

CHAPTER 8830
DEPARTMENT OF TRANSPORTATION
INTERMODAL PROGRAMS DIVISION
RAILROADS

ENGINEERING RULES AND SPECIFICATIONS

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ENGINEERING RULES AND SPECIFICATIONS

8830.0100 DEFINITIONS.

Subpart 1. **Association of American Railroads, AAR Signal Manual.** "Association of American Railroads, AAR Signal Manual" means AAR, Communications and Signal Section, Signal Manual of Recommended Practices, on file and available for inspection in the Railroad Administration Section, Office of Railroads and Waterways, Intermodal Programs Management Division, Minnesota Department of Transportation or available for purchase at 1920 L Street NW, Washington, D.C. 20036.

Subp. 2. **Commission.** "Commission" means the Public Utilities Commission.

Subp. 3. **Department.** "Department" means the Department of Public Service which engineering functions are administered by the Railroad Administration Section, Office of Railroads and Waterways, Intermodal Programs Management Division, Minnesota Department of Transportation pursuant to an authorized reorganization of state government in September 1972.

Subp. 4. **FHWA.** "FHWA" means the Federal Highway Administration, an agency of the USDOT.

Subp. 5. **FRA.** "FRA" means the Federal Railroad Administration, an agency of the USDOT.

Subp. 6. **Manual.** "Manual" means the "Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways" approved by the commissioner, Minnesota Department of Transportation.

Subp. 7. **Railroad crossing.** "Railroad crossing" means the intersection of one or more railroad tracks at grade with a public way.

Subp. 8. **USDOT.** "USDOT" means the United States Department of Transportation.

Statutory Authority: *MS s 218.041 subd 6*

8830.0200 APPLICATION.

These rules and specifications are intended to apply to railroad related engineering functions under the jurisdiction of the Department of Public Service and the Public Utilities Commission. These rules and specifications set forth in parts 8830.0100 to 8830.3900 are not retroactive but are intended to apply to future replacements and installations, and to existing installations that are significantly changed, modified, or reconstructed. Installations already lawfully in place are not to be considered as in violation of these rules.

The commission reserves the right at any time, after due process, to require changes or improvements at particular locations so as to conform to the requirements of these rules.

Statutory Authority: *MS s 218.041 subd 6*

RAILROAD-HIGHWAY GRADE CROSSINGS

8830.0300 NATIONAL INVENTORY AND NUMBERING PROJECT.

The department is cooperating with the U.S. Department of Transportation and the railroads in a project to identify each crossing with a unique number attached to the sign or signal at the crossing. Public grade crossings, bridges, pedestrian crossings, and private grade crossings will be identified, and the characteristics of each crossing will be tabulated. Reference should be made to these inventory numbers whenever possible. Information regarding this project can be obtained from: Railroad Administration Section, Office of Railroads and Waterways, Intermodal Programs Management Division, Minnesota Department of Transportation, Saint Paul, Minnesota 55155.

Statutory Authority: *MS s 219.17*

8830.0400 SIGNS.

All signs to be used on public roads in Minnesota must comply with the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways approved by the commissioner, Minnesota Department of Transportation. Sign number designations shown in these rules refer to the manual. Requests for clarification, interpretation, or modification of the Minnesota manual shall be addressed to the commissioner of transportation, and marked for the attention of the Office of Traffic Engineering, State Transportation Building, Saint Paul, Minnesota 55155. Any requests that require action at the national level will be forwarded to the Federal Highway Administration with an appropriate recommendation by the state.

Full scale drawings of the standard symbols used on signs, and the Minnesota Standard Signs Manual containing detailed drawings for the standard signs illustrated in the manual, are available from the Office of Traffic Engineering, Minnesota Department of Transportation, State Transportation Building, Saint Paul, Minnesota 55155. Full scale drawings of the standard alphabets are available from the Office of Traffic Engineering, Minnesota Department of Transportation, State Transportation Building, Saint Paul, Minnesota 55155.

Statutory Authority: *MS s 219.17*

8830.0500 RAILROAD CROSSBUCK SIGN.

Subpart 1. **Design of sign.** The crossbuck shall be white with the words "RAILROAD CROSSING" in black lettering. If there are two or more tracks, including sidings, the number of tracks shall be indicated on an auxiliary sign of inverted T shape mounted below the crossbuck. The crossbuck shall be used at every railroad crossing, alone or in combination with other warning devices.

The design of the railroad crossbuck (subpart 3) with auxiliary sign showing the number of tracks, has been standardized by the Association of American Railroads and shall comply with part 8830.9900, subpart 1. All or any part of the sign may be constructed of wood or metal, and mounted on a post of wood or other yielding design. Reflectorized four-foot 90-degree type blades of suitable material shall be used on post. All letters and numerals shall be in black color on reflectorized white background. Height may be varied as required by local conditions. Auxiliary multiple track sign to be used only where warning device is for more than one track.

