



Rules of
Missouri Department of Transportation
Division 265—Motor Carrier and Railroad Safety
Chapter 8—Railroads

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**Title 7—MISSOURI DEPARTMENT
OF TRANSPORTATION**
**Division 265—Motor Carrier and
Railroad Safety**
Chapter 8—Railroads

7 CSR 265-8.005 Definitions

PURPOSE: This rule defines terms used in the rules comprising 7 CSR 265-8 Railroads.

(1) Applicant - 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.

(2) Commission - the Missouri Highways and Transportation Commission, a state agency created by statute and vested with authority by Article IV, Section 29, *Missouri Constitution*.

(3) Corporation - a corporation, company, association or joint stock association, or limited liability company.

(4) Department - the Missouri Department of Transportation.

(5) Director - the director of the Multimodal Operations Division of the Missouri Department of Transportation.

(6) Division - the Multimodal Operations Division within the Missouri Department of Transportation.

(7) Division staff - personnel of the Railroad Section of the Multimodal Operations Division.

(8) Federal Railroad Administration (FRA) - an agency within the United States Department of Transportation.

(9) Municipality - a city, town, village, county, or other political subdivision.

(10) Partnership - 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.

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

(12) Person - any individual, business entity, or governmental entity.

(13) Private crossing - a highway-rail or pathway crossing, either at-grade or grade separated,

that is not a public crossing because the crossing is privately owned and intended for use solely by the owner and/or the owner's licensees and invitees.

(14) Public crossing - a highway or pathway that crosses one (1) or more railroad tracks, either at-grade or grade separated, where the highway/pathway approaches to the crossing are under the jurisdiction of, and maintained by, a public authority and open to public travel. All of the approaches must be under the jurisdiction of the public authority and no approach may be located on private property.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-2.010. 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. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.010 Accidents

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

PUBLISHER'S NOTE: The 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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of

reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Every railroad and street railroad corporation engaged in business in this state is to give notice to this division of railroad accidents and incidents as set forth in this rule.

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

1. Hazardous material incident. For the purposes of this rule, the term hazardous material has the same meaning as found in Title 49, Code of Federal Regulations (CFR), Part 171.8, which is incorporated herein by reference and made a part of this rule as published October 1, 2016 by the Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this rule. Each incident that occurs during the course of transportation of hazardous materials (including loading, unloading, and temporary storage) in which as a direct result of hazardous materials—

A. A person is killed;

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

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

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

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

F. A situation exists of a nature that, in the judgment of the carrier, it should be reported in accordance with subsection (1)(C) of this rule even though it does not meet the criteria of subparagraphs A., B., or C., of this paragraph 1., for example, a continuing danger to life exists at the scene of the incident;

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

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

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

1. All grade crossing accidents which



involve railroad rolling equipment that result in a personal injury of which the railroad has knowledge;

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

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

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

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

1. Be made to the division at (573) 751-4291; and

2. Provide the following information:

A. Name of the official making report;

B. Phone number where the official can be reached;

C. Name of the carrier involved;

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

E. Equipment involved, if the information is available;

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

G. Number of persons killed or injured.

(2) Written Accident Report Prepared.

(A) Each railroad or street railroad which submits a report of Hazardous Materials Incident in accordance with paragraph (1)(A)1. of this rule shall file a copy of the report made to the United States Department of Transportation as required in 49 CFR 171.16 to the division within the same time period as prescribed by the United States Department of Transportation. 49 CFR 171.16 is incorporated herein by reference and made a part of this rule as published October 1, 2016 by the Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this rule.

(B) Each railroad or street railroad shall submit to the division a monthly report of all accidents which must be reported to the United States Department of Transportation that includes all other accidents at grade crossings involving rolling equipment of which the railroad has knowledge. The form of these reports shall be the same forms as required by the United States Department of Transportation and prepared in accordance with the Federal Railroad Administration (FRA) Guide for Preparing Accident/Incident Reports, which is

hereby incorporated by reference and made a part of this rule as published May 23, 2011 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this guide.

(3) Upon division request, the details of any accident or delay to traffic not specifically provided for in this rule shall be immediately furnished to the division by the railroad or street railroad corporation.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.010. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed April 16, 1986, effective June 30, 1986. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.012 Dedicated Railroad Telephone

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

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

(2) The railroad shall use the emergency telephone only for the purpose of receiving emergency communications and provide this division with the following:

(A) Number of the telephone;

(B) Location of the telephone; and

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

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.012. Original rule filed May 2, 1991, effective*

Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.

