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**Rules of**  
**Department of Transportation**  
**Division 265—Motor Carrier and Railroad Safety**  
**Chapter 9—Rail Fixed Guideway Systems**

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**Title 7—DEPARTMENT OF  
TRANSPORTATION**  
**Division 265—Motor Carrier and  
Railroad Safety**  
**Chapter 9—Rail Fixed Guideway  
Systems**

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

*PURPOSE: This rule provides that this chapter is to govern rail fixed guideway systems instead of 7 CSR 265-8 and prescribes definitions for certain words and terms used in the rules within this chapter.*

*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) Notwithstanding any provision within 7 CSR 265-8 to the contrary, rail fixed guideway systems as defined in this rule shall be governed by the rules in this chapter, and not by the rules in 7 CSR 265-8.

(2) As used in this chapter unless the context clearly requires otherwise, the following definitions and the definitions in Title 49 *Code of Federal Regulations* (CFR) sections 659.5 and 659.15, which are incorporated by reference and made a part of this rule as published by the United States Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 on October 1, 2006, and this rule does not incorporate any subsequent amendments or additions to the CFRs, apply:

(A) Contractor. An entity that performs tasks required by 49 CFR part 659, on behalf of the rail fixed guideway system or the division. A rail fixed guideway system shall not be a contractor for the division;

(B) Division. The Multimodal Operations Division within the Department of Transportation, which is authorized by the state Highways and Transportation Commission, as the State Safety and Security Oversight (SSO) agency for the state of Missouri. Whenever the term "division" is used within the rules in this chapter, the term

shall be interpreted as meaning the Multimodal Operations Division;

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

(D) Rail fixed guideway system (RFGS). Any light rail, as defined in section 386.020, RSMo; any street railroad, as defined in section 622.100, RSMo; or any heavy or rapid rail system, monorail, inclined plain, funicular, trolley, or automated guideway that 1) is not regulated by the Federal Railroad Administration; 2) is included in Federal Transit Administration's (FTA's) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 *United States Code* (U.S.C.) 5336); or 3) has submitted documentation to FTA indicating its intent to be included in FTA's calculation of fixed guideway route miles to receive funding under FTA's formula program for urbanized areas (49 U.S.C. 5336);

(E) FRA. The Federal Railroad Administration, an agency within the United States Department of Transportation.

(F) FTA. The Federal Transit Administration, an agency within the United States Department of Transportation;

(G) Hazard. Any real or potential condition that can cause injury, illness, or death; damage to or loss of a system, equipment, or property; or damage to the environment;

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

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

(J) Passenger. A person who is on board, boarding, or alighting from a rail transit vehicle for the purpose of travel;

(K) Passenger operations. The period of time when any aspect of rail transit agency operations are initiated with the intent to carry passengers;

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

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

(N) Rail transit agency. An entity that operates a rail fixed guideway system;

(O) Rail transit system. A rail fixed guideway system;

(P) Rail transit vehicle. A rail transit agency's rolling stock, including but not limited to passenger and maintenance vehicles;

(Q) Security plan (SP). A document developed and adopted by the rail transit agency describing its security policies, objectives, responsibilities, and procedures;

(R) System safety program plan (SSPP). A document developed and adopted by the rail transit agency describing its safety policies, objectives, responsibilities, and procedures;

(S) System safety program standard, or "program standard." The policies, objectives, responsibilities, and procedures used to provide the rail transit agency safety and security oversight, which includes the SSO Manual and the rules contained within this chapter;

(T) *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual. The manual developed by the division is used to provide standards, procedures, and technical direction to rail fixed guideway systems in order to implement the Missouri state safety and security oversight program as authorized in sections 389.1005 and 389.1010, RSMo and 49 CFR part 659; and

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.010. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Aug. 19, 1996, effective Aug. 29, 1996, expired Feb. 25, 1997. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998,*



effective Feb. 28, 1999. Moved and amended: Filed: Nov. 20, 2006, effective June 30, 2007.

