

**List of Subjects****49 CFR Part 222**

Administrative practice and procedure, Penalties, Railroad safety, Reporting and recordkeeping requirements.

**49 CFR Part 229**

Locomotives, Penalties, Railroad safety.

■ In consideration of the foregoing, FRA is amending chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

■ 1. Part 222 is added to read as follows:

**PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY-RAIL GRADE CROSSINGS**

**Subpart A—General**

Sec.

- 222.1 What is the purpose of this regulation?
- 222.3 What areas does this regulation cover?
- 222.5 What railroads does this regulation apply to?
- 222.7 What is this regulation's effect on State and local laws and ordinances?
- 222.9 Definitions.
- 222.11 What are the penalties for failure to comply with this regulation?
- 222.13 Who is responsible for compliance?
- 222.15 How does one request a waiver of a provision of this regulation?

**Subpart B—Use of Locomotive Horns**

- 222.21 When must a locomotive horn be used?
- 222.23 How does this regulation affect sounding of a horn during an emergency or other situations?
- 222.25 How does this rule affect private highway-rail grade crossings?

**Subpart C—Exceptions to the Use of the Locomotive Horn**

- 222.31 [Reserved]

**Silenced Horns at Individual Crossings**

- 222.33 Can locomotive horns be silenced at an individual public highway-rail grade crossing which is not within a quiet zone?

**Silenced Horns at Groups of Crossings—Quiet Zones**

- 222.35 What are minimum requirements for quiet zones?
- 222.37 Who may establish a quiet zone?
- 222.39 How is a quiet zone established?
- 222.41 How does this rule affect Pre-Rule Quiet Zones?
- 222.43 What notices and other information are required to establish a quiet zone?
- 222.45 When is a railroad required to cease routine use of locomotive horns at crossings?
- 222.47 What periodic updates are required?
- 222.49 Who may file Grade Crossing Inventory Forms?
- 222.51 Under what conditions will FRA review and terminate quiet zone status?

- 222.53 What are the requirements for supplementary and alternative safety measures?
- 222.55 How are new supplementary or alternative safety measures approved?
- 222.57 Can parties seek review of the Associate Administrator's actions?
- 222.59 When may a wayside horn be used?
- Appendix A to Part 222—Approved Supplementary Safety Measures
- Appendix B to Part 222—Alternative Safety Measures
- Appendix C to Part 222—Guide to Establishing Quiet Zones
- Appendix D to Part 222—Determining Risk Levels
- Appendix E to Part 222—Requirements for Wayside Horns
- Appendix F to Part 222—Diagnostic Team Considerations
- Appendix G to Part 222—Schedule of Civil Penalties

**Authority:** 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 49 CFR 1.49.

**Subpart A—General****§ 222.1 What is the purpose of this regulation?**

The purpose of this part is to provide for safety at public highway-rail grade crossings by requiring locomotive horn use at public highway-rail grade crossings except in quiet zones established and maintained in accordance with this part.

**§ 222.3 What areas does this regulation cover?**

This part prescribes standards for sounding locomotive horns when locomotives approach and pass through public highway-rail grade crossings. This part also provides standards for the creation and maintenance of quiet zones within which locomotive horns need not be sounded.

**§ 222.5 What railroads does this regulation apply to?**

This part applies to all railroads except:

- (a) A railroad that exclusively operates freight trains only on track which is not part of the general railroad system of transportation;
- (b) Passenger railroads that operate only on track which is not part of the general railroad system of transportation and which operate at a maximum speed of 15 miles per hour; and
- (c) Rapid transit operations within an urban area that are not connected to the general railroad system of transportation. See 49 CFR part 209, appendix A for the definitive statement of the meaning of the preceding sentence.

**§ 222.7 What is this regulation's effect on State and local laws and ordinances?**

(a) Under 49 U.S.C. 20106, issuance of this part preempts any State law, rule,

regulation, or order covering the same subject matter, except an additional or more stringent law, regulation, or order that is necessary to eliminate or reduce an essentially local safety hazard; is not incompatible with a law, regulation, or order of the United States government; and does not unreasonably burden interstate commerce. However, except as provided in § 222.25, this part does not cover the subject matter of the routine sounding of locomotive horns at private highway-rail grade crossings.

(b) Inclusion of SSMs and ASMs in this part or approved subsequent to issuance of this part does not constitute federal preemption of State law regarding whether those measures may be used for traffic control. Individual states may continue to determine whether specific Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs) are appropriate traffic control measures for that State, consistent with Federal Highway Administration regulations and the Manual on Uniform Traffic Control Devices (MUTCD). However, inclusion of SSMs and ASMs in this part does constitute federal preemption of State law concerning the sounding of train horns in relation to the use of those measures.

**§ 222.9 Definitions.**

As used in this part—

*Administrator* means the Administrator of the Federal Railroad Administration or the Administrator's delegate.

*Alternative safety measures* (ASM) means a safety system or procedure, other than an SSM, established in accordance with this part which is provided by the appropriate traffic control authority or law enforcement authority and which, after individual review and analysis by the Associate Administrator, is determined to be an effective substitute for the locomotive horn in the prevention of highway-rail casualties at specific highway-rail grade crossings. Appendix B to this part lists such measures.

*Associate Administrator* means the Associate Administrator for Safety of the Federal Railroad Administration or the Associate Administrator's delegate.

*Channelization device* means one of a series of highly visible vertical markers placed between opposing highway lanes designed to alert or guide traffic around an obstacle or to direct traffic in a particular direction. "Tubular markers" and "vertical panels" as described in sections 6F.57 and 6F.58, respectively, of the MUTCD, are acceptable channelization devices for purposes of this part. Additional design