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DEC 09 2022

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

PROPOSED AMENDMENT

7 CSR 265-9.020 State Safety Oversight Agency Authorities and Requirements. The Missouri Highways and Transportation Commission is amending the purpose statement and sections (3) and (7).

PURPOSE: This amendment updates references to the Code of Federal Regulations.

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]674, 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.

(3) The division incorporates by reference in this rule the full provisions of [49 Code of Federal Regulations (CFR) Part 659,] 49 USC 5329[,] and 49 **Code of Federal Regulations** (CFR) Part 674, as published by the United States Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401 on October 1, 2016 and March 15, 2016, respectively. This rule does not incorporate any subsequent amendments or additions of the CFRs and USC.

(7) Every RFGS shall meet or exceed the FTA's alcohol and controlled substances testing requirements under 49 CFR Parts **40 and 655**, which are incorporated herein by reference and made a part of this rule as published [October 1, 2016] **in the Federal Register 83 FR 63812 December 12, 2018** by the FTA, United States Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. This rule does not incorporate any subsequent amendments or additions of these regulations.

AUTHORITY: sections 389.1005 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-9.020. 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. Amended: Filed Oct. 6, 2017, effective May 30, 2018. Amended: Filed December 9, 2022.*

**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.

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By JCAR at 10:45 am, Dec 09, 2022

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, 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.*