



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 21 2013

Mr. Kevin Lahner
City Administrator
City of Burlington
300 North Pine Street
Burlington, WI 53105

Re: THR-000044

Dear Mr. Lahner:

Per Federal regulations, June 24, 2010, was the deadline to complete the needed highway-rail grade crossing safety improvements in Pre-Rule Quiet Zones and Pre-Rule Partial Quiet Zones that did not qualify for automatic approval and the subsequent establishment of a Federal quiet zone to allow for existing restrictions on routine locomotive horn sounding beyond that date. Title 49 Code of Federal Regulations (CFR) Section 222.41(c) allows for an additional 3 years (no later than June 24, 2013) if the appropriate State agency provides “a comprehensive State-wide implementation plan and funding commitment for implementing improvements at Pre-Rule Quiet Zones and Pre-Rule Partial Quiet Zones which, when implemented, would enable them to qualify as quiet zones....”

Due to the State of Wisconsin’s submission of a comprehensive State-wide implementation plan and funding commitment, the deadline for establishing the City of Burlington’s (City) Pre-Rule Quiet Zone, referenced above, was extended until June 24, 2013. A Notice of Quiet Zone Establishment (NOE) must, however, be provided to the Federal Railroad Administration (FRA) at least 21 days before the establishment of a Federal quiet zone. According to FRA’s records, no NOE has been received for the following highway-rail grade crossings:

- 689856L, Chestnut Street
- 689851C, Roberts Street
- 689853R, Adams Street
- 689854X, Jefferson Street
- 689857T, Milwaukee Street

Therefore, this letter is to notify the City and any railroad operating over these highway-rail grade crossings that routine locomotive horn sounding must be initiated at the above-listed crossings on or after June 25, 2013 (but no later than 7 days after receiving this letter), as described in 49 CFR § 222.21—*When must a locomotive horn be used?*.

A petition was filed by the City on April 9, 2013 (and subsequently amended by an April 24, 2013 letter), to waive the June 24, 2013, deadline. FRA also received the City's June 4, 2013, written request for an expedited provisional decision on the waiver petition. Although the filing of a waiver petition and subsequent request for an expedited provisional decision does not, in itself, stay the application of an FRA regulation, FRA is aware of the City's concerns related to the resumption of locomotive horn sounding. Please be assured that the petition is being advanced per FRA procedures for the processing of petitions for waiver of safety rules in 49 CFR Part 211, Rules of Practice.

If you have any questions about FRA procedures for the processing of waiver petitions or would like to further discuss FRA requirements for establishing quiet zones, please contact Mr. Ron Ries, Staff Director for FRA's Highway-Rail Crossing and Trespasser Programs Division, at (202) 493-6285 or Ronald.Ries@dot.gov.

Sincerely,



for:
Michael J. Logue

Acting Associate Administrator for Railroad Safety/Chief Safety Officer

cc: Mr. Ron Adams, Wisconsin Department of Transportation
Mr. Tom Healey, Canadian National Railway
Mr. Doug Wood, Office of the Commissioner of Railroads