

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

PROPOSED AMENDMENT

7 CSR 265-8.320 Railroad-Highway Crossing Applications. The Missouri Highways and Transportation Commission is amending the Purpose statement, section (1), and subsections (1)(B), (1)(D)9., (1)(F) through (1)(M).

PURPOSE: This amendment revises and simplifies the required form and content for applications regarding railroad-highway crossings.

*PURPOSE: This rule prescribes the required form and content for applications **regarding** [for relief involving] railroad-highway crossings, at grade or otherwise.*

(1) Persons other than division staff filing applications for a commission 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]* application with the director of the division in accordance with this section *[and 7 CSR 265-8.071]* that includes at least the following information:

(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 **from the division**;

(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. **Maximum** *[T]*train speed *[limit]*;
10. Location and description of any obstructions to motorists' view of approaching trains;

(F) *[Statement of whether there is] [a]*Any **executed** agreement **or similar document** between the parties *[in interest with reference to]* **regarding who should perform the proposed work and who should pay the costs of** the proposed construction, safety improvements or other relief; **and in what proportion***[, or with reference to the proposed allocation of costs with a copy of the executed agreement, if applicable, attached as Exhibit 1];*

(G) Description of the proposed construction, safety improvements, or other relief *[requested]*, **including** *[and who should be ordered to perform the same with a copy of]* detailed plans and specifications, **if applicable** *[for the proposed construction, safety improvements, or other relief requested attached as Exhibit 2];*

(H) Detailed estimated costs of the proposed construction, safety improvements or other relief *[requested, the party that should be ordered to pay these costs, the federal, state, political*

subdivision, and/or private funds available for the crossing costs, and how the costs should be allocated between these payers. These 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 **or** *[and]* for implementation of *[other]* **the proposed 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) Detailed statement *[of the specific reasons]* why the proposed **construction or safety improvements should be approved or the proposed relief** *[should be]* granted;

(K) Statement of whether the applicant **and all interested parties** waive[s] 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];*

(L) 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

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

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-2.320. 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. 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.*