

SCRRRA Quiet Zone Implementation Guidelines and Procedures

**SCRRRA Quiet Zone Implementation Guidelines and Procedures
Exhibit "A"****1.0 GENERAL**

- a. Public authority is defined as the public entity(s) having the responsibility for traffic control or law enforcement at the public highway-rail grade or pedestrian crossing.
- b. Public authority shall comply with the Federal Railroad Administration's (FRA) "Final Rule" and requirements set forth in the Federal Register 49 CFR Parts 222, "Use of Locomotive Horns at Public Highway-Rail Grade Crossings", for the creation of quiet zones. The Final Rule is available on FRA's web site at <http://www.fra.dot.gov/Page/P0105>
- c. Public authority shall submit all documentations to the Southern California Regional Rail Authority (SCRRRA) as required by §222.
- d. Public authority shall establish a quiet zone either based on public authority designation [§222.39(a)] or public authority application [§222.39(b)].
- e. If a proposed quiet zone includes public grade crossings under the authority and control of more than one public authority, both public authorities must agree to establishment of the quiet zone, and must jointly, or by delegation, take such actions as are required under the Rule. [§222.37(a).]
- f. Public authorities are encouraged to contact and work with SCRRRA and other affected parties from the beginning of the planning of the quiet zone to the end of construction for the railroad issues affecting SCRRRA operated and maintained services.
- g. SCRRRA agrees to cooperate with public authorities for the establishment of quiet zones and quiet zone related activities.

2.0 PUBLIC AUTHORITY RESPONSIBILITIES

The requirements outlined in Section 2.1 through 2.10 of these quiet zone procedures represent SCRRRA's policies as to the responsibility of public authorities in the implementation of quiet zones.

2.1 General Requirements

- a. Meet the minimum quiet zone requirements mentioned in §222.35, including the minimum length of the proposed quiet zone of one-half mile along the length of railroad right-of-way. Public authority shall include all highway-rail grade crossings (public, private and pedestrian) in the proposed quiet zone.

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- b. Obtain prior FRA approval of the use of Engineering Alternate Safety Measures (ASMs) and modified Supplemental Safety Measures (SSMs). The public authority shall obtain FRA approval of the use of Non-Engineering ASMs and also conduct field studies to obtain baseline violation rates before and after implementation of Non-Engineered ASMs as per Section II, Appendix B, Part §222.
- c. Conduct diagnostic team evaluation meetings of all public, pedestrian and private highway-rail grade crossings that provide access to the public, or which provide access to active industrial or commercial sites, and are located in the proposed quiet zone.** The public authority shall provide SCRRA, all railroads operating over the public highway-rail grade crossings within the proposed quiet zone (Amtrak, Union Pacific Railroad and/or BNSF Railway Company), affected SCRRA member agency or agencies, the State agency responsible for highway and road safety and the State agency responsible for grade crossing safety (the California Public Utilities Commission [CPUC]) an opportunity to participate in the diagnostic team reviews of all crossings located in the proposed quiet zones. The diagnostic team should analyze and evaluate each crossing within the proposed quiet zone as per Appendix F, Part §222. **The crossings shall be equipped or treated in accordance with the recommendations of the diagnostic team. SCRRA expressly reserves the right to comment on and/or object to the FRA and/or the CPUC on any aspect, including the extent of the proposed quiet zone, the selection of improvements by the public authority or the design thereof, if in its judgment the proposed quiet zone, or any aspect thereof, will result in a reduction of safety within the zone.**
- d. Submit all required applications to CPUC for alterations to existing crossings and obtain approval of the project work.
- e. Execute Construction and Maintenance (C&M) Agreements prepared and submitted by SCRRA for quiet zone improvements including railroad construction.
- f. Make any and all necessary non-railroad related improvements at no cost to SCRRA.
- g. Install advance warning signs conforming to the standards contained in the Manual on Uniform Traffic Control Devices (MUTCD) that advises the motorist that train horns are not sounded at each highway approach to every public and private highway-rail grade crossing within a quiet zone, pursuant to §222.35(c). Install additional warning signs elsewhere within the proposed quiet zone, at locations other than highway-rail grade crossings as may be recommended by the diagnostic team, advising pedestrians or others that train horns are not sounded within the quiet zone.
- h. Conduct a periodic review on a schedule determined by C&M agreement among the public authority, SCRRA, CPUC, and other affected parties, after completion of the construction and the establishment of the quiet zone. These reviews will be conducted in the field and will consider any changes, together with any future improvements or developments that may have or will affect the qualification of the quiet zone. Should additional railroad improvements be required in order to maintain the proposed quiet zone, the public authority shall reimburse SCRRA for any additional costs associated with said improvements.**