Subp. 2. **Location, installation, and maintenance.** The crossbuck sign is furnished, installed, and maintained by the railroad company and is usually located on the railroad right-of-way. The distance that should be assumed to separate tracks before an additional crossing sign is considered necessary is 100 feet, unless local conditions require otherwise. The sign shall be erected on the right hand side of the roadway on each approach to the crossing. Crossbuck signs shall be located to the right of the traveled roadway not less than two feet clear of the face of curb or edge of shoulder or not less than ten feet clear of the edge of traveled lane, and not less than 12 feet from center line of the nearest track. (See part 8830.9900, subpart 1).

Subp. 3. **Crossbuck sign.**



R15-1
48" x 9"



R15-2
9" x 9"
27" x 9"

The department may require crossbuck signs to be mounted back to back for additional emphasis at selected locations.

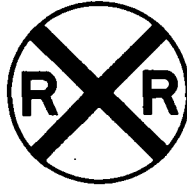
Statutory Authority: *MS s 219.17*

8830.0600 RAILROAD ADVANCE WARNING SIGN.

Subpart 1. **Where sign is needed.** A railroad advance warning sign shall be used in advance of every railroad crossing, except at a minor spur or siding that is infrequently used and that is guarded by train crews; or in the business districts of large cities where the crossings are fully protected; or where the physical conditions are such that even a partially effective display of the sign is impossible. On a divided highway it may be desirable to erect a supplemental sign on the left shoulder of the roadway. In residence or business districts, where low speeds are prevalent, the sign may be placed a minimum distance of 100 feet from the crossing. If there is a street intersection within 100 feet, an additional sign or signs may be placed to warn traffic approaching the crossing from each intersected street.

Railroad advanced warning signs are usually off the railroad right-of-way and are properly the responsibility of the public authorities. The application of railroad crossbuck signs on the railroad right-of-way is described in part 8830.0500.

Subp. 2. Railroad advance warning sign.



W10-1

36" Diameter

Statutory Authority: *MS s 219.17***8830.0700 SUPPLEMENTAL RAILROAD ADVANCE WARNING SIGNS.**

Subpart 1. **When the signs are needed.** The Minnesota Department of Transportation has adopted certain supplemental railroad advance warning signs as described herein. These signs are intended for use in advance of certain nonsignalized railroad crossings where conditions indicate the need for additional advance warning supplementing that provided by the W10-1 circular railroad advance warning sign. The use of these signs should be based on an investigation of pertinent conditions at the crossing, such as train and vehicle speeds, sight distractions or obstructions, stopping distances, and similar criteria.

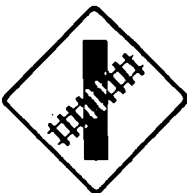
Subp. 2. **Preceded by railroad advance warning sign.** The signs may be used individually or in logical sequence, but shall always be preceded on the approach by the W10-1 sign, which is the initial and primary warning sign to be installed at crossings.

Subp. 3. **Track angle sign.** The "track angle" (W10-X1) sign is intended to convey to the motorist that the railroad crosses the roadway on a skew, and to thereby alert the motorist that extra care may be needed to ascertain whether trains are approaching. It shall utilize a track symbol at 45 degrees left or right, as appropriate.

Subp. 4. **Blind crossing sign.** The "blind xing" (W10-X2) sign is intended for use to warn of sight obstructions at the crossing area calling for added vigilance on the part of the motorist.

Subp. 5. **Look for trains sign.** The "look for trains" (W10-X3) sign is intended for supplemental use to warn the motorist of the obligation to ascertain whether or not it is safe to proceed over the crossing. It could logically follow the "blind xing" sign for additional emphasis.

Subp. 6. **Advisory speed plates.** Appropriate advisory speed plates (W13-1) may be mounted beneath any railroad advance warning sign to indicate the safe vehicle approach speed to the crossing.

Subp. 7. **Supplemental signs.**W10-X1
36" x 36"W10-X2
36" x 36"W10-X3
36" x 36"

(Black legend on yellow background)

Statutory Authority: *MS s 219.17*History: *17 SR 1279*

8830.0800 STOP SIGNS.

The installation of stop signs at railroad crossings must be approved by the commission and designated in the records of the commission as a stop crossing. Stop signs are for use on roadways where traffic is required to stop before crossing railroad tracks to ascertain whether it is safe to proceed across the track area.

The stop sign (R1-1) shall be reflectorized or illuminated to show the same shape and color both by day and night. The stop sign shall be an octagon with white message and border on a red background. The standard size shall be 30 inches by 30 inches. Where greater emphasis or visibility is required, a larger size is recommended.

Stop signs shall be designated by the commission to be either crossbuck mounted or separately mounted, substantially in accordance with part 8830.9900, subpart 2. Crossbuck mounted stop signs shall be the responsibility of the railroad. Separately mounted stop signs shall be the responsibility of the road authority and located approximately three feet in advance of the crossbuck sign and in accordance with the manual.

Statutory Authority: *MS s 219.17; 219.20*

8830.0900 PAVEMENT MARKINGS.

Pavement markings in advance of a railroad crossing shall consist of an X; the letters RR; a no passing marking; and certain transverse lines. They should be placed on all paved approaches to railroad crossings. These markings, if physically feasible, shall be placed at all grade crossings where railroad highway grade crossing signals or automatic gates are operating, and at all other crossings where the prevailing speed of highway traffic is 40 mph or greater.

