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Title [4]7—DEPARTMENT OF [ECONOMIC DEVELOPMENT] TRANSPORTATION
Division 265—[Division of] Motor Carrier and Railroad Safety
Chapter 8—Railroads [and Street Railroads]

MAR 09 2018

PROPOSED AMENDMENT

SECRETARY OF STATE
ADMINISTRATIVE RULES

[4]7 CSR 265-8.060 Structural Clearances. The Missouri Highways and Transportation Commission is moving the rule to Title 7 along with Figures 1 through 4, deleting the Editor's Note and adding a Publisher's Note, deleting subsections (3)(J) and (4)(F), amending sections (1), (3), (4) and (6), and amending subsections (3)(B), (3)(C), (3)(F), (3)(G), (3)(H), (3)(I), (3)(J), (4)(B), (4)(F), (4)(I) and renumbering subsections (4)(G), (4)(H) and (4)(I) accordingly.

PURPOSE: This amendment moves the rule from Title 4 to Title 7, removes all references to mail cranes because these are no longer used in the rail industry, updates the division name, incorporates rules found in the National Electrical Safety Code and eliminates unnecessary restrictive wording.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

[Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law.]

(1) Effective March 15, 1951 no railway or railroad corporation, county, municipality, township or other corporation, firm or person shall erect or cause to be erected any passenger or freight station platforms, or any permanent structure over or contiguous to any railroad track(s), switch or siding, such as shop buildings, coal bins, manufacturing or industrial buildings or any other structure whatsoever, so that the vertical and horizontal clearances are less than the prescribed minimum contained in this rule, unless permission [*shall have been*] is received from [*this*] the division for variance.

(3) The following horizontal clearance [*shall*] appl[*y*]ies to all steam and diesel railroads:

(B) Except as provided in this rule, no track [*shall*] may be constructed adjacent to any building or structure nor shall any signal post, switch stand, building or any other structure be constructed adjacent to any track which has a horizontal clearance of less than eight feet six inches (8'6") from the center of track, measured at right angles, it being understood that the horizontal clearance of eight feet six inches (8'6") shall be maintained to a point sixteen feet (16') above the level of the top of rail, provided that the clearance line for structures other than buildings, retainers, guards and low platforms may extend from a point four feet (4') above the top of rail, downward at an angle to a point five feet six inches (5'6") distant from the center line of track at a point which is level with the top of rail;

(C) Engine terminal and shop structures, such as engine houses, engine and car repair shops,

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cinder conveyors and turntables, may be constructed with horizontal clearances of not less than six feet (6') from the center of terminal or shop tracks adjoining or entering them, provided that in every such case warning signs are erected at a suitable location at each end of the structures calling the trainmen's attention to insufficient clearance. The clearance requirements of this rule *[shall]* do not apply to working platforms and working structures inside of engine houses and repair shops;

(F) Loose materials, such as coal, sand, scrap iron, and the like, may not be stored or piled adjacent to a railroad track with a horizontal clearance at any point less than eight feet six inches (8'6") from the center of track, measured at right angle to, except as provided in this rule. A guard or retainer to hold the loose materials may be constructed with a horizontal clearance of not less than eight feet six inches (8'6") from the center line of track, measured at a right angle to the center. The horizontal clearance of eight feet six inches (8'6") shall be maintained to a retainer or guard height of sixteen feet (16') above the level of the top of rail. Along a freight track not in open thoroughfare, a retainer or guard, the top of which is approximately level with the floor of freight cars, may be constructed adjacent to but one (1) side of the track with a horizontal clearance of less than eight feet six inches (8'6") but not less than five feet nine inches (5'9") to the center line of track, measured at a right angle to the center, provided that in every such case warning signs shall be erected at a suitable location at each end of the retainer or guard directing the trainmen's attention to the insufficient clearance and prohibiting trainmen from riding the sides of cars while in motion. No individual, partnership, association or corporation *[shall]* may store or pile loose material adjacent to a railroad track unless a retainer or guard with the clearances prescribed is erected, or unless, immediately after the piling of this material all such material not providing a clearance of eight feet six inches (8'6") to the center line of adjacent railroad tracks *[shall be]* is removed. Retainers or guards constructed to hold the loose materials shall not have a horizontal clearance less than the prescribed minimum in this subsection, unless permission has been received from the division to vary. This subsection *[shall]* does not apply to individuals, partnerships, corporations, trustees or receivers owning or operating a railroad while engaged in the construction, maintenance or repair of a railroad track or other structure;

