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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

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

[4]7 CSR 265-8.030 **Visual Obstructions at Public Grade Crossings.** The Missouri Highways and Transportation Commission is moving the rule to Title 7 and amending sections (2) and (3) of this rule.

PURPOSE: This amendment moves the rule from Title 4 to Title 7 and eliminates unnecessary restrictive wording.

(2) Railroads operating within Missouri are required to maintain certain minimum distances from the near edge railroad crossings to railroad rolling stock stored on sidings. Stored rolling stock as used in this rule *[shall be defined as]* **means** rolling stock not used for the pickup or delivery of freight and whose placement on a railroad-owned siding by a railroad is for the sole convenience of the railroad. The minimum distance for the storage of railroad rolling stock shall be two hundred fifty feet (250') unless the division *[shall find]* **determines** a lesser or greater distance is *[required]* **necessary** at a particular location and *[shall permit or order]* **permits or orders** a railroad to maintain the lesser or greater distance. If physical conditions require the use of a track temporarily or minimum distances cannot be obtained, then the provisions of this section shall not apply to—

(3) The provisions of this section *[shall]* **do** not apply to rolling stock stored on yard tracks unless the division *[after a hearing shall order]* **orders** otherwise.

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 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.

JOINT COMMITTEE ON
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ADMINISTRATIVE RULES