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

7 CSR 265-8.018 Signs

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

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All crossing warning signs, track switch position indicators, and close clearance-warning signs shall—

(A) Be covered with a retroreflectorized material to show the same shape and color by day or night;

(B) Use retroreflectorized material that meets or exceeds the minimum levels specified in the *Manual on Uniform Traffic Control Devices for Streets and Highways* (2009 Edition), which is incorporated herein by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual; and

(C) Be maintained in a reasonably clean condition and replaced when the signs have been moderately impaired by wear or damage.

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

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.018. Original rule filed May 2, 1991, effective Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*



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

7 CSR 265-8.020 Track Switch Position Indicators

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

(1) Railroads operating within Missouri may use on main line switches either retroreflectorized lenses or retroreflectorized targets in accordance with the provisions of this rule.

(2) Retroreflectorized targets used on main lines covered by the requirements of section 389.710, RSMo, shall—

(A) Be mounted to show a red aspect that is at least one hundred forty (140) square inches in area whenever the switch is lined against the main line; and

(B) Meet the retroreflectivity and maintenance requirements in 7 CSR 265-8.018.

(3) Retroreflectorized lenses used on main lines covered by the requirements of section 389.710, RSMo, shall—

(A) Be mounted to show a red aspect that is at least four and five-eighths inches (4 5/8") in diameter or seventeen and two-thirds (17 2/3) square inches in area whenever the switch is lined against the main line;

(B) Be sealed against dust and moisture by a smooth plastic covering; and

(C) Meet the retroreflectivity and maintenance requirements set forth in 7 CSR 265-8.018.

AUTHORITY: section 622.027, RSMo 2016.* This rule originally filed as 4 CSR 265-8.020. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.

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

7 CSR 265-8.030 Visual Obstructions at Public Grade Crossings

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

(1) It shall be the duty of every corporation,

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

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

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

(B) Bad order cars set out from trains.

(3) The provisions of this section do not apply to rolling stock stored on yard tracks unless the division orders otherwise.

AUTHORITY: section 622.027, RSMo 2016.* This rule originally filed as 4 CSR 265-8.030. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.

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

7 CSR 265-8.032 Temporary Closing of a Public Grade Crossing

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

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorpo-

rated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

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

(2) When closing a grade crossing, the railroad shall conform to the requirements for signing, work protection, and detours outlined in the *Manual on Uniform Traffic Control Devices for Streets and Highways* (2009 edition), which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual.

AUTHORITY: section 622.027, RSMo 2016.* This rule originally filed as 4 CSR 265-8.032. Original rule filed May 2, 1991, effective Nov. 30, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.

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

7 CSR 265-8.040 Transportation of Employees

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

(1) This rule applies to every motor vehicle which is designed primarily for highway use and which is used to transport employees, whether or not used on a public highway, including motor vehicles regularly assigned to a gang or crew with headquarters or assembly point within Missouri and including motor vehicles headquartered elsewhere but



frequently used in Missouri. This rule does not apply to taxicabs or other vehicles licensed by a competent authority to transport the public and used by a railroad to transport its employees. All owners of the motor vehicles, and their duly appointed agents, and the drivers of the vehicles shall abide by all safety orders issued to them by the division. It is recognized that this rule cannot cover all contingencies, thus the division in a particular case, after notice, may modify or grant exceptions to any of its provisions where their effect is unduly burdensome, or may prescribe higher standards than those prescribed where the higher standards are necessary for the safety of employees. In time of emergency, vehicles not complying with this rule may be used. An emergency exists when rail traffic has been stopped or disrupted (or where there is a threat of stoppage or disruption) because of derailment, accident, storm, fire, flood, or other similar condition. Winter weather requiring the removal of snow and ice from flange ways and switches or station platforms is not considered an emergency.

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

(A) Division—the Multimodal Operations Division within the Missouri Department of Transportation;

(B) Employee—an individual employed for any period in any work for which s/he is compensated, whether full- or part-time, whose regular course of employment is related to the maintenance or construction of the railroad physical property or to the operation of trains;

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

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

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

(F) Motor vehicle—any vehicle which is self-propelled and designed primarily for highway use, and which may be equipped with retractable flange wheels for operation on railroad tracks;

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

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

(I) Rear compartment—a crew cab, which may be a continuation of the driver's cab providing additional seating capacity or an aux-

iliary cab located directly behind the driver's cab. Canvas-covered truck beds or shelters built of wood, plywood, or light-gauge metal on the bed of a truck are not considered a rear compartment;

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

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

(3) Vehicle rear compartments for the transportation of employees may be either a continuation cab or an auxiliary cab.

