

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

RECEIVED

OCT 06 2017

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

7 CSR 265-9.130 Visual Obstructions at Public Grade Crossings. The Missouri Highways and Transportation Commission is amending sections (1) and (2).

COPY

PURPOSE: This amendment clarifies the requirements of the rule and eliminates unnecessarily restrictive wording.

(1) It *[shall be]* is the duty of every rail fixed guideway system (RFGS) operating within Missouri to maintain right of way at public **rail-highway** 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]* **No** sign, buildings, or other structures either temporary or permanent *[shall]* **may** 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]* **the sign, building, or other structure** 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 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. Amended: Filed October 6, 2017.*

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

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or Pamela.Harlan@modot.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

JOINT COMMITTEE ON

OCT 06 2017

ADMINISTRATIVE RULES