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**Rules of**  
**Department of Economic**  
**Development**  
**Division 265—Division of Motor Carrier and**  
**Railroad Safety**  
**Chapter 8—Railroads and Street Railroads**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 265—Division of  
Motor Carrier and Railroad Safety  
Chapter 8—Railroads and  
Street Railroads**

**4 CSR 265-8.010 Accidents**

*PURPOSE: This rule provides for the reporting of railroad accidents, to ensure that the division has adequate notice and timely opportunity to investigate railroad accidents, and to obtain information pertinent to regulatory enforcement and planning for safety improvements.*

*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 railroad and street railroad corporation engaged in business in this state is ordered to give notice to this division of railroad accidents as set forth in this rule.

(A) The division will be furnished with prompt telephone notice, twenty-four (24) hours a day for the following accidents:

1. Hazardous material incident. At the earliest practicable moment, each carrier who transports hazardous materials shall give notice, in accordance with subsection (1)(C) of this rule, after each incident that occurs during the course of transportation (including loading, unloading and temporary storage) in which as a direct result of hazardous materials—

A. A person is killed;  
B. A person receives injuries requiring his/her hospitalization;

C. Estimated carrier or other property damage exceeds fifty thousand dollars (\$50,000);

D. Fire, breakage, spillage or suspected radioactive contamination occurs involving shipment of radioactive material;

E. Fire, breakage, spillage or suspected contamination occurs involving shipment of etiologic agents; or

F. A situation exists of a nature that, in the judgment of the carrier, it should be reported in accordance with subsection (1)(C) of this rule even though it does not meet the criteria of subparagraph (1)(A)1.A.,

B. or C. of this rule, for example, a continuing danger to life exists at the scene of the incident;

2. Major railroad accident. All derailments, collisions or other train accidents when ten (10) or more cars derail on trackage where trains operate at speeds greater than ten (10) miles per hour; and

3. Fatal grade crossing accident. All accidents which occur at grade crossings that involve railroad rolling equipment which results in a fatality.

(B) The division will be furnished with prompt telephone notice during regular working hours for the following accidents:

1. All grade crossing accidents which involve railroad rolling equipment that result in a personal injury of which the railroad has knowledge;

2. All derailments, collisions or other train accidents when five (5) or more cars are derailed;

3. All accidents which result in the loss of life to any person as a result of railroad operations; and

4. All accidents which involve AMTRAK, or any other passenger train.

(C) Reports made in accordance with subsections (1)(A) and (B) of this rule will—

1. Be made to the Railroad Safety Section at (573) 751-4291; and

2. Provide the following information:  
A. Name of the official making report;

B. Phone number where the official can be reached;

C. Name of the carrier involved;

D. Date, time, location and type of accident;

E. Equipment involved, if the information is available;

F. Classification, name and quantity of hazardous materials involved if the information is available; and

G. Number of persons killed or injured.

(2) A Written Report of the Accident Shall Be Prepared by the Railroads or Street Railroads.

(A) Each railroad or street railroad which submits a report of Hazardous Materials Incident in accordance with paragraph (1)(A)1. of this rule shall file a copy of the report made to the United States Department of Transportation as required in 49 CFR 171.16 which is incorporated by reference in this rule, within the same time period as prescribed by the United States Department of Transportation.

(B) Each railroad or street railroad shall submit to the division a monthly report of all accidents which must be reported to the

United States Department of Transportation and shall include all other accidents at grade crossings involving rolling equipment of which the railroad has knowledge. The form of these reports shall be the same forms as required by the United States Department of Transportation. The monthly reports of accidents shall be prepared in accordance with the Federal Railroad Administration (FRA) Guide for Preparing Accident/Incident Reports which is incorporated by reference in this rule.

(3) The details of any accident or delay to traffic not specifically provided for in this rule, upon request, shall be furnished the division immediately by the common carrier.

*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 April 16, 1986, effective June 30, 1986. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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

**4 CSR 265-8.012 Dedicated Railroad Telephone**

*PURPOSE: This rule requires that the railroad companies operating in Missouri provide telephone facilities so that those offices of the railroads controlling the movement of trains may be contacted by outside agencies in case of emergencies.*

(1) Unless permission has been received from the division for a variance every railroad operating within this state shall maintain a telephone number twenty-four (24) hours a day at a location from which the railroad has immediate communication with the dispatcher or other railroad employees having control over the movement of trains. The railroad shall use this telephone number only for the purpose of receiving emergency communications.

(2) The railroad shall provide this division with the following:

(A) Number of the telephone;

(B) Location of the telephone; and

(C) Notice of any change to the telephone number or location ten (10) days prior to the change.



*AUTHORITY: section 622.027, RSMo 1986.\* Original rule filed May 2, 1991, effective Dec. 9, 1991.*

*\*Original authority: 622.027, RSMo 1985.*

**4 CSR 265-8.018 Signs**

*PURPOSE: This rule prescribes standards for informational, directional and warning signs used as a result of rules of the Division of Transportation.*

*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) All crossing warning signs, track switch position indicators and close clearance-warning signs hereafter ordered by the division and those existing signs when hereafter replaced shall conform to the requirements of this rule.

(A) The sign shall be covered with a reflectorized material to show the same shape and color by day or night.

(B) The reflectorized material used shall have the reflective intensity value not less than the values specified in Table II of the *Federal General Services Pamphlet LS 300-C*, March 20, 1979 or the equivalent.

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

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

(3) It is recognized that technological progress may develop new and satisfactory or superior materials in the field of illumination and reflectorization. This rule does not exclude any new material that meets the standard requirements for color and legibility, by day or night.

*AUTHORITY: section 622.027, RSMo 1986.\* Original rule filed May 2, 1991, effective Dec. 9, 1991.*

*\*Original authority: 622.027, RSMo 1985.*

**4 CSR 265-8.020 Track Switch Position Indicators**

*PURPOSE: This rule prescribes the use, specifications and maintenance of reflectorized targets and lenses used as track switch position indicators.*

(1) Railroads operating within Missouri are authorized to substitute for oil lamps on main line switches either reflectorized lenses or reflectorized targets in accordance with the provisions of this rule.

(2) Any railroad desiring to use reflectorized lenses or reflectorized targets as substitute for oil lamps shall give notice, in writing, to the Division of Motor Carrier and Railroad Safety at least thirty (30) days prior to their installation, describing the section of track and location of the proposed reflectorized lenses and reflectorized targets. In the letter of notification, the railroad shall describe the topography, grade and track configuration at the switch location in order that a determination can be made as to whether the locomotive headlights will shine on the lenses or targets at a sufficient distance to provide reasonable and safe visibility for the train crew members. The division, without a hearing, shall determine immediately if it will permit this use and shall transmit its written approval to the applicant railroad, which shall then make the installation.

(3) Those railroads now having specific approval from this division for the installation and use of the reflectorized targets or lenses shall be considered to have complied with this rule as long as the installation and use of the reflectorized targets and lenses complies with the specifications and requirements contained in this rule.

(4) If reflectorized targets are substituted for oil-burning lamps on main lines covered by the requirements of section 389.710, RSMo, they shall meet the following specifications:

(A) They shall be mounted to show a red aspect whenever the switch is lined against the main line;

(B) The red aspects shall be at least one hundred ten (110) square inches in area; except that every switch target that is first installed in this state after the effective date of this rule shall have red aspects, each of which is not less than one hundred forty (140) square inches in area; and any switch target that is already in service on the effective date of this amendment shall be retrofitted not later than January 1, 2001, or if it is replaced or altered before January 1, 2001,

then it shall be retrofitted when it is replaced or altered, so that each red aspect is not less than one hundred forty (140) square inches in area; and

(C) The additional requirements set forth in 4 CSR 265-8.018.

(5) If reflectorized lenses are to be substituted for the oil-burning lamps on main lines covered by the requirements of section 389.710, RSMo, they shall meet the following specifications:

(A) They shall be mounted to show a red aspect whenever the switch is lined against the main line;

(B) Each aspect shall be at least four and five-eighths inches (4 5/8") in diameter or seventeen and two-thirds (17 2/3) square inches in area;

(C) The lenses shall be sealed against dust and moisture by a smooth plastic covering; and

(D) The additional requirements set forth in 4 CSR 265-8.018.

