

Regulatory Evaluation and Regulatory Flexibility Assessment
for
Use of Locomotive Horns at Highway-Rail Grade Crossings
Final Rule
(49 CFR PARTS 222 AND 229)

Federal Railroad Administration
Office of Safety Analysis
July 21, 2003

1.0 Introduction

One of the more persistent problems facing railroads and motorists is highway-rail grade crossing collisions and their resulting casualties. Public and private initiatives to improve grade crossing safety have increased motorist awareness of approaching trains at crossings. Of the nearly 154,000 public at-grade crossings in the United States, approximately 62,000 are equipped with automatic gates and/or flashing lights. However, many motorists fail to heed even these warnings, limiting their effectiveness in preventing collisions.

In 1996, the Federal Railroad Administration (FRA) issued a rule requiring railroads to equip locomotives that operate at speeds greater than 20 mph over one or more public highway-rail grade crossings with auxiliary alerting lights at the front of the locomotive. With the headlight, these auxiliary lights form a triangular pattern which provides motorists at crossings an additional visual indication of a train's presence and rate of approach. The rule required compliance by December 31, 1997.

Locomotive horns also alert motorists to a train's approach, and provide indications of speed, direction and proximity. The information conveyed by the sound of a locomotive horn can be particularly important to motorists at crossings with passive warning devices such as crossbucks and at crossings where the view of the track is obstructed.

Some communities, especially those with many crossings and a high volume of train traffic, believe that the sounding of locomotive horns at every crossing is excessive and diminishes community quality of life. Many such communities have enacted "whistle bans" that ban trains from sounding their horns entirely, or during particular times (usually at night). Where whistle bans are in effect, motorists traversing crossings do not benefit from the audible sound of the horn as a warning that a train is approaching. FRA is concerned that the increased risk at grade crossings due to the silencing of locomotive horns will result in more collisions and casualties at grade crossings. FRA believes that this has already happened in many communities where whistle bans have been implemented. However, it is not FRA's intention to burden communities which have not seen an increase in collisions and casualties nor does FRA wish to unnecessarily burden communities seeking to establish New Quiet Zones.

This document presents the results of an evaluation of the economic impacts of FRA's interim final rule which requires the use of the locomotive horn at highway-rail crossings and provides conditions under which the locomotive horn can be silenced at such grade crossings.