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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 265-9.010 Applicability of Chapter; Definitions. The Missouri Highways and Transportation Commission is amending sections (1) and (2) and subsections (2)(B), (2)(I), and (2)(K).

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

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 (RFGS) as defined in Title 49 *Code of Federal Regulations* (CFR) Part[s] 659.5 and] 674.7 shall be governed by the rules in this chapter, and not by the rules in 7 CSR 265-8. The regulations in 49 CFR Part[s] 659.5 and] 674.7 [are]is incorporated herein by reference and made a part of this rule as published October 1, 2016 by the Federal Transit Administration, 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.

(2) As used in this chapter unless the context clearly requires otherwise, the following definitions and the definitions in Title 49 CFR Part[s] 659 and] 674 and Title 49 *United States Code* (USC) 5329, which are incorporated by reference and made a part of this rule 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, and this rule does not incorporate any subsequent amendments or additions to the CFRs and USC, apply:

(B) Contractor. An entity that performs tasks required by 49 CFR Part [659]674, on behalf of the rail fixed guideway system or the division. A rail fixed guideway system may not be a contractor for the division;

(I) Rail-highway grade crossing. A location where one (1) or more rail transit system tracks cross a public highway, road, street, or private roadway, and includes a pedestrian grade crossing. [A rail-highway grade crossing does not include highway or pathway intersections on a street running rail transit system.] **A rail-highway grade crossing also includes a highway or pathway intersection on a street running rail transit system, excluding driveways and parking lot entrances.**

(K) Rail transit system. A rail [fixed guideway system (RFGS) in accordance with 49 CFR Part 659 and a rail] fixed guideway public transportation system in accordance with 49 CFR Part 674;

AUTHORITY: sections 389.1005 and 622.027, RSMo 2016. 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,*

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By JCAR at 10:40 am, Dec 09, 2022

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. 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.

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.*