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Jeffrey M. Nelson
Chief Counsel & Director of Legal Services

June 24, 2016

Renee M. Vickery
3029 Aintree Dr.
Columbia, SC 29223

Re: Regulation of Railroad Train Horns

Dear Ms. Vickery,

Your letter dated June 8, 2016 regarding noise from the railroad line near your home was forwarded to my office this week. State authority in the area of railroad regulation is limited as most carriers such as CSX are regulated by federal laws and regulations. The South Carolina Office of Regulatory Staff (ORS) does, however, share responsibility for railroad safety oversight in South Carolina with the Federal Railroad Administration (FRA) in two areas: 1) Track and 2) Operating Practices.

The Rail Safety Department of the ORS does work with the rail carriers operating in South Carolina to promote their understanding of and compliance with Federal Operating Practices Standards and provides technical expertise regarding railroad carrier operating rules, employee qualification guidelines, and carrier training and testing programs. However, state laws regarding specific requirements such as the use of train horns, which had been provided under S.C. Code Ann. §58-15-910, have been preempted by the federal regulations with which rail carriers must comply.

A federal train horn rule does exist, and it is very specific in directing rail carriers in the use of train horns. Under 49 CFR Part 222, locomotive engines are required to begin sounding a horn at least 15 seconds, and no more than 20 seconds, in advance of all public grade crossings. The maximum volume for a train horn is mandated under this rule to be no greater than 110 decibels and no less than 96 decibels. In addition, the train horns must be sounded in a pattern of 2 long, 1 short, and 1 long blast. This pattern must be repeated until the lead locomotive or lead cab car occupies the grade crossing. For a complete reading of the federal rule, please go to: <https://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol4/pdf/CFR-2011-title49-vol4-part222.pdf>

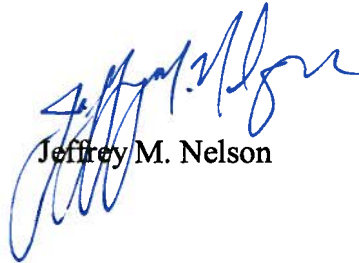
Please note that the federal regulations contain a provision that allows municipalities, counties, and other local governments to reduce train horn noise in their areas by establishing quiet zones. If an area is designated as a quiet zone, railroads may be directed to cease the routine sounding of their horns when they approach public highway rail crossings. The train horns could still be sounded in emergency situations or to comply with other federal regulations, but such a designation would seem to have the effect of significantly reducing the train horn noise that you reference in your letter. Please be aware, however, that the railroads generally oppose quiet zones as they believe that quiet zones compromise the safety of railroad employees and the general public. The details on how to petition the FRA for the establishment of a quiet zone can be found at this link:

<http://www.fra.dot.gov/eLib/Details/L03055>

In addition, the FRA is currently conducting a review of its locomotive train horn regulations. As a part of this review, the FRA is inviting the public to comment on whether the FRA should modify, streamline, or expand its train horn regulations. The following link is the FRA notice: <http://www.fra.dot.gov/eLib/Details/L17372>. The document that can be downloaded at this link contains contact information for providing your comments to the FRA.

Please contact me at your convenience if you have any additional questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Nelson", is written over the printed name.

Jeffrey M. Nelson

cc: Susanne Cooper