The markings shall also be placed at crossings where engineering studies indicate there is a significant potential conflict between vehicles and trains. At minor crossings or in urban areas, these markings may be omitted if engineering study indicates that other devices installed provide suitable protection. Such markings shall be white except for the "no passing" markings.

The design of railroad crossing pavement markings shall be essentially as illustrated in part 8830.9900, subpart 3. The symbols and letters are elongated to allow for the low angle at which they are viewed. The centerline may be extended across the track area. At crossings where there are signals or gates, the stop line should be placed perpendicular to the roadway approximately five feet in advance of the signal or gate. Pavement markings are the responsibility of the road authority.

Statutory Authority: *MS s 219.17*

8830.1000 SIGNALS AND GATES.

Subpart 1. When signs are needed. At railroad crossings where studies indicate the need of warning beyond that provided by signs, signals should be installed that indicate the approach or presence of trains. The signals may be supplemented by gates that extend across the lane or lanes of the approaching traffic while trains are approaching and occupying the crossing. Such signals shall comply with part 8830.9900, subparts 4, 5, and 6.

Except where modified and supplemented by the following rules, and except as modified by the commission from time to time when, in their opinion, public interest and safety would thereby be best served, future modifications, replacements, installations, and maintenance of signals, gates, and other warning devices of railroad crossings shall be made in compliance with:

A. applicable parts of the Association of American Railroads (AAR) Signal Manual of Recommended Practice;

B. Association of American Railroads Bulletin Number 7 entitled "Railroad-Highway Grade Crossing Protection, Recommended Practices," published by the Communication and Signal Section or most recent revision to this bulletin;

C. applicable parts of the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways approved by the commissioner, Minnesota Department of Transportation.

Subp. 2. **Control and warning devices.** Wherever control circuits or warning devices are altered, such alterations shall not continue the use of obsolete control circuits or warning devices that create an unsafe or hazardous condition.

Subp. 3. **Cost of alterations.** The department shall cooperate with interested parties for obtaining available public funds for railroad crossing signal installations, improvements, or alterations.

Statutory Authority: *MS s 219.17*

8830.1100 USE OF SIGNALS AND GATES.

A flashing-light signal is used to indicate the approach or presence of trains by means of two horizontal red lights flashing alternately at predetermined intervals.

A railroad-highway grade crossing gate appearing to the driver as an arm being lowered or in a horizontal position is an effective adjunct to the flashing light signal in indicating the approach or presence of trains. When used, the gate should extend over the traveled roadway a sufficient distance to cover the lanes used by traffic approaching the crossing.

Signals and signs or signals, signs, and gates of the type described herein may be installed at railroad crossings as a warning of the approach of trains. These exact assemblies of devices shall be used for no other purpose.

Statutory Authority: *MS s 219.17*

8830.1200 OPERATION OF SIGNALS AND GATES.

On tracks where trains operate at a speed of 20 miles per hour or higher, the signals shall operate for not less than 20 seconds before the arrival of any train. For trains operating less than 20 miles per hour, the signals shall operate in advance of train movements over the crossing a sufficient time to give adequate warning to highway traffic when considering such conditions as highway speed and volume of highway traffic.

Where the distance from the most remote signal to the clearance on the highway for the farthest track on which trains operate at a speed of 30 miles per hour or higher, as measured parallel to the center line of the highway, is more than 35 feet, the 20 seconds' time should be increased one second for each additional ten feet of travel as consideration for slow moving highway vehicles which use the crossing to clear the farthest track. Signals shall operate whenever any part of a train occupies the crossing. Signals and devices are to be designed so that they will operate only when it is intended to indicate impending danger at the crossing, such as an approaching train, and they will operate for such a period of time before arrival of any train operated over the crossing as is required above.

Statutory Authority: *MS s 219.17*

8830.1300 CONTROLS.

Subpart 1. **Compliance.** Controls, including electric, electronic, and mechanical methods, shall be in accordance with AAR Signal Manual Part 34, insofar as it applies, and as far as practicable shall be so designed that in the event of failure of any part, the operation required of the signals and devices will be provided.

Subp. 2. **Suspension of operation during switching or regular operating stops.** Where means are provided to suspend operation of the warning devices during intervals when trains make regular operating stops or perform switching operations on approach circuits, controls shall be so designed as to provide operation of warning devices before a train reaches the crossing. Automatic control of warning devices, actuated by approaching trains other than the train that has stopped or is performing switching operations, shall take precedence over any feature provided to suspend operation.

Subp. 3. **Manual control of warning devices.** Where manual supervisory control of warning devices is provided in addition to automatic controls:

A. automatic control actuated by approaching trains other than that for which manual control has been made effective shall take precedence over the manual control;

B. means shall be provided to restore the controls to automatic operation; and

C. means shall be provided to prevent manual operation by unauthorized persons.

Subp. 4. **Track circuits.** All tracks over the crossing shall be provided with track circuits, unless otherwise approved.