(G) No railroad track unless specifically authorized by the *[D]*division *[of Transportation]*, shall be constructed after July 1, 1985 so that the center line of track is less than fourteen feet (14') from the center line of an adjacent track and no ladder track shall be constructed so that the center line of the ladder track is less than nineteen feet (19') from the center line of an adjacent ladder track or less than seventeen feet (17') from the center line of any other track. Any system of three (3) or more tracks at freight houses, warehouses, wharves or similar structures, used exclusively for handling freight to or from platforms located on one (1) or both sides, may have track center distances of thirteen feet (13'), provided that at least two (2) tracks in one such system shall have centers not less than thirteen feet six inches (13'6") provided that no track having track center distances of less than fourteen feet (14') shall be used as a thoroughfare track. The distance between tracks may be diminished to the extent necessary for the construction of crossings, crossovers, gauntlet tracks, turnouts, switches or radial tracks. The provisions requiring fourteen feet (14') distances between track centers *[shall]* do not apply *[to the construction of tracks in yards now under construction nor]* to the construction of tracks under viaducts or other overpasses which originally were designed to accommodate an additional track(s) at distances of less than fourteen feet (14') between track centers, if under that design the additional track(s) cannot be constructed with a distance between track centers of fourteen feet

(14'). Permission to construct tracks with less clearance may be granted by the [D]division [of Transportation] if, after a thorough investigation [and hearing] in any particular case, it is determined that the construction would not create a condition unduly hazardous to railroad employees or other persons;

(H) At locations where low switch stands and dwarf signals are placed between tracks having track center distances of fourteen feet (14') or less, the horizontal clearance rule contained in subsection (2)(A) [shall] appl[y]ies;

(I) The horizontal clearances specified [shall] do not apply to automatic train stop wayside inductors provided the inductor does not extend more than three inches (3") above the level of the top of rail and is not less than four feet two inches (4'2") from the center of track; and

[(J) The horizontal clearances specified shall not apply to mail cranes provided the top arm of the mail crane when in position to support mail sacks for delivery is not above a point which is ten feet eight inches (10'8") above top of rail and does not extend within six feet five inches (6'5") from the center of track.]

(4) The following horizontal clearances [shall] apply to all electric and street railroads:

(B) Platforms for loading and unloading of freight and express matter into or from cars of the passenger or express type, the tops of which are approximately level with the floors of the cars may be constructed adjacent to only one (1) side of a track which is not in open thoroughfare at a distance less than seven feet six inches (7'6") from the center of track. When these platforms are constructed with a clearance less than seven feet six inches (7'6"), the horizontal clearances shall not be less than four feet nine inches (4'9"), provided that in every such case warning signs [shall be] are erected at a suitable location at each end of the platform, calling trainmen's attention to insufficient clearance and prohibiting them from riding on the sides of cars while in motion;

[(F) The horizontal clearances specified in this section shall not apply to mail cranes, provided the top arm of the mail crane when in position to support mail sacks for delivery is not above a point which is ten feet eight inches (10'8") above top of rail, and does not extend within six feet five inches (6'5") from the center of the track;]

[(G) F] In case of roads using passenger cars greater or less than nine feet (9') in width, a corresponding change in the specified horizontal clearances shall be used, it being understood that points five feet six inches (5'6") distant from the center of track and level of with the top of rail are fixed;

[(H) G] In city streets where the clearances between main tracks are such that the distance between the sides of passing cars is less than three feet (3'), the windows of all cars shall be equipped with bars, screens or other suitable protective devices and all vestibule doors kept closed when cars are in motion; and

[(I) H] In case of roads using cars greater or less than nine feet (9') in width, a corresponding change shall be made in the horizontal clearance specified in this rule, provided that the specified clearance of three feet (3') between cars [shall] is not [be] varied.

(6) All wire, cable conductors, trolley wires, guards, guys and other apparatus or fixtures used in connection when located upon, along or across the property or right-of-way of any railroad or railway system shall be constructed in conformance with the rules contained in the *National Electrical Safety Code (2012 Edition)*, incorporated herein by reference and made a part of this rule as published by the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, NJ 08854-4141. This rule does not incorporate any subsequent

amendments or additions of this code.

*AUTHORITY: section 622.027, RSMo 1986. * Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed March 9, 2018.*

**Original authority: 622.027, RSMo 1985.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, Missouri 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*