone that is greater than ½ mile may be reduced in length to not less than ½ mile and still retain its pre-rule status. However, it can not be increased in length and still retain its pre-rule status.) (*Section 222.35(a), Minimum length.*)

2.3 Are there minimum engineering standards that must be in place in order to create a quiet zone?

Yes. New Quiet Zones must have active (automatic) grade crossing warning devices comprising both flashing lights and gates at all public highway-rail grade crossings. Pre-Rule Quiet Zones must retain, and may upgrade, the grade crossing warning system in place as of December 18, 2003.

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Each highway approach to every public and private grade crossing within a Pre-Rule Quiet Zone or New Quiet Zone must have an advance warning sign that advises motorists that train horns are not sounded at the crossing. (*Section 222.35*)

2.4 What are Supplemental Safety Measures (SSMs), and how are they to be used within a quiet zone?

SSMs are engineering improvements, that when installed at crossings within a quiet zone, would reduce the risk of a collision at the crossing. SSMs are installed to reduce the risk level either to that which would exist if the train horn were sounded (i.e., compensating for the lack of the train horn) or to a level below the Nationwide Significant Risk Threshold (NSRT). SSMs approved for use include:

1. Temporary closure of a public highway-rail grade crossing (i.e. nighttime closure)
2. Four-quadrant gate systems
3. Gates with medians or channelization devices (traffic separators)
4. Conversion of a two-way street into a one way street with gates(s)

(Please refer to Appendix A)

2.5 What is an Alternative Safety Measure (ASM)?

Appendix B addresses two types of ASMs: modified SSMs and non-engineering ASMs.

Modified SSMs are SSMs that do not fully comply with the provisions listed in Appendix A. For instance, a median barrier that is shorter than the required length would be a modified SSM, and hence is defined as an ASM. Depending on the resulting configuration, non-compliant SSMs may still provide a substantial reduction in risk and can contribute to the creation of quiet zones.

Non-engineering ASMs are formally planned enforcement, public education and awareness programs, and the use of photo enforcement technology that may be used to reduce risk for the creation of a quiet zone. Public authorities seeking to employ such ASMs will be required to collect, analyze and validate data in order to establish the effectiveness of the ASM.

If Alternative Safety Measures (Appendix B treatments) are used, the public authority must receive written FRA approval of the quiet zone application prior to the silencing of train horns.

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2.6 Can a “barrier gate” be used in a quiet zone?

Conventional grade crossing gate devices are designed to break-away in the event a vehicle strikes them. A barrier gate is intended to keep motor vehicles from entering the crossing by imposing a physical barrier, typically designed with some energy-absorption properties to reduce the chance of harm to vehicle occupants. A barrier gate approved for use by appropriate highway authorities is a “gate” for purposes of the rule and could be used in a gate/channelization arrangement (typically with a non-mountable median) or four-quadrant gate arrangement as a supplementary safety measure. If data or analysis is provided supporting a higher effectiveness rate for a barrier gate in a particular location, a barrier gate might be used as an alternative safety measure.

2.7 Do articulated gates or long gate arms qualify as supplementary or alternative safety measures?

No. FRA received insufficient data and information to support the effectiveness and appropriateness of these approaches. This does not preclude the use of these devices in the future, if and when there is substantiated evidence demonstrating their effectiveness.

2.8 Does the creation of a quiet zone guarantee that train horns will never be sounded within the zone?

No. There are several circumstances in which the locomotive engineer may sound the horn. The horn may be used in an emergency situation to provide an audible warning to motorists, pedestrians, trespassers, train crews or others in order to prevent injury, death or property damage. Under the terms of the rule, it will be a locomotive engineer’s sole judgment on whether or not to sound the horn for an emergency. The use of the horn will also be required in a quiet zone if the train crew is aware that automatic warning devices are not functioning properly in accordance with FRA regulations (49 CFR Part 234). The horn may also be used to provide a warning to workmen alongside the track in accordance with another FRA regulation (49 CFR Part 214). (*Section 222.23*)

3. Authority to Designate Quiet Zones

3.1 Who may designate or make an application to FRA for a quiet zone?

The public authority that is responsible for the safety and maintenance of the roadway that crosses the railroad track(s) is the only entity that can designate or apply for a quiet zone. Private companies, citizens or neighborhood associations are not able to create a quiet zone independent of local authorities. A designation or application must come from the governmental

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jurisdiction (e.g. city, county or state government) that is responsible for motor vehicle safety at the crossing. (*Section 222.39*)

3.2 Who is responsible for funding the improvements necessary in order to create or continue a quiet zone?

By law, Supplementary Safety Measures must be provided by the traffic control authority or law enforcement authority responsible for safety at the crossing. Thus the public authority is responsible for funding the improvements. The statute did not provide a dedicated source of funding for the improvements necessary to create quiet zones.

