
Rules of
Department of Economic
Development
Division 265—Division of Motor Carrier and
Railroad Safety
Chapter 9—Fixed Guideway Transit Systems

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 265—Division of
Motor Carrier and Railroad Safety
Chapter 9—Fixed Guideway
Transit Systems**

**4 CSR 265-9.010 Applicability of Chapter;
Definitions**

PURPOSE: This rule provides that this chapter is to govern fixed guideway transit systems instead of 4 CSR 265-8 and prescribes definitions for certain words and terms used in the rules within this chapter.

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) Notwithstanding any provision within 4 CSR 265-8 to the contrary, fixed guideway transit systems as defined in this rule shall be governed by the rules in this chapter, and not by the rules in 4 CSR 265-8.

(2) As used in this chapter unless the context clearly requires otherwise, the following definitions apply:

(A) Accident. Any event involving the revenue service operation of a rail fixed guideway system if as a result:

1. An individual dies;
2. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
3. A collision, derailment, or fire causes property damage in excess of one hundred thousand dollars (\$100,000);

(B) APTA Guidelines. The American Public Transit Association's *Manual for the Development of Rail Transit System Safety Program Plans*, published on August 20, 1991, which is incorporated by reference in this rule;

(C) Contractor. An entity that performs tasks required by federal or state law, by division rule or order, or by FTA regulations under 49 CFR part 659, on behalf of the transit system or the division. A transit system shall not be a contractor for the division;

(D) Division. The Division of Motor Carrier and Railroad Safety within the

Department of Economic Development of the State of Missouri, also known as MCRS. Whenever the term "Division of Transportation" or "MCRS" is used within the rules in this chapter, the term shall be interpreted as meaning the Division of Motor Carrier and Railroad Safety;

(E) Employee. Any individual employed by a transit system for any period in any work for which s/he is compensated, whether full- or part-time, whose regular course of employment relates to the operation, inspection, maintenance or construction of the physical transit system property or the operation of trains;

(F) Fixed guideway transit system. A railroad, street railroad, or light rail for public use in the transportation of passengers within an urban area, other than those subject to the jurisdiction of the Federal Railroad Administration;

(G) FTA. The Federal Transit Administration within the United States Department of Transportation;

(H) Hazardous condition. A condition that may endanger human life or property. It includes unacceptable hazardous conditions;

(I) Hazardous material. Any commodity or product identified or regulated by the United States Department of Transportation in Title 49 CFR parts 171 through and including part 179 which may be transported under restricted conditions;

(J) Highrail wheels. Any retractable flanged wheel assembly designed to allow a highway vehicle to operate on the track;

(K) Injury. An injury of the magnitude requiring medical treatment or transport to a health care facility for medical treatment;

(L) Investigation. A process to determine the probable cause of an accident or an unacceptable hazardous condition, in accordance with the provisions of rule 4 CSR 265-9.150;

(M) Light rail. Every rail transportation system in which one or more rail vehicles are propelled electrically by overhead catenary wire upon tracks located substantially within an urban area and are operated exclusively in the transportation of passengers and their baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in connection with the operation of light rail;

(N) Medical treatment. Treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment (one (1)-time treatment), precautionary measures such as tetanus shots and subsequent observation of minor scratches, cuts, bruises or splinters, which do not require medical care, even

though these services are performed by a physician or registered professional personnel;

(O) Pedestrian grade crossing. A location where one (1) or more transit system tracks cross a public sidewalk or pathway used by pedestrians at grade;

(P) Rail-highway grade crossing. A location where one (1) or more transit system tracks cross a public highway, road, street or private roadway, and includes a pedestrian grade crossing;

(Q) Safety. Freedom from danger;

(R) Safety review. A formal, comprehensive, on-site examination by or on behalf of the division of a transit system's safety practices to determine whether they comply with the policies and procedures required under the transit system's system safety program plan;

(S) Security. Freedom from intentional danger;

(T) System safety program plan (SSPP). A document adopted by the transit system detailing its safety and security policies, objectives, responsibilities, and procedures;

(U) System safety program standard. The standard developed and adopted by the division which, at a minimum, complies with the APTA Guidelines and which addresses personal security;

