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September 17, 2018

UP QZ #: WI079006

Bridget S. Henk, P.E.
City of Mequon-Assistant City Engineer
11333 N. Cedarburg Road
Mequon, WI 53092

Subject: Notice of Intent to Establish a Partial Quiet Zone
City of Mequon, WI – UP Shoreline Subdivision

Dear Ms. Henk:

Union Pacific (UP) is in receipt of the City of Mequon, WI (City) Notice of Intent (NOI) postmarked July 25, 2018, to establish a new partial quiet zone (QZ) at the crossing listed below. The QZ is proposed to be created in accordance with 49 CFR § 222.39(a)(2)(i), the Quiet Zone Risk Index (QZRI) is at or below the Nationwide Significant Risk Threshold (NSRT) without installation of any SSMS.

Proposed QZ Crossing

DOT	Crossing Type	Milepost	Street Name
180113A	Public	109.65	Donges Bay Road

Please recognize that UP is of the opinion that sounding the locomotive horn at highway-rail grade crossings enhances safety whereas QZs increase risk to motorists, pedestrians and trespassers. Train horns are intended to alert the motoring and pedestrian public to train movement. At a minimum, a diagnostic to evaluate the proposed QZ is recommended and safety treatments should be implemented at each crossing which can include supplemental safety measures (SSMs) and/or alternative safety measures (ASMs).

UP interprets the FRA Train Horn Rule 49 CFR Part 222 (Rule), as a guideline of minimum safety measures to be implemented at QZs. In the interest of safety, each crossing to be considered for a QZ should be evaluated individually rather than basing the selection of crossings to achieve an averaged risk below the NSRT or the Risk Index with Horn.

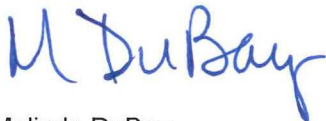
UP has reviewed the NOI per the requirements outlined in the Rule and comments as follows.

- UP acknowledges the Donges Bay Road crossing is configured with active warning devices consisting of flashing lights and gates equipped with CWT devices and power-out indicators as required by the Rule. The City indicates no further safety measures are planned.

- Current annual average daily traffic (AADT) counts were provided with the NOI. Please submit a request to the State to update the FRA Grade Crossing Inventory System with the AADT and other fields in Parts III, IV and V of the FRA Grade Crossing Inventory Form. Accurate and complete inventory forms are required as part of the NOE.
- It is noted there are other crossings in proximity to the proposed QZ that are not included in the NOI submittal. Be advised the train horns will continue to sound at these crossings and may result in residual train horn sound once the QZ is implemented.
- Upon completion of any preparation work for the QZ, a Notice of Establishment (NOE) to implement the QZ must be provided by certified mail to all railroads operating over the public highway-rail grade crossing(s) within the QZ; the highway or traffic control or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the QZ; the landowner having control over any private crossings within the QZ; the State agency responsible for highway and road safety; the State agency responsible for grade crossing safety; and the FRA Associate Administrator. The NOE will serve as notice that all safety measures comply with the Rule and plans submitted with the NOI have been implemented. We encourage communication with UP of any changes to the proposed QZ to allow further review and comment, as necessary.
- UP encourages an awareness program to educate the community about QZs and what to expect. Although trains will cease routine sounding of the horn at grade crossing(s) within the QZ, there are numerous situations when sounding of the horn will be required. For example, an engineer will exercise discretion to sound the horn for safety purposes when pedestrians or workers are in proximity of the crossing(s) and when necessary to comply with any other train operating rules.
- Prior to establishing the new QZ, each approach to the grade crossing(s) must be equipped with an advance warning sign advising users that train horns are not sounded at the crossing(s). These signs must conform to the standards contained in the MUTCD. Additionally, all pavement markings should be inspected to be in good condition for both day and night visibility.

If you have questions or comments, please contact me at (402) 544-3992 or msdubay@up.com.

Sincerely,



Melinda DuBay
Industry & Public Projects

cc: Robert Lauby-FRA Associate Administrator for Safety

by email:

Tammy Wagner-FRA
Yash Wadhwa-Commissioner of Railroads
Sherman Spear-UP
John Venice-UP
Kelli O'Brien-UP