

Status of Existing Whistle Bans under the Train Horn Rule Prepared January 16, 2004

The attached list provides FRA's best estimate on whether existing whistle ban jurisdictions might qualify as Pre-Rule Quiet Zones under the horn rule without taking additional safety measures to reduce risk. This listing has been developed using the information that is currently available to FRA as of January 1, 2004 and may not reflect the actual conditions in the whistle ban jurisdictions. **This list is not definitive; it has been developed to provide a general overview of existing whistle ban communities.** For more information on the Train Horn Rule, please review the rule itself and other explanatory information on our website.

Our Interim Final Rule provides that an existing whistle ban may qualify for automatic approval as a Pre-Rule Quiet Zone in one of three ways:

- By having a Supplemental Safety Measure (SSM) installed at each public crossing in the Quiet Zone, or
- By having a Quiet Zone Risk Index that is equal to, or less than, the National Significant Risk Threshold, or
- By having a Quiet Zone Risk Index that is equal to, or less than, twice the National Significant Risk Threshold and there have been no relevant collisions at any of the public crossings during the past five years.

There are three possible categories into which a whistle ban jurisdiction might fall in this listing. The categories are "Apparently Qualified - QZRI less than NSRT," "Apparently Qualified - QZRI less than twice the NSRT and no relevant collisions" and "Apparently Not Qualified." Those in the "Apparently Not Qualified" category either have a QZRI greater than the NSRT with at least one relevant collision or have a QZRI that is greater than twice the NSRT. (The list does not take into consideration whether SSMs are installed at each public crossing. A whistle ban jurisdiction may appear in any of these three categories and may actually qualify for automatic approval by having SSMs at each of the crossings.)

Existing whistle ban communities that do not automatically qualify can maintain their status as Pre-Rule Quiet Zones by reducing their Quiet Zone Risk Index to either the NSRT or the Zone's Risk Index With Horns. The basic premise of the Train Horn Rule is to permit quiet zones only if overall safety is equivalent to crossings where train horns are sounded. These tables help communities in the third category ("Apparently Not Qualified") understand that addressing highest risk crossings in their quiet zones with supplementary or alternative safety measures will help reach their target (NSRT or the RIWH) without installing safety measures at every crossing in the quiet zone.

This list is offered for illustrative purposes, but whistle ban communities should realize that the whistle ban jurisdictions on this list and their respective QZRIs may not be precise for two reasons. First, the risk index for each crossing is heavily dependent on data elements contained in the National Grade Crossing Inventory database. Data elements such as the number of trains per day, train speed, the average number of motor vehicles that use the crossing each day and the type of warning device are elements in the formulas used to develop the risk index for each

crossing. The Inventory information is supplied to FRA on a voluntary basis by States and railroads. While some States and railroads do an excellent job in providing up-to-date information to the Inventory, others fall short of that standard of excellence. Under the Interim Final Rule, before a local jurisdiction can determine whether or not its whistle ban will qualify for automatic approval, the Inventory records for its crossings must be updated.

The second reason for the list's imprecision is that FRA's selection of crossings that comprise a particular whistle ban may differ from the actual crossings covered by a local jurisdiction's whistle ban. FRA relied on certain operating and physical characteristics of the crossings when compiling whistle ban jurisdictions on this list. FRA has grouped known whistle ban crossings into whistle ban jurisdictions consisting of all of the public whistle ban crossings identified as within a local jurisdiction (same state, county and city) that are on the same railroad and railroad subdivision. Additionally, FRA also relied on other crossing characteristics such as number of main tracks, train traffic levels and train operating speeds. Nonetheless, this grouping may vary from what a local jurisdiction considers a whistle ban. For this reason a particular community may have a whistle ban jurisdiction listed in several different locations on the list. It is suggested that the list be carefully reviewed to check for more than one listing of a whistle ban jurisdiction.

Ultimately, FRA's Quiet Zone Calculator **must** be used to determine whether an existing whistle ban qualifies for automatic approval under the rule. The calculator will allow the user to identify the crossings that are in the whistle ban. The user will then be able to update the relevant data elements for each crossing so that the actual conditions are used in the risk calculations. This is the only way to actually determine an existing whistle ban's status under the rule. Once again, the attached list should be used only to obtain an general idea of a whistle ban's status given the existing information. The Quiet Zone Calculator must be used with the actual conditions at the crossings in order to truly determine whether a whistle ban automatically qualifies as a Pre-Rule Quiet Zone, or whether additional safety measures must be taken to reduce risk in accordance with the rule. Existing whistle ban communities are reminded that they must provide proper notification of the continuation of the pre-rule quiet zone to all of the necessary parties prior to December 18, 2004 in order to keep the train horns from sounding (§222.43(a)(2)(ii)).

The attached list shows existing whistle ban jurisdictions in each state as we can best determine them. The whistle ban jurisdictions in each state are grouped in one of the three categories mentioned earlier (Category 1 - "Apparently Qualified - QZRI less than NSRT," Category 2 - "Apparently Qualified - QZRI less than twice the NSRT and no relevant collisions" and Category 3 - "Apparently Not Qualified"). The following information is shown for each whistle ban jurisdiction:

Table Heading

- ST - State
- Category - The qualification category in which the whistle ban jurisdiction falls. See the table at the bottom of each page for an explanation of the code.
- WBJID - This is an FRA internal identifying number.
- City - The name of the city in which the whistle ban jurisdiction is located.

- QZRI - Quiet Zone Risk Index - The average of the risk indices for the crossings in the whistle ban jurisdiction.
- RIWH - Risk Index With Horns - What the average of the risk indices for each crossing in the whistle ban jurisdiction would have been if train horns were sounding. If a whistle ban jurisdiction does not qualify for automatic approval, it must then reduce the risk (QZRI) to *either* the NSRT or the RIWH. The RIWH is not used in the determination of automatic approval, but it is provided in the list to give an additional measure of how much risk must be reduced in order to qualify as a quiet zone.

Table Content

- Crossing ID - The US DOT Inventory number.
- Street - The name of the street as shown in the Inventory.
- Railroad - The name of the railroad as shown in the Inventory.
- Warning Device - The type of traffic control warning device (e.g., crossbucks, flashing lights, or gates) shown in the Inventory.
- Risk Index - The risk index for each crossing. This is used to calculate the QZRI.
- Risk Index With Horns - The risk index for each crossing in the whistle ban jurisdiction if train horns were sounding. This is used to calculate the RIWH.

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- NSRT - National Significant Risk Threshold - This is the average risk of all gated crossings in the Nation at which train horns are sounded. The newly calculated NSRT value is 16,988. The NSRT is used in the determination of automatic approval and is also a threshold that may be met in order to qualify as a quiet zone.

This list has been generated using the new value for the NSRT (16,988) and the most current Inventory and crossing collision information available to FRA as of January 1, 2004. The Quiet Zone Calculator is being updated to reflect the new NSRT value.