



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
(Rescinded July 30, 2017)

*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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.*

4 CSR 265-2.030 Records of the Division
(Moved to 7 CSR 265-10.017)

4 CSR 265-2.040 Practice by Attorneys
(Rescinded July 30, 2017)

*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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.*

**4 CSR 265 2.050 Computation of Effective Dates**

(Moved to 7 CSR 265-10.051)

4 CSR 265-2.055 Name and Address Changes for Motor Carriers

(Moved to 7 CSR 265-10.052)

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

(Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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. 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)

(Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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
(Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

4 CSR 265-2.068 Application for a Self-Insurer Status
(Moved to 7 CSR 265-10.035)

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
(Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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. 11, 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. 11, 1989. Emergency amendment filed Dec. 1, 1994, effective Dec. 11, 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. 11, 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. 11, 1986. Amended: Filed July 31, 1986, effective Oct. 27, 1986. 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 265-2.115 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. 11, 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. 11, 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

(Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

4 CSR 265-2.170 Hearings Under Rulemaking

(Rescinded July 30, 2017)

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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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

(Moved to 7 CSR 265-10.140)

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

(Moved to 7 CSR 265-10.090)

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

(Rescinded July 30, 2017)



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. Rescinded: Filed Oct. 14, 2016, effective July 30, 2017.

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:
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:

Table with 2 columns: Yes/No and 1-2. 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. 2. Installation of a STOP sign would not cause a more dangerous situation...

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 contras-indications below.

Table with 2 columns: Yes/No and 3-10. 3. Maximum train speeds equal or exceed 30 mph. 4. Highway traffic mix includes: A. Buses B. Hazardous materials carriers C. Large (trash or earth-moving) equipment. 5. Train movements are 10 or more per day, 5 or more days per week. 6. The rail line is used by passenger trains. 7. The rail line is regularly used to transport a significant quantity of hazardous material. 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. 9. The angle of approach to the crossing is skewed. 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.

Table with 2 columns: Yes/No and 11-12. 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: A. The roadway is a steep ascending grade to or through the crossing; B. Sight distance in both directions is unrestricted in relation to maximum closing speed; 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.