

1 Department of Transportation

2 Adopted Permanent Rules Relating to Railroad Grade Crossings

3 8830.0100 DEFINITIONS; INCORPORATIONS BY REFERENCE.

4 Subpart 1. [See repealer.]

5 Subp. 1a. Scope. The terms used in parts 8830.0100 to  
6 8830.9971 have the meanings given them in this part.

7 Subp. 2. [See repealer.]

8 Subp. 3. [See repealer.]

9 [For text of subps 4 and 5, see M.R.]

10 Subp. 6. [See repealer.]

11 Subp. 7. [See repealer.]

12 [For text of subp 8, see M.R.]

13 Subp. 9. **AAR AREMA** signal manual; incorporation. "AAR

14 AREMA signal manual" means the ~~Association-of-American~~

15 ~~Railroads, Communications and Signal Division~~ American Railway

16 Engineering and Maintenance of Way Association, "Signal Manual

17 of Recommended Practices," 1990 edition, published by the

18 ~~Association-of-American-Railroads, 50-F-Street-N.W., Washington,~~

19 ~~D.C. 20001~~ American Railway Engineering and Maintenance of Way

20 Association, 8201 Corporate Drive, Suite 1125, Landover, MD

21 20785. This manual and future revisions of this manual are

22 incorporated by reference. This manual is not subject to

23 frequent change and is available to the public through the

24 Minitex interlibrary loan system.

25 Subp. 10. **AASHTO**. "AASHTO" means the American Association  
26 of State Highway and Transportation Officials.

27 Subp. 11. **AASHTO** design manual; incorporation. "AASHTO

1 design manual" refers to "A Policy on Geometric Design of  
2 Highways and Streets," 1990 edition, published by AASHTO, 444  
3 North Capitol Street N.W., Suite 225, Washington, D.C. 20001.  
4 This publication and future revisions of this publication are  
5 incorporated by reference. This publication is not subject to  
6 frequent change and is available to the public through the  
7 Minitex interlibrary loan system.

8 Subp. 12. **Abandoned.** "Abandoned" has the meaning given it  
9 in Minnesota Statutes, section 222.63, subdivision 1, paragraph  
10 (a).

11 Subp. 13. [See renumbering instruction.]

12 Subp. 14. **Active warning device.** "Active warning device"  
13 means a device with alternating flashing red lights. The device  
14 may have additional features, including but not limited to a  
15 bell, cantilever arm, or movable gate arm.

16 Subp. 15. **ADT.** "ADT" means average daily traffic.

17 Subp. 16. **AREA AREMA manual; incorporation.** "AREA AREMA  
18 manual" means the "Manual for Railway Engineering," which is  
19 updated annually and published by the American Railway  
20 Engineering and Maintenance of Way Association, 50-F-Street  
21 ~~N-W-7-Washington-D-C--20001~~ 8201 Corporate Drive, Suite 1125,  
22 Landover, MD 20785. This manual and future revisions of this  
23 manual are incorporated by reference. This manual is available  
24 to the public through the Minitex interlibrary loan system.

25 Subp. 16a. [See renumbering instruction.]

26 Subp. 17. [See renumbering instruction.]

27 Subp. 18. **Capital improvement.** "Capital improvement"

1 means the implementation of projects designed to improve rail  
2 service or reduce the economic impact of discontinuing rail  
3 service described in Minnesota Statutes, section 222.58,  
4 subdivision 2, paragraph (b), clause (2).

5 Subp. 19. [See renumbering instruction.]

6 Subp. 20. [See renumbering instruction.]

7 Subp. 21. [See renumbering instruction.]

8 Subp. 22. [See renumbering instruction.]

9 Subp. 23. **Fair market value.** "Fair market value" means  
10 the value of property, materials, or labor as determined by the  
11 presently accepted value of like property, materials, or labor  
12 within the rail industry.

13 Subp. 24. **Farm crossing.** "Farm crossing" means a private  
14 crossing used for moving motor vehicles, farm machinery, or  
15 livestock in connection with agricultural pursuits, forestry, or  
16 other land-productive purposes.

17 Subp. 25. **Federal-Aid Policy Guide; Incorporation.**  
18 "Federal-Aid Policy Guide" refers to the Federal-Aid Policy  
19 Guide or FAPG, 1991 edition, which is updated annually and  
20 published by the FHWA, 400 Seventh Street S.W., Washington, D.C.  
21 20590. This publication and future revisions of this  
22 publication are incorporated by reference. This publication is  
23 not subject to frequent change and is available to the public  
24 through the Minitex interlibrary loan system.

25 Subp. 26. [See renumbering instruction.]

26 Subp. 27. [See renumbering instruction.]

27 Subp. 28. **Going concern value.** "Going concern value"

1 means the value of the rail line as an operating business entity.

2 Subp. 29. **Grade crossing.** "Grade crossing" means the  
3 at-grade intersection of one or more railroad tracks with a  
4 public way.

5 Subp. 30. **Grade separation.** "Grade separation" means the  
6 use of a bridge, trestle, tunnel, culvert, or other structure to  
7 enable one or more railroad tracks and a public way to cross at  
8 different elevations.

9 Subp. 31. **Grant.** "Grant" means funds not requiring  
10 repayment unless the property purchased or improved with these  
11 funds ceases to be used for rail transportation.

12 Subp. 32. **Guarantee.** "Guarantee" has the meaning given it  
13 in Minnesota Statutes, section 222.56, subdivision 6.

14 Subp. 33. **Industrial crossing.** "Industrial crossing"  
15 means a private crossing used to provide access between  
16 industrial plant facilities or to an industrial or other  
17 commercial area.

18 Subp. 34. **In-kind participation.** "In-kind participation"  
19 means the fair market value of noncash contributions provided by  
20 a party to an agreement, and may include property and charges  
21 for labor or materials benefiting and specifically identifiable  
22 to a rail rehabilitation project.

23 Subp. 35. [See renumbering instruction.]

24 Subp. 36. **Loan.** "Loan" means funds requiring repayment  
25 with or without interest under terms and conditions negotiated  
26 in a contract among the rail carrier, rail users, and Mn/DOT.  
27 However, for the purposes of parts 8830.6300 to 8830.6700,

1 "loan" has the meaning given it in Minnesota Statutes, section  
2 222.56, subdivision 5.

3 Subp. 37. **Local rail freight assistance program.** "Local  
4 rail freight assistance program" means a federal program created  
5 under the federal Railroad Revitalization and Regulatory Reform  
6 Act of 1976, found at United States Code, title 49, chapter 221,  
7 as amended, and implemented pursuant to Code of Federal  
8 Regulations, title 49, chapter 18, as amended.

9 Subp. 38. **MMUTCD; incorporation.** "MMUTCD" means the  
10 "Minnesota Manual on Uniform Traffic Control Devices for Streets  
11 and Highways," published by the Minnesota Department of  
12 Transportation, Office of Traffic Engineering, according to  
13 Minnesota Statutes, section 169.06, subdivision 1. This manual  
14 and future revisions of this manual are incorporated by  
15 reference. This manual is not subject to frequent change and is  
16 available to the public through the Minitex interlibrary loan  
17 system.

18 Subp. 39. **Mn/DOT.** "Mn/DOT" means the Minnesota Department  
19 of Transportation.

20 Subp. 40. **Moving vehicle sight triangle.** "Moving vehicle  
21 sight triangle" means a triangle that is formed when the three  
22 sides of the triangle consist of:

23 A. the distance from the crossing along the track to  
24 the approaching train;

25 B. the distance from the crossing along the roadway  
26 to the approaching vehicle; and

27 C. the distance between the train and the vehicle.

1           Subp. 41. **Net liquidation value.** "Net liquidation value"  
2 has the meaning given it in Code of Federal Regulations, title  
3 49, section 1152.34, paragraph (c)(1)(iii), as amended.

4           Subp. 42. [See renumbering instruction.]

5           Subp. 43. **Private crossing.** "Private crossing" means the  
6 at-grade intersection of one or more railroad tracks with a  
7 private roadway.

8           Subp. 44. **Private roadway.** "Private roadway" means a  
9 roadway owned by a private or governmental entity that is open  
10 for use to only the owners and their invitees.

11           Subp. 45. **Public way.** "Public way" means a route used to  
12 go from one place to another that meets the following criteria:

13                   A. it has been improved for transportation use;

14                   B. it is under the jurisdiction of, and maintained  
15 by, a governmental entity; and

16                   C. it is open to the traveling public.

17           Subp. 46. **Rail carrier.** "Rail carrier" has the meaning  
18 given it in Minnesota Statutes, section 222.56, subdivision 8,  
19 and includes railroad companies operating a railroad.

20           Subp. 47. **Rail line.** "Rail line" has the meaning given it  
21 in Minnesota Statutes, section 222.48, subdivision 4.

22           Subp. 48. [See renumbering instruction.]

23           Subp. 49. **Rail service.** "Rail service" has the meaning  
24 given it in Minnesota Statutes, section 222.48, subdivision 5.

25           Subp. 50. [See renumbering instruction.]

26           Subp. 51. **Rail service improvement program.** "Rail service  
27 improvement program" means the program created in Minnesota

1 Statutes, section 222.50, subdivision 1.

2 Subp. 52. **Rail user.** "Rail user" has the meaning given it  
3 in Minnesota Statutes, section 222.48, subdivision 6.

4 Subp. 53. **Rail user and rail carrier loan guarantee**  
5 **program.** "Rail user and rail carrier loan guarantee program"  
6 means the program established by Minnesota Statutes, section  
7 222.55.

8 Subp. 54. **Reflectorized.** "Reflectorized" means giving  
9 back light to convey the same information by day and night.

10 Subp. 55. **Regional Railroad Authority.** "Regional Railroad  
11 Authority" means a governmental entity established pursuant to  
12 Minnesota Statutes, chapter 398A.

13 Subp. 56. **Residential crossing.** "Residential crossing"  
14 means a private crossing used to provide vehicular access to a  
15 private residence or residences for occupants and their invitees.

16 Subp. 57. **Right-of-way.** "Right-of-way" has the meaning  
17 given it in Minnesota Statutes, section 222.63, subdivision 1,  
18 paragraph (b).

19 Subp. 58. **Road authority.** "Road authority" has the  
20 meaning given it in Minnesota Statutes, section 160.02,  
21 subdivision 9, as well as any other governmental agency having  
22 jurisdiction over roadways.

23 Subp. 59. **Roadway.** "Roadway" means that portion of a  
24 highway improved, designed, or ordinarily used for vehicular  
25 travel, including the shoulder.

26 Subp. 60. **Rural area.** "Rural area" means an area outside  
27 the boundaries of urban areas.

1           **Subp. 61. Standard Specification for Structural Supports**  
2 **for Highway Signs, Luminaires and Traffic Signals;**  
3 **Incorporation.** "Standard Specification for Structural Supports  
4 for Highway Signs, Luminaires and Traffic Signals" is a manual  
5 published by AASHTO, 444 North Capitol Street N.W., Suite 225,  
6 Washington, D.C. 20001, 1985 edition. This publication and  
7 future revisions of this publication are incorporated by  
8 reference. This publication is not subject to frequent change  
9 and is available to the public through the Minitex interlibrary  
10 loan system.

11           **Subp. 62. State rail bank.** "State rail bank" has the  
12 meaning given it in Minnesota Statutes, section 222.63,  
13 subdivision 1, paragraph (c).

14           **Subp. 63. State rail bank program.** "State rail bank  
15 program" means the program established pursuant to Minnesota  
16 Statutes, section 222.63.

17           **Subp. 64. Stopped vehicle sight triangle.** "Stopped  
18 vehicle sight triangle" means a triangle that is formed when the  
19 three sides of the triangle consist of:

20               A. the distance from the crossing along the track to  
21 the approaching train;

22               B. the distance from the crossing along the roadway  
23 to a vehicle stopped for the crossing at a location where the  
24 stop bar should be, whether the stop bar is in place or not; and

25               C. the distance between the train and the vehicle.

26           **Subp. 65. Surface Transportation Board.** "Surface  
27 Transportation Board" is an agency of the United States



1 Department of Transportation.

2 Subp. 66. **Urban area.** "Urban area" means an area that  
3 meets one or more of the following criteria:

4 A. it is a city with a population of 5,000 or more;

5 B. it is within an urbanized area as defined by the  
6 Bureau of the Census, an agency of the United States Department  
7 of the Interior;

8 C. it contains a business district as defined by  
9 Minnesota Statutes, section 169.01, subdivision 39; or

10 D. it contains an urban district as defined by  
11 Minnesota Statutes, section 169.01, subdivision 59.

12 Subp. 67. [See renumbering instruction.]

13 Subp. 68. **USDOT-AAR crossing inventory.** "USDOT-AAR  
14 crossing inventory" means the national inventory of all grade  
15 crossings and private crossings, which is a database maintained,  
16 published, and updated by the Office of Safety of the FRA, 400  
17 Seventh Street S.W., Washington, D.C. 20590.

18 Subp. 69. [See renumbering instruction.]

19 8830.0200 APPLICATION.

20 Subpart 1. **Crossings.** Part 8830.0300 is intended to apply  
21 to grade crossings, private crossings, and grade separations.

22 Subp. 2. **Private crossing standards.** Part 8830.0310 is  
23 intended to apply safety standards to private crossings in the  
24 state.

25 Subp. 3. **Visibility standards.** Part 8830.0320 is intended  
26 to apply visibility standards for all grade crossings and  
27 private crossings in the state.

1       Subp. 4. **Engineering functions.** Parts 8830.0400 to  
2 8830.3400 are intended to apply to railroad-related engineering  
3 functions under the jurisdiction of Mn/DOT and apply only to  
4 grade crossings and grade separations, not private crossings.

5       Subp. 5. **Rail rehabilitation.** Parts 8830.5300 to  
6 8830.5700 apply to rail rehabilitation projects implemented  
7 under the rail service improvement program.

8       Subp. 6. **Rail bank property.** Parts 8830.5810 to 8830.5860  
9 apply to acquisition, preservation, utilization, and disposition  
10 of rail bank property under the state rail bank program.

11       Subp. 7. **Rail loans.** Parts 8830.6300 to 8830.6700 apply  
12 to loans guaranteed under the rail user and rail carrier loan  
13 guarantee program.

14 8830.0220 NO RETROACTIVE EFFECT; EXCEPTION.

15       Subpart 1. **Not retroactive.** Parts 8830.0300 to 8830.3400  
16 are not retroactive but are intended to apply to replacements  
17 and installations erected on and after the effective date of  
18 these changes to this chapter, and to existing installations  
19 that are substantially changed, modified, or reconstructed.  
20 Installations already lawfully in place before the effective  
21 date of this part are not to be considered in violation of parts  
22 8830.0300 to 8830.3400.

23       Subp. 2. **Changes required by commissioner.**  
24 Notwithstanding subpart 1, the commissioner may require changes  
25 or improvements at specific locations so as to conform to the  
26 requirements of parts 8830.0300 to 8830.3400 as the commissioner  
27 considers necessary to protect the safety of the public at grade

1 crossings and private crossings.

2 8830.0300 CROSSING INVENTORY NUMBER.

3 Grade crossings, grade separations, and private crossings  
4 have been identified, and the characteristics of each crossing  
5 have been tabulated in the USDOT-AAR Crossing Inventory.

6 References to crossings must include crossing inventory numbers  
7 when possible. Information regarding the crossing inventory  
8 number can be obtained from the Office of Freight, Railroads,  
9 and Waterways, Mn/DOT, Mail Stop 470, 395 John Ireland  
10 Boulevard, Saint Paul, Minnesota 55155.

11 When a new crossing is constructed, the rail carrier shall  
12 assign a crossing inventory number to the crossing before the  
13 crossing may be opened to traffic. The rail carrier shall  
14 complete the USDOT-AAR crossing inventory form for each new  
15 crossing or transmit the required information in any other  
16 format approved by the FRA.

17 Maintenance and replacement of the crossing inventory  
18 numbers are the responsibilities of the rail carrier.

19 A rail carrier or road authority making a change at a  
20 crossing shall note the change on the USDOT-AAR crossing  
21 inventory form at the time the change is made or shall transmit  
22 the required information in any other format approved by the  
23 FRA. Copies of the crossing inventory form are available from  
24 the Office of Freight, Railroads, and Waterways, Mn/DOT, Mail  
25 Stop 470, 395 John Ireland Boulevard, Saint Paul, Minnesota  
26 55155.

## 1 8830.0310 PRIVATE CROSSING STANDARDS.

2 Subpart 1. Exclusions. Private crossings are excluded  
3 from the provisions of this part if they are accessible by the  
4 public only with the permission of the property owner. Farm  
5 crossings that provide access from one farm field to another are  
6 excluded.

7 Subp. 2. Crossing width. The width of all private  
8 crossings must be the same or greater than the widest of the two  
9 approaches to the crossing.

10 Subp. 3. Approach grades and crossing surfaces. Roadway  
11 approach grades to a private crossing and crossing surfaces must  
12 be in accordance with the AREA manual.

13 Subp. 4. Warning signs and devices. Private crossings  
14 consisting of residential crossings, industrial crossings, and  
15 farm crossings providing access to a farm field from a public  
16 roadway must be signed on each side of the crossing with a  
17 24-inch (600 millimeter) or larger R1-1 stop sign and a  
18 rectangular sign, at least 300 square inches (200,000 square  
19 millimeters) in size, with the legend "Private Crossing" and the  
20 crossbuck symbol installed below the stop sign. If required by  
21 part 8830.0320, active warning devices must also be installed at  
22 private crossings ~~in-accordance-with-part-8830-0320.~~

23 Subp. 5. Maintenance of signs. The rail carrier shall  
24 install, maintain, and replace signs and active warning devices,  
25 with all costs being determined by agreement between the rail  
26 carrier and private property owner.

## 27 8830.0320 VISIBILITY STANDARDS.

1       Subpart 1. **Design standards.** The AASHTO design manual  
2 must be used to determine the necessary sight triangle for both  
3 a moving vehicle and a vehicle stopped at the crossing. A sight  
4 triangle must be cleared so that adequate visibility can be  
5 obtained. Clearing a sight triangle so that a driver has  
6 adequate visibility means that vegetation, trees, and obstacles  
7 be removed to the extent that a driver can clearly ascertain the  
8 presence of a train. Clearing a sight triangle does not mean  
9 that everything within the triangle must be removed.

10       Subp. 2. **Signs and active warning devices in place.**  
11 Before a new grade crossing or private crossing is opened for  
12 use, the rail carrier, road authority, or property owner shall  
13 make certain that the appropriate warning signs and active  
14 warning devices are in place and operating properly.

15       Subp. 3. **Visibility standards.** Possible visibility  
16 obstructions include, but are not limited to, trees, vegetation,  
17 snow, crops, structures, utility poles, parked vehicles, parked  
18 rail equipment, signs other than those needed for traffic  
19 control, stockpiles of materials, and angle of crossing.  
20 Visibility obstructions must be removed according to the  
21 following:

22           A. For a grade crossing or private crossing with  
23 active warning devices and gates, the road authority or private  
24 crossing owner shall clear visibility obstructions so that all  
25 railroad advance warning signs are clearly visible from the  
26 roadway and the active warning devices are visible to a driver  
27 that is approaching the crossing ~~at-the-posted-speed-limit-and~~

1 at a distance from the crossing in which the vehicle can safely  
2 be brought to a stop before reaching the crossing. The rail  
3 carrier shall not park rail equipment on the portion of the  
4 track that would activate the active warning devices.

