

Notice of Quiet Zone Establishment¹

Who should submit this notice

A public authority wishing to establish a New Quiet Zone, a New Partial Quiet Zone, a Pre-Rule Quiet Zone, or a Pre-Rule Partial Quiet Zone must submit a notice of Quiet Zone Establishment.

Parties to be notified ((§222.43(a)(4))

The public authority must provide written notice to several parties. These parties include the following:

- All railroads operating over the public highway-rail grade crossing within the quiet zone,
- The highway or traffic control authority, or the law enforcement authority with jurisdiction over motor vehicle traffic at the quiet zone crossings,
- Landowners with control over any private crossings within the quiet zone,
- The State agency responsible for highway and road safety,
- The State agency responsible for grade crossing safety, and
- The FRA Associate Administrator.

All notices must be provided by certified mail, return receipt requested.

Deadlines

Notice of the establishment of a Quiet Zone should be mailed no later than 21 days before the date on which train horns are scheduled to cease sounding. For New Quiet Zones and New Partial Quiet Zones, the Notice of Quiet Zone Establishment can not be served earlier than 60 days after the Notice of Intent was mailed, unless the Notice of Quiet Zone Establishment contains a written statement affirming that

¹ The information collection submission for the final rule has been approved by the OMB. The OMB control number is 2130-0560.

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written comments and/or 'no comment' statements have been received from each party that received the Notice of Intent. For Pre-Rule Quiet Zones that qualified for automatic approval, the Notice of Quiet Zone Establishment should be mailed out before December 24, 2005.

Notification contents (§222.43(e))

- ❑ The notice must unambiguously state which crossings are contained within the quiet zone. All public, pedestrian, and private crossings must be identified by both the U.S. DOT National Highway-Rail Grade Crossing Inventory Number, and by street or highway name.
- ❑ The notification must clearly cite the regulatory provision that provides the basis for establishing the Quiet Zone:
 - § 222.39(a)(1), implementation of SSMs at every public crossing in the New Quiet Zone or New Partial Quiet Zone;
 - §222.39(a)(2)(i), the QZRI is at or below the NSRT without installation of any SSMs at the New Quiet Zone or New Partial Quiet Zone;
 - §222.39(a)(2)(ii), SSMs were implemented at some crossings in the New Quiet Zone or New Partial Quiet Zone to bring the QZRI to a level at or below the NSRT;
 - §222.39(a)(3), SSMs were implemented at some crossings in the New Quiet Zone or New Partial Quiet Zone to bring the QZRI to a level at or below the RIWH; or
 - §222.39(b), public authority application to the FRA for a New Quiet Zone or New Partial Quiet Zone.
 - § 222.41(a)(i) Pre-Rule Quiet Zones that qualify for automatic approval because every crossing is equipped with an SSM,
 - § 222.41(a)(ii) Pre-Rule Quiet Zones that qualify for automatic approval because $QZRI \leq NSRT$,
 - § 222.41(a)(iii) Pre-Rule Quiet Zones that qualify for automatic approval because $NSRT < QZRI < 2 * NSRT$, and there have been no relevant collisions within the 5 years preceding April 27th, 2005.

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- § 222.41(b)(i) Pre-Rule Partial Quiet Zones that qualify for automatic approval because every crossing is equipped with an SSM,
 - § 222.41(b)(ii) Pre-Rule Partial Quiet Zones that qualify for automatic approval because $QZRI \leq NSRT$,
 - § 222.41(b)(iii) Pre-Rule Partial Quiet Zones that qualify for automatic approval because $NSRT < QZRI < 2 * NSRT$, and there have been no relevant collisions within the 5 years preceding April 27th, 2005.
 - § 222.41(c) Pre-Rule Quiet Zones and Pre-Rule Partial Quiet Zones that do not qualify for automatic approval
 - § 222.41(d) Pre-Rule Partial Quiet Zones that will be converted to 24-hour New Quiet Zones
 - § 222.42(a) Intermediate Quiet Zones or Intermediate Partial Quiet Zones
 - § 222.42(b) Intermediate Partial Quiet Zones that will be converted to 24-hour New Quiet Zones.
- If the notice contains a reference to §222.39(a)(2)(i), 222.39(a)(2)(ii), 222.39(a)(3), 222.41(a)(2), 222.41(a)(3), 222.41(b)(2), or 222.41(b)(3), that is, any time a determination of QZRI is used to justify establishment of a quiet zone, the notification must include a copy of the FRA Quiet Zone Calculator web page that contains the data on which the public authority is relying.
 - If the notice contains a reference to §222.39(b), the notice must include a copy of the FRA's notification of approval.
 - If a diagnostic team is required under §222.25 (private crossings) or §222.27 (pedestrian crossings), the notice must include a statement affirming that the State agency responsible for grade crossing safety and all affected railroads were provided an opportunity to participate in the diagnostic team review. The notice must also include a list of the diagnostic team's recommendations.
 - The notice must contain a statement indicating the time period during which horn restrictions will be observed.

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- ❑ An accurate and complete Grade Crossing Inventory Form for each public, pedestrian, and private crossing within the quiet zone that accurately reflects conditions at the crossing before any new SSMs or ASMs were implemented.
- ❑ An accurate, complete, and current Grade Crossing Inventory Form for each public, pedestrian, and private crossing within the quiet zone that accurately reflects SSMs and ASMs in place upon establishment of the Quiet Zone. SSMs and ASMs that cannot fully be described on the Inventory form shall be described separately.
- ❑ If the public authority was required to file a Notice of Intent (New Quiet Zones and New Partial Quiet Zones), the Notice of Quiet Zone Establishment shall contain a written statement affirming that the Notice of Intent was provided in accordance with the rule, and indicating the date on which the Notice of Intent was mailed.
- ❑ If the public authority was required to file a Notice of Intent, and did so less than 60 days before mailing the Notice of Quiet Zone Establishment, they must also include a written statement affirming that they received written comments and/or 'no comment' statements from the parties that received the Notice of Intent.
- ❑ If the public authority was required to submit a Notice of Detailed Plan, they must include a written statement affirming that the Notice of Detailed Plan was provided in accordance with the rule, and they must state the date on which it was provided.
- ❑ The name and title of the person responsible for monitoring compliance with the requirements of the rule and his/her contact information. In addition to the person's name, title, and organization, contact information should include his/her business address, telephone number, fax number, and email address.
- ❑ Names and addresses of all parties notified in accordance with the rule; and
- ❑ A statement signed by the Chief Executive Officer (CEO) of each public authority continuing the quiet zone. In the CEO's statement, he or she must certify that the information submitted by the public authority is accurate and complete to the best of his/her knowledge and belief.

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