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- i. For quiet zones implemented with an SSM at each public crossing, affirm, pursuant to §222.47(a), in writing to FRA and SCRRA that the SSMs implemented within the proposed quiet zones continue to conform to the requirements of Appendix A, Part §222 and provide an up-to-date, accurate and complete Grade Crossing Inventory Form for each public, private and pedestrian crossing within the proposed quiet zone, between 4½ and 5 years after the date of the quiet zone establishment notice, and between 4½ and 5 years after the last affirmation. Public authority shall affirm, pursuant to §222.47(b), in writing to FRA and SCRRA that the proposed quiet zones which do not have SSMs at each crossing continue to confirm to the requirements of Appendix A and B, Part §222 and provide an up-to-date, accurate and complete Grade Crossing Inventory Form for each public, private and pedestrian crossing within the proposed quiet zone, between 2½ and 3 years after the date of the proposed quiet zone establishment notice, and between 2½ and 3 years after the last affirmation.

2.2 Submittals

- a. **Conduct new traffic and queuing studies as may be required to reflect current conditions as of the date of initiation of the project**, as well as a separate pedestrian study if necessary to include in its evaluation of the potential impacts of the proposed quiet zone on pedestrian safety, for each crossing that is located within the proposed quiet zone and for unsecured pedestrian access points within the proposed quiet zone. The purpose of these studies is to complete an accurate and current Grade Crossing Inventory form for each crossing, and to enable the diagnostic team to assess current and future conditions at each crossing. All such studies and reports shall be promptly provided to SCRRA and CPUC for review and comments.
- b. Prepare Preliminary Design (30% Design) for the selected crossings and unsecured pedestrian access points and submit them to SCRRA for review, comments and approval. This Preliminary Design will form a basis for diagnostic team evaluation meetings. Public authority shall submit the following information and forms to SCRRA with the Preliminary Design:
 - An accurate, complete and current U.S. DOT National Highway-Rail Grade Crossing Inventory Form, FRA Form No. F6180.71. This form is available of FRA's web site at <http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/Forms.aspx>. SCRRA will assist the public authority by providing updated railroad information required by the Form.
 - Detailed information as to which Supplementary Safety Measures (SSMs) as per Appendix A, Part §222 and Alternative Safety Measures (ASMs) as per Appendix B, Part §222 (ASMs are Modified SSMs, Non-Engineering ASMs and Engineering ASM's) are proposed to be implemented at each public or private highway-rail grade crossing within the proposed quiet zone.
- c. Revise and resubmit Final Design (100% Design) and obtain a letter of approval from all affected jurisdictions.