5 B. For a grade crossing or private crossing with only  
6 active warning devices or stop signs, the road authority or  
7 private crossing owner shall clear visibility obstructions as  
8 described in item A. The rail carrier and road authority or  
9 private crossing owner shall clear their respective  
10 rights-of-way within the stopped vehicle sight triangle as  
11 determined by the AASHTO design manual for a train traveling at  
12 the highest allowable speed at the crossing. The rail carrier  
13 shall not park rail equipment on the portion of the track that  
14 would activate the active warning devices.

15 C. For a grade crossing with crossbucks only, the  
16 road authority shall clear visibility obstructions as described  
17 in item A, and clear remaining right-of-way that is within the  
18 moving vehicle sight triangle as determined by the AASHTO design  
19 manual for trains and vehicles traveling at their highest  
20 allowable speed at the crossing. The rail carrier shall also  
21 clear its right-of-way that lies within the determined sight  
22 triangle. The sight triangle may contain property other than  
23 that belonging to the road authority and the rail carrier. This  
24 property must be cleared by the property owner in order to  
25 provide an adequate view of oncoming trains.

26 Subp. 4. Alternatives. If visibility standards cannot be  
27 achieved for a crossing with its existing warning system, a



1 8830.0500 CROSSBUCK SIGN.

2 Subpart 1. Design. The crossbuck sign, numbered R15-1,  
3 must be reflectorized white with the words "RAILROAD CROSSING"  
4 in black lettering. If there are two or more tracks, including  
5 sidings, the number of tracks must be shown on an auxiliary  
6 sign, numbered R15-2, of inverted "T" shape, mounted below the  
7 crossbuck. Use of the crossbuck and the auxiliary sign, both  
8 shown in part 8830.9911, must comply with the MMUTCD and part  
9 8830.9901, subpart 1.

10 The crossbuck sign must be constructed of four-foot  
11 (1.2-meter), 90-degree blades of a material that meets or  
12 exceeds the physical properties of metal, and, at nonsignalized  
13 grade crossings, must be mounted on a post that meets the  
14 breakaway criteria of the Standard Specifications for Structural  
15 Supports for Highway Signs, Luminaires and Traffic Signals  
16 manual.

17 Subp. 1a. Reflectorization. By January 1, 1997,  
18 crossbucks at nonsignalized grade crossings must be  
19 double-faced, with both sides having a reflectorized white  
20 background with black lettering, to display the message  
21 "RAILROAD CROSSING" to both approaches to the grade crossing. A  
22 reflectorized strip of at least two inches (50 millimeters) by  
23 48 inches (1,200 millimeters) will be placed on aluminum  
24 sheeting or an equivalent material and mounted on the back of  
25 the crossbuck posts, one foot (0.3 meter) above the top of the  
26 track and in the center of the post.

27 Crossbucks at signalized grade crossings must be either:



1           A. single-faced, with one side having a reflectorized  
2 white background with black lettering to display the message  
3 "RAILROAD CROSSING" to the approach to the grade crossing, and  
4 the other side having a reflectorized strip of at least two  
5 inches (50 millimeters) by 48 inches (1,200 millimeters)  
6 centered on the back of each blade; or

7           B. double-faced, with both sides having a  
8 reflectorized white background with black lettering, to display  
9 the message "RAILROAD CROSSING" to both approaches to the grade  
10 crossing.

11           After a crossbuck reflectorized with wide-angle, prismatic,  
12 retroreflective sheeting or with a material that is equivalent  
13 is installed, future replacement of that crossbuck by the rail  
14 carrier must be to at least the same level of reflectorization.

15           Subp. 2. Location, installation, and maintenance. The  
16 crossbuck sign must be furnished, installed, maintained, and  
17 paid for by the rail carrier. An additional crossbuck sign must  
18 be installed when there is more than one track and the tracks  
19 are separated by 100 feet (30 meters) or more, as measured from  
20 the center of each track along the center line of the roadway,  
21 unless the commissioner determines that it is not physically  
22 possible to make such an installation. Crossbuck signs must be  
23 located in compliance with the MMUTCD and part 8830.9901,  
24 subpart 1.

25           Subp. 3. [See repealer.]

26 8830.0600 ADVANCE-WARNING SIGNS.

27           Subpart 1. Where signs are used. Use of railroad

1 advance-warning signs, numbered W10-1, W10-2, W10-3, and W10-4  
2 and shown in part 8830.9921, must comply with the MMUTCD.

3 The W10-2, W10-3, and W10-4 signs may be installed on  
4 roadways that are parallel to tracks to warn a motorist making a  
5 turn that a grade crossing is ahead.

6 The installation, maintenance, and costs of railroad  
7 advance-warning signs are responsibilities of the road authority.

8 Subp. 2. [See repealer.]

9 Subp. 3. **Reflectorization.** By January 1, 1997, all  
10 existing railroad advance-warning signs will be replaced with  
11 advance-warning signs that are reflectorized with wide-angle,  
12 prismatic, retroreflective sheeting or its equivalent.

13 After a railroad advance-warning sign reflectorized with  
14 wide-angle, prismatic, retroreflective sheeting or its  
15 equivalent is installed, future replacement of that railroad  
16 advance-warning sign by the road authority must be to at least  
17 the same level of reflectorization.

18 8830.0700 SUPPLEMENTARY ADVANCE-WARNING SIGNS.

19 Subpart 1. **Where signs are used.** Mn/DOT has adopted  
20 supplementary railroad advance-warning signs numbered W10-X1,  
21 W10-X2, W10-X3, and W13-1, as described in this part. These  
22 signs are intended for use in advance of grade crossings where  
23 neither active warning devices nor stop signs have been  
24 installed and where conditions indicate the need for additional  
25 advance warning supplementing that provided by the W10-1  
26 circular railroad advance-warning sign. The use of these signs  
27 must be based on investigation by the road authority or the

1 commissioner of conditions at the grade crossing, such as train  
2 and vehicle speeds, sight distractions or obstructions, stopping  
3 distances, and similar criteria.

4 The installation, maintenance, and costs of supplementary  
5 railroad advance-warning signs are responsibilities of the road  
6 authority.

7 Subp. 1a. **Reflectorization.** By January 1, 1997, all  
8 existing supplementary railroad advance-warning signs will be  
9 replaced with supplementary advance-warning signs that are  
10 reflectorized with wide-angle, prismatic, retroreflective  
11 sheeting or with a material that is equivalent.

12 After a supplementary railroad advance-warning sign  
13 reflectorized with wide-angle, prismatic, retroreflective  
14 sheeting or with an equivalent material is installed, future  
15 replacement of that supplementary railroad advance-warning sign  
16 by the road authority must be to at least the same level of  
17 reflectorization.

18 Subp. 2. **Preceded by advance-warning sign.** The  
19 supplementary advance-warning signs may be used individually or  
20 in logical sequence, but must always be preceded on the approach  
21 by the W10-1 sign, which is the initial and primary warning sign  
22 to be installed at grade crossings.

23 Subp. 3. **Intended functions of signs.** Supplementary  
24 advance-warning signs alert motorists as follows:

25 A. The track-angle sign, numbered W10-X1 and shown in  
26 part 8830.9931, subpart 1, shows that the track crosses the  
27 roadway at a skew, and alerts the motorist that extra care may

1 be needed to ascertain whether trains are approaching. It must  
2 display a track symbol at 45 degrees left or right, depending if  
3 it's a left skew or right skew.

4 B. The "~~blind-xing~~" blind-crossing sign, numbered  
5 W10-X2 and shown in part 8830.9931, subpart 2, warns of sight  
6 obstructions at the grade crossing area and calls for added  
7 vigilance on the part of the motorist.

8 C. The "look for trains" sign, numbered W10-X3 and  
9 shown in part 8830.9931, subpart 3, may follow the "~~blind-xing~~"  
10 blind-crossing sign or other advance-warning sign for additional  
11 emphasis by providing a reminder that it is the motorist's  
12 obligation to ascertain whether or not it is safe to proceed  
13 over the grade crossing.

14 D. **Appropriate** Advisory speed plates, numbered W13-1,  
15 may be mounted beneath a railroad advance-warning sign to  
16 indicate the safe vehicle-approach speed to the grade crossing.

17 Subp. 7. [See repealer.]

18 8830.0750 OTHER REGULATORY SIGNS.

19 Subpart 1. **Exempt-crossing signs.** At locations that  
20 comply with Minnesota Statutes, section 169.28, subdivision 2,  
21 an exempt-crossing sign, numbered R15-3 and shown in part  
22 8830.9941, subpart 1, bearing the word "exempt" may be used  
23 below the crossbuck and track signs at the grade crossing, and  
24 an exempt-crossing sign, numbered W10-1a and shown in part  
25 8830.9941, subpart 1, may be used below the railroad  
26 advance-warning sign. These regulatory signs are to inform  
27 drivers of vehicles carrying passengers for hire, school buses

1 carrying children, or vehicles carrying flammable or hazardous  
2 materials that a stop is not required at certain designated  
3 grade crossings, except when a train, locomotive, or other  
4 railroad equipment is approaching or occupying the crossing or  
5 the driver's view of the sign is blocked.

6 Any individual, public agency, or private entity, including  
7 a rail carrier, may submit a request to the commissioner for  
8 installation of exempt-crossing signs. The use of  
9 exempt-crossing signs must be authorized by the commissioner at  
10 grade crossings that comply with the standards in Minnesota  
11 Statutes, section 169.28, subdivision 2. The road authority  
12 shall install an exempt-crossing sign below the railroad  
13 advance-warning sign. The rail carrier shall install an  
14 exempt-crossing sign below the crossbuck and track signs.

15 Subp. 2. "Do not stop on tracks" sign. Use of the "do not  
16 stop on tracks" sign, numbered R8-8 and shown in part 8830.9941,  
17 subpart 3, must comply with the MMUTCD.

18 8830.0800 STOP SIGNS.

19 Subpart 1. Location. The installation of stop signs,  
20 numbered R1-1, at a grade crossing must be authorized by the  
21 commissioner in accordance with Minnesota Statutes, section  
22 219.20. The use of stop signs at a grade crossing must comply  
23 with the MMUTCD.

24 Subp. 2. Size. The standard size of the stop sign used at  
25 grade crossings is 36 inches (900 millimeters) by 36 inches (900  
26 millimeters). Where the commissioner determines that greater  
27 emphasis or visibility is desired, a larger size is recommended

1 and may be used.

2 Subp. 3. **Installation and maintenance.** A stop sign must  
3 be mounted on the crossbuck, in accordance with part 8830.9901,  
4 subpart 2. The installation, maintenance, and costs of the stop  
5 sign are responsibilities of the rail carrier.

6 Subp. 4. **"Stop ahead" sign.** The road authority shall  
7 install a "stop ahead" sign, numbered W3-1a and shown in part  
8 8830.9941, subpart 2, in advance of the stop sign. The  
9 installation, maintenance, and costs of the "stop ahead" sign  
10 are responsibilities of the road authority.

11 Subp. 5. **Reflectorization.** By January 1, 1997, existing  
12 stop signs and "stop ahead" signs at grade crossings will be  
13 replaced with stop signs that are reflectorized with wide-angle,  
14 prismatic, retroreflective sheeting or with a material that is  
15 equivalent.

16 After a stop sign or "stop ahead" sign reflectorized with  
17 wide-angle, prismatic, retroreflective sheeting or its  
18 equivalent is installed, future replacement of that stop sign by  
19 the rail carrier or "stop ahead" sign by the road authority must  
20 be to at least the same level of reflectorization.

21 8830.0900 PAVEMENT MARKINGS.

22 The design and placement of grade crossing pavement  
23 markings must comply with the MMUTCD. Installation,  
24 maintenance, and costs of pavement markings are the  
25 responsibilities of the road authority.

26 8830.1000 ACTIVE WARNING DEVICES; STANDARDS, USE, ALTERATION,

## 1 REMOVAL.

2 Subpart 1. **When active warning devices are needed.** Active  
3 warning devices are used to advise motorists of the approach or  
4 presence of trains. At a grade crossing where the commissioner  
5 concludes that active warning devices are needed beyond in  
6 addition to that provided by signs, the commissioner shall  
7 determine which devices are appropriate for the grade crossing.  
8 In determining which devices are appropriate for the grade  
9 crossing, the commissioner shall consider the type of roadway,  
10 volume of trains and vehicles per day, and visibility  
11 standards. These active warning devices must comply with part  
12 8830.9901, subparts 3, 4, and 5, and be approved under part  
13 8830.2125.

14 Subp. 1a. **Standards.** Except when modified and  
15 supplemented by parts 8830.1000 to 8830.3400, future  
16 modifications, replacements, and installations of active warning  
17 devices at grade crossings made after the effective date of  
18 these amendments to this part must be made in compliance with  
19 the applicable parts of both the AAR AREMA signal manual and the  
20 MMUTCD.

21 Subp. 1b. **Use of active warning devices.** Active warning  
22 devices of the type described in this chapter may only be  
23 installed at grade crossings as a warning of the approach of  
24 trains. These devices may not be used for any other purpose and  
25 may only be used upon authorization of the commissioner in  
26 accordance with part 8830.2125.

27 Subp. 2. **Alteration of active warning devices.** No active

1 warning device including its control circuit may be altered to  
2 be substantially different from the plan that was previously  
3 approved for the active warning device under part 8830.2125,  
4 without prior approval of the commissioner. In no case shall  
5 alterations be made that continue the use of control circuits or  
6 active warning devices when to do so creates an unsafe or  
7 hazardous condition.

8 Subp. 3. [See repealer.]

9 Subp. 4. **Removing active warning devices.** If a rail  
10 carrier or road authority decides that an in-place active  
11 warning device at a grade crossing is no longer needed, it may  
12 submit a request to the commissioner for approval to remove the  
13 active warning device. The commissioner shall investigate  
14 safety conditions at the crossing and determine if removal is  
15 appropriate. On determining that an active warning device may  
16 be removed based on the exposure of vehicles to trains at the  
17 grade crossing, the commissioner shall direct the rail carrier  
18 to remove the active warning device.

19 The treatment of active warning devices at abandoned grade  
20 crossings is governed by part 8830.2750.

21 8830.1200 OPERATION OF ACTIVE WARNING DEVICES; CONTROLS.

22 Subpart 1. **Time requirements.** At signalized grade  
23 crossings, the active warning devices must operate for at least  
24 20 seconds before a train's arrival at the crossing.

25 Where the distance from the active warning device to the  
26 point where a vehicle will clear the farthest track is more than  
27 35 feet (10.7 meters), the 20-second time requirement must be



1 increased. The distance should be measured parallel to the  
2 center line of the roadway. The rate of increase must be one  
3 second for each additional ten feet (three meters) of travel to  
4 allow slow-moving roadway vehicles to clear the farthest track.

5 Subp. 2. [See renumbering instruction.]

6 Subp. 3. [See renumbering instruction.]

7 Subp. 4. [See renumbering instruction.]

8 Subp. 5. [See renumbering instruction.]

9 Subp. 6. **Indication of power interruption.** A "power off"  
10 indicator, or equivalent device or method, must be installed for  
11 each active warning device system to show that a transfer from  
12 the primary power source to a secondary power source has taken  
13 place. This "power off" indicator must be visible from the  
14 outside of the control cabinet or visible through some other  
15 method so that notice is provided indicating that a transfer in  
16 power source has taken place and maintenance is required.

17 8830.1300 CONTROLS.

18 Subpart 1. **Design compliance.** Warning device controls,  
19 including electric, electronic, and mechanical methods, must  
20 comply with the AAR AREMA signal manual, insofar as it applies,  
21 and must be so designed that if a part fails, the device will  
22 provide the warning normally provided when a train approaches  
23 the grade crossing.

24 Subp. 2. **Suspending operation.** If means are provided to  
25 suspend operation of an active warning device during intervals  
26 when trains make regular operating stops or perform switching  
27 operations on approach circuits, the active warning device

1 controls must be designed so that train movements on other  
2 tracks included in the warning device system activate the  
3 warning device before a train reaches the grade crossing.  
4 Automatic control of warning devices, activated by approaching  
5 trains on tracks other than the track on which the train has  
6 stopped or is performing switching operations, must take  
7 precedence over any feature provided to suspend operation.

8       Subp. 3. **Manual control.** If a manual supervisory control  
9 of active warning devices is provided in addition to automatic  
10 controls:

11           A. the automatic control, activated by approaching  
12 trains on tracks other than that for which manual control has  
13 been made effective, must take precedence over the manual  
14 control;

15           B. means must be provided to restore the controls to  
16 automatic operation; and

17           C. means must be provided to prevent manual operation  
18 by unauthorized persons.

19       Subp. 4. **Track circuits.** Tracks over grade crossings with  
20 active warning devices must be provided with track circuits,  
21 unless the commissioner specifically exempts the crossing in  
22 question based on train operation characteristics.

23       Where train speeds on a given track vary by more than 20  
24 miles per hour (30 kilometers per hour) under normal operation  
25 and volume of railroad and roadway traffic warrants, special  
26 devices or circuits must be installed to provide consistent  
27 warning time for train movements. Special control features must

1 be used to eliminate the effects of station stops and switching  
2 operations within approach-control circuits. Wraparound or  
3 equivalent circuits may be required with stand-alone,  
4 motion-sensitive control equipment.

5 Subp. 5. [See repealer.]

6 8830.1400 FLASHING LIGHT UNITS.

7 Subpart 1. **Standard.** Flashing light units consist of two  
8 horizontally mounted red lights flashing alternately at  
9 predetermined levels. Design criteria for flashing light units  
10 must comply with the AAR AREMA signal manual.

11 Subp. 2. **Horizontal and vertical installation.** Flashing  
12 light units must be mounted in accordance with the MMUTCD. Use  
13 of cantilevered flashing light units that are mounted on the arm  
14 projecting over the roadway must comply with the MMUTCD.

15 Subp. 3. **Size and design.** Lamp units must be 12 inches  
16 (300 millimeters) in diameter, must be hooded to shade them from  
17 the sun but not shielded at the sides to impair close-in  
18 indication, and must have ~~dark~~ nonreflecting black backgrounds  
19 20 to 24 inches (500 to 600 millimeters) in diameter. The light  
20 units must flash alternately. The number of flashes per minute  
21 for an incandescent-type lamp must comply with the MMUTCD.  
22 Lamps must be illuminated approximately the same length of time.

23 Subp. 4. **Alignment.** Alignment of flashing light units  
24 must be accomplished by the rail carrier in accordance with the  
25 recommended practice set forth in Code of Federal Regulations,  
26 title 49, section 234.217, paragraph (a), as amended.

1 8830.1500 BELLS.

2 Subpart 1. **Use required; exception.** A grade-crossing  
3 bell, when installed, is used to provide an audible warning and  
4 serves as a supplement to an active warning device. Bells must  
5 be used at all grade crossings with active warning devices.  
6 Requests for exceptions to this requirement must be submitted to  
7 the commissioner by the road authority. The commissioner shall  
8 grant an exception only at a grade crossing that is not used by  
9 bicyclists or pedestrians.

