



**U.S. Department
of Transportation**

Federal Railroad
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 21 2013

Mr. Jeff Goetzman
Director of Public Works
City of Superior
1316 North 14th Street
Superior, WI 54880

Re: THR-000327

Dear Mr. Goetzman:

Per Federal regulations, June 24, 2010, was the deadline to complete 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 Statewide implementation plan and funding commitment, the deadline for establishing the City of Superior’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 by FRA for the following highway-rail grade crossing:

- 061459A, 28th Street

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

FRA is aware that a petition was filed by the City (and subsequently amended) to waive the June 24, 2013, deadline. Although the filing of a waiver petition does not, in itself, stay the application of an FRA regulation, the petition is being advanced per FRA procedures for the

processing of petitions for a waiver of safety rules as detailed 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 discuss FRA requirements for establishing quiet zones, please contact Mr. Ron Ries, Staff Director, 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. Lyn Hartley, BNSF Railway
Mr. Ben Steinkamp, BNSF Railway
Mr. Ron Adams, Wisconsin Department of Transportation
Ms. Anna L. Davey, Wisconsin Department of Transportation Northwest Region
Mr. Barry M. Weber, Superior Police Department