



Rules of
Missouri Department of Transportation
Division 265—Motor Carrier and Railroad Safety
Chapter 8—Railroads

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rule.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.080. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Rescinded and readopted: Filed April 16, 1986, effective June 30, 1986. Amended: Filed Jan. 5, 1989, effective April 27, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.092 Railroad Reports

PURPOSE: This rule requires the notification by railroads operating within the state to file with the division certain traffic statistics for use as planning information in railroad safety studies.

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) All railroads operating within the state shall file with the division, within the time prescribed, each of the following documents:

(A) Two (2) copies of their operating timetable not later than ten (10) days after the effective date of each issue; and

(B) Annually, on or before April 30 of each year, one (1) Average Daily Railroad Traffic Within Missouri report for each line segment operated in the state, to be submitted on the form published February 29, 2016 by the Missouri Department of Transportation, 105 W. Capitol Ave., Jefferson City, MO 65101, which is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments or additions of this form.

(2) All Class I railroads operating in Missouri shall annually complete the forms listed in subsections (A)–(E) of section (2) of this rule

and file the completed forms with the division on or before April 30th of each year. The forms are incorporated by reference and made a part of this rule as such forms were published on February 29, 2016 by the Missouri Department of Transportation, 105 W. Capitol Ave., Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions of these forms:

(A) SC 210—Railway Operating Revenues Earned Within the State;

(B) SC 702—Mileage Operated at Close of Year—Within the State;

(C) Summary Statement of Track Mileage Within The State and of Titles Thereto at Close of Year;

(D) SC 931—Statistics of Rail-Line Operations—Within the State; and

(E) SC 941—Revenue Freight Carried During the Year—Within the State.

(3) All other railroads operating in Missouri are required to complete and annually file with the division on or before April 30th only the forms listed in subsections (A)–(C) of section (2) of this rule.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.092. Original rule filed May 2, 1991, effective Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.100 Track and Railroad Workplace Safety Standards

PURPOSE: This rule prescribes the minimum safety standards for track and roadbed inspections, and prescribes railroad worker safety standards, for all railroad common carriers operating within Missouri.

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) The division incorporates by reference in this rule the minimum safety standards for track and roadbed inspections for common

carriers by rail, as adopted by the Federal Railroad Administration and published in Title 49, *Code of Federal Regulations*, Part 213, except that the division does not incorporate by reference any of the provisions of 49 CFR section 213.15—Civil penalty, or Appendix B to part 213—Schedule of Civil Penalties, or any other provision conflicting with applicable Missouri law. The aforementioned standards in Title 49, *Code of Federal Regulations*, Part 213, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad 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 this rule.

(2) The division incorporates by reference in this rule the requirements governing the safety of railroad employees in the workplace as adopted by the Federal Railroad Administration and published in Title 49, *Code of Federal Regulations*, Part 214, except that the division does not incorporate by reference any of the provisions of Appendix A to part 214—Schedule of Civil Penalties, or any other provision conflicting with applicable Missouri law. The aforementioned standards in Title 49, *Code of Federal Regulations*, Part 214, are incorporated by reference and made a part of this rule as published October 1, 2016 by the Federal Railroad 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 this rule.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.100. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.110 Walkway Safety Standards at Industrial Tracks

PURPOSE: This rule prescribes the minimum safety standards for the construction, reconstruction, and maintenance of walkways adjacent to railroad industrial trackage within Missouri.



(1) For purposes of this rule, industrial railroad trackage means that trackage owned, leased, or used by any person, firm, or corporation, other than a railroad as defined by section 386.020, RSMo, which connects with the tracks of a railroad and on which a railroad switches or operates cars or locomotives within Missouri.

(2) Except in cases in which the division finds that construction or reconstruction is impracticable, unnecessary, or where existing structures or tracks prevent construction, walkways shall be constructed along each side of industrial railroad trackage a minimum of eight feet, six inches (8'6") from the center of track measured at right angles to the center. Walkways shall be reasonably level with the top of the railroad ties and beginning at the end of the railroad ties, not exceed a drop of two inches (2") per foot to provide drainage and a surface reasonably level on which to walk as well as permit the safe performance of trackside duties, taking into consideration existing structures and tracks.

(3) Walkways along industrial railroad trackage shall be constructed of and maintained with materials that conform to the specifications of the railroad corporation which switches or operates cars or locomotives on and over the trackage; if no specifications are available, walkways shall be constructed of suitable chat or fines not to exceed one inch (1") in diameter.

(4) Walkways along industrial railroad trackage as well as the area between the rails shall be kept free of vegetation or debris that would interfere with the performance by railroad employees of normal trackside duties.

(5) Each drainage or other water-carrying facility, under or immediately adjacent to the roadbed, must be maintained and kept free of obstruction in order to accommodate expected water flow for the concerned area.

*AUTHORITY: section 622.027, RSMo 2016. * This rule originally filed as 4 CSR 265-8.110. Emergency rule filed June 14, 1985, effective July 1, 1985, expired Oct. 28, 1985. Original rule filed Aug. 1, 1985, effective Oct. 29, 1985. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.130 Grade Crossing Construction and Maintenance

PURPOSE: This rule implements the provisions of section 389.610, RSMo, which authorizes the division to make reasonable rules pertaining to the construction and maintenance of all public grade crossings.

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) Every crossing shall be constructed of materials that will provide a ride quality compatible with that of adjacent roadway surfaces (except that crossings of unconsolidated or asphalt material shall have installed headers of equal height to the top of rails installed on both sides of both rails).

