



# Discussion Points

## "Train Horn Rule" of the Federal Railroad Authority

### Background

In 2005, the Federal Railroad Authority issued new rules regarding the use of locomotive horns at highway-rail crossings. The rule (49 CFR Parts 222 & 229) made several significant changes to how trains operate horns at railroad crossings such as increasing the length of time the horn blows, removing train engineers' ability to use discretion on whether or not to blow the horn at night and mandating one-size-fits-all specifications for establishing quiet zones near rail crossings. Longmont and communities throughout the United States have asked the federal government reopen this rule in order to obtain comments from the public with the goal of making improvements to the rule. For more information about the rule, visit <https://federalregister.gov/a/2016-04831>. To provide comment, click the link near the top of the webpage that reads, "Submit a Formal Comment." The City of Longmont intends to make the following points to the Federal Railroad Administration.

### Areas of Concern for Longmont

- **Certainty needed regarding Quiet Zone Establishment** – the current rule does not provide a guarantee that, if a local entity spends significant funds to install Alternative Safety Measures (ASMs), a Quiet Zone will be granted indefinitely. It will be important to add clarifying language in the Rule to address this situation.
- **"One Size Fits All" approach to Quiet Zone establishment is onerous** – Each community has different conditions on the ground such as crossings, train speeds, crossing geometry and level of existing safety measures, pedestrian and vehicular volumes, community values, etc. What is required in one jurisdiction may not be appropriate for another. Changes to the rule need to make provisions for these differences between communities and different crossings.
- **The cost to benefit ratio for crossing improvements should be considered in the rule** – The cost of Supplementary Safety Measures (SSMs) and Alternative Safety Measures (ASMs) are oftentimes not commensurate with the benefit obtained from these devices. The benefit in terms of accident reduction potential should be considered in comparison to the cost to ensure that they make good economic sense versus mandatory, blanket requirements to install devices.
- **Allow train engineers to have discretion for blowing horns at night** – Allowing train engineers the discretion to determine whether a horn is necessary in populated or urban areas during overnight hours will show consideration for the residents who live in close proximity to the crossings, and will essentially be a return to the way many engineers complied with the original Law, as established in 1994 (see historical timeline, attached). We recommend using a 10pm-6am timeframe to start the discussion.

- **Modify the risk index calculations to take into consideration the severity of injuries related to train speed** - The current methodology only considers one level of injury severity for all injury crashes. In reality, the risk of serious injury varies with train speed. Corridors with slower train speeds should have a lower risk index than equivalent corridors with higher train speeds. FRA should encourage application of real speed and crash data when considering safety of intersections and what treatments are needed.
- **Establishment of a defined funding source** - Currently, local entities bear the entire cost of implementing quiet zones. Some level of federal funding with defined application criteria will help local entities hoping to establish Quiet Zones (For reference, a Funding Opportunities Summary is attached).
- **Consider emerging technology to aid in the review and approval process** - It is clear that the FRA has limited staff resources to review and approve Quiet Zone applications. The current review requirements increase the time necessary for approvals when applications arrive from all over the country. For example: The requirement for an onsite Diagnostic Review for certain crossings by a team including an FRA staff member, and representatives of the Railroad and agencies of jurisdiction, require schedule coordination which is time consuming and often requires costly travel. This can be adequately addressed with the use of virtual technology such as Skype, Facetime, etc. by out-of-town participants. Including the use of these and other emerging technologies needs to be provided for in the revised Rule.
- **The FRA should financially participate in the development of innovative safety measures** - The current the current Rule has provisions to allow for new technologies, although the cost for research and development of these technologies is entirely borne by the local entity, with no guarantee of ultimate acceptance as a new SSM or ASM. In order to lessen the financial burden, and to encourage the development of new technology, the FRA should establish a grant program for the implementation and testing of new technology by the local entities.
- **Include more federal partners in evaluating quiet zones and rail impacts in communities** - Agencies like Federal Transit Administration (FTA), Housing and Urban Development (HUD), Environmental Protection Agency (EPA), and even Department of Homeland Security (DHS) may have an interest in the balance of safety and community livability. FRA's mission is exclusively rail safety and yet its recommendations have cascading repercussions on communities with the requirement of closing intersections, installing obtrusive gates, and other treatments to address train horn noise.
- **Tailor provisions with an eye on lessening the overall socio-economic impact to urbanized areas** - As efforts to revitalize urban corridors progress through encouragement of affordable housing, transit oriented development, and other smart growth practices, mitigation of train horn noise becomes an important factor in improving the live-work environment for these impacted areas and can be a major factor in the overall success of the effort. No single recommendation can be made in this regard, but the Coalition urges consideration of the underlying issues and an acknowledgement of the importance of this issue in the reduction of sprawl and overall long-term viability of our urban areas as the Rule is discussed.