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**Rules of**  
**Department of Economic**  
**Development**  
**Division 265—Division of Motor Carrier**  
**and Railroad Safety**  
**Chapter 2—Practice and Procedure**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**  
**Division 265—Division of Motor Carrier  
and Railroad Safety**  
**Chapter 2—Practice and Procedure**

**4 CSR 265-2.010 Definitions**

*PURPOSE: This rule defines terms used in the rules comprising 4 CSR 265-2 Practice and Procedure.*

*Editor's Note: The following material is incorporated into this rule by reference:*

1) *Missouri Division of Transportation, Single State Registration System (SSRS) Procedures Manual (Jefferson City, MO: Department of Economic Development Revised July 1, 1994);*

2) *Section 4005 of Title IV of Public Law 102-240 (49 U.S. Code 11506) (Washington: U.S. Government Printing Office, 1993).*

*In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.*

(1) Administrative law judge means one of the administrative law judges appointed to the division.

(2) Administrative law judge section means the section of the division consisting of the three (3) administrative law judges, acting together or independently.

(3) Applicant means any person on whose behalf application is made before the division for permission or authorization which the division is empowered to grant under its statutory or other delegated authority.

(4) Complainant means any person, corporation or municipality on whose behalf a complaint is filed with the division.

(5) Corporation includes a corporation, company, association or joint stock association, or limited liability company.

(6) Counsel means the counsel to the division and includes all deputies and assistants.

(7) Director means the chief administrative officer of the division.

(8) Division means the Division of Transportation as created by Chapter 622, RSMo.

(9) Division staff means all division personnel other than those individuals assigned to the administrative law judge section.

(10) Intervenor means a person petitioning to intervene before the division, either in support of or in opposition to the relief being requested, and who is granted the right to participate as a party.

(11) Municipality includes a city, town, village, county or other political subdivision.

(12) Participant without intervention means any person allowed by the division to take part in a proceeding before it without formal intervention or designation as a party.

(13) Partnership is an association of two (2) or more persons to carry on as co-owners a business for profit and includes a registered limited liability partnership.

(14) Party includes any applicant, complainant or respondent and any person having intervened in proceedings before the division.

(15) Person includes any individual, business entity or governmental entity.

(16) Pleading means any application, complaint, petition, answer, protest or motion made to the division, including any appendices, documents and exhibits attached to or incorporated by reference in the pleading.

(17) Respondent means any person against whom any complaint is filed or to whom an order or notice is issued by the division on its own initiative instituting a proceeding or an investigation.

(18) Shipper means the person who controls the transportation provided by a carrier, and refers to the actual shipper rather than an intermediary. The shipper may be nominally either the consignor or consignee, but must be one or the other. The payment of the charges for the transportation is evidence that the person who pays is the person who controls the transportation, and the person who pays is presumed to be the shipper. However, this presumption is rebuttable, and can be rebutted by evidence demonstrating that a person not paying the transportation charges actually controls the selection of the carrier and the routing of the shipment, who would be presumed to be the shipper in such an instance.

(19) *Single State Registration System (SSRS) Procedures Manual* means the procedures

manual for the registration of interstate motor carrier operations in this state under the authority of the Interstate Commerce Commission (ICC), which implements the SSRS under Section 4005 of Title IV of P.L. 102-240 (49 U.S.C. 11506), and which is adopted by the division.

*AUTHORITY: section 622.027, RSMo 1994.\* 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 July 31, 1986, effective Oct. 27, 1986. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997.*

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

**4 CSR 265-2.020 Principal Offices**

*PURPOSE: This rule announces the principal offices of the Division of Motor Carrier and Railroad Safety.*

(1) The principal office of the Division of Transportation is located in the Harry S Truman State Office Building, Room 230, 301 West High Street in Jefferson City, Missouri. All general inquiries to the division, cover letters, motions, and other pleadings and responses to division orders should be addressed to the Director, Division of Motor Carrier and Railroad Safety, P.O. Box 1216, Jefferson City, MO 65102. The division's main telephone number is (314) 751-7100; its main fax number is (314) 526-3651.

*AUTHORITY: section 622.027, RSMo 1994.\* 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 17, 1989, effective Sept. 11, 1989. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997.*

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



4 CSR 265-2.030 Records of the Division

PURPOSE: This rule appoints a custodian of records for the division and sets forth guidelines to be followed when reviewing records of the division.

Editor's Note: The following material is incorporated into this rule by reference:

1) 49 U.S. Code sections 504 and 523(c) (Washington: U. S. Government Printing Office, 1993).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) The director shall keep a full and true record of all the proceedings of the division, of all books, maps, documents and papers ordered filed by the division and of all orders made by each of the administrative law judges. In addition, the director shall maintain a docket of all proceedings filed with proceedings set for hearing and shall assign each matter an appropriate docket number. These records shall be available for public inspection and copying at the office of the director from 8:00 a.m. to 12:00 noon, and 1:00 p.m. to 5:00 p.m., Monday through Friday, except for legal holidays or as otherwise provided in subsection (1)(A) of this rule.

(A) The following records of the division, or possessed by the division, shall be closed records, and shall not be open to public inspection or copying, or made public, except as otherwise provided by order or permission of a court, the division's administrative law judge, or when formally filed with the division in a hearing or proceeding, or when otherwise required to be made public under the rules of the division or Chapters 386—391, RSMo. The closure of records to public access under this subsection shall not be deemed to preclude lawful discovery of these records by a party in an administrative or court proceeding:

1. All records which may be closed records under Chapter 610, RSMo;

2. Under section 386.480, RSMo, all information furnished to the division or its employees by any motor carrier, railroad corporation, street railroad corporation, their agents or employees or by any corporation or person subject to the jurisdiction of the division, pursuant to the requirement of any statute or court order, any rule, order or subpoena of the division or its administrative law

judge, or any audit, investigation or discovery by the division staff, except that insurance certificates, surety bonds, endorsements and cancellation notices filed pursuant to section 390.126, RSMo or 4 CSR 265-10.030 shall be open records;

3. Under 49 U.S.C. section 523(c), all records or information acquired by division staff during an inspection of the equipment or records of a motor carrier, a private carrier by motor vehicle or a lessor of equipment to such a carrier, if that inspection was delegated and funded or reimbursed by the Secretary of Transportation of the United States under 49 U.S.C. section 504; and

4. Under section 387.310, RSMo, any fact or information received by the division or its staff during the course of any inspection or examination of railroad corporations, street railroad corporations and common carriers.

(2) The director of the division shall be the official custodian of records for the division and shall be responsible for maintaining the division's records. The director may delegate some or all of his/her custodial duties to division personnel under his/her supervision. Requests for access to or copies of public records of the division may be made in writing addressed to Director, Missouri Division of Motor Carrier and Railroad Safety, P.O. Box 1216, Jefferson City, MO 65102 or in person at the division's principal office. Copies of records, papers and official documents furnished to public officers for use in their official capacity will be provided without charge. All other persons requesting copies of public records of the division shall be liable for the actual cost of document search and duplication, and shall make payment, in full, within thirty (30) days of invoice.

(3) Every person who requests access to public records of the division may be required, before access is granted, to deposit a driver's license or other positive identification as a security deposit with the custodian of records, to be retained until the person finishes reviewing the records and returns the records to the custodian. No person shall damage, mutilate, deface or otherwise alter the original records of the division, except duly authorized state personnel in the course of the authorized destruction of records as prescribed by law, nor shall any person remove any original records of the division from the offices of the division without the written permission of the custodian of records or his/her authorized representative.

(4) For a certificate authorizing an issue of bonds, notes or other evidences of indebtedness, a fee of one dollar (\$1) will be charged for each thousand dollars of the face value of the authorized issue or fraction of it, up to one (1) million dollars; and a fee of fifty cents (50¢) will be charged for each one thousand dollars (\$1000) over one (1) million dollars and up to ten (10) million dollars; and a fee of twenty-five cents (25¢) will be charged for each one thousand dollars (\$1000) over ten (10) million dollars, with a minimum fee in any case of twenty-five dollars (\$25); provided, that no fee shall be charged for an issue or that part of an issue which is made for the purpose of guaranteeing, taking over, refunding, discharging or retiring any bond, note or other evidence of indebtedness up to the amount of the issue guaranteed, taken over, refunded, discharged or retired.

AUTHORITY: section 622.027, RSMo 1994.\*  
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 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.

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



MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT  
 DIVISION OF TRANSPORTATION  
**DECLARATION**

NOTE: This Declaration should be used to comply with Division rule 4 CSR 265-2.030(1)(A)4.C., relating to public access to railroad safety records.

STATE OF MISSOURI )  
 ) SS  
 COUNTY OF \_\_\_\_\_ )

NAME \_\_\_\_\_

REPRESENTING \_\_\_\_\_

of lawful age, solemnly declares, under penalty of perjury, as follows:

1. I am requesting the Division of Transportation within the Department of Economic Development, State of Missouri (Division), to allow me and/or my authorized representatives to inspect and/or copy certain railroad-highway crossing records or other railroad safety records described as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(Check box  if continued on separate page(s), which are attached hereto and adopted by this reference as part of this declaration.)

2. The Division has informed me that the described records contain reports, surveys, schedules, lists or data compiled for the purpose of identifying, evaluating or planning the safety enhancement of railway-highway crossings pursuant to 23 U.S.C. § 130, or developing a highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds.

WHEREFORE, pursuant to 23 U.S.C. § 409 (as amended) and as a condition of being allowed to inspect and/or copy the described records, I DECLARE AND PROMISE that I do not want, will not use, and will not authorize or knowingly allow any other person to use, the requested records or any information extracted therefrom for purposes of discovery, or to be admitted into evidence in a federal or state court proceeding or considered for any other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in those records. I acknowledge that use of these records or information contrary to this declaration and promise may also constitute a violation of Division rule 4 CSR 265-2.030(1)(A)4.D., and may be punishable by civil and criminal penalties.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. (If executed on behalf of a corporation firm or other person, I am authorized to make this declaration on behalf of that corporation, firm or other person.) Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

SIGNATURE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

PRINT ADDRESS \_\_\_\_\_

MO 419-0307 (10-92)



4 CSR 265-2.040 Practice by Attorneys

PURPOSE: This rule sets forth who may practice as an attorney before the division.

(1) The counsel employed by the division shall represent the staff in investigations, contested cases and other proceedings before the division and appear for the division in all courts and before federal regulatory bodies and, in general, perform all duties and services as attorney and counsel to the division which the division may reasonably require.

(2) The practice by attorneys other than those from the offices of the division will be as follows:

(A) Any person who signs a pleading or brief, or who enters an appearance at a hearing for another person, by this act expressly represents that s/he is authorized to so act, that s/he is a licensed attorney-at-law in Missouri or the state of his/her residence;

(B) A nonresident attorney who is a member of the Missouri Bar and maintains an office in Missouri for the practice of law may practice law before the division as is the case of a resident attorney;

(C) Any attorney not a member of the Missouri Bar, but who is a member in good standing of the bar of any court of record, may be permitted to appear and participate in a particular case before the division under the following conditions: the visiting attorney shall file with his/her initial pleading a statement identifying each court of which s/he is a member of the bar and certifying that neither s/he nor any member of his/her firm is disqualified to appear in any court. The statement also shall designate some member of the Missouri Bar having an office within Missouri as associate counsel; the designated attorney shall enter his/her appearance as an attorney of record; and

(D) An eligible law student may appear before the division upon compliance with Missouri Civil Rule 13.

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 2.050 Computation of Effective Dates

PURPOSE: This rule sets standards for computation of effective dates of any order or time prescribed by the division.

(1) In computing any period of time prescribed or allowed by the division, the day that the division order is issued is not to be included. The last day of the period will be included unless it falls on a Saturday, Sunday or state holiday in which case it is extended to the end of the next working day.

(2) When the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays falling within the period will be excluded and the period will be extended accordingly.

(3) In computing the effective date of any order of the division, the order is considered effective at 12:01 a.m. on the effective date designated in the order, whether or not the date is a Sunday or legal holiday.

(4) When an act is required or allowed to be done at or within a specified time, the administrative law judge section, at its discretion, may—

(A) Order the period enlarged if a request is made before the expiration of the period originally prescribed or extended by a previous order; or

(B) Permit the act to be done after the expiration of the specified period, if good cause is shown unless the lapse of that time period causes the division to lose jurisdiction over the matter or case.

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 July 31, 1986, effective Oct. 27, 1986.

\*Original authority: 622.027, RSMo 1985.

4 CSR 265-2.055 Name and Address Changes for Motor Carriers, Railroad Corporations and Certain Contracting Shippers

PURPOSE: This rule requires motor carriers and railroad corporations to notify the division of changes of their names (including fictitious names) and any change of address of their principal place of business, prescribes the procedures for those changes, and requires intrastate motor contract carriers of passengers or household goods to notify the division of changes in the name or address of contracting shippers they are authorized to serve under their contract carrier permits.

Editor's Note: The following material is incorporated into this rule by reference:

1) Missouri Division of Transportation, Single State Registration System SSRS Procedures Manual (Jefferson City, MO: Department of Economic Development, Revised July 1, 1994).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) A motor carrier's change of address from one (1) state to a different state and a motor carrier's change of name shall not be recognized by the division until approved by order of the division's administrative law judge. Until the carrier has filed with this division the request and documentation required under this rule, and until an order approving any motor carrier's change of address to a different state or motor carrier's change of name has been issued, the division may continue to mail or deliver any notices, orders and other correspondence to the carrier in the previous name and at the previous address as it appears on record with the division, and this mailing or delivery shall be valid as if no change of name or address had occurred.

(2) Motor carriers holding intrastate operating authority from this division shall file with the division, not later than five (5) days after a change of name (including any fictitious name) or change of address of their principal place of business becomes effective, a written request that the division record the carrier's change of name, change of address, or both. The request shall state the numbers of every certificate and permit issued to that carrier by the division and currently in force, including both active and suspended authority. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:

(A) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with 4 CSR 265-10.030;

(B) If the change involves any change of name by a corporation, limited liability partnership or any change of fictitious name of any person holding intrastate operating authority, notice of the change of name or change of fictitious name shall be filed with the Missouri secretary of state, as otherwise required by law; and

(C) If the carrier becomes a nonresident as a result of a change of address and the carrier does not maintain an office or agent in this



state, it shall file with the division a writing which designates the director of this division as the carrier's authorized agent upon whom legal service may be had in all actions arising in this state from any operation of a motor vehicle under authority of any certificate or permit issued to the carrier.

(3) Motor carriers holding Interstate Commerce Commission (ICC) operating authority which have been registered with this division, as required under 4 CSR 265-2.065, shall notify this division of every change of name or address as required by the *Single State Registration System (SSRS) Procedures Manual*.

(4) Motor carriers holding an interstate permit issued by this division authorizing operations exempt from ICC regulation shall notify this division of every change of name (including fictitious names), and every change of address of their principal place of business, in writing, within five (5) days after the effective date of the change. The division shall not recognize or approve a change of name or change of address under this section until the carrier has complied with the following requirements:

(A) In the case of a change of name, the carrier shall file with the division a new Uniform Application for Registration of Interstate Operations Exempt from Economic Jurisdiction of ICC (Form A-1), clearly marked in the upper right-hand corner with the words Name Change Only or Name and Address Change and the carrier's interstate permit number assigned by this division; and

(B) New certificates of insurance or surety bonds setting forth the carrier's new name and address shall be filed with and approved by the division, in accordance with 4 CSR 265-10.030.

(5) If a motor carrier's change of name involves any change in the form of business entity owning the operating authority, such as changing from an individual to a partnership or corporation, or changing from a corporation or partnership to an individual, these changes are transfers within the meaning of section 390.111, RSMo. Except as otherwise provided under subsections (3)(A) and (4)(A) of this rule, both the transfer or and transferee shall apply to the division for approval of every transfer as required under 4 CSR 265-2.066.

(6) Motor carriers holding authority from this division to operate both in intrastate and interstate commerce shall comply with all applicable provisions of sections (1)–(5) of this rule.