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2.3 Quiet Zone Notices

- a. Provide written Notice of Intent (by certified mail, return receipt requested) of its intent [§222.43] to create a new quiet zone to SCRRA, all railroads operating over the public highway-rail grade crossings within the proposed quiet zone, the State agency responsible for highway and road safety and the State agency responsible for grade crossing safety. The Notice of Intent shall include the information shown in Exhibit “B”. **Public authority is encouraged to prepare the Notice of Intent after consultation with SCRRA and after conducting diagnostic team evaluation meetings.**
- b. Provide written Notice of Establishment (by certified mail, return receipt requested) of its determination [§222.43] to establish a new quiet zone to SCRRA, all railroads operating over the public highway-rail grade crossings within the proposed quiet zone, the State agency responsible for highway and road safety and the State agency responsible for grade crossing safety. The Notice of Establishment shall include the information shown in Exhibit “C”. The public authority shall send the Notice of Establishment to all affected jurisdictions after completion of the construction of improvements at all highway-rail grade crossings and other locations in the proposed quiet zone, including the owner of any private crossing included within the Quiet Zone.

2.4 Reimbursements

- a. Pay for all the cost of environmental or permitting documentation, preliminary and final engineering, construction, maintenance and replacement services of any new equipment or facilities at all highway-rail grade crossings to meet quiet zone requirements.
- b. Pay in advance an estimated amount of all costs related to review, coordination and flagging to SCRRA for in-house personnel and/or consultants retained by SCRRA. The original estimated costs would not be the upper limit of the costs but provide a guideline for budgeting purposes. Regardless, all costs incurred by SCRRA during design plan review process shall be fully recoverable from the public authority.
- c. Reimburse SCRRA the actual costs and expenses incurred by SCRRA (less funds previously deposited), including any provisional overhead rates representing SCRRA’s costs for administration and management, and its contractors and consultants for all services and work performed in connection with the proposed quiet zones.

2.5 Construction

- a. Proceed with the non-railroad related improvements when SCRRA and CPUC approve the construction of the project.
- b. Comply with the rules and regulations contained in the current editions of the following SCRRA documents during the construction of the project. The SCRRA agreements and forms are available on SCRRA’s website.
 - Indemnification Agreement (SCRRA Form No. 5)

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- Temporary Right-of-Entry agreement (SCRRRA Form No. 6),
- Rules and Requirements for Construction on Railroad Property (SCRRRA Form No. 37),
- General Safety Regulations for Construction/Maintenance Activity on Railway Property, and
- Applicable SCRRRA Engineering Standards.

2.6 Maintenance

Pay SCRRRA the cost of maintenance of any additions, improvements and/or modifications to any active highway-rail grade crossing warning system necessary for the implementation of the proposed quiet zone as per terms and conditions included in the C&M agreement. As an example, if a crossing within a proposed quiet zone requires an upgrade from two gates to four (quad gates), SCRRRA will continue to pay the cost of maintenance of the original two gates, and the public authority will reimburse SCRRRA for annual maintenance on the additional two gates. The maintenance costs shall include inspections, testing, repairs, replacements, damage, third party utilities, and upgrades. The annual cost of maintenance of the active highway-rail grade crossing warning system shall be as determined by SCRRRA, based on its annual survey of the maintenance cost of the system.

2.7 New Technologies

Reimburse SCRRRA's cost of installation of technologically superior and more reliable equipment in the future to replace existing equipment that is obsolete. Such reimbursement shall be limited to the cost of such installations serving the equipment and facilities required to establish the quiet zone.

2.8 Indemnifications

- a. Indemnify, defend and hold harmless SCRRRA, member agencies [the five-county SCRRRA member agencies are comprised of the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), Ventura County Transportation Commission ("VCTC"), Orange County Transportation Authority ("OCTA"), San Bernardino Associated Governments ("SANBAG"), and Riverside County Transportation Commission ("RCTC")], Operating Railroads ["Operating Railroads" means any passenger or freight-related railroad company(s) operating on SCRRRA track(s), including the National Railroad Passenger Corporation (AMTRAK), the Union Pacific Railroad (UPRR), and the Burlington Northern and Santa Fe Railway Company (BNSF)], as well as their respective board members, member agencies, officers, agents, volunteers, contractors, and employees ("SCRRRA Indemnitees") from any and all liability, loss, expense (including reasonable attorneys' fees and other defense costs), demands, suits, liens, damages, costs, claims, including but not limited to, claims for bodily injury, death, personal injury, or property damage, that are incurred by or asserted against the SCRRRA Indemnitees arising out of or connected with any negligent acts or omissions on the part of public authority, its council, officers, agents, contractors, or employees under or in connection with any work, authority or jurisdiction delegated to public authority related to establishment and operation of a quiet zones at highway-rail grade crossings.

