

2018,² “there have been no changes to the training and operations that affect the terms and conditions of the waiver.” MATA states that since the relief was granted in 2008, “there has not been a reportable ‘accident/incident’ . . . on the line.”

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Communications received by June 6, 2023 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), the U.S. Department of Transportation (DOT) solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacy-notice> for the privacy notice of [regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety,
Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2022-0058, Notice No. 1]

Review of Quiet Zone in Deerfield Beach, Pompano Beach, Fort Lauderdale, Oakland Park, Wilton Manors, Dania Beach, Hollywood, and Hallandale Beach, Florida

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of quiet zone review.

SUMMARY: FRA is providing notice of its intent to review a quiet zone located in Deerfield Beach, Pompano Beach, Fort Lauderdale, Oakland Park, Wilton Manors, Dania Beach, Hollywood, and Hallandale Beach, Florida (Cities). Based on a high rate of reported accidents/incidents and related injuries and fatalities that occurred between January and December 2022, FRA has made a preliminary determination that the safety systems and measures implemented within the quiet zone do not fully compensate for the absence of routine sounding of locomotive horns due to a substantial increase in risk. In addition, FRA has made a preliminary determination of significant risk with respect to loss of life or serious personal injury within the quiet zone. Therefore, FRA intends to review existing conditions within the quiet zone to determine whether the quiet zone should be terminated or whether additional safety measures may be necessary to ensure motorist and pedestrian safety.

DATES: Written comments must be received on or before May 8, 2023. FRA will consider comments filed after this date to the extent practicable.

ADDRESSES: *Comments:* Comments related to this notice may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number (FRA-2022-0058). Please note that comments submitted online via www.regulations.gov are not immediately posted to the docket. Several business days may elapse after a comment has been submitted online before it is posted to the docket.

Privacy Act: DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, without edit, to www.regulations.gov, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, commenters are encouraged to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Docket: For access to the docket to read comments received, please visit <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

James Payne, Staff Director, Highway-Rail Crossing and Trespasser Programs Division (telephone: 202-441-2787, email: james.payne@dot.gov); or Kathryn Gresham, Attorney-Adviser, Office of the Chief Counsel (telephone: 202-577-7142, email: kathryn.gresham@dot.gov).

SUPPLEMENTARY INFORMATION:

Background

FRA’s amended final rule on the Use of Locomotive Horns at Public Highway-Rail Grade Crossings, which was issued on August 17, 2006,¹ permits a jurisdiction to establish a quiet zone by designation, if the jurisdiction attests that they have implemented safety measures that reduce the risk of accidents/incidents and fatalities at public highway-rail grade crossings within the quiet zone to the Risk Index With Horns (RIWH).² Through issuance of a Notice of Quiet Zone Establishment, dated April 24, 2019, the Cities established a multi-jurisdictional quiet zone in Broward County, Florida (THR-000001420003) that includes the following highway-rail grade crossings:

² See <https://www.regulations.gov/document/FRA-2008-0063-0012>.

¹ 71 FR 47613, codified at 49 CFR parts 222 and 229.

² The RIWH is the level of risk to the motoring public when locomotive horns are routinely sounded at every public highway-rail grade crossing within the quiet zone.

