

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 265-8.080 Railroad-Highway Grade Crossing Warning Systems. The Missouri Highways and Transportation Commission is moving the rule to Title 7 and deleting the marking diagrams, amending sections (1), (3), and (4), deleting section (2), and renumbering sections (3) and (4).

PURPOSE: This amendment moves the rule from Title 4 to Title 7, updates the references to the Manual on Uniform Traffic Control Devices (MUTCD) guidelines and the federal regulations in 49 CFR Part 234 that are incorporated into this rule. The amendment also removes a pavement marking diagram as part of the published rule because this diagram is included in Part 8 of the MUTCD.

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 Part [VIII] 8 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. [(MUTCD) (1988 Edition), as published by the Federal Highway Administration.] Part 8 [VIII], entitled "Traffic Control for Railroad and Light Rail Transit Grade Crossings [Systems for Railroads-Highway Grade Crossing]" establishes standards for the design, installation and operation of grade crossing warning devices. [The Division of Transportation recommends that the standards in Part VIII be applied in the installation of all grade crossing warning systems in Missouri.] **Unless a specific variance is granted by the division, the standards in Part 8 must be applied in the installation of all grade crossing warning systems in Missouri, except that only 12-inch diameter lenses shall be used on flashing light signal units.**

[2) The division director finds it necessary to incorporate by reference in this rule Part VIII of the *Manual on Uniform Traffic Control Devices (MUTCD) (1988 Edition)*, with the following changes:

(A) The following paragraph is added immediately after paragraph 8B-9 on page 8B-7:

8B-10 Crossing Inventory Number



The proper DOT/AAR crossing inventory number shall be displayed in a conspicuous location at each grade crossing;

(B) The sixth paragraph as contained in paragraph 8C-7 on page 8C-10 is deleted. This paragraph reads as follows: "Two sizes of lenses, 8-inch diameter and 12-inch diameter, are available for flashing light signal units. The larger lens provides somewhat better visibility. In choosing between the sizes of lenses, consideration should be given to the principles stated in section 4B-A for choosing between the 8-inch and 12-inch lenses for use in highway intersection traffic control signals.";

(C) The following paragraph is added immediately after paragraph 8C-7 on page 8C-10:

8C-8 Lens Dimensions

Only 12-inch diameter lenses shall be used on flashing light signal units, unless a specific exemption is granted by the division; and

(D) The following supplement to Figure 8-2 is added immediately after Figure 8-2 on Page 8B-4:]

([3]2) [After December 9, 1991, w]Whenever one (1) or more adjacent tracks (but fewer than all tracks), are physically removed from a grade crossing, or physically removed, except through a grade crossing, then the railroad(s) responsible for maintaining the grade crossing shall relocate the warning devices to a clearance of not less than twelve feet (12') nor more than twenty feet (20') from the center line of the nearest remaining track **within one hundred twenty (120) days after the date of actual removal of the track**, unless otherwise ordered by the division. [The railroad(s) shall complete the relocation of the warning devices (whether active or passive) within one hundred twenty (120) days after the date of actual removal of the track, unless otherwise ordered by the division.]

([4]3) [The division adopts the requirements governing the safety of highway-rail grade crossing signal systems as adopted by the Federal Railroad Administration and published in Title 49, Code of Federal Regulations, part 234—Grade Crossing Signal System Safety, on October 1, 1997, and subsequent final rules published in the Federal Register, except that the division does not adopt the provisions of Appendix A to Part 234—Schedule of Civil Penalties, or any other provision the adoption of which would exceed the statutory authority of this division.] **The provisions governing the safety of highway-rail grade crossing signal systems published in in Title 49, Code of Federal Regulations, Part 234, but not including Appendix A – Schedule of Penalties, 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 or additions of this rule.** [These regulations include safety requirements relating to the reporting of signal system malfunctions, responding to such reports, and maintaining, inspecting and testing grade crossing signal systems.]

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. Rescinded and readopted: Filed April 16, 1986, effective June 30, 1986. Amended: Filed Jan. 5, 1989, effective April 27, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991.

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.*