(7) Every railroad corporation, within the meaning of section 386.020, RSMo, which owns, holds, operates, controls or manages a railroad located within this state shall notify this division of every change of its true name, fictitious or assumed name, address of its principal office, and mailing address, if different, within five (5) days after the change of name or address becomes effective, by filing with the division a written request by an authorized employee, officer or agent of the railroad corporation, that the division record the carrier's new name and address. Until the carrier has filed with this division the request and documentation required under this rule, and until an order approving any rail carrier's change of address to a different state or rail carrier's change of name has been issued, the division may continue to mail or deliver any notices, orders and other correspondence to the carrier in the previous name and at the previous address as it appears on record with the division, and this mailing or delivery shall be valid as if no change of name or address had occurred.

(8) Every contract carrier holding a contract carrier permit issued by the division under section 390.061, RSMo, which authorizes the intrastate transportation of passengers or household goods, shall file with the division, not later than five (5) days after learning of any change of name or change of address of a contracting shipper named in the permit, a written request that the division record the shipper's change of name, change of address, or both. The request shall state the carrier's own name and the number assigned to the contract carrier permit by the division, together with the former name and address of the shipper, and the new name and address of the shipper. The carrier shall attach a copy of a letter or other writing from the shipper giving notice of the change of name or address, or both. This section shall also apply if the shipper's change of name involves any change of the entity under contract with the carrier, by incorporation, merger or consolidation of the shipper, or by the shipper's assignment or delegation of the contract or contract rights to another entity.

*AUTHORITY: section 622.027, RSMo 1994. \* Original rule filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emer-*

*gency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1995. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

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



For Division use only:  
Case No. \_\_\_\_\_

**FORM A**

**UNIFORM APPLICATION FOR REGISTRATION OF OPERATING AUTHORITY ISSUED BY ICC**

To: DIVISION OF TRANSPORTATION  
P.O. Box 1216  
Jefferson City, Missouri 65102

Date \_\_\_\_\_

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

ICC Operating Authority No. MC \_\_\_\_\_ Type of Route:  Regular

Certificate  Permit  TA  Irregular

Type of Carrier:

Property  Passenger  Common  Contract

Give Principal Office Address, if different than above:

Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

If individual, give name and address:

If corporation, give state in which incorporated: \_\_\_\_\_

Name of President \_\_\_\_\_ Name of Secretary \_\_\_\_\_

If partnership, give name and address of partners:

**Process Agent for State:** Applicant hereby designates the Director of the Division of Transportation of the State of Missouri as its authorized agent upon whom legal service may be had in all actions arising in Missouri from the operation of motor vehicles under authority of this Division. If applicant desires to designate a local agent for service of process please give name and address:

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above application. (Federal penalties, maximum of \$10,000 or imprisonment for five years, or both, 18 U.S. Code 1001; State penalties as prescribed by law.)

Signature \_\_\_\_\_

Title \_\_\_\_\_

**Instructions:** A copy of the ICC operating authority must be attached to the application. Only the signed original of Form A shall be filed with the Division.

This form determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 11506(c) of the Interstate Commerce Act (49 U.S.C., Sec. 11506(c)).

MO 419-1336 (2-87)





For Division use only:

Case No. \_\_\_\_\_

FORM A-1
UNIFORM APPLICATION FOR REGISTRATION OF INTERSTATE OPERATIONS
EXEMPT FROM ECONOMIC JURISDICTION OF ICC

To: DIVISION OF TRANSPORTATION
P.O. Box 1216
Jefferson City, Missouri 65102

Date \_\_\_\_\_

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Type of Carrier:

- ( ) Sec. 10526(a)(5) (Cooperative Association Exemption)
( ) Sec. 10526(a)(6) (Agricultural Commodities Exemption)
( ) Sec. 10526(a)(7) (Newspaper Exemption)
( ) Sec. 10526(a)(8)(A) (Transportation of passengers adjacent to Air Transport Exemption)
( ) Sec. 10526(a)(8)(B) (Transportation of property (including baggage) adjacent to Air Transport Exemption)
( ) Sec. 10526(a)(8)(C) (Transportation of property because of weather conditions or aircraft mechanical failure)
( ) Sec. 10526(a)(11) (Used Pallets and Containers Exemption)
( ) Sec. 10526(a)(12) (Decorative Rock Exemption)
( ) Sec. 10526(a)(13) (Wood Chips Exemption)
( ) Sec. 10526(b)(3) (Tow Truck Exemption)
( ) Sec. 10524(b) (Intercorporate Hauling Exemption)
( ) \_\_\_\_\_ (Other)

If Individual, give name and address: \_\_\_\_\_

If Corporation, give State in which incorporated: \_\_\_\_\_

Name of President \_\_\_\_\_ Name of Secretary \_\_\_\_\_

If Partnership, give name and address of partners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROCESS AGENT FOR STATE: Applicant hereby designates the Director of the Division of Transportation of the State of Missouri as its authorized agent upon whom legal service may be had in all actions arising in Missouri from the operation of motor vehicles under authority of this Division.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (State penalties as prescribed by law.)

Signature

Title

**4 CSR 265-2.057 Interpretation of Federal Preemption Under Section 601 of the Federal Aviation Administration Authorization Act of 1994**

*PURPOSE: This rule sets forth the division's interpretation of the effects of federal preemption on its regulation of intrastate motor carriers of property (except household goods) in Missouri intrastate commerce.*

*Editor's Note: The following material is incorporated into this rule by reference:*

- 1) *Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S. Code sections 11501(h) and 41713(B));*
- 2) *49 Code of Federal Regulations section 172.101; and*
- 3) *49 Code of Federal Regulations parts 100—177.*

*In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.*

(1) Effective January 1, 1995, under Section 601 of the Federal Aviation Administration Authorization Act of 1994 (H.R. 2739, 103d Congress, 2d Session) (49 U.S.C. sections 11501(h) and 41713(b)), the states generally can no longer enact or enforce any law, regulation or other provision having the force and effect of law relating to the prices, routes, or services of any motor carrier with respect to the transportation of property (except household goods). This preemption does not restrict the regulatory authority of the state with respect to motor vehicle safety, which the division interprets as including the safe transportation of hazardous materials by motor vehicle, or the authority of a state to regulate motor carriers with regard to minimum amounts of financial responsibility relating to insurance requirements and self-insurance authorization. This section sets forth the division's interpretation of the effects of this preemptive federal law.

(2) The federal preemption does not relieve any person who engages in the business of a motor carrier of property on the public highways, and whose vehicles are not exempted under section 390.030, RSMo, from the requirement of having in force a certificate under section 390.051.1., RSMo, or a permit under section 390.061.1., RSMo. But, the division interprets the preemption as modifying the standards and procedures applicable to issuing such certificates and permits. Until

receiving further legislative direction from the Missouri general assembly as provided by law, the division shall issue new certificates and permits authorizing the transportation of property (except household goods) under the standards and procedures prescribed by law which are not preempted by Section 601 of the Federal Aviation Administration Authorization Act of 1994, as interpreted by this rule and any other applicable division rules.

(3) Certificates or permits issued by the division and in force on December 31, 1994, and which authorize a person to transport any property as a common carrier or contract carrier by motor vehicle, shall remain in force (unless suspended or revoked by order of the division as provided by law), and shall be interpreted after December 31, 1994, as certificates and permits authorizing that person to transport property (except household goods) as a common carrier and as a contract carrier by motor vehicle on the public highways between all points within Missouri; except that no certificate or permit issued by the division shall be interpreted as authorizing the intrastate transportation of any hazardous material as designated in 49 CFR section 172.101, in any quantity or manner which is subject to regulation under 49 CFR parts 100—177, except hazardous materials expressly authorized in that certificate or permit.

(4) The statutory difference between "common carrier" and "contract carrier", as those terms are defined in section 390.020, RSMo, is directly related to the service provided by the motor carrier, in that a common carrier serves the general public, but a contract carrier is restricted to serving contracting shippers only, under individual transportation contracts. The division concludes that under the federal preemption no meaningful distinction between common carriers and contract carriers can be enforced by the state with respect to the transportation of property (except household goods). After December 31, 1994, every applicant who demonstrates that it is qualified to engage in the business of a motor carrier of property (except household goods) in intrastate commerce, as required by this rule, shall be granted a certificate and permit to operate in intrastate commerce both as a common carrier and as a contract carrier. Contract carriers of property (except household goods) in Missouri intrastate commerce after December 31, 1994, shall no longer be required to file transportation contracts with the division. After December 31, 1994, contract carrier permits issued by the division shall be interpreted as not limiting

the transportation of property (except household goods) for any specific contracting parties, and shall not name specific contracting shippers with respect to the transportation of property (except household goods).

(5) Section 601 of the Federal Aviation Administration Authorization Act of 1994 expressly states that its general rule of preemption shall not restrict the safety regulatory authority of a state with respect to motor vehicles. All applicants for intrastate certificates and permits under this rule shall be carefully examined to determine their safety fitness to transport property by motor vehicle upon the public highways. Under the division's safety regulatory authority, it has previously authorized and will continue to authorize the transportation of hazardous materials (as defined in 49 CFR part 172) by motor vehicle upon the public highways to the extent that applicants demonstrate their qualifications to transport those commodities safely, and their satisfactory compliance with all applicable laws and regulations governing the transportation of hazardous materials by motor vehicle.

(6) Whenever a motor carrier which holds an intrastate certificate or permit or both requests from this division a copy of its certificate or permit or both, or the division reissues a motor carrier's intrastate certificate or permit or both for any other lawful reason, except as otherwise provided in 4 CSR 265-2.060(8) and 4 CSR 265-2.065(7)(C), the division staff may file a pleading proposing a restatement of the carrier's operating authority, as modified by the federal preemption and interpreted in the division's rules. A motor carrier may also request the division to restate its intrastate certificate or permit or both, by a pleading filed with the division at any time in accordance with the requirements of division rule 4 CSR 265-2.080.

(A) The division shall serve the proposed, restated certificate or permit or both on the motor carrier, with an order of an administrative law judge directing that the carrier may object to the proposed restatement of the certificate or permit or both, by filing a written pleading to be received by the division within twenty (20) days after the date of service of the division staff's proposed, restated certificate or permit or both. The motor carrier may informally discuss the proposed restatement of the certificate or permit or both, and any objections, with the division's counsel, but absent an appropriate order from the administrative law judge, that shall not extend the time for pleading any objections.



(B) If no objection is timely received, then the division shall issue a restated certificate or permit or both in conformity with the proposed, restated certificate or permit or both, without further proceedings.

(C) If a written objection is timely received, the division's general counsel shall consider the basis for the objection, and may direct the reissuance of a proposed certificate or permit or both, as amended in response to the motor carrier's objection. If the general counsel concludes that the objection is not well-founded, s/he shall serve notice of this conclusion on the carrier, which shall also notify the carrier that it may request a hearing on the objection before an administrative law judge, by the filing of a written request for a hearing, to be filed within twenty (20) days after service of the notice.

(D) If the carrier timely files a request for hearing on the carrier's objection to the proposed, restated certificate or permit or both, then the division shall set the matter for hearing and decision by an administrative law judge.

*AUTHORITY:* section 622.027, RSMo 1994. Emergency rule filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency rule filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Original rule filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission and rule filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997.

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

#### **4 CSR 265-2.060 General Application Requirements for the Issuance and Transfer of Intrastate Motor Carrier Certificates, Permits and Temporary Authority** (Moved to 7 CSR 265-10.015)

#### **4 CSR 265-2.061 Applications for Intrastate General or Special Commodity Common Carriage Truckload Lots, Agricultural Commodities in Bulk in Dump Trucks and Charter Passenger Service Authority** (Rescinded February 25, 1996)

*AUTHORITY:* section 622.027, RSMo 1986. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 27, 1986. Original rule filed July 31, 1986, effective Oct.

23, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed Nov. 2, 1987, effective Feb. 11, 1988. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Jan. 28, 1989. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Emergency amendment filed Nov. 4, 1992, effective Nov. 14, 1992, expired March 13, 1993. Emergency amendment filed March 3, 1993, effective March 13, 1993, expired July 10, 1993. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Rescinded: Filed Aug. 3, 1995, effective Feb. 25, 1996.

#### **4 CSR 265-2.062 Application for Dump Truck (Other Than Agricultural Commodities in Bulk in Dump Trucks), Mobile Home, Household Goods, Noncharter Passenger, Gasoline, Fuel Oil, Liquefied Gasoline Petroleum Gas, Boats and Less-Than-Truckload Contract Carriage Authority** (Rescinded February 25, 1996)

*AUTHORITY:* section 622.027, RSMo 1986. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 27, 1986. Original rule filed July 31, 1986, effective Oct. 23, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed Nov. 2, 1987, effective Feb. 11, 1988. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Jan. 28, 1989. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Emergency amendment Filed Nov. 4, 1992, effective Nov. 14, 1992, expired March 13, 1993. Emergency amendment filed March 3, 1993, effective March 13, 1993, expired July 10, 1993. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rescission filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996.

1996. Rescinded: Filed Aug. 3, 1995, effective Feb. 25, 1996.

#### **4 CSR 265-2.063 Applications for Intrastate General or Special Commodity Contract Carriage Truckload Lots, Agricultural Commodities in Bulk in Dump Trucks and Charter Passenger Service Authority**

(Rescinded February 25, 1996)

*AUTHORITY:* section 622.027, RSMo 1986. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 27, 1986. Original rule filed July 31, 1986, effective Oct. 23, 1986. Amended: Filed Nov. 2, 1987, effective Feb. 11, 1988. Emergency amendment filed Sept. 21, 1988, effective Oct. 1, 1988, expired Jan. 28, 1989. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Emergency amendment filed Nov. 4, 1992, effective Nov. 14, 1992, expired March 13, 1993. Emergency amendment filed March 3, 1993, effective March 13, 1993, expired July 10, 1993. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rescission filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Rescinded: Filed Aug. 3, 1995, effective Feb. 25, 1996.

#### **4 CSR 265-2.064 Applications for Temporary Authority**

(Rescinded February 25, 1996)

*AUTHORITY:* section 622.027, RSMo 1986. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 27, 1986. Original rule filed July 31, 1986, effective Oct. 23, 1986. Amended: Filed Oct. 17, 1988, effective Dec. 29, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rescission filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Rescinded: Filed Aug. 3, 1995, effective Feb. 25, 1996.

**4 CSR 265-2.065 Applications for Interstate Motor Carrier Permits and Intrastate Regular Route Passenger Certificates Issued Pursuant to 49 U.S.C. Section 10922(c)(2)**

*PURPOSE: This rule sets forth the requirements which an application for interstate motor carrier permits, certain intrastate regular route passenger certificates and transfer of those certificates must meet.*

*Editor's Note: The following material is incorporated into this rule by reference:*

- 1) *Missouri Division of Transportation, Single State Registration System (SSRS) Procedures Manual (Jefferson City, MO: Department of Economic Development, Revised July 1, 1994);*
  - 2) *49 U.S. Code section 10922(c)(2); and*
  - 3) *Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d Session) (49 U.S. Code section 10936).*
- In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.*

(1) Registration of ICC Authorized Operations—Applications for permits registering interstate motor carrier operations authorized by a certificate or permit issued by the Interstate Commerce Commission (ICC) shall be made as required by the *Single State Registration System (SSRS) Procedures Manual*, which is adopted by the division. Except as otherwise specifically provided in this chapter or 4 CSR 265-10 with reference to operations under ICC authority, the SSRS Procedures Manual shall govern the registration, licensing, proof of insurance coverage and designation of process agents of all vehicles operated in Missouri under ICC authority.

(2) Registration of ICC Exempt Operations—If the applicant for an interstate permit is to perform a service that is exempt from ICC regulation, but which is not exempt under the provisions of Chapter 390, RSMo, the application shall be made on Form A-1—Uniform Application for Registration of Interstate Operations Exempt from Economic Jurisdiction of ICC. The forms for the applications may be obtained from the Division of Transportation, P.O. Box 1216, Jefferson City, MO 65102.