Where train speeds on a given track vary considerably under normal operation and volume of railroad and highway traffic warrants, special devices or circuits should be installed to provide reasonably consistent warning time for all movements. Under similar traffic volume conditions special control features should be used to eliminate the effects of station stops and switching operations within approach control circuits. Wrap around or equivalent circuits may be required with motion sensitive control equipment.

Subp. 5. Check of control systems. The control system for active warning devices at railroad crossings within automatic block signal territory shall be checked to determine, to the extent practical, if unsafe conditions have developed in the control system prior to the approach of a train to the crossing. If such unsafe conditions can be detected, they shall be reflected in the automatic block signal system through the display of an aspect by the appropriate block signal requiring train movement over the crossing at restricted speed.

Statutory Authority: *MS s 219.17*

8830.1400 ELECTRIC LIGHT UNITS.

Electric light units shall be in accordance with AAR Signal Manual Part 166, and shall be arranged to provide indication for approaching traffic as required. They shall be mounted horizontally at two feet six inch centers, and preferably not less than seven feet six inches nor more than nine feet six inches above the surface of the highway. Lamp units shall be hooded to shade them from the sun but not shielded at the sides to impair close-in indication, and shall have dull black backgrounds 20 inches in diameter. Light units shall flash alternately. The number of flashes per minute for each incandescent type lamp shall be 35 minimum, 55 maximum. Lamps shall be illuminated approximately the same length of time. Total time of illumination of each pair of lamps shall be practically the entire operating time. Each electric light unit, when equipped with a roundel designed for 30 degree horizontal spread, shall provide an indication having a beam candlepower of uniform intensity at any angle up to ten degrees on either side of the axis and the range at any point within the 20 degree angle under bright sunlight conditions, with the sun at or near the zenith, shall be not less than 1,500 feet. Electric light units shall display a satisfactory indication at close range.

Alignment of highway crossing signal reflector type light units shall be accomplished by the railroad in accordance with the recommended practice set forth by AAR Manual Part 268 of most recent revision.

Statutory Authority: *MS s 219.17*

8830.1500 BELLS.

A bell, when used, should sound a warning during the time the signal lights are operating, except it may be silenced when head end of train reaches the crossing or when the gate has descended to within ten degrees of horizontal.

A bell, when used, shall be in accordance with AAR Signal Manual Part 21 and mounted with the face of the gong parallel to the highway.

Statutory Authority: *MS s 219.17*

8830.1600 PLACEMENT OF SIGNALS.

Subpart 1. Location of signals. In the placement of signals, primary consideration shall be given to ensuring the proper visibility of signal faces. However, in the interest of safety, signals and controller cabinets should be placed as far as practicable from the edge of the traveled way without adversely affecting signal visibility. Signals shall be located to the right of the highway not less than two feet clear from the face of vertical curb or, where there is no curb, not less than two feet clear from the edge of the shoulder, and not less than 12 feet from the center line of the nearest track in substantial accordance with part 8830.9900, subparts 7 and 8.

Subp. 2. Use and location of additional signals. Additional light units or an additional signal may be used if it is determined to be impractical to warn all highway traffic approaching the crossing from one direction with a single signal. On divided roadways, additional signals may be located to the left of the roadway not less than two feet clear of curb or edge of shoulder and not less than 12 feet from the center line of the nearest track.

Subp. 3. Gate arms. Where local conditions require, gate arms may be placed at other than right angles to the highway.

Subp. 4. **Controller cabinets.** At locations where the roadway speed is 40 miles per hour or greater, controller cabinets shall be located 30 feet clear of the edge of nearest traffic lane unless otherwise approved by the department.

Subp. 5. **Signal support.** No part of a base for a signal support should extend more than four inches above the ground level at any point.

On medians, the above minimum clearances for signal supports should be obtained where practicable. Any supports that cannot be located with the required clearances should be of the breakaway type or should be guarded if at all practicable.

Statutory Authority: *MS s 219.17*

8830.1700 GUARD RAILS.

Where local conditions will permit, a lateral escape route to the right of the highway in advance of the crossing protection signal should be kept free of guard rail or other above-ground obstructions. Placement of the guard rails is the responsibility of the highway authorities. Where guard rail is not deemed necessary nor appropriate by highway authorities, rigid non-yielding-type barriers are not to be used for protecting signal supports. In industrial and other areas involving only low speed highway traffic and where signals are susceptible to being struck by turning truck traffic such as in terminal areas, alleys, warehouse areas, etc., ring-type guard rail may be installed to provide protection for the signal assembly.

Statutory Authority: *MS s 219.17*

8830.1800 USE OF AUTOMATIC GATE.

An automatic gate, when installed, shall serve as an adjunct to a highway crossing signal of the flashing-light type and, when indicating the approach of a train, shall present toward approaching highway traffic the aspect of an arm equipped with red lights either being lowered or at rest in the horizontal position across the lane or lanes used by traffic approaching the crossing. (See part 8830.9900, subpart 6.)

