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NEIGHBORHOODS,
PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

PLANNING DIVISION
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March 1, 2000



City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed Federal Rulemaking - Use of Locomotive Horns

LOCATION AND COUNCIL DISTRICT: All Districts

RECOMMENDATION:

It is recommended that the City Council adopt a resolution opposing proposed revisions to rules regarding use of locomotive horns at public highway-rail grade crossings.

CONTACT PERSON: Gary Stonehouse, Planning Director, 264-5567
Fred Buder, Senior Planner, 264-7602

FOR COUNCIL MEETING OF: March 9, 2000

SUMMARY:

The Federal Railroad Administration, U.S. Department of Transportation, proposes to adopt regulations requiring locomotive horns to be sounded at any public street grade crossings. This proposed rule will require the sounding of horns even where existing agreements are in place between the City and railroad companies to maintain quiet zones within the City. The proposed rules allow the adoption of quiet zones by cities only when modifications are constructed at each grade crossing to improve safety. The proposed legislation contains no apparent funding mechanism to assist local agencies in implementing quiet zones.

COMMITTEE/COMMISSION ACTION:

This item was reviewed by the Law and Legislation Committee at their meeting of March 9, 2000.

BACKGROUND INFORMATION:

- In 1989, the City adopted Resolution 89-172 to implement an agreement with Union Pacific Railroad to limit the use of locomotive horns within the City during evening and nighttime hours. These rules are currently observed by the railroad.
- The Federal government has conducted studies which indicate to them that accident rates increase at grade crossings where horns are not used.
- The proposed rules would require that horns be sounded at each grade crossing unless in an approved "quiet zone".
- Under the proposed rules, quiet zones are allowed only if an approved set of additional safety measures are installed by the local government, including such measures as additional gates, medians in streets, use of paired one-way streets, temporary nighttime street closures and other features.
- Under the proposed rules, communities with existing whistle bans as of October 1996 would be given a two year grace period after adoption of the rules to install such devices in order to maintain quiet zones.

FINANCIAL CONSIDERATIONS:

In order to adopt a quiet zone, the City would be required to install devices at each grade crossing within a desired quiet zone. The total cost of these measures is unknown at this time.

ENVIRONMENTAL CONSIDERATIONS:

The U.S. Department of Transportation issued a Draft Environmental Impact Study (DEIS) for this project in December 1999. The public review and comment period for the EIS lasts until May 26, 2000. The EIS indicates that more than 5,000 persons within the City of Sacramento would be impacted by train horn noise with adoption of the new rules.

POLICY CONSIDERATIONS:

If adopted, the proposed rules would affect neighborhood residents near railroads and would require expenditure of City funds to maintain existing quiet zones.

City Council
Proposed Rulemaking - Use of Locomotive Horns
March 9, 2000

MBE/WBE:

Not applicable at this time.

Respectfully submitted,



Gary Stonehouse,
Planning Director

Recommendation Approved:



Betty Masuoka,
Deputy City Manager

Attachments: Federal Railroad Administration Fact Sheets: Proposed Rule for the Use
of Locomotive Horns and Draft Environmental Impact Statement

Federal Railroad Administration

United States Department of Transportation

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- [Safety Subjects Index](#)
- [Use of Locomotive Horns Main Page](#)
- [Waiver Process](#)

Use of Locomotive Horns

The Proposed Rule for the Use of Locomotive Horns

The Swift Rail Development Act (Pub. L. 103-440, November 2, 1994) added [Section 20153](#) to title 49, United States Code. That section requires that regulations be established prescribing that a locomotive horn be sounded while each train is approaching and entering upon each public highway-rail grade crossing. In addition, 49 U.S.C. 20153 provides FRA the authority to except from this requirement, categories of rail operations or categories of grade crossings that: 1) are determined not to present significant risk with respect to loss of life or serious personal injury; 2) for which the use of a locomotive horn is impractical; or 3) for which supplementary safety measures fully compensate for the absence of the warning provided by the locomotive horn.

The Notice of Proposed Rulemaking ([NPRM](#)) describes the proposed rule which would require that horns be sounded at virtually all public at-grade crossings in the United States. The proposed rule also contains provisions that set a maximum sound level for locomotive horns, limit sound directed to the side, prescribe when and how to sound the horn, and provide an opportunity to any community in the nation to establish a quiet zone. These provisions would apply to the use of locomotive horns at all public highway-rail grade crossings, including those currently subject to whistle bans established by local or state authorities.

As part of the regulatory process, FRA has prepared a Draft Environmental Impact Statement ([DEIS](#)) to evaluate the proposed rule's potential for environmental impact.