*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 May 2, 1991, effective Dec. 9, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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

**4 CSR 265-8.030 Visual Obstructions at Public Grade Crossings**

*PURPOSE: This rule prescribes the standards for clearing visual obstructions at public grade crossings.*

(1) It shall be the duty of every corporation, company or person owning or operating any railroad or branch of a railroad in this state to maintain the railroad right-of-way at public grade crossings so that it will be reasonably clear of vegetation, undergrowth or other debris for a distance of two hundred fifty feet (250') each way from the crossings where those things would materially obscure approaching trains from the view of travelers on the highway.

(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 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 a lesser or greater distance is required at a particular location and shall permit or order 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—

(A) Cars placed for loading or unloading or awaiting removal after loading or unloading; and

(B) Bad order cars set out from trains.

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

*\*Original authority: 622.027, RSMo 1985.*

#### 4 CSR 265-8.032 Temporary Closing of a Public Grade Crossing

*PURPOSE: This rule prescribes a notice requirement with reference to temporary closures of public crossings during maintenance and reconstruction.*

(1) Whenever it is necessary to close a public grade crossing for the purpose of maintaining or reconstructing the crossing surface or track structure, the railroad shall notify the proper road authority and the local law enforcement agency, not less than seventy-two (72) hours in advance, except in emergency.

(2) When closing a grade crossing, the railroad shall conform to the requirements for signing, work protection and detours outlined in the Federal Highway Administration, U.S. Department of Transportation, *Traffic Control Devices Handbook* (1988 edition).

*AUTHORITY: section 622.027, RSMo Supp. 1997.\* Original rule filed May 2, 1991, effective Nov. 30, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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

#### 4 CSR 265-8.040 Transportation of Employees

*PURPOSE: This rule prescribes minimum standards for the safe transportation of railroad employees to and from their places of work and during the course of the work day.*

(1) This rule applies to every motor vehicle acquired after September 19, 1966, which is designed primarily for highway use and which is used to transport employees, whether or not used on a public highway, including motor vehicles regularly assigned to a gang or crew with headquarters or assembly point within Missouri and including motor vehicles headquartered elsewhere but frequently used in Missouri. Motor vehicles owned or operated prior to July 1, 1985 are not required to conform with this rule, but motor vehicles purchased, leased or otherwise acquired after July 1, 1985, including those previously used in other states and reassigned for regular use in Missouri, but not including existing vehicles assigned to system gangs even though the system gangs may be temporarily working in Missouri, shall conform to this rule. This rule shall not apply to taxicabs or other vehicles licensed by a competent authority to transport the public and used by a railroad to transport its employees. All owners of the motor vehicles, and their duly appointed agents, and the drivers of the vehicles shall abide by all safety orders issued to them by the division. It is recognized that this rule cannot cover all contingencies, and accordingly, the division, upon written application or upon its own motion, in a particular case, after notice and hearing, may modify or grant exceptions to any of its provisions where their effect is unduly burdensome, or may prescribe higher standards than these prescribed where the higher standards are necessary for the safety of employees. In time of emergency, vehicles not complying with this rule may be used. An emergency shall be considered as existing when rail traffic has been stopped or disrupted (or where there is a threat of stoppage or disruption) because of derailment, accident, storm, fire, flood or other similar condition. Winter weather requiring the removal of snow and ice from flange ways and switches or station platforms shall not be considered an emergency, except as noted.

(2) The following words and phrases as used in this rule shall mean:

(A) Division—the Division of Transportation;

(B) Employee—an individual employed for any period in any work for which s/he is

compensated, whether full- or part-time, whose regular course of employment related to the maintenance or construction of the railroad physical property or to the operation of trains;

(C) Employer—a common carrier by rail who employs one (1) or more employees;

(D) Heating facilities—hot water radiator type system or any other generally acceptable form of heating which does not emit nauseous fumes or gases in the vehicle;

(E) Material—all items that can be lawfully transported by motor vehicles and used in construction and maintenance;

(F) Motor vehicle—any vehicle which is self-propelled and designed primarily for highway use, and which may or may not be equipped with retractable flange wheels for operation on railroad tracks;

(G) Owner—any person holding legal title to, or having lawful use of the motor vehicle through contract, lease or otherwise;

(H) Place of employment—all locations where one (1) or more employees are performing the work incident to their employment;

(I) Rear compartment—a crew cab, which may be a continuation of the driver's cab providing additional seating capacity or an auxiliary cab located directly behind the driver's cab;

(J) Seating facilities—seats provided for workers other than the driver; and

(K) Tools—hand and power tools or machines recognized as the type to be used by the craft to which the motor vehicle is assigned.

(3) Employees will be transported in a rear compartment which may be either a continuation cab or an auxiliary cab. If a continuation cab, it should be designed and furnished by the motor vehicle manufacturer as a continuation of the driver's cab and of equal strength, all welded construction with box section beams throughout. In this type of cab no communication system between the rear compartment and the driver is required. An auxiliary cab is a rear compartment separated from the driver's cab. It shall be of metal construction (including top), welded or riveted, with interior lining, equipped with adequate padded seats and back rests firmly secured in place. It shall be fastened directly to the frame of the motor vehicle and not to the surface of the bed of the vehicle. When necessary, it shall be equipped with steps and hand holds. Communication between this type of cab and the driver may be in the form of a light mounted on the instrument panel or an audible device that can be operated by the employees riding in the rear compartment.



An intercommunication system for actual voice contact also may be used. Communication systems must be kept in good working condition at all times. Both types of cabs shall be provided with a heating system for cold weather and a ventilation system for hot weather, providing heat and ventilation substantially equal to that provided for the driver. Exhaust systems shall be so designed as to prevent exhaust fumes from entering the rear compartment. Heavy duty hinge-type doors shall be provided, equipped with automotive-type safety latches. All windows shall be of safety glass as required by Missouri law. Where a compartment is equipped with only one (1) door, at least one (1) window shall be of the knockout type and of sufficient size to provide emergency exits for the employees. All vehicles shall have adequate seating capacity for the number of employees carried. Canvas-covered truck beds or shelters built of wood, plywood or light-gauge metal on the bed of a truck shall not be considered as a rear compartment.

(4) All vehicles shall be kept in good repair and safe operating condition at all times and unsafe vehicles shall not be used to transport employees. They shall be regularly inspected and tested. Compartments for employees shall be kept in a clean and sanitary condition and employees shall cooperate in maintaining the conditions.

(5) In transporting employees, the following safety measures shall be observed:

(A) The vehicles shall be especially built or modified for transporting employees in compartments separate from space used to transport tools, material and equipment for the employees;

(B) All vehicles used for the transportation of employees shall carry an adequate first-aid kit suitable for the number of employees transported;

(C) Each vehicle used to transport employees shall be equipped with either a two (2)-pound dry chemical-type or a four (4)-pound carbon dioxide-type fire extinguisher approved by the Underwriters' Laboratories, Inc. (UL). These are minimum capacities. Toxic vaporizing liquid-type fire extinguishers, such as those containing carbon tetrachloride or chlorobromomethane, will not be permitted;

(D) Racks, boxes, holsters or equivalent means shall be provided and arranged so employees will not be endangered by tools or equipment while being transported, loaded or removed;

(E) To prevent materials being transported on flatbed trucks from shifting against the cab

or rear compartment, a suitable front-end gate must be provided;

(F) Only authorized, experienced, competent, qualified and licensed drivers, not less than eighteen (18) years of age, shall be permitted to operate vehicles used to transport employees. Qualification and license shall be not less than those required by Chapter 302, RSMo;

(G) When the driver's compartment is separate from the compartment used to transport employees, the signals adopted for use on the communication system shall be simple and understood by both driver and employees;

(H) No vehicle shall be loaded beyond its safe carrying capacity or beyond its licensed capacity when in use on public streets or highways. No motor vehicle shall be driven if it is so loaded or if the load is so distributed or so inadequately secured as to prevent safe operation;

(I) No motor vehicle shall be driven when anything in, on or attached to the vehicle obscures the driver's view ahead or to either side, or interferes with the free movement of his/her arms or legs, or prevents his/her free and ready access to his/her controls and emergency equipment, or prevents the free and ready exit of any person from the vehicle;

(J) All vehicles transporting employees shall observe all motor vehicle laws of Missouri;

(K) No explosives, except flagging equipment, shall be hauled on any vehicle while it is engaged in transporting employees. This shall not prohibit the driver and one (1) qualified powder man from riding in a vehicle in which explosives are being hauled;

(L) Gasoline and other low flash-point liquids shall not be hauled in vehicles transporting employees except when in UL-approved safety containers. The containers shall be carried in a safe, suitable location outside the passenger compartment as far from the compartment as possible and where they will not block exits from the vehicle, firmly secured to prevent shifting;

(M) Occupants shall not ride with any part of their bodies extending out over the side of the vehicle;

(N) Employees wearing equipment which might injure a fellow employee (spurs, exposed sharp tools and the like) shall remove that equipment before entering any vehicle in which employees are being transported; and

(O) Any hazardous condition or defect of a motor vehicle or unsafe practice of the driver or employees riding in vehicles used to transport employees shall be reported in writing to the employer or supervisor as soon as possi-

ble by any employee having knowledge of the conditions.