\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-9.020 System Safety Program Plan and Security Plan

**PURPOSE:** This rule adopts a system safety program standard, and requires every rail fixed guideway system to establish, implement and maintain a system safety program plan and security plan, which meets the FTA requirements under 49 CFR part 659, and the requirements of this rule.

**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 *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition, as the system safety program standard for rail fixed guideway systems (RFGSs) operating within the state, as supplemented by the rules in this chapter. This rule does not incorporate any subsequent amendments or additions of this manual.

(2) The division shall require every RFGS operating in this state to develop, adopt, and implement a system safety program plan (SSPP) which conforms to 49 Code of Federal Regulations (CFR) section 659.15, the SSO Manual, and the rules in this chapter. The division shall review and may approve the SSPP and security plan (SP) in accordance with the SSO Manual.

(3) The division shall require every RFGS operating in this state to develop, adopt, and implement a SP which conforms to 49 CFR sections 659.21 and 659.23, which shall

address the personal security of RFGS passengers, employees, and other persons lawfully present on RFGS property. The SP must be developed and maintained as a separate document and may not be a part of the SSPP.

(4) The SP and any related documents or information filed with this division by a RFGS under the provisions of this chapter may be closed to public inspection by the RFGS, or by the division as deemed necessary to prevent or mitigate breaches of security. The closure to public access, in whole or in part, of these security provisions, and related documents or information, shall not preclude the division or its authorized personnel from inspecting and copying these provisions, documents and information, as otherwise provided by law or by the rules of the highways and transportation commission or orders of the division.

(5) Every RFGS that begins passenger operations after January 1, 2007, shall file two (2) copies of its SSPP and SP with the division not less than one hundred eighty (180) days before starting passenger operations. The division shall review the SSPP and SP for compliance with the SSO Manual. Such review shall include a checklist to conduct the review. If the division determines the SSPP and SP comply with the SSO Manual, the division shall issue a formal letter of approval.

(6) Every RFGS, and its officers, employees, contractors, and agents shall comply with all applicable provisions contained within its SSPP and SP filed with, and approved by, the division, and with all applicable provisions of the SSO Manual.

**AUTHORITY:** sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.020, RSMo 2000. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.

\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.

#### 4 CSR 265-9.040 Safety Reviews Shall Be in Accordance with Federal Transit Administration (FTA) Standards

**PURPOSE:** This rule provides for the division's oversight of each rail fixed guideway

system's internal safety audit process, and for the division's responsibility to perform a comprehensive, independent safety review of rail fixed guideway systems every three (3) years, in accordance with the FTA requirements under 49 CFR sections 659.27 and 659.29.

**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) Not less than annually, every rail fixed guideway system (RFGS) shall conduct internal safety reviews as prescribed in the *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary's Boulevard, Jefferson City, Missouri 65109, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual.

(2) Not less than every three (3) years, the division shall conduct a safety review of every RFGS as prescribed in the SSO Manual, shall document and track findings from its review for subsequent safety reviews, and shall document whether a three (3)-year safety review has been completed since the last annual report was submitted. The division also shall document whether the program standard and supporting procedures have changed during the preceding years.

(3) Each RFGS within Missouri shall conduct a comprehensive safety review, at its own expense, prior to commencement of operations. Each RFGS shall file a written report on this safety review with the division for approval before starting passenger operations. The division director shall notify the RFGS of the approval of this safety review report. The division staff may object to the safety review report, or any part of the safety review, by notifying the RFGS of its objections and a notice of changes required to be incorporated in the report. If the RFGS does not incorporate the division's changes in the





report, the division may enforce its changes in the form of the state highways and transportation commission filing a pleading with the Administrative Hearing Commission.

(4) The division shall certify in its annual report to the Federal Transit Administration (FTA) that any changes or modifications to the RFGS's SP or SSPP have been reviewed and approved by the division.