10 Subp. 2. **Function requirements.** The bell must sound a  
11 warning during the time the flashing light units are operating,  
12 except it may be silenced when the head end of the train reaches  
13 the crossing or when the gate arm has descended to within ten  
14 degrees of horizontal when gates are used.

15 Subp. 3. **Standard.** When installing bells, the rail  
16 carrier shall comply with the AAR AREMA signal manual.

17 8830.1600 PLACEMENT OF ACTIVE WARNING DEVICES.

18 Subpart 1. **Location of active warning devices.** In placing  
19 active warning devices, primary consideration must be given to  
20 ensuring the proper visibility of the faces of the active  
21 warning devices. Active warning devices must be located in  
22 compliance with the MMUTCD and in accordance with part  
23 8830.9901, subparts 6 and 7.

24 Subp. 2. **Use and location of additional active warning**  
25 **devices.** Additional light units or an additional active warning  
26 device may be used if the commissioner after an investigation  
27 determines that the use of a single active warning device is

1 inadequate to warn all roadway traffic approaching the grade  
2 crossing from one direction. Use and location of additional  
3 active warning devices must comply with the MMUTCD.

4 Subp. 3. Gate arms. Where local conditions require, such  
5 as when the grade crossing is at a skew angle, gate arms may be  
6 placed at other than right angles to the roadway.

7 Subp. 4. Controller cabinets. At locations where the  
8 roadway speed is 40 miles per hour (60 kilometers per hour) or  
9 greater, controller cabinets must be located a minimum of 30  
10 feet (nine meters) clear of the edge of the nearest traffic lane  
11 unless precluded by physical features such as steep side  
12 slopes. At locations where the roadway speed is less than 40  
13 miles per hour (60 kilometers per hour), controller cabinets  
14 must be located in compliance with the MMUTCD.

15 Subp. 5. Active warning device foundations. Active  
16 warning device foundations must be located in compliance with  
17 the MMUTCD.

18 Subp. 6. Active warning devices on medians. On medians,  
19 active warning device support masts must be located in  
20 compliance with the MMUTCD.

21 8830.1700 GUARD RAILS.

22 Subpart 1. Lateral escape route. Where local road  
23 conditions permit, a lateral escape route to the right of the  
24 roadway in advance of the active warning device must be kept  
25 free of guard rails or other aboveground obstructions such as  
26 walls or fences.

27 Subp. 2. Responsibility for installation, maintenance, and

1 costs. Installation, maintenance, and costs of guard rails  
2 along the roadway are the responsibilities of the road  
3 authority. Where guard rails are considered necessary or  
4 appropriate by the road authority, rigid non-yielding-type  
5 barriers are not to be used for protecting active warning device  
6 supports.

7 In industrial and other areas where roadway traffic travels  
8 at 25 miles per hour (40 kilometers per hour) or less and where  
9 active warning devices are susceptible to being struck by  
10 turning truck traffic, such as in terminal areas, alleys, and  
11 warehouse areas, a ring-type guard rail may be installed to  
12 provide protection for the active warning device support.  
13 Installation, maintenance, and costs of ring-type guard rails  
14 are the responsibilities of the rail carrier.

15 8830.1800 AUTOMATIC GATES.

16 Subpart 1. When automatic gates are needed. An automatic  
17 gate, when installed, serves as a supplement to an active  
18 warning device and, when indicating the approach of a train,  
19 must present toward approaching roadway traffic the aspect of a  
20 fully reflectorized red and white-striped arm equipped with red  
21 lights either being lowered or at rest in the horizontal  
22 position across the lanes used by traffic approaching the grade  
23 crossing. See part 8830.9901, subpart 5.

24 Subp. 2. Use of automatic gates. When used, crossing  
25 gates must extend over the traveled roadway within one foot (0.3  
26 meter) of the roadway's center line or less to block the lanes  
27 used by traffic approaching the grade crossing.

## 1 8830.1900 GATE ARM STANDARDS.

2 A gate arm must be equipped with at least three red lamps  
3 arranged to shine in both directions along the roadway when the  
4 gate arm is in a 90-degree position with respect to the  
5 roadway. The gate arm, when in the raised position, must not  
6 obstruct or interfere with roadway traffic. The gate arm must  
7 be striped on both sides with 16-inch (400-millimeter) alternate  
8 diagonal reflectorized stripes of red and white. When in the  
9 horizontal position, the bottom of the gate arm must not be less  
10 than three feet and six inches (1.07 meters) or more than four  
11 feet and six inches (1.4 meters) above the crown of the roadway.

## 12 8830.2000 GATE OPERATION AND CONTROL.

13 Subpart 1. **Functional requirements.** The gate arms must  
14 uniformly and smoothly complete movements, and be securely held  
15 when in the raised position. Gate-arm lights must operate in  
16 conjunction with the active warning device at all times. The  
17 light nearest the tip of the arm must burn steadily and two  
18 lights must flash alternately in unison with the lights on the  
19 active warning device. The gate controls must be so designed  
20 that if the arms strike an object while being lowered, they will  
21 readily stop, and on removal of the obstruction will assume the  
22 proper position. The gate arm must start its downward motion  
23 not less than three seconds after the lights on the active  
24 warning device start to operate. The commissioner may require a  
25 longer time than three seconds if an engineering study based on  
26 vehicle operations so concludes. The gate arm must reach the

1 horizontal position before arrival of a train and remain in that  
2 position as long as part of the train occupies the grade  
3 crossing.

4 The gate controls must be designed to ensure proper  
5 operation during unfavorable weather conditions.

6 Subp. 2. **Operational failure.** If out of order, the gate  
7 arm must assume the horizontal position across the roadway.  
8 Circuits must be so arranged that a failure of the gate  
9 mechanism to operate as intended will not prevent the lights on  
10 the gate arm and the active warning device from operating when a  
11 train approaches.

12 Subp. 3. **Operating gate arm during malfunction.** Where  
13 gates are installed, means must be provided to enable personnel  
14 designated by the rail carrier to raise the gates when a  
15 malfunction in the control system causes the gates to obstruct  
16 traffic under conditions other than the approach and movement of  
17 a train over the grade crossing.

18 8830.2100 TRAFFIC SIGNALS NEAR GRADE CROSSINGS.

19 Subpart 1. **Preemption by active warning device controls.**  
20 When a grade crossing with an active warning device is within or  
21 near a roadway intersection controlled by a traffic signal, the  
22 control of the traffic signal must be preempted by the control  
23 of the active warning device upon the approach of trains to  
24 avoid conflicting aspects of the traffic signal and the active  
25 warning device. This preemption feature must establish and  
26 maintain the preempted condition while the active warning device  
27 is operating. The interconnection must be made to the traffic



1 signals within 200 feet (60 61 meters) of the crossing.

2 At grade crossings where train movements are regulated or  
3 limited to the extent that active warning devices are not  
4 required, preemption of the adjacent signalized roadway  
5 intersections may still be desirable to permit nonconflicting  
6 roadway traffic to proceed during the time the grade crossing is  
7 blocked by a train. The responsible road authority shall  
8 determine which traffic signals will be preempted.

9 Subp. 2. Preemption sequence. When the preemption  
10 sequence begins, it must at once bring into effect a traffic  
11 signal display that will permit all vehicles to clear the tracks  
12 before the train reaches the ~~roadway-intersection~~ grade crossing.

13 When the green light is preempted by train operation, a  
14 yellow change interval must be inserted in the traffic signal  
15 sequence for safety and consistency. The traffic signal must  
16 indicate a green light in order to clear traffic off the tracks  
17 and give a red light to stop traffic approaching the tracks.  
18 After the traffic clears the tracks, the traffic signal may be  
19 operated to permit vehicle movements that do not cross the  
20 tracks, but must prohibit movements over the tracks.

21 When the train clears the grade crossing, the traffic  
22 signal must return to its designated phase.

23 Subp. 2a. Turn restrictions. At a roadway intersection  
24 where the traffic signals are preempted by the approach of a  
25 train, the "no turn on red" sign, numbered R10-11a, may be used  
26 to prohibit turning movements toward the grade crossing. Use of  
27 this sign must comply with the MMUTCD.

1           Subp. 3. Phasing and timing of traffic signals. Where  
2 feasible, the location and the phasing and timing of traffic  
3 signals near grade crossings must be designed so that vehicles  
4 are not required to stop on the tracks, even if this increases  
5 the waiting time. The exact nature of the display and the  
6 location of the traffic signals to accomplish this will depend  
7 on the physical relationship of the tracks to the roadway  
8 intersection area.

9           Subp. 4. Traffic signals not substituted for active  
10 warning devices. Traffic signals must not be used on mainline  
11 grade crossings in place of active warning devices. However, at  
12 industrial track crossings and other places where train  
13 movements are slow, as in switching operations, traffic signals  
14 may be used instead of active warning devices to warn motorists  
15 of the approach or presence of a train.

16 8830.2200 MAINTENANCE AND OPERATION OF ACTIVE WARNING DEVICES;  
17 RESPONSIBILITY.

18           Maintenance and operation of active warning devices at  
19 grade crossings are the responsibilities of the operating rail  
20 carrier or owner of the tracks, and are to be performed in  
21 accordance with the rail carrier's written maintenance,  
22 inspection, and testing procedures that are filed and updated  
23 with the FRA under Code of Federal Regulations, title 49,  
24 ~~section-234.11~~ sections 234.1 to 234.273, as amended.

25 8830.2300 PLAN APPROVAL FOR ACTIVE WARNING DEVICES.

26           Subpart 1. Information required. Modifications,

1 replacements, and installations of active warning devices at  
2 grade crossings must be made in accordance with plans approved  
3 by the commissioner.

4 The following information must be provided by the rail  
5 carrier to the commissioner:

6 A. the grade-crossing inventory number as provided  
7 for in part 8830.0300 and the exact location of the grade  
8 crossing in terms of rail carrier stationing or distance from  
9 the nearest milepost;

10 B. proper name of the roadway crossing the railroad  
11 track, including county, state, or federal highway designations;

12 C. city where the grade crossing is located or city  
13 nearest to the grade crossing;

14 D. listing of plans, special instructions, data  
15 forms, informational reports, and documents sent with the  
16 application;

17 E. reasons for making changes in existing control  
18 systems for warning devices;

19 F. two complete sets of plans;

20 G. wiring diagram of active warning devices, or if on  
21 file, may be referred to;

22 H. changes of existing active warning device  
23 facilities and controls, clearly identified on plans by color  
24 code or other suitable means, except that if plans reflect only  
25 new work, they need not be colored or otherwise coded;

26 I. upon request, information necessary to completely  
27 analyze the active warning device control system;

1 J. complete plans with respect to the active warning  
2 device control system for the grade crossing involved. When  
3 block-signal systems are involved, the block-signal controls  
4 incorporated in the active warning device control system must be  
5 shown to the extent applicable;

6 K. electronic equipment adequately defined by  
7 numerical or other designation supplied by the manufacturer and  
8 the name of the manufacturer, so that complete functional and  
9 performance characteristics of the active warning device control  
10 system can be accurately determined and evaluated;

11 L. frequency of audio frequency track circuits and  
12 other audio equipment shown on the plans;

13 M. when electronic control equipment consisting of a  
14 self-contained unit arranged for incorporation within the active  
15 warning device control system is employed and identified only by  
16 a box symbol with identifiable terminals within the control  
17 circuit diagram, the name of the manufacturer and adequate  
18 information to enable accurate determination of the circuits  
19 within the self-contained unit, including:

20 (1) if the circuits are published by the  
21 manufacturer of the equipment as a coherent control system,  
22 reference to type, model, or other identifying means; or

23 (2) if the circuits are not published by the  
24 manufacturer as a complete and coherent system, copies of the  
25 circuits to be employed and a block diagram or other means of  
26 determining how they will be related;

27 N. definitions of special symbols or nomenclature

1 used only by the rail carrier and not found in the AAR AREMA  
2 signal manual, publications of manufacturers of active warning  
3 device equipment, or other generally recognized sources of  
4 information in the rail industry;

5 O. the length of approach track sections, shown on  
6 the plans;

7 P. the length of island track circuits shown on the  
8 plans;

9 Q. the method of calculation employed by the rail  
10 carrier in determining the anticipated warning time for a train  
11 approaching the grade crossing at average maximum authorized  
12 speed, the active warning device system reaction time, the  
13 over-speed tolerance, if any, and any other factors considered;

14 R. ampere hour capacity of battery stated on the  
15 plans;

16 S. supplementary supporting information when  
17 necessary to clarify and support special design features of the  
18 active warning device controls or active warning devices, which  
19 may consist of, but is not limited to:

20 (1) daily traffic volume and peak traffic density  
21 of motor vehicles over the grade crossing, if this information  
22 is available from the road authority;

23 (2) daily traffic volume and peak traffic density  
24 of train movements over the grade crossing;

25 (3) special operating instructions that apply to  
26 the warning devices at the grade crossing or indirectly affect  
27 them; and

1 (4) general operating rules effective in the  
2 design of the control system for the active warning devices; and

3 T. when the control system for roadway intersection  
4 traffic signals is to be interconnected with the control system  
5 for active warning devices at a grade crossing:

6 (1) a plan showing how the electrical  
7 interconnection will be made;

8 (2) a sequence chart approved by the state and  
9 local authorities concerned, showing the operating sequences  
10 possible for the traffic signals; and

11 (3) a dimensioned or scale plan drawing showing  
12 the location of the traffic signals at the roadway intersection  
13 and the active warning devices at the grade crossing.

14 The road authority shall provide the traffic signal plans and  
15 the rail carrier shall provide the active warning device plans.  
16 Plan submittals will be coordinated by the commissioner.

17 Subp. 2. Standards of review. The commissioner will  
18 review the plans for proper location of active warning devices  
19 in accordance with the MMUTCD, provisions to provide the  
20 required warning to motorists, and provisions to prevent  
21 unnecessary operation or excessive operation of the active  
22 warning devices. When approved, the commissioner will return  
23 one complete set of plans to the rail carrier.

24 8830.2400 OPERATING LICENSE.

25 Upon installation or modification of an active warning  
26 device system and approval with or without an inspection by the  
27 commissioner, an operating license will be issued by the

1 commissioner to the operating rail carrier in accordance with  
2 part 8830.9991.

3 8830.2500 FLAGGER.

4 A flagger is a rail carrier employee other than a train  
5 crew member who, as a part of normal duties, could be expected  
6 to direct roadway traffic. At a grade crossing where a flagger  
7 is temporarily stationed by the rail carrier to direct roadway  
8 traffic, or where a flagger is temporarily stationed as provided  
9 for in the operating license, shown in part 8830.9991, or at a  
10 grade crossing designated by the commissioner as a flagged  
11 crossing where all train movements over the grade crossing are  
12 to be preceded by a member of the train crew, items A and B  
13 apply.

14 A. While directing traffic, the flagger shall wear  
15 garments and be equipped as directed under "appropriately  
16 equipped flagger" in Code of Federal Regulations, title 49,  
17 section 234.5, as amended.

18 B. Flaggers shall direct roadway traffic only when  
19 there is potential danger at the grade crossing, such as when an  
20 active warning device is malfunctioning, a train is approaching  
21 the grade crossing, or the grade crossing is occupied by  
22 railroad equipment.

23 When a flagger is needed due to the malfunction of an  
24 active warning device, the flagger's activities and  
25 responsibilities must be as directed under Code of Federal  
26 Regulations, title 49, sections 234.105 and 234.107, as amended.

## 1 8830.2650 MAINTAINING GRADE CROSSING SURFACES.

2 The responsibility for maintaining grade crossing surfaces  
3 is governed by Minnesota Statutes, section 219.071.

4 A rail carrier shall not close a roadway for 15 minutes or  
5 longer to perform maintenance at a grade crossing without giving  
6 advance notice to the road authority so that the road authority  
7 can notify the public of the closure and, where possible,  
8 identify alternate routes.

## 9 GRADE CROSSINGS

## 10 8830.2700 ESTABLISHING, RELOCATING, AND CHANGING GRADE CROSSINGS.

11 Subpart 1. **When approval required.** New grade crossings  
12 and relocations of existing grade crossings must be approved by  
13 the commissioner. Changes to existing grade crossings, as  
14 described in subpart 6, do not require approval.

15 Subp. 2. **Design standards.** New grade crossings and  
16 relocated grade crossings must meet the design standards of the  
17 AASHTO design manual and comply with the MMUTCD.

18 Subp. 3. **When agreement reached, application required.**  
19 When the road authority and the rail carrier agree upon the  
20 establishment of a new grade crossing or the relocation of an  
21 existing grade crossing, an application must be filed with the  
22 commissioner containing the information in subpart 5.

23 Applications for new roadways and relocations of existing  
24 roadways across existing railroad tracks must be made by the  
25 road authority that will have jurisdiction over the roadway.  
26 Applications for new railroad tracks and relocations of existing  
27 railroad tracks across existing roadways must be made by the



1 owner of the track or the operating rail carrier, or in the case  
2 of a spur track, jointly by the operating rail carrier and the  
3 owner of the spur track.

4 The commissioner may accept, reject, or modify the  
5 provisions of the application based on criteria in subpart 5 and  
6 part 8830.2710.

7 **Subp. 4. When agreement not reached, petition required.**

8 When the road authority and the rail carrier cannot agree upon  
9 the establishment of a new grade crossing, either party may file  
10 a petition with the commissioner, submitting the matter to the  
11 commissioner for determination under Minnesota Statutes, section  
12 219.072. The petition must be accompanied by an application for  
13 the new grade crossing, containing the information required in  
14 subpart 5.

15 When the road authority and the rail carrier cannot agree  
16 upon the relocation of a grade crossing, either party may file a  
17 petition with the commissioner for determination under Minnesota  
18 Statutes, section 219.074, subdivision 1. The petition must be  
19 accompanied by an application for the relocated grade crossing,  
20 containing the information in subpart 5.

21 **Subp. 5. Application content requirements.** Applications  
22 must be accompanied by relevant documents, data, and material  
23 that demonstrate the need for the grade crossing, how safety  
24 concerns are addressed, and how the grade crossing affects the  
25 public interest. The filing must contain, at a minimum, the  
26 following information:

27 A. the name of the rail carrier or owner of the

1 track;

2 B. the name of the road authority;

3 C. maps showing:

4 (1) the general and specific location of the  
5 proposed grade crossing;

6 (2) existing and projected patterns of traffic  
7 for:

8 (a) emergency vehicles;

9 (b) school buses;

10 (c) vehicles carrying hazardous materials;

11 and

12 (d) trucks;

13 (3) distances to nearest roadway-roadway  
14 intersection in both directions, and type of ~~warning-devices~~  
15 traffic signs and signals at each intersection; and

16 (4) distances to nearest railroad-roadway  
17 intersection in both directions, and type of warning devices and  
18 signs at each intersection;

19 D. plans showing:

20 (1) grade of roadway;

21 (2) grade of tracks;

22 (3) alignment of roadway;

23 (4) alignment of tracks;

24 (5) present property limits and proposed property  
25 limits of the road authority and the rail carrier; and

26 (6) locations of objects that could obstruct a  
27 driver's view of the grade crossing or an oncoming train;

- 1 E. the proposed schedule of construction;
- 2 F. details of construction;
- 3 G. proposed use by applicant;
- 4 H. existing and projected traffic volumes and speeds,  
5 and train frequency, types of trains, whether passenger,  
6 freight, or switching, and speeds;
- 7 I. suggested signs or active warning devices; and
- 8 J. a list of considered alternatives to the proposed  
9 grade crossing.