(V) Train. Includes any light rail vehicle, on-track work equipment, railroad or street railroad car or locomotive engine;

(W) Transit system. A fixed guideway transit system; and

(X) Unacceptable hazardous condition. A hazardous condition determined to be an unacceptable hazardous condition using the APTA Guidelines' Hazard Resolution Matrix (APTA Guidelines, checklist number 7), which is reproduced in the following table:

| APTA Manual Hazard Resolution Matrix | | | | |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| | Catastrophic | Critical | Marginal | Negligible |
| Frequent | Unacceptable | Unacceptable | Unacceptable | Acceptable/WR ¹ |
| Probable | Unacceptable | Unacceptable | Undesirable | Acceptable/WR ¹ |
| Occasional | Unacceptable | Undesirable | Undesirable | Acceptable |
| Remote | Undesirable | Undesirable | Acceptable/WR ¹ | Acceptable |
| Improbable | Acceptable/WR ¹ | Acceptable/WR ¹ | Acceptable/WR ¹ | Acceptable |

¹Acceptable/WR—Acceptable with review by management staff.

AUTHORITY: section 622.027, RSMo Supp. 1997. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 25, 1997. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*



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

4 CSR 265-9.020 System Safety Program Standard

PURPOSE: This rule adopts a system safety program standard, and requires every fixed guideway transit system to establish, implement and maintain a system safety program plan which meets the FTA requirements under 49 CFR part 659, and the requirements of 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 incorporates by reference in this rule the American Public Transit Association (APTA) Guidelines as the system safety program standard for fixed guideway transit systems operating within the state, as supplemented by the rules in this chapter. Every transit system operating in this state shall develop, adopt and implement a system safety program plan (SSPP) which conforms to the APTA Guidelines and the rules in this chapter.

(A) The SSPP shall address the personal security of transit system passengers, employees, and other persons lawfully present on transit system property. The division incorporates by reference in this rule Federal Transit Administration, U.S. Dept. of Transportation, *Transit System Security Program Planning Guide* (Final Report FTA-MA-90-7001-94-1) (January 1994, reprinted November 1997), as a guideline for preparation of the security portion of each transit system’s SSPP.

(B) The portion of the SSPP that relates to transit system security, and any related documents or information filed with this division by a transit system under the provisions of this chapter, may be closed to public inspection by the transit system, or by the division or its administrative law judge, as deemed necessary to prevent or mitigate breaches of security. The closure to public access, in whole or in part, of these security provisions, and related documents or information, shall not preclude the division or its authorized personnel from inspecting and copying these provisions, documents and information, as

otherwise provided by law or by the rules or orders of the division.

(2) Every transit system that begins revenue service after January 1, 1998, shall file two (2) copies of its SSPP with the division not less than one hundred eighty (180) days before starting revenue service, for approval by the division director.

(3) The division shall review a transit system’s SSPP before the transit system begins revenue service, and may review a transit system’s SSPP whenever deemed appropriate by the division. The division director shall notify the transit system of the approval of the SSPP, and any revisions of the SSPP. The division may require the transit system to modify or supplement its SSPP, and any revisions made to the SSPP, in accordance with this section. The division director shall notify the transit system, in writing, which shall identify the specific portions of the SSPP that shall be modified or supplemented. The notice shall specify a reasonable due date for filing the modification or supplementation with the division. The transit system may object to the requirements stated in the division director’s notice, by filing a pleading with the division before the specified due date, which shall be determined by an administrative law judge after notice and an opportunity for hearing.

(4) Any revisions made to the SSPP shall be filed by the transit system, for review and approval by the division director, on or before the effective date of the revision. No revision shall be in conflict with, or adversely impact upon, any other part of the SSPP. No revision shall be made which creates a safety hazard.

(5) Every transit system, its officers, employees, contractors and agents shall comply with the applicable provisions contained within the SSPP filed with the division.