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- b. **PUBLIC AUTHORITY EXPRESSLY UNDERSTANDS AND ACKNOWLEDGES THAT BY ESTABLISHING A QUIET ZONE IT IS DIRECTING ALL RAILROADS OPERATING WITHIN THE QUIET ZONE TO CEASE THE SOUNDING OF LOCOMOTIVE HORNS WITHIN THE QUIET ZONE, EXCEPT UNDER CONDITIONS PROVIDED UNDER §222.23.**

2.9 Insurance

Obtain and maintain, at its sole cost and expense, in full force and effect during the construction of the improvements for the proposed quiet zone, general and railroad protective insurance as required by SCRRRA in the amounts, coverage, and terms and conditions specified, and issued by insurance companies as described in the Temporary Right-of-Entry Agreement (SCRRRA Form No. 6).

2.10 SCRRRA Contact

Submit all written communications related to proposed quiet zones to the following at

SCRRRA:

Ms. Patricia Watkins
Assistant Director, Public Projects
Southern California Regional Rail Authority
279 E. Arrow Highway, Suite 101
San Dimas, CA 91773
Phone: (909) 592-7937
E-mail: watkinsp@scrra.net

3.0 SCRRRA RESPONSIBILITIES

- a. SCRRRA shall review Preliminary and Final Designs submitted by public authority at the expense of the public authority.
- b. SCRRRA shall participate in diagnostic team evaluation meetings arranged by public authority as per §222.25(b)§222.27(b), and section 2.1(c) of these guidelines and procedures.,
- c. SCRRRA shall prepare, submit and execute a C&M Agreement between SCRRRA and public authority for alterations to the highway-rail grade crossings located in the proposed quiet zone. This agreement will include detailed work description; method of payment; responsibility for design, construction, funding and maintenance; cost estimates of railroad design, construction, maintenance, inspection and flagging work; form, duration and amount of insurance; and liability at the public, private, and pedestrian crossings.
- d. SCRRRA shall submit annual invoices to the public authority for the incremental cost of maintenance of enhancement to the active highway-rail grade crossing warning system installed for the purpose of creating a quiet zone as identified in the executed C&M Agreement.

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- e. After filing Notice of Establishment by the public authority, pursuant to §222.43(e), SCRRA shall cease routine use of the locomotive horn at all public and private crossings identified by the public authority upon the date set by the public authority or within 21 days of notification, whichever is later.

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**Notice of Intent
Exhibit "B"
(§222.43(b))****1.0 Required Contents**

- a. A list of each public highway-rail grade crossing, private highway-rail grade crossing, and pedestrian crossing within the quiet zone, identified by both the U.S. National Highway-Rail Grade Crossing Inventory Number, and by street or highway name.
- b. A statement of the time period within which restriction on the routine sounding of the locomotive horn will be imposed. (i.e., 24-hours or from 10 p.m. until 7 a.m.).
- c. A brief explanation of the public authority's tentative plans for implementing improvements within the proposed quiet zone.
- d. The name and title of the person who will act as point of contact during quiet zone development process and the manner in which that person can be contacted.
- e. A list of the names and addresses of each party that shall be notified in accordance with §222.43(a)(1).

2.0 60-Day Comment Period

- a. A party that receives a copy of the public authority's Notice of Intent may submit information or comments about the proposed quiet zone to the public authority during the 60-day period after the date on which the Notice of Intent was mailed.
- b. The 60-day comment period established under paragraph §222.43(b)(2)(i) may terminate when the public authority obtains from each railroad operating over the public grade crossings within the proposed quiet zone, the State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety:
 - Written comments; or
 - Written statements that the railroad and State agency do not have any comments on the Notice of Intent ("no-comment statements".)

