



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 21 2013

Ms. Eileen Miller Carter
Assistant City Attorney
City of Wauwatosa
7725 West North Avenue
Wauwatosa, WI 53213

Re: THR-000052

Dear Ms. Carter:

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 Wauwatosa’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:

- 390499E, 63rd Street
- 390501D, 68th Street
- 390502K, 70th Street
- 390503S, 72nd Street
- 390487K, 121st Street
- 930504Y, Harwood Avenue

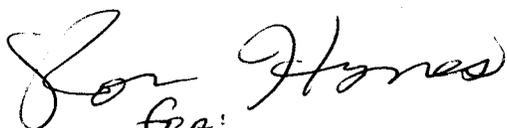
Therefore, this letter is to notify the City and any railroad operating over these highway-rail grade crossings that routine locomotive horn sounding must be initiated at the above-listed

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 30, 2013, 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 in accordance with 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,

A handwritten signature in cursive script, appearing to read "Michael J. Logue".

^{FRA}
Michael J. Logue

Acting Associate Administrator for Railroad Safety/Chief Safety Officer

cc: Mr. Stephan Gilmore, Amtrak
Mr. Daniel Sabatka, Canadian Pacific Railway
Mr. Ron Adams, Wisconsin Department of Transportation
Ms. Kathleen Ehley, City of Wauwatosa
Mr. Barry Weber, City of Wauwatosa
Mr. Doug Wood, Office of the Commissioner of Railroads