10 Subp. 6. Changes to existing grade crossings. Repair and  
11 maintenance of existing grade crossings and modifications of  
12 existing grade crossings that (1) are agreed to by the road  
13 authority and the rail carrier, (2) do not change the profile or  
14 alignment of the roadway or the railroad tracks, and (3) do not  
15 require the construction of additional roadway lanes, do not  
16 require approval by the commissioner.

17 A pavement overlay or track raise, if agreed to by the road  
18 authority and the rail carrier, is not considered a profile  
19 change and does not require approval by the commissioner.

20 Subp. 7. Changes to active warning devices.

21 Notwithstanding subpart 6, modifications of active warning  
22 devices must be approved under part 8830.2125.

23 8830.2710 CRITERIA FOR ESTABLISHING OR RELOCATING GRADE  
24 CROSSINGS.

25 Subpart 1. Candidates for establishment or relocation. A  
26 proposed new grade crossing or proposed relocation of an  
27 existing grade crossing must meet at least one of the criteria

1 in items A to E to be considered for establishment or relocation.

2           A. It will provide access to two or more private  
3 properties or to public lands, that have no alternate access  
4 route.

5           B. It will provide access where an alternate grade  
6 crossing or grade separation is not available within one-quarter  
7 mile (0.4 kilometer) in an urban area or one mile (1.6  
8 kilometers) in a rural area and will have an ADT of:

9                   (1) 750 vehicles or more, if located in an urban  
10 area; or

11                   (2) 150 vehicles or more, in a rural area.

12           C. It will consolidate two or more existing grade  
13 crossings.

14           D. It is required by the construction of a new rail  
15 line.

16           E. It will increase public safety by eliminating  
17 another safety problem area such as an accident-prone roadway  
18 intersection.

19           Subp. 2. **Alternatives analysis.** A road authority or rail  
20 carrier that proposes a new grade crossing or the relocation of  
21 an existing grade crossing must perform an analysis of  
22 alternatives to the proposed new or relocated grade crossing.

23           Subp. 3. **Considerations.** The commissioner shall consider  
24 the following factors in determining whether a grade crossing  
25 may be established or relocated:

26                   A. use of the grade crossing by emergency vehicles;

27                   B. use of the grade crossing by vehicles carrying

1 hazardous materials, vehicles carrying passengers for hire, and  
2 school buses;

3 C. conformity of sight distances with the AASHTO  
4 design manual;

5 D. alignments of the roadway and the railroad track,  
6 and the angle of intersection of those alignments;

7 E. profile of the intersection of the roadway and the  
8 railroad track, and of the approaches to the intersection;

9 F. distance and travel time to an alternate crossing;

10 G. distance from the grade crossing to adjacent  
11 intersections or driveways;

12 H. volume of vehicular traffic and operating speed;

13 I. volume of train traffic and operating speed;

14 J. use of the grade crossing by pedestrians,  
15 bicyclists, and recreational users;

16 K. type of warning devices proposed;

17 L. other factors that might adversely affect the  
18 safety of roadway users, pedestrians, bicyclists, and  
19 recreational users;

20 M. costs and benefits of constructing the grade  
21 crossing, and the cost participation that would be required of  
22 each of the parties involved, as well as the availability of  
23 funds; and

24 N. public opinion regarding establishment or  
25 relocation of the grade crossing.

26 Subp. 4. Responsibilities for costs. The cost of  
27 constructing a new grade crossing or relocating an existing

1 grade crossing is the responsibility of the road authority,  
2 unless the construction or relocation is the result of an action  
3 initiated by the rail carrier. If the new or relocated grade  
4 crossing consolidates two or more existing grade crossings, the  
5 cost of constructing or relocating the grade crossing must be  
6 divided between the road authority and the rail carrier in the  
7 same proportion as the accrued benefits and savings.

8 8830.2720 VACATING GRADE CROSSINGS.

9 Subpart 1. **Candidates for vacation.** A grade crossing is a  
10 candidate for vacation under either item A or B.

11 A. A grade crossing may be vacated if there has been  
12 either an accident involving a fatality or two property damage  
13 or personal injury accidents within the last five years.

14 B. A grade crossing may be vacated if:

15 (1) an alternate grade crossing or grade  
16 separation that provides access to the affected private  
17 properties or public lands is available within one-quarter mile  
18 (0.4 kilometer) of the crossing in an urban area or one mile  
19 (1.6 kilometers) of the crossing in a rural area; and

20 (2) the grade crossing:

21 (a) is located in an urban area and has a  
22 current ADT of 750 vehicles or less;

23 (b) is located in a rural area and has a  
24 current ADT of 150 vehicles or less; or

25 (c) has sight distance obstructions or an  
26 alignment that creates unsafe conditions at that grade crossing.

27 Subp. 2. **Considerations.** The commissioner shall consider

1 the following factors in determining which grade crossings to be  
2 vacated:

3 A. previous use of the grade crossing by emergency  
4 vehicles;

5 B. accident history for the last five years;

6 C. use of the grade crossing by vehicles carrying  
7 hazardous materials, vehicles carrying passengers for hire, and  
8 school buses;

9 D. sight distances that do not conform with the  
10 AASHTO design manual;

11 E. alignments of the roadway and the railroad track,  
12 and the angle of intersection of those alignments;

13 F. profile of the intersection of the roadway and the  
14 railroad track, and of the approaches to the intersection;

15 G. distance and travel time to an alternate crossing;

16 H. distance from the grade crossing to adjacent  
17 intersections or driveways;

18 I. volume of vehicular traffic and operating speed;

19 J. volume of train traffic and operating speed;

20 K. use of the grade crossing by pedestrians,  
21 bicyclists, and recreational users;

22 L. other factors that might adversely affect the  
23 safety of roadway users, pedestrians, bicyclists, and  
24 recreational users; and

25 M. costs and benefits of vacating the grade crossing.

26 Subp. 3. Crossing vacation program; priority. In  
27 identifying grade crossings proposed to be vacated under the

1 crossing vacation program established by Minnesota Statutes,  
2 section 219.074, subdivision 2, the commissioner shall first  
3 evaluate rail lines carrying the highest number of trains and  
4 having the highest train speeds.

5 The commissioner may remove grade crossings proposed for  
6 vacation due solely to alignment, sight distance, or other  
7 deficiencies from the list if the road authority, at its own  
8 expense, corrects the identified deficiencies.

9 8830.2730 CONSOLIDATING GRADE CROSSINGS.

10 Consolidation of grade crossings occurs when one or more  
11 grade crossings are vacated, with the traffic directed to nearby  
12 crossings. Standards for vacation are contained in part  
13 8830.2720.

14 Grade crossings are also consolidated by changing roadway  
15 alignments so that two or more roadway alignments with grade  
16 crossings are combined into one roadway alignment with one  
17 crossing. If the change in alignments results in a new grade  
18 crossing, it must meet the criteria in part 8830.2710 and be  
19 authorized as provided for in part 8830.2700.

20 8830.2740 GRADE SEPARATIONS AT CROSSINGS.

21 Subpart 1. Candidates for grade separation. A grade  
22 crossing must meet at least one of the criteria in items A to C  
23 to be a candidate for grade separation.

24 A. The train speeds at the crossing are 40 miles per  
25 hour (60 kilometers per hour) or greater, the roadway carries  
26 four or more lanes of traffic, and either:



1 (1) the roadway immediately preceding the  
2 crossing has a posted speed of 30 miles per hour (50 kilometers  
3 per hour) or greater and a current ADT of 5,000 vehicles or  
4 more; or

5 (2) the roadway immediately preceding the  
6 crossing has a posted speed of 55 miles per hour (90 kilometers  
7 per hour) or greater and a current ADT of 3,000 vehicles or more.

8 B. There are active warning devices, and there has  
9 been a vehicle-train accident at the grade crossing involving a  
10 fatality or two property damage or personal injury accidents  
11 within the last five years.

12 C. An increase in public safety would result from  
13 construction of the grade separation by eliminating another  
14 safety problem area such as an accident-prone roadway  
15 intersection.

16 Subp. 2. Considerations. The commissioner shall determine  
17 whether a grade separation will be constructed, and, if so, the  
18 appropriate location for the grade separation. The commissioner  
19 shall consider the following factors related to the crossing in  
20 making this determination:

21 A. previous use of the crossing by emergency  
22 vehicles;

23 B. accident history for the last five years;

24 C. use of the crossing by vehicles carrying hazardous  
25 materials, vehicles carrying passengers for hire, and school  
26 buses;

27 D. volume of vehicular traffic and operating speed;

- 1 E. volume of train traffic and operating speed;
- 2 F. number of tracks;
- 3 G. vertical and horizontal alignments, and the need  
4 for and availability of additional right-of-way;
- 5 H. other grade crossings in the area;
- 6 I. other factors that might adversely affect the  
7 safety of roadway users, pedestrians, bicyclists, and  
8 recreational users;
- 9 J. costs and benefits of constructing a grade  
10 separation and the cost participation that would be required of  
11 each of the parties involved, as well as the availability of  
12 funds; and
- 13 K. public opinion regarding construction of the grade  
14 separation.

15 Subp. 3. Approval of structure plans. Plans for  
16 structures that provide grade separations must be approved by  
17 the commissioner under part 8830.2800.

18 8830.2750 ABANDONED CROSSINGS.

19 Subpart 1. Removing signs and markings. Where railroad  
20 tracks have been abandoned, the related signs and pavement  
21 markings must be removed. Removal of the crossbuck sign and  
22 signs attached to it is the responsibility of the rail carrier.  
23 Removal of advance-warning signs and pavement markings is the  
24 responsibility of the road authority.

25 Subp. 2. Active warning devices and gates. When tracks  
26 are not in service, in-place gate arms must be removed.  
27 In-place active warning device heads must be hooded, turned, or

1 removed to clearly show that they are not in operation. These  
2 are the responsibilities of the rail carrier.

3 Subp. 3. Use of "tracks out of service" sign. When a  
4 railroad track has been abandoned, and a future need for the  
5 track has been identified by the owner of the track, a "tracks  
6 out of service" sign, numbered R8-9 and shown in part 8830.9941,  
7 subpart 4, must be installed in compliance with the MMUTCD. Use  
8 of the "tracks out of service" sign must be authorized by the  
9 commissioner. Any individual, public agency, or private entity  
10 may submit a request to the commissioner for installing a  
11 "tracks out of service" sign. The commissioner will authorize  
12 the use of the "tracks out of service" sign upon verification  
13 that the tracks are actually out of service. Upon  
14 authorization, the commissioner shall order a "tracks out of  
15 service" sign to be installed. Installation, maintenance, and  
16 costs of this sign are the responsibilities of the road  
17 authority.

18 Subp. 4. Removing tracks. When a track has been abandoned  
19 for 180 days or more and no future need for the track has been  
20 identified by the owner of the track, the owner of the track  
21 shall remove the track structure and related materials at the  
22 abandoned grade crossing when required to do so by the road  
23 authority. The owner of the track shall then restore the  
24 roadway to conform with the roadway sections approaching the  
25 abandoned grade crossing, unless otherwise mutually agreed to by  
26 the owner of the track and the road authority.

27 8830.2760 TRAIL AND BICYCLE PATH GRADE CROSSINGS.

1           Subpart 1. **Application.** This part applies to trail and  
2 bicycle path grade crossings located on property owned by a road  
3 authority and located adjacent to a roadway within the roadway  
4 right-of-way.

5           Subp. 2. **Design.** When a trail or bicycle path must cross  
6 railroad tracks, the grade crossing must be designed to enhance  
7 the safety of the trail or bicycle path user. When possible,  
8 the grade crossing must not be located on trail or bicycle path  
9 curves or track curves, and the trail or bicycle path must cross  
10 the tracks at a right angle. When it is not possible for the  
11 trail or bicycle path to cross the tracks at a right angle, the  
12 trail or bicycle path must be widened to allow the trail or  
13 bicycle path user to cross the tracks at as close to a right  
14 angle as possible.

15           Subp. 3. **Active warning devices, signs, and pavement**  
16 **markings.** Active warning devices, signs, and pavement markings  
17 used at grade crossings on trails and bicycle paths must comply  
18 with the MMUTCD standards for bicycle facilities. Stop signs  
19 must be installed at grade crossings on trails and bicycle  
20 paths. Pavement markings must be used in advance of grade  
21 crossings on paved bicycle paths and, to the extent practicable,  
22 on trails.

23           Installation, maintenance, and costs of signs and pavement  
24 markings used at grade crossings on trails and bicycle paths are  
25 the responsibilities of the governmental entity having  
26 jurisdiction over the trail or bicycle path.

27 8830.2800 APPROVAL OF STRUCTURES.

1 Plans for new or reconstructed structures that provide  
2 grade separations must be approved by the commissioner as to  
3 minimum legal clearances described in Minnesota Statutes,  
4 section 219.46, as shown in part 8830.9951.

5 CLEARANCES

6 8830.3000 STRUCTURE AND TRACK CLEARANCES AND VARIANCES.

7 Legal clearances adjacent to, over, and between railroad  
8 tracks and clearance exceptions and variances are defined in  
9 Minnesota Statutes, sections 219.45 to 219.53, and are depicted  
10 in part 8830.9951.

11 The commissioner may approve permanent clearance variances  
12 in accordance with Minnesota Statutes, section 219.47,  
13 subdivision 1.

14 The commissioner may grant temporary clearance variances  
15 under Minnesota Statutes, section 219.47, subdivision 2, for  
16 encroachments during construction. An application for a  
17 temporary variance may be submitted to the commissioner by  
18 either the rail carrier or the road authority.

19 ACCIDENT REPORTS; TRACK SAFETY STANDARDS

20 8830.3100 RAIL CARRIER ACCIDENT REPORTS.

21 Subpart 1. Reports. A rail carrier shall provide the  
22 commissioner a report of accidents, in accordance with Minnesota  
23 Statutes, section 218.031, subdivision 2, paragraph (4).

24 "Accidents" has the meaning given in Code of Federal  
25 Regulations, title 49, section 225.5, as amended.

26 Subp. 2. Copies sent to commissioner. Except for items A



1 billing their allocated or agreed-upon shares of their work  
2 against a public authority in connection with a project under  
3 the jurisdiction of Mn/DOT.

4 8830.3400 ACCOUNTING CLASSIFICATIONS; REPORTS.

5 Subpart 1. Classification. For the purpose of accounting,  
6 the commissioner adopts the Surface Transportation Board  
7 classifications, including future amendments that may be made by  
8 the Surface Transportation Board.

9 Subp. 2. Uniform system of accounts. For projects under  
10 the jurisdiction of Mn/DOT, each rail carrier shall maintain its  
11 accounts in accordance with the uniform system of accounts  
12 prescribed by the Surface Transportation Board in "Uniform  
13 Accounting System," United States Code, title 49, section 11142,  
14 as amended, or as otherwise approved by the Surface  
15 Transportation Board.

16 Subp. 3. Reports. A rail carrier shall submit the  
17 following reports to the commissioner:

18 A. by June 30 of the year following the year on which  
19 the report is based, a copy of the annual report form submitted  
20 to the Surface Transportation Board;

21 B. a copy of the annual report to stockholders; and

22 C. such other information as the Surface  
23 Transportation Board may request to evaluate rail carrier  
24 operations in the state, such as annual carloadings, annual  
25 revenues, and annual costs.

26 The commissioner shall provide written notification to any  
27 rail carrier required to provide this information. The notice

1 must state the information required, the format for reporting  
2 the information, and the time period for which the information  
3 is to be provided. The commissioner shall provide a reasonable  
4 period before the information is due.

5 Subp. 4. Confidential data. For purposes of this part,  
6 information is considered confidential when the information  
7 collected contains data that is required to be kept confidential  
8 by United States Code, title 49, section 11910, as amended.

9 8830.3600 ABANDONMENT OF AGENCY SERVICE.

10 Rail carriers requesting permission to abandon agency  
11 service under Minnesota Statutes, section 219.85, shall provide  
12 to the commissioner the information detailed in part 8910.1100.

13 The information required must be provided for the two  
14 calendar years before the date of request for abandonment, and  
15 for as many months of the current year as are available.

16 8830.3700 INFORMATION REQUIRED FOR ABANDONMENT OF AGENCY SERVICE.

17 Subpart 1. Freight service revenues. Information relating  
18 to freight service operations must be segregated so as to show  
19 separately the following:

20 A. for local-to-line freight traffic, show gross  
21 freight revenue on shipments of freight forwarded, and freight  
22 received; and

23 B. for interline freight traffic, show gross through  
24 revenue on shipments of freight forwarded, and freight received.

25 Subp. 2. Station expenses. Direct expenses incurred in  
26 the operations of depot facilities must be itemized as shown in



1 subpart 3.

2 Subp. 3. Revenues and expenses. Revenues and expenses  
3 must include the following detail:

4 A. Freight service revenues.

		Forwarded	Received	Total
5				
6				
7	Local to line traffic	Carload	\$ _____	\$ _____
8		L.C.L.	_____	_____
9				
10	Interline traffic	Carload	_____	_____
11		L.C.L.	_____	_____
12				
13	Total	Carload	_____	_____
14		L.C.L.	_____	_____
15				
16	All other freight			
17	service revenues		_____	_____
18				
19	Total freight service			
20	revenues		\$ _____	\$ _____

21 B. Station expenses.

	Item	Amount
22		
23	1. Agent's salary	\$ _____
24	2. Helper's or custodian's salary	_____
25	3. Light, heat, water, and telephone	_____
26	4. Building maintenance	_____
27	5. Stationery and printing	_____
28	and office supplies	_____
29	6. Payroll taxes	_____
30	7. Health and welfare benefits	_____
31	8. Minnesota gross earnings tax	_____
32	9. Other expenses (explain below)	_____
33	10. Total direct station expenses	\$ _____

34 8830.3800 TARIFFS.

35 Tariffs and classifications, and their supplements and  
36 reissues, must be prepared, posted, and filed in accordance with  
37 the Rules of Tariff Circular No. 20 issued by the Surface  
38 Transportation Board and the naming rules governing the  
39 construction, filing, and posting of freight-rate publications,  
40 except to the extent that the rules may contravene the  
41 commissioner's orders or specific provisions of Minnesota

1 Statutes, chapter 218.

2 8830.3900 ALTERNATION OF RATES.

3 Tariffs must provide for complete alternation of rates and  
4 for application of the published rate that results in the lowest  
5 aggregate charge.

6 RAIL SERVICE IMPROVEMENT PROGRAM

7 8830.5100 DEFINITIONS.

8 Subpart 1. [See repealer.]

9 Subp. 2. [See repealer.]

10 Subp. 3. [See repealer.]

11 Subp. 4. [See repealer.]

12 Subp. 5. **Collateral.** "Collateral" means the security  
13 pledged for a loan, which may include land, buildings,  
14 machinery, equipment, furniture, fixtures, accounts receivable,  
15 marketable securities, cash surrender value of life insurance,  
16 assignment of leases or leasehold interests, and similar kinds  
17 of property and property interests.