(A) A continuation cab—

1. Is designed and furnished by the motor vehicle manufacturer as a continuation of the driver's cab and of equal strength, all welded construction with box section beams throughout; and

2. Does not require a communication system between the rear compartment and driver.

(B) An auxiliary cab—

1. Is a rear compartment separated from the driver's cab, of metal construction (including top), welded or riveted, with interior lining, equipped with adequate padded seats and back rests firmly secured in place;

2. Is fastened directly to the frame of the motor vehicle and not to the surface of the bed of the vehicle;

3. Is equipped with steps and hand holds when necessary; and

4. Is equipped with a communication system between the auxiliary cab and the driver including, but not limited to: a light mounted on the instrument panel, an audible device operated by the employees riding in the rear compartment, or an intercommunication system for actual voice contact. Communication systems are to be kept in good working condition at all times.

(C) Both continuation and auxiliary cabs are to be equipped with—

1. A heating system for cold weather and a ventilation system for hot weather, providing heat and ventilation substantially equal to that provided for the driver;

2. Exhaust systems so designed as to prevent exhaust fumes from entering the rear compartment;

3. Heavy duty hinge-type doors equipped with automotive-type safety latches;

4. Windows with safety glass per Chapter 307, RSMo;

5. At least one (1) window of the knock-out type and of sufficient size to provide emergency exits for the employees in those compartments equipped with only one (1) door; and

6. Adequate seating capacity for the number of employees carried.

(4) All vehicles subject to this rule are to be—

(A) Kept in good repair and safe operating condition at all times and unsafe vehicles not used to transport employees; and

(B) Regularly inspected and tested and compartments for employees kept in a clean and sanitary condition.

(5) The following safety measures apply to vehicles used to transport employees:

(A) The compartments used for transporting employees are separate from space used to transport tools, material, and equipment for the employees;

(B) An adequate first-aid kit suitable for the number of employees transported is equipped and accessible;

(C) Either a two- (2-) pound dry chemical-type or a four- (4-) pound carbon dioxide-type fire extinguisher approved by the Underwriters' Laboratories, Inc. (UL) is furnished and accessible;

(D) Flatbed trucks used in the transportation of employees are equipped with a suitable front-end gate to prevent materials from shifting against the cab or rear compartment;

(E) Only authorized, experienced, competent, qualified, and licensed drivers per Chapter 302, RSMo, not less than eighteen (18) years of age, are permitted to operate the vehicles;

(F) The signals used on a communication system are understood by both driver and employees in a vehicle where the driver's compartment is separate from the compartment used to transport employees;

(G) Not loaded and operated, either: in excess of its safe carrying capacity or its licensed capacity for use on public streets or highways; or if the load is so distributed or so inadequately secured as to prevent safe operation;

(H) Not driven when anything in, on, or attached to the vehicle obscures the driver's view ahead or to either side, interferes with the free movement of the driver's arms or legs, prevents the driver's free and ready access to the vehicle controls and emergency equipment, or prevents the free and ready exit of any person from the vehicle;

(I) Operated in compliance with all motor vehicle laws of Missouri;

(J) Not used to haul explosives, except flagging equipment;

(K) Gasoline and other low flash-point liquids are not hauled except when in UL-approved safety containers carried in a safe, suitable location outside the passenger compartment that will not block exits from the



vehicle and firmly secured to prevent shifting;

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

(M) Personal equipment which might injure a fellow employee is removed before entering and while any vehicle is in operation; and

(N) Any hazardous condition or defect of a motor vehicle or unsafe practice of the driver or employees riding in vehicles used to transport employees is reported to the employer or supervisor as soon as possible by any employee having knowledge of the conditions.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.040. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.060 Structural Clearances

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

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

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

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

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

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

(B) Except as provided in this rule, no track may be constructed adjacent to any building or structure nor shall any signal post, switch stand, building, or any other structure be constructed adjacent to any track which has a horizontal clearance of less than eight feet six inches (8'6") from the center of track, measured at right angles, it being understood that the horizontal clearance of eight feet six inches (8'6") shall be maintained to a point sixteen feet (16') above the level of the top of rail, provided that the clearance line for structures other than buildings, retainers, guards, and low platforms may extend from a point four feet (4') above the top of rail, downward at an angle to a point five feet six inches (5'6") distant from the center line of track at a point which is level with the top of rail;

(C) Engine terminal and shop structures such as engine houses, engine and car repair shops, cinder conveyors, and turntables may be constructed with horizontal clearances of