*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.*

*\*Original authority: 622.027, RSMo 1985.*

**4 CSR 265-8.041 Required Equipment for Railroad Motor Cars**

*PURPOSE: This rule prescribes what equipment shall be found on self-propelled railroad motor cars.*

(1) A motor car, for purposes of this rule, is a self-propelled unit of on-track work equipment used primarily for transportation of personnel, except one which can be immediately removed from the track by hand and which weighs no more than four hundred (400) pounds.

(2) No railroad company operating a railroad line within this state shall use, or permit to be used, any self-propelled motor car upon the railroad line between the first day of November and the first day of April of the next year, unless the motor car is equipped with a heater, a top and side curtains or windows, except as otherwise provided in this rule.

(3) Exceptions. The requirements of section (2) of this rule shall not apply to—a) motor cars used in emergency situations if no motor car equipped in accordance with section (2) of this rule is readily available or b) motor cars used exclusively within yard limits.

(4) Heaters shall not be required on motor cars regularly transporting employees between job sites less than five (5) miles apart or on motor cars used no more than five (5) days in any month.

(5) Each track motor car used and operated in this state by a railroad company shall be equipped with at least one (1) generator-powered headlight, at least one (1) taillight, a safety glass windshield and automatic windshield wipers.

*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.*

\*Original authority: 622.027, RSMo 1985.

#### 4 CSR 265-8.050 Facilities for Employees

*PURPOSE: This rule provides for regulation of sanitation and shelter facilities for railroad, pullman and express company employees.*

(1) This rule applies to all railroad corporations, pullman companies and railway express companies and to all persons employed by these corporations and companies and performing their work in Missouri, except in cases in which the division shall otherwise order. Every company to which this rule applies shall provide and maintain for its employees' sanitation and shelter specified by this rule.

(2) As used in this rule, the following terms shall mean:

(A) Bunk or section house—any building or portion of a building, excepting a family dwelling in which persons employed by railroad companies are furnished sleeping or living accommodations, or both;

(B) Camp car—any sleeping, dining, kitchen, recreation car(s) or house trailer(s), on or off rail, furnished for the use of employees;

(C) Company—a common carrier railroad, pullman or railway express company as an employer;

(D) Division—the Division of Transportation;

(E) Dressing room—a room used by employees either as a dressing room or as a restroom, or for both purposes;

(F) Drinking water—water from a supply under the jurisdiction of a health authority;

(G) Employee—any person employed by a company to which this rule applies;

(H) Health authority—a public health authority having jurisdiction;

(I) Number of employees—unless otherwise specified, the average number of employees employed on any one (1) shift;

(J) Railroads—common carrier railroads;

(K) Signal headquarters—a place where signal employees are regularly required to be and remain on duty during their shift;

(L) Station—a facility where freight or passenger traffic, or both is ordinarily received and delivered and at which a station agent is regularly assigned for duty;

(M) Terminal—a facility where engine and train crews in yard and train service and switchmen, switch tenders, maintenance of way employees, signal employees, car clerks,

pullman and express employees are required to report for or be relieved from duty;

(N) Toilets—fixtures such as flush, chemical, dry hopper toilets or privies for the purpose of defecation, unless otherwise specified;

(O) Usual place of employment—the place where an employee works with a reasonable measure of continuity throughout the major part of his/her company service; and

(P) Yards—a group of tracks used for the making or breaking up of trains or classification of cars.

(3) The general requirements for the providing of drinking water are—

(A) Where water is supplied by the railroad for cooking or drinking purposes under these regulations, it shall be, where available, from a public supply under the jurisdiction of the state Department of Natural Resources. Water from a private supply shall meet the standards of the state Department of Health;

(B) An adequate supply of drinking water shall be made available to all employees as provided in this rule;

(C) When necessary, suitable, sanitary-drinking water containers shall be available, conveniently placed for the use of the employees, but not in toilet rooms. Each container shall be equipped with a sanitary fountain, faucet or other dispenser;

(D) All containers used to furnish drinking water shall be thoroughly cleansed as often as is necessary to assure a sanitary and palatable drinking water supply. Water and ice shall be supplied in separate compartments. The provision relating to the water and ice being supplied in separate compartments shall not apply to signal employees; and

(E) The common drinking cup is prohibited. Either single service containers or drinking fountains with sanitary angle head shall be used in lieu of a common drinking cup.

(4) Drinking water facilities shall be located on the following rolling stock: all locomotives; baggage and express cars when employees are required to work en route unless another facility is reasonably available; cabooses, except for those used in yard service; and all camp cars.

(5) Drinking water, according to specifications, shall be available if employees are on duty regularly for periods of time long enough to make that facility reasonably necessary, at the following locations:

(A) All terminals;

(B) All yard offices;

(C) All stations where a public water supply is locally available (except where water is otherwise reasonably accessible);

(D) All shops and engine houses;

(E) All signal or section headquarters in terminals and all bunk or section houses;

(F) All lunch rooms operated by railroad on railroad property; and

(G) Camp cars.

(6) The requirements for providing toilet facilities are—

(A) Where running water and sewer or septic tank connections are reasonably available, flush-type toilets and urinals shall be maintained as in this rule;

(B) Chemical toilets or privies may be used only when it is impractical to install inside toilet and urinal facilities;

(C) All permanent privies shall be constructed and maintained so that there will be no cracks or open spaces in that portion of the the superstructure between the seat and floor or between the floor and the pit, vault or space where the cans are kept. Every privy shall be provided with a door and the door shall be self-closing. The lids over the seats shall be so constructed as to fall into closed position when the seat is not occupied. The pit, vault or space where the cans are kept shall be ventilated to the outside air by means of a stack protected at its outlet end by screens. Individual seats shall be provided in accordance with the ratio set forth in subsection (6)(K);

(D) Every flush toilet shall have a rim flush bowl or be so constructed as to prevent the accumulation of fecal matter on the bowl. The bowl shall be constructed of vitrified glazed earthenware, enameled metal or other smooth finished material impervious to moisture. No pan, plunger or wash-out water closets are permitted except that pan or double-pan types are permitted for running facilities. Every flush toilet shall have a separate hinged seat made of a material other than metal, which does not absorb moisture or which shall be finished with varnish or other substance resistant to moisture;

(E) Every urinal shall be made of vitrified glazed earthenware, enameled metal or other smooth finished material impervious to moisture. Every urinal shall be flushed from a water supplied tank or through a flush valve. Water may be allowed to run continuously over trough urinals. Slab urinals are not permitted;

(F) No toilet room shall have direct communication with any room in which meals are taken, unless separated from the room by a self-closing door maintained in operating condition. Separate toilet facilities shall be



provided for each sex, whenever practicable and each toilet room shall then be plainly marked as to appropriate sex;

(G) Each water closet in toilet rooms containing more than one (1) water closet(s), together with the one (1) or more urinals, shall be in an individual compartment with door;

(H) Every toilet room shall be adequately ventilated. All windows, ventilators and other openings shall be screened unless air conditioning is provided;

(I) All toilet facilities, except privies, chemical and dry hopper toilets, shall be provided with adequate lighting and adequately heated;

(J) Toilet rooms shall be kept free of insects and vermin insofar as possible;

(K) Adequate toilet facilities, conveniently located, shall be provided for all employees and for each sex whenever practicable. The facilities shall be maintained in a usable and sanitary condition at all times. The following table shall be used as a guide in determining the adequacy of toilet facilities:

Number of Employees	Minimum Number of Facilities
1—10 persons	1 toilet
11—25 persons	2 toilets
26—49 persons	3 toilets
50—100 persons	5 toilets
100 persons or over	1 toilet for each additional 25 persons

Whenever urinals are provided, one (1) urinal may substitute for one (1) toilet, provided the number of toilets shall not be reduced to less than two-thirds (2/3) of the number shown in the table;

(L) An adequate supply of toilet paper with holder shall be supplied by the employer for each toilet; and

(M) In all toilet rooms used by women, the company shall permit the installation of dispensing machines for sanitary napkins. Covered receptacles shall be provided for the disposal of sanitary napkins.

