

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

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

[4]7 CSR 265-8.130 Grade Crossing Construction and Maintenance. The Missouri Highways and Transportation Commission is moving the rule to Title 7, amending the purpose statement, deleting the Editor's Note and adding a new Publisher's Note, and amending subsections (1)(A), (1)(C), and (1)(D).

PURPOSE: This amendment moves the rule from Title 4 to Title 7, updates the references to the Manual on Uniform Traffic Control Devices and to the American Railway Engineering and Maintenance of Way Association's guidelines that are incorporated into this rule and eliminates restrictive wording.

PURPOSE: This rule implements the provisions of section 389.610, RSMo, [as enacted in Senate Bill No. 676, General Assembly, Second Regular Session, 1988,] which authorizes the division to make reasonable rules pertaining to the construction and maintenance of all public grade crossings.

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 material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.]

(1) Every crossing shall be constructed of materials that will provide a ride quality compatible with that of adjacent roadway surfaces (except that crossings of unconsolidated or asphalt material shall have installed headers of equal height to the top of rails installed on both sides of both rails).

(A) The crossing on paved roads shall be the same width as the approaching roadway including drivable shoulders plus two feet (2') on each side. On gravel roads, the crossing shall be the same width as the traveled way, which *[shall be deemed to be]* is the width of the crossing as it **existed** on April 27, 1989 but not less than sixteen feet (16').

(C) Width of roadway at a highway-railway grade crossing should correspond to that of the adjoining highway and have the same number and width of traffic lanes as the adjoining highway without extra lanes and with center turn lanes at the crossing delineated. At all paved approaches to the highway-railway grade crossing, the highway traffic lanes in the vicinity of the crossing

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MAR 09 2018

ADMINISTRATIVE RULES

should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices for Streets and Highways (2009 edition)*, which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual. These markings are the responsibility of the public authorities.

(D) Part [I (subsections 1.4—1.11)] 8 of the American Railway Engineering and Maintenance of Way Association's *Guidelines for the Design, Construction or Reconstruction of Highway-Railway At-Grade Crossings (2013 edition)*, is incorporated [are adopted] by reference and made a part of this rule as published by the American Railway Engineering and Maintenance of Way Association, 4501 Forbes Blvd. Suite 130, Lanham-Seabrook, MD 20706. This rule does not incorporate any subsequent amendments or additions of these guidelines. These guidelines are [as] recommended practices for the construction and reconstruction of highwayrailway grade crossings, if practicable. [, but with the following changes:

1. Paragraph 1.9.8, line 1, of the guidelines, as adopted, is amended by striking out the numeral "115," and inserting the numeral "112" in lieu of 115.]

AUTHORITY: section 622.027, RSMo 1986.* Original rule filed Jan. 5, 1989, effective April 27, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. 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, 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.