AUTHORITY: section 622.027, RSMo Supp. 1997. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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

4 CSR 265-9.030 Fixed Guideway Transit System Construction, Maintenance and Operation Plans

(Rescinded February 28, 1999)

AUTHORITY: section 622.027, RSMo 1986. Emergency rule filed Feb. 5, 1993, effective

Feb. 15, 1993, expired June 14, 1993. Emergency amendment filed May 6, 1993, effective May 16, 1993, expired Sept. 12, 1993. Original rule filed Feb. 5, 1993, effective June 7, 1993. Emergency rescission filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Rescinded: Filed June 22, 1998, effective Feb. 28, 1999.

4 CSR 265-9.040 Transit Safety Review

PURPOSE: This rule provides for the division’s oversight of each transit system’s internal safety audit process, and for the division’s responsibility to perform a comprehensive, independent safety review of fixed guideway transit systems every three years, in accordance with the FTA requirements under 49 CFR sections 659.35 and 659.37.

(1) All fixed guideway transit systems operating within Missouri shall conduct a comprehensive internal safety audit, at their own expense, prior to commencement of operations. Each transit system shall file a written report on this safety audit with the division for approval before starting revenue service. The division director shall notify the transit system of the approval of this safety audit report. The division staff may object to the safety audit report, or any part of the safety audit, by filing a pleading with the division, which shall be determined by an administrative law judge after notice to the transit system and an opportunity for hearing.

(2) After starting revenue service, every transit system shall conduct an ongoing, internal safety audit process that conforms to its system safety program plan (SSPP) and the American Public Transit Association (APTA) Guidelines applicable to safety audits. Not later than the first day of February in each year, the transit system shall file with the division a written, annual safety audit report on its safety audit process for the preceding year. The division shall review all audit reports filed by the transit system. The division director shall notify the transit system of the approval of the annual safety audit report. The division staff may object to the annual safety audit report, or any part of the transit system’s safety audit process, by filing a pleading with the division, which shall be determined by an administrative law judge after notice to the transit system and an opportunity for hearing.

(3) Not later than the fifteenth day of March in each year, the division shall submit to Federal Transit Association (FTA) a publicly available annual report summarizing its oversight activities concerning fixed guideway

transit systems for the preceding calendar year. The annual report shall include a description of the most common probable causal factors of transit system accidents and unacceptable hazardous conditions. If the division has conducted a triennial safety review during the preceding calendar year under section (4) of this rule, then the annual report shall include the division's report on the triennial review. The division shall annually file with FTA a certification of compliance, signed by the division director or other official authorized by the division, which certifies that the division has implemented a state oversight program that meets the requirements of 49 CFR part 659, and further certifies that the division, its employees, and any entities performing tasks required of the division under 49 CFR part 659, have no conflict of interest with any fixed guideway transit system overseen as a result of 49 CFR part 659.

(4) At least every three (3) years, the division shall conduct an on-site safety review of every transit system in the state. The division shall review the transit system's implementation of its SSPP, and the division shall prepare and issue a report containing findings and recommendations resulting from that review. At a minimum, the report shall include an analysis of the effectiveness of the SSPP and a determination of whether it should be updated. The transit system may object to the division's findings or recommendations resulting from the triennial on-site safety review, by filing a pleading with the division not more than sixty (60) days after the report is served upon the transit system, which shall be determined by an administrative law judge after notice and an opportunity for hearing.

AUTHORITY: section 622.027, RSMo Supp. 1997.* Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999.

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

4 CSR 265-9.050 Signs

PURPOSE: This rule prescribes the requirements for the installation and maintenance of certain required signs used on fixed guideway transit systems.

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 expen-

sive. 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) All safety, directional, warning and train control signs used on fixed guideway transit systems shall be made of aluminum or other noncorrosive material and covered with a reflectorized material to show the same shape and color by day or night. The reflectorized material used shall be applied in accordance with the instructions contained in the *Federal General Services Pamphlet LS 300-C*, March 20, 1979 which is incorporated by reference in this rule; and shall have the minimum reflective intensity value specified in Table II of the *Federal General Services Pamphlet LS 300-C*, March 20, 1979.

(2) The signs shall be maintained in a reasonably clean condition and replaced when they have been moderately impaired by wear or damage.

(3) In those cases where the division determines that reflectorization will not perform effectively, the division may require the use of appropriate illumination for the signs.

AUTHORITY: section 622.027, RSMo Supp. 1997.* Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999.