(7) Toilet facilities shall be located on running equipment as follows:

(A) All locomotives, except those used primarily in transfer, switching or yard service and those locomotives in service on October 29, 1985 on which no space is available;

(B) Baggage and express cars when employees are required to work en route and no other facility is available;

(C) Caboose, except those used primarily in transfer, switching or yard service; and

(D) Camp cars when no other toilet is available.

(8) Toilets shall be available also if employees are on duty regularly for periods of time long enough to make those facilities reasonably necessary at the following locations: all terminals; all yard offices; all stations, except where other facilities are otherwise reasonably accessible; all engine houses and shops; all signal or section headquarters in terminals and all bunk or section houses; all camp cars when no other toilet is available; and at all crossing watchman locations, where practicable, and where those facilities are not otherwise readily and conveniently located.

(9) Adequate washing facilities for maintaining personal cleanliness shall be provided for all employees. They shall be convenient for employees for whom they are provided and shall be maintained in a sanitary condition. Washing facilities shall meet the following specifications:

(A) Wash basins or lavatories shall be made of vitrified glazed earthenware, vitreous enameled metal or other smooth finished material, impervious to moisture;

(B) Twenty-four inches (24") of trough or circular wash basin shall be considered the equivalent of one (1) wash basin. The trough or circular wash basin shall not be equipped with a plug or stopper; and

(C) Spring-closing hand-operated faucets are prohibited in trough basins or circular basin.

(10) The following table shall be used as a guide in determining the adequacy of washing facilities:

Number of Employees	Minimum Number of Facilities
1—10 persons	1 basin
11—25 persons	2 basins
26—49 persons	3 basins
50—100 persons	5 basins
100 persons or over	1 basin for each additional 25 persons

At least one (1) wash basin shall be located convenient to each toilet room.

(11) Washing facilities shall be located on running equipment as follows:

(A) Baggage and express cars, where employees are assigned for work en route, and no other facilities are available;

(B) Caboose, except cabooses used primarily in transfer, yard or switching service; and

(C) Camp cars, when no other washing facility is available.

(12) Washing facilities shall be available if employees are on duty regularly for periods of time long enough to make the facilities reasonably necessary at the following locations: all terminals; all yard offices; all engine houses and shops; all signal or section headquarters in terminals and all bunk or section houses; places convenient to lunch rooms designated as such; and camp cars when no other washing facility is available.

(13) The following govern the providing of supplies for water facilities:

(A) Water shall be available and hot water shall be supplied at all terminals, yard offices, engineer houses and shops;

(B) Mechanical drying facilities, including mechanical roller towel or individual towels, either paper or cloth, shall be provided. The use of common towels is prohibited;

(C) Waste receptacles shall be provided for used paper towels;

(D) Soap or other suitable cleansing agent shall be supplied; and

(E) All supplies shall be adequate to meet the needs for which they are intended and shall be maintained by the employer.

(14) Showers shall be required at specific locations when in the judgment of this division those facilities are necessary to protect employees whose work involves exposure to poisonous infectious or irritating material or to excessive dirt, heat fumes or vapors or other materials or substances injurious to health. Shower facilities shall be provided in conjunction with adequate and necessary lockers or dressing room facilities.

(15) Showers shall be provided with a spray fixture connected to an ample supply and pressure of hot and cold water, preferably mixed by a mixing valve. Each shower room or compartment shall be constructed of material impervious to moisture and it shall be not less than thirty-two inches (32") in width and thirty-two inches (32") in depth.

(16) Locker rooms, except those in camp cars, shall have not less than eighty (80) square feet of floor space for the first ten (10) employees, or fraction of ten (10) and for each additional employee not less than four (4) square feet shall be added to the locker room. Employees refers to employees to whom lockers have been assigned. Locker rooms shall be properly lighted, heated and



ventilated at all times and necessary furniture, such as benches and tables, shall be provided.

(17) Individual lockers for employees shall be provided at either their home terminal or away from home terminal when requested by the employees and deemed necessary by the division. Lockers shall be metal, not less than fifteen inches (15") wide, eighteen inches (18") deep and seventy-two inches (72") high, exclusive of legs or other base. The lockers shall be equipped with a shelf and with not less than one (1) clothes hook for each side or equivalent hanger bar and also sufficient openings in the door for purposes of ventilation.

(18) Where six (6) or more women who are required to change clothing are employed and a dressing room is not provided, room space shall be provided, properly screened for privacy and made suitable for the use of women employees in lieu of a dressing room. Dressing rooms shall be conveniently located for the workers for whose use they are intended.

(19) The walls, floor and ceilings of bunk rooms, camp cars and dormitories shall be so constructed as to provide protection from outside weather elements and to permit their being readily cleaned and they shall be kept cleaned and in good repair. Wood floors shall be raised above the ground sufficiently to allow air space beneath them. Ventilation shall be provided by windows opening directly to the outside air and during the period between May 1 and November 1 all outer doors and windows shall be equipped with screens. Adequate heating facilities and fuel shall be provided with which employees may maintain comfortable temperature as weather conditions may require and lighting by windows, acceptable artificial illumination, or both, also shall be provided.

(20) Bunk rooms or dormitories shall be of an area that provides at least fifty (50) square feet of floor space for each person with a ceiling height of not less than seven feet (7'), except where double bunks are used at least thirty (30) square feet of floor space shall be provided for each person accommodated. Where beds, bunks or cots are provided, they shall be equipped with proper mattresses, raised twelve inches (12") above the floor and be located two feet (2') or more from the side of any other bed, bunk or cot located in the same room and have at least twenty-seven inches (27") of clear space above them.

(21) Where camp cars, house trailers, pullman or passenger cars or both, are furnished for sleeping purposes, the division may designate the number of men to be housed in each car.

(22) When an employee works regularly at a location, other than a repair track, where shelter is not otherwise available, it shall be provided if requested by the employee and if deemed necessary by the division.

(23) When a lunch room is provided by the company, it shall be adequately ventilated, reasonably heated, properly screened or air conditioned, provided with the necessary covered receptacles for the disposal of waste matter and shall be kept clean and in good care. When kitchen cars or other camp facilities for heated meals are furnished by the company, they shall be provided with adequate equipment for cooking and refrigeration. In lunch rooms where food is served by the company for employees, the food, equipment and facilities shall be subject to the same inspection and regulation as is required in public eating places, generally consistent with the rules of the state Department of Health pertaining to public food establishments, employees and workers handling and serving food in the lunch rooms shall be subject generally to those rules of the state Department of Health which are necessary to the sanitary handling of food. Concessionaire facilities provided by the company in lieu of direct company operations shall comply with this rule with respect to adequate space, adequate food handling facilities and cleanliness.

(24) In addition to the requirements of the preceding sections of this rule, cabooses or rider cars other than yard cabooses shall be subject to the following requirements:

(A) They shall be equipped with a stove or other heating equipment that will provide a minimum temperature of sixty-five degrees Fahrenheit (65°F). A sufficient amount of fuel will be available for each trip or shift;

(B) Their windows and doors shall be weather-stripped during cold weather and all caboose windows and doors shall be equipped with screens where cabooses are used as sleeping quarters by crews laying over at away-from-home terminals;

(C) They shall be maintained in a clean and of sanitary condition; and

(D) They shall be lighted by electricity or other acceptable means so as to furnish at least five (5) foot-candles of reasonably steady illumination at desk top level whenever employees are required to perform clerical work.

(25) In addition to the requirements of the preceding sections, cabooses or rider cars not used in road service shall be subject to the following requirements:

(A) They shall be equipped with a stove or other heating equipment that will provide a minimum temperature of sixty-five degrees Fahrenheit (65°F). Sufficient fuel for each trip or shift shall be available;

(B) Their windows and doors shall be weathered-stripped as required by the season of the year;

(C) Windows on all cabooses shall be washed at reasonable intervals; and

(D) They shall be maintained in a clean and sanitary condition.