Statutory Authority: *MS s 219.17*

8830.1900 GATE ARM.

Each gate arm shall be equipped with not less than three red lamps arranged to shine in both directions along the highway. The gate arm, when in the raised position, shall not obstruct or interfere with highway traffic. The gate arms shall be striped on both sides with 16-inch alternate diagonal reflectorized stripes of red and white. The bottom of the gate arms when in the horizontal position shall not be less than three feet six inches nor more than four feet six inches above the crown of the roadway.

Statutory Authority: *MS s 219.17*

8830.2000 GATE OPERATION AND CONTROL.

The gate arms shall operate uniformly, smoothly, and complete all movements without rebound or slap, and be securely held when in the raised position. Gate arm lights shall operate in conjunction with the railroad crossing signal at all times when the gate is in position to obstruct highway traffic. The light nearest the tip of arm shall burn steadily and two lights shall flash alternately in unison with the lights on the signal. The gate mechanism shall be so designed that if the arms while being lowered strike or foul an object, they will readily stop, and on removal of the obstruction shall assume the position corresponding with the control apparatus. Gate arm shall start its downward motion not less than three seconds after the signal lights start to operate. Gate arm shall reach the horizontal position before arrival of any train and shall remain in that position as long as any part of the train occupies the crossing.

The design of the gate operating mechanism shall, so far as practicable, be such as to ensure proper operation during unfavorable weather conditions.

If out of order, the gate arm shall assume the horizontal position across the roadway. Circuits shall be so arranged that a failure of the gate mechanism to operate as intended will not prevent the lights on the gate arm and signal from operating on the approach of a train.

At crossings where traffic volumes are moderate to high or where alternate routes and railroad crossings are not readily available, manual controls may be required to enable personnel designated by the railroad to raise the crossing gates in the event of a control system

malfunction such that the gates are caused to obstruct traffic under conditions other than the approach and movement of a train over the crossing.

Statutory Authority: *MS s 219.17*

8830.2100 TRAFFIC SIGNALS NEAR RAILROAD CROSSINGS.

Subpart 1. Preemption by railroad controls. When a railroad crossing, protected by signals, is within or near an intersection controlled by a traffic control signal, the control of the traffic signal should be preempted from the signal controller upon approach of trains to avoid conflicting aspects of the traffic signal and the train approach signal. This preemption feature requires a closed electrical circuit between the control relay of the train approach signals and the preemptor in order to establish and maintain the preempted condition during the time that the train approach signals are in operation. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

At railroad crossings where train movements are regulated or limited to the extent that train approach signals are not required, preemption of the adjacent signalized intersections may be desirable to permit nonconflicting highway traffic to proceed during the time the crossing is blocked by a train. Except under unusual circumstances, the interconnection should be limited to the traffic signals within 200 feet of the crossing.

Subp. 2. Preemption sequence. The preemption sequence initiated when the train first enters the approach circuit shall at once bring into effect a signal display that will permit all vehicles to clear the tracks before the train reaches the intersection or any approach thereto.

When the green indication is preempted by train operation, a yellow change interval must be inserted in the signal sequence in the interest of safety and consistency. To avoid misinterpretation during the time that the clearout signals are green, consideration should be given to the use of 12-inch red lenses in the signals that govern movement over the tracks. After the track clearance phase, the traffic control signal may be operated to permit vehicle movements that do not cross the tracks, but in all cases shall prohibit movements over the tracks. (For interpretation, see part 8830.9950).

When the train clears the crossing it is necessary to return the signal to a designated phase, normally the traffic movement crossing the tracks.

Subp. 3. Phasing and timing of traffic control signals. Where feasible, the location and the normal (no trains involved) phasing and timing of traffic control signals near railroad grade crossings should be designed so that vehicles are not required to stop on the tracks, even though in some cases this will increase the waiting time. The exact nature of the display and the location of the signals to accomplish this will depend on the physical relationship of the tracks to the intersection area.

Subp. 4. Traffic controls not substituted for railroad crossing warning devices. Traffic control signals shall not be used on mainline railroad crossings in lieu of railroad crossing warning devices. However, at industrial track crossings and other places where train movements are very slow, as in switching operations, traffic control signals may be used in lieu of conventional train approach signals to warn motorists of the approach or presence of a train. The provisions of this part relating to traffic signal design, installation, and operation are applicable as appropriate where traffic control signals are so used.

Statutory Authority: *MS s 219.17*

8830.2200 MAINTENANCE OF RAILROAD CROSSING SIGNALS.

Maintenance and operation of railroad crossing signals and gates are the responsibility of the operating railroad or owner of the trackage. Signals and gates shall be regularly and periodically inspected for proper operation, kept well painted, and in a serviceable condition at all times. The surfaces of lenses, reflectors, bulbs, and gate arm lights shall be kept free from such deposits as dust or other materials that will seriously affect their efficiency.

Statutory Authority: *MS s 219.17*

8830.2300 PLAN APPROVAL.

All modifications, replacements, and installations of signals, gates, and other warning devices at railroad crossings must be made in accordance with plans approved by the department.