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

4 CSR 265-9.060 Drug and Alcohol Testing

PURPOSE: This rule prevents accidents and injuries in the operation of fixed guideway transit systems that result from the impairment of employees by alcohol or drugs. This rule adopts the minimum safety standards for the control of alcohol and drug use which are prescribed by FTA regulations in 49 CCFR part 653. This rule does not restrict a transit system from adopting and enforcing additional or more stringent requirements not inconsistent with 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) Every transit system shall meet or exceed FTA's alcohol and controlled substances testing requirements under 49 CFR part 653, which is incorporated by reference in this rule.

AUTHORITY: section 622.027, RSMo Supp. 1997.* Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999.

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

4 CSR 265-9.070 Hours of Service

PURPOSE: This rule prevents excessive mental and physical strain and fatigue which results from remaining too long at exacting tasks. This rule prescribes the maximum safe number of working hours an employee can be required or allowed to operate a train on the mainline or to directly control the operations a train on the mainline: on a fixed guideway transit system. This rule does not restrict a transit system from adopting and enforcing additional or more stringent requirements not inconsistent with this rule.

(1) This rule shall apply to every employee who operates a train on the main line or is directly involved in controlling the operations of a train on the main line of a fixed guideway transit system. No transit system shall require or allow any of these employee to perform work in excess of the allowable hours established in this rule.

(2) No employee shall be required or allowed to continue on duty or to go on duty until the employee has had at least ten (10) consecutive hours off duty, if that employee has been continuously on duty for twelve (12) hours or more.

(3) Time on duty shall commence when an employee begins to work or is required to be in readiness to work and continues until the time the employee is relieved from work and all responsibility for performing work. Time on duty shall include:

(A) Interim periods of rest less than or equal to one (1) hour; and



(B) Time spent in the transportation of an employee to a duty assignment, except that time spent transporting an employee from a duty point of final release shall not be counted.

(4) No employee shall be required or allowed to continue on duty or go on duty unless s/he has had at least eight (8) consecutive hours off duty during the preceding twenty-four (24) hours.

(5) When a situation requiring the extended service of an employee covered by this rule occurs, which is both unforeseeable and beyond the control of the transit system, the employee may be on duty in excess of the twelve (12)-hour limit but shall not be required or allowed to continue on duty in excess of fifteen (15) hours. Under the provisions of this section, an employee shall not work in excess of the twelve (12)-hour limit more than two (2) days in a seven (7)-day period.

(6) The transit system shall establish and maintain at one (1) or more locations where employees covered by this rule report on or off duty, a written hours of service log which shall record the hours of service of these employees. The transit system shall keep this log current for each of these employee showing the time of the last change of duty status of the employee. Any supervisor making an entry on behalf of any of these employee must initial such an entry. For each of these employees, the hours of service log shall include at least the following information:

(A) Employee's signature and badge number;

(B) Amount of rest since last duty in hours and minutes, except that if the amount of rest is in excess of twelve (12) hours an entry of "12+" is sufficient;

(C) The time at which the employee signs in for duty;

(D) The time at which the employee is off duty; and

(E) Total time on duty in hours and minutes.

(7) The transit system shall retain in its custody and make available to the division for inspection the hours of service log for a period of one (1) year after the last entry is made in each daily log.

AUTHORITY: section 622.027, RSMo Supp. Supp. 1997. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amend-*

ment filed June 17, 1993, effective June 27, 1993, expired Oct. 24, 1993. Emergency amendment filed Oct. 13, 1993, effective Oct. 24, 1993, expired Feb. 20, 1994. Emergency amendment filed Feb. 10, 1994, effective Feb. 20, 1994, expired June 14, 1994. Emergency amendment filed June 2, 1994, effective June 14, 1994, expired Oct. 11, 1994. Emergency amendment filed Sept. 30, 1994, effective Oct. 12, 1994, expired Jan. 10, 1995. Amended: Filed June 2, 1994, effective Dec. 30, 1994. Amended: Filed June 22, 1998, effective Feb. 28, 1999.