Although there were no dedicated funds made available for these improvements, there are several categories of federal transportation funding available that may be used by States and localities for this purpose. Improvements at public crossings are typically funded by the Section 130 Program which is a part of the 10% Safety Set Aside Program under TEA-21. However, the obligation of these safety funds must be made on a state-wide priority basis for safety improvements. Installing safety measures to compensate for the lack of an existing safety device (i.e. the locomotive horn) is not the purpose of Section 130, which is directed at risk reduction.

Quiet zones that include crossing closures and other major risk reduction methods may have a better chance of qualifying, to the extent they *more than compensate* for the absence of the train horn. SSMS would be eligible to compete with other priorities for funding under the remainder (90%) of the Surface Transportation Program (STP) (and, with respect to a U.S. highway, under the National Highway System program). Decision making for these programs is primarily vested at the state level, with participation in planning by local metropolitan planning organizations. (Surface transportation reauthorization legislation was pending in the Congress as this briefing material was prepared.)

3.3 What is the role and responsibility of the state department of transportation or public utilities commission in creating quiet zones?

State lawmakers have designated a variety of organizational arrangements concerning highway-rail crossing safety. In most States, departments of transportation administer state and federal programs related to engineering improvements for crossing safety. In some States, public utilities commissions play a regulatory role in determining what warning devices are installed at individual crossings. Very often, state agencies will exercise detailed engineering control over state highways, even though they afford significant deference to counties, cities and towns (or villages) with respect to local roads and streets. These agency roles will continue largely unaffected by this rule, and as a result in many States these agencies will play a critical role in the creation of quiet zones. Although they will not in most cases be initiating quiet zones (except as partners with local authorities where state highways cross the railroad), and although FRA has retained final authority to ascertain that the requirements of the regulation have been satisfied,

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state-level agencies will typically provide necessary expertise and/or authority to effect the improvements needed for creation of quiet zones.

FRA welcomes the participation of state agencies in this process and will work closely with them. FRA recognizes the importance of state leadership in addressing grade crossing safety and environmental justice issues. As a result, FRA has sought to create incentives for state participation in funding improvements for quiet zones. The rule extends the compliance deadline date by 3 years for Pre-Rule Quiet Zones where state-level agencies tangibly contribute to the solution.

4. Private Crossings

4.1 How are private crossings treated under the rule?

This regulation does not address the use of horns at private crossings except when those private crossings are within a quiet zone. (*Section 222.3*)

FRA will not at this time require that the locomotive horn be sounded at private highway-rail crossings. Whether horns must be sounded at such crossings will remain subject to state law (if any) and railroad operating rules. FRA, by not applying this rule to private crossings which are not in quiet zones, has left States free to require the sounding of locomotive horns if it is deemed necessary or appropriate.

At a minimum, private crossings within a quiet zone must be equipped with crossbucks and “STOP” signs conforming to the standards of the Manual on Uniform Traffic Control Devices (MUTCD), together with advance warning signs.

Private grade crossings that allow access to the public, or that provide access to active industrial or commercial sites, may be included in a quiet zone only if a diagnostic team evaluates the crossing(s) to determine whether the institution of the quiet zone will significantly increase the risk of collision at the private crossing. The crossing must then be equipped or treated in accord with the recommendations of the diagnostic team. (*Section 222.25*)

5. Pre-Rule Quiet Zones

5.1 If there have been *whistle bans* in a community for years may they be kept?

Under certain circumstances, grade crossings subject to existing *whistle bans* will be defined as Pre-Rule Quiet Zones, provided the local authorities file notice of their intent to qualify the Pre-

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Rule Quiet Zone for continuation under this rule. If this process is followed, the railroad will be required to refrain from routine use of the locomotive horn.

