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One Question Regarding Train Horns on Commercial Motor Vehicles Answered by Retired Law Enforcement Officials as of April 2010

Warning: Laws are subject to change without notice. These interpretations were made on March 14, 2010.

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Please join our Ol' Blue, USA “Safety Center”® in Pleasanton, CA at the upcoming American Truck Historical Society (ATHS) National Show & Convention on May 27-29, 2010. For more information about this show and other events, visit our Website at www.SafetyTour.org for more details.

Train Horns Mounted on Trucks

Ol' Blue, USA is devoting this column to a single question, which is frequently asked of us at truck shows. We presented it to several retired and former law enforcement Officers to answer. We hope it is helpful to you.

Q: Are train horns legal to have on the truck but illegal to use? Or are they illegal all together? Jason in Texas

A: Provided by Sgt. Pete Camm (Ret.), California Highway Patrol, Sacramento, California:

Very interesting!! Train enthusiasts know train air horns (currently operate between 120 and 145 psi) replaced steam powered horns years ago. California Vehicle Code (VC) § 27000 requires motor vehicles to be equipped with a horn that can be heard at a distance of at least 200 feet,



but a horn cannot be "...unreasonably loud or harsh..." This § only authorizes air horns on authorized emergency vehicles. A violation of § 27000 VC may be cited as an infraction (\$108, no CDL point count), a “fix-it” ticket, or handled with a verbal warning.

My search of the Code of Federal Regulations for NHTSA (FMVSS) did not find any specifications for horns. The Society for Automotive Engineers (SAE) has a set of regulations under standard J377 for new automobiles, which could include CMVs, but I did not have access to this specific information.

NHTSA issued an interpretation, in April of 1995, regarding air horns attached to an air brake system. If an air horn is powered by air from the brake system (to sound like an actual train horn), it has to comply with FMVSS standard 121 (appropriate certifications apply). Air hoses are required to meet FMVSS standard 106 (Brake

hoses); unless a check valve or other similar device is installed to prevent loss of air pressure for the brake system.

A: Provided by Jim Brokaw, formerly a Staff Sergeant with Nebraska State Patrol, Carrier Enforcement Division, Lincoln, Nebraska:



49 CFR 393.81 specifies horn requirements for commercial motor vehicles. The regulation and its 2 guidance questions are as follows:

§393.81 Horn. Every bus, truck, truck tractor, and every driven motor vehicle in driveaway-towaway operations shall be equipped with a horn and actuating elements which shall be in such condition as to give an adequate and reliable warning signal.

Interpretation Question 1: Do the FMCSRs specify what type of horn is to be used on a CMV?

Guidance: No.

Interpretation Question 2: Are there established criteria in the FMCSRs to determine the minimum sound level of horns on CMVs?

Guidance: No.

Nebraska state statute 60-6,285 addresses horn requirements and prohibited acts at our state level. It requires every motor vehicle operated on the highway to be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet; but it doesn't specify horn type - air vs. electric. **Under this statute, it also is unlawful to make any unnecessary or unreasonably loud or harsh sound by means of a horn. Using the train horn could also be classed as disturbing the peace under state law and most city ordinances. I can see how this might also be a safety violation of 49 CFR 392.2 which requires drivers to comply with local laws, but I'm not aware of anything making it out-of-service.**

So it would appear to me under Nebraska law, you can equip a truck with a train horn; you just can't ever use it.

A: Provided by Senior Trooper Monty Dial (Ret.), Texas Highway Patrol, Commercial Vehicle Enforcement Division, Garland, Texas:



This is what Texas Transportation Code states about horns.
§ 547.501. Audible Warning Devices.

Statute text

(a) A motor vehicle shall be equipped with a horn in good working condition that emits a sound audible under normal conditions at a distance of at least 200 feet.
(b) A vehicle may not be equipped with and a person may not use on a vehicle a siren, whistle, or bell unless the vehicle is:

(1) a commercial vehicle that is equipped with a theft alarm signal device arranged so that the device cannot be used as an ordinary warning signal;

or

(2) an authorized emergency vehicle that is equipped with a siren, whistle, or bell that

complies with Section 547.702.

(c) A motor vehicle operator shall use a horn to provide audible warning only when necessary to insure safe operation.

(d) A warning device, including a horn, may not emit an unreasonably loud or harsh sound or a whistle.

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The Ask The Law™ programs, which are provided as a public service by Ol' Blue, USA™, are an ongoing educational effort between Ol' Blue, USA and commercial law Enforcement agencies. The specific purpose is to have truckers contact Ol' Blue, USA and pose questions to law enforcement officials relating to safety and legal issues concerning commercial vehicles. Truckers may submit questions at www.askthelaw.org.

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