18 [For text of subp 6, see M.R.]

19 Subp. 7. **Demonstration project.** "Demonstration project"  
20 means an experimental project to improve rail service that has  
21 general application within the state.

22 Subp. 8. [See repealer.]

23 Subp. 9. [See repealer.]

24 Subp. 10. [See repealer.]

25 Subp. 11. [See repealer.]

26 Subp. 12. [See repealer.]

1 Subp. 13. [See repealer.]

2 Subp. 14. [See repealer.]

3 Subp. 15. Rail rehabilitation. "Rail rehabilitation"  
4 means the rebuilding of all or part of a rail line or the  
5 implementation of other allied projects that will preserve and  
6 improve rail service in the state.

7 Subp. 16. [See repealer.]

8 Subp. 17. Rail service improvement account. "Rail service  
9 improvement account" means the account created by Minnesota  
10 Statutes, section 222.55.

11 Subp. 18. [See repealer.]

12 8830.5300 RAIL REHABILITATION PROJECTS.

13 Subpart 1. Eligibility. A rail line, or portions of it,  
14 is eligible for rehabilitation funding if:

15 A. it does not comply with FRA Class II Track Safety  
16 Standards adopted in part 8830.3200, or it does not have the  
17 required structural capacity to support rail cars of 263,000  
18 pounds (119.3 metric tons) gross weight;

19 B. it is within the physical boundaries of or  
20 predominantly serves rail users in Minnesota; and

21 C. a contract has been negotiated that meets the  
22 requirements of parts 8830.5300 to 8830.5700, and Minnesota  
23 Statutes, section 222.50, and, when federal funds are used, the  
24 local rail freight assistance program.

25 Subp. 2. Priority criteria. The following criteria govern  
26 the priority of projects proposed for funding:

27 A. the availability of state or federal program

1 funds;

2 B. the probability of the rail line continuing in  
3 profitable service after the project is completed;

4 C. the costs of the project compared to the benefits  
5 resulting from the project;

6 D. the level of commitment of a rail carrier and rail  
7 users to participate financially in the project;

8 E. the significance of the line in relationship to  
9 the entire state rail system; and

10 F. the impact on state, county, and city access  
11 roadways if the funding is not provided.

12 Subp. 3. **Standards.** Rail line rehabilitation must be  
13 performed to the extent that it allows the use of rail cars  
14 having a gross weight of 263,000 pounds (119.3 metric tons) and  
15 that it allows trains to operate safely at a minimum of FRA  
16 Class I Track Safety Standards adopted in part 8830.3200. The  
17 commissioner shall approve rehabilitation to an alternate  
18 standard only if it meets or exceeds the standards cited in this  
19 subpart and will provide the required level of service. The  
20 rail line must be maintained to the maintenance and safety  
21 levels set forth in the rehabilitation contract.

22 Subp. 4. **Project funding.** Funding for rail rehabilitation  
23 projects must be computed under item A or B.

24 A. For rail rehabilitation on a rail line not owned  
25 by a regional railroad authority, the division of costs must  
26 comply with the following formula:

27 (1) The commissioner shall make a grant or loan

1 of federal funds; a loan of state funds; or combination grant or  
2 loan of federal funds and loan of state funds, of up to 70  
3 percent of the total cost of a project. A grant must not exceed  
4 50 percent of the project cost.

5 (2) Rail users shall loan the rail carrier a  
6 minimum of ten percent of the cost of a project.

7 (3) The rail carrier shall provide a minimum of  
8 20 percent of the cost of a project, and shall repay the loans  
9 from the rail users and the loans of federal and state funds.

10 B. If a rehabilitation project is on a rail line  
11 owned by a Regional Railroad Authority, the division of costs  
12 must comply with the following formula:

13 (1) The commissioner shall make a grant or loan  
14 of federal funds; a loan of state funds; or combination grant or  
15 loan of federal funds and loan of state funds, of up to 80  
16 percent of the total cost of a project.

17 (2) Rail users shall loan the Regional Railroad  
18 Authority a minimum of ten percent of the total cost of a  
19 project.

20 (3) The Regional Railroad Authority shall provide  
21 a minimum of ten percent of the total cost of the project and  
22 shall repay the loans from the rail users and the loans of  
23 federal and state funds.

24 C. Participation in a contract by a party may include  
25 in-kind participation if agreed to by all parties to the  
26 contract. A detailed description and fair market value of all  
27 in-kind participation must be clearly defined in the contract.

1           Subp. 5. **Repayment requirements.** The rail carrier shall  
2 reimburse the rail users for funds loaned to it under a formula  
3 based on usage of the line, or a predetermined fixed amount.  
4 Repayment must be made on terms negotiated between the rail  
5 carrier and the rail user and approved by the commissioner.

6           The rail carrier shall repay the funds loaned to it by the  
7 commissioner in accordance with terms negotiated between the  
8 rail carrier and the commissioner. Payments must be made on a  
9 set schedule and be sufficient to repay the loan within 15 years  
10 from the execution of the contract.

11           The rehabilitation contract must provide for an extension  
12 of time if service is stopped or reduced by events beyond the  
13 control of the parties to the contract, unless the cessation or  
14 reduction is the result of diminished demand for service.

15 8830.5450 FINANCIAL ASSISTANCE FOR REGIONAL RAILROAD AUTHORITY.

16           Subpart 1. **Eligibility.** A Regional Railroad Authority is  
17 eligible for financial assistance in purchasing a rail line if  
18 it meets all of the conditions listed in items A to E.

19           A. The Regional Railroad Authority is in compliance  
20 with the purpose set forth in Minnesota Statutes, section 398.02.

21           B. Financial analysis shows that the line can operate  
22 at a profit.

23           C. The costs of purchase and necessary rehabilitation  
24 will not exceed benefits.

25           D. The Regional Railroad Authority has the capability  
26 of operating the rail line or contracts with an operator  
27 acceptable to the commissioner.

1 E. So long as the purchase assistance loan remains  
2 unpaid, the Regional Railroad Authority:

3 (1) agrees to and does keep title to property  
4 purchased by the Regional Railroad Authority; and

5 (2) does not sell, trade, convey, transfer, or  
6 assign any portion of its interest in the property in any manner  
7 without previous approval by the commissioner.

8 Subp. 2. **Financial assistance.** Financial assistance is  
9 available to a Regional Railroad Authority for purchasing a rail  
10 line under the following conditions.

11 A. If the line has not been abandoned and is to be  
12 used for continued rail service, the commissioner may provide  
13 funding for up to 50 percent of the going concern value or the  
14 net liquidation value of the line, whichever is less.

15 B. If the line has been abandoned and is to be used  
16 for continued rail service, the commissioner may provide funding  
17 for up to 50 percent of the net liquidation value of the line.

18 C. If the line is abandoned and is to be used for  
19 transportation purposes other than rail service, the  
20 commissioner may provide funding for up to 50 percent of the  
21 value of the underlying property. The value of the property  
22 will be determined through negotiation between the Regional  
23 Railroad Authority, rail carrier, and commissioner.

24 D. The percentages shown in items A to C indicate  
25 maximum participation by the commissioner. The actual amount of  
26 financial assistance will be determined by the availability of  
27 funds, the viability of the proposed use, and the participation

1 of the Regional Railroad Authority.

2 Subp. 3. **Repayment requirements.** The Regional Railroad  
3 Authority is not required to repay the funds loaned to it by the  
4 commissioner while the rail line remains in operation and is not  
5 sold. If operations on the line cease for one year or if the  
6 Regional Railroad Authority sells, trades, conveys, transfers,  
7 or assigns any portion of its interest in the property, the  
8 Regional Railroad Authority shall repay the funds loaned to it  
9 by the commissioner in accordance with terms negotiated between  
10 the Regional Railroad Authority and the commissioner.

11 8830.5500 CAPITAL IMPROVEMENT PROJECTS.

12 Subpart 1. **Eligibility; funding.** The commissioner shall  
13 provide funding to rail users from the rail service improvement  
14 account for up to 100 percent of the cost of a rail  
15 transportation related capital improvement project under the  
16 following conditions:

17 A. state funds are available;

18 B. the capital improvement project will benefit the  
19 economy of the state and strengthen the financial condition of  
20 the associated rail line;

21 C. the state's interests are protected by sufficient  
22 collateral or guarantees; and

23 D. the commissioner is repaid for funds loaned at a  
24 predetermined, fixed amount payable quarterly over a period of  
25 not more than ten years.

26 Subp. 1a. **Priority criteria.** The following criteria  
27 govern the priority of capital improvement projects proposed for



1 funding:

2 A. Highest priority will be given to projects where:

3 (1) the capital improvement is directly related  
4 to an overall rail line rehabilitation or acquisition; and

5 (2) the loan applicant has made a financial  
6 contribution toward rehabilitating or acquiring the line.

7 B. Other projects will be given priority in the  
8 following order:

9 (1) capital improvement projects related to a  
10 rail line rehabilitation or acquisition;

11 (2) capital improvement projects on any rail line  
12 carrying less than 5,000,000 gross tons per mile per year;

13 (3) capital improvement projects on a Surface  
14 Transportation Board Class Two or Class Three rail line; and

15 (4) capital improvement projects on any rail line  
16 within the boundaries of Minnesota.

17 Subp. 2. Demonstration projects. The commissioner shall  
18 provide interest-free funding from the rail service improvement  
19 account of up to 100 percent of the total cost of a capital  
20 improvement project if the capital improvement is a  
21 demonstration project and the following conditions are met:

22 A. state funds are available;

23 B. the project demonstrates unique methods of  
24 improving rail service or alleviating the impact of abandonments  
25 that are not in common usage throughout the rail industry and  
26 the project has not been previously funded under parts 8830.5300  
27 to 8830.5500;

1 C. it is likely that a similar project can be  
2 instituted in other locations without the need for public  
3 financing; and

4 D. the benefits resulting from the project exceed the  
5 costs of implementing the project.

6 The amount of funding assistance will be determined by the  
7 availability of funds and the viability of the proposed project.

8 8830.5600 INFORMATION REQUIREMENTS.

9 Subpart 1. **Providing information.** As long as the  
10 commissioner has a financial interest in the property of the  
11 rail carrier, the rail carrier and rail users shall provide such  
12 information as is reasonably necessary for the commissioner to  
13 properly evaluate and adequately administer a project under  
14 parts 8830.5300 to 8830.5500. This information must include  
15 financial data, commodity data, cost data of the project,  
16 operations information, information on annual maintenance  
17 activities and expenditures, and similar types of data and  
18 information.

19 Subp. 2. **Contracts; information.** Executed contracts must  
20 be the documents used to commit funds and implement projects.

21 Contracts must include:

22 A. the description and location of the project;

23 B. the appropriate plans, standards, specifications,  
24 estimated costs, work schedule, and completion date;

25 C. the level of service the rail carrier will provide  
26 on the rail line during the contract period, pursuant to United  
27 States Code, title 49, section 11121, as amended;

1 D. the level of rail line maintenance that will be  
2 performed during the period of the contract;

3 E. provisions for auditing by the commissioner;

4 F. the requirement to comply with all applicable  
5 federal regulations when federal funding is involved in the  
6 project;

7 G. the duration of the contract;

8 H. provisions for maintenance and availability of  
9 records and audits;

10 I. payment and repayment schedules when appropriate;

11 J. the amount of funds and any in-kind participation  
12 by each party;

13 K. the method of administering the contract;

14 L. a provision for appropriate recapture of state and  
15 federal funds; and

16 M. the appropriate remedial action to be taken or  
17 penalties to be imposed, or both, for failure to comply with the  
18 terms of the contract.

19 Subp. 3. **Contracts; exceptions.** Exceptions to parts  
20 8830.5300 to 8830.5700 may be made for any particular contract  
21 if agreed to by all parties. An exception must not preclude the  
22 equal treatment of competing projects.

23 8830.5650 **CONTRACTS.**

24 Subpart 1. [See renumbering instruction.]

25 Subp. 2. **Bidding process.** The bidding process for  
26 contracts for rail rehabilitation projects must comply with  
27 "Procurements," Code of Federal Regulations, title 49, section

1 18.36, as amended. This condition may be waived if the owner of  
2 the rail line that is to be the subject of a rehabilitation  
3 contract has an established labor agreement with an  
4 industry-wide rail labor union that specifically prohibits the  
5 use of outside contractors.

6 Subp. 3. [See renumbering instruction.]

7 8830.5700 DISCLOSURE OF RAIL CARRIER DATA.

8 Subpart 1. **Confidential information, defined.** Information  
9 is considered confidential for the purpose of this chapter when  
10 the information collected contains shipping, commercial, or  
11 financial data that is required to be kept confidential by  
12 United States Code, title 49, section 11910, as amended.

13 Subp. 2. **Requests for information.** The commissioner shall  
14 direct requests for information under the authority of Minnesota  
15 Statutes, section 222.54, to the corporate office of the rail  
16 carrier. The commissioner's requests will specify the kind of  
17 information, the level of detail needed, and the required date  
18 of submittal.

19 Within 20 days from the receipt of the request, the rail  
20 carrier, if necessary, may apply for a revision of the time  
21 schedule for preparing the information. The commissioner shall  
22 approve or disapprove the requests.

23 If the requested information is not received within the  
24 time schedule, the commissioner may make a final demand. The  
25 final demand must be in writing and sent by certified mail to  
26 the corporate office of the rail carrier. If the information is  
27 not received within 60 days of the receipt of the final demand,

1 the commissioner may issue a subpoena to compel production of  
2 the information.

3 Subp. 3. **Use of confidential data.** Rail carrier data  
4 entrusted to the commissioner will be used only by Mn/DOT  
5 personnel or the authorized agents of Mn/DOT to implement the  
6 purpose set forth in Minnesota Statutes, sections 222.46 to  
7 222.54.

8 Subp. 4. **Release of information.** Information intended for  
9 the restricted use by the commissioner may be provided to  
10 persons outside Mn/DOT only in the following circumstances:

11 A. the rail carrier gives written approval to the  
12 commissioner to make the information public;

13 B. the information has already been made public by  
14 the action of the rail carrier or other public authority; or

15 C. the information is aggregated at a sufficient  
16 level to obscure the shipping, commercial, and financial  
17 information specific to an individual rail user.

18 STATE RAIL BANK PROGRAM

19 8830.5800 DEFINITIONS.

20 Subpart 1. [See repealer.]

21 Subp. 2. **Acquire.** "Acquire" means to purchase an  
22 abandoned rail line or right-of-way with state funds provided  
23 for the state rail bank program.

24 Subp. 3. [See repealer.]

25 Subp. 4. [See repealer.]

26 Subp. 5. [See repealer.]

27 Subp. 6. [See repealer.]

1 Subp. 7. [See repealer.]

2 Subp. 8. **Dispose.** "Dispose" means to lease or convey rail  
3 bank property according to Minnesota Statutes, section 222.63,  
4 subdivision 4.

5 Subp. 9. **Other uses.** "Other uses" means any uses of rail  
6 bank property other than those specified in Minnesota Statutes,  
7 section 222.63, subdivisions 2 and 2b.

8 Subp. 10. **Preserve.** "Preserve" means to hold rail bank  
9 property during the period of time it is not being utilized for  
10 the purposes specified in Minnesota Statutes, section 222.63,  
11 subdivisions 2 and 2b.

12 Subp. 11. [See repealer.]

13 Subp. 12. [See repealer.]

14 Subp. 13. [See repealer.]

15 Subp. 14. [See repealer.]

16 Subp. 15. **Utilize.** "Utilize" means to use rail bank  
17 property for the purposes cited in Minnesota Statutes, section  
18 222.63, subdivisions 2 and 2b.

19 8830.5810 PROGRAM CRITERIA.

20 Subpart 1. **Eligibility.** An abandoned rail line or  
21 right-of-way is eligible for acquisition and preservation in the  
22 state rail bank if it meets the requirements of Minnesota  
23 Statutes, section 222.63, subdivision 2b.

24 Subp. 2. **Criteria.** The commissioner will consider the  
25 following criteria in determining whether an abandoned rail line  
26 or right-of-way will be acquired:

27 A. the availability of program funds;

1 B. the probability of the rail line being utilized  
2 for the purpose identified;

3 C. the likelihood that an alternative rail line  
4 right-of-way could not be reestablished in the future;

5 D. the likelihood that no other entity will acquire  
6 the rail line for an appropriate use; and

7 E. the adequacy of the title and the costs to cure  
8 defects in the title.

9 Subp. 3. [See repealer.]

10 Subp. 4. [See repealer.]

11 8830.5820 ACQUIRING RAIL BANK PROPERTY.

12 Subpart 1. Notice to acquire rail bank property. The  
13 commissioner shall publish notice in the State Register listing  
14 the rail lines and rights-of-way proposed to be acquired. The  
15 notice must also be published once a week for two consecutive  
16 weeks in at least one newspaper of general circulation in each  
17 county where the property included in the list is located.

18 The published notice must include the following information:

19 A. a statement that the notice is published pursuant  
20 to Minnesota Statutes, section 222.63, subdivision 3;

21 B. the identifying name and owner of each rail line;

22 C. the length in miles (kilometers) and the estimated  
23 acreage (hectares) of the property proposed for acquisition;

24 D. the counties where the property is located;

25 E. the abandonment status of each rail line;

26 F. the name, address, and telephone number of

27 Mn/DOT's contact person; and

1           G. the proposed use and the conditions under which  
2 the property would be utilized.

3           Subp. 2. **Beginning title search.** A title search of the  
4 property proposed for acquisition must be started after the  
5 procedures under subpart 1 have been completed. For a rail line  
6 not yet abandoned, a title search must be started after the  
7 owning rail carrier has filed an abandonment application with  
8 the Surface Transportation Board under United States Code, title  
9 49, section 10904, as amended. To inform the public of a title  
10 search of the property proposed for acquisition, the  
11 commissioner shall publish a notice in the State Register and at  
12 least one newspaper of general circulation in each county where  
13 the property is located.

14           Subp. 3. **Public information meeting.** After the title  
15 search has been completed, the commissioner shall hold at least  
16 one public meeting to provide information and to seek comments  
17 from the public. Notice of the meeting must be published in the  
18 State Register and in at least one newspaper of general  
19 circulation for two consecutive weeks in each county where the  
20 property is located. The meeting must be held no fewer than  
21 three days after publication of the second notice. At least one  
22 meeting must be held in each county where the property is  
23 located.

24           The published notice must include the information under  
25 subpart 1.

26           Subp. 4. **Decision to acquire.** The commissioner shall  
27 decide whether or not to acquire a rail line and right-of-way



1 after the public information meeting. The decision must be  
2 based upon the program criteria cited in part 8830.5810. The  
3 commissioner shall publish notice of the decision in the State  
4 Register and in at least one newspaper of general circulation in  
5 each county where the property is located.