5.2 What is a Pre-Rule Quiet Zone?

If a *whistle ban* has been actively enforced or observed as of October 9, 1996 and through December 18, 2003, then the crossings can qualify as a Pre-Rule Quiet Zone. Pre-Rule Quiet Zones will qualify for automatic approval if Supplementary Safety Measures are installed at every crossing, or if the Quiet Zone Risk Index is at or below certain limits; accident history may play a role in this determination. If a Pre-Rule Quiet Zone does not qualify for automatic approval, existing restrictions may remain in place on an interim basis. (*Section 222.41*)

5.3 How long does a Pre-Rule Quiet Zone have to qualify during the interim period?

Pre-Rule Quiet Zones will have up to five years from the period commencing December 18, 2003 to qualify under these rules provided that action has been taken within the first three years towards the establishment of a qualified quiet zone. An additional three years (for a total of up to eight years) will be available if the State takes an active role in the planning and funding for improvements at Pre-Rule Quiet Zones. (*Section 222.41*)

5.4 Why are Pre-Rule Quiet Zones treated differently than new quiet zones?

Pre-Rule Quiet Zones (i.e. based on pre-existing *whistle bans*) are treated somewhat differently from New Quiet Zones in the rule. This reflects a statutory requirement to “take into account the interest of communities that have in effect restrictions on the sounding of a locomotive horn at highway-rail grade crossings. . . .” (49 USC 20153(i)). Further, FRA recognizes and has taken into account the historical experience of train horns not being sounded in these communities.

5.5 How are Pre-Rule Quiet Zones treated differently than New Quiet Zones?

There are three major differences between a Pre-Rule Quiet Zone and a New Quiet Zone:

1. A Pre-Rule Quiet Zone does not have to be a minimum of one-half mile in length. (*Section 222.35*).
2. A Pre-Rule Quiet Zone does not have to have gates and flashing lights installed at each crossing (*Section 222.35*).
3. If new warning devices are installed, credit is given for the risk reduction that is achieved through the upgrading of the warning devices at public crossings (*Appendix C*).

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6. Calculating the Risk for a Quiet Zone

6.1 How is risk measured at a grade crossing?

Using information from numerous studies, the FRA has developed formulae that incorporate many factors that affect safety at highway-rail grade crossings. These formulae assess the expected accident frequency at a particular crossing, and the likely severity of the collision, given certain variables. The calculations result in a risk index value being assigned to each individual crossing in a proposed quiet zone, and the values are averaged over the proposed quiet zone. (FRA has developed an online “calculator” (software tool) that can be used to perform this analysis. Refer to question 6.6 for further explanation.)

6.2 What are the factors that determine the risk index?

Some factors, such as the number of trains and motor vehicles that use the crossing daily, the number of tracks, crossing warning devices, and other operating and physical characteristics affect the *likelihood* of a collision. Factors such as train speed can affect the *severity* of a collision. (For a discussion of all the factors used to calculate a crossing’s risk index, please refer to Appendix D.)

6.3 How much risk reduction can be accomplished by installing a Supplementary Safety Measure?

The FRA has gathered information on safety improvements associated with various safety measures and has derived benchmark estimates of effectiveness. For example, the use of traversable traffic channeling devices is estimated to reduce the risk of a collision by 75%. Appendix A discusses the design and implementation requirements, and also provides an effectiveness estimate for each SSM.

6.4 How much risk reduction can be accomplished by installing an Alternative Safety Measure?

Because ASMs are typically devised to address a particular local need, the FRA has not evaluated every possible application or combination of applications. For engineering ASMs that do not fully satisfy the SSM criteria, it may be possible to estimate an effectiveness rate between zero and the SSM value, relying on the judgment of a diagnostic team that has had an opportunity to observe the roadway geometry and general motorist behavior in the vicinity of the crossing. Education and public awareness ASMs, by contrast, will require collection and analysis of data; and it is strongly recommended that the public authority work closely with FRA to ensure that the methodologies employed are statistically valid. (More detailed discussion is contained in Appendix B.)

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6.5 Once a quiet zone has been created, can its quiet zone status be lost?

If a quiet zone has been created by reducing risk to fully compensate for lack of the train horn, in other words, bringing the risk down to the same level that would have existed if the train horn were sounded, then the quiet zone will not require annual monitoring and can remain in effect. However, if the quiet zone was established by reducing the risk to the Nationwide Significant Risk Threshold (NSRT), then the quiet zone will be subject to annual review by the FRA. If the Quiet Zone Risk Index (QZRI) is above the NSRT then the public authority will have to take additional steps, and may incur additional costs to lower the QZRI sufficiently to maintain the quiet zone. In addition, the FRA may review the status of any quiet zone at any time. (Section 222.51).

6.6 Are any special tools available to assist with the calculation of risk indexes and to evaluate alternative quiet zone establishment/implementation scenarios?