State	City	U.S. DOT crossing inventory No. (GX ID)	Street name
FL	Deerfield Beach	272511K	NE 2nd Street.
FL	Deerfield Beach	272512S	Hillsboro Blvd.
FL	Deerfield Beach	272513Y	SE 4th Street.
FL	Deerfield Beach	272514F	SW 10th Street.
FL	Deerfield Beach	272515M	SW 15th Street.
FL	Pompano Beach	272516U	NE 48th Street.
FL	Pompano Beach	272517B	Sample Road.
FL	Pompano Beach	272518H	NE 33rd Street.
FL	Pompano Beach	272519P	Copans Road.
FL	Pompano Beach	272526A	NE 10th Street.
FL	Pompano Beach	272528N	NE 6th Street.
FL	Pompano Beach	272531W	NE 3rd Street.
FL	Pompano Beach	272533K	West Atlantic Avenue.
FL	Pompano Beach	272534S	SW 2nd Street.
FL	Pompano Beach	272535Y	SW 6th Street.
FL	Oakland Park	272536F	Cypress Creek Road.
FL	Oakland Park	272537M	Commercial Blvd.
FL	Oakland Park	272538U	NE 45th Street.
FL	Oakland Park	272540V	NE 38th Street.
FL	Oakland Park	272541C	NE 36th Street.
FL	Oakland Park	272542J	NE 34th Court.
FL	Oakland Park	272544X	Oakland Park Blvd.
FL	Wilton Manors	272545E	NE 26th Street.
FL	Wilton Manors	272546L	NE 24th Street.
FL	Fort Lauderdale	272547T	NE 17th Court.
FL	Fort Lauderdale	272548A	NE 13th Street.
FL	Fort Lauderdale	272549G	Sunrise Blvd.
FL	Fort Lauderdale	272550B	NE 3rd Avenue.
FL	Fort Lauderdale	272551H	North Andrews Avenue.
FL	Fort Lauderdale	272552P	Sistrunk Blvd.
FL	Fort Lauderdale	272553W	NE 4th Street.
FL	Fort Lauderdale	272556S	West Broward Blvd.
FL	Fort Lauderdale	272557Y	SW 2nd Street.
FL	Fort Lauderdale	272558F	SW 5th Street.
FL	Fort Lauderdale	272559M	SW 6th Street.
FL	Fort Lauderdale	272560G	SW 7th Street.
FL	Fort Lauderdale	272561N	SW 9th Street.
FL	Fort Lauderdale	272562V	Davie Blvd.
FL	Fort Lauderdale	272563C	SW 15th Street.
FL	Fort Lauderdale	272564J	SW 17th Street.
FL	Fort Lauderdale	272566X	SW 22nd Street.
FL	Fort Lauderdale	272567E	SW 24th Street.
FL	Dania	272571U	Griffin Road.
FL	Dania	272572B	NW 4 Old Griffin Road.
FL	Dania	272573H	NW 1st Street.
FL	Dania	272574P	West Dania Beach Blvd.
FL	Dania	272575W	Stirling Road.
FL	Dania	272576D	Dixie Highway.
FL	Hollywood	272577K	Sheridan Street.
FL	Hollywood	272578S	Taft Street.
FL	Hollywood	272582G	Garfield Street.
FL	Hollywood	272584V	Johnson Street.
FL	Hollywood	272585C	Filmore Street.
FL	Hollywood	272586J	Hollywood Blvd.
FL	Hollywood	272587R	Harrison Street.
FL	Hollywood	272588X	Monroe Street.
FL	Hollywood	272589E	Washington Street.
FL	Hallandale	272590Y	Pembroke Road.
FL	Hallandale	272591F	NW 3rd Street.
FL	Hallandale	272592M	E. Hallandale Beach Blvd.
FL	Hallandale	272593U	SW 3rd Street.
FL	Hollywood	272868A	Tyler Street.
FL	Oakland Park	272870B	NE 56th Street.
FL	Pompano Beach	273022D	SW 3rd St.

According to the Notice of Quiet Zone Establishment, this crossing corridor qualified for quiet zone status on the basis of having a Quiet Zone Risk Index

that was below the RIWH. Accordingly, the Notice of Quiet Zone Establishment indicated that the Cities had taken appropriate measures to compensate for

the excess risk that results from restricting routine train horn sounding at the highway-rail grade crossings

identified in the notice, and the quiet zone took effect on May 18, 2019.

Substantial Increase in Risk

As reflected in the table below, between January and December 2022, at least 34 accidents/incidents have occurred within this multi-jurisdictional quiet zone, resulting in 22 fatalities, six injuries, and six incidents where no

injuries were reported. This is a significant number of accidents/incidents and fatalities as compared to quiet zone accident/incident data over the same period in other quiet zones across the country. While accidents/incidents and fatalities have occurred throughout the quiet zone, the table below reflects a concentration of

accident/incidents and fatalities around Hollywood, Florida, including those involving persons classified as trespassers. In accordance with 49 CFR 222.51(c), FRA has made a preliminary determination that there is significant risk with respect to loss of life or serious personal injury within this quiet zone which necessitates a review by FRA.