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

4 CSR 265-9.080 Required Equipment for On-Track Vehicles and Equipment
(Rescinded: February 28, 1999)

AUTHORITY: section 622.027, RSMo 1986. Original rule filed Nov. 4, 1992, effective June 7, 1993. emergency rescission filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Rescinded: Filed June 22, 1998, effective Feb. 28, 1999.*

4 CSR 265-9.090 Walkways

PURPOSE: This rule prescribes the minimum safety standards for the construction, reconstruction and maintenance of walkways adjacent to fixed guideway transit system tracks within Missouri.

(1) All fixed guideway transit systems shall construct walkways beside their tracks in accordance with this standard. This rule applies only to those tracks where employees are routinely expected to walk in the performance of their duties.

(2) The walkways are defined as those areas located —

(A) On both sides of the track within eight feet six inches (8'6") from the centerline of yard and service tracks;

(B) At manual throw switches, the area six feet (6') around the head block ties; and

(C) At manual throw switches for a distance of one hundred feet (100') ahead of the point of switch, extending through the switch, to a point one hundred feet (100') behind the heel of the frog.

(3) Walkways shall be constructed of compacted material not to exceed one and one-fourth inches (1 1/4") in diameter applied to be level at the end of the cross ties and sloping away from the cross ties at a rate not to

exceed two inches (2") per foot to provide drainage.

(4) The surface of the walkway and the area between the rail shall be maintained level and free of trash, debris and vegetation so as to provide an adequate walking surface.

(5) Drainage or water-carrying facilities of adequate size shall be installed and maintained free of obstructions to accommodate expected water flow and so as to prevent standing water.

AUTHORITY: section 622.027, RSMo 1986. Original rule filed Nov. 4, 1992, effective June 7, 1993.*

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

4 CSR 265-9.100 Rail-Highway Grade Crossing Construction and Maintenance

PURPOSE: This rule implements the division's statutory authority to make reasonable rules pertaining to the construction and maintenance of public rail-highway grade crossings and fixed guideway transit systems.

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) Every public rail-highway grade crossing on a fixed guideway transit system, whether involving railroad, light rail or street railroad tracks, shall be constructed of materials that will provide a ride quality compatible with that of adjacent roadway surfaces (except that crossings of asphalt material shall have installed headers of equal height to the top of rails installed on both sides of both rails). Rail-highway grade crossings constructed on transit systems shall have, at a minimum, a crossing material comparable to or exceeding the material used in the approaching roadway. Grade crossings constructed of unconsolidated material are prohibited.

(A) The crossing shall be the same width as the approaching roadway including drivable shoulders, plus two feet (2') on each side.

(B) If practicable, the roadway alignment should intersect the transit system track at or nearly at right angles. The roadway surface shall be in the same plane as the top of rails for a distance of two feet (2') outside of rails, for either multiple or single track crossings. The top of the rail plane shall be connected with the grade line of the roadway each way by vertical curves of the length required to provide riding conditions and sight distances normally applied to the roadway. It is desirable that the roadway surface be not more than three inches (3") higher nor six inches (6") lower than the top of the nearest rail at a point thirty feet (30') from the rail, measured at a right angle, unless track superelevation dictates otherwise. Where crossings involve two (2) or more tracks, the top of rails for all tracks shall be brought to the same plane where practicable.

(C) Width of roadway at a rail-highway grade crossing upon a transit system 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 rail-highway grade crossing, the highway traffic lanes in the vicinity of the crossing should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices for Streets and Highways*. These markings are the responsibility of the public highway authorities.

(D) Part I (subsections 1.4–1.11) of the *American Railway Engineering Association's Guidelines for the Construction or Reconstruction of Highway-Railway Crossings* is incorporated by reference, and is made applicable to fixed guideway transit systems as recommended practices for the construction and reconstruction of rail-highway crossings, if practicable, but with the following changes:

1. Paragraph 1.9.8, line 1, of the guidelines, as incorporated by reference in this rule, is amended by striking out the numeral "115," and inserting the numeral "112" in lieu of 115.

(2) Unless otherwise ordered by the division or by agreement, the transit system shall maintain the road surface over the length of ties and between tracks where adjacent track centers are less than fifteen feet (15').