(26) Frequency of regular and thorough cleaning will be determined in each case by the amount of traffic; and in all instances, the frequency of cleaning shall be adequate. Floors shall be maintained in a clean and, so far as practicable, dry condition at all times. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats or other dry standing places shall be provided whenever practicable. Toilets and washrooms shall not be used for storage. Fixtures are to be maintained in proper working order at all times.

(27) The present facilities shall be deemed adequate unless upon a specific complaint the division shall find otherwise.

*AUTHORITY: section 622.027, RSMo 1986.\* Emergency rule filed June 14, 1985, July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed April 16, 1986, effective June 30, 1986.*

*\*Original authority: 622.027, RSMo 1985.*

#### 4 CSR 265-8.060 Structural Clearances

*PURPOSE: This rule prescribes the vertical and horizontal clearances of all structures constructed across or adjacent to railroad or street railway tracts.*

*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 rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law.*



(1) Effective March 15, 1951 no railway or railroad corporation, county, municipality, township or other corporation, firm or person shall erect or cause to be erected any passenger or freight station platforms, or any permanent structure over or contiguous to any railroad track(s), switch or siding, such as shop buildings, coal bins, manufacturing or industrial buildings or any other structure whatsoever, so that the vertical and horizontal clearances are less than the prescribed minimum contained in this rule, unless permission shall have been received from this division for variance.

(2) Bridges, viaducts, tunnels, overhead roadways, footbridges or other structures hereafter built over the track(s) of a railroad(s) by a county, municipality, township, railroad company or other corporation, firm or person shall be not less than twenty-two feet (22') in the clear from the top of the rails of the track(s) to the bottom of the lowest sill, girder or crossbeam or other structure and the lowest downward projection of the bridges, viaduct, tunnel, overhead roadway or footbridge. No through truss bridge shall be constructed in any track, nor shall any bridge or other structure be constructed, across or adjacent to any track having a vertical clearance less than twenty-two feet (22') above the top of rail for a lateral distance of four feet (4') from the center line of track. From a point of four feet (4') horizontally distant from the center line of track and twenty-two feet (22') above the top of rail, the clearance lines may extend downward at an angle to points which are eight feet (8') distant on each side of the center line of track and sixteen feet (16') above the top of rail.

(3) The following horizontal clearance shall apply to all steam and diesel railroads:

(A) No bridge shall be constructed having a horizontal clearance of less than eight feet (8') from the center line of track at a point four feet (4') vertically distant from the top of rail. From a point eight feet (8') horizontally distant from the center line of track and four feet (4') vertically distant from the top of rail, the clearance lines may extend at an angle to a point five feet (5') horizontally distant from the center line of track at the level of the top of rail;

(B) Except as provided in this rule, no track shall be constructed adjacent to any building or structure nor shall any signal post, switch stand, building or any other structure be constructed adjacent to any track which has a horizontal clearance of less than eight feet six inches (8'6") from the center of track, measured at right angles, it being

understood that the horizontal clearance of eight feet six inches (8'6") shall be maintained to a point sixteen feet (16') above the level of the top of rail, provided that the clearance line for structures other than buildings, retainers, guards and low platforms may extend from a point four feet (4') above the top of rail, downward at an angle to a point five feet six inches (5'6") distant from the center line of track at a point which is level with the top of rail;

(C) Engine terminal and shop structures, such as engine houses, engine and car repair shops, cinder conveyors and turntables, may be constructed with horizontal clearances of not less than six feet (6') from the center of terminal or shop tracks adjoining or entering them, provided that in every such case warning signs are erected at a suitable location at each end of the structures calling the trainmen's attention to insufficient clearance. The clearance requirements of this rule shall not apply to working platforms and working structures inside of engine houses and repair shops;

(D) Platforms for loading and unloading of freight, including livestock, the tops of which are approximately level with the floor of freight cars, may be constructed adjacent to one side only of freight tracks which are not in open thoroughfare, at a distance less than eight feet six inches (8'6") from the center of track, but not less than five feet (5'9") nine inches from the center. In every such case, warning signs shall be erected at a suitable location at each end of the platform, directing the trainmen's attention to insufficient clearance and prohibiting them from riding on the sides of cars while in motion;

(E) Passenger loading platforms, the tops of which are level with the platforms of passenger cars, may be constructed next to tracks which are given up wholly to passenger service at a distance less than eight feet six inches (8'6") from the center line of tracks, provided the passenger coaches are equipped with platform gates and kept closed while the train is in motion. Passenger loading platforms which do not exceed a height of four inches (4") above the top of rail may be constructed a distance of not less than four feet six inches (4'6") from the center line of track and platforms which do not exceed a height of eight inches (8") above the top of rail may be constructed a distance not less than five feet one inch (5'1") from the center line of track;

(F) Loose materials, such as coal, sand, scrap iron, and the like, may not be stored or piled adjacent to a railroad track with a horizontal clearance at any point less than eight feet six inches (8'6") from the center of

track, measured at right angle to, except as provided in this rule. A guard or retainer to hold the loose materials may be constructed with a horizontal clearance of not less than eight feet six inches (8'6") from the center line of track, measured at a right angle to the center. The horizontal clearance of eight feet six inches (8'6") shall be maintained to a retainer or guard height of sixteen feet (16') above the level of the top of rail. Along a freight track not in open thoroughfare, a retainer or guard, the top of which is approximately level with the floor of freight cars, may be constructed adjacent to but one (1) side of the track with a horizontal clearance of less than eight feet six inches (8'6") but not less than five feet nine inches (5'9") to the center line of track, measured at a right angle to the center, provided that in every such case warning signs shall be erected at a suitable location at each end of the retainer or guard directing the trainmen's attention to the insufficient clearance and prohibiting trainmen from riding the sides of cars while in motion. No individual, partnership, association or corporation shall store or pile loose material adjacent to a railroad track unless a retainer or guard with the clearances prescribed is erected, or unless, immediately after the piling of this material all such material not providing a clearance of eight feet six inches (8'6") to the center line of adjacent railroad tracks shall be removed. Retainers or guards constructed to hold the loose materials shall not have a horizontal clearance less than the prescribed minimum in this subsection, unless permission has been received from the division to vary. This subsection shall not apply to individuals, partnerships, corporations, trustees or receivers owning or operating a railroad while engaged in the construction, maintenance or repair of a railroad track or other structure;

(G) No railroad track unless specifically authorized by the Division of Transportation, shall be constructed after July 1, 1985 so that the center line of track is less than fourteen feet (14') from the center line of an adjacent track and no ladder track shall be constructed so that the center line of the ladder track is less than nineteen feet (19') from the center line of an adjacent ladder track or less than seventeen feet (17') from the center line of any other track. Any system of three (3) or more tracks at freight houses, warehouses, wharves or similar structures, used exclusively for handling freight to or from platforms located on one (1) or both sides, may have track center distances of thirteen feet (13'), provided that at least two (2) tracks in one such system shall have centers not less than thirteen feet six inches (13'6") provided that

no track having track center distances of less than fourteen feet (14') shall be used as a thoroughfare track. The distance between tracks may be diminished to the extent necessary for the construction of crossings, crossovers, gauntlet tracks, turnouts, switches or radial tracks. The provisions requiring fourteen feet (14') distances between track centers shall not apply to the construction of tracks in yards now under construction nor to the construction of tracks under viaducts or other overpasses which originally were designed to accommodate an additional track(s) at distances of less than fourteen feet (14') between track centers, if under that design the additional track(s) cannot be constructed with a distance between track centers of fourteen feet (14'). Permission to construct tracks with less clearance may be granted by the Division of Transportation if, after a thorough investigation and hearing in any particular case, it is determined that the construction would not create a condition unduly hazardous to railroad employees or other persons;

(H) At locations where low switch stands and dwarf signals are placed between tracks having track center distances of fourteen feet (14') or less, the horizontal clearance rule contained in subsection (2)(A) shall apply;

(I) The horizontal clearances specified shall not apply to automatic train stop way-side inductors provided the inductor does not extend more than three inches (3") above the level of the top of rail and is not less than four feet two inches (4'2") from the center of track; and

(J) The horizontal clearances specified shall not apply to mail cranes provided the top arm of the mail crane when in position to support mail sacks for delivery is not above a point which is ten feet eight inches (10'8") above top of rail and does not extend within six feet five inches (6'5") from the center of track.