No.	Date	Incident	City	GX ID
1	19-Jan-22	Fatality	Deerfield Beach, FL	272513Y.
2	27-Jan-22	Fatality	Hollywood, FL	272587R.
3	12-Feb-22	Injury	Hollywood, FL	272582G.
4	15-Feb-22	Fatality	Hallandale Beach, FL	Trespass.
5	21-Feb-22	Fatality	Hollywood, FL	Trespass.
6	25-Feb-22	Non-Injury	Pompano Beach, FL	272518H.
7	06-Mar-22	Injury	Oakland Park, FL	272542J.
8	12-Mar-22	Fatality	Hollywood, FL	Trespass.
9	18-Mar-22	Injury	Hallandale Beach, FL	272593U.
10	31-Mar-22	Injury	Wilton Manors, FL	272545E.
11	04-Apr-22	Injury	Hallandale Beach, FL	272595H.
12	12-Apr-22	Fatality	Oakland Park, FL	Trespass.
13	20-Apr-22	Non-Injury	Oakland Park, FL	272542J.
14	02-May-22	Fatality	Pompano Beach, FL	272528N.
15	03-May-22	Fatality	Hollywood, FL	272582G.
16	07-May-22	Fatality	Pompano Beach, FL	272519P.
17	08-May-22	Non-Injury	Pompano Beach, FL	272531W.
18	25-May-22	Fatality	Pompano Beach, FL	Trespass.
19	31-May-22	Fatality	Pompano Beach, FL	Trespass.
20	02-Jun-22	Fatality	Pompano Beach, FL	Trespass.
21	07-Jun-22	Fatality	Pompano Beach, FL	272536F.
22	13-Jun-22	Non-Injury	Dania Beach, FL	272576D.
23	24-Aug-22	Fatality	Hollywood, FL	Trespass.
24	30-Aug-22	Fatality	Wilton Manor, FL	Trespass.
25	02-Sep-22	Fatality	Oakland Park, FL	Trespass.
26	06-Sep-22	Non-Injury	Pompano Beach, FL	272533K.
27	19-Sep-22	Fatality	Hollywood, FL	272868A.
28	01-Oct-22	Fatality	Oakland, FL	Trespass.
29	03-Oct-22	Injury	Hollywood, FL	Trespass.
30	01-Nov-22	Non-Injury	Fort Lauderdale, FL	Trespass.
31	15-Nov-22	Fatality	Fort Lauderdale, FL	Trespass.
32	21-Nov-22	Fatality	Dania Beach, FL	Trespass.
33	11-Dec-22	Fatality	Hollywood, FL	272588X.
34	27-Dec-22	Fatality	Fort Lauderdale, FL	Trespass.

Scope of Review

Since 1991, when FRA issued Emergency Order No. 15 regarding the use of locomotive horns at public highway-rail grade crossings,³ FRA has adopted a corridor-wide approach to evaluating and mitigating risk within quiet zones. A corridor-wide approach permits the most efficient deployment of risk reduction measures and encourages public authorities to focus their resources on addressing the most hazardous public highway-rail grade crossings.

As described in this notice, FRA intends to conduct a review of this multi-jurisdictional quiet zone (THR-000001420003) located along the Brightline passenger rail corridor and

Florida East Coast Railway (FEC) freight rail corridor.

Interested parties are invited to submit written comments on this quiet zone review to the docket. FRA is interested in obtaining information from the public about the prevalence of unsafe actions that have been observed at any of the above-listed grade crossings, including information about motorists or pedestrians that have been observed engaging in unsafe actions at any of the above-listed grade crossings. FRA is also interested in obtaining information from public authorities in the affected quiet zone about the effectiveness of existing quiet zone crossing safety improvements, as well as any additional quiet zone safety improvements that may be under consideration and the anticipated timeline for implementing any such improvements. Please refer to the

ADDRESSES section above for guidance on the submission of comments to the electronic docket.

After the comment period closes, the Associate Administrator may require that additional safety measures be taken or that the quiet zone be terminated. The Associate Administrator will provide a copy of his decision to the Cities in which this multi-jurisdictional quiet zone is located, as well as the railroads that operate through the quiet zone and the State agencies responsible for grade crossing, highway, and road safety.

Issued in Washington, DC.

John Karl Alexy,
Associate Administrator for Railroad Safety,
Chief Safety Officer.

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³ 56 FR 36190 (July 31, 1991).