(5) Not later than the fifteenth day of March in each year, the division shall submit to FTA a publicly available annual report summarizing its oversight activities concerning fixed guideway transit systems for the preceding calendar year. The annual report shall include a description of the most common probable causal factors of transit system accidents and unacceptable hazardous conditions. If the division has conducted a triennial safety review during the preceding calendar year under section (2) of this rule, then the annual report shall include the division's report on the triennial review. The division shall annually file with FTA a certification of compliance, signed by the division director or other official authorized by the division, which certifies that the division has implemented a state oversight program that meets the requirements of 49 CFR part 659, and further certifies that the division, its employees, and any entities performing tasks required of the division under 49 CFR part 659, have no conflict of interest with any fixed guideway transit system overseen as a result of 49 CFR part 659. All reports to the FTA must be submitted electronically using a reporting system specified by the FTA.

*AUTHORITY:* sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.040. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.

\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-9.050 Signs

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

(1) All safety, directional, warning and train control signs used on rail fixed guideway sys-

tems shall be made of aluminum or other noncorrosive material and covered with a reflectorized or other material to show the same shape and color by day or night.

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

(3) In those cases where the division determines that the provisions of section (1) above will not perform effectively, the division may require the use of appropriate illumination for the signs.

*AUTHORITY:* sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.050. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.

\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-9.060 Drug and Alcohol Testing

*PURPOSE:* This rule prevents accidents and injuries in the operation of rail fixed guideway systems that result from the impairment of employees by alcohol or drugs. This rule adopts the minimum safety standards for the control of alcohol and drug use which are prescribed by FTA regulations in 49 CFR part 655. This rule does not restrict a rail fixed guideway system from adopting and enforcing additional or more stringent requirements not inconsistent with this rule.

(1) Every rail fixed guideway system shall meet or exceed the Federal Transit Administration's (FTA) alcohol and controlled substances testing requirements under 49 Code of Federal Regulations (CFR) part 655.

*AUTHORITY:* sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.060. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.

\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.

#### 7 CSR 265-9.070 Hours of Service

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

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

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

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

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

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

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

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



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

(A) Employee's signature and badge number;

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

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

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

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

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.070. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed June 17, 1993, effective June 27, 1993, expired Oct. 24, 1993. Emergency amendment filed Oct. 13, 1993, effective Oct. 24, 1993, expired Feb. 20, 1994. Emergency amendment filed Feb. 10, 1994, effective Feb. 20, 1994, expired June 14, 1994. Emergency amendment filed June 2, 1994, effective June 14, 1994, expired Oct. 11, 1994. Emergency amendment filed Sept. 30, 1994, effective Oct. 12, 1994, expired Jan. 10, 1995. Amended: Filed June 2, 1994, effective Dec. 30, 1994. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*

### 7 CSR 265-9.090 Walkways

*PURPOSE: This rule prescribes the minimum safety standards for the construction, recon-*

*struction and maintenance of walkways adjacent to rail fixed guideway system tracks within Missouri.*

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

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

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

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

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

(3) Walkways shall be constructed of compacted material not to exceed one and one-fourth inches (1 1/4") in diameter applied to be level at the end of the cross ties and sloping away from the cross ties at a rate not to exceed two inches (2") per foot to provide drainage.

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

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.090. Original rule filed Nov. 4, 1992, effective June 7, 1993. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996; and 622.027, RSMo 1985, amended 1993, 1995.*

### 7 CSR 265-9.100 Rail-Highway Grade Crossing Construction and Maintenance

*PURPOSE: This rule implements the Missouri Highways and Transportation Commission's statutory authority to make reasonable rules pertaining to the construction and maintenance of public rail-highway*

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

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

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

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





lanes, and with center turn lanes at the crossing delineated. At all paved approaches to the rail-highway grade crossing, the highway traffic lanes in the vicinity of the crossing should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 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. This rule does not incorporate any subsequent amendments or additions of this manual. These markings are the responsibility of the public highway authorities.

(D) Part I (subsections 1.4–1.11) of the *American Railway Engineering Association's Guidelines for the Construction or Reconstruction of Highway-Railway Crossings, 2005 Edition*, which is incorporated by reference, and made a part of this rule as published by the American Railway Engineering and Maintenance of Way Association, 8201 Corporate Drive, Landover, MD 20785. This rule does not incorporate any subsequent amendments or additions of these guidelines. These guidelines are made applicable to RFGSs as recommended practices for the construction and reconstruction of rail-highway crossings, if practicable, but with the following changes:

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

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

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

(C) Unless otherwise ordered by the division or by agreement, the RFGS shall main-

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.100. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2005, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*

#### 7 CSR 265-9.110 Rail-Highway Grade Crossing Warning Devices

*PURPOSE: Pursuant to section 389.610, RSMo, this rule adapts pertinent provisions of the Manual on Uniform Traffic Control Devices (MUTCD) relating to rail-highway grade crossing warning 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 Multimodal Operations Division of the state highways and transportation commission incorporates by reference in this rule Part VIII of Federal Highway Administration, U.S. Department of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) (2003 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, and makes it applicable to rail fixed guideway systems (RFGS). This rule does not incorporate any subsequent amendment or additions of this manual. Part VIII,

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.110. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 20, 2006, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*

#### 7 CSR 265-9.130 Visual Obstructions at Public Grade Crossings

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

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

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.130. Original rule filed Nov. 4, 1992, effective June 7, 1993. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*



**7 CSR 265-9.140 Dedicated Rail Fixed Guideway Telephone**

*PURPOSE: This rule requires all rail fixed guideway systems operating within Missouri to provide a telephone so that those employees controlling the movement of trains may be contacted by appropriate emergency response agencies in case of emergency.*

(1) Every rail fixed guideway system (RFGS) operating within Missouri shall install and maintain a telephone twenty-four (24) hours a day in the office of the chief train controller. The RFGS shall use this telephone only for the purpose of receiving emergency communications.

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

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

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.140. Original rule filed Nov. 4, 1992, effective June 7, 1993. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*

**7 CSR 265-9.150 Accidents and Hazards, Compliance with Federal Transit Administration (FTA) Notification**

*PURPOSE: This rule provides for the reporting and correction of accidents and hazards occurring on rail fixed guideway systems, and for appropriate investigation by the division.*

*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 rail fixed guideway system (RFGS) operating within Missouri shall give notice to

this division of all accidents and hazards within the time and in the manner prescribed in the *State Safety and Security Oversight Programs Manual for Missouri Light Rail* (the SSO Manual), which is incorporated herein by reference and made a part of this rule as published by the Missouri Highways and Transportation Commission, Multimodal Operations Division, 2217 St. Mary’s Boulevard, Jefferson City, Missouri 65109, 2006 Edition. This rule does not incorporate any subsequent amendments or additions of this manual. Notice shall be given by contacting the Multimodal Operations Division of the Department of Transportation at (573) 751-4291, including incidents described in 49 CFR 659.33(a)(1) through (8), involving rail transit agency-controlled property that is:

- (A) Property used in providing rail transit services;
- (B) Track shared with the general railroad system and subject to the Federal Railroad Administration (FRA) notification requirements; or
- (C) Incidents taking place on RFGS property in relation to the use of rail transit services.

(2) The division shall use its own investigation procedures in accordance with the SSO Manual and shall formally transmit its final investigation report to the RFGS. The division also shall certify that it has complied with the requirements of 49 CFR part 659, which may be done electronically using a reporting system specified by Federal Transit Administration (FTA).

(3) The division’s investigative reports under this rule shall be closed records unless opened by order of the division director.

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000.\* This rule originally filed as 4 CSR 265-9.150. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed Dec. 20, 1996, effective Dec. 30, 1996, expired June 27, 1997. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*