(A) Unless otherwise ordered by the division, when a transit system makes a track raise within a rail-highway grade crossing, the runoff along the roadway shall be maintained at not more than two inches (2") in the first ten feet (10') outside the end of ties, not more than six inches (6") in the next ten feet

(10'), and the remaining run-off shall be brought to the same elevation as the existing grade within an additional ten feet (10') along the roadway.

(B) When a highway authority raises the road surface along an approach to a crossing, the run-off along the roadway shall be not more than two inches (2") in the first ten feet (10') outside the end of ties, with the remainder in the next ten feet (10').

(C) Unless otherwise ordered by the division or by agreement, the transit system shall maintain a pedestrian grade crossing of equal width as the approaching sidewalk over the length of ties, and between tracks where adjacent track centers are less than fifteen feet (15') apart. The transit system shall use a durable, contrasting material between the ends of ties when the approaching sidewalk is constructed of a hard surface material. Any durable material compatible with the material used on the sidewalk may be used on the pedestrian grade crossing between the adjacent tracks.

AUTHORITY: section 622.027, RSMo Supp. 1997. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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

4 CSR 265-9.110 Rail-Highway Grade Crossing Warning Devices

PURPOSE: This rule prescribes the standards to be followed in the installation of all rail-highway grade crossing warning systems used on fixed guideway transit systems.

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 incorporates by reference in this rule Part VIII of Federal Highway Administration, U.S. Dept. of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) (1988 edition), and makes it applicable to fixed guideway transit systems. Part VIII, entitled "Traffic Control Systems for

Railroad-Highway Grade Crossings," establishes standards for the design, installation and operation of rail-highway grade crossing warning devices. The division recommends that the standards in Part VIII be applied in the installation of all grade crossing warning systems on fixed guideway transit systems in Missouri, unless otherwise provided by rule or order of the division.

(2) The Division of Motor Carrier and Railroad Safety incorporates by reference in this rule Part VIII of the *Manual on Uniform Traffic Control Devices* (MUTCD) (1988 Edition), with the following changes:

(A) Except as otherwise ordered by the division, the minimum allowable warning device shall conform to the specifications of section 8C-2, flashing light signal, at pages 8C-1 to 8C-2 of MUTCD, used in combination with section 8C-4, automatic gates, at pages 8C-3 to 8C-5 of MUTCD;

(B) The following section is added immediately after section 8B-9 at page 8B-7 of MUTCD:

8B-10 Crossing Inventory Number

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

(C) The sixth paragraph as contained in section 8C-7 at page 8C-10 of MUTCD is deleted. This paragraph provides as follows:

