

Response to FRA-1999-6439

## Background

In anticipation of this new locomotive horn policy, the Union Pacific trains which run near my house have started regularly blowing late-night horns and I am only able to sleep for the two hour intervals between horns. When I bought my house, I monitored train noise at various times of the day and night and I found that the track noise alone was acceptable. The late-night horns, which have started in the past few months, are not acceptable.

I am getting estimates for sound walls, insulation and windows. The cost is approaching \$50,000 and there are no guarantees that these measures will restore either the quiet or my peace of mind since the train horn is designed to alert a driver in a noisy enclosed vehicle at a distance of ¼ mile.

I am relieved to see a proposal that will regulate the use of train horns, and I am encouraged by the provision for "quiet zones". I, too, am in favor of reducing the number of railroad crossing accidents, but this proposal unfairly imposes the burden of paying for these lives on private citizens who live near the rail lines. The responsibility for saving these lives lies with the railroads and with the government, not with local residents who happen to live within the 3-mile impact radius of a train horn. To mitigate this highly selective impact, I propose the following enhancements to your "Proposed Rule for the Use of Locomotive Horns".

### 1.) De-facto Residential Quiet Zones

This proposal should include clauses to mandate "quiet zones" in residential areas impacted by horn noise. I will attempt to organize my neighbors, petition the city and county government to implement a "quiet zone" for my neighborhood, but residents should not be responsible for mitigating the environmental impact of policy changes instituted by the federal government or the railroads.

I recommend that the FRA automatically implement "quiet zones" for tracks within a pre-defined radius of residential neighborhoods. It is safe to assume that there would be no objection to such a policy from residents affected by horn noise. I assume that the primary obstacle to such a policy is the cost of implementing residential "quiet zones". I would contribute to the costs of implementing a "quiet zone" in my neighborhood, but this cost should be shared by the federal government which is proposing this policy change and by the railroads who will benefit from its implementation.

I have observed that airport expansions in my area are preceded by numerous impact mitigation measures including soundproofing homes, purchasing properties in flight paths and landing/take-off restrictions. Noisy planes are not allowed at airports in residential airports while railroads are mandated to blow nerve-jarring horns within a few feet of a residential area. Why are mitigating measures not required when railroad policy changes affect noise levels in a community? If the answer is simply that the policy saves lives, then the government and the railroads should pay for the lives saved, not the homeowners victimized by the policy. Buy out residences in the horn zone, pay for soundproofing or implement de-facto "quiet zones".

### 2.) Comprehensive Environmental/Economic Impact

This proposal should also include a broader assessment of the potential costs of a mandatory horn policy.

Despite your conclusion that train horns have little or no impact on property values, I find it difficult to believe that a house with a +100db horn blowing throughout the day and night will sell as readily as a house in a horn-free neighborhood. I have only common sense to back up this assertion, but even if I accept the conclusions of your study, property values are only one of many potential costs associated with a mandatory train horn policy.

I don't want to sell my house so my property value only becomes a concern if I am forced to move as a result of this policy. To attempt to maintain my current quality of life, I would have to spend well over \$50,000. Is this "horn-proximity tax" included in your analysis?

I don't see any detailed economic assessment of the impact of train horn noise in your proposal, nor did I see an attempt to quantify reduced quality-of-life. I have nearly fallen asleep at the wheel several times in the past month due to a lack of sleep. A few hundred fatigue-induced accidents could easily outweigh any benefits resulting from reduced crossing accidents.

#### Conclusion

Your measured approach to implementation of new crossing policies and technologies (wayside horns, articulated gates, etc.) is admirable. Any policy change that could reduce the safety of motorists and pedestrians at rail crossings should be carefully considered. A policy that imposes excessive indirect taxes on selected communities, adds to the number of fatigue-induced accidents and blights otherwise attractive communities should be considered with equal care.