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

(D) Platforms for loading and unloading of freight, including livestock, the tops of which are approximately level with the floor of freight cars, may be constructed adjacent to one (1) side only of freight tracks which are not in open thoroughfare, at a distance less than eight feet six inches (8'6") from the center of track, but not less than five feet nine inches (5'9") from the center. In every such case, warning signs shall be erected at a suitable location at each end of the platform, directing the trainmen's attention to insufficient clearance and prohibiting them from riding on the sides of cars while in motion;

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

(F) Loose materials, such as coal, sand, scrap iron, and the like, may not be stored or piled adjacent to a railroad track with a horizontal clearance at any point less than eight feet six inches (8'6") from the center of track, measured at right angle to, except as provided in this rule. A guard or retainer to hold the loose materials may be constructed with a horizontal clearance of not less than eight feet six inches (8'6") from the center line of track, measured at a right angle to the center. The horizontal clearance of eight feet six inches (8'6") shall be maintained to a retainer or guard height of sixteen feet (16') above the level of the top of rail. Along a freight track not in open thoroughfare, a retainer or guard, the top of which is approximately level with the floor of freight cars, may be constructed adjacent to but one (1) side of the track with a horizontal clearance of less than eight feet six inches (8'6") but



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

(G) No railroad track unless specifically authorized by the division, shall be constructed after July 1, 1985 so that the center line of track is less than fourteen feet (14') from the center line of an adjacent track and no ladder track shall be constructed so that the center line of the ladder track is less than nineteen feet (19') from the center line of an adjacent ladder track or less than seventeen feet (17') from the center line of any other track. Any system of three (3) or more tracks at freight houses, warehouses, wharves, or similar structures, used exclusively for handling freight to or from platforms located on one (1) or both sides, may have track center distances of thirteen feet (13'), provided that at least two (2) tracks in one (1) such system shall have centers not less than thirteen feet six inches (13'6") provided that no track having track center distances of less than fourteen feet (14') shall be used as a thoroughfare track. The distance between tracks may be diminished to the extent necessary for the construction of crossings, crossovers, gauntlet tracks, turnouts, switches, or radial tracks. The provisions requiring fourteen feet (14') distances between track centers do not apply to the construction of tracks under viaducts or other overpasses which originally were designed to accommodate an additional track(s) at distances of less than fourteen feet (14') between track centers, if under that design the additional track(s) cannot be constructed with a distance between track centers of fourteen feet (14'). Permission to construct

tracks with less clearance may be granted by the division if, after a thorough investigation in any particular case, it is determined that the construction would not create a condition unduly hazardous to railroad employees or other persons;

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

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

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

(A) Except as provided in this rule, no track shall be constructed adjacent to any building or structure, nor shall any signal post, switch stand, building, or other structure be constructed adjacent to any track which has a horizontal clearance of less than seven feet six inches (7'6") from the center of track measured at right angles to the center, it being understood that the horizontal clearance of seven feet six inches (7'6") shall be maintained, in respect to buildings, to a point on the vertical clearance line, as previously established. The clearance line for structures other than buildings and low platforms may extend from a point two feet eight inches (2'8") above the level of the top of rail, downward at an angle to a point five feet six inches (5'6") distant from the center line of track at a point level with the top of rail;

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

(C) Passenger loading platforms, the tops of which are level with the platforms of passenger cars, may be constructed adjacent to tracks at a distance less than seven feet six

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

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

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

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

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

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

(5) In all cases, the horizontal clearance that is specified relates to tracks on tangents or on slight curves. Where the curvature is six degrees (6°) or more, the horizontal clearance must be sufficiently increased to secure the minimum allowance provided for under this rule. Unless the type of equipment to be operated on a track would indicate otherwise, horizontal clearances for structures should be increased three inches (3") for a curvature of six degrees (6°) and should be increased an



additional one-half inch (1/2") for each additional degree of curve; and track centers should be increased four and one-half inches (4 1/2") for a curvature of six degrees (6°) and should be increased an additional three-fourths inch (3/4") for each additional degree of curve. All horizontal clearances should be measured along lines parallel to the plane formed by the top of the rails and from a center line perpendicular to that plane, in order to take into consideration the effect of any rail super-elevation.

(6) All wire, cable conductors, trolley wires, guards, guys, and other apparatus or fixtures used in connection when located upon, along, or across the property, or right-of-way of any railroad or railway system shall be constructed in conformance with the rules contained in the *National Electrical Safety Code (2012 Edition)*, incorporated herein by reference and made a part of this rule as published by the Institute of Electrical and Electronics Engineers, Inc., 445 Hoes Lane, Piscataway, NJ 08854-4141. This rule does not incorporate any subsequent amendments or additions of this code.

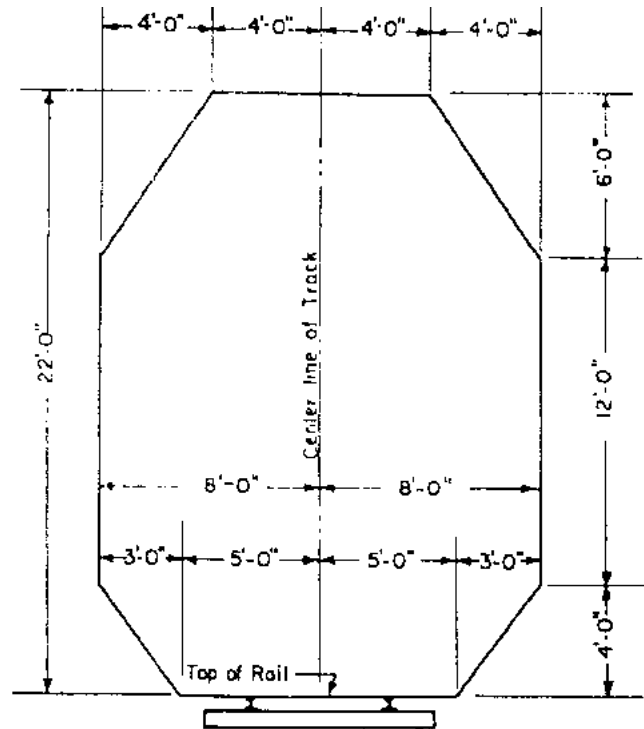


Figure 1 Bridge Clearance Diagram for Tangent Track on Steam and Diesel Railroads

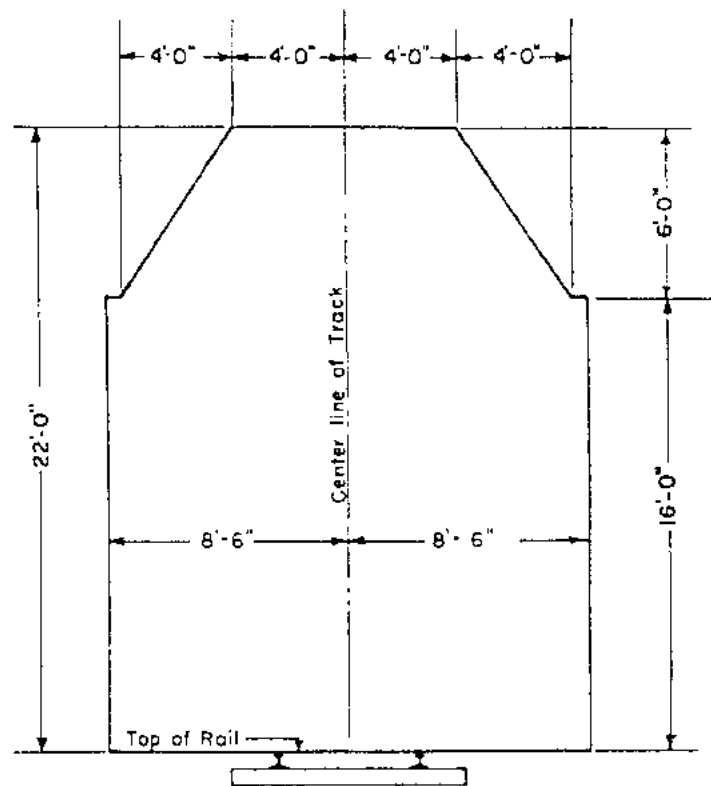


Figure 2. General Clearance Diagram for Buildings Adjacent to Tangent Track on Steam and Diesel Railroads.

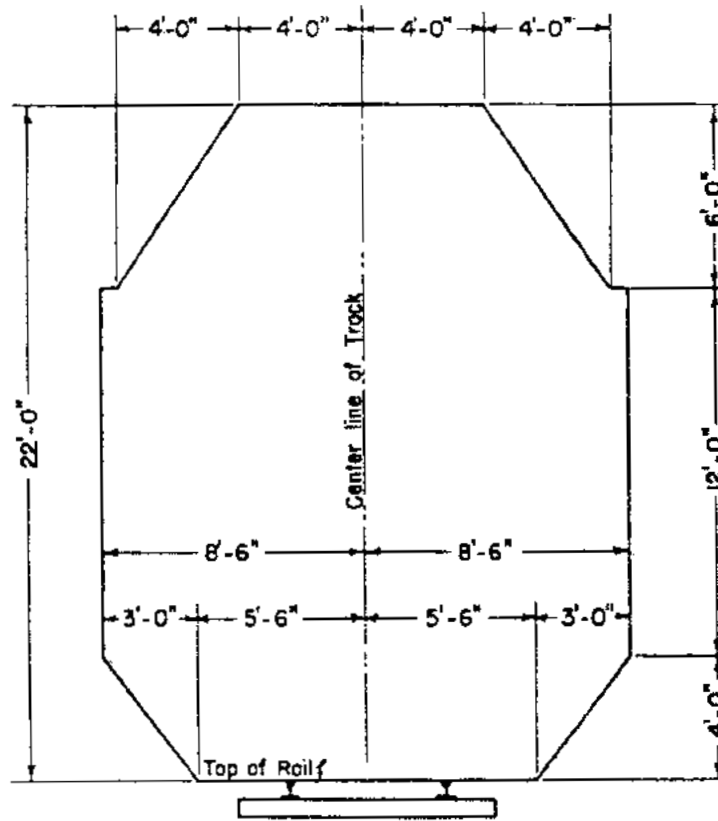


Figure 3. General Clearance Diagram for Structures Other than Bridges, Buildings, Platforms, Retainers and Guards.

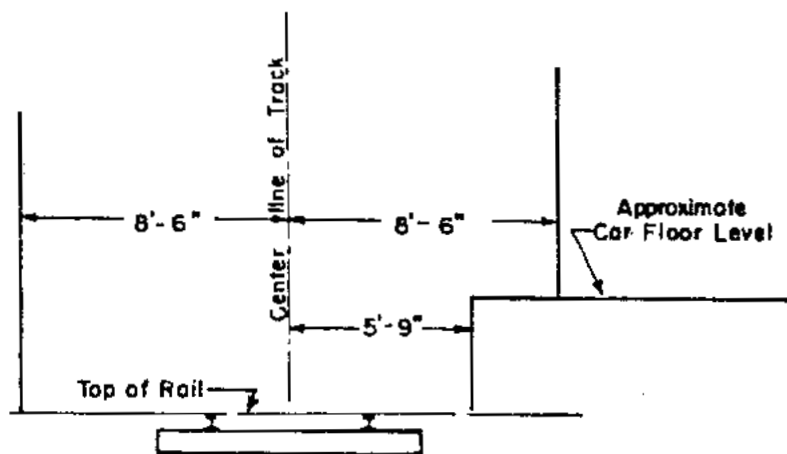


Figure 4. Clearance Diagram for Freight Platforms, Retainers and Guards Adjacent to Tangent Track on Steam and Diesel Railroads



AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.060. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.071 Grade Crossing Safety Account

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

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) In the division's determination of the costs to be apportioned to the state, county, municipality, or other public authority in interest for the installation, construction, or reconstruction of automatic signals or other safety devices or other safety improvements at crossings of railroads and public roads, streets, or highways, which the division orders to be paid out of the grade crossing safety account (account) pursuant to section 389.610, RSMo, the division will compute those costs in accordance with Title 23, *Code of Federal Regulations* (CFR), Part 140, Subpart I and 23 CFR Part 646, Subpart B, which is incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Highway Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this rule.

(2) When the division considers making payments from the account for safety devices or other safety improvements at railroad and highway crossings, the division staff may consider the following information:

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

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

(C) The location of the crossing in question;

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

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

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

(3) The party responsible for the installation, construction, or reconstruction project shall notify the division immediately upon project completion and eight (8) months after completion, furnish a written report to the division on the costs actually involved. Division staff may inspect the project to determine if it has been completed in accordance with the division's order authorizing the work, review the reported costs, and complete a report on the results of their review. Promptly after that, the division may issue its final payment request authorizing the state treasurer to pay out of the account, to the person or entity entitled, the amount determined by the division to be due and payable, including progress payments.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.071. Original rule filed Nov. 4, 1992, effective July 8, 1993. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.080 Railroad-Highway Grade Crossing Warning Systems

PURPOSE: This rule prescribes the standards to be followed in the installation, maintenance, inspection, and testing of all railroad-highway grade crossing warning systems in Missouri, and in reporting and responding to malfunctions of those systems.

PUBLISHER'S NOTE: The 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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The division incorporates by reference in this rule Part 8 of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (2009 edition), which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual. Part 8, entitled "Traffic Control for Railroad and Light Rail Transit Grade Crossings" establishes standards for the design, installation, and operation of grade crossing warning devices. Unless a specific variance is granted by the division, the standards in Part 8 must be applied in the installation of all grade crossing warning systems in Missouri, except that only twelve- (12-) inch diameter lenses shall be used on flashing light signal units.

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

(3) The provisions governing the safety of highway-rail grade crossing signal systems published in Title 49, *Code of Federal Regulations*, Part 234, but not including Appendix A - Schedule of Penalties, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this



rule.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.080. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Rescinded and readopted: Filed April 16, 1986, effective June 30, 1986. Amended: Filed Jan. 5, 1989, effective April 27, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.092 Railroad Reports

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

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

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

(A) Two (2) copies of their operating timetable not later than ten (10) days after the effective date of each issue; and

(B) Annually, on or before April 30 of each year, one (1) Average Daily Railroad Traffic Within Missouri report for each line segment operated in the state, to be submitted on the form published February 29, 2016 by the Missouri Department of Transportation, 105 W. Capitol Ave., Jefferson City, MO 65101, which is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments or additions of this form.

(2) All Class I railroads operating in Missouri shall annually complete the forms listed in subsections (A)–(E) of section (2) of this rule

and file the completed forms with the division on or before April 30th of each year. The forms are incorporated by reference and made a part of this rule as such forms were published on February 29, 2016 by the Missouri Department of Transportation, 105 W. Capitol Ave., Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions of these forms:

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

(B) SC 702—Mileage Operated at Close of Year—Within the State;

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

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

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

(3) All other railroads operating in Missouri are required to complete and annually file with the division on or before April 30th only the forms listed in subsections (A)–(C) of section (2) of this rule.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.092. Original rule filed May 2, 1991, effective Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.100 Track and Railroad Workplace Safety Standards

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

PUBLISHER'S NOTE: The 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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The division incorporates by reference in this rule the minimum safety standards for track and roadbed inspections for common

carriers by rail, as adopted by the Federal Railroad Administration and published in Title 49, *Code of Federal Regulations*, Part 213, except that the division does not incorporate by reference any of the provisions of 49 CFR section 213.15—Civil penalty, or Appendix B to part 213—Schedule of Civil Penalties, or any other provision conflicting with applicable Missouri law. The aforementioned standards in Title 49, *Code of Federal Regulations*, Part 213, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this rule.

(2) The division incorporates by reference in this rule the requirements governing the safety of railroad employees in the workplace as adopted by the Federal Railroad Administration and published in Title 49, *Code of Federal Regulations*, Part 214, except that the division does not incorporate by reference any of the provisions of Appendix A to part 214—Schedule of Civil Penalties, or any other provision conflicting with applicable Missouri law. The aforementioned standards in Title 49, *Code of Federal Regulations*, Part 214, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this rule.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.100. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.110 Walkway Safety Standards at Industrial Tracks

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



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

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

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

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

(5) Each drainage or other water-carrying facility, under or immediately adjacent to the roadbed, must be maintained and kept free of obstruction in order to accommodate expected water flow for the concerned area.

*AUTHORITY: section 622.027, RSMo 2016. * This rule originally filed as 4 CSR 265-8.110. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.130 Grade Crossing Construction and Maintenance

PURPOSE: This rule implements the provisions of section 389.610, RSMo, which authorizes the division to make reasonable rules pertaining to the construction and maintenance of all public 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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Every crossing shall be constructed of materials that will provide a ride quality compatible with that of adjacent roadway surfaces (except that crossings of unconsolidated or asphalt material shall have installed headers of equal height to the top of rails installed on both sides of both rails).

(A) The crossing on paved roads shall be the same width as the approaching roadway including drivable shoulders plus two feet (2') on each side. On gravel roads, the crossing shall be the same width as the traveled way, which is the width of the crossing as it existed on April 27, 1989 but not less than sixteen feet (16').

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

(C) Width of roadway at a highway-railway grade crossing should correspond to that of the adjoining highway and have the same number and width of traffic lanes as the adjoining highway without extra lanes and

with center turn lanes at the crossing delineated. At all paved approaches to the highway-railway grade crossing, the highway traffic lanes in the vicinity of the crossing should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (2009 edition), which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual. These markings are the responsibility of the public authorities.

