

Railroad Crossing Quiet Zones

A quiet zone is a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities. The train horns can be silenced only when additional safety measures compensate for the absence of the horns.

Increased safety measures that could mitigate for the train horns would be improvements such as additional barrier arms, sliding pedestrian gate barriers, raised medians, signage that provides more information and instruction, flashing lights, bells, whistles, etc.

The Federal Railway Administration (FRA) train horn rule provides localities nationwide with the opportunity to establish quiet zones. The federal rule pre-empts all applicable state laws. To qualify, communities wishing to establish quiet zones must equip proposed grade crossings with adequate safety measures as described in the preceding paragraph. These additional safety measures must be constructed at the community's own expense and must meet federal specifications. The federal rule also contains language which for the first time restricts the volume of train horns.

Dana Point City Council Liability Issue

For the better part of 18 months the city has been preparing construction plans for establishing a quiet zone at the Beach Road crossing and has shown some interest and support. However, there is an issue of liability that has recently come up and the city is showing reluctance at accepting any additional risk. OCTA is trying to transfer the liability to the city in return for the *Quiet Zone Designation*. The city can build all the new safety measures it wants but cannot achieve quiet zone status unless it accepts the liability from OCTA. The City Council vote in November was split so the project is subject to potential defeat when it comes up again. If the city cannot get around the liability issue then it will most likely vote against the project.

The Solution for Now

The city wants to construct the safety measures at the grade crossing up to but not including the quiet zone designation. The city is not in the business of operating a railroad. Safety at the grade crossing is first and foremost over train horn noise and if residents want this project to succeed it will be necessary to support the city's recommendation. Conversely, if residents try to press the city based strictly on the noise concern then this project is doomed. The city already has huge liability for PCH and is not looking for more risk exposure. Contact your city council members or the city manager for more information. According to the city website, the next council meeting appears to be on February 9th although there is no agenda at this time. It is not clear whether this topic will be on that agenda but let's assume for now that it is.