6 Subp. 5. **Notification to rail carriers.** The commissioner  
7 shall send a notice to each rail carrier that owns property  
8 proposed for acquisition at the following times:

9 A. when the initial and subsequent lists of proposed  
10 acquisitions are published under subpart 1;

11 B. when the public meeting notices are published  
12 under subpart 3; and

13 C. when the commissioner publishes notice of the  
14 decision under subpart 4.

15 Subp. 6. **Simultaneous implementation.** When possible, the  
16 commissioner shall simultaneously implement the procedures of  
17 parts 8830.5820 to 8830.5840 to acquire, utilize, or dispose of  
18 rail bank property. The initial notices published in the State  
19 Register and newspapers must include a statement noting which  
20 procedures are being implemented simultaneously.

21 8830.5830 UTILIZING RAIL BANK PROPERTY.

22 Subpart 1. **Notice to utilize rail bank property.** The  
23 commissioner shall publish notice in the State Register when the  
24 commissioner is considering utilizing rail bank property. The  
25 notice must also be published once a week for two consecutive  
26 weeks in at least one newspaper of general circulation in each  
27 county where the property is located. The published notice must

1 include the information under part 8830.5820, subpart 1.

2 Subp. 2. Public information meeting. After the procedures  
3 under subpart 1 have been completed, the commissioner shall hold  
4 at least one public meeting to provide information on the  
5 proposal for utilization and to seek comments from the public.  
6 Notice of the meeting must be published in at least one  
7 newspaper of general circulation for two consecutive weeks in  
8 each county where the property is located. The meeting must be  
9 held no fewer than three days after publication of the second  
10 notice. At least one meeting must be held in each county where  
11 the property is located.

12 Subp. 3. Decision to utilize. The commissioner shall  
13 decide based on the criteria in part 8830.5810, subpart 2,  
14 whether or not to utilize the property as proposed after the  
15 public information meeting. The commissioner shall publish  
16 notice of the decision in at least one newspaper of general  
17 circulation in each county where the property is located.

18 8830.5840 DISPOSING OF RAIL BANK PROPERTY.

19 Subpart 1. Notice to dispose of rail bank property. The  
20 commissioner shall publish notice in the State Register when  
21 considering disposing of rail bank property under Minnesota  
22 Statutes, section 222.63, subdivision 4. The notice must also  
23 be published once a week for two consecutive weeks in at least  
24 one newspaper of general circulation in each county where the  
25 property is located. The notice must include the information  
26 under part 8830.5820, subpart 1, items A to G, and the reasons  
27 for and conditions of the disposal.

1 Subp. 2. Public information meeting. After the procedures  
2 under subpart 1 have been completed, the commissioner shall  
3 conduct at least one public meeting to provide information on  
4 the proposed disposition and to seek comments from the public.  
5 Notice of the meeting must be published in at least one  
6 newspaper of general circulation for two consecutive weeks in  
7 each county where the property is located. The meeting must be  
8 held no fewer than three days after publication of the second  
9 notice. At least one meeting must be held in each county where  
10 the property is located.

11 Subp. 3. Decision to dispose of property. The  
12 commissioner shall decide whether or not to dispose of property  
13 after the public information meeting based on the criteria in  
14 part 8830.5810, subpart 2. The commissioner shall publish  
15 notice of the decision in at least one newspaper of general  
16 circulation in each county where the property is located.

17 8830.5850 MANAGEMENT OF RAIL BANK PROPERTY.

18 Subpart 1. Maintenance and other uses during preservation  
19 of property. Rail bank property must be maintained and may be  
20 leased for other uses while it is being preserved in the state  
21 rail bank. The commissioner shall allow a proposed other use  
22 for rail bank property if it meets one or more of the following  
23 conditions:

24 A. it was a use in effect before the commissioner  
25 acquired the property and the use will not interfere with  
26 utilization of property;

27 B. the use will minimize maintenance costs and

1 maximize income to the program;

2 C. the use is not in conflict with uses of adjacent  
3 lands; or

4 D. the use will provide a benefit to the state.

5 Subp. 2. Other uses during utilization of property. The  
6 commissioner shall allow other uses that were in effect while  
7 the property was being preserved to continue while the property  
8 is being utilized for the purposes of the state rail bank  
9 program if the other uses do not interfere with the utilization  
10 of the property.

11 The commissioner shall allow a proposed other use that was  
12 not in effect before utilization if it does not interfere with  
13 utilization of the property and it meets one or more of the  
14 following conditions:

15 A. the use will minimize maintenance costs and  
16 maximize income to the program;

17 B. the use is not in conflict with uses of adjacent  
18 lands; or

19 C. the use will provide a benefit to the state.

20 8830.5860 ADMINISTERING STATE RAIL BANK PROGRAM; VARIANCES.

21 Subpart 1. Information for projects and other uses. The  
22 entity proposing a utilization project or other use of rail  
23 property shall provide the commissioner with pertinent  
24 information necessary to achieve proper evaluation and adequate  
25 administration of a project or other use. The information must  
26 include financial, commodity, cost and operations data, and  
27 other similar types of data and information.

1 Subp. 2. **Contracts.** Executed written contracts must be  
2 the documents used to commit funds, to implement utilization  
3 projects, and to authorize other uses of rail bank property.

4 Subp. 3. **Variance.** The commissioner may approve a written  
5 request for a variance from parts 8830.5810 to 8830.5860. A  
6 variance will be granted if:

7 A. the purpose of the rule in question can be  
8 accomplished or exceeded by the specific alternate practice  
9 proposed for substitution;

10 B. the application of the rule in question would  
11 impose an excessive burden on the person or entity applying for  
12 the variance in its attempt to carry out the intent of the rail  
13 bank program; and

14 C. the granting of the variance will not adversely  
15 affect the public health and safety.

16 The commissioner shall set forth in writing the reasons for  
17 approving or denying a variance. The entity who is granted a  
18 variance shall comply with the alternative practice approved by  
19 the commissioner. The person or entity who is granted a  
20 variance shall immediately notify the commissioner of any  
21 material change in the circumstances that justified granting the  
22 variance.

23 A variance may be revoked if changes occur in the  
24 circumstances that justified the variance, or if the entity  
25 granted the variance fails to comply with the alternative  
26 practice approved by the commissioner.

27 RAIL USER AND RAIL CARRIER LOAN GUARANTEE PROGRAM

Approved by Revisor \_\_\_\_\_

## 1 8830.6100 DEFINITIONS.

2 Subpart 1. [See repealer.]

3 Subp. 2. [See repealer.]

4 Subp. 3. [See repealer.]

5 Subp. 4. **Borrower.** "Borrower" means any rail user or rail  
6 carrier.

7 Subp. 5. [See repealer.]

8 Subp. 6. [See repealer.]

9 Subp. 7. [See repealer.]

10 Subp. 8. [See repealer.]

11 Subp. 9. [See repealer.]

12 Subp. 10. [See repealer.]

13 Subp. 11. **Lender.** "Lender" has the meaning given it in  
14 Minnesota Statutes, section 222.56, subdivision 4.

15 Subp. 12. [See repealer.]

16 Subp. 13. [See repealer.]

17 Subp. 14. [See repealer.]

18 Subp. 15. [See repealer.]

19 Subp. 16. [See repealer.]

20 Subp. 17. [See repealer.]

## 21 8830.6300 APPLICATIONS FOR LOANS GIVEN BY BANKS.

22 All information required to be submitted to the  
23 commissioner under this chapter to support consideration for  
24 acceptance as an insured loan must be submitted in duplicate,  
25 and include:

26 A. a written statement under oath executed by the

1 borrower that the proceeds of the loan will be used solely for  
2 participation in contracts for the purposes set forth in  
3 Minnesota Statutes, section 222.58, subdivision 2, paragraph  
4 (b);

5           B. a copy of the contract, containing: the  
6 identification of the participating parties; the total amount of  
7 the contract; the respective share of the amount of the contract  
8 to be provided by each participating party; the conditions for  
9 repayment of the total amount of the contract to the  
10 participating parties; the subject matter of the contract; and  
11 the identity of the escrow agent, if any;

12           C. the loan application taken by the lender, together  
13 with all supporting documents and data, pertinent to the  
14 lender's credit consideration, including:

15                   (1) the principal amount of the loan and  
16 repayment terms;  
17                   (2) the collateral offered;  
18                   (3) the investigative credit data developed;  
19                   (4) the borrower's statement of present financial  
20 condition, including schedule of assets, liabilities, capital or  
21 net worth, and income and expenses, and statements for the  
22 immediately preceding three fiscal years; and

23                   (5) the application of the person or corporation,  
24 if any, making a guarantee of the loan together with its  
25 statement of financial condition as required in subitem (4);

26           D. the form of the promissory note to be executed,  
27 complete except for signatures, and any guarantee forms to be

1 executed;

2 E. the form of the security agreements or mortgages  
3 to be executed in connection with the loan, complete except for  
4 signatures, including the complete legal description of the  
5 property, personal or real, to be pledged, supplemented in  
6 addition by:

7 (1) a statement of the collateral's condition,  
8 marketability, and appraised value, including the source of the  
9 appraisal;

10 (2) a statement of priority of a lien or security  
11 interest position based on an official records search; and

12 (3) evidence of insurance coverage against  
13 customary perils and the availability of suitable loss payable  
14 assignments;

15 F. a lender's sworn statement to the commissioner  
16 that includes:

17 (1) the citation of Minnesota Statutes under  
18 which the interest rate and other expenses in connection with  
19 the loan are deemed lawful; and

20 (2) documentation of the lender's appraisal and  
21 consent to make the loan in the amount applied for, which may be  
22 conditioned upon the granting of the commitment for insurance by  
23 the commissioner;

24 G. an executed agreement between the lender and  
25 borrower that upon granting of the commitment for insurance by  
26 the commissioner that:

27 (1) funds will be disbursed only under the terms



1 and for the purposes set forth in the application for insurance;  
2 (2) liens and security interests provided for in  
3 the application and documents offered in the application for  
4 insurance will be filed, recorded, or otherwise perfected by the  
5 lender;

6 (3) the lender or its agents shall exercise  
7 reasonable care to protect the interest of the state;

8 (4) a copy of the notice of default required by  
9 Minnesota Statutes, section 222.58, subdivision 4, to be sent to  
10 the borrower within 90 days of default of the loan, must also be  
11 sent to any person or corporation guaranteeing the loan; and

12 (5) if default is continued for 180 days and the  
13 borrower has not made arrangements to meet the obligation, the  
14 lender shall promptly notify the commissioner of the  
15 circumstances of default and file a claim for benefits under  
16 Minnesota Statutes, section 222.58, subdivision 4.

17 8830.6400 APPLICATIONS FOR LOANS GIVEN BY PUBLIC AUTHORITIES.

18 All information required to be submitted to the  
19 commissioner for consideration for commitment to insure any  
20 eligible loan must be submitted in duplicate, and include:

21 A. the information required by part 8830.6300, items  
22 A to F and G, subitem (3);

23 B. a copy of the application for the revenue bond  
24 project together with any attachments required to be submitted  
25 to the Minnesota Department of Commerce;

26 C. evidence of the approval of the application for  
27 the revenue bond project by the Department of Commerce;

1           D. a statement that upon granting of the commitment  
2 for insurance by the commissioner that a copy of the notice of  
3 default required by Minnesota Statutes, section 222.58,  
4 subdivision 5, to be sent to the borrower within 15 days of the  
5 default of the terms of the revenue agreement, must also be sent  
6 to any person or corporation guaranteeing the agreement; and

7           E. a statement that after 90 days, if default  
8 continues, a claim must be filed with the commissioner stating  
9 the nature of the default.

10 8830.6500 ELIGIBILITY REQUIREMENTS FOR LOANS GIVEN BY BANKS.

11           Subpart 1. Principal amount. The original bona fide  
12 principal amount of any loan must not exceed:

13           A. an amount that can be shown to be fully secured by  
14 the equity determined by the current appraised value of the  
15 collateral to be pledged by or on behalf of the borrower;

16           B. an amount that can be reasonably documented and  
17 shown to be secured by the value found in the guarantee up to a  
18 maximum proportion of 40 percent of the original bona fide  
19 principal with the remaining proportion to be fully secured in  
20 the manner prescribed in item A.

21           Subp. 2. Interest rate. The interest rate agreed upon  
22 between the borrower and the lender must be expressed clearly in  
23 the loan agreement in annual percentage rate terms and include  
24 the manner in which lapsed periods of time are to be calculated  
25 for purposes of application of that rate, if interest is to be  
26 calculated or collected in intervals of less than one calendar  
27 year.

1           Subp. 3. **Repayment terms.** The commissioner shall grant  
2 the approval called for by this part if the loan agreement  
3 remains substantially the same, the loan agreement is in  
4 accordance with parts 8830.6300 to 8830.6700, and the risks to  
5 the state by the change in the agreement are fully protected.  
6 The loan agreement must provide for repayment terms that:

7           A. include a schedule of installment payments of  
8 principal and interest that will extinguish the original bona  
9 fide principal of the loan over a term not exceeding ten years  
10 from the date of execution of the loan;

11           B. include a schedule of periodic installment  
12 payments of principal and interest coming due at least each  
13 three months or such lesser intervals as are reasonably  
14 consistent with the revenue income flow determined to support  
15 the ability on the part of the borrower to repay the obligation;

16           C. provide that the first installment of principal  
17 and interest may be scheduled so as to coincide with the first  
18 anticipated revenue;

19           D. include language that provides that no  
20 refinancing, extension, or deferment of the originally  
21 contracted obligation as approved for insurance or its security,  
22 or otherwise as would operate to modify the original contract  
23 terms may be made between the borrower and the lender unless  
24 those considerations are in writing and expressly approved by  
25 the commissioner; and

26           E. include language that effectively renders the  
27 obligation as documented to be nontransferable as to all or any

1 part of its interests without prior written approval of the  
2 commissioner.

3 Subp. 4. **Deferment.** No loan agreement may be the subject  
4 of any extension of time or deferment of originally scheduled  
5 installment payments that would result in the final contracted  
6 payment of principal or interest, or combination of principal  
7 and interest, to fall due at a date more than ten years from the  
8 date of origin, without prior written approval of the  
9 commissioner.

10 8830.6600 ELIGIBILITY REQUIREMENTS FOR LOANS GIVEN BY PUBLIC  
11 AUTHORITIES.

12 Subpart 1. **Principal amount.** The original bona fide  
13 principal amount as to the amount insured of any revenue  
14 agreement, exclusive of interest and expense, must not exceed:

15 A. an amount that can be shown to be fully secured by  
16 the equity determined by the current appraised value of the  
17 collateral to be pledged by or on behalf of the borrower; or

18 B. an amount that can be reasonably documented and  
19 shown to be secured by the value found in the guarantee up to a  
20 maximum proportion of 40 percent of the original bona fide  
21 principal with the remaining proportion to be fully secured in  
22 the manner prescribed in item A.

23 Subp. 2. **Repayment of revenue agreement.** The repayment of  
24 the revenue agreement must be such that it will produce income  
25 and revenue sufficient to provide for the repayment, when due,  
26 of principal and interest on all bonds issued under the  
27 agreement.

1 Subp. 3. **Repayment terms.** The revenue agreement must  
2 provide for:

3 A. repayment terms, including a schedule of  
4 installment payments of principal and interest, that will  
5 extinguish the original bona fide principal of the bonds over a  
6 period not to exceed ten years from the date of origin;

7 B. language that provides that no revision of the  
8 revenue agreement may be made between the borrower and the  
9 lender unless the revisions are approved by the commissioner;  
10 and

11 C. language that would effectively render the revenue  
12 agreement nontransferable as to all or any part of its interest  
13 without the expressed approval of the commissioner.

14 Subp. 4. **Granting approval.** The commissioner shall grant  
15 the approvals called for by this part if the loan agreement  
16 remains substantially the same, the loan agreement is in  
17 accordance with parts 8830.6300 to 8830.6700, and the risks to  
18 the state by the change in the agreement are not increased and  
19 the interests of the state are fully protected.

20 8830.6700 INTEREST ADJUSTMENT.

21 Subpart 1. **Eligibility requirements.** In order to be  
22 eligible for an interest adjustment, an applicant must meet the  
23 requirements of Minnesota Statutes, section 222.58, subdivision  
24 5a.

25 Subp. 2. **Repayment procedures.** The borrower shall  
26 reimburse the commissioner for any amounts paid as an interest  
27 adjustment within one year after the final payment to a lending

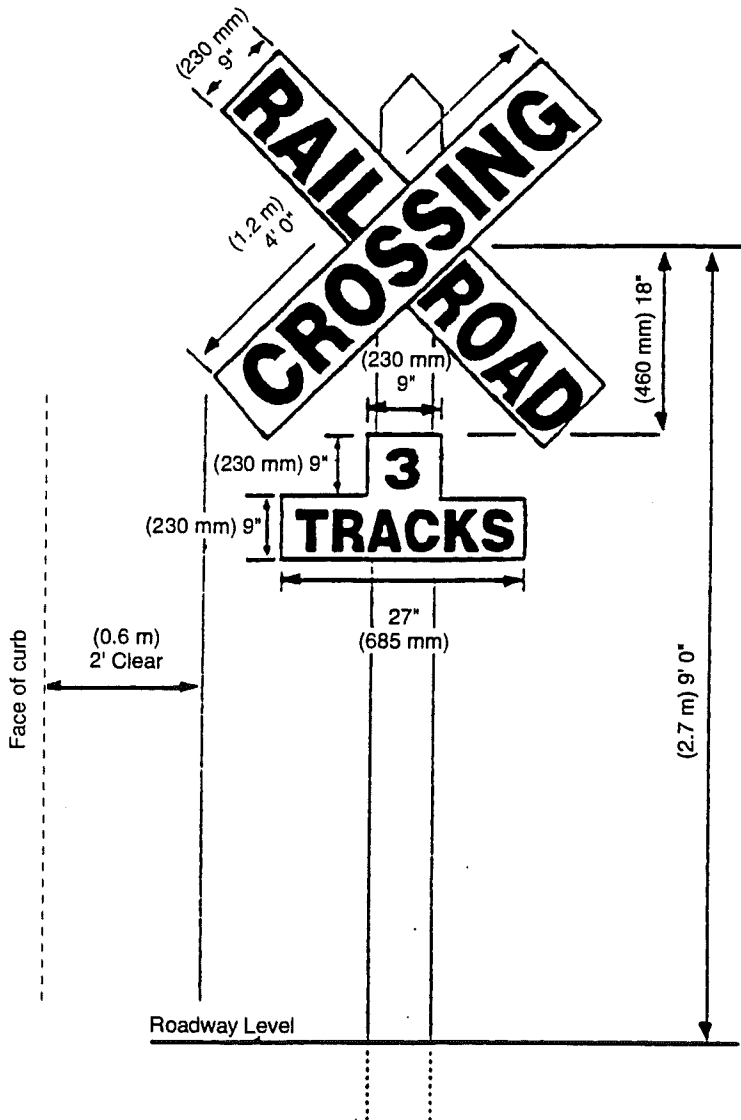
1 institution is due on the loan. The reimbursement to the  
2 commissioner may be made in equal installments over the period  
3 of one year or in a single payment at the close of that year.

4 If the borrower has no proprietary right in the property to  
5 be rehabilitated, then a promissory note must be negotiated  
6 between the borrower and the commissioner prior to the granting  
7 of a loan guarantee to insure repayment of the interest  
8 adjustment.

