

**INDIAN RIVER COUNTY, FLORIDA**

**M E M O R A N D U M**

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**To:** Board of County Commissioners

**Through:** John A. Titkanich, Jr., ICMA-CM; County Administrator

**Prepared By:** Erik D. Ferguson, PE, PTOE; County Traffic Engineer  
and Brian Freeman, AICP; MPO Staff Director

**Date:** January 26, 2024

**Subject:** Presentation on the Process for Establishing a Quiet Zone to Address Train Horn Noise

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It is requested that the information presented herein be given formal consideration by the Board of County Commissioners at its regular meeting of February 6, 2024.

**DESCRIPTION, CONDITIONS, AND ANALYSIS**

On September 22, 2023, Brightline commenced passenger service from West Palm Beach to Orlando, which travels through Indian River County on the Florida East Coast (FEC) Railroad. Currently, an average of 53 trains (consisting of 32 Brightline passenger trains and 21 FEC freight trains travel daily through Indian River County).

Federal regulations known as the Train Horn Rule require locomotives to sound a horn 15-20 seconds (two short, one long, and no more than ¼ mile in advance) before entering a public highway-rail grade crossing. In addition, the Train Horn Rule specifies that locomotive horns must have a minimum sound level of 96 decibels and a maximum sound level of 110 decibels. Within Indian River County, train horns are sounded at all 32 railway crossings.

*Indian River County Code of Ordinances Section 306.04* contains a train horn ban from 10 PM to 6 AM. This ordinance is not enforceable as it was preempted in 2005 by the federal regulation *Use of Railroad Locomotive Horns at Highway-Rail Grade Crossings 49 CFR 222 and 229*. The configuration of the railway crossings in Indian River County in 2005 did not qualify for a train horn ban.

Federal regulations permit the establishment of a quiet zone by a public authority with responsibility for traffic control or law enforcement. Within a quiet zone, train horns are not routinely sounded at crossings but may still be sounded in emergency situations. Federal regulations allow for two types of quiet zones:

- 24-hour quiet zones.
- Nighttime only quiet zones (must be 10 PM – 7 AM).

A quiet zone must be at least ½ mile in length and must include every crossing within the designated area.

As part of the settlement agreement between Brightline and Indian River County, Brightline constructed quad gates last year at 25 crossings in the County. The remaining 7 crossings are either one-way (five crossings) or have a combination of exit gates and medians (two hybrid crossings). Federal regulations contain a maximum risk index for the establishment of a quiet zone. The 30 crossings consisting either of quad gates or one-way streets are designated by the Federal Railroad Administration (FRA) as “Supplemental Safety Measures” (SSMs) and automatically qualify for a quiet zone. The remaining two crossings, which are a hybrid of approved safety features, do not automatically qualify. The quiet zone regulations utilize an average risk index of all crossings in the quiet zone. Utilizing the risk reduction for the 2 hybrid crossings would require a formal application and approval by the FRA, would lengthen the time to implement a quiet zone, and require more frequent reporting to FRA. A review of the regulations and discussions with FRA staff concluded that a risk analysis utilizing all 32 crossings that neglects the risk reduction from the hybrid safety features at the 2 crossings would be the most efficient route to obtain a quiet zone as the risk index of neglecting the safety features at the two hybrid crossings would be averaged into the overall risk index score for all 32 crossings.

A County wide quiet zone risk index score would be low enough to allow the County to self-designate the quiet zone which would avoid a lengthy formal application and approval by the FRA. Based on this level of safety improvements at crossings, County staff has received preliminary information that the only additional improvements needed to establish a County wide quiet zone will be the placement of signs at all crossings notifying the public that a train horn will not be sounded.

The 32 crossings in Indian River County consist of 22 County roads, 5 City of Vero Beach roads, 3 City of Sebastian roads, and 2 state roads. County staff have also discussed quiet zones with City staff in Vero Beach and Sebastian, and both have indicated a preference to participate in a County wide quiet zone. In such a case, County staff will need to coordinate with City staff and FDOT to prepare interlocal agreements regarding maintenance responsibilities for railroad crossing signs and future reporting to FRA. The process to establish a quiet zone in Indian River County could take up to six months. During that time, County staff would need to prepare a Notice of Intent (NOI), respond to comments from the NOI, update the rail crossing inventory forms for all 32 crossings, collect traffic counts at all crossings, run the quiet zone risk calculator, prepare a Notice of Establishment, and install signs at all crossings. Should the County decide not to implement a County wide quiet zone, the City of Vero Beach and City of Sebastian could establish their own quiet zone within their municipal boundary. Florida Statutes and Federal regulations allow a municipal quiet zone to include the County crossings that are located within the municipal boundaries.

### **FISCAL IMPACT**

Additional maintenance of no train horn signage will be required and every 2 ½ to 3 years a Notice of Continuation will be required to be sent to the FRA. The Notice of Continuation will include affirming in writing that the SSMs implemented within the quiet zone continue to conform to the requirements, updating of grade crossing inventory forms, and updating of traffic counts at the affected roadways. These additional costs appear to be minimal and are not known at this time.

### **RECOMMENDATION**

Staff recommends that the Board of County Commissioners provide direction to staff to begin the process on whether or not to establish a County wide quiet zone and also provide direction on whether the quiet zone should be all day (24 hours) or nighttime only (10 PM – 7 AM).