The public process includes opportunities to make **comments** on both the [NPRM](#) and on the [DEIS](#). Persons may also attend one of several [public hearings](#) to be held around the country for the purpose of taking oral comments. Copies of the [NPRM](#) and the [DEIS](#) can be downloaded from this website or [obtained](#) from FRA. *A news release and other useful information is linked from this page.*

<http://www.fra.dot.gov/site/horns/index.htm>

Background Studies and Reports

Elements of the Regulatory Action

- [Notice of Proposed Rulemaking \(NPRM\)](#)
- [Draft Environmental Impact Statement \(DEIS\)](#)

Public Involvement

- [Public Hearings](#)
- [How to Comment](#)

Press Briefing

- [News Release](#)
- [Fact Sheet](#)
- [Questions & Answers](#)

To view PDF files, your browser must be properly configured with Adobe Acrobat Reader. Visit [Adobe's site](#) to download the latest version of the free Acrobat Reader.



U.S. Department of Transportation
Office of Public Affairs
Washington, D.C.
www.fra.dot.gov/horns

Fact Sheet

Proposed Rule on the Use of Locomotive Horns

The proposed rule would implement a statutory requirement that locomotive horns sound at each highway-rail grade crossing unless certain exceptions are met. The proposed rule describes Supplementary Safety Measures that a community may use to establish a quiet zone within which locomotive horns will not be sounded. In that way, the rule provides a means for communities to create a quiet environment for their citizens while maintaining safety for train crews and passengers, and motor vehicle drivers and passengers. The rule would also establish an upper limit for the loudness of train horns.

Background:

- The sounding of locomotive horns or whistles in advance of highway-rail grade crossings has been used as a universal safety precaution by railroads since the late 1800s. The manner in which horns have been sounded (two longs, one short and one long) was standardized in 1938.
- Since that time, in some locations across the U.S., "Whistle Bans" have been established by local ordinance or through agreements with particular railroads. Unfortunately, the silencing of locomotive horns greatly increases the safety hazard to vehicles at highway-rail grade crossings.
- July 1, 1984: A new Florida State law allowed communities to institute night-time whistle bans at crossings equipped with flashing lights, gates and special signs on the Florida East Coast Railway (FEC). By December 31, 1989, 511 crossings in Florida had bans in place.
- August 1990: A Federal Railroad Administration (FRA) study indicates a significant increase in the highway-rail grade crossing collision rate during ban hours.
- July 26, 1991: The FRA issued Emergency Order No.15 (EO 15) which required the FEC to follow the railroad's operating rules governing horn use at crossings notwithstanding local bans.
- April 1995: FRA published a study entitled, *Nationwide Study of Train Whistle Bans* which indicated an 84% increase in the collision rate at crossings with whistle bans in place.
- October 1995: The FRA published a Final Report entitled, *Florida's Train Whistle Ban* which concluded that there was a 195% increase in the collision rate during ban hours. The study revealed that the collision rate subsequently returned to its pre-ban level after the sounding of whistles was restored.

Legislation:

- November 1994: The Swift Rail Development Act passed by Congress in November 1994 required that locomotive horns or whistles be sounded upon approaching every public grade crossing, except where:
 - There is no significant risk to persons.
 - Use of a horn as a warning device is not practical.
 - Supplementary Safety Measures (SSMs) fully compensate for the absence of the audible warning provided by a horn or whistle.
- Also cited in the Act were requirements for:
 - SSMs which refers to the establishment of a safety system or procedure provided by the state or local traffic control or law enforcement authority.
 - An SSM is a system determined by the Secretary to prevent careless movement by motorists over a crossing. The installation of median barriers, also referred to as traffic channelization devices, at crossings equipped with automatic crossing gates, are considered to be effective towards this end.
 - Provisions for approving new supplementary safety measures.
- The Federal Aviation Administration (FAA) Authorization Act of 1996 required that any rule issued as mandated by the Swift Rail Development Act:
 - Must take into account the interests of communities that have existing whistle bans.
 - Require that the FRA work in partnership with communities to provide technical support.
 - Not take effect until one year after issuance.

Major Points of Proposed Rule

- Locomotive horns or whistles must be sounded on approach to every public highway-rail grade crossing, unless exempt under the rule.
- Proposes a maximum horn or whistle sound level audible in front of and to the side of trains.
 - Comments are requested on two proposed noise levels: 104 db and 111db.
- A limit on the length of time a horn or whistle is sounded.
- Silencing of horns at crossings is only permitted in an approved "quiet zone" established by a locality or the state in accordance with the rule.