(A) The crossing on paved roads shall be the same width as the approaching roadway including drivable shoulders plus two feet (2') on each side. On gravel roads, the crossing shall be the same width as the traveled way, which is the width of the crossing as it existed on April 27, 1989 but not less than sixteen feet (16').

(B) If practicable, the roadway alignment should intersect the railroad track at or nearly at right angles. The roadway surface shall be in the same plane as the top of rails for a distance of two feet (2') outside of rails for either multiple or single track crossings. The top of the rail plane shall be connected with the grade line of the roadway each way by vertical curves of the length required to provide riding conditions and sight distances normally applied to the roadway. It is desirable that the roadway surface be not more than three inches (3") higher nor six inches (6") lower than the top of the nearest rail at a point thirty feet (30') from the rail, measured at a right angle, unless track superelevation dictates otherwise. Where crossings involve two (2) or more tracks, the top of rails for all tracks shall be brought to the same plane where practicable.

(C) Width of roadway at a highway-railway grade crossing should correspond to that of the adjoining highway and have the same number and width of traffic lanes as the adjoining highway without extra lanes and

with center turn lanes at the crossing delineated. At all paved approaches to the highway-railway grade crossing, the highway traffic lanes in the vicinity of the crossing should be distinctly marked in accordance with the recommendations of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (2009 edition), which is incorporated by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual. These markings are the responsibility of the public authorities.

(D) Part 8 of the American Railway Engineering and Maintenance of Way Association's *Guidelines for the Design, Construction or Reconstruction of Highway-Railway At-Grade Crossings* (2013 edition), is incorporated by reference and made a part of this rule as published by the American Railway Engineering and Maintenance of Way Association, 4501 Forbes Blvd. Suite 130, Lanham-Seabrook, MD 20706. This rule does not incorporate any subsequent amendments or additions of these guidelines. These guidelines are recommended practices for the construction and reconstruction of highway-railway grade crossings, if practicable.

(2) Unless otherwise ordered by the division or by agreement, the railroad corporation shall maintain the road surface over the length of ties and between tracks where adjacent track centers are less than fifteen feet (15').

(A) Unless otherwise ordered by the division, when a railroad corporation makes a track raise within a grade crossing, the runoff along the roadway shall be maintained at not more than two inches (2") in the first ten feet (10') outside the end of ties, not more than six inches (6") in the next ten feet (10') and the remaining run-off shall be brought to the same elevation of the existing grade within an additional ten feet (10') along the roadway.

(B) When a highway authority raises the road surface along an approach to a crossing, the run-off along the roadway shall be not more than two inches (2") in the first ten feet (10') outside the end of ties with the remainder in the next ten feet (10').

(C) Unless otherwise ordered by the division or by agreement, the railroad shall maintain a crosswalk of equal width as the approaching sidewalk over the length of ties and between tracks where adjacent track centers are less than fifteen feet (15') apart. The



railroad shall use a durable contrasting material between the ends of ties when the approaching sidewalk is constructed of a hard surface material. Any durable material compatible with the material used on the sidewalk may be used on the crosswalk between the adjacent tracks.

AUTHORITY: section 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.130. Original rule filed Jan. 5, 1989, effective April 27, 1989. Amended: Filed May 2, 1991, effective Dec. 9, 1991. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.140 First-Aid Kits

PURPOSE: This rule implements the provisions of section 389.920, RSMo, which authorizes the division to prescribe requirements for first-aid kits to be provided and maintained on certain railroad equipment by owners and operators of railroads in this state.

Every railroad shall provide and maintain a commercially prepared first-aid kit in a plainly marked accessible location on all passenger train cars, cabooses, each locomotive unit capable of independent operation and all motorized on-track work equipment used in railroad operations which weigh in excess of four hundred pounds (400 lbs.). A conforming first-aid kit may be assigned to the custody of a designated member of the train or work crew required to work on the equipment when the equipment is in use. The chief medical officer for each railroad shall determine the contents and the size of the kit to conform to the type of job and the specific treatment which may be needed. In addition, the kit shall adequately serve the usual number of employees needed to be treated by the kit at that location.

AUTHORITY: sections 389.920 and 622.027, RSMo 2016. This rule originally filed as 4 CSR 265-8.140. Original rule filed Jan. 5, 1989, effective April 27, 1989. Moved and amended: Filed March 9, 2018, effective Oct. 30, 2018.*

**Original authority: 389.920, RSMo 1939, amended 1988 and 622.027, RSMo 1985, amended 1993, 1995.*

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

PURPOSE: This rule prescribes the required form and content for applications for relief involving 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 commission orders involving railroad safety matters shall file in writing an original completed application with the director of the division, in accordance with this section that includes at least the following information:

(A) The identity, address, and telephone number of the applicant;

(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;

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

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

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

(F) Who should perform the proposed work, if any, and who should pay the costs of the proposed improvements or resulting from the proposed relief, 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 relief should be granted;

(I) Statement of whether the applicant waives 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.

(2) The application is to be decided under one (1) of the following methods:

(A) The division director decides and issues an order on behalf of the commission based on the application and all other documents filed in those cases in which all parties to the application have waived a hearing in writing; or

(B) The division director refers the application to the Administration Hearing Commission per Chapter 621, RSMo if all parties have not waived a hearing in writing or a hearing on the application is required by law.

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.*

**Original authority: 622.027, RSMo 1985, amended 1993, 1995.*

7 CSR 265-8.320 Railroad-Highway Crossing Applications

PURPOSE: This rule prescribes the required form and content for applications 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:

(A) The identity, address, and telephone number of the applicant;

(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;

(C) The location and description of each highway at each crossing affected by the application, including, whenever applicable:

1. Name of highway;
2. Highway classification and number;
3. United States Department of