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## THE “TRAIN HORN” FINAL RULE Quick Facts

### Background

- Fulfills the legislative requirement that locomotive horns be sounded at public highway-rail crossings and provides flexibility to localities to silence horns. The rule will go into effect on June 24, 2005, at which time state and local laws governing the same subject matter will be preempted.
- Provides important risk-based exceptions so that many communities can establish and maintain quiet zones without making significant investments.
- Provides flexibility to select “supplementary” and “alternative” safety measures that compensate for loss of the train horn. Communities may propose alternative engineering solutions along with risk reduction effectiveness estimates.
- Outside of quiet zones established in accordance with the rule, requires railroad to sound horn 15-20 seconds prior to arrival at the crossing, rather than for 1/4 mile (as required by most applicable state laws) regardless of speed. This results in horns sounding over shorter distances and/or duration at many locations. The rule prescribes both a minimum and *maximum* volume level for the train horn. Overall effect: less noise.

### New Quiet Zones

A new quiet zone may be created if all public crossings along the designated rail line are equipped with conventional flashing lights and gates; and either—

- After adjusting for increased risk resulting from the 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”

Existing whistle bans may 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 provide proper notification to maintain Pre-Rule Quiet Zones and do whatever is required (see above) within **5 years** of the effective date of the Final Rule (**8 years** if the State agency provides at least some assistance to communities in that State).
- “Intermediate Quiet Zones” are whistle bans that were implemented after October 9, 1996 and were in existence as of December 18, 2003. Train horns will not sound for one year (until June 24, 2006) if authorities provide proper notification by June 3, 2005 according to the rule. During this one-year period, the authorities may implement necessary improvements to qualify as a New Quiet Zone.

### **Automated Wayside Horns**

- Permits ***automated wayside horns*** as a substitute for the locomotive horn at crossings equipped with flashing lights and gates.

This Final Rule will be effective on June 24, 2005.

Extensive information about the Final Rule is available at <http://www.fra.dot.gov>.

*Disclaimer: This summary of the final rule is for initial briefing purposes only. Entities subject to the rule should refer to its text as published in the Federal Register on April 27, 2005.*