Yes, FRA developed the **Quiet Zone Calculator** to enable local planners to consider a variety of options that could reduce risk levels to those necessary for the establishment of quiet zones. The Quiet Zone Calculator (<http://www.fra.dot.gov/Content3.asp?P=1337>) is designed to:

1. Perform the necessary calculations used to determine the existing risk levels at crossings along corridors;
2. Re-calculate the risk indexes to reflect implementation of SSMS, ASMs (and, in the case of Pre-Rule Quiet Zones, crossing warning device upgrades); and
3. Show corridor risk levels relative to the risk levels needed for compliance with the quiet zone establishment requirements.

To use this internet-based computer tool effectively, accurate information about the current physical and operational characteristics of the relevant crossings must be used. That is, the National Highway-Rail Crossing Inventory record of each affected crossing must reflect current conditions.

6.7 What notifications must a public authority make to create a quiet zone?

Upon establishment of a new quiet zone, or continuation of a Pre-Rule Quiet Zone, a public authority must provide written notice to all railroads operating over the quiet zone rail line, the highway or traffic control authority or law enforcement authority having control over vehicular traffic at the crossings, the state agency responsible for highway safety, FRA, and, if applicable, the landowner of any private crossings within the quiet zone. (Section 222.43)

7. Horn Use

7.1 When must horns be sounded?

Horns must be sounded when approaching and passing through a public highway-rail grade crossing. A public highway-rail crossing is one where a publicly-maintained roadway intersects one or more railroad tracks at grade. The horn does not have to be sounded when approaching or passing through grade separated or private crossings (unless required by state law). (Section 222.21)

7.2 How long does the horn have to sound?

All locomotives must sound the horn starting 15 to 20 seconds before reaching a public highway-rail grade crossing. However, in no case may the horn be sounded more than 1/4 mile before the crossing. (Section 222.21)

7.3 What are the minimum and maximum levels locomotive horns can be sounded at?

Train horn sound levels must range between a minimum of 96 dB(A) and a maximum of 110 dB(A) (inclusive) measured 100 feet in front of the locomotive and 15 feet above the rail. Prior to issuance of this rule, there was no maximum horn sound limit.

Each new locomotive built on or after December 18, 2004, must comply with the provisions in this rule. Locomotives built prior to this date must be tested and brought into compliance within five years from the date of publication of this rule (i.e., by December of 2008). (Section 229.129)

7.4 Does the horn have to be sounded in a particular pattern?

Horns must sound in the standard sequence of two longs, one short, and one long blast until the train occupies the crossing. This is a long-standing practice. This pattern may be varied as necessary where crossings are spaced closely together. (Section 222.21)

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8. Wayside Horns

8.1 Will wayside horns be permitted?

Yes. Wayside horns may be used in place of locomotive horns at individual or multiple at-grade crossings, including those within quiet zones. The wayside horn is a stationary horn located at a highway-rail grade crossing, designed to provide audible warning to oncoming motorists of the approach of a train. The wayside horn will be treated as a one-for-one substitute for the train horn. The crossing must be equipped with flashing lights and gates. *(Section 222.59 and Appendix E)*

Wayside horns may soon be classified by FHWA as traffic control devices. If FHWA does classify them as traffic control devices, the wayside horn must also be approved in the Manual on Uniform Traffic Control Devices (MUTCD). Until such time, FHWA must approve experimentations or provide interim approval pursuant to section 1A.10 of the MUTCD. Communities are urged to contact FHWA for current information.

9. Effect on State and Local Laws, Liability

9.1 How does this rule affect state and local laws regarding locomotive horns?

State and local laws and ordinances which govern the sounding of locomotive horns at public highway-rail grade crossings will be preempted by this Interim Final Rule when it becomes effective, in one year, on December 18, 2004. (There are certain statutory exceptions to preemption, which are discussed in the preamble to the rule.)

The one-year period before state and local laws are preempted is based on the statutory requirement that one year pass between publication of this rule and its effective date.

9.2 Will railroads and train crews be liable under the rule for failing to sound the locomotive horn in a quiet zone if an emergency situation develops?

No. Even though the Interim Final Rule permits engineers to sound the locomotive horn within quiet zones should an emergency situation arise, it is the intent of the rule that locomotive crews and railroads are relieved from any legal duty to do so. *(See section 222.23 for further discussion of this topic)*

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9.3 Who will be held liable if a collision occurs at a grade crossing located within a quiet zone?