The following information shall be furnished:

A. exact location of railroad crossing in terms of railroad company stationing or distance from nearest milepost and federal crossing number, when available;

B. proper name of the road crossing and the railroad including county, state, or federal highway designations;

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

D. listing of all plans, special instructions, data forms, informational reports, and documents transmitted with the application;

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

F. three complete sets of plans;

G. typical wiring diagram of motor-operated warning signals or crossing gates shall be provided or referred to if on file;

H. all changes of existing facilities and control systems shall be clearly identified on plans by color code or other suitable means (where plans reflect only new work, they need not be colored or otherwise coded);

I. upon request, any information necessary to completely analyze the control system;

J. plans submitted for approval must be complete with respect to the control system for each railroad crossing involved; where block signal systems are involved, any block signal controls incorporated in the railroad crossing control system must be shown to the extent applicable;

K. all electronic equipment must be adequately defined by numerical or other designation supplied by the manufacturer so that complete functional and performance characteristics of the control system can be accurately determined and evaluated; name of manufacturer must be stated;

L. frequency of audio frequency track circuits and other audio frequency equipment must be shown on the plans;

M. where electronic control equipment consisting of a self-contained unit arranged for incorporation within the control system for railroad crossing warning devices is employed and identified only by a box symbol with identifiable terminals within the control circuit diagram, adequate information shall be provided to enable accurate determination of all circuits within the self-contained unit (if such complex circuits are published by the manufacturer of such equipment as a coherent control system, reference to type, model, or other identifying means will be sufficient; if such is not published by the manufacturer as a complete and coherent system, the railroad should provide copies of all circuits to be employed and a block diagram or other means of determining how they will be related); name of the manufacturer must be stated;

N. special symbols or nomenclature used only by the railroad (not found in published standards of the Association of American Railroads, manufacturers of signal equipment, or other generally recognized sources of information in the railway signal industry) shall be defined on the plans;

O. the length of approach track sections shall be shown on the plan;

P. the length of island track circuit shall be shown on plan;

Q. the method of calculation employed by the railroad in determining the anticipated warning time for a train approaching the crossing at average maximum authorized speed shall be stated; system reaction time, over-speed tolerance, if any, and any other factors considered shall be stated;

R. ampere hour capacity of battery shall be stated on plan;

S. supplementary supporting information should be provided where necessary to clarify and support special design features of the control system or warning devices and may consist (but not be limited to) the following: daily traffic volume and peak traffic density of motor vehicles over the crossing if available from road authority; daily traffic volume and peak traffic density of train movements over the crossing; special operating instructions that apply to the warning devices at the crossing or indirectly affect them; general operating rules effective in the design of the control system for the railroad crossing warning devices;

T. where the control system for highway intersection traffic control signals is to be interconnected with the control system for railroad crossing warning signals, a plan showing how the electrical interconnection will be made with the railroad control system, a sequence chart approved by the railroad, state, and local authorities concerned, showing all operating sequences possible for the traffic control signals and a dimensioned or scale plan drawing showing the location of the traffic control signals at the street intersection and the railroad crossing signals at the railroad crossing shall be provided. The road authority shall furnish the traffic signal plans and the railroad shall furnish the railroad signal plans. Plan submittals should be coordinated.

Statutory Authority: *MS s 219.17*

8830.2400 OPERATING LICENSE.

Upon installation or modification of a signal system and inspection and approval by the department, an operating license will be issued by the department to the operating railroad in substantial accordance with part 8830.9910.

Statutory Authority: *MS s 219.17*

8830.2500 CROSSING GUARDS.

At crossings where an employee of a railroad is stationed for the purpose of warning highway traffic of impending danger the following rules shall apply.

The crossing guard shall wear a standard orange vest, front and back, and orange hat. For nighttime conditions, similar outside garments shall be reflectorized. The crossing guard shall use a standard red and white reflectorized "stop" sign, size 24 inches, whenever practical. The crossing guard may use a red light shown toward highway traffic during the hours of darkness or when weather conditions require.

Crossing guards shall direct highway traffic only when they intend to indicate impending danger at the crossing, such as an approaching train or the occupation of a crossing by a train, cars, or engines.

A red light may be used, only, to indicate impending danger at the crossing, or train approaching and when a stop for all classes of highway traffic is required. The "stop" sign may only be used where and when a stop for all classes of highway traffic is actually intended at the crossing.

No railroad shall discontinue or substantially change the time of duty of any regularly employed crossing guard without applying to the department, showing adequate public safety, and receiving approval of the commission.

Statutory Authority: *MS s 219.17*

History: *17 SR 1279*

8830.2600 FLAGGED CROSSING.

When so designated by the commission or the railroads as a flagged crossing, all train movements over the crossing shall be preceded by a member of the train crew and further in accordance with the general or special operating rules of the railroad.