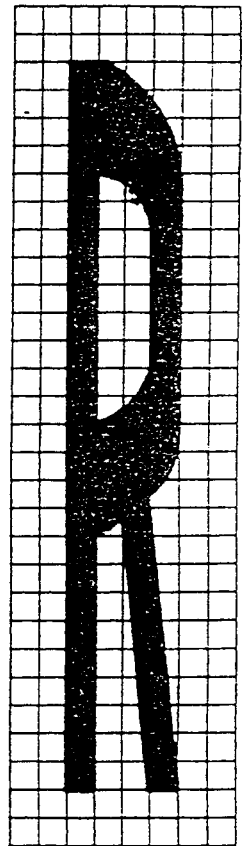
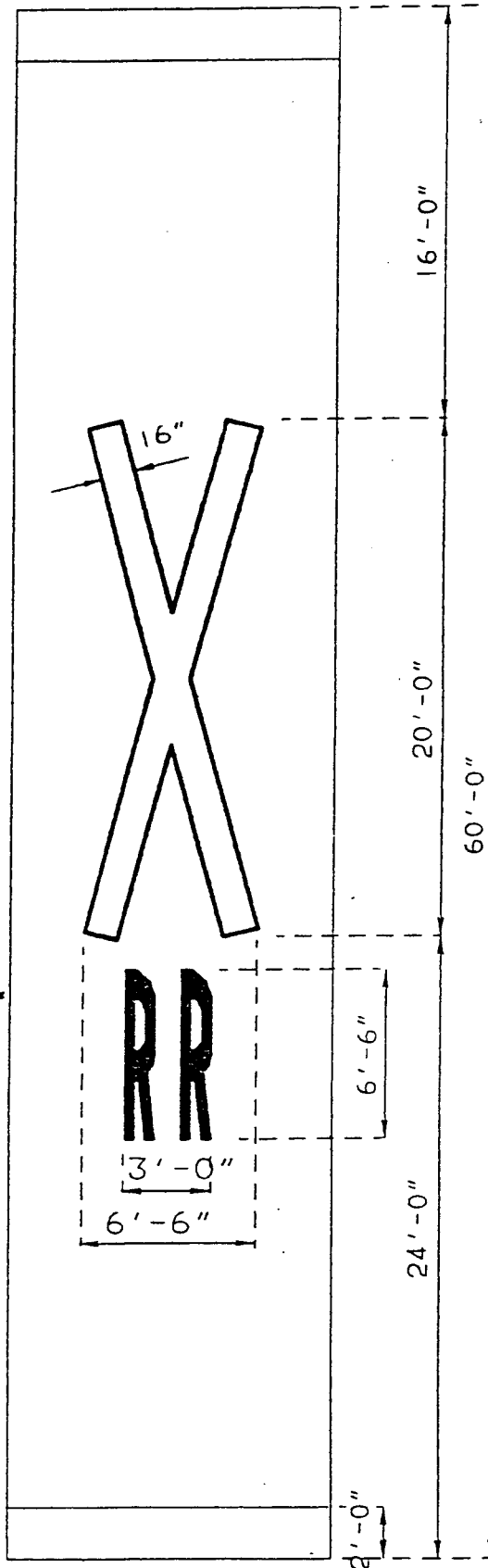
Two sizes of lenses, 8-inch diameter and 12-inch diameter, are available for flashing light signal units. The larger lens provides somewhat better visibility. In choosing between the sizes of lenses, consideration should be given to the principles stated in section 4B-A for choosing between the 8-inch and 12-inch lenses for use in highway intersection traffic control signals.

(D) The following section is added immediately after section 8C-7 at page 8C-9 of MUTCD:

8C-8 Lens Dimensions

Only 12-inch diameter lenses shall be used on flashing light signal units, unless the division grants a specific exemption.

(E) The following supplement to Figure 8-2 is added immediately after Figure 8-2 at Page 8B-4 of MUTCD:



STANDARD LETTER
SEE: STANDARD ALPHABETS
FOR HIGHWAY SIGNS
AND PAVEMENT MARKINGS,
1977 METRIC EDITION.

ALTERNATE (NARROW) TYPICAL
PAVEMENT MARKING SUPPLEMENT
TO FIGURE 8-2 OF MUTCD

AUTHORITY: section 622.027, RSMo Supp. 1997. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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

4 CSR 265-9.120 Temporary Closing of Rail-Highway Grade Crossings (Rescinded February 28, 1999)

AUTHORITY: section 622.027, RSMo 1986. Original rule filed Nov. 4, 1992, effective June 7, 1993. Rescinded: Filed June 22, 1998, effective Feb. 28, 1999.

4 CSR 265-9.130 Visual Obstructions at Public Grade Crossings

PURPOSE: This rule prescribes the standards for maintaining visibility at public grade crossings with fixed guideway transit systems.

(1) It shall be the duty of every fixed guideway transit system operating within Missouri to maintain right-of-way at public grade crossings so that it will be reasonably clear of vegetation, undergrowth and other debris for a distance of two hundred fifty feet (250') each way from the crossings.

(2) After the effective date of this rule, no sign, buildings or other structures either temporary or permanent shall be erected on the right-of-way of any transit system within two hundred fifty feet (250') each way from any rail-highway grade crossing where those things would materially obscure approaching trains from the view of travelers on the highway, unless otherwise authorized by this division.

AUTHORITY: section 622.027, RSMo 1986. Original rule filed Nov. 4, 1992, effective June 7, 1993.*

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

4 CSR 265-9.140 Dedicated Transit Telephone

PURPOSE: This rule requires all fixed guideway transit systems operating within Missouri to provide a telephone so that those employees controlling the movement of trains may be

contacted by appropriate emergency response agencies in case of emergency.