(4) The following horizontal clearances shall apply to all electric and street railroads:

(A) Except as provided in this rule, no track shall be constructed adjacent to any building or structure, nor shall any signal post, switch stand, building or other structure be constructed adjacent to any track which has a horizontal clearance of less than seven feet six inches (7'6") from the center of track measured at right angles to the center, it being understood that the horizontal clearance of seven feet six inches (7'6") shall be maintained, in respect to buildings, to a point on the vertical clearance line, as previously established. The clearance line for structures other than buildings and low platforms may

extend from a point two feet eight inches (2'8") above the level of the top of rail, downward at an angle to a point five feet six inches (5'6") distant from the center line of track at a point level with the top of rail;

(B) Platforms for loading and unloading of freight and express matter into or from cars of the passenger or express type, the tops of which are approximately level with the floors of the cars may be constructed adjacent to only one (1) side of a track which is not in open thoroughfare at a distance less than seven feet six inches (7'6") from the center of track. When these platforms are constructed with a clearance less than seven feet six inches (7'6"), the horizontal clearances shall not be less than four feet nine inches (4'9"), provided that in every such case warning signs shall be erected at a suitable location at each end of the platform, calling trainmen's attention to insufficient clearance and prohibiting them from riding on the sides of cars while in motion;

(C) Passenger loading platforms, the tops of which are level with the platforms of passenger cars, may be constructed adjacent to tracks at a distance less than seven feet six inches (7'6") from the center line of the tracks provided the passenger coaches are equipped with platform gates and kept closed while the train is in motion. Passenger loading platforms which do not exceed a height of four inches (4") above the top of rail may be constructed at a distance of not less than four feet six inches (4'6") from the center line of track; and platforms which do not exceed height of eight inches (8") above the top of rail, may be constructed a distance of not less than five feet one inch (5'1") from the center line of track;

(D) Canopies at passenger stations and terminals may be erected, the edges of which have a clearance less than seven feet six inches (7'6") from the center of track, provided the lowest projection of the canopy is not less than eleven feet four inches (11'4") above the top of rail;

(E) Third rail conductors placed preferably between tracks where there is more than one (1) track shall be maintained at a distance which does not exceed one foot eight and one-half inches (1' 8 1/2") measured from gauge of main track to the center of the third rail conductor. The height of the conductor shall not exceed six and one-half inches (6 1/2") above the top of rail;

(F) The horizontal clearances specified in this section shall not apply to mail cranes, provided the top arm of the mail crane when in position to support mail sacks for delivery is not above a point which is ten feet eight inches (10'8") above top of rail, and does not

extend within six feet five inches (6'5") from the center of the track;

(G) In case of roads using passenger cars greater or less than nine feet (9') in width, a corresponding change in the specified horizontal clearances shall be used, it being understood that points five feet six inches (5'6") distant from the center of track and level of with the top of rail are fixed;

(H) In city streets where the clearances between main tracks are such that the distance between the sides of passing cars is less than three feet (3'), the windows of all cars shall be equipped with bars, screens or other suitable protective devices and all vestibule doors kept closed when cars are in motion; and

(I) In case of roads using cars greater or less than nine feet (9') in width, a corresponding change shall be made in the horizontal clearance specified in this rule, provided that the specified clearance of three feet (3') between cars shall not be varied.

(5) In all cases, the horizontal clearance that is specified relates to tracks on tangents or on slight curves. Where the curvature is six degrees (6°) or more, the horizontal clearance must be sufficiently increased to secure the minimum allowance provided for under this rule. Unless the type of equipment to be operated on a track would indicate otherwise, horizontal clearances for structures should be increased three inches (3") for a curvature of six degrees (6°) and should be increased an additional one-half inch (1/2") for each additional degree of curve; and track centers should be increased four and one-half inches (4 1/2") for a curvature of six degrees (6°) and should be increased an additional three-fourths inch (3/4") for each additional degree of curve. All horizontal clearances should be measured along lines parallel to the plane formed by the top of the rails and from a center line perpendicular to that plane, in order to take into consideration the effect of any rail super-elevation.

(6) All wire, cable conductors, trolley wires, guards, guys and other apparatus or fixtures used in connection when located upon, along or across the property or right-of-way of any railroad or railway system shall be constructed in conformance with the rules contained in the *National Electrical Safety Code*.

*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.*

\*Original authority: 622.027, RSMo 1985.

**4 CSR 265-8.070 Grade Crossing Account**

*PURPOSE: This rule prescribes the use of the grade crossing account for improvements of grade crossing.*

(1) The grade crossing account is established for the purpose of providing revenues to protect the public against hazards existing at the crossings of public roads, streets and highways with railroad tracks.

(2) Grade crossing account funds shall only be used when the Division of Transportation, pursuant to section 389.610, RSMo orders the installation, construction or reconstruction of automatic signals or other safety devices or other safety improvements at crossings at grade of railroads and public roads, highways or streets. All other grade crossing cases shall be conducted in accordance with the specific provisions of law of Missouri and the rules of this division.

(3) The use of the grade crossing account may be initiated by complaint of twenty-five (25) individuals, by governmental entities, by any party to a proceeding under section 389.610, RSMo or by the Division of Transportation.

(4) The grade crossing account shall not be used when the costs of providing grade crossing protection can be paid from funds available under any Federal Highway Act or Federal-Aid Highway Act.

(5) In any instance, the Division of Transportation shall not authorize the payment of more than ninety percent (90%) of the costs of providing the protection ordered by it.

(6) In determining the costs, the division shall compute the costs in accordance with the current federal Highway Administration's policy for reimbursement for railroad work.

(7) In any one (1) year, the division shall not authorize expenditures from the fund in any county or the city of St. Louis in excess of the proportion of the tax allocated to them based upon the total main line track mileage of railroads in the county or the city of St. Louis. This limitation shall not apply in the event the division determines that the crossing in question is highly dangerous to the public.

(8) In all proceedings, where the use of the grade crossing account has been initiated by

any party, the staff of the division or any party to the proceeding shall present evidence on, and the division shall make a specific findings of fact on, each of the following matters:

(A) The costs for the installation, construction or reconstruction of the automatic signals or other safety devices or other safety improvements ordered;

(B) Whether funds are available for this crossing under any Federal Highway Act or Federal-Aid Highway Act;

(C) The location of the crossing in question, the amount of funds available to that particular county under section (7) of this rule, and, whether the costs shall exceed the limitation set out in section (7);

(D) Whether the crossing in question is highly dangerous to the public so as not to come within the limitation under section (7);

(E) The amount of funds in the grade crossing account and whether the expected expenditure called for will exceed the funds in the fiscal year in which the expenditure is to be made;

(F) The approximate time for installation, the approximate date for a pay-out of the funds and the legal entity entitled to be reimbursed; and

(G) Whether or not interim payments are to be made, and if so, the amount and conditions upon which the interim payments shall be paid out.

(9) Upon completion of the construction, the division shall be notified in writing, and within eight (8) months of completion, the party responsible for the installation shall furnish a written report to the division on the costs involved. The division's staff shall inspect the installation to determine if it is in accordance with the order of the division authorizing the installation, and in conjunction with the accounting staff of the division shall determine the costs. Promptly after that the division shall issue its final order authorizing the state treasurer to pay out of the grade crossing account to the person, firm or corporation entitled to the amount so determined and finally approved by the division, except that the division may order progress payments if it deems it advisable.

(10) The staff of the division shall keep an accurate account of all grade crossing projects coming within the grade crossing account and shall report an annual accounting of the use of the funds each year in order that this may be reported in the division's annual report.

(11) This rule shall govern all grade crossing protection cases in which funds from the grade crossing account are used unless specifically ordered otherwise by the division.

*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 Jan. 5, 1989, effective April 27, 1989.*

\*Original authority: 622.027, RSMo 1985.

**4 CSR 265-8.071 Grade Crossing Safety Account**

*PURPOSE: This rule prescribes regulations for the use of the Grade Crossing Safety Account created by section 1 of Senate Bill No. 765, 86th General Assembly, 2nd Regular Session (effective August 28, 1992).*

(1) Use of the Grade Crossing Safety Account (account) to pay for installation, construction or reconstruction of automatic signals or other safety devices or other safety improvements at crossings of railroads and public roads, streets or highways may be initiated by a complaint of twenty-five (25) or more individuals filed with the Division of Transportation (division) within the Department of Economic Development, or by an application or complaint filed with the division by a governmental entity, railroad corporation, the division staff or any person who is a party to a proceeding under section 389.610, RSMo. Use of the account shall be limited as provided in section 1 of Senate Bill No. 765, 86th General Assembly, 2nd Regular Session (1992).