Statutory Authority: *MS s 219.17*

8830.2700 COMMISSION APPROVAL OF NEW RAILROAD CROSSINGS.

All new railroad crossings must be approved by the commission after first making application to the department. Applications for new public roadways across existing railroads shall be made by the road authority that will have jurisdiction of the roadway. Applications for new railroad tracks across existing public roadways shall be made by the owner or operating railroad, or in the case of spur tracks owned by a customer, either by the railroad or the customer. Applications should be accompanied by relevant documents, data, and material necessary to show public interest and safety such as: railroad company, road authority, general and specific location, maps, plans, schedule of construction, details of construction, proposed use by applicant, expected or current traffic volumes and speeds and train frequency and speeds, available sight distance, suggested warning, and alternates. Modifications and minor relocations of existing crossings do not require commission approval.

Statutory Authority: *MS s 219.072; 219.17*

RAILROAD BRIDGES**8830.2800 APPROVAL OF BRIDGES BY THE DEPARTMENT.**

All plans for new or reconstructed bridges carrying public ways over or under railroads must be approved by the department as to legal clearances in accordance with part 8830.9920. Variances from legal clearances must be approved by the commission after first making application to the department and hearing thereon.

Statutory Authority: *MS s 218.041 subd 6*

8830.2900 WALKWAYS ON RAILROAD BRIDGES.

All new or reconstructed bridges carrying railroads shall have walkways and handrails on both sides conforming to legal clearances. Variances from legal clearances must be approved by the commission after first making application to the department.

Statutory Authority: *MS s 218.041 subd 6*

TRACK CLEARANCES**8830.3000 CLEARANCES AND VARIANCES.**

Legal clearances adjacent to, over, and between railroad tracks are defined in Minnesota Statutes, sections 219.45 to 219.53 and by general order of the commission (Minnesota Statutes, section 219.46, subdivision 7) and are depicted in part 8830.9920. Variances from legal clearances must be approved by the commission, after first making application to the department and showing at hearing thereon that such variance would not create a condition unduly hazardous. When considering a variance, the department may require the installation of the signs shown in part 8830.9930 or restrict train workers operation by use of signs shown in part 8830.9940, and such other requirements as, in their opinion, would be in the interests of safety.

Statutory Authority: *MS s 218.041 subd 6*

History: *17 SR 1279*

SAFETY REPORTS AND STANDARDS**8830.3100 RAILROAD ACCIDENT REPORTS.**

Subpart 1. **Reports.** Every railroad shall furnish, as directed by the department, a report of accidents, wrecks, and casualties in the manner and form prescribed. All reports shall be open to public inspection, but shall not be admissible in evidence in any suit or action for damages, growing out of such accident, wreck, or casualty. Upon reasonable notice, reports are available for inspection at the Railroad Administration Section, Office of Railroads and Waterways, Intermodal Programs Management Division, Minnesota Department of Transportation, Saint Paul, Minnesota 55155.

Definitions and terms shall refer to U.S. Department of Transportation, Federal Railroad Administration (FRA) latest regulations relating to Railroad Accidents, Reports and Classification, which regulations shall apply except where modified herein.

Subp. 2. **Report sent to the department.** Except for railroad crossing accidents, railroads shall furnish to the department copies of all reportable accidents in the form, style, and schedule as may be required by the Federal Railroad Administration.

Subp. 3. **Report of railroad crossing accidents sent to the department.** All train and train service accidents, regardless of extent of damage, due to a railroad crossing shall be reported as directed by the department, within ten days of such accident, on forms furnished by the department.

Statutory Authority: *MS s 218.041 subd 6*

8830.3200 TRACK SAFETY STANDARDS.

U.S. Department of Transportation, Federal Railroad Administration, Office of Safety "Track Safety Standard" of latest revision shall apply to all railroad trackage and be the standard for determination of unsafe trackage.

Statutory Authority: *MS s 218.041 subd 6*

8830.3300 UNIFORM PROJECT ACCOUNTING AND BILLING.

Uniform Project Accounting and Billing, USDOT, FHWA, Policy and Procedure Memorandum No. 30-3 of most recent revision shall be the basis for railroads billing their allocated or agreed upon share of their work against any public authority in connection with any project under the jurisdiction of the department or commission, unless otherwise specifically noted in an order of the commission.

Statutory Authority: *MS s 218.041 subd 6*

RAILROAD ACCOUNTING**8830.3400 RAILROAD ACCOUNTING RULES.**

Subpart 1. **Classification.** For the purpose of accounting, the commission has adopted the Interstate Commerce Commission classifications, including any amendments thereto that may be made by the Interstate Commerce Commission.

Subp. 2. **Uniform system of accounts.** Each railroad company shall maintain its accounts in accordance with the uniform system of accounts prescribed by the Interstate Commerce Commission.

Subp. 3. **Reports.** Each railroad company shall submit the following reports to this commission:

A. copy of annual report form submitted to Interstate Commerce Commission (ICC Form A for Class I Railroads, ICC Form C for Class II Railroads or other form as prescribed by the Interstate Commerce Commission); this report shall be submitted by March 31 of the following year;

B. copy of annual report to stockholders, as soon as it becomes available;

C. Minnesota information, as outlined in part 8830.3500, to be submitted with the ICC report (to be furnished by all railroad companies operating in more than one state); and

D. such other information as the commission may request.

Statutory Authority: *MS s 218.041 subd 1*

8830.3500 INFORMATION REQUIRED BY STATE OF MINNESOTA.

Subpart 1. **Information.** Each railroad company shall submit the following Minnesota information as an appendix to the Interstate Commerce Commission annual report:

A. Schedule 710, Railway Operating Revenue: schedule as shown in present state commission Form A shall be completed.

B. Schedule 811, Mileage Operated: schedule in present state commission Form A shall be completed, including the summary statement.