(1) Every fixed guideway transit system operating within Missouri shall install and maintain a telephone twenty-four (24) hours a day in the office of the chief train controller. The transit system shall use this telephone only for the purpose of receiving emergency communications. The required telephone shall be a direct dial number and not connected through a private switchboard exchange requiring the use of a third party.

(2) The transit system shall provide the division and all appropriate emergency response agencies with the following:

- (A) The telephone number;
- (B) Location of the telephone; and
- (C) Notice of any change to the telephone or location to be given not less than ten (10) days prior to the change.

AUTHORITY: section 622.027, RSMo 1986. Original rule filed Nov. 4, 1992, effective June 7, 1993.*

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

4 CSR 265-9.150 Accidents and Unacceptable Hazardous Conditions

PURPOSE: This rule provides for the reporting and correction of accidents and unacceptable hazardous conditions occurring on fixed guideway transit systems, and for appropriate investigation by the division.

(1) Every fixed guideway transit system operating within Missouri shall give notice to this division of all accidents and unacceptable hazardous conditions, as those terms are defined in rule 4 CSR 265-9.101, within the time and in the manner prescribed in this rule.

(2) The transit system shall report Category I accidents and unacceptable hazardous conditions immediately, twenty-four (24) hours a day, by telephone to the division at (573) 751-4291. Category I includes the following accidents and unacceptable hazardous conditions:

- (A) A derailment or collision resulting in a fatality or injury;
- (B) Any accident or unacceptable hazardous conditions resulting in a fatality as a result of the operations of a train or equipment on a transit system; or
- (C) Any incident involving fire or hazardous material requiring the cessation of

operations or evacuation of employees or passengers.

(3) The transit system shall report Category II accidents and unacceptable hazardous conditions in writing to the division on the monthly report required by this rule. Category II includes all other accidents and unacceptable hazardous conditions, as defined in rule 4 CSR 265-9.010, besides Category I accidents and unacceptable hazardous conditions.

(4) Each transit agency shall perform its own investigation of the probable cause of every Category I and Category II accident and unacceptable hazardous condition that occurs on its transit system, and shall file a written, monthly report on each accident and unacceptable hazardous condition using a form approved by the division staff. These reports shall be filed within thirty (30) days after the last day of the month in which the accident occurred or the unacceptable hazardous condition was discovered. The monthly report shall include the transit system's determination of the probable cause of each reported accident and unacceptable hazardous condition, and shall include such other information about the accidents and unacceptable hazardous conditions as the division may require.

(5) Together with each monthly report, the transit system shall file with the division, for review and approval, a corrective action plan which shall describe the transit system's plans to minimize, control, correct or eliminate each accident or unacceptable hazardous condition in a manner, and within a specified time, as stated in the plan. The corrective action plan shall include such relevant information as the division may require.

(6) The division shall perform an investigation, either independently or jointly with other involved public agencies, to determine the probable cause of each accident and unacceptable hazardous condition on a transit system within the division's jurisdiction; except that if the National Transportation Safety Board investigates an accident or unacceptable hazardous condition occurring on a transit system, then the division may perform an investigation.

(A) Whenever the division investigates a Category I accident or unacceptable hazardous condition, it shall—

- 1. Assign appropriate division personnel, or engage a qualified consultant, or both, to assist in the investigation;



2. Inspect the site of the accident or unacceptable hazardous condition as soon as possible;

3. Interview available witnesses, relevant transit system personnel and, if applicable, any other involved parties;

4. Review or collect any relevant physical or documentary evidence available to the division;

5. Review the transit system's determination of the probable cause of the accident or unacceptable hazardous condition, and its corrective action plan. The division director shall notify the transit system of the approval of the corrective action plan. The division staff may object to the corrective action plan, or any part of the plan, by filing a pleading with the division, which shall be determined by an administrative law judge after notice to the transit system and an opportunity for hearing; and

6. Determine the probable cause of the accident or unacceptable hazardous condition.

(B) Whenever the division investigates a Category II accident or unacceptable hazardous condition, it shall, at a minimum, perform the activities described in paragraphs 5. and 6. of subsection (A) of this section. The division may also perform any activities described in paragraphs 1., 2., 3. or 4. of that subsection, or otherwise authorized by law.

AUTHORITY: section 622.027, RSMo Supp. 1997. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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