



---

THE “TRAIN HORN” RULE  
Quick Facts

- Fulfills the legislative requirement that locomotive horns be sounded at public highway-rail crossings and provides flexibility to localities to silence horns. By law, the rule may not go into effect until one year after publication (Dec. 18, 2004), at which time state laws governing the same subject matter will be preempted.
- Provides important risk-based exceptions so that many communities can establish or maintain quiet zones without making significant investments.
- Provides flexibility to select “supplementary” and “alternative” safety measures that can compensate for loss of the train horn. Communities may propose adaptations of the engineering solutions along with effectiveness estimates.
- Outside of quiet zones, requires railroad to sound horn 15-20 seconds prior to arrival at the crossing, rather than for 1/4 mile regardless of speed. This results in horns sounding for shorter distances and/or time. The rule prescribes both a minimum and *maximum* sound level for the train horn. Overall effect: less noise.

**New Quiet Zones may be created if:**

All public crossings are equipped with flashing lights and gates; and either—

- After adjusting for increased risk created by silencing the train horn, the average risk at the crossings is less than the national average for gated crossings where the train horn sounds (National Significant Risk Threshold or “NSRT”); or
- Safety improvements are made that reduce the risk to a level either less than the NSRT or a level that compensates for loss of the train horn as a warning device.

**Existing “whistle bans” can be converted to quiet zones (Pre-Rule Quiet Zones) if:**

- The average risk at the crossings is less than NSRT; or
- The average risk is less than twice the NSRT and no relevant collisions have occurred within the past 5 years; or
- The community undertakes actions to compensate for lack of the train horn as a warning device (or at least to reduce average risk to below the NSRT).

- Train horns will not sound in existing whistle ban areas if authorities state their intention to maintain Pre-Rule Quiet Zones and do whatever is required (see above) within **5 years** of publication (**8 years** if the State agency provides at least some assistance to communities in that State).
- Permits **automated wayside horns** as a substitute for the locomotive horn at crossings equipped with flashing lights and gates upon receiving approval from FHWA.

This Interim Final Rule will be published Dec. 18, 2003; and FRA will take comments through Feb. 17, 2004. More information is available at <http://www.fra.dot.gov>.

*Disclaimer: This is a short summary of the interim final rule for initial briefing purposes only. Entities subject to the rule should refer to its text as published in the Federal Register on December 18, 2003.*

DECEMBER 2003 INTERIM FINAL RULE