Quiet Zones:

- Under the proposed rule, quiet zones can be established by installing or adopting a set of approved SSMs or a combination of SSMs and Alternative Safety Measures (ASMs) at every crossing in the quiet zone that "fully compensate for the absence of the audible warning provided by the locomotive horn."
 - Approved SSMs include:
 - Four quadrant gates.
 - Medians or channelization devices at gated crossings.
 - Paired one-way streets.
 - Temporary closure (e.g., nighttime closure).
 - Use of photo-enforcement technology.
 - ASMs include:
 - Variations of SSMs.
 - Long-term, programmatic law enforcement efforts and initiatives.
 - Targeted public education awareness efforts and initiatives.
 - A quiet zone must be at least one-half mile in length.
 - The horn or whistle must be silenced at all crossings in the zone.
 - All crossings in the quiet zone must at a minimum be equipped with gates and lights.
 - The final rule will be effective one year after it is published to allow communities opportunities to implement any changes involving SSMs or ASMs.
 - Communities with existing whistle bans as of October 6, 1996 will be given a two-year grace period to plan and install SSMs after the rule is issued (i.e., effective date plus one year). An additional one-year grace period may be provided if public education and law enforcement programs are initiated.



U.S. Department of Transportation
Office of Public Affairs
Washington, D.C.
www.fra.dot.gov/horns

Fact Sheet

Draft Environmental Impact Statement (DEIS) for the Proposed Rule on the Use of Locomotive Horns

Background and Legislation:

- The implementation of the proposed rule constitutes a Major Federal action as defined by the National Environmental Protection Act (NEPA).
- NEPA requires a review process and preparation of appropriate environmental documentation and consultation with the public prior to promulgation of the final rulemaking because:
 - Public interest has been significant on the issue of train horns.
 - The rule has the potential to change noise exposure at locations which currently have whistle bans in place.
 - Many people are potentially affected because they live close to crossings in communities with whistle bans.

Potential Safety Benefits:

- The FRA expects to prevent fatalities, injuries, and collisions each year as a result of implementing the proposed rule.
- Since many communities, with and without whistle bans, are likely to make crossings safer to establish quiet zones, many additional fatalities, injuries, and collisions would be prevented as a result of the proposed rule.

Potential Noise Impacts:

- If no quiet zones are established at current whistle ban locations, approximately 365,000 persons are estimated to be potentially impacted by increased noise exposure. Approximately 151,000 of them may be severely impacted.

Potential Noise Reduction Benefits:

- The noise reduction effects of the maximum sound limit and the directionality provision of the proposed rule are potentially large. They may relieve as many as 3 million of the estimated 5.8 million persons currently affected by train horn noise exposure.
- Mitigation of direct noise impacts is a prominent feature of the proposed rule in the provisions that permit the creation of quiet zones and meet the requirements for an integral opportunity for mitigation set forth in the 49 U.S.C. '20153.

11.3

APPROVED
MAR 9 - 2000
OFFICE OF THE
CITY CLERK

AMENDED 2000-100

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION OPPOSING THE FEDERAL RAILROAD ADMINISTRATION'S
PROPOSED RULES FOR THE USE OF LOCOMOTIVE HORNS.**

WHEREAS, the City Council conducted a public hearing on March 9, 2000 to review proposed Federal Railroad Administration regulations regarding use of locomotive horns at street grade crossings;

WHEREAS, the proposed Federal rules will cause adverse impacts to residents of Sacramento including, but not limited to, noise, health and economic development impacts;

WHEREAS, the proposed Federal rules contain no funding provisions to assist local governments in constructing needed safety devices that would enable the establishment of quiet zones within the City;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Sacramento that:

The City Manager is authorized to submit comments to the Federal government expressing the City Council's opposition to the proposed regulations and expressing the City Council's concern regarding the project's potential for environmental and fiscal impact to the City of Sacramento. In addition, the City shall seek full federal funding for any improvements required by the proposed regulations.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____ 4

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**RESOLUTION OPPOSING THE FEDERAL RAILROAD ADMINISTRATION'S
PROPOSED RULES FOR THE USE OF LOCOMOTIVE HORNS.**

WHEREAS, the City Council conducted a public hearing on March 9, 2000 to review proposed Federal Railroad Administration regulations regarding use of locomotive horns at street grade crossings;

WHEREAS, the proposed Federal rules may cause adverse noise impacts to residents of Sacramento;

WHEREAS, the proposed Federal rules contain no funding provisions to assist local governments in constructing needed safety devices that would enable the establishment of quiet zones within the City;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Sacramento that:

The City Manager is authorized to submit comments to the Federal government expressing the City Council's opposition to the proposed regulations and the City Council's concern regarding the project's potential for environmental and fiscal impact to the City of Sacramento.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____ 4

AMENDED
RESOLUTION NO. 2000-106 amended

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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WHEREAS, the proposed Federal rules will cause adverse noise, health and economic impacts to residents of Sacramento;

WHEREAS, the proposed Federal rules contain no funding provisions to assist local governments in constructing needed safety devices that would enable the establishment of quiet zones within the City;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Sacramento that:

The City Manager is authorized to submit comments to the Federal government expressing the City Council's opposition to the proposed regulations unless full federal funding is available and expressing the City Council's concern regarding the project's potential for environmental and fiscal impact to the City of Sacramento.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____ 4