(2) In determining that portion of the costs proportioned to the state, county, municipality or other public authority in interest, for the installation, construction or reconstruction of automatic signals or other safety devices or other safety improvements at crossings of railroads and public roads, streets or highways, which the division orders to be paid out of the account pursuant to section 389.610, RSMo, the division shall compute those costs in accordance with the current Federal Highway Administration's policy for reimbursement for railroad work.

(3) In all proceedings where the use of the account has been requested by any party, the division staff shall, and any other party to the proceeding may present evidence on each of the following matters:

(A) The costs of the proposed installation, construction or reconstruction of the automatic signals or other safety devices or other safety improvements;

(B) Whether any part of those costs can be paid from funds available under any federal program or federal-aid highway act;

(C) The location of the crossing in question;

(D) The amount of funds in the account and whether the expected expenditure called for will exceed the funds in the fiscal year in which the expenditure is to be made;

(E) The approximate time for completion of the proposed installation, construction or reconstruction, the approximate date for a payout of the funds and the legal entity entitled to be reimbursed;

(F) Whether or not interim payments should be made; and if so, the amount and conditions upon which those interim payments should be paid out; and

(G) Whether any part of the costs of the installation, construction or reconstruction can be paid from the Grade Crossing Account, until all funds in the Grade Crossing Account created under Chapter 152, RSMo have been encumbered or expended.

(4) The division shall order the party responsible for the installation, construction or reconstruction to notify the division immediately upon completion of the ordered installation, construction or reconstruction. Within eight (8) months after completion, the party responsible for the installation, construction or reconstruction shall furnish a written report to the division on the costs actually involved. Railroad safety personnel of the division staff shall inspect the installation, construction or reconstruction to determine if it has been completed in accordance with the division's order authorizing the work, and in conjunction with the division's audit section shall review the reported costs and shall file with the division a report on the results of their review. Promptly after that the division shall issue its final order authorizing the state treasurer to pay out of the account, to the person or entity entitled, the amount determined by the division to be due and finally approved by the division, except that the division may order progress payments if it deems it advisable.

(5) The division staff shall keep an accurate account of all grade crossing projects for which account funds have been obligated, encumbered and paid, and shall report an annual accounting of the use of the funds each year in order that the information may be included in the division's annual report.

(6) This rule shall govern all cases involving grade crossing safety improvements in which funds from the account are used, unless specifically ordered otherwise by the division.

*AUTHORITY: section 622.027, RSMo 1986. \* Original rule filed Nov. 4, 1992, effective July 8, 1993.*

*\*Original authority: 622.027, RSMo 1985.*

#### **4 CSR 265-8.080 Railroad-Highway Grade Crossing Warning Systems**

*PURPOSE: This rule prescribes the standards to be followed in the installation, maintenance, inspection and testing of all railroad-highway grade crossing warning systems in Missouri, and in reporting and responding to malfunctions of those 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 the *Manual on Uniform Traffic Control Devices (MUTCD)* (1988 Edition), as published by the Federal Highway Administration. Part VIII, entitled "Traffic Control 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.

(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;

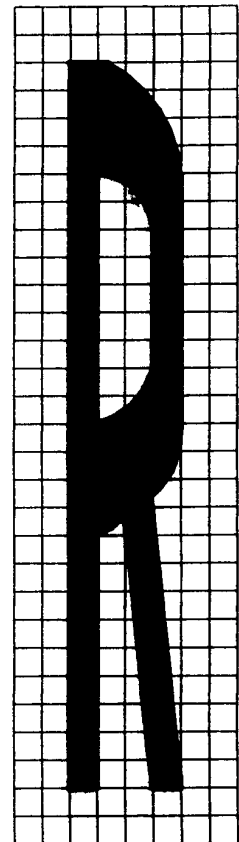
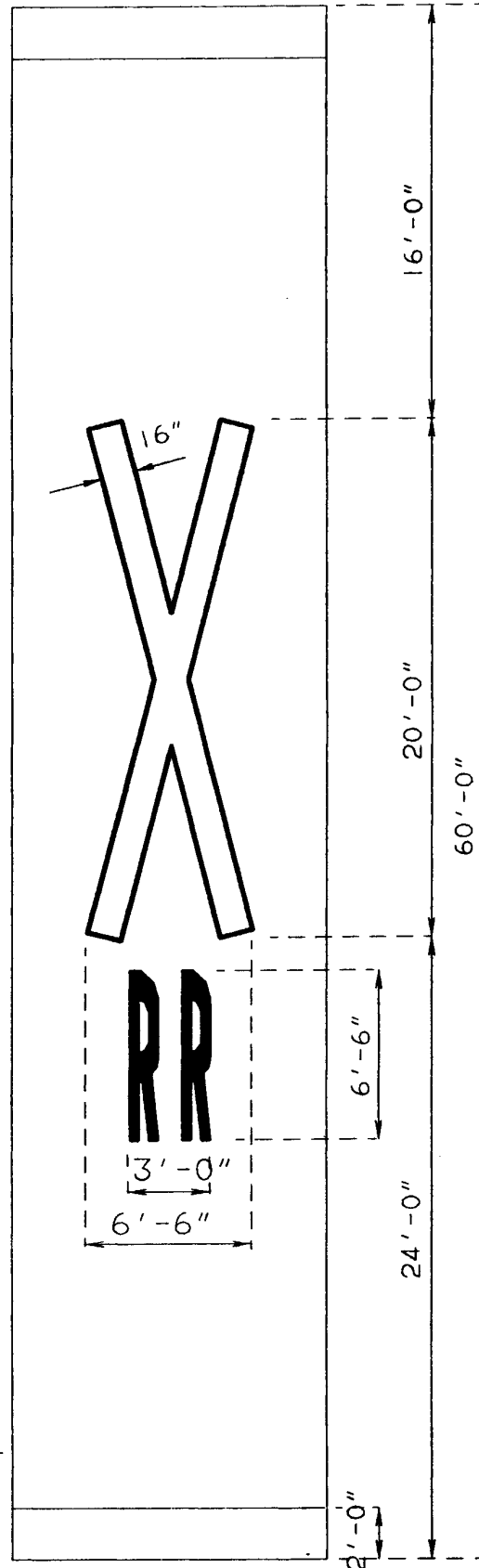
(B) The sixth paragraph as contained in paragraph 8C-7 on page 8C-10 is deleted. This paragraph reads as follows: "Two sizes of lenses, 8-inch diameter and 12-inch diameter, are available for flashing light signal units. The larger lens provides somewhat better visibility. In choosing between the sizes 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:



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

(3) After December 9, 1991, 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, 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) 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. 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.*

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

#### 4 CSR 265-8.090 Annual Report—State Statistics

*PURPOSE: This rule prescribes the schedules of the annual report to be filed by each class I railroad operating in Missouri.*

*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) All Class I railroads operating in Missouri are directed to file with the Division of Transportation a copy of the following forms from the state statistics to their annual report filed with the Interstate Commerce Commission:

(A) Schedule 210—Railway Operating Revenues Earned Within the State;

(B) Schedule 700—Mileage Operated at Close of Year—Within the State;

(C) Summary Statement of Track Mileage Within The State and of Titles Thereto at Close of Year;

(D) Schedule 931—Statistics of Rail-Line Operations—Within the State; and

(E) Schedule 941—Revenue Freight Carried During the Year—Within the State.

(2) All other railroads operating in Missouri are required to file the schedules with the Division of Transportation which are described under subsections (1)(A)—(C) of this rule.

(3) All reports required by this rule shall be filed with the division on or before April 30 of each year.

*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.*

*\*Original authority: 622.027, RSMo 1985.*

#### 4 CSR 265-8.092 Railroad Traffic Statistics

*PURPOSE: This rule requires the notification by railroads operating within the state to file with the Division of Transportation certain traffic statistics for use as planning information in railroad safety studies.*

(1) All railroads operating within the state shall file with the Division of Transportation, within the time prescribed, each of the following documents:

(A) Each railroad shall file two (2) copies of their operating timetable not later than ten (10) days after the effective date of each issue;

(B) Each railroad annually shall file with the division, on or before April 30 of each year, one (1) original traffic report which shall be submitted on Form MO 419-1757.

