

Congress of the United States
Washington, DC 20515

March 7, 2018

The Honorable Ronald Batory
Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Dear Administrator Batory:

We would first like to congratulate you on your recent Senate confirmation, and wish you well in your work to ensure the Federal Railroad Administration's (FRA) mission is fulfilled. As members of the Colorado congressional delegation, we consistently hear from our constituents and communities expressing concerns regarding the current Train Horn Rule, and ask that you immediately turn your attention to this important issue. Safety must be of the highest priority. However, the current rule is outdated and does not take into account technological advancements or the unique situations communities in Colorado and across the country have with diverse railway crossings.

We regularly hear from local officials, businesses, and community members regarding train horn noise. It is more than a nuisance for local residents - it stifles economic development by discouraging businesses and housing developers from building and locating in the heart of their communities. It is obvious the current standards for creating Quiet Zones are far too much of a financial and logistical burden for many communities.

In March of 2016, the FRA released a Notice of Safety Inquiry inviting comments on the 2005 train horn rule. The notice generated over 300 comments from communities and stakeholders across the country. Those comments made clear there is overwhelming support for reducing the use of horns and making it easier for communities to create Quiet Zones. This was especially true in our State of Colorado, where over two-thirds of the comments originated.

Although the Train Horn Rule allows for the creation of Quiet Zones, where locomotives do not need to sound their horns when approaching public highway-rail grade crossings, there is very little flexibility. Implementing new Quiet Zone upgrades pursuant to the guidelines is cost prohibitive to cities and towns in many locations. For instance, Quiet Zone upgrades would cost Fort Collins, Colorado an estimated \$8 million.

In October of 2017, the Government Accountability Office (GAO) released the results of a congressionally-mandated study on railroad Quiet Zones. The report confirmed what communities in our state have been communicating for years: establishing Quiet Zones is cost prohibitive, burdensome, and lacks clear guidance from the Federal Railroad Administration to standardize and simplify the process.

The report also makes clear that there are no specific federal funding sources for establishing quiet zones, putting the cost burden entirely on localities. Local communities can incur

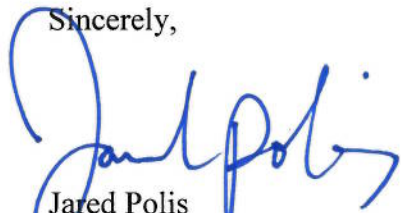
significant costs to meet strict safety requirements, often requiring significant consultation and approval from FRA. Additionally, the report acknowledges the lack of research on the benefits of establishing Quiet Zones, such as improved quality of life, economic development, and safety improvements to the crossings.

In light of this GAO study and the public comments generated in 2016, immediate action is needed. As the new Administrator of the FRA, you have the opportunity to update the Train Horn Rule allowing a common sense solution that ensures public safety at train crossings while making new Quiet Zone upgrades less expensive and more feasible for local communities.

We request you move expeditiously to publish a new rule that utilizes the comments and GAO study to, as one comment submitted said, “understand a one size fits all approach is not a strategy that works.” Some additional comments request revisions to the rule including: the need for public testimony to be included in the review process; not requiring local entities to bear the entire cost of development and implementation; consider new and emerging technologies; and finally expand safety considerations, especially including speed. Currently, the required decibel level is not flexible based on the environment the train is passing through (i.e. urban, rural, downtown, etc). Specifically, we encourage you to change this requirement to give train operators traveling at 25 MPH or less the discretion to sound their horns at a lower decibel level or to only sound their horns when doing so is necessary to ensure safety.

We look forward to your expedited release of a more flexible rule taking into account the GAO study and the 2016 comments showing overwhelming support for substantial changes to the rule. We know working together we can improve the safety, livability, and economic viability of our communities.

Sincerely,



Jared Polis
Member of Congress



Michael F. Bennet
U.S. Senator



Ed Perlmutter
Member of Congress



Ken Buck
Member of Congress