(D) Part 8 of the American Railway Engineering and Maintenance of Way Association's *Guidelines for the Design, Construction or Reconstruction of Highway-Railway At-Grade Crossings* (2013 edition), is incorporated by reference and made a part of this rule as published by the American Railway Engineering and Maintenance of Way Association, 4501 Forbes Blvd. Suite 130, Lanham-Seabrook, MD 20706. This rule does not incorporate any subsequent amendments or additions of these guidelines. These guidelines are recommended practices for the construction and reconstruction of highway-railway grade crossings, if practicable.

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

(A) Unless otherwise ordered by the division, when a railroad corporation makes a track raise within a grade crossing, the runoff along the roadway shall be maintained at not more than two inches (2") in the first ten feet (10') outside the end of ties, not more than six inches (6") in the next ten feet (10') and the remaining run-off shall be brought to the same elevation of the existing grade within an additional ten feet (10') along the roadway.

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

(C) Unless otherwise ordered by the division or by agreement, the railroad shall maintain a crosswalk of equal width as the approaching sidewalk over the length of ties and between tracks where adjacent track centers are less than fifteen feet (15') apart. The



railroad shall use a durable contrasting material between the ends of ties when the approaching sidewalk is constructed of a hard surface material. Any durable material compatible with the material used on the sidewalk may be used on the crosswalk between the adjacent tracks.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.130. Original rule filed Jan. 5, 1989, effective April 27, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.140 First-Aid Kits

PURPOSE: This rule implements the provisions of section 389.920, RSMo, which authorizes the division to prescribe requirements for first-aid kits to be provided and maintained on certain railroad equipment by owners and operators of railroads in this state.

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

AUTHORITY: sections 389.920 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.140. Original rule filed Jan. 5, 1989, effective April 27, 1989. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 389.920, RSMo 1939, amended 1988 and 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.300 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 7 CSR 265-8.320, persons other than division staff filing applications for commission orders involving railroad safety matters shall file in writing an original completed application with the director of the division, in accordance with this section that includes 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 number of the applicant's attorney, if any; and

(K) Verification under oath or penalty of perjury.

(2) The application is to be decided under one (1) of the following methods:

(A) The division director decides and issues an order on behalf of the commission based on the application and all other documents filed in those cases in which all parties to the application have waived a hearing in writing; or

(B) The division director refers the application to the Administration Hearing Commission per Chapter 621, RSMo if all parties have not waived a hearing in writing or a hearing on the application is required by law.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-2.300. Original rule filed Nov. 4, 1992, effective July 8, 1993. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.320 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 other than division staff filing applications for a commission 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 application with the director of the division in accordance with this section and 7 CSR 265-8.071 that includes 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 (USDOT) crossing inventory number;

- 4. City;
- 5. County;
- 6. Number and direction of traffic lanes;
- 7. Width of highway at crossings;
- 8. The entity that 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 with a copy of the executed agreement, if applicable, attached as Exhibit 1;

(G) Description of the proposed construction, safety improvements, or other relief requested, and who should be ordered to perform the same with a copy of detailed plans and specifications for the proposed construction, safety improvements, or other relief requested attached as Exhibit 2;

(H) Detailed estimated costs of the proposed construction, safety improvements or other relief requested, the party that should be ordered to pay these costs, the federal, state, political subdivision, and/or private funds available for the crossing costs, and how the costs should be allocated between these payers. These 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 improve-

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

(K) 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;

(L) 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

(M) Verification under oath or penalty of perjury.

(2) The application is to be decided under one (1) of the following methods:

(A) The division director decides and issues an order on behalf of the commission based on the application and all other documents filed in those cases in which all parties to the application have waived a hearing in writing; or

(B) The division director refers the application to the Administration Hearing Commission per Chapter 621, RSMo if all parties have not waived a hearing in writing or a hearing on the application is required by law.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-2.320. 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. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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

7 CSR 265-8.324 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 uncontested changes to active warning devices without specific division orders, when they meet certain standardized conditions.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Major changes to existing highway-rail grade crossing active warning devices shall not be made unless an application is filed with the division under 7 CSR 265-8.320, and the proposed major change is approved by a specific commission order. 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 commission order, but only if all of the conditions and requirements of this rule are met in regards 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 regulations under 49 CFR Part 234, incorporated herein by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad Administration, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of this rule:



(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 previously filed with the division and approved by division or commission order, 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 previously filed with the division and approved by division or commission order, 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 director and/or the director's designee; 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 then incorporates 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.

*AUTHORITY: section 622.027, RSMo 2016. * This rule originally filed as 4 CSR 265-2.324. Original rule filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

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