The courts will ultimately determine who will be held liable if a collision occurs at a grade crossing located within a quiet zone, as the collision may have been caused by factors other than the absence of an audible warning.

Nonetheless, the Interim Final Rule is intended to remove “failure to sound the locomotive horn” as a cause of action in lawsuits involving collisions at grade crossings located within quiet zones. Therefore, FRA expects that the courts will determine liability issues based on the facts of each case, FRA’s regulatory intent and the nature of this rule and its Federal requirements.

10. Impact on Emergency Order No. 15 / Florida East Coast Railway

10.1 What effect, if any, will this Interim Final Rule have on FRA Emergency Order No. 15?

When the Interim Final Rule becomes effective (on December 18, 2004), it will supercede FRA Emergency Order No. 15, which currently requires the Florida East Coast Railway (“FEC”) to sound locomotive horns at all public grade crossings in the State of Florida.

Under the current terms of the Emergency Order, Florida communities along FEC tracks may establish quiet zones if certain specified safety measures are implemented at every grade crossing within the proposed quiet zone. However, FRA notes that this Interim Final Rule provides communities with substantially greater flexibility in creating quiet zones. Therefore, in the interest of creating a uniform, nationwide standard for the creation of New Quiet Zones, this Interim Final Rule will supercede Emergency Order No. 15 when it becomes effective.

10.2 Will the current quiet zones along Florida East Coast Railway tracks be treated as Pre-Rule Quiet Zones by this Interim Final Rule?

No. Quiet zones created by Florida communities along Florida East Coast Railway (“FEC”) tracks will not be treated as Pre-Rule Quiet Zones by this Interim Final Rule because Florida state statutes and local ordinances permitting whistle bans were not enforced or observed as of October 9, 1996 (having been preempted by FRA Emergency Order No. 15). Therefore, all quiet zones located within the state of Florida will have to qualify as New Quiet Zones under this Interim Final Rule.

FRA may, however, apply a regional estimate as to the effect of silencing train horns at Florida grade crossings (as was done for grade crossings in the Chicago Region). FRA will determine whether a regional estimate is necessary after reviewing comments submitted in response to this Interim Final Rule and/or conducting supplementary fact finding prior to the rescission of FRA

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Emergency Order No. 15. FRA's determination will then be published in a Federal Register notice issued well before the effective date of this Interim Final Rule.

11. Interim Final Rule and Public Comment

11.1 What is an Interim Final Rule?

An interim final rule is a rule which meets the requirements for a final rule and which has the same force and effect as a final rule, but which contains an invitation for further public comment on its provisions. After reviewing comments to the interim final rule, an agency may modify the interim final rule and issue a "final" final rule.

11.2 Why did FRA issue an Interim Final Rule rather than a Final Rule?

Even though this rule could have been issued as a Final Rule, FRA determined that an Interim Final Rule would be more appropriate, as it will give the public an opportunity to comment on revisions that have been made to the proposed rule. FRA believes that the Interim Final Rule will benefit from public input, so comments are being solicited on all aspects of the rule. FRA will review the comments and may make revisions when issuing the Final Rule.

11.3 Will issuing this as an Interim Final delay implementation of quiet zones?

Issuing this interim final rule rather than a final rule will not penalize those communities who have waited a number of years for issuance of a rule permitting the creation of quiet zones. They will still be able to establish quiet zones on the same schedule as if a final rule were issued today. Alternatively, issuance of this interim final rule will not have a significant negative effect on those communities with present whistle bans. FRA has specifically included in the rule ample time for those communities to conform to any changes that may be made to the interim final rule in order to enable them to retain their whistle-free crossings.

11.4 Is there an opportunity to provide comments on this Interim Final Rule?

Yes. FRA will accept comments during the 60-day period following publication of the Interim Final Rule. As the Interim Final Rule was published on December 18, 2003, FRA will consider all comments submitted on or before February 17, 2004. FRA is also planning to conduct a public hearing in Washington, D.C. FRA will publish a notice in the *Federal Register* that will provide further details.

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11.5 How do I submit comments on the Interim Final Rule?

Anyone wishing to file a comment should identify the FRA docket (Docket No. FRA-1999-6439). Written comments should be mailed to the Docket Management System, U.S. Department of Transportation, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590-0001. Comments may be submitted electronically to the docket on the web at <http://dms.dot.gov>.

V.3.2
12/11/03

DECEMBER 2003 INTERIM FINAL RULE

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