1 EXHIBITS, FIGURES, AND TABLES

2 8830.9901 SIGNS, ACTIVE WARNING DEVICES, AND LOCATIONS.

3 Subpart 1. Crossbuck sign.



Crossbuck Sign: Black letters on reflectorized white background

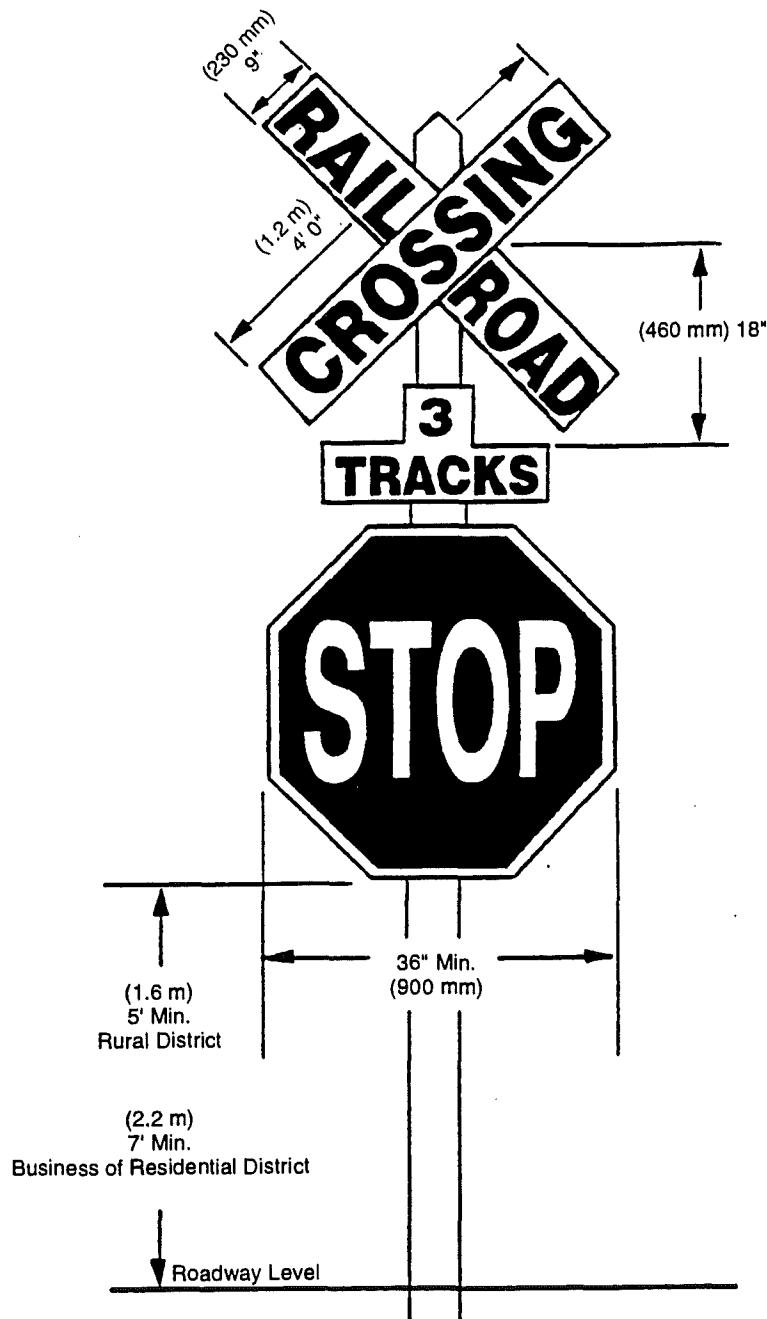
Multiple Track Sign: Black letters on reflectorized white background, to be used when sign assembly warns of more than one track.

Height may vary as required by local conditions.

Post must meet the breakaway criteria of AASHTO's "Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals".

Crossbuck assembly to be located in compliance with the MMUTCD.

1 Subp. 2. Stop sign at grade crossing.



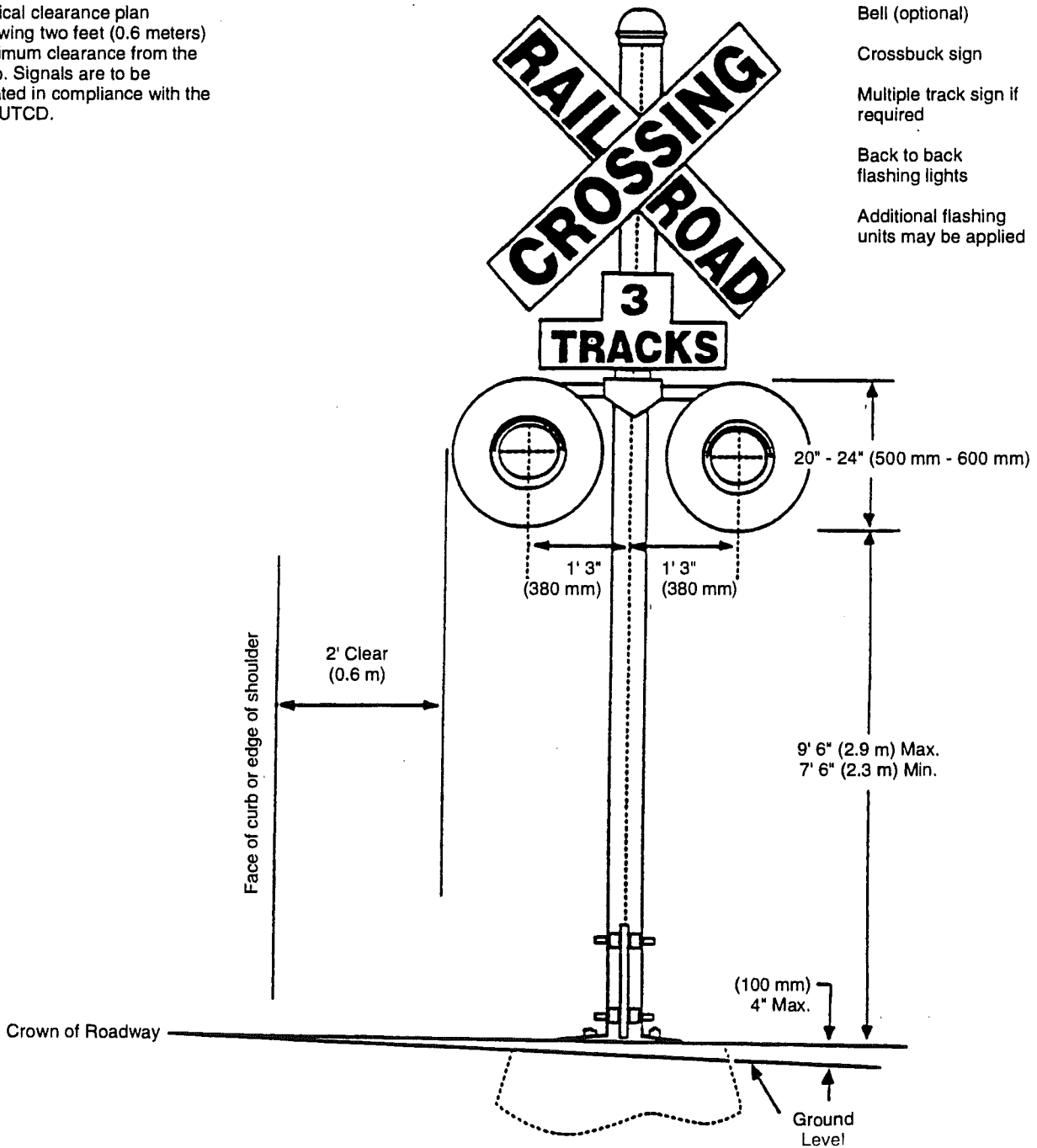
Crossbuck sign design and location to comply with Subpart 1a and the MMUTCD.

Stop sign standard reflectorized white letters and border on reflectorized red background, 36" x 36" (900 mm x 900 mm) min.



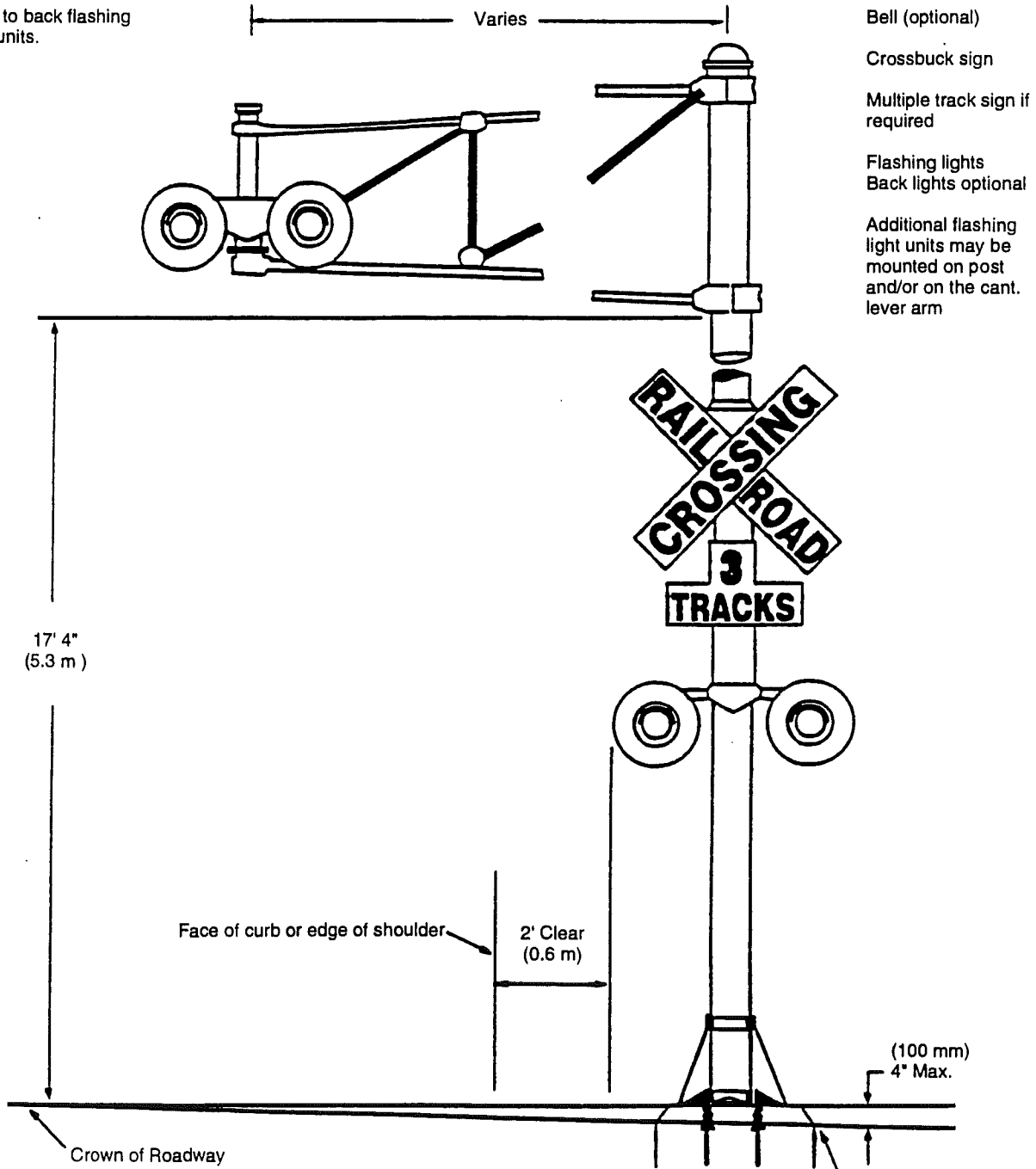
1 Subp. 3. Grade crossing active warning device.

Typical clearance plan showing two feet (0.6 meters) minimum clearance from the curb. Signals are to be located in compliance with the MMUTCD.



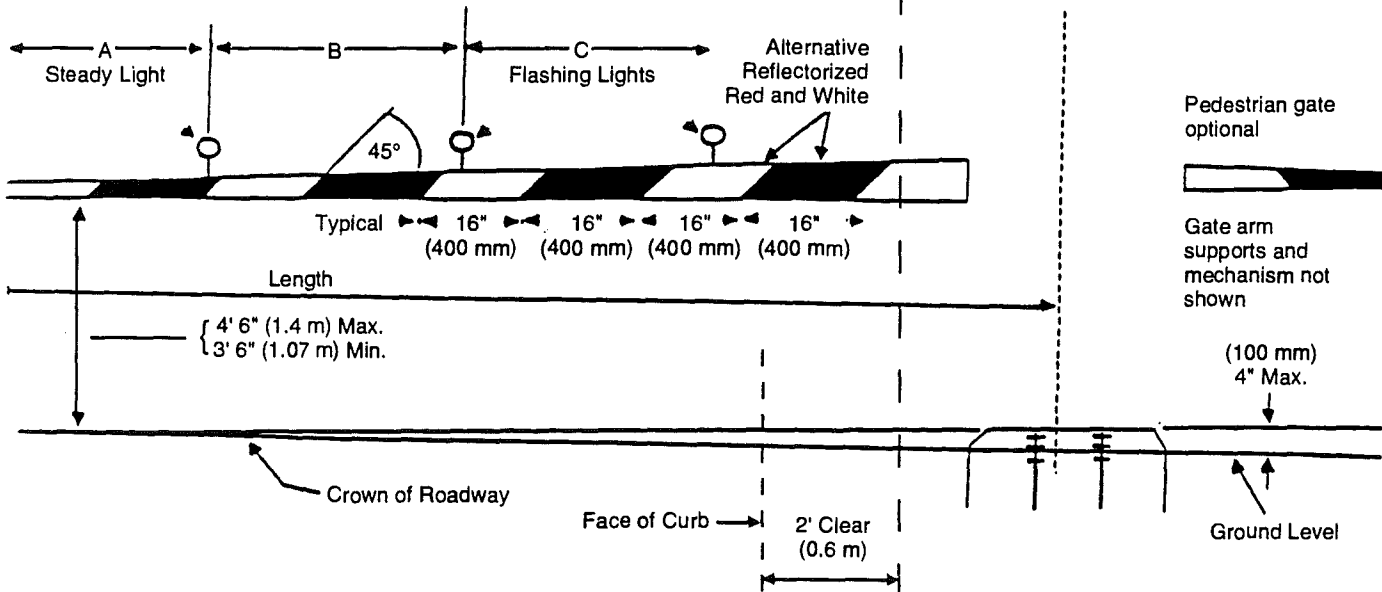
- Bell (optional)
- Crossbuck sign
- Multiple track sign if required
- Back to back flashing lights
- Additional flashing units may be applied

1 Subp. 4. Grade crossing active warning device; cantilever  
2 type.



1 Subp. 5. Grade crossing active warning device with gate.

Dimensions A-B-C and length as appropriate for approaching traffic

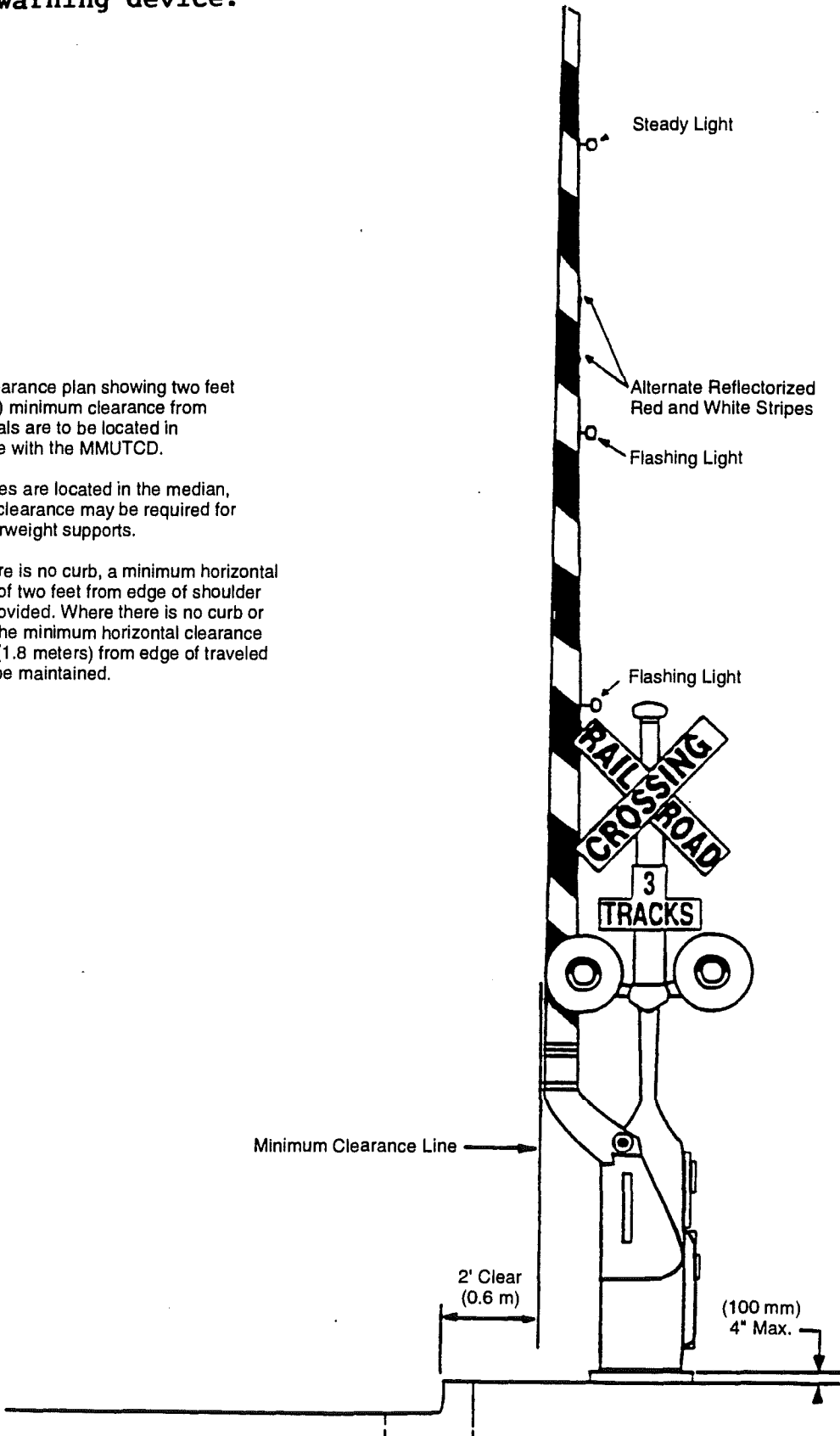


1 Subp. 6. Typical location for grade crossing active  
2 warning device.

Typical clearance plan showing two feet (0.6 meter) minimum clearance from curb. Signals are to be located in compliance with the MMUTCD.

Where gates are located in the median, additional clearance may be required for the counterweight supports.

Where there is no curb, a minimum horizontal clearance of two feet from edge of shoulder shall be provided. Where there is no curb or shoulder, the minimum horizontal clearance of six feet (1.8 meters) from edge of traveled way shall be maintained.





