



# PUBLIC NOTICE AND REQUEST FOR COMMENTS

## REGARDING PROPOSED PUBLIC HIGHWAY-RAILROAD CROSSING CONSTRUCTION OR SAFETY IMPROVEMENTS

### SECTION 1. MHTC CONSIDERATION OF PROPOSED PROJECT:

THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (MHTC) IS NOW CONSIDERING A PROPOSAL TO APPROVE THE CONSTRUCTION OF A PUBLIC HIGHWAY- RAILROAD CROSSING, OR SAFETY IMPROVEMENTS TO AN EXISTING PUBLIC HIGHWAY- RAILROAD CROSSING, OR BOTH, AS FURTHER DESCRIBED IN THIS NOTICE. THE PURPOSE OF THIS NOTICE IS TO INFORM THE PUBLIC AND TO SOLICIT COMMENTS ON THE PROPOSED PROJECT. TERMS OF THE PROPOSED PROJECT MAY BE ALTERED BY AGREEMENT OF THE INTERESTED PARTIES, AND BY LAWFUL ORDERS OF MHTC, OR THE MISSOURI ADMINISTRATIVE HEARING COMMISSION.

### SECTION 2. PROJECT LOCATION:

<input checked="" type="checkbox"/> Existing / <input type="checkbox"/> Proposed Crossing of:		Roadway Classification: <b>Minor Collector</b>	
Route No.	Route YY	Street Name	<b>N/A</b>
City / Town / Village		Pemiscot County	
<b>Portageville</b>		<b>Missouri</b>	
With: Railroad	<b>BNSF Railway Company</b>	At RR Milepost	<b>201.4</b>
		USDOT Inventory No.:	<b>665 561B</b>

### SECTION 3. DESCRIPTION OF PROPOSED CONSTRUCTION OR SAFETY IMPROVEMENT PROJECT:

This section describes the proposed highway-railroad crossing construction or safety improvement project, which is now being considered by MHTC. If MHTC approves the project as proposed, then for each row in this section, Column 3.2 indicates which interested party shall be responsible to perform the work listed in Column 3.1; Column 3.3 also indicates which party or parties shall be responsible to pay the costs of performing the work listed in Column 3.1, and what portion of the costs for that work shall be apportioned to each party. Because this project has not yet received final approval, the project description and responsibilities are subject to change without notice as provided by law.

3.1. Scope of Work to Be Performed	3.2. Party Responsible to Perform Work	3.3. Party or Parties Responsible to Pay Costs
The scope of work includes the installation of new flashing light signals and gates, overhead cantilevers, all with LED lights; two audible bells and a new signal bungalow with redundant constant warning circuitry at the Route YY Grade Crossing (US DOT #665 561B).	<b>BNSF</b>	<b>MoDOT/BNSF</b>

### SECTION 4. MoDOT SOLICITATION OF PUBLIC COMMENTS:

YOU ARE INVITED TO COMMENT IN SUPPORT OF, OR IN OPPOSITION TO, THE PROJECT DESCRIBED IN THIS NOTICE. MoDOT is soliciting these comments for the purpose of identifying, evaluating and/or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings pursuant to sections 130, 144, and 152 of Title 23, United States Code, or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds. Comments should be made in writing and filed with MoDOT Multimodal, at the address below, not later than thirty (30) days after the service date of the Public Notice. The comments are protected by 23 U.S.C. 409 from discovery and admission into evidence in damage suits relating to crossing accidents.

Date of Notice: February 2, 2022

***IMPORTANT— PLEASE SUBMIT COMMENTS BEFORE THE FOLLOWING DATE:***

**March 5, 2022**

Please address your comments for or against the proposed project to:	ATTN: Mr. David Swiercek	Title:	Rail Safety Specialist
	Multimodal Operations Missouri Department of Transportation 105 West Capitol, P.O. Box 270 Jefferson City, MO 65102-0270	Telephone	(573) 751-7125
		FAX	(573) 526-4709

**PUBLIC NOTICE AND REQUEST FOR COMMENTS**

**REGARDING PROPOSED PUBLIC HIGHWAY-RAILROAD CROSSING CONSTRUCTION OR SAFETY IMPROVEMENTS**

**SECTION 5. MHTC MAY APPROVE PROJECT WITHOUT FURTHER PUBLIC NOTICE:**

Except as otherwise provided by law, the Missouri Highways and Transportation Commission (MHTC) has exclusive power to approve, modify or deny the proposed construction or safety improvements described in this notice. Not less than thirty (30) days after the service date of this notice, MHTC may issue an Administrative Order approving the proposed project without further notice, if:

A. MoDOT Multimodal receives no written comments in opposition to the proposed project within the thirty (30)-day notice period; or

B. MoDOT Multimodal timely receives written comments in opposition, but there is competent and substantial evidence from which MHTC finds that the proposed project (either as described in the Public Notice, or as modified in response to any comments received) will promote public safety and will not adversely affect public necessity; and

C. No interested party is pursuing a pending Application with the AHC to review or determine this project.

See Section 6 of this notice.

**SECTION 6. INTERESTED PARTIES MAY FILE AN APPLICATION WITH THE AHC:**

Any interested party may file an application with the Administrative Hearing Commission (AHC), which is a separate body from the MHTC, for a formal hearing/review, of the proposed project. Upon the filing of such an Application, the AHC acquires exclusive jurisdiction to conduct hearings, make findings of fact and conclusions of law, and issue orders to determine the project, as provided by law.

Administrative Hearing Commission  
Truman Bldg. Room 640, P.O. Box 1557  
Jefferson City, MO 65102-1557  
Telephone (573) 751-2422

**SECTION 7. ADDITIONAL INFORMATION / COURT REVIEW:**

Any interested party who is aggrieved by a final administrative order in this matter, whether issued by the MHTC or by the AHC, may seek judicial review of the order as provided by law, by filing a petition in Circuit Court, unless the party has waived judicial review.

A COPY OF THIS NOTICE HAS BEEN SENT TO:  
MoDOT Southeast District and BNSF Railway

If you have questions about the proposed project, or desire further details, please contact the Missouri Department of Transportation at:

Railroad Administrator  
Missouri Department of Transportation  
105 West Capitol, P.O. Box 270  
Jefferson City, MO 65102-0270  
573-751-7476

Additional Comments: