

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

PROPOSED AMENDMENT

7 CSR 265-8.300 Railroad Safety Applications (Other Than Railroad-Highway Crossings).

The Missouri Highways and Transportation Commission is amending the purpose statement, section (1), and subsections (1)(B) through (1)(K).

PURPOSE: This amendment revises and simplifies the required form and content for applications regarding railroad safety matters other than those involving railroad-highway crossings."

*PURPOSE: This rule prescribes the required form and content for applications [for relief involving] **regarding** railroad safety matters other than those involving railroad-highway crossings.*

(1) Except as otherwise provided under 7 CSR 265-8.320, persons other than division staff filing applications for **a** commission order[*s involving*] **relating to** railroad safety matters shall file [*in writing an original*] **a** completed application with the director of the division, in accordance with this section that includes at least the following information:

(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 **requested from the division**;

(C) Location and description of the existing tracks, switches, yards, or other facilities to be affected by the proposed **safety improvement or** relief and the circumstances presently existing there;

(D) Description of the proposed improvements or other specific relief [*requested from the division. If applicable,*] **including** detailed plans and specifications, [*for the proposed improvements should be attached as Exhibit 1*] **if applicable**;

(E) Estimated costs of the proposed improvement or resulting from the proposed relief[, *including detailed cost estimates attached as Exhibit 2*];

(F) **Any executed agreement or similar document between the parties regarding w[W]ho** should perform the proposed work, if any, and who should pay the costs of the proposed improvements or resulting from the proposed relief; [,] **and** 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 **improvement should be approved or the proposed** relief [*should be*] granted;

(I) Statement of whether the applicant **and interested parties** waive[*s*] a hearing, and will submit the case to the division for a decision[*upon the verified pleadings and other evidence of record, if no other party requests hearing*];

(J) Date and signature of the applicant or the applicant's authorized representative[, *and the signature, name (typed or printed), address, and telephone number of the applicant's attorney, if any*]; and

(K) Verification under [*oath or*] penalty of perjury.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-2.300. Original rule filed Nov. 4, 1992, effective July 8, 1993. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018. Amended: Filed September 8, 2023.*

**Original authority: 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, 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.*