Disclaimer: This summary of the final rule is for information purposes only. Entities subject to the final rule should refer to the rule text as published in the Federal Register. Should any portion of this summary conflict with the final rule, the language of the Final Rule shall govern.

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Notice of Quiet Zone Establishment
Exhibit "C"
(§222.43(e))

1.0 Timing

- a. The Notice of Establishment of a Quiet Zone shall provide the date upon which routine locomotive horn use at highway-rail grade crossings shall cease, but in no event shall the date be earlier than 21 days after the date of mailing.
- b. If the public authority was required to provide a Notice of Intent, in accordance with paragraph §222.43(a)(1), the Notice of Quiet Zone Establishment shall not be mailed less than 60 days after the date on which the Notice of Intent was mailed, unless the Notice of Quiet Zone Establishment contains a written statement affirming that written comments and/or "no comments" statements have been received from each railroads operating over the public highway-rail grade crossing within quiet zone, State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety in accordance with §222.43(b)(2)(ii).

2.0 Required Contents

- a. A list of each public highway-rail grade crossing, private highway-rail grade crossing, and pedestrian crossing within the quiet zone, identified by both the U.S. National Highway-Rail Grade Crossing Inventory Number, and by street or highway name.
- b. A specific reference to the regulatory provision that provides the basis for quiet zone establishment, citing as appropriate:

For New Quiet Zones or New Partial Quiet Zones

- §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 as some crossings in the New Quiet Zone or New Partial Quiet Zone to bring the QZRI to a level below the NSRT;
 - §222.39(a)(3), SSMs were implemented as 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.
- c. If a diagnostic team is required under §222.25 (private crossings) or §222.27 (pedestrian crossings), the Notice shall 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 recommendations made by the diagnostic team.

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- d. A statement of the time period within which restriction on the routine sounding of the locomotive horn will be imposed. (i.e., 24-hours or from 10 p.m. until 7 a.m.).
- e. An accurate and complete Grade Crossing Inventory Form for each public highway-rail grade, pedestrian highway-rail grade crossing, and private crossing within the quiet zone that reflects conditions existing at the crossing before any new SSMs or ASMs were implemented.
- f. An accurate, complete, and current Grade Crossing Inventory Form for each public, pedestrian, and private crossing within the quiet zone that 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 separately described.
- g. If the public authority was required to file a Notice of Intent in accordance with §222.43(a)(1), the Notice of Quiet Zone Establishment shall contain a written statement affirming that the Notice of Intent was provided in accordance with §222.43(a)(1). This statement shall also state the date on which the Notice of Intent was mailed.
- h. If the public authority was required to provide a Notice of Intent, in accordance with §222.43(a)(1), and the Notice of Intent was mailed less than 60 days before mailing the Notice of Quiet Zone Establishment, the Notice of Quiet Zone Establishment shall also contain a written statement affirming that they received written comments and/or “no comment” statements have been received from each railroads operating over the public highway-rail grade crossing within quiet zone, the State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety in accordance with §222.43(b)(2)(ii).
- i. If the public authority was required to submit a Notice of Detailed Plan in accordance with §222.43(a)(3), the Notice of Quiet Zone Establishment shall contain a statement affirming that Notice of Detailed Plan was provided in accordance with §222.43(a)(3). This statement shall also state the date on which the Notice of Detailed Plan was mailed.
- j. The name and title of the person responsible for monitoring compliance with the requirements of the rule and the manner in which that person can be contacted.
- k. A list of the names and addresses of each party that shall be notified in accordance with §222.43(a)(4).
- l. A statement signed by the chief executive officer of each public authority participating in the establishment of the quiet zone, in which the chief executive officer shall 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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