The division shall timely provide each railroad with sufficient blank copies of Form MO 419-1757 to enable compliance with this rule; and

(C) Each Class I railroad shall provide one (1) copy of its system rail traffic density diagrams showing the annual gross tonnage operated on each segment of its system within the state. The report shall be filed no later than April 30 of the following year.

*AUTHORITY: section 622.027, RSMo 1986.\* Original rule filed May 2, 1991, effective Dec. 9, 1991.*

*\*Original authority: 622.027, RSMo 1985.*



STATE OF MISSOURI  
DIVISION OF TRANSPORTATION  
**AVERAGE DAILY RAILROAD TRAIN TRAFFIC MOVEMENTS -  
WITHIN THE STATE OF MISSOURI**

301 WEST HIGH  
P.O. BOX 1216  
JEFFERSON CITY, MO 65102

<b>RAILROAD:</b> _____		<b>DATE:</b> _____	
<b>DIVISION:</b> _____		<b>SUBDIVISION:</b> _____	
		<b>PAGE</b>	<b>OF</b>
<b>LINE SEGMENT</b>			
FROM: (City/Station) _____		Milepost: _____	
TO: (City/Station) _____		Milepost: _____	
<b>TRAIN TRAFFIC OVER LINE SEGMENT</b>			
<b>Operated By</b>	<b>Number of Passenger Trains</b>	<b>Number of Freight Trains</b>	<b>Total</b>
Owner:			
Other Railroads			
Name: _____			
Name: _____			
Name: _____			
Name: _____			
Total Traffic:			
<b>LINE SEGMENT</b>			
FROM: (City/Station) _____		Milepost: _____	
TO: (City/Station) _____		Milepost: _____	
<b>TRAIN TRAFFIC OVER LINE SEGMENT</b>			
<b>Operated By</b>	<b>Number of Passenger Trains</b>	<b>Number of Freight Trains</b>	<b>Total</b>
Owner:			
Other Railroads			
Name: _____			
Name: _____			
Name: _____			
Name: _____			
Total Traffic:			
<b>LINE SEGMENT</b>			
FROM: (City/Station) _____		Milepost: _____	
TO: (City/Station) _____		Milepost: _____	
<b>TRAIN TRAFFIC OVER LINE SEGMENT</b>			
<b>Operated By</b>	<b>Number of Passenger Trains</b>	<b>Number of Freight Trains</b>	<b>Total</b>
Owner:			
Other Railroads			
Name: _____			
Name: _____			
Name: _____			
Name: _____			
Total Traffic:			

MO 419-1757 (4-91)



STATE OF MISSOURI  
DIVISION OF TRANSPORTATION  
**AVERAGE DAILY RAILROAD TRAIN TRAFFIC MOVEMENTS -  
WITHIN THE STATE OF MISSOURI**

301 WEST HIGH  
P.O. BOX 1216  
JEFFERSON CITY, MO 65102

Each railroad operating within Missouri is now required by Division of Transportation Rule 4 CSR 265-8.092 to file the information requested on this form. Rule 4 CSR 265-8.092 provides in relevant part:

- (1) All railroads operating within the State shall file with the Division of Transportation, within the time prescribed, each of the following documents:
- (B) Each railroad annually shall file with the division, on or before April 30 of each year, one (1) original traffic report which shall be submitted on Form MO 419-1757. The division shall timely provide each railroad with sufficient blank copies of Form MO 419-1757 to enable compliance with this rule.

**INSTRUCTIONS:**

A separate form should be completed for each subdivision within this state.

**LINE SEGMENT** is a portion of track within a subdivision where the average number of trains can increase or decrease which could alter the average train counts within a railroad subdivision. More than one (1) line segment can be within a subdivision. Use additional pages of this form if there are more than three (3) line segments within the subdivision.

The average number of trains is determined by the number of movements per day in a particular week or month count.

Passenger trains should be separated from the freight train movements.

Freight trains should have averaged into their count the number of locals and special trains—turns, tri's, expediter, etc..

Movements of freight trains from other railroads should be itemized separately by name and number.

For more information about filling out this form, call (314) 751-7121.

MO 419-1757 (4-91)

**4 CSR 265-8.100 Track and Railroad Workplace Safety Standards**

*PURPOSE:* This rule prescribes the minimum safety standards for track and roadbed inspections, and prescribes railroad worker safety standards, for all railroad common carriers operating within Missouri.

*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 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*, 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. 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*, part 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. 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.*

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

**4 CSR 265-8.110 Walkway Safety Standards at Industrial Tracks**

*PURPOSE:* This rule prescribes the minimum safety standards for the construction, reconstruction and maintenance of walkways adjacent to railroad industrial trackage within Missouri.

(1) For purposes of this rule, industrial railroad trackage means that trackage owned, leased or used by any person, firm or corporation, other than a railroad as defined by section 386.020, RSMo, which connects with the tracks of a railroad and on which a railroad switches or operates cars or locomotives within Missouri.

(2) Except in cases in which the division finds that construction or reconstruction is impracticable, unnecessary or where existing in structures or tracks prevent construction, walkways shall be constructed along each side of industrial railroad trackage a minimum of eight feet six inches (8'6") from the center of track measured at right angles to the center. Walkways shall be reasonably level with the top of the railroad ties and beginning at the end of the railroad ties shall not exceed a drop of two inches (2") per foot to provide drainage and a surface reasonably level on which to walk as well as permit the safe performance of trackside duties, taking into consideration existing structures and tracks.

(3) Walkways along industrial railroad trackage shall be constructed of and maintained with materials that conform to the specifications of the railroad corporation which switches or operates cars or locomotives on and over the trackage; if no specifications are available, walkways shall be constructed of suitable chat or fines not to exceed one inch (1") in diameter.

(4) Walkways along industrial railroad trackage as well as the area between the rails shall be kept free of vegetation or debris that would interfere with the performance by railroad employees of normal trackside duties.

(5) Each drainage or other water-carrying facility, under or immediately adjacent to the roadbed, must be maintained and kept free of

obstruction in order to accommodate expected water flow for the concerned area.

*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.

\*Original authority: 622.027, RSMo 1985.

**4 CSR 265-8.120 Hazardous Material Requirements**

*PURPOSE:* This rule prescribes the requirements governing the transportation of hazardous materials by railroads.

*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 the requirements governing the transportation of explosives and other hazardous materials prescribed and adopted by the United States Department of Transportation, Research and Special Programs Administration, as published in Title 49, *Code of Federal Regulations* parts 100–185, on October 1, 1997, and subsequent final rules published in the *Federal Register*, except that the division does not incorporate by reference in this rule any provision the incorporation of which would exceed the statutory authority of this division.

*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.

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

**4 CSR 265-8.130 Grade Crossing Construction and Maintenance**

*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.

*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 the width of the crossing on April 27, 1989 but not less than sixteen feet (16').

(B) If practicable, the roadway alignment should intersect the railroad 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 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 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 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* are adopted by reference as recommended practices for construction and reconstruction of 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.

(2) Unless otherwise ordered by the division or by agreement, the railroad corporation 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 railroad corporation makes a track raise within a 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 of 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 railroad shall maintain a crosswalk 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 railroad 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 crosswalk between the adjacent tracks.

*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.*

*\*Original authority: 622.027, RSMo 1985.*

#### 4 CSR 265-8.140 First-Aid Kits

*PURPOSE: This rule implements the provisions of section 389.920, RSMo, enacted in Senate Bill No. 676, General Assembly, Second Regular Session, 1988, which authorizes the division to prescribe requirements for first-aid kits to be provided and maintained on certain railroad equipment by owners and operators of railroads in this state.*

Every railroad shall provide and maintain a commercially prepared first-aid kit in a plainly marked accessible location on all passenger train cars, cabooses, each locomotive unit capable of independent operation and all motorized on-track work equipment used in railroad operations which weigh in excess of four hundred pounds (400 lbs.). A conforming first-aid kit may be assigned to the custody of a designated member of the train or work crew required to work on the equipment when the equipment is in use. The chief medical officer for each railroad shall determine the contents and the size of the kit to conform to the type of job and the specific treatment which may be needed. In addition, the kit shall adequately serve the usual number of employees needed to be treated by the kit at that location.

*AUTHORITY: section 622.027, RSMo 1986.\* Original rule filed Jan. 5, 1989, effective April 27, 1989.*

*\*Original authority: 622.027, RSMo 1985.*