1 8830.9911 CROSSBUCK AND AUXILIARY SIGN.

2 Subpart 1. Crossbuck sign.

3

4

5

6

7

8

9

10

11

12



13

R15-1  
White background

14

15 Subp. 2. Auxiliary sign.

16

17

18

19



20

21

22

23

24

25

26

R15-2  
White background

27

1 8830.9921 ADVANCE-WARNING SIGNS.

2 Subpart 1. Advance-warning sign W10-1.

3

4

5

6

7

8

9



10

W10-1

11

Yellow background

12

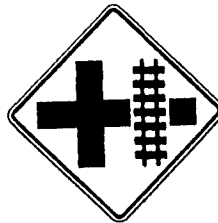
Subp. 2. Advance-warning sign W10-2.

13

14

15

16



17

W10-2

18

Yellow background

19

Subp. 3. Advance-warning sign W10-3.

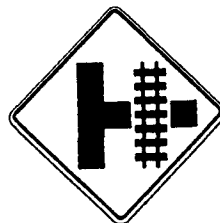
20

21

22

23

24



25

W10-3

26

Yellow background

1 Subp. 4. Advance-warning sign W10-4.

2

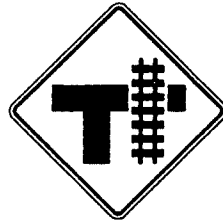
3

4

5

6

7



8

W10-4  
Yellow background

9

10 8830.9931 SUPPLEMENTARY ADVANCE-WARNING SIGNS.

11 Subpart 1. Track-angle sign.

12

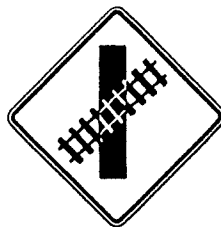
13

14

15

16

17



18

W10-X1  
Yellow background

19

20 Subp. 2. Blind-crossing sign.

21

22

23

24

25



26

W10-X2  
Yellow background

27



1 Subp. 3. "Look for trains" sign.

2  
3  
4  
5  
6  
7



W10-X3  
Yellow background

8 8830.9941 OTHER REGULATORY SIGNS.

9 Subpart 1. Exempt-crossing sign.

10  
11  
12  
13



R15-3 White background  
W10-1a Yellow background

16 Subp. 2. Stop ahead sign.

17  
18  
19  
20



W3-1a  
Yellow background

23 Subp. 3. "Do not stop on tracks" sign.

24  
25  
26  
27



R8-8  
White background

28  
29

1 Subp. 4. "Tracks out of service" sign.

2

3



4

5

6

7

8

9

R8-9  
White background

10 Subp. 5. "No turn on red" sign.

11

12



13

14

15

16

17

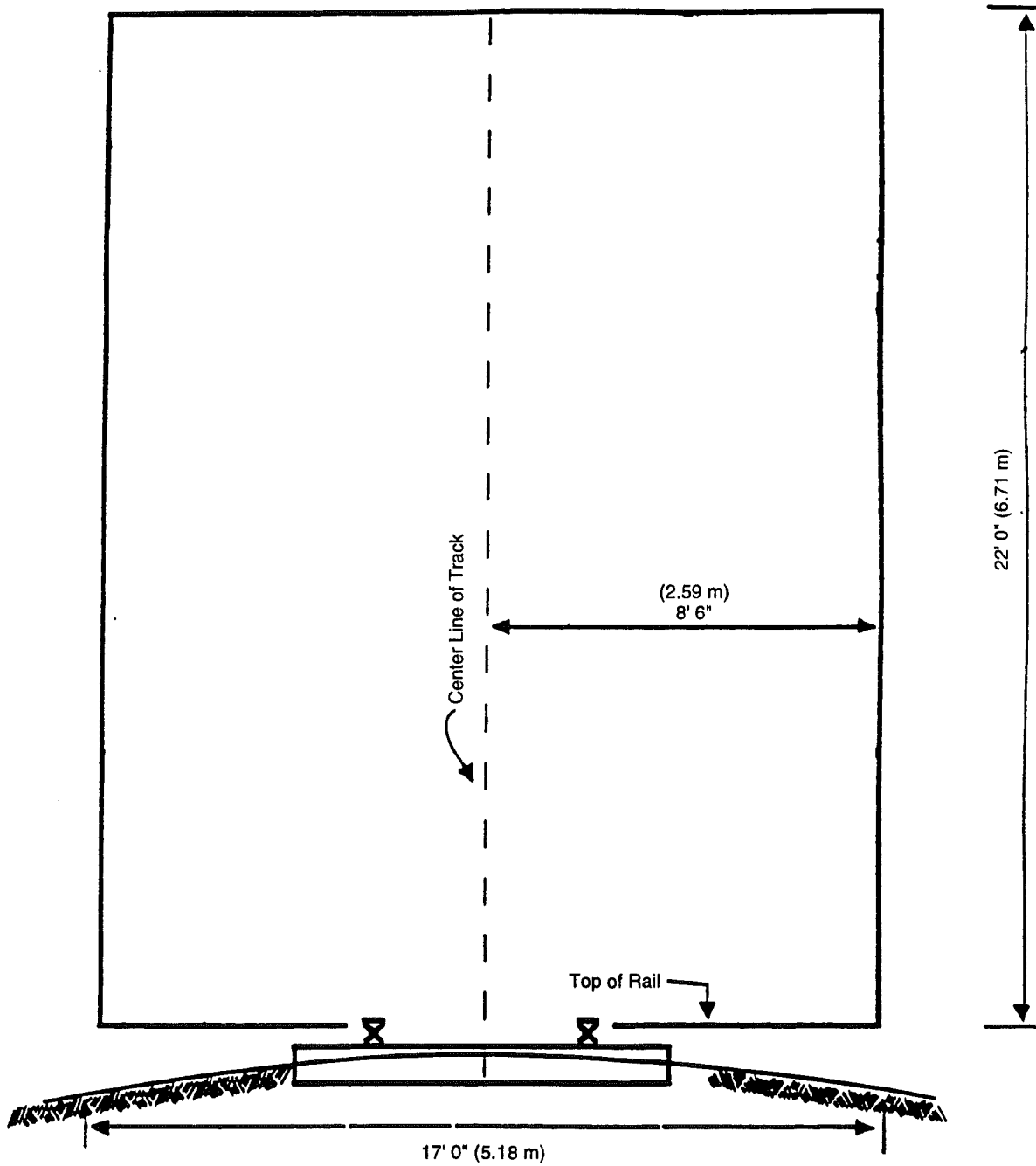
18

19

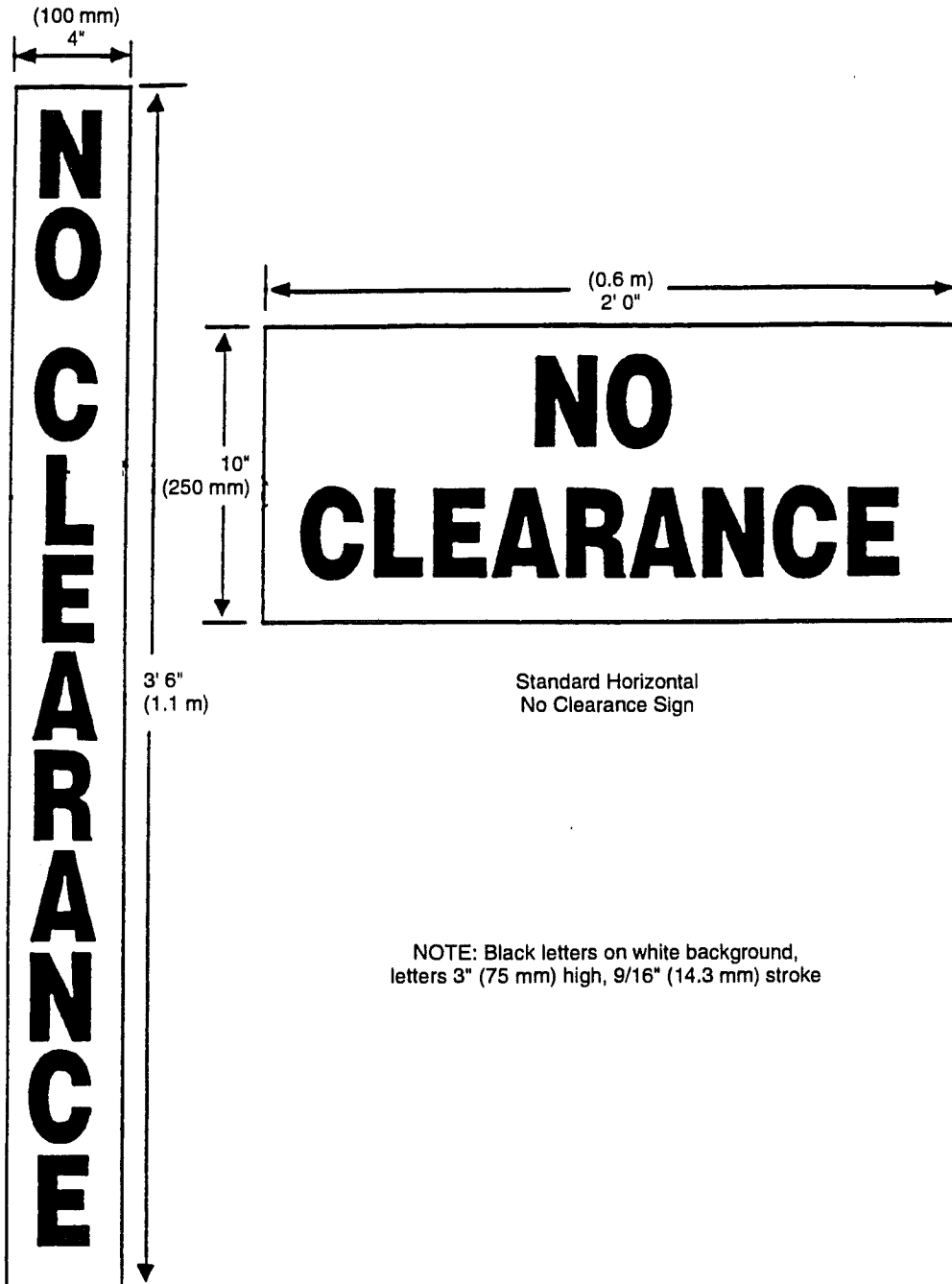
20

R10-11a  
White background

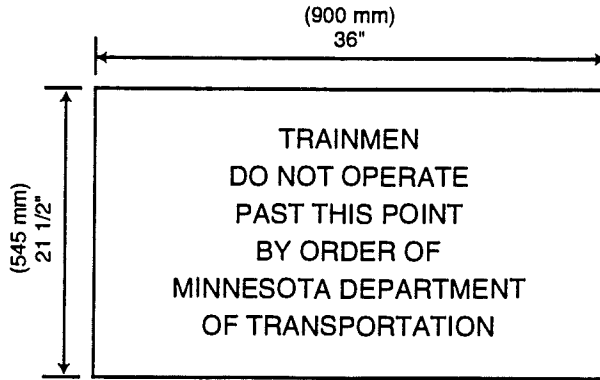
1 8830.9951 CLEARANCES FOR GRADE-SEPARATION STRUCTURES.



1 8830.9961 STANDARD "NO CLEARANCE" SIGN.

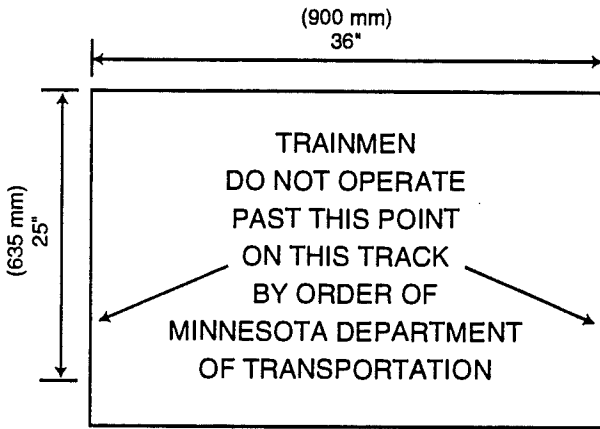


1 8830.9971 WARNING SIGN FOR TRAIN CREW MEMBERS.



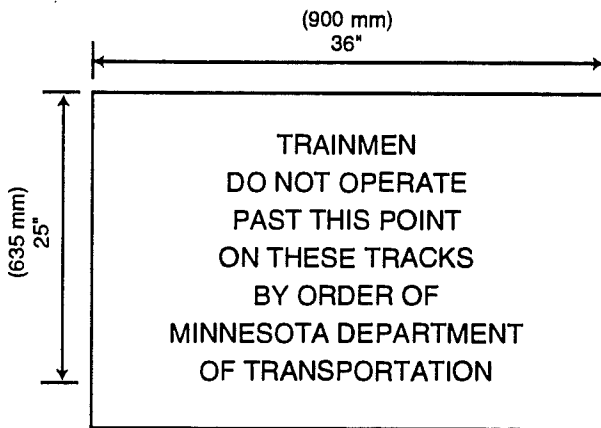
Type C-1

Warning Signs:  
Black letters, 1-1/2" (40 mm and 2" (50 mm) with 1/4" (6 mm) stroke, on white background



Type C-2

Note: Arrow to be placed on left or right side of the sign depending on track involved.



Type C-3

Warning signs to be placed at point along tracks beyond which trainmen are not to operate. No such sign shall be placed at any such point along side or over any track without the authority of the Minnesota Department of Transportation.

1 8830.9991 OPERATING LICENSE.

<p>Authorized Signal System:</p> <p><input type="checkbox"/> 12" Lenses</p> <p><input type="checkbox"/> Gates</p> <p><input type="checkbox"/> Cantilevers</p> <p><input type="checkbox"/> Flashing Lights</p> <p><input type="checkbox"/> Motion Detectors</p> <p><input type="checkbox"/> Speed Predictors</p> <p><input type="checkbox"/></p> <p>Reason for Issuance:</p>	<p style="text-align: center;"><b>DEPARTMENT OF TRANSPORTATION</b></p> <p style="text-align: center;"><b>STATE OF MINNESOTA</b></p> <hr/> <p style="text-align: center;">(Street, route System) (City), Minnesota (County) (Railroad)</p> <hr/> <p style="text-align: center;"><b>OPERATING LICENSE</b> <b>RAILROAD CROSSING SIGNALS</b></p>	<p>USDOTNO:</p> <p>COMAPREF: - -</p> <p>Agreement:</p> <p>File: F-</p> <p>Number of Tracks:</p> <p>Plans Approved:</p> <p>In-Service Date:</p> <p>Inspection Date:</p>
---	--	--

The warning signal system with its various parts and appliances, having been duly inspected and examined by the Department of Transportation of the State of Minnesota, as provided by law, and having been found sufficient for the purpose of such a signal system, a plan of which is filed in this office;

NOW, THEREFORE, the aforesaid signal system is hereby approved in manner and form as described and shown upon the plan approved now on file in the Office of the Department, and this license shall authorize the above mentioned Railway Company to operate the said signal system until further order of this Department, subject, however, to the following conditions, to-wit:

FIRST: That the aforesaid Railway Company shall not operate its trains over the crossing without providing a warning time for the railroad crossing signals as required by D.O.T. rules 8830.12 and 8830.13 and shall not operate its trains over the approach circuits of this signal system at a rate of speed in excess of:

MPH in either direction

SECOND: The aforesaid Railway Company shall cause said signal system to be inspected and maintained as required by 49 Code of Federal Regulations (CFR) Part 234.

THIRD: When notified of failure of the aforesaid warning signal system to function properly, the Railway Company shall respond as required by 49 Code of Federal Regulations (CFR) Part 234.

FOURTH: No change shall be made in said signal system, or any of its parts, nor in the manner of operating the same, without the approval of the Department.

FIFTH: The speed limit or limits established by this license relate only to the maximum permissible train speed in the vicinity of the grade crossing with its associated signal device circuitry which will provide adequate warning time to highway traffic. It does not preclude the establishment of more restrictive speed limits caused by track conditions or by any regulatory authority of a governmental unit.

STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION

Dated in St. Paul, MN  
(date)

\_\_\_\_\_  
Director, Railroad Administration

1 **REPEALER.** Minnesota Rules, parts 8830.0100, subparts 1, 2, 3,  
 2 6, and 7; 8830.0500, subpart 3; 8830.0600, subpart 2; 8830.0700,  
 3 subpart 7; 8830.1000, subpart 3; 8830.1100; 8830.1300, subpart  
 4 5; 8830.2600; 8830.2900; 8830.3100, subpart 3; 8830.3500;  
 5 8830.5100, subparts 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 16,  
 6 and 18; 8830.5200; 8830.5400; 8830.5600; 8830.5800, subparts 1,  
 7 3, 4, 5, 6, 7, 11, 12, 13, and 14; 8830.5810, subparts 3 and 4;  
 8 8830.6100, subparts 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15,  
 9 16, and 17; 8830.6200; 8830.9900; 8830.9910; 8830.9920;  
 10 8830.9930; 8830.9940; and 8830.9950, are repealed.

11 **RENUMBERING INSTRUCTION.** In the next edition or supplement of  
 12 Minnesota Rules, the revisor of statutes shall renumber each  
 13 part or subpart listed in column A with the part or subpart  
 14 number listed in column B. The revisor shall also make  
 15 necessary cross-reference changes consistent with the  
 16 renumbering.

	Column A	Column B
17		
18	8830.0100, subp 4	8830.0100, subp 26
19	8830.0100, subp 5	8830.0100, subp 27
20	8830.0100, subp 8	8830.0100, subp 67
21	8830.0100, subp 9	8830.0100, subp 16a
22	8830.1300, subp 1	8830.1200, subp 2
23	8830.1300, subp 2	8830.1200, subp 3
24	8830.1300, subp 3	8830.1200, subp 4
25	8830.1300, subp 4	8830.1200, subp 5
26	8830.1800	8830.1525, subps 1 and 2
27	8830.1900	8830.1525, subp 3
28	8830.2000	8830.1550
29	8830.2100	8830.1650
30	8830.2200	8830.2425
31	8830.2300	8830.2125
32	8830.2400	8830.2150
33	8830.2800	8910.1000
34	8830.3600	8910.2000
35	8830.3700	8910.2100
36	8830.3800	8910.3000
37	8830.3900	8910.3100

07/30/98

[REVISOR ] RR/SP AR2083

1	8830.5100, subp 5	8830.0100, subp 19
2	8830.5100, subp 6	8830.0100, subp 20
3	8830.5100, subp 7	8830.0100, subp 21
4	8830.5100, subp 15	8830.0100, subp 48
5	8830.5100, subp 17	8830.0100, subp 50
6	8830.5600, subp 2	8830.5650, subp 1
7	8830.5600, subp 3	8830.5650, subp 3
8	8830.5700, subp 2	8830.5690
9	8830.5800, subp 2	8830.0100, subp 13
10	8830.5800, subp 8	8830.0100, subp 22
11	8830.5800, subp 10	8830.0100, subp 42
12	8830.5800, subp 15	8830.0100, subp 69
13	8830.6100, subp 4	8830.0100, subp 17
14	8830.6100, subp 11	8830.0100, subp 35