(3) Required Documentation—Except as provided in section (1) of this rule, or other rules of the division, all applications and exhibits

required under this rule shall not be accepted for filing with the division until the division has received the following:

(A) Completed Application Form and Exhibits—A completed application on the prescribed form, if any, including any exhibits required, which shall be verified as required by subsection (3)(D) and signed as required by section (5) of division rule 4 CSR 265-2.080;

(B) Liability Insurance and Fees—Form E—Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, or Form G—Uniform Motor Carrier Bodily Injury and Property Damage Surety Bond, executed in triplicate by the applicant's insurance provider, which shall provide liability insurance coverage in the required form and shall be filed with and approved by the division only in accordance with the requirements of 4 CSR 265-10.030; or in the alternative, notice that the applicant has been approved for self-insurance by order of this division, in accordance with the requirements of section 390.126.1., RSMo, and division rules 4 CSR 265-10.030 and 4 CSR 265-2.068;

(C) Vehicle Licensing and Fees—Form B-1—Uniform Application for Licensing of Vehicles or Driveaway Operations, showing the number and type of vehicle licenses requested by the applicant for each motor vehicle to be operated in Missouri under the requested operating authority during the current license year, together with payment by a certified check or money order payable to Director of Revenue, of the aggregate license fees payable under 4 CSR 265-10.020; and

(D) Verification—The application shall be completed and verified under oath or penalty of perjury by the applicant, or by an authorized representative of the applicant, and if the application involves the transfer of a certificate or permit or both, the transferor's statement shall also be completed and verified under oath or penalty of perjury by the transferor, or by an authorized representative of the transferor. All verifications shall be made upon personal knowledge, or reasonable information and belief of the matters verified. The application shall include the original signature of the natural person who verifies it, and the original signature of the applicant's attorney, if any.

(4) Registration of Both ICC Authorized and ICC Exempt Operations—If operations to be performed by the applicant include service as authorized by the ICC as well as service under an exemption from ICC jurisdiction, the applicant shall comply with sections (1)—(3) of this rule.

(5) Intrastate Transportation of Passengers over Interstate Regular Routes—Not later than thirty (30) days after a motor carrier begins providing intrastate transportation of passengers within Missouri over its interstate regular routes, as authorized in a certificate issued by the ICC under 49 U.S.C. section 10922(c)(2), the carrier shall apply for the issuance of an intrastate certificate under this section. These applications shall be filed on Form MO-2, Application for a Certificate or Permit to Operate in Intrastate Commerce Transporting Household Goods or Passengers, which shall be completed and filed in triplicate with the division and shall not be accepted for filing with the division until the division has received the information required in section (3) of this rule and the following:

(A) A registration receipt issued by the carrier's registration state under the SSRS showing Missouri as an authorized state of travel;

(B) A copy of the ICC certificate which authorizes the applicant to provide regular route transportation of passengers in intrastate commerce over its authorized interstate routes within Missouri; and

(C) The carrier's time schedule for the intrastate passenger transportation service, as required under 4 CSR 265-10.050(11).

(6) Interpretation of Trucking Industry Regulatory Reform Act (T.I.R.R.A.)—The provisions of Section 211, Title II, of the Trucking Industry Regulatory Reform Act of 1994 (H.R. 2178, 103d Congress, 2d Session) (49 U.S.C. section 10936) preempt the requirements of state laws and regulations relating to intrastate fares for the transportation of passengers by bus, by an interstate motor carrier of passengers, over a route authorized by the ICC. Because of this federal preemption, the division will no longer require the filing of rate tariffs for the transportation of passengers in Missouri intrastate commerce by ICC-authorized interstate bus operators, over routes authorized by the ICC. This preemption of intrastate rate and tariff requirements for such carriers does not relieve any carrier from the requirements of obtaining intrastate operating authority under section 49 U.S.C. section 10922(c)(2) or section 390.051.1., et seq., RSMo.

(7) Transfer of an Interstate Permit—Applications to transfer ownership of an interstate permit issued by this division, except as provided in a change of name under 4 CSR 265-2.055(3)(A) and (4)(A), shall be filed as follows:



(A) If the interstate permit to be transferred registers interstate operations within this state as authorized by the Interstate Commerce Commission (ICC), the transfer or shall notify the registration state to cancel its interstate registration, and the transferee shall file completed documents to register the transferred interstate operating authority in the registration state like all new registrants. The registration receipts of the transfer or shall be reissued in accordance with the SSRS Procedures Manual;

(B) If the interstate permit to be transferred registers interstate operations that are exempt from ICC regulation, an original Uniform Application for Registration of Interstate Operations Exempt from Economic Jurisdiction of ICC (Form A-1) (see 4 CSR 265-2.055), clearly marked in the upper right-hand corner with the word Transfer and the carrier's interstate permit number assigned by the division; and

(C) Division staff's review of each proposed transfer of a certificate or permit shall include a consideration of how the proposed transfer will affect the transferor's and transferee's other operating authority, if any. Division staff may file, together with any recommendation or motion in the case, a proposed certificate or permit for the transferee and, if the transfer or is to retain any authority from the division after the transfer, a proposed certificate or permit for the transfer or also, setting forth the proposed authority as if the proposed transfer were approved by the division. In setting forth the proposed operating authority, division staff shall apply the principles of merger with reference to duplicated or overlapping authority as provided in 4 CSR 265-2.190 and, in accordance with those principles, may edit or modify the authority to delete extra pieces of authority that are deemed to be merged and no longer effective as separate pieces of authority, or to correct spelling, typographical, grammatical or format errors not altering the substance of the authority. Division staff shall serve copies of the proposed certificate(s) or permit(s) upon both the transfer or and the transferee. If neither of the applicants objects to the proposed certificate(s) or permit(s) before the effective date of the order of transfer, then their objections, if any, shall be waived and the division may issue the resulting certificate(s) or permit(s) as proposed by division staff, unless otherwise ordered by the administrative law judge. The administrative law judge shall determine any timely-filed objections to division staff's proposed certificate(s) or permit(s).

(8) Hearing—The division, at its discretion, in specific cases, may require an application made under this rule to be set for hearing.

(9) Form of Applications—The following requirements also apply to motor carrier applications under this rule:

(A) Photocopied Forms, Original Signatures—Photocopies of the prescribed application and exhibit forms may be filed in lieu of the printed forms, if they are clearly legible, but the application shall include the original signature of every person whose signature is required;

(B) Substitution of Exhibits—If it would be unduly burdensome for the applicant to reproduce the required information on Exhibits C, D, or E, as prescribed in this rule, then in lieu of filing the division's prescribed exhibit form, the applicant may file the required information with the prescribed application form in a writing which plainly sets forth the same information required by the prescribed exhibit form, in the same or a similarly unambiguous format, which shall be designated by the same exhibit letter as the prescribed exhibit for which it is substituted; and

(C) Additional Information—Applications may include additional, relevant information besides the forms required in this rule, but such additional information shall not unnecessarily repeat the information required by the prescribed forms.

*AUTHORITY: section 622.027, RSMo 1994. \* Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rescission and rule filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Rescinded and readopted: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

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



STATE OF MISSOURI  
DIVISION OF TRANSPORTATION

PREPARE IN DUPLICATE

**APPLICATION FOR A CERTIFICATE OR PERMIT  
TO OPERATE IN INTRASTATE COMMERCE  
TRANSPORTING HOUSEHOLD GOODS OR PASSENGERS**

**FORM MO-2**

MAIL COMPLETED FORM AND ONE COPY TO: DIVISION OF TRANSPORTATION P.O. BOX 1216 JEFFERSON CITY, MO 65102		IF ASSISTANCE IS NEEDED, CALL: 314-751-3658, 751-7108 OR 751-7106	CASE NO
			FILE NO
<b>WARNING:</b> Division rule 4 CSR 265-2.080(10) states that no person shall make any statement in any pleading filed with this Division, nor shall sign or file or cause to be filed with this Division any pleading, nor shall make any written or oral statement in any matter or proceeding before the Division or an administrative law judge, which the person knows to be false, or which is stated with reckless disregard as to its truth or falsity. Upon a finding by the Division's administrative law judge, after hearing, that any requirement of this section has been violated by any party, participant without intervention, or counsel for a party or participant, the administrative law judge may strike any pleadings and evidence and dismiss any proceeding filed with the Division by or on behalf of that party or participant, and may order the suspension or revocation of any certificate or permit issued by the Division to that party or participant in accordance with Section 390.106, RSMo., or both, and may authorize the prosecution of a suit to recover a civil penalty under §390.156, RSMo.			(DO NOT WRITE IN THIS SPACE)
<b>SECTION 1 TYPE OF CERTIFICATE OR PERMIT REQUESTED</b>			(FOR FILED STAMP)
<b>A. APPLICANT REQUESTS DIVISION APPROVAL FOR THE: (check ONLY one box)</b>			(DO NOT WRITE IN THIS SPACE)
<input type="checkbox"/> Issuance of new authority <input type="checkbox"/> Issuance of enlarged authority To operate in Missouri INTRASTATE commerce as a: (check ONLY one box) <input type="checkbox"/> Common Carrier <input type="checkbox"/> Contract Carrier Transporting the following: (check all that apply and attach EXHIBIT C) <input type="checkbox"/> Household goods <input type="checkbox"/> Passengers other than in charter service <input type="checkbox"/> Passengers in charter service Over routes described in the attached EXHIBIT C.			(FOR RECEIVED STAMP)
<b>B. PROPERTY (OTHER THAN HOUSEHOLD GOODS)</b>			
In addition, applicant requests Division approval for the issuance of a new certificate and permit authorizing the statewide transportation of property other than household goods. This would EXCLUDE Hazardous Materials unless stated otherwise. (See Section 3, Question 23 and Section 4.) <input type="checkbox"/> YES <input type="checkbox"/> NO			
<b>C. TRANSFERS</b>			
(This part to be completed for transfers only. In addition, Section 9 Transferor's Statement and Verification by Transferor must also be completed.)			
Applicant requests approval of the transfer of <input type="checkbox"/> all or <input type="checkbox"/> a portion of the operating authority described in the certificate(s)/permit(s) attached as Exhibit A. (Attach a copy of all certificates/permits to be transferred, clearly indicating all portions to be transferred.)			
Any other property to be transferred is listed in the attached Exhibit B, if applicable. Applicant shall pay the Transferor the sum of \$ _____ for the certificate(s)/permit(s) and other property to be transferred.			
<b>SECTION 2 GENERAL INFORMATION (If additional space is needed for your response, attach separate pages)</b>			
<b>A. APPLICANT IS IDENTIFIED BY THE FOLLOWING NUMBERS</b>			
MO T-NUMBER	(DO NOT WRITE IN THIS SPACE)		
US DOT NUMBER			
ICC NUMBER			
MC-			
FEDERAL EMPLOYEE IDENTIFICATION NUMBER (FEIN)			
SOCIAL SECURITY NUMBER IF APPLICANT IS INDIVIDUAL			
<b>B. APPLICANT</b>			
NAME	DAYTIME (8am - 5pm) PHONE NUMBER ( )		
APPLICANT WILL BE DOING BUSINESS UNDER THE FOLLOWING NAME	FAX NUMBER ( )		
IF APPLICANT HAS A d/b/a, HAS THE FICTITIOUS NAME BEEN REGISTERED WITH THE MISSOURI SECRETARY OF STATE? <input type="checkbox"/> YES, Registration Number _____ <input type="checkbox"/> NO _____ If require under 3417.200 RSMo, applicant's fictitious name must be registered with the Missouri Secretary of State before this application will be filed.			



**C. PRINCIPAL PLACE OF BUSINESS ADDRESS** (PHYSICAL ADDRESS, NO P.O. BOX NUMBER)  
 ADDRESS (STREET, CITY, STATE, ZIP CODE)

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**D. MAILING ADDRESS IF DIFFERENT FROM BUSINESS ADDRESS ABOVE**  
 STREET OR P.O. BOX NUMBER (CITY, STATE, ZIP CODE)

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**E. LOCATION OF MISSOURI OFFICE** (PHYSICAL ADDRESS WITHIN STATE, AS REQUIRED BY SECTION 386.280.2, RSMo)  
 ADDRESS (STREET, CITY, STATE, ZIP CODE)

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**F. AGENT FOR SERVICE OF PROCESS**  
 EACH APPLICANT WHICH IS NOT A RESIDENT OF THIS STATE AND DOES NOT MAINTAIN AN OFFICE OR AGENT IN THIS STATE HEREBY DESIGNATES THE DIRECTOR OF THE MISSOURI DIVISION OF TRANSPORTATION AS ITS AUTHORIZED AGENT UPON WHOM LEGAL SERVICE MAY BE HAD IN ALL ACTIONS ARISING IN THIS STATE FROM ANY OPERATION OF A MOTOR VEHICLE UNDER AUTHORITY OF ANY CERTIFICATE OR PERMIT.

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**G. LOCATION OF TERMINALS, VEHICLES AND MAINTENANCE RECORDS**  
 PLEASE LIST THE PHYSICAL ADDRESS OF ALL LOCATIONS OF TERMINALS AND WHERE VEHICLE MAINTENANCE RECORDS ARE RETAINED FOR VEHICLES TO BE OPERATED IN MISSOURI UNDER THE REQUESTED AUTHORITY.

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**H. TYPE OF BUSINESS ENTITY**  
 APPLICANT IS A  
 INDIVIDUAL/ SOLE PROPRIETOR      PARTNERSHIP      CORPORATION      LIMITED LIABILITY COMPANY (LLC)  
 DATE ORGANIZED:     DATE INCORPORATED:     DATE ORGANIZED:  
 IF CORPORATION OR LLC, GIVE STATE IN WHICH INCORPORATED OR ORGANIZED

---

If the applicant is a corporation or LLC, has the corporation or LLC been registered with the Secretary of the State of Missouri?  YES, Registration Number \_\_\_\_\_  NO  
 A corporation or LLC must be registered and in good standing with the Missouri Secretary of State before the application will be filed. (NOTE: A corporation or LLC must have a Missouri-licensed attorney sign and file this application.)

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**I. LIST NAME OF APPLICANT PARTNERS OR OFFICERS**

NAME	TITLE

---

**J. CARRIER AFFILIATIONS**  
 Please list the name and address of any regulated transportation business in which the applicant owns 10% or more ownership interest, or which owns 10% or more of Applicant.

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**K. TYPE OF OPERATING AUTHORITY OWNED** (CHECK ALL TYPES OF AUTHORITY CURRENTLY OWNED)

Intrastate Certificate/Permit — Circle states. AL AR AZ CA CO CT DC DE FL GA IA ID IL IN KS KY LA MA MD ME MI MN MS MO MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VA VT WA WI WV WY CANADA MEXICO OTHER \_\_\_\_\_

Interstate Exempt authority — Circle states. AL AR AZ CA CO CT DC DE FL GA IA ID IL IN KS KY LA MA MD ME MI MN MS MO MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VA VT WA WI WV WY CANADA MEXICO OTHER \_\_\_\_\_

Interstate Commerce Commission (ICC authority)

No authority

Private Carrier

Circle states where intrastate or interstate exempt authority has been revoked by any regulatory agency. AL AR AZ CA CO CT DC DE FL GA IA ID IL IN KS KY LA MA MD ME MI MN MS MO MT NC ND NE NH NJ NM NV NY OH OK OR PA RI SC SD TN TX UT VA VT WA WI WV WY CANADA MEXICO OTHER \_\_\_\_\_



**L. LEASE OPERATIONS (COMPLETE ONLY IF THE APPLICANT DOES NOT OPERATE UNDER ITS OWN AUTHORITY)**

IF THE APPLICANT HAS OPERATED UNDER A LEASE AGREEMENT TO A FOR-HIRE OR PRIVATE MOTOR CARRIER IN THE LAST YEAR, PLEASE LIST THE NAMES AND ADDRESSES OF THE LESSEES.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**M. EQUIPMENT LIST (ALL APPLICANTS MUST COMPLETE AND ATTACH EXHIBIT E.)**

**N. PROOF OF PUBLIC LIABILITY SECURITY (CHECK ONLY ONE BOX)**

- The applicant's insurance company will file a copy of its proof of public liability security (Form E-BIPD insurance certificate or Form G-BIPD surety bond) before the applicant will be approved to operate in intrastate commerce. (NOTE: Applications for authority to transport PASSENGERS IN CHARTER SERVICE will not be filed until the Division has received the required proof of insurance. But with applications for authority to transport household goods or passengers other than in charter service, the Applicant may wait to file the required proof of public liability security until after the issuance of an order by the Administrative Law Judge which grants the application.)
- The applicant's insurance company has filed a copy of its proof of public liability security (Form E-BIPD insurance certificate or Form G-BIPD surety bond).
- The applicant's self-insurance status has been approved by order of this Division in Case No. \_\_\_\_\_.

**O. CARGO INSURANCE (HOUSEHOLD GOODS CARRIERS ONLY) (CHECK ONLY ONE BOX)**

- The applicant's insurance company will file a copy of its proof of cargo insurance (Form H-cargo insurance certificate or Form J-cargo surety bond) before the applicant will be approved to transport household goods in intrastate commerce.
- The applicant's insurance company has filed a copy of its proof of cargo insurance (Form H-cargo insurance certificate or Form J-cargo surety bond).
- The applicant's self-insurance status has been approved by order of this Division in Case No. \_\_\_\_\_.

**P. FEES (Certified Check or Money Order payable to Director of Revenue)**

Check the appropriate box and attach all required fees.

- Regulatory license fee of \$10.00 for each motor vehicle to be operated in Missouri intrastate commerce is attached along with a completed B-1 license form.
- The Applicant has already purchased current year regulatory sticker(s)/stamp(s) with the serial number(s) \_\_\_\_\_.
- The \$10.00 per vehicle fee has been paid to the state of Missouri with the Single State Registration program. It is understood that if the Applicant is domiciled in a state that has reciprocity with Missouri where the \$10.00 per vehicle fee has been waived for interstate operations, the Applicant must pay \$10.00 for each vehicle used in intrastate commerce.

**SECTION 3 SAFETY FITNESS**

**APPLICANT MUST ANSWER EVERY QUESTION**

The Applicant has the following safety rating(s) issued by: (check all that apply)

- US Department of Transportation  
Date of Last Rating \_\_\_\_\_ Rating \_\_\_\_\_  
If the safety rating was issued by the US DOT in a state other than Missouri, the Applicant must attach a copy of that safety rating.
- Missouri Division of Transportation  
Date of Last Rating \_\_\_\_\_ Rating \_\_\_\_\_
- Another State  
Applicant must attach copies of the last safety rating from each state other than Missouri.

The following safety questions relate to provisions of the Federal Motor Carrier Safety Regulations (FMCSR), within Title 49, Code of Federal Regulations (49 CFR). The term driver means any person (including an owner-operator) who operates any commercial motor vehicle:

Does Applicant have systems and procedures established to ensure its compliance with the FMCSR requirements regarding —

- 1. Commercial Drivers Licenses (CDL) for its drivers? (See 49 CFR Part 383, and Section 391.11(b)(7).)  N/A  YES  NO
- 2. Recording accidents in which its commercial motor vehicles and drivers are involved? (See 49 CFR Part 390.)  N/A  YES  NO





3. Qualification and disqualification of its drivers? (See 49 CFR Parts 383 and 391.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
4. Alcohol testing of its drivers? (See 49 CFR Part 382.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
5. Controlled substances testing for its drivers? (See 49 CFR Parts 382 and 391.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
6. Use of alcohol or controlled substances by its drivers while driving its commercial motor vehicles? (See 49 CFR Part 382.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If you answered not applicable ("N/A") to questions 1. through 6. above, please explain why the regulations do not apply. _____			
Does Applicant have systems and procedures established to ensure its compliance with the FMCSR requirements regarding parts and accessories required for the safe operation of its commercial motor vehicles (See 49 CFR Part 393), including the following:			
7. Lighting devices, reflectors and electrical systems? (See 49 CFR Part 393, Subpart B.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
8. Brakes? (See 49 CFR Part 393, Subpart C.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
9. Glazing and window construction? (See 49 CFR Part 393, Subpart D.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
10. Fuel systems? (Subpart E)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
11. Coupling devices and towing methods? (See 49 CFR Part 393, Subpart F.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
12. Miscellaneous parts and accessories? (See 49 CFR Part 393, Subpart G.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
13. Emergency equipment? (See 49 CFR Part 393, Subpart H.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
14. Protection against shifting or falling cargo? (See 49 CFR Part 393, Subpart I.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
15. Frames, cab and body components, wheels, steering and suspension systems? (See 49 CFR Part 393, Subpart J.)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If you answered not applicable ("N/A") to questions 7. through 15. above, please explain why the regulations do not apply. _____			
Does Applicant have systems and procedures established to ensure its compliance with the FMCSR requirements regarding maximum allowed driving and on-duty (not driving) hours of service for drivers of its commercial motor vehicles (See 49 CFR Part 395), including the following:			
16. 10 hour rule? (See 49 CFR Section 395.3(a)(1).)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
17. 15 hour rule? (See 49 CFR Section 395.3(a)(2).)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
18. 60 hour rule? (See 49 CFR Section 395.3(b)(1).)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
19. 70 hour rule? (See 49 CFR Section 395.3(b)(2).)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
20. 100 air mile rule? (See 49 CFR Section 395.1(e).)	<input type="checkbox"/> N/A	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If you answered not applicable ("N/A") to questions 16. through 20. above, please explain why the regulations do not apply. _____			
21. Does Applicant have systems and procedures established to ensure its compliance with the FMCSR requirements regarding completion, filing and retention of its drivers' records of duty status? (See 49 CFR Section 395.8.)			
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
22. Does Applicant have systems and procedures established to ensure its compliance with the FMCSR requirements regarding inspection, repair and maintenance of its commercial motor vehicles? (See 49 CFR Part 396.)			
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
23. Does applicant intend to transport hazardous materials as designated in 49 CFR Section 172.101 in any quantity? It is understood that if the answer is NO, that the authority granted will not contain hazardous materials.			
		<input type="checkbox"/> YES	<input type="checkbox"/> NO
<b>If YES to Question Number 23, you are required to complete Section 4.</b>			



SECTION 4 HAZARDOUS MATERIALS

THIS SECTION MUST BE COMPLETED BY APPLICANTS WHO DESIRE TO TRANSPORT HAZARDOUS MATERIALS: (CHECK ALL THAT APPLY)

- Insurance requirements: \$1 million and \$5 million in Public Liability and Property Damage Insurance.

HAZARD CLASS UNDER 49 CFR PARTS 171-179 CIRCLE ALL TYPES OF HAZARD CLASSES THE APPLICANT WILL TRANSPORT

Table with 6 columns and 4 rows of hazard class codes (1.1-1.6, 2.1-2.3, 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1 PGI PIH, 6.1 PG I & II, 6.1 PG III, 6.2, 7, 8, 9, ORM-D).

HAZARDOUS MATERIALS PACKAGING TYPE CHECK ALL THAT APPLY

- Packaging types: Non-Bulk, Bulk, Cargo Tank (less than 3500 water gallons capacity), Cargo Tank (excess of 3500 water gallons capacity).

DESCRIPTION OF HAZARDOUS MATERIALS CARGO TANK EQUIPMENT THAT WILL BE USED

Table with 5 columns: DESCRIBE TYPE OF VEHICLE, MODEL YEAR, MAKE, CONDITION OF EQUIPMENT, SPECIFY IF OWNED, LEASED OR TO BE ACQUIRED.

The following safety questions concerning the transportation of hazardous materials relate to regulations adopted by the US Department of Transportation (USDOT), within Title 49, Code of Federal Regulations (49 CFR):

24. Has Applicant trained its employees in the transportation of hazardous materials which it will transport? (See 49 CFR Part 172, Subpart H.)

25. Is Applicant currently registered as a hazardous material carrier with the USDOT's Research and Special Program Administration (RSPA)? (See 49 CFR Part 107, Subpart G.)

If YES to Question No. 25, also state the registration number: \_\_\_\_\_

Does Applicant have systems and procedures established to ensure its compliance with the regulations adopted by USDOT regarding —

26. Shipping papers relating to shipments of those hazardous materials which Applicant will transport? (See 49 CFR Part 172, Subpart C.)

27. Placarding of commercial motor vehicles used to transport those hazardous materials? (See 49 CFR Part 172, Subpart F.)

**SECTION 5 FINANCIAL FITNESS**

Attached as Exhibit D is a full and complete statement giving detailed information about the applicant's financial condition including:  
(Check only one box)

- If Applicant is an **individual**, Exhibit D must include: (1) a full and complete balance sheet showing all assets and liabilities of the individual for the last two (2) years; (2) if the individual has been self-employed as a sole proprietor, then Exhibit D must also include the individual's income and expense statements for the past two (2) years on all businesses owned.
- If Applicant is a **partnership**, Exhibit D must include: (1) complete balance sheets and income and expense statements for the last two (2) years; (2) a *pro forma* balance sheet of the partnership, reflecting those assets and liabilities to be acquired toward providing service under the requested operating authority. If Applicant does not intend to acquire any additional assets or liabilities in order to provide the proposed service, Applicant must check the appropriate box on the Exhibit D, page 1, in lieu of the *pro forma* balance sheet. For each partner, a balance sheet for the last year must also be submitted.
- If Applicant is a **corporation or limited liability company**, Exhibit D must include: (1) complete balance sheets and income and expense statements (relating to the Applicant only) for the last two (2) years; (2) a *pro forma* balance sheet of the Applicant, reflecting those assets and liabilities to be acquired toward providing service under the requested operating authority. If Applicant does not intend to acquire any additional assets or liabilities in order to provide the proposed service, Applicant must check the appropriate box on the Exhibit D, page 1, in lieu of the *pro forma* balance sheet. The financial information required must be that of the Applicant business entity only, and shall not contain financial information as to related companies or affiliates. The Applicant may, *in addition to* the required financial information, submit separate financial or pertinent statements on related companies or affiliates which it desires the Division of Transportation to consider in evaluating the Applicant's financial fitness.

**SECTION 6 RATES (Common Carriers only)**

- A. If **household goods** authority is requested the Applicant will file, after approval of the application by the Administrative Law Judge, a statement of rates in proper tariff form, which adopts rates within the maximum and minimum rates prescribed by the Division.
- B. If **passenger** authority is requested, the statement of rates for the transportation of passengers is attached as **Exhibit G** and will be finalized in proper tariff form if the authority is granted.
- C. If a **transfer** of authority is requested, Applicant (Transferee) hereby adopts the rates presently being charged by the Transferor, which shall be finalized in proper tariff form if the application is granted.

**SECTION 7 CONTRACTS (Contract Carriers only)**

Attached hereto as **Exhibit G** is a copy of the contract between the Applicant and shipper (or the assignment to Applicant (Transferee) of the existing contract between Transferor and shipper), which states the specific obligations of each party, and which includes: (check **ONLY** one box)

- a statement of rates to be charged under the contract; or
- a provision which incorporates by reference a separate schedule of rates; and

(check **ONLY** one box)

- the date of expiration of the contract; or
- a statement that the contract is continuing subject to cancellation after thirty-day's notice in writing by a party to the other party and this Division.

**SECTION 8 HEARING**

(This section must be completed on all applications **EXCEPT** applications for the transportation of **PASSENGERS IN CHARTER SERVICE**.)

Applicant will present approximately \_\_\_\_\_ witnesses. The presentation of applicant's case will take approximately \_\_\_\_\_ hours.



**SECTION 9 TRANSFEROR'S STATEMENT**

(TO BE COMPLETED ONLY WHEN TRANSFERRING AN INTRASTATE CERTIFICATE/PERMIT WHICH AUTHORIZES THE TRANSPORTATION OF HOUSEHOLD GOODS OR PASSENGERS.)

The undersigned individual(s) is/are authorized to state on behalf of the Transferor,

TRANSFEROR'S NAME (AS SHOWN ON THE CERTIFICATE/PERMIT)	TRANSFEROR'S MO T-NUMBER
--	--------------------------

That the Transferor and Transferee (Applicant) identified above have agreed to the proposed sale, transfer or assignment of the Transferor's certificate and permit authorizing the transportation of property or passengers as a common carrier and/or contract carrier in Missouri intrastate commerce, as described in this Application, and request the approval of the Division for this transfer. The transfer shall become effective upon this Division's approval of the proposed transfer, unless otherwise provided in the written transfer agreement.

(PLEASE CHECK ONE BOX)

- There is no written transfer agreement between Transferor and Transferee.
- The transfer is to be completed in accordance with the written transfer agreement, a copy of which is attached as Exhibit F.

Transferor also intends to transfer: (check all that apply and see instruction sheet)

- ICC Interstate Registration
- Exempt Interstate Permit
- Statewide Intrastate Certificate/Permit to transport all property except household goods.

**VERIFICATION BY TRANSFEROR**

I DECLARE UNDER PENALTY OF PERJURY under the laws of the State of Missouri and the United States of America that the statements in this section are true and correct and I am authorized to sign this application on behalf of the transferor. (If signing for the transferor in a representative capacity, please see instruction sheet.)

TRANSFEROR NAME(S) (PRINTED)	DATE
TRANSFEROR SIGNATURE(S)	TITLE(S)
MAILING ADDRESS	DAYTIME (8am - 5pm) TELEPHONE NUMBER
CITY, STATE, ZIP CODE	

**SECTION 10 TRANSFEROR'S ATTORNEY (MUST BE LICENSED IN MISSOURI)**

(REQUIRED IF TRANSFEROR IS A CORPORATION OR LLC)

ATTORNEY'S NAME (PRINTED)	TELEPHONE NUMBER
SIGNATURE OF ATTORNEY	MO BAR NUMBER
ATTORNEY ADDRESS	

**SECTION 11 APPLICANT'S AUTHORIZATION AND CONSENT TO INVESTIGATION:**

The Applicant, by causing this Application to be received by the Missouri Division of Transportation, authorizes and consents on behalf of itself and its affiliates (including entities under common control or otherwise related to Applicant, and all their agents, employees, drivers, lessors and lessees of motor vehicles, and insurance providers) to be thoroughly investigated by the Missouri Division of Transportation (including its authorized employees, agents, and cooperating law enforcement personnel), in relation to their safety fitness and insurance coverage with respect to motor vehicles and drivers, any statements made by them or on their behalf in relation to this Application, and their compliance with federal, state and local laws, regulations and orders relating to the operation, maintenance, repair, insurance, licensing and registration or identification of motor vehicles and drivers; and consent to inspections and searches by the Division of their vehicles, equipment, terminals, offices and other premises owned, used or occupied by them, and all their records and documents relevant to this Application and investigation whether within or outside Missouri. This authorization and consent shall become effective when the Division receives this Application, and shall expire when all related administrative and judicial proceedings are finally determined. Applicant's revocation of this authorization and consent, or the failure or refusal by the Applicant or its affiliates to comply with its terms at any time before it expires, shall be sufficient cause for the immediate dismissal or denial of the Application.

**SECTION 12 VERIFICATION BY APPLICANT**

I DECLARE UNDER PENALTY OF PERJURY under the laws of the State of Missouri and the United States of America that the foregoing is true and correct and I am authorized to sign this application on behalf of the applicant. (If signing for the applicant in a representative capacity, please see instruction sheet.)

APPLICANT(S) NAME (PRINTED)	DATE
APPLICANT SIGNATURE(S)	TITLE

**SECTION 13 APPLICANT'S ATTORNEY (MUST BE LICENSED IN MISSOURI)**

(REQUIRED IF APPLICANT IS A CORPORATION OR LLC)

ATTORNEY'S NAME (PRINTED)	TELEPHONE NUMBER
SIGNATURE OF ATTORNEY	MO BAR NUMBER
ATTORNEY ADDRESS	





BALANCE SHEET

OF \_\_\_\_\_ (APPLICANT'S NAME)

(Check if applicable):
[ ] Applicant does not intend to acquire any additional assets or liabilities in order to provide the proposed service. (Pro Forma statement, column (D) below, not required.)

If an individual, this statement includes all assets and liabilities held, both business and personal.

Table with 4 columns: (A) Balance As Of, (B) Balance As Of, (C) Current Balance As Of, (D) Pro Forma As Of. Rows include: 1. Cash in checking and savings accounts, 2. Amounts due from others, 3. Prepaid insurance, 4. Cost of materials, 5. Other current assets, 6. TOTAL CURRENT ASSETS, 7. Cost of land and buildings, 8. Trucks, trailers, 9. Other property, 10. Accumulated Depreciation, 11. Other assets, 12. TOTAL ASSETS, 13. Notes and other debt, 14. Accounts payable, 15. Accrued taxes, 16. Other current liabilities, 17. Total current liabilities, 18. Amount due after one year, 19. Other long-term liabilities, 20. TOTAL LIABILITIES, 21. Capital stock, 22. Retained earnings, 23. Other contributed capital, 24. Net worth-partners or individual, 25. TOTAL LIABILITIES & EQUITY.

MO-419-2066 (10-95)



**INCOME STATEMENT**

Income Statement data is required for all corporations, limited liability companies, partnerships and self-employed individuals.

NOTE: Individuals may file a completed Schedule C and/or Schedule F from their Federal Income Tax returns for the required years, in lieu of completing this page.

OF \_\_\_\_\_  
(APPLICANT'S NAME)

	For Year Ending _____, 199__	For Year Ending _____, 199__	Current Year Ending _____, 199__
1. Sales or revenue received .....	\$	\$	\$
2. Less cost of goods sold .....	( )	( )	( )
3. Net sales or total revenue .....	\$	\$	\$
4. Officers & managers' salaries & fringe benefits .....	\$	\$	\$
5. Other salaries and fringe benefits .....			
6. Fuel & oil .....			
7. Equipment repairs .....			
8. Office & other expenses .....			
9. Operating taxes and licenses .....			
10. Insurance .....			
11. Utilities and telephone .....			
12. Depreciation .....			
13. Rent paid for lease of operating equipment .....			
14. Rent paid on building and office equipment .....			
15. Legal and professional services .....			
16. Total Expenses (add Lines 4 thru 15) .....	\$	\$	\$
17. Net Operating Revenue (Line 3 less Line 16) .....	\$	\$	\$
18. Other income or expenses .....	\$	\$	\$
19. Mortgage or other interest expense .....			
20. Gain (or loss) on sale of assets .....			
21. Net Income (or Loss) .....	\$	\$	\$



**LIST OF APPLICANT'S EQUIPMENT**  
 (Other than cargo tank vehicles already listed in Section 4 of the Application)

(A) DESCRIBE TYPE OF VEHICLE	(B) MODEL YEAR	(C) MAKE	(D) SEATING CAPACITY (EXCLUDING THE DRIVER) OF PASSENGER VEHICLES OR LICENSED WEIGHT OF OTHER VEHICLES	(E) REASONABLE VALUE	(F) CONDITION OF EQUIPMENT	(G) SPECIFY WHETHER VEHICLE IS OWNED, LEASED OR TO BE ACQUIRED	(H) CHECK IF USED FOR EXISTING SERVICE	(I) CHECK IF EQUIPMENT WILL BE USED FOR PROPOSED SERVICE	(J) CHECK IF EQUIPMENT WILL BE USED TO HAUL HAZARDOUS MATERIAL
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									

Use additional copies of Exhibit E if needed for additional equipment and attach as part of this Exhibit.





**FORM E**  
**UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY**  
**DAMAGE LIABILITY CERTIFICATE OF INSURANCE**

(Executed in Triplicate)

Filed with \_\_\_\_\_ (hereinafter called Commission

This is to certify, that the \_\_\_\_\_

hereinafter called Company) of \_\_\_\_\_

has issued to \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ a policy or policies of insurance effective from

\_\_\_\_\_ 12:01 A.M. Standard time at the address of the insured stated in said policy or policies and continuing until canceled as provided herein, which, by attachment of the Uniform Motor Carrier Bodily Injury and Property Damage Liability Insurance Endorsement, has or have been amended to provide automobile bodily injury and property damage liability insurance covering the obligations imposed upon such motor carrier by the provisions of the motor carrier law of the State in which the Commission has jurisdiction or regulations promulgated in accordance therewith.

Whenever requested, the Company agrees to furnish the Commission a duplicate original of said policy or policies and all endorsements thereon.

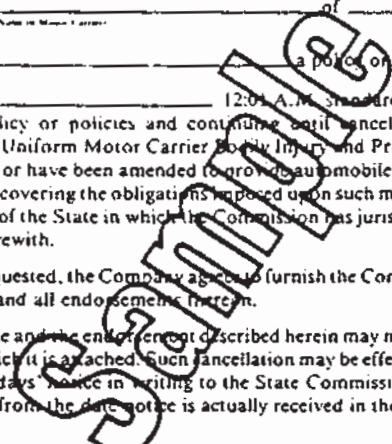
This certificate and the endorsement described herein may not be canceled without cancellation of the policy to which it is attached. Such cancellation may be effected by the Company or the insured giving thirty (30) days' notice in writing to the State Commission, such thirty (30) days' notice to commence to run from the date notice is actually received in the office of the Commission.

Countersigned at \_\_\_\_\_

this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Insurance Company File No. \_\_\_\_\_

This form determined by the National Association of Railroad and Utilities Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2) of the Interstate Commerce Act (49 U.S.C., Sec. 302(b)(2)).





Form G
UNIFORM MOTOR CARRIER BODILY INJURY AND PROPERTY DAMAGE LIABILITY SURETY BOND
(Executed in Triplicate)

KNOW ALL MEN BY THESE PRESENTS, That we, (Name of Motor Carrier Principal)
of (City) (State), as Principal (hereinafter called Principal), and a corporation created and existing under the
of the State of (City) (State), with principal office at (City) (State), as Surety, are held and firmly bound unto the State of in the sum or sums hereinafter provided for which payment, well and truly to be made, the Principal and Surety hereby bind themselves, their successors and assigns, firmly by these presents.
THE CONDITION OF THIS OBLIGATION IS SUCH THAT:
WHEREAS, the principal is or intends to become a motor carrier subject to the laws of such State and the rules and regulations of

(Name of Commission)
(hereinafter called Commission), relating to insurance or other security for the protection of the public, and has elected to file with the Commission a surety bond conditioned as hereinafter set forth; and

WHEREAS, this bond is written to assure compliance by the Principal as a motor carrier of passengers or property with the laws of such State and the rules and regulations of the Commission relating to insurance or other security for the protection of the public, and shall inure to the benefit of any person or persons who shall recover a final judgment or judgments against the Principal for any of the damages herein described.

NOW, THEREFORE, if every final judgment recovered against the Principal for bodily injury to or the death of any person or loss of or damage to the property of others, sustained while this bond is in effect, and resulting from the negligent operation, maintenance, or use of motor vehicles in transportation (but excluding injury to or death of the Principal's employees while engaged in the course of their employment, and loss of or damage to property of the Principal and property transported by the Principal designated as cargo), shall be paid, then this obligation shall be void, otherwise to remain in full force and effect.

Within the limits hereinafter provided, the liability of the Surety extends to such losses, damages, injuries, or deaths regardless of whether such motor vehicles are specifically described herein and whether occurring on the route or in the territory authorized to be served by the Principal elsewhere.

This bond is effective from (12:01 A.M., standard time, at the address of the Principal as stated herein)



shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Commission, such termination to become effective not less than thirty (30) days after actual receipt of said notice by the Commission. The Surety shall not be liable hereunder for the payment of any judgment or judgments against the Principal for bodily injury to or the death of any person or persons or loss of or damage to property resulting from accidents which occur after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such judgment or judgments resulting from accidents which occur during the time the bond is in effect.

The liability of the Surety on each motor vehicle shall be the limits prescribed in the laws of such State and the rules and regulations of the Commission governing the filing of surety bonds, which were in effect at the time this bond was executed, and will be a continuing one notwithstanding any recovery hereunder.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

(Affix Corporate Seal)

(Principal)

By \_\_\_\_\_

Countersigned at

(Surety)

this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, \_\_\_\_\_ (City) \_\_\_\_\_ (State)

By \_\_\_\_\_

(Registered Resident Agent)

Bond No. \_\_\_\_\_



THIS FORM TO BE USED FOR 1996 LICENSE ONLY

FORM B-1

UNIFORM APPLICATION FOR LICENSING OF VEHICLES

TO: DIVISION OF TRANSPORTATION
P.O. Box 1216
Jefferson City, Missouri 65102

Date: \_\_\_\_\_

Missouri D.O.T. CERTIFICATE OR PERMIT NO. \_\_\_\_\_

Applicant: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

IMPORTANT NOTICE
License stamps should be requested if vehicles are to be qualified for operations in interstate exempt operations only or interstate exempt and intrastate operations to be placed on the D-1 Cab Card. If vehicles are used for transporting under your ICC authority and interstate exempt operations, the Single State Registration System (SSRS) receipts will be the only credential needed.
If the company has its principal office in a reciprocal state and your vehicles do not meet the requirements as stated on the reverse side of this form, please check the following box when ordering any stamps.
License stickers should be requested if vehicles are to be qualified for Missouri intrastate operations. If you have paid a per vehicle fee for Missouri under the SSRS program, the intrastate decals will be free for those vehicles only. If additional vehicles are used in intrastate commerce where the fee has been waived or has not been paid, you will be required to purchase intrastate decals for those vehicles.

Table with 2 columns: Item, Number, Amount. Rows include Stickers (\$10 Each), Stamps (\$10 Each), 72-Hour License (\$5 Each), and TOTAL.

A certified check or money order payable to the Director of Revenue is enclosed in the amount of \$ \_\_\_\_\_. (Mail to Division of Transportation.) ONLY CERTIFIED CHECKS OR MONEY ORDERS WILL BE ACCEPTED.

I, undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant.

SIGNATURE

TITLE

**NOTE TO CARRIERS IN RECIPROCAL STATES**

If the principal office of your company, as shown by our records, is in one of the reciprocal states named below, you are considered to be a resident of that state and the vehicles which are operated under your permit in the State of Missouri in interstate commerce are not required to display the Missouri D.O.T. license provided regulatory fees have been paid in the resident state for each vehicle operating through Missouri. If you are not required to pay regulatory fees for the vehicle in your state of residence because the state of residence does not require fees to be paid on interstate exempt commodities, emergency temporary authority, temporary authority, driveaway operations, charter bus or agricultural cooperatives, then you need not buy a Missouri D.O.T. license for interstate operations within this state. You must however enter your Missouri D.O.T. permit number in the Missouri block on the D-1 cab card. If your vehicles have been exempted from paying fees in your state of residence for any other reason than listed above, your vehicles will be required to display the Missouri D.O.T. license.

Arkansas  
Georgia  
Illinois  
Indiana  
Iowa  
Massachusetts

Michigan  
Minnesota  
Nebraska  
New Jersey  
North Carolina  
Ohio

Oklahoma  
South Dakota  
Texas  
Wisconsin

MO 419-1362 (7-95)



For Division use only:

Case No. \_\_\_\_\_

FORM A-1

UNIFORM APPLICATION FOR REGISTRATION OF INTERSTATE OPERATIONS EXEMPT FROM ECONOMIC JURISDICTION OF ICC

To: DIVISION OF TRANSPORTATION
P.O. Box 1216
Jefferson City, Missouri 65102

Date \_\_\_\_\_

Applicant \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Type of Carrier:

- ( ) Sec. 10526(a)(5) (Cooperative Association Exemption)
( ) Sec. 10526(a)(6) (Agricultural Commodities Exemption)
( ) Sec. 10526(a)(7) (Newspaper Exemption)
( ) Sec. 10526(a)(8)(A) (Transportation of passengers adjacent to Air Transport Exemption)
( ) Sec. 10526(a)(8)(B) (Transportation of property (including baggage) adjacent to Air Transport Exemption)
( ) Sec. 10526(a)(8)(C) (Transportation of property because of weather conditions or aircraft mechanical failure)
( ) Sec. 10526(a)(11) (Used Pallets and Containers Exemption)
( ) Sec. 10526(a)(12) (Decorative Rock Exemption)
( ) Sec. 10526(a)(13) (Wood Chips Exemption)
( ) Sec. 10526(b)(3) (Tow Truck Exemption)
( ) Sec. 10524(b) (Intercorporate Hauling Exemption)
( ) \_\_\_\_\_ (Other)

If Individual, give name and address: \_\_\_\_\_

If Corporation, give State in which incorporated: \_\_\_\_\_

Name of President \_\_\_\_\_ Name of Secretary \_\_\_\_\_

If Partnership, give name and address of partners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROCESS AGENT FOR STATE: Applicant hereby designates the Director of the Division of Transportation of the State of Missouri as its authorized agent upon whom legal service may be had in all actions arising in Missouri from the operation of motor vehicles under authority of this Division.

I, the undersigned, under penalty for false statement, do hereby certify that the above information is true and correct and that I am authorized to execute and file this document on behalf of the above applicant. (State penalties as prescribed by law.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title



#### 4 CSR 265-2.066 Application to Transfer a Certificate or Permit

(Rescinded February 25, 1996)

*AUTHORITY: section 622.027, RSMo 1986. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 27, 1986, effective Oct. 23, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed Nov. 2, 1987, effective Feb. 11, 1988. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency rescission filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Rescinded: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

#### 4 CSR 265-2.067 Application to Issue or Create Certain Debt Instruments

*PURPOSE: This rule sets forth the requirements which application for the issuance or creation of certain debt instruments must meet.*

(1) Motor common carriers authorized to transport passengers or household goods in intrastate commerce, and (to the extent not preempted by federal law) railroad corporations and street railroad corporations filing applications for authority to issue stocks, bonds, notes or other evidences of indebtedness payable at periods of more than twelve (12) months after the date of issuance or for authority to create a lien for any purpose upon its property situated in this state shall file the original and one (1) copy of the application and the application shall contain or be accompanied by:

(A) The name and address of the principal office of the applicant. If different, the mailing address of applicant also shall be given;

(B) A general description of the operating authority held by the motor carrier;

(C) A financial statement or balance sheet giving detailed information concerning the financial condition of the applicant;

(D) An operating statement of the applicant showing in detail its operating results for the twelve (12)-month period just prior to the filing date of the application;

(E) A copy of the proposed note, bond, stock certificate, mortgage, and the like proposed to be issued; and

(F) A statement of the use to be made of the proceeds of the financing.

*AUTHORITY: section 622.027, RSMo 1994. \* Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Emergency amendment filed Dec. 1, 1995, effective Dec. 11, 1995, expired Dec. 19, 1995. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

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

#### 4 CSR 265-2.068 Application for a Self-Insurer Status

*PURPOSE: This rule sets forth the requirements which an application for self-insurer status must meet.*

*Editor's Note: The following material is incorporated into this rule by reference:*

*1) Missouri Division of Transportation, Single State Registration System (SSRS) Procedures Manual (Jefferson City, MO: Department of Economic Development, Revised July 1, 1994).*

*In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.*

(1) Motor carriers operating in intrastate commerce or interstate commerce exempt from Interstate Commerce Commission (ICC) jurisdiction filing an application for authority to become a self-insurer shall file the original and one (1) copy of the application with the director of the division. Every application shall include a completed Application Form MO 419-1797 and, whenever applicable, shall include completed Exhibits A, B, C, D and E, as described in the application form. The application may include additional supporting information, which shall not repeat or duplicate the information required in Application Form MO 419-1797 or Exhibits A, B, C, D and E. Photocopies of the form and exhibits are acceptable, if they are clearly legible.

(2) Except as provided in section (3) or (4) of this rule, each motor carrier who has been

granted authority by this division to be a self-insurer shall file, within sixty (60) days after the close of the previous calendar year, a balance sheet, income statement and a statement listing any claims filed against the motor carrier which arose out of any accidents the motor carrier was involved in during its operations in the previous calendar year, and any unresolved claims which arose out of accidents during previous years. For each claim listed, the applicant shall state the amount, nature and status of the claim including whether it is disputed or undisputed and how much of it remains unpaid.

(3) Any carrier whose self-insurance plan has been approved by the Interstate Commerce Commission (ICC) shall file with this division—

(A) The ICC order approving its self-insurance plan; and

(B) Immediate notice of any proceeding or action by the ICC which could result in the suspension, revocation or termination of its self-insurance plan.

(4) Applications for self-insurance of interstate motor carrier operations authorized by a certificate or permit issued by the ICC shall be made as required by the *Single State Registration System (SSRS) Procedures Manual*, which is adopted by the division. Except as otherwise specifically provided in this chapter or 4 CSR 265-10 with reference to operations under ICC authority, the SSRS Procedures Manual shall govern the registration, licensing, proof of insurance coverage and designation of process agents of all vehicles operated in Missouri under ICC authority.

(5) Failure of a carrier to comply with the provisions of section (2) or (3) of this rule shall result in revocation of this division's approval of the carrier's self-insurance plan.

*AUTHORITY: section 622.027, RSMo 1994. \* Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed May 2, 1991, effective Nov. 30, 1991. Emergency amendment filed Dec. 1, 1995, effective Dec. 11, 1995, expired Dec. 19, 1995. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1995. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

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



BEFORE THE DIVISION OF TRANSPORTATION STATE OF MISSOURI

This form should be used to apply for self-insurer status under 4 CSR 265-2.068.

In the matter of the application \_\_\_\_\_ for self-insurer status.

Case No. \_\_\_\_\_ (DO NOT ENTER)

File No. \_\_\_\_\_ (DO NOT ENTER)

APPLICATION

Comes now, \_\_\_\_\_ (FULL LEGAL NAME)

herein called the Applicant, and submits this application for self-insurer status and in support thereof states the following:

1. The Applicant is [ ] an individual, [ ] a partnership, [ ] a limited liability company or [ ] a corporation organized under the laws of the State of \_\_\_\_\_ and maintains its principal place of business at (street, city, county, state and zip) \_\_\_\_\_ Mailing address (if different): \_\_\_\_\_

Applicant presently holds [ ] Certificate of Public Convenience and Necessity No. \_\_\_\_\_, [ ] Contract Carrier Permit No. \_\_\_\_\_, and/or [ ] Interstate Commerce Commission Certificate or Permit No. MC - \_\_\_\_\_ and sub-numbers, or [ ] No motor carrier operating authority from either the Missouri Division of Transportation or the Interstate Commerce Commission.

- [ ] 2. The following exhibits are attached: a. Attached hereto as Exhibit A is a balance sheet prepared within the last six (6) months prior to the filing of the application, giving detailed information concerning the financial condition of the Applicant. b. Attached hereto as Exhibit B is an income statement of Applicant showing in detail its operating results for the twelve (12)-month period immediately prior to the date of the filing of the application. c. Attached hereto as Exhibit C is a record of all accidents, losses and claims filed in the five (5)-year period immediately prior to the date of the filing of the application and a complete explanation of the disposition of the claims.





- d. Attached hereto as **Exhibit D** is information concerning the cancellation of any insurance policies issued to Applicant by insurance companies authorized to do business in this state, if such coverage related to Applicant's operation as an authorized motor carrier.
- e. If the Division grants authority to Applicant to be a self-insurer, Applicant agrees to place in a separate account a minimum reserve amount of \$ \_\_\_\_\_ based upon the carrier's size, operations and claims history.
- f. If the Division grants authority to Applicant to be a self-insurer, Applicant agrees to file annually, within sixty (60) days after the close of the calendar year, a balance sheet and income statement and a statement listing any claims filed against the Applicant which arose out of any accidents the Applicant was involved in during its operations in the previous calendar year, and any unresolved claims which arose out of such accidents during previous years. For each claim listed, the Applicant will state the amount, nature and status of the claim, including whether it is disputed or undisputed, and how much of it remains unpaid.
3. Applicant's self-insurance plan has been approved by the Interstate Commerce Commission.
- a. Attached hereto as **Exhibit E** is a certified copy of the Interstate Commerce Commission Order now in effect approving the carrier's self-insurance plan.
- b. Applicant will provide the Division immediate notice of any proceeding or action by the Interstate Commerce Commission which could result or has resulted in the suspension, revocation or termination of its self-insurance plan by the Interstate Commerce Commission.



WHEREFORE, in view of the above, the Applicant requests approval of the application.

Respectfully submitted,

Applicant: \_\_\_\_\_

Applicant: \_\_\_\_\_

Title or Position: \_\_\_\_\_

Title or Position: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Applicant: \_\_\_\_\_

Attorney for Applicant: \_\_\_\_\_

Title or Position \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

\*Attorney: \_\_\_\_\_

(PLEASE PRINT)

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

MISSOURI BAR NUMBER

\*If application is filed for a limited liability company or corporation, the filing must be signed by a Missouri-licensed attorney representing the Applicant, in accordance with Division rules at 4 CSR 265-2.040(2) and -2.080(5). If filed for an individual, it must be signed by that individual or his attorney, or both.

**VERIFICATION**

I declare under penalty of perjury under the laws of the State of Missouri and the United States of America that the above information and all information in the exhibits filed herewith, is true and correct and that I am authorized to execute and file this document on behalf of the above Applicant.

Signature \_\_\_\_\_

Title (if applicable) \_\_\_\_\_



**(1) LIST OF SPECIFIC COMMODITIES is as follows:**  
**(Need not complete this paragraph (1) if applying for general commodities authority.)**

**(2) DESCRIPTION OF ROUTES TO BE TAKEN:** (In addition to verbal description, also attach copy of a map or chart designating the routes to be operated for regular route authority.)

**(3) Applicant desires to transport hazardous materials as designated in 49 CFR § 172.101 (check only one box).**

**Yes, Exhibit H attached, or**

**No, Exhibit H not attached.**

**Exhibit: C**

**4 CSR 265-2.069 Application for Approval of Corporation to Acquire Capital Stock of Common Carrier Incorporated Under Missouri Law Pursuant to Requirements of Section 387.260, RSMo**

*PURPOSE: This rule sets forth the requirements in an application to acquire capital stock of a railroad corporation, street railroad corporation or a motor common carrier of passengers or household goods incorporated under the laws of Missouri.*

(1) Corporations seeking divisional approval of transactions to which the provisions of section 387.260, RSMo are applicable shall file with the division an original and one (1) copy of a written application, verified under oath or penalty of perjury by a principal officer or director of the applicant corporation (purchaser) which desires to acquire capital stock of a railroad corporation, street railroad corporation or a motor common carrier of passengers or household goods incorporated under the laws of Missouri (Missouri carrier). The application shall contain or be accompanied by:

(A) The name and address of the principal office of the purchaser, the Missouri carrier and the person or corporation desiring to sell the purchaser the capital stock of the Missouri carrier (seller), plus its mailing address, if different;

(B) Identification of the state(s) in which the purchaser is incorporated;

(C) Adequate notice that the applicant has registered its existence and operation as a corporation or limited liability partnership and its use of any fictitious name, as required by law, with the Office of the Missouri Secretary of State and the registration is in good standing. If the purchaser is not incorporated or authorized to do business in Missouri, a current certificate of good standing issued to the purchaser by the state in which it is incorporated;

(D) Copies of all contracts, agreements and stipulations between the purchaser and seller relating to the sale, transfer, purchase or acquisition of the capital stock of the Missouri carrier; and identification of the number and class of shares of the capital stock proposed to be acquired by the purchaser;

(E) Identification of any interest (whether stock, loans, voting or management arrangements) which the purchaser or any officer, director or person authorized to control the purchaser has in the affairs of any other railroad corporation, street railroad corporation, common carrier or contract carrier operating or authorized to operate in this state;

(F) Identification of any interest (whether stock, loans, voting or management arrangements) which any railroad corporation, street railroad corporation, common carrier or contract carrier operating or authorized to operate in this state, or any officer, director or person authorized to control the same, has in the affairs of the purchaser;

(G) Identification of any interest (whether stock, loans, voting or management arrangements) in the purchaser held by any person or entity who also holds an interest (whether stock, loans, voting or management arrangements) in any railroad corporation, street railroad corporation, common carrier or contract carrier operating or authorized to operate in this state;

(H) If any interest has been indicated under subsection (1)(E), (F) or (G), identification of any case or decision of the division or its predecessor, the Missouri Public Service Commission, in which that interest was approved or authorized, or explanation why no approval or authorization was necessary;

(I) Complete balance sheets and income and expense statements concerning only the financial condition of the purchaser for the last two (2) years, including current balance sheet and income statement. The financial information required must be solely that of the applicant and not contain financial information about related companies or affiliates. Applicant also may submit separate financial or pertinent statements on related companies or affiliates which it desires the division to consider. The applicant also shall submit a *pro forma* balance sheet reflecting assets and liabilities which it intends to acquire or assume in order to complete the acquisition of the capital stock of the Missouri carrier;

(J) Statement explaining the anticipated effects that the proposed acquisition of the capital stock of the Missouri carrier will have on the Missouri carrier's service to the shipping public and on the related transportation market(s) within this state; and

(K) Evidence that reasonable notice has been given to the minority stockholders of the Missouri carrier (if any), concerning the proposed acquisition of the capital stock by the purchaser.

(2) Upon receipt of an application conforming to the requirements of this rule, the division shall issue appropriate orders granting or denying approval of the proposed sale, transfer, purchase, acquisition, or all of these, of the capital stock of the Missouri carrier by the purchaser; provided, however, that, in its discretion, the division may order that the application be set for hearing, upon reason-

able notice to interested parties, prior to issuance of its decision.

*AUTHORITY: section 622.027, RSMo 1994. \* Original rule filed May 17, 1989, effective Sept. 11, 1989. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.*

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

**4 CSR 265-2.070 Complaints**  
(Rescinded May 30, 2003)

*AUTHORITY: section 622.027, RSMo 1994. 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 July 31, 1986, effective Oct. 27, 1986. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.*

**4 CSR 265-2.080 Pleadings**  
(Rescinded May 30, 2003)

*AUTHORITY: section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Amended: Filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. 11, 1986. Amended: Filed May 17, 1989, effective Sept. 11, 1989. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19,*



1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.085 Dismissal of Cases (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. II, 1994, expired Dec. 19, 1995. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.090 Discovery and Prehearings (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. 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 July 31, 1986, effective Oct. 27, 1986. Amended: Filed May 17, 1989, effective Sept. II, 1989. Emergency amendment filed Dec. 1, 1994, effective Dec. II, 1994, expired Dec. 19, 1995. Amended: Filed Aug. 3, 1995, effective Feb. 26, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.100 Subpoenas and Formal Investigations (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. 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 Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. II, 1994, expired Dec. 19, 1994. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec.

6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.110 Hearings (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. II, 1986. Amended: Filed July 31, 1986, effective Oct. 27, 1986. Emergency amendment filed Dec. 1, 1994, effective Dec. II, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.115 Continuances (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1986. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 23, 1986, expired Dec. II, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.116 Interventions (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. Emergency rule filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Emergency rescission filed Oct. 3, 1986, effective Oct. 27, 1986, expired Dec. II, 1986. Original rule filed July 31, 1986, effective Oct. 27, 1986. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.120 Evidence (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. 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 July 31, 1986, effective Oct. 27, 1986. Amended: Filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.130 Briefs and Oral Argument (Rescinded May 30, 2003)

*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 July 31, 1986, effective Oct. 27, 1986. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.140 Decisions of the Division (Rescinded May 30, 2003)

*AUTHORITY:* section 622.027, RSMo 1994. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Emergency amendment filed Aug. 1, 1986, effective Aug. 13, 1986, expired Oct. 23, 1986. Amended: Filed July 31, 1986, effective Oct. 27, 1986. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Emergency rescission filed Nov. 26, 2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

#### 4 CSR 265-2.150 Rehearings (Rescinded May 30, 2003)

*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. Emergency rescission filed Nov. 26,



2002, effective Dec. 6, 2002, expired May 30, 2003. Rescinded: Filed Nov. 26, 2002, effective May 30, 2003.

4 CSR 265-2.160 Rulemaking

PURPOSE: This rule provides a procedure for rulemaking and petitioning for rulemaking pursuant to the Missouri Administrative Procedures Act.

(1) Promulgation, amendment or repeal of rules adopted by the division in 4 CSR 265 may be proposed, adopted and published by approval of the division as prescribed by law.

(2) Petition for promulgation, amendment or repeal of rules shall be as follows:

(A) Each petition for promulgation, amendment or repeal of rules made pursuant to the Missouri Administrative Procedure and Review Act shall be filed with the director of the division in writing and shall state—

1. The name and mailing address of the petitioner;

2. The full text of the rule requested to be amended or repealed, with the full text of the rule desired to be promulgated;

3. A paragraphed statement of the reason the rule should be amended, repealed or promulgated, including a statement of all existing facts pertinent to petitioner's interest in the matter; and

4. Citations of legal authority which authorize, support or require the action requested by petition. The petition shall be verified under by oath or penalty of perjury by the petitioner; and

(B) Proceedings on a petition shall be as follows:

1. Upon receipt of the petition, the division shall decide upon the action to be taken. The division shall furnish a copy of the petition to the Joint Committee on Administrative Rules and the commissioner of administration together with the action, if any, taken or contemplated by the agency and the reason for that action. The division shall either deny the petition in writing (stating its reasons for denial) or shall initiate rulemaking or rule-changing proceedings in accordance with the Missouri Administrative Procedure and Review Act within thirty (30) days of the date the petition is filed; and

2. The division in either case shall serve a copy of the petition, and a report of any action taken or contemplated to be taken, on the Joint Committee on Administrative Rules and the commissioner of administration.

AUTHORITY: section 622.027, RSMo 1994. \* 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 Aug. 3, 1995, effective Feb. 25, 1996.

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

4 CSR 265-2.170 Hearings Under Rulemaking

PURPOSE: This rule establishes the procedures and policy of the division with regard to hearings conducted during rulemaking and enables parties to better understand their role in these proceedings.

(1) Hearings held in the conduct of proposed rulemaking proceedings shall be presided over by an administrative law judge and shall be transcribed by a reporter.

(2) Applications or motions to intervene are unnecessary since any interested person may file comments within the period designated and any interested person may testify by appearing at the hearing set by publication in the Missouri Register.

(3) Persons wishing to testify shall be sworn, and examination of those persons shall be allowed in every case. Examination by counsel for other interested parties may be allowed, in the discretion of the administrative law judge.

(4) The administrative law judge shall first take testimony from those supporting a Proposed Rule, followed by testimony from those witnesses opposing the rule.

(5) It is unnecessary for any person who wishes to present testimony to be represented by counsel, although persons may be represented by counsel if they choose.

(6) Offering of exhibits shall be liberally allowed.

AUTHORITY: section 622.027, RSMo 1994. \* 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 July 31, 1986, effective Oct. 27, 1986. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996.

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

4 CSR 265-2.180 Discontinuance of Service; Suspension and Revocation of Certificates and Permits

PURPOSE: This rule prescribes procedures for implementing the provisions of sections 390.101 and 390.106, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The division may cancel a certificate or permit which authorizes the transportation of passengers in charter service or property other than household goods, upon receiving written notice from the person to whom the certificate or permit was issued which indicates that the person has discontinued that transportation service. The division may cancel such a certificate or permit without a hearing, unless the person requests a hearing before the effective date of the cancellation.

(2) Motor carriers of passengers other than in charter service or household goods desiring to discontinue all or any part of the intrastate transportation service authorized in their certificates or permits shall file, in writing, an original and one (1) copy of an application with the director of the division. The application shall be verified under oath or penalty of perjury, and shall—

(A) Have attached to it a copy of the carrier's certificate or permit on which the specific route or portion of the described service which the applicant seeks to discontinue is highlighted or otherwise indicated;

(B) State specifically on it the reasons why the applicant seeks to discontinue the transportation service;

(C) State specifically on it the pertinent, supporting facts on which the applicant relies; and

(D) Be granted by the division's administrative law judge only for good cause shown, based on the verified application, any responses filed by division staff and other interested persons, and, if so ordered in the



judge's discretion, evidence admitted at a hearing on the application.

(3) If a common carrier of passengers who has both intrastate authority and interstate authority issued by the Interstate Commerce Commission (ICC) under 49 U.S.C. section 10922, to provide transportation over routes on which the carrier proposes to discontinue intrastate service, or to reduce intrastate service to a level which is less than one (1) trip per day (excluding Saturdays and Sundays), then the carrier shall apply to this division for authority to discontinue or reduce that intrastate service. The application shall comply with the provisions of section (1) of this rule and the following additional requirements:

(A) The verified application shall—

1. State whether the applicant has applied to the ICC for authority to discontinue his/her corresponding interstate service on the route under 49 U.S.C. section 10925(b), and whether or not the ICC has granted or will grant that authority;

2. Attach a copy of the ICC order authorizing discontinuance or reduction of the interstate service, if any, and attach a copy of the carrier's ICC certificate which authorizes the interstate service on the route;

3. Include detailed information showing the nature and amount of the interstate and intrastate revenues received by the carrier for providing the transportation proposed to be discontinued or reduced, and the variable costs of providing that transportation, including depreciation for revenue equipment; and

(B) In making a finding of good cause under subsection (1)(D) of this rule, the administrative law judge shall consider at least the following:

1. Whether the proposed discontinuance or reduction is not consistent with the public interest; and

2. Whether the interstate and intrastate revenues received by the carrier for providing the transportation proposed to be discontinued or reduced are less than the variable costs of providing the transportation, including depreciation for revenue equipment.

(4) Whenever an administrative law judge shall suspend the certificate or permit of a motor carrier as provided under section 390.106, RSMo, the division shall immediately notify the carrier of the suspension by mailing a copy of the suspension order to the carrier's principal place of business or mailing address, if different, as shown upon the division's records. Within a reasonable time after suspension, the division shall set the matter for a hearing on not less than ten (10)

days' notice, and shall serve on the motor carrier an order requiring him/her to appear at the hearing and show cause why his/her certificate or permit should not be revoked. The scheduled hearing shall be continued by order of the administrative law judge to a later date only for good cause shown.

(5) Whenever a formal complaint is filed in accordance with 4 CSR 265-2.070, which requests the suspension or revocation of a motor carrier's certificate or permit on any of the four (4) grounds set forth in section 390.106, RSMo, the division shall proceed in accordance with that rule, except that the hearing shall be held upon not less than ten (10) days' notice to the carrier, and any order of revocation shall become effective upon not less than thirty (30) days' notice.

(6) After the hearing, and upon a finding that any of the grounds exist for revocation as set forth in subdivisions (1), (2), (3) or (4) of section 390.106, RSMo, the administrative law judge may order the revocation of the carrier's certificate or permit upon not less than thirty (30) days' notice to the carrier. The notice shall be sent by certified mail, return receipt requested, to any carrier who holds intrastate authority.

(7) When a carrier has been given notice as provided in this rule, a certificate or permit shall not be reinstated or restored to active status after the effective date of a division order which has revoked that certificate or permit.

*AUTHORITY: section 622.027, RSMo 1994.\* Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Emergency amendment filed Aug. 16, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997.*

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

#### **4 CSR 265-2.190 Merger of Duplicated or Overlapping Motor Carrier Operating Authority**

*PURPOSE: This rule interprets and implements the principles of merger with reference*

*to motor carriers who acquire, or whose certificates or permits contain, duplicated or overlapping pieces of operating authority.*

(1) Two (2) or more separate pieces of motor carrier operating authority possessed or acquired by a motor carrier shall be deemed to be merged, and shall no longer be effective as separate pieces of authority, whenever the commodities to be transported, the routes or territory to be served and the nature of the transportation service authorized by one (1) piece of authority are identical to, or wholly included within, the scope of the commodities, the routes or territory, and the nature of the service authorized by another piece of the carrier's authority. Two (2) or more pieces of the carrier's authority on which consolidation, through service or tacking has been authorized by the division shall be considered as one (1) piece of authority for this purpose. A partial duplication or overlapping of each piece of authority is not sufficient to cause merger; both pieces must be identical, or the greater piece must wholly overlap or include the lesser piece, in order for the separate pieces of authority to be merged.

(2) A motor carrier shall not transfer away a piece of authority and yet retain another piece of authority that was merged with the transferred authority. In these cases, the transferor shall forfeit the merged authority to the extent that it duplicates, overlaps or is overlapped by the transferred piece of authority, except that, if the transferee notifies the division in writing during a transfer application proceeding that the duplicated or overlapping authority is to be kept by the transferor, then the transferor may keep the merged authority and none of the duplicated or overlapping authority shall be transferred to the transferee. The principles set forth in this rule and the procedures set forth in 4 CSR 265-2.066(5) shall apply to proposed transfers involving the merger of authority.

(3) After notice to the affected carrier and an opportunity for hearing, the division may restate a motor carrier's certificate or permit so as to delete extra pieces of authority that are deemed to be merged and no longer effective as separate pieces of authority. The division staff or other interested party may propose a restatement of merged authority in transfer proceedings under 4 CSR 265-2.066, or by filing an independent application with the division.

(4) The merger principles stated in this rule are applicable irrespective of whether the carrier possesses or acquires the duplicated or



overlapping pieces of authority by transfer or by grant of new authority, and without regard to any failure or omission by the division or its predecessor, the Missouri Public Service Commission, to delete the duplicated or overlapping pieces of authority from any motor carrier's certificate or permit.

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

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

**4 CSR 265-2.200 Motor Carrier Notice Register Publication, Scope and Subscription Orders**

*PURPOSE: This rule prescribes procedures applicable to the publication of the division's notice register of motor carrier cases, the scope of its content and the procedures for subscriptions to the register.*

(1) The Motor Carrier Notice Register shall include notice of the filing of applications as required under section 390.062.1., RSMo, and other cases as ordered by the division. It also may include notice of other matters deemed by the division to be of interest to motor carriers, including notice of settlements, consent orders and other orders issued by the division or courts in enforcement cases. Applications filed before 12:00 p.m. (noon) on Thursday shall be published in the register on Wednesday of the next following week; otherwise they shall be published on the second Wednesday after filing. The division may deviate from this schedule whenever circumstances require it.

(2) The division shall send one (1) free copy of each issue of the Motor Carrier Notice Register by first class United States mail to every motor carrier holding a certificate or permit issued by the division and in good standing which authorizes intrastate common or contract carrier transportation of passengers, whenever notices of passenger authority applications are published, and to intrastate common or contract carriers of household goods, whenever notices of household goods authority applications are published, at the carrier's address of record with the division. Copies also will be mailed to other persons as ordered by the division, and to persons who have ordered and paid subscriptions to receive them. The Motor Carrier Notice Register's annual subscription rate of twenty-four dollars (\$24) per single copy is due by December 31 each year, for the following cal-

endar year. Subscriptions received after that will be prorated on a monthly basis, at a rate of two dollars (\$2) per month for each month remaining in the calendar year, including the month in which the subscription order is received by the division (for example, twenty-four dollars (\$24) in January, twenty-two dollars (\$22) in February, twenty dollars (\$20) in March). Carriers shall comply with 4 CSR 265-2.055 in the event of name or address changes; other subscribers should send notice of name and address changes to the division allowing at least four (4) weeks' notice.

*AUTHORITY: section 622.027, RSMo 1994.\* Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1996, effective Feb. 25, 1996.*

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

**4 CSR 265-2.300 Railroad Safety Applications (Other Than Railroad-Highway Crossings)**

*PURPOSE: This rule prescribes the required form and content for applications for relief involving railroad safety matters other than those involving railroad-highway crossings.*

(1) Except as otherwise provided under 4 CSR 265-2.320, persons filing applications for division orders involving railroad safety matters shall file in writing an original plus four (4) copies of the completed application with the director of the division, in accordance with this section and 4 CSR 265-2.080. Every application shall include at least the following information:

(A) The identity, address and telephone number of the applicant;

(B) The identity, address and, if known, the telephone number of all known parties in interest, for example, the railroads, funding authorities, shippers, labor unions or other persons or groups affected by the proposed relief;

(C) Location and description of the existing tracks, switches, yards or other facilities to be affected by the proposed relief and the circumstances presently existing there;

(D) Description of the proposed improvements or other specific relief requested from the division. If applicable, detailed plans and specifications for the proposed improvements should be attached as Exhibit 1;

(E) Estimated costs of the proposed improvement or resulting from the proposed relief, including detailed cost estimates attached as Exhibit 2;

(F) Who should perform the proposed work, if any, and who should pay the costs of the proposed improvements or resulting from the proposed relief, in what proportions. If there is any agreement as to payment of the anticipated costs, it should be attached as Exhibit 3;

(G) Estimated time for completion of the proposed improvements or implementation of the proposed relief, and the expected completion date;

(H) Detailed statement of the specific reasons why the proposed relief should be granted;

(I) Statement of whether the applicant waives a hearing, and will submit the case to the division for a decision upon the verified pleadings and other evidence of record, if no other party requests hearing;

(J) Date and signature of the applicant or the applicant's authorized representative, and the signature, name (typed or printed), address and telephone of the applicant's attorney, if any; and

(K) Verification under oath or penalty of perjury.

(2) It shall be in the discretion of the administrative law judge to convene a hearing regarding the application or to decide the case based on the application and other documents filed, except when a hearing is required by law.

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

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

**4 CSR 265-2.320 Railroad-Highway Crossing Applications**

*PURPOSE: This rule prescribes the required form and content for applications for relief involving railroad-highway crossings, at grade or otherwise.*

(1) Persons filing applications for a division order relating to the location, construction, installation, operation, maintenance, apportionment of expenses, use, warning devices,





alteration, relocation, reconstruction, separation of grades, abolishment or closure of a railroad-highway crossing, at grade or otherwise, shall file in writing an original plus four (4) copies of the application with the director of the division, in accordance with this section, and 4 CSR 265-2.080, 4 CSR 265-8.070 and 4 CSR 265-8.071, whenever applicable. Every application shall include at least the following information:

(A) The identity, address and telephone number of the applicant;

(B) The identity, address and, if known, the telephone number of every party in interest, including, if applicable, the railroad(s) owning and operating over the tracks at the crossing, the entity(ies) maintaining each highway at the crossing and other entities participating in the funding of the proposed construction, safety improvements or other relief requested;

(C) The location and description of each highway at each crossing affected by the application, including, whenever applicable:

1. Name of highway;
2. Highway classification and number;
3. United States Department of Transportation (U.S. DOT) crossing inventory number;
4. City;
5. County;
6. Number and direction of traffic lanes;
7. Width of highway at crossings;
8. Who maintains the highway on each side of the railroad tracks;
9. Type of highway surface;
10. Type of highway traffic and average annual daily traffic, if known;
11. Highway speed limit;

(D) The location and description of each railroad at each crossing affected by the application, including, whenever applicable:

1. Name of railroad corporation which owns the track;
2. Division;
3. Subdivision;
4. Milepost;
5. Number and types of track;
6. Width of railroad and railroad right-of-way at the crossing;
7. Names of all other railroads operating over the crossing;
8. Number and type of train movements over the crossing (daily, if known);
9. Train speed limit;
10. Location and description of any obstructions to motorists' view of approaching trains;

(E) The number and date of each accident at the crossing involving trains and highway

users, and the number of persons injured and killed in each accident;

(F) Statement of whether there is any agreement between the parties in interest with reference to the proposed construction, safety improvements or other relief, or with reference to the proposed allocation of costs. If so, a copy of the executed agreement shall be attached to the application as Exhibit 1;

(G) Description of the proposed construction, safety improvements or other relief requested, and who should be ordered to perform the same. Detailed plans and specifications for the proposed construction, safety improvements or other relief requested shall be attached to the application as Exhibit 2;

(H) Estimated costs of the proposed construction, safety improvements or other relief requested, and who should be ordered to pay these costs, and whether funds are available for the crossing under any federal or federal-aid act and how the costs should be allocated between these payers. The application shall state whether or not any portion of the costs are requested to be paid out of the grade crossing account under Chapter 152, RSMo, or the grade crossing safety account under section 389.612, RSMo Supp. 1997, and if so, in what amounts. Detailed cost estimates for the proposed construction, safety improvements or other relief shall be attached to the application as Exhibit 3;

(I) Estimated time for completion of the proposed construction or safety improvements and for implementation of other relief requested and for the payout of funds. If interim payments are requested, the application should so state and include details concerning the amounts and conditions upon which the interim payments shall be paid out;

(J) If the use of funds from the grade crossing account under Chapter 152, RSMo, is requested, the application shall state the amount of funds available to the county in which the crossing is located (or the City of St. Louis, if applicable) pursuant to the allocation of the tax under that chapter to that county (or city) based upon the total main line track mileage of railroads in that county (or city) and whether or not the estimated costs of the proposed construction, safety improvements or other relief requested will exceed that county's (or city's) limitation under that chapter and whether or not the crossing is highly dangerous to the public so as not to come within that limitation. The application also shall state the approximate amount of funds in the grade crossing account and whether the expected expenditure called for will exceed the funds in that account in the fiscal year in which the expenditure is to be made;

(K) Detailed statement of the specific reasons why the proposed relief should be granted;

(L) If an applicant other than the division staff requests the construction of a new grade crossing, then a completed Questionnaire for a New Grade Crossing for each new crossing should be attached to the application as Exhibit 4. If the applicant requests the construction or reconstruction of a grade separation structure, then a completed Questionnaire for Grade Separation for each structure should be attached to the application as Exhibit 4. The questionnaire forms may be obtained from the division's main office in Jefferson City, Missouri or by telephoning (573) 751-7121;

(M) Statement of whether the applicant waives a hearing, and will submit the case to the division for decision upon the verified pleadings and other evidence of record, if no other party requests a hearing;

(N) Date and signature of the applicant or the applicant's authorized representative, and the signature, name (typed or printed), address and telephone number of the applicant's attorney, if any; and

(O) Verification under oath or penalty of perjury.

(2) It shall be in the discretion of the administrative law judge to convene a hearing regarding the application or to decide the case based on the application and other documents filed, except when a hearing is required by law.

*AUTHORITY: section 622.027, RSMo Supp. 1997.\* Original rule filed Nov. 4, 1992, effective July 8, 1993. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 1994, expired Dec. 19, 1994. Emergency amendment filed Dec. 20, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency amendment filed April 20, 1995, effective May 1, 1995, expired Aug. 28, 1995. Emergency amendment filed Aug. 18, 1995, effective Aug. 29, 1995, expired Feb. 24, 1996. Amended: Filed Aug. 3, 1995, effective Feb. 25, 1996. Amended: Filed June 22, 1998, effective Feb. 28, 1999.*

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



STATE OF MISSOURI
DIVISION OF TRANSPORTATION
QUESTIONNAIRE FOR GRADE SEPARATION

1. U.S. DOT CROSSING INVENTORY NUMBER
2. NAME OR DESIGNATION OF STREET, ROAD OR HIGHWAY
3. NAME AND LINE OF RAILROAD INVOLVED
4. RAILROAD MILEPOST AT PROPOSED STRUCTURE
5. DISTANCE TO ADJACENT GRADE CROSSINGS OR GRADE SEPARATION
6. TYPE OF STRUCTURE PROPOSED (WOOD, CONCRETE, STEEL)
7. OVER-ALL LENGTH AND WIDTH OF STRUCTURE
8. INTERSECTION ANGLE OF TRACK WITH STRUCTURE
9. WIDTH OF RAILROAD RIGHT-OF-WAY
10. NUMBER AND DESIGNATION OF RAILROAD TRACKS (MAIN LINE, PASSING, ETC.)
11. ALIGNMENT OF TRACKS (TANGENT OR CURVE)
A. ALIGNMENT OF ROADWAY (TANGENT OR CURVE)
12. WHAT PROVISIONS WILL BE REQUIRED FOR DRAINAGE
13. HEIGHT OF TELEGRAPH OR SIGNAL WIRES ABOVE APPROACH GRADES
14. HIGHWAY TRAFFIC (CHARACTER AND VOLUME)
15. RAILROAD TRAFFIC (CHARACTER AND VOLUME)
16. DESCRIPTION AND MEASUREMENTS OF PROPOSED WALKWAYS
17. PROPOSED VERTICAL AND HORIZONTAL CLEARANCES
18. COST OF PROPOSED STRUCTURE
19. PROPOSED DIVISION OF COST AND OF MAINTENANCE OF STRUCTURE
20. EXISTING GRADE CROSSINGS THAT MAY BE ELIMINATED
21. EXHIBITS
22. NOTE: COPY OF ALL ORDINANCES, AGREEMENTS AND ALL EXHIBITS, IF ANY, SHALL BE FILED WITH APPLICATION.
23. ESTIMATED COMPLETION DATE

MO 419-1925 (11-92)



MISSOURI DIVISION OF TRANSPORTATION  
QUESTIONNAIRE FOR A NEW GRADE CROSSING

1. U.S. DOT Crossing Inventory Number: \_\_\_\_\_
2. Name of town and county: \_\_\_\_\_
3. Name and direction of street, road, or highway: \_\_\_\_\_
4. Name of railroad and milepost number: \_\_\_\_\_
5. Character of area or zoning restrictions: \_\_\_\_\_
6. Width of road at crossing: \_\_\_\_\_
7. Surface of road (concrete, asphalt, gravel, earth): \_\_\_\_\_
8. Alignment of road (tangent or curve): \_\_\_\_\_
9. Grade of approaches to crossing: \_\_\_\_\_
10. Track on fill or in cut: \_\_\_\_\_
11. Intersection angle of track with roadway: \_\_\_\_\_
12. Width of railroad right of way: \_\_\_\_\_
13. Number and designation of railroad tracks: \_\_\_\_\_
14. Will railroad equipment be stored within 250 feet of crossing? \_\_\_\_\_
15. Alignment of track (tangent or curve): \_\_\_\_\_
16. Height of telegraph or signal wires above approach grades: \_\_\_\_\_
17. Highway traffic and speed limit: \_\_\_\_\_
18. Railroad traffic and timetable speed: \_\_\_\_\_
19. Will switching movements be performed over crossing? \_\_\_\_\_
20. Distances along the track where unrestricted view of approaching trains may be obtained from points 25, 50, 100, and 300 feet from the track on each approach to the crossing:
 

25' W-S of track can see _____ feet	N-E and _____ feet	S-W.
50' W-S of track can see _____ feet	N-E and _____ feet	S-W.
100' W-S of track can see _____ feet	N-E and _____ feet	S-W.
300' W-S of track can see _____ feet	N-E and _____ feet	S-W.
25' E-N of track can see _____ feet	N-E and _____ feet	S-W.
50' E-N of track can see _____ feet	N-E and _____ feet	S-W.
100' E-N of track can see _____ feet	N-E and _____ feet	S-W.
300' E-N of track can see _____ feet	N-E and _____ feet	S-W.
21. Obstructions to view: \_\_\_\_\_
22. Type and dimensions of crossing construction: \_\_\_\_\_
23. Estimated cost: \_\_\_\_\_
24. Proposed division of costs: \_\_\_\_\_
25. Responsibility for maintenance of the crossing: \_\_\_\_\_
26. Will drainage structures be required? \_\_\_\_\_
27. Protection suggested or alteration of existing protection: \_\_\_\_\_
28. Existing crossing(s) that may be eliminated: \_\_\_\_\_
29. Reasons why grade separation is impracticable: \_\_\_\_\_
30. Cost of grade separation: \_\_\_\_\_
31. Estimated completion date: \_\_\_\_\_

**4 CSR 265-2.322 Approved Installation of Stop Signs at Highway-Rail Grade Crossings**

*PURPOSE: This rule sets forth the procedures adopted by the division for the installation of stop signs at highway-rail grade crossings.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) Unless otherwise ordered by an administrative law judge of the division, the governmental entity responsible for maintaining the highway at a public highway-rail grade crossing within this state shall install and maintain stop signs and stop ahead advance warning signs upon all highway approaches to the public highway-rail grade crossing, as approved interim warning devices until active warning devices are installed and placed in service at the grade crossing, without a specific order from the division authorizing the installation, whenever all the following requirements are met with reference to the particular grade crossing:

(A) The grade crossing has no active warning devices installed and in service;

(B) A diagnostic inspection and traffic engineering study is completed at the site of the grade crossing, in which authorized representatives of at least the following required parties are present and sign a "Stop Sign Fact Sheet" as prescribed by the division, indicating that they participated in the inspection:

1. The division staff;

2. Staff of the Missouri Department of Transportation;

3. Every railroad owning tracks at the crossing;

4. Each governmental entity which has authority to maintain the highway at the crossing; and

5. A highway traffic engineer;

(C) Any proposed federal funding has been approved, in writing, by the state department of transportation;

(D) The highway traffic engineer signs a completed Stop Sign Fact Sheet, in the form set forth below, by which the engineer records the facts relevant to the proposed installation of stop signs at the particular crossing, and recommends that stop signs be installed at the crossing until active warning devices are installed and placed in service at the crossing, and further recommends that stop ahead advance warning signs be installed simultaneously with the stop signs at the crossing;

(E) The proposed allocation of the costs of installing the stop signs and stop ahead advance warning signs is stated in the completed Stop Sign Fact Sheet, or in the corresponding Missouri Field Inspection Form or Diagnostic Inspection Check Sheet covering the same grade crossing;

(F) The completed, original Stop Sign Fact Sheet is provided to the division staff, and division staff serves a true copy of that form, together with any other records of the diagnostic inspection, on each of the required parties, either in person or by first class U.S. mail, with postage prepaid, or the required party waives service of that copy in writing;

(G) Not less than thirty (30) days have elapsed since the date of service on all required parties of a copy of the completed Stop Sign Fact Sheet, and none of the required parties has filed with the division a written pleading which objects to the proposed installation of the stop signs and stop ahead advance warning signs at the crossing as recommended by the traffic engineer, or objects to the proposed allocation of the costs of this installation as set forth in Stop Sign Fact Sheet, or in the corresponding Missouri Field Inspection Form or Diagnostic Inspection Check Sheet covering the same grade crossing; and

(H) When actually placed in service at the crossing—

1. The stop signs shall be installed in conformity with the provisions of Federal Highway Administration, U.S. Department of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) (1988 edition), Section 8B-9, "Stop Or Yield Signs at Grade Crossings" which is incorporated by reference in this rule;

2. The stop signs shall be placed in conformity with the provisions of MUTCD Section 2B-9, "Location of Stop Sign and Yield Sign" which is incorporated by reference in this rule; and

3. Stop ahead advance warning signs shall be installed simultaneously with the stop signs.

(2) If any one of the required parties which was present at the diagnostic inspection and traffic engineering study is not in agreement with either the installation of stop signs and stop ahead advance warning signs as recommended by the traffic engineer, or the proposed allocation of the costs of that installation, as set forth in the completed Stop Sign Fact Sheet, or in the corresponding Missouri Field Inspection Form or Diagnostic Inspection Check Sheet covering the same grade crossing, then that party shall file a pleading with the division, objecting to the proposed installation or the proposed cost allocation, or both, not later than thirty (30) days after the date when all required parties were served or waived service of a copy of the completed Stop Sign Fact Sheet. Upon the timely filing of a required party's objection with the division, the stop signs and stop ahead advance warning signs shall not be installed unless the division's administrative law judge, after a hearing, overrules the objection and specifically authorizes the installation, and determines the proper allocation of costs of the installation, as provided under section 389.610, RSMo.

(3) If no pleading which objects to the proposed installation or cost allocation, or both, is timely filed with the division within thirty (30) days after the service date of the completed Stop Sign Fact Sheet, then the required parties are deemed to have waived any objections, and the governmental authority shall install the stop signs and stop ahead advance warning signs in accordance with the traffic engineer's recommendation and cost allocation as set forth in the completed Stop Sign Fact Sheet, or in the corresponding Missouri Field Inspection Form or Diagnostic Inspection Check Sheet covering the same grade crossing. Except when an objection is timely filed under section (2) of this rule, the installation of stop signs and stop ahead advance warning signs at the crossing shall be completed and placed in service not later than sixty (60) days after the service date of the completed Stop Sign Fact Sheet, unless otherwise ordered by the division's administrative law judge upon a proper motion for enlargement of time.

*AUTHORITY: section 622.027, RSMo Supp. 1997.\* Original rule filed June 22, 1998, effective Feb. 28, 1999.*

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



## STOP SIGN FACT SHEET

To Accompany Missouri Field Inspection Form and Diagnostic Review Check Sheet If Traffic Engineering Study Is Performed

Crossing No. \_\_\_\_\_ Street/Highway \_\_\_\_\_  
 Railroad \_\_\_\_\_ City/County \_\_\_\_\_ Date \_\_\_\_\_

*Circle Yes or No for each of the following factors, as they apply to the above-numbered highway-railroad grade crossing:*

**FUNDAMENTAL INDICATIONS:** It is recommended that the following considerations be met in every case before a STOP sign is installed:

Yes	No	1. Local and/or State police and judicial officials will commit to a program of enforcement no less vigorous than would apply at a highway intersection equipped with STOP signs.
Yes	No	2. Installation of a STOP sign would not cause a more dangerous situation (taking into consideration both the likelihood and severity of highway-rail collisions and other highway traffic risks) than would exist with a YIELD sign.

**POSITIVE INDICATIONS:** Any one of the following conditions indicate that use of STOP signs would tend to reduce risk of a highway-rail collision. It is recommended that the following considerations be weighed against the contra-indications below.

Yes	No	3. Maximum train speeds equal or exceed 30 mph.
		4. Highway traffic mix includes:
Yes	No	A. Buses
Yes	No	B. Hazardous materials carriers
Yes	No	C. Large (trash or earth-moving) equipment.
Yes	No	5. Train movements are 10 or more per day, 5 or more days per week.
Yes	No	6. The rail line is used by passenger trains.
Yes	No	7. The rail line is regularly used to transport a significant quantity of hazardous material.
Yes	No	8. The highway crosses two or more tracks, particularly where both tracks are main tracks or one track is a passing siding that is frequently used.
Yes	No	9. The angle of approach to the crossing is skewed.
Yes	No	10. The line of sight from an approaching highway vehicle to an approaching train is restricted such that approaching traffic is required to substantially reduce speed.

**CONTRA-INDICATIONS:** Factors to be weighed in opposition to STOP signs.

Yes	No	11. The highway is other than secondary in character. Recommended maximum of 400 ADT in rural areas, and 1,500 ADT in urban areas. (If any of the positive indications apply to a crossing with traffic counts in excess of these levels, strong consideration should be given to installation of automated warning devices.)
		12. All three of the following factors apply:
Yes	No	A. The roadway is a steep ascending grade to or through the crossing;
Yes	No	B. Sight distance in both directions is unrestricted in relation to maximum closing speed;
Yes	No	C. The crossing is used by heavy vehicles.

**Traffic Engineer's Recommendation:** Based on all the pertinent facts known to me and recorded on this fact sheet, and on the accompanying MISSOURI FIELD INSPECTION FORM and DIAGNOSTIC INSPECTION CHECK SHEET, my recommendation on the question of whether to install Stop Signs as interim traffic control devices at this crossing, together with Stop Ahead advance warning signs, is as follows: (Please check only one box, add comments as desired, and sign the recommendation.)

- I recommend that Stop signs be installed at this highway-railroad grade crossing, as provided in MUTCD Section 8B-9, STOP or YIELD Signs at Grade Crossings, and placed in conformity with the provisions of MUTCD Section 2B-9, Location of Stop Sign and Yield Sign, until active warning devices are installed and placed in service at the crossing. I also recommend that Stop Ahead advance warning signs be installed simultaneously with the STOP signs.
- I do not recommend the installation of Stop Signs and Stop Ahead advance warning signs at this crossing at the present time.

Comments: \_\_\_\_\_  
 \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Title/Position: \_\_\_\_\_  
 Print Name: \_\_\_\_\_ Address/City: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_

**Also Present during Traffic Engineering Study:** (Please sign on appropriate line)

For MCRS: \_\_\_\_\_ For MoDOT: \_\_\_\_\_  
 For Railroad: \_\_\_\_\_ For City/County/Other: \_\_\_\_\_

**4 CSR 265-2.324 Changes to Highway-Rail Grade Crossing Active Warning Devices**

*PURPOSE: This rule is adopted to classify changes to highway-rail grade crossing active warning devices based on the significance of those changes, and to approve certain untested changes to active warning devices without specific division orders, when they meet certain standardized conditions.*

(1) Major changes to existing highway-rail grade crossing warning devices shall not be made unless an application is filed with the division under rule 4 CSR 265-2.320, and the proposed major change is approved by a specific order of the division's administrative law judge. Major changes include:

(A) Any modification to a highway-rail grade crossing active warning system that changes the portion of the system which provides warning to and is viewed by the highway user;

(B) Any change in the type of train detection circuitry at any location involving highway traffic signal interconnection or preemption; or

(C) Any other modification to a highway-rail grade crossing active warning device that is not classified in this rule as a minor change.

(2) Minor changes to existing highway-rail grade crossing active warning devices may be made by a railroad without a specific application to the division or a specific order from the administrative law judge, but only if all of the conditions and requirements of this rule are met in regard to the particular crossing when the warning devices, as modified, are placed in service. The changes described below are minor changes when they result in equal or improved operating characteristics of the warning system, and they conform with all applicable requirements of the division's rules and the Federal Railroad Administration's regulations under 49 CFR part 234:

(A) Changing from one type of train detection circuitry to another type of train detection circuitry that is generally accepted throughout the industry as an upgrade in type, except that all train detection circuitry changes at locations involving highway traffic signal interconnection or preemption are major changes;

(B) Interchanging incandescent and LED-type flashing light units, but only if—

1. All mast-mounted or cantilever-mounted light units at the crossing are changed simultaneously; or

2. All gate light units at the crossing are changed simultaneously;

(C) Installing or removing auxiliary devices, such as time-out circuits, cut-out circuits, indication lights, indication circuitry, or recording devices, to adjust to changing conditions, such as:

1. When a switch is added or removed from a location within the crossing signal circuitry;

2. When the lengths of approach circuits are changed; or

3. When crossing control circuitry is upgraded to constant warning time circuitry; and

(D) Changes in the physical location of warning devices, signal bungalows, or other components of the active warning system, as compared to the plans filed with the division and approved by order of the administrative law judge, but only if—

1. The actual location of the signal masts, as placed in service at the crossing, is within the following limits:

A. Not less than twelve feet (12') nor more than twenty feet (20') from the nearest rail of the railroad tracks; and

B. Not less than eight feet, one inch (8'1") nor more than twelve feet (12') from the nearest edge of the traveled roadway, if the nearest edge has no curb and no shoulder or a shoulder less than four feet (4') wide; or

C. Not less than four feet, one inch (4'1") nor more than eight feet, one inch (8'1") from the nearest edge of the traveled roadway, if the nearest edge has no curb and has a shoulder that is four feet (4') wide or greater; or

D. Not less than four feet, one inch (4'1") nor more than twelve feet (12') from the nearest edge of the traveled roadway, if the nearest edge has a curb;

2. The actual location of the signal bungalow, as placed in service at the crossing, is not less than twenty-five feet (25') from the nearest rail and not less than thirty feet (30') from the nearest edge of the traveled roadway;

3. The actual location of the device, bungalow or other component, as placed in service at the crossing, is in a different quadrant than that shown in the plans filed with the division and approved by order of the administrative law judge, and the change of quadrant for the particular device, bungalow or component at that crossing, is agreed to by the railroad and approved in writing by the division's railroad safety program administrator, railroad safety program specialist, or railroad safety inspector; and

4. The party responsible for installing the warning devices files with the division, within thirty (30) days after completing the installation, a revised plan sheet showing the

warning devices, bungalow, and other components in their actual locations (as installed), which the division shall incorporate in an amended order.

(3) The party responsible for making any minor change to a highway-rail grade crossing active warning device shall notify the division of the minor change, in writing, not later than thirty (30) days after the completion of the minor change. The notice shall include the United States Department of Transportation (USDOT) crossing inventory number and a description of all the changes. The division shall keep a permanent record of all written notices of minor changes received by the division.

*AUTHORITY: section 622.027, RSMo Supp. 1997.\* Original rule filed June 22, 1998, effective Feb. 28, 1999.*

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