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SECRETARY OF STATE
ADMINISTRATIVE RULES

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

COPY

PROPOSED AMENDMENT

[4]7 CSR 265-8.100 Track and Railroad Workplace Safety Standards. The Missouri Highways and Transportation Commission is moving the rule to Title 7 and amending sections (1) and (2).

PURPOSE: This amendment moves the rule from Title 4 to Title 7 and updates the references to the federal regulations in Title 49, Code of Federal Regulations, Parts 213 and 214 that are incorporated into this rule.

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.

(1) The [Division of Motor Carrier and Railroad Safety] **division** incorporates by reference in this rule the minimum safety standards for track and roadbed inspections for common carriers by rail, as adopted by the Federal Railroad Administration and published in Title 49, Code of Federal Regulations, [p]Part 213 [—Track Safety Standards, on October 1, 1997, and subsequent final rules published in the Federal Register], except that the division does not incorporate by reference any of the provisions of 49 CFR section 213.15—Civil penalty, or Appendix B to part 213—Schedule of Civil Penalties, or any other provision conflicting with applicable Missouri law. **The aforementioned standards in Title 49, Code of Federal Regulations, Part 213, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue, SE Washington, DC 20590. This rule does not incorporate any subsequent amendments of additions of this rule. [These regulations include safety requirements relating to train speeds, roadbed, track geometry, track structure, track appliances, track-related devices, and inspections.]**

(2) The division incorporates by reference in this rule the requirements governing the safety of railroad employees in the workplace as adopted by the Federal Railroad Administration and published in Title 49, Code of Federal Regulations, P [p]art 214 [—Railroad Workplace Safety, on October 1, 1997, and subsequent final rules published in the Federal Register], except that the division does not incorporate by reference any of the provisions of Appendix A to part 214—Schedule of Civil Penalties, or any other provision conflicting with applicable Missouri law. **The aforementioned standards in Title 49, Code of Federal Regulations, Part 214, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue, SE Washington, DC 20590. This rule does not incorporate any subsequent amendments of additions of this rule. [These regulations include safety requirements relating to bridge worker safety standards and roadway worker protection.]**



AUTHORITY: section 622.027, RSMo Supp. 1997. 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 June 22, 1998, effective Feb. 28, 1999. Amended: Filed March 9, 2018.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

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, MO 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.*