



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA E-MAIL ONLY

March 18, 2025

Ms. Karyn Baxter
City Engineer
City of North Salt Lake, Utah
KarynB@nslcity.org

Mr. Joshua Willie, PE
Deputy City Engineer
Salt Lake City, Utah
joshua.willie@slc.gov

Re: Docket Number FRA-2024-0124

Dear Ms. Baxter and Mr. Willie:

This letter is in response to the December 11, 2024 joint request from the City of North Salt Lake and Salt Lake City (Petitioners) to the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained in Title 49 Code of Federal Regulations (CFR) Part 222 (Use of Locomotive Horns at Public Highway-Rail Grade Crossings) relating to required grade crossing warning devices at crossings within a quiet zone. FRA assigned the request Docket Number FRA-2024-0124.

Specifically, Petitioners request relief from 49 CFR § 222.35(b)(1), *What are the minimum requirements for quiet zones?*, as applied to two highway-rail grade crossings within the Woods Cross Quiet Zone (Crossing Nos. 805664P and 805836V). Section 222.35(b)(1) states that each public highway-rail grade crossing in a quiet zone “must be equipped, no later than the quiet zone implementation date, with active grade crossing warning devices comprising both flashing lights and gates which control traffic over the crossing.” Petitioners request a two-year waiver from the regulation “until the design and construction of [a] new signal mast and gate arms” can be completed at the two crossings.

On January 16, 2025, FRA published notice of Petitioners' request¹ and as of the close of the public comment period on that notice, close to 200 comments have been submitted to the docket. Citing the negative impact of train horn noise at the two crossings at issue, the majority of public commenters expressed unequivocal support for the requested waiver. The Utah Transit Authority expressed support for the Cities' petition explaining that the crossings involved are industrial crossings and noting that there have been no reportable accidents, injuries, or deaths, at either of the crossings since the quiet zone's establishment in 2008.²

FRA's Railroad Safety Board (Board) reviewed the petition, the public comments submitted, the results of FRA's field investigation, and FRA's technical staff findings. Based on this review, the Board determined that granting Petitioners' request for a period of one year is in the public interest and consistent with railroad safety.³ Accordingly, the Board grants the waiver, subject to the following conditions:

1. Work to bring the crossings into compliance with 49 CFR Part 222 must begin as soon as practicable.
2. Crossing No. 805836V must be closed and protected by Approved Supplementary Safety Measure A.5 as outlined in 49 CFR Part 222, Appendix A (Permanent Closure of a Public Highway-Rail Grade Crossing) until both crossings subject to this relief are brought into compliance with 49 CFR Part 222.

This waiver expires 1 year from the date of this letter. At the conclusion of this period, FRA reserves the right to extend the waiver if the Petitioners have made a written request for an extension at least 6 months prior to the expiration date, and if conditions warrant. Any request for extension must (1) demonstrate the Petitioners' compliance with the above-identified conditions; (2) comply with the requirements of § 211.7, *Filing requirements*, and § 211.9, *Content of rulemaking and waiver petitions*; and (3) be submitted via e-mail to FRAWaivers@dot.gov.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of noncompliance with any condition of this waiver. Further, FRA reserves the right to take enforcement action under 49 U.S.C. § 20111 for noncompliance with any condition of this letter or applicable Federal regulations.

¹ <https://www.regulations.gov/document/FRA-2024-0124-0004>. See also <https://www.regulations.gov/document/FRA-2024-0115-0002>, published on Nov. 20, 2024, pertaining to the Oct. 1, 2024 and Nov. 4, 2024 requests from the City of North Salt Lake. 178 comments were received in Docket No. FRA-2024-0115.

² <https://www.regulations.gov/comment/FRA-2024-0124-0005>.

³ FRA recognizes that Petitioners requested a two-year waiver, but FRA notes that Petitioners have indicated that work is expected to begin this spring and be completed within one year.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2024-0124. If you have any questions, please contact James Payne, Staff Director, Grade Crossing and Trespasser Outreach Division, at james.payne@dot.gov.

Sincerely,

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer