

with a Quiet Zone Risk Index below the Nationwide Significant Risk Threshold) and those that qualified for automatic approval pursuant to § 222.41(a)(3) (Pre-Rule Quiet Zones that originally qualified for automatic approval because the Quiet Zone Risk Index was above the Nationwide Significant Risk Threshold but was below twice the Nationwide Significant Risk Threshold and no relevant collisions had occurred within the five year qualifying period. Paragraph (b)(1) also provides that FRA will notify each public authority of the Quiet Zone Risk Index for the preceding calendar year for each such quiet zone in its jurisdiction. In addition, FRA will notify each public authority if a relevant collision occurred at a grade crossing within the quiet zone during the preceding calendar year.

Paragraph (b)(2) addresses how the Quiet Zone Risk Index affects Pre-Rule Quiet Zones which were approved under § 222.41(a)(2)—those quiet zones which qualified because their Quiet Zone Risk Index was at, or below, the Nationwide Significant Risk Threshold. Paragraph (b)(2)(i) provides that the quiet zone may continue if the Quiet Zone Risk Index, as last calculated by FRA, continues to be at, or below, the Nationwide Significant Risk Threshold.

Paragraph (b)(2)(ii) addresses the situation which occurs if the annual risk review indicates that the Quiet Zone Risk Index is above the Nationwide Significant Risk Threshold, but is less than twice the Nationwide Significant Risk Threshold. In this situation, the quiet zone may continue only if there have not been any relevant collisions at public grade crossings within the quiet zone for five years preceding the annual risk review. That is, a Pre-Rule Quiet Zone initially established on the basis that the Quiet Zone Risk Index fell below the NSRT may be continued without further action by the public authority only if it would have initially qualified based on the no relevant accident criterion and only if the quiet zone has been free of relevant collisions thereafter.

Paragraph (b)(2)(iii) addresses the situation in which the conditions for continuation of a quiet zone under (b)(2)(ii) do not apply, resulting in the quiet zone will terminating six months after receipt of notification from FRA of the Nationwide Significant Risk Threshold. Explained differently, if the Quiet Zone Risk Index is at, or above twice the Nationwide Significant Risk Threshold, the quiet zone will terminate six months after receipt of FRA's notification. Similarly, if the Quiet Zone Risk Index is above the Nationwide Significant Risk Threshold but is lower

than twice the Nationwide Significant Risk Threshold *and* a relevant collision occurred at a crossing within the quiet zone during the five years preceding the annual risk review, the quiet zone will terminate six months after receipt of FRA's notification.

Subsequent annual reviews of such quiet zones will be subject to paragraph (3), *i.e.*, the quiet zones will be considered to have been established under § 222.41(a)(3), which permits quiet zones if the Quiet Zone Risk Index is above the Nationwide Significant Risk Threshold but less than twice the Nationwide Significant Risk Threshold and there have been no relevant collisions at any public grade crossing within the quiet zone for the last five years. Paragraph (a)(2)(ii) requires that the public authority must, within three years after FRA notification, complete implementation of SSMs or ASMs sufficient to reduce the Quiet Zone Risk Index to a level at, or below, the Nationwide Significant Risk Threshold or to a level that fully compensates for the absence of the train horn. Of course, as in other provisions of this rule, safety measures other than implementation of SSMs at every public crossing require approval by the Associate Administrator.

Rather than reducing the Quiet Zone Risk Index to a level at, or below, the Nationwide Significant Risk Threshold, the public authority may decide that it is more effective to reduce the risk level to a level that fully compensates for the absence of the train horn. If this action is taken, the quiet zone will be considered to have been established pursuant to § 222(a)(3) and subsequent annual risk reviews will not be conducted, although the quiet zone, like all quiet zones, is subject to reviews at the initiative of FRA. If either of the actions specified by paragraph (b)(4) are not taken, the quiet zone will terminate six months after the date of notification from FRA.

Paragraph (b)(3) governs annual risk reviews of risk levels at crossings within quiet zones established under § 222.41(a)(3)—quiet zones which originally qualified for automatic approval because the Quiet Zone Risk Index was below twice the Nationwide Significant Risk Threshold and no relevant collisions had occurred within the five year qualifying period. Paragraph (b)(3)(i) provides that a quiet zone may continue unchanged if the Quiet Zone Risk Index as last calculated by FRA remains below twice the Nationwide Significant Risk Threshold and no relevant collisions occurred at a public grade crossing within the quiet zone during the preceding calendar

year. Thus, the quiet zone may continue if the conditions which qualified the quiet zone in the first place have remained essentially unchanged. Paragraph (b)(3)(ii) addresses the situation in which conditions have changed. If the Quiet Zone Risk Index as last calculated by FRA is above twice the Nationwide Significant Risk Threshold, or if a relevant collision has occurred at a public grade crossing within the quiet zone during the previous calendar year, the quiet zone will terminate six months after the date of notification from FRA, unless the public authority takes the actions specified in paragraph (b)(4).

Paragraph (b)(4) addresses the actions that need to be taken by the public authority to retain a quiet zone. This paragraph, which governs Pre-Rule Quiet Zones, is similar to paragraph (a)(2) which governs such situations involving New Quiet Zones. Paragraph (b)(4)(i) provides that if the public authority wishes to retain the quiet zone, it must take certain actions during the six month period following notification by the FRA of the most recent Quiet Zone Risk Index. The public authority must provide to the Associate Administrator a written commitment to lower the potential risk to the traveling public at the crossings within the quiet zone, by reducing the risk level to a level below the Nationwide Significant Risk Threshold or to a level fully compensating for the absence of the train horn. As part of this commitment, the public authority must provide a discussion of the specific steps the authority plans to take to increase safety at the crossings within the quiet zone. Taking these actions will preserve the quiet zone for three years from the date of FRA notification—sufficient time for the public authority to implement safety measures at the quiet zone.

Paragraph (b)(4)(ii) requires that the public authority must, within three years after FRA notification, complete implementation of SSMs or ASMs sufficient to reduce the Quiet Zone Risk Index to a level below the Nationwide Significant Risk Threshold or to a level that fully compensates for the absence of the train horn. As in other provisions of this rule, safety measures other than implementation of SSMs at every public crossing require approval by the Associate Administrator.

Paragraph (b)(4)(iii) provides that failure of the public authority to comply with paragraph (a)(1) (commitment to lower the risk level) shall result in the termination of the quiet zone six months after the date of receipt of notification from FRA of the Quiet Zone Risk Index.