C. Schedule 931, Statistics: this schedule shall be completed in accordance with the revised form attached hereto.

D. Schedule 941, Revenue Freight Carried: this schedule shall be completed on a two-digit basis in accordance with the commodity codes named in Code of Federal Regulations, title 49, section 123.52. The following additional commodities shall be included:

| | |
|-------|----------------------------|
| 01131 | Barley |
| 01132 | Corn, except popcorn |
| 01133 | Oats |
| 01135 | Rye |
| 01136 | Sorghum grains |
| 01137 | Wheat, except buckwheat |
| 01139 | Grain, nec |
| 01142 | Flaxseed |
| 01144 | Soybeans |
| 01195 | Potatoes, other than sweet |
| 01197 | Sugar beets |

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Subp. 2. **Format.** Headings for the schedule shall be as follows:

A. Schedule 941. Revenue freight carried within the state.

| Commodity | Revenue Freight Originating On Respondent's Road Within the State | |
|-----------|---|---|
| | Number of Carloads (b) | Number of tons (2,000 pounds) (c) |
| (a) | | |

Revenue Freight Terminating
On Respondent's Road
Within the State

| Number of Carloads (d) | Number of tons (2,000 pounds) (e) |
|------------------------------|---|
|------------------------------|---|

B. Schedule 931. Statistics of rail line operations within the state.

1. Column headings:

- a. item;
- b. freight trains;
- c. passenger trains;
- d. total transportation service.

2. Items, column A:

- a. average mileage of road operated (whole numbers);
- b. train miles, total;
- c. motor car miles;
- d. total locomotive miles;
- e. train hours;

Car Miles:

- f. loaded freight cars;
- g. empty freight cars;
- h. cabooses;
- i. total;
- j. coaches;
- k. combination passenger cars;
- l. sleeping and parlor cars;
- m. dining, club, lounge, and observation cars;
- n. head-end cars;
- o. total;
- p. business cars;
- q. crew cars (other than cabooses);

Gross Ton Miles:

- r. road locomotives and tenders;
- s. freight cars, contents, and cabooses;
- t. passenger cars and content;
- u. total;

Revenue and Nonrevenue Freight:

- v. tons of revenue freight;
- w. tons of nonrevenue freight;

- x. total;
- y. ton miles – revenue freight;
- z. ton miles – nonrevenue freight;
- (aa) total;
- Revenue Passenger Traffic:
- (bb) passengers carried;
- (cc) passenger–miles.

Statutory Authority: *MS s 218.041 subd 1*

ABANDONMENT

8830.3600 ABANDONMENT OF AGENCY OR CUSTODIAN SERVICE.

Rail carriers requesting permission to abandon agency or custodian service pursuant to Minnesota Statutes 1957, section 219.85 shall furnish exhibits including the information detailed in part 8830.3700.

The term “gross revenues” as applied to freight traffic means the total of all transportation charges accruing to petitioner and connecting line carriers on local to line and interline traffic destined to and forwarded from the station under consideration.

All information required shall be furnished for the two calendar years prior to date of petition, and for as many months of the current year as are available.

Statutory Authority: *MS s 218.041 subd 6*

8830.3700 INFORMATION REQUIRED FOR ABANDONMENT OF AGENCY OR CUSTODIAN SERVICE.

Subpart 1. **Freight service revenues.** Information relating to freight service operations shall be segregated so as to show separately the following:

A. for local to line freight traffic, show gross freight revenue on all shipments of freight forwarded, and freight received; and

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

Subp. 2. **Station expenses.** Direct expenses incurred in the operations of depot facilities shall be itemized as shown below.

Subp. 3. **Exhibits.** Exhibits shall include the following detail:

A. Freight Service Revenues.

| | | Forwarded | Received | Total |
|------------------------------------|---------|-----------|----------|----------|
| Local to line traffic | Carload | \$ _____ | \$ _____ | \$ _____ |
| | L.C.L. | _____ | _____ | _____ |
| Interline traffic | Carload | _____ | _____ | _____ |
| | L.C.L. | _____ | _____ | _____ |
| Total | Carload | _____ | _____ | _____ |
| | L.C.L. | _____ | _____ | _____ |
| All other Freight Service Revenues | | _____ | _____ | _____ |
| Total Freight Service Revenues | | \$ _____ | \$ _____ | \$ _____ |

B. Station expenses.

| Item | Amount |
|---|----------|
| 1. Agent's salary | \$ _____ |
| 2. Helper's or custodian's salary | _____ |
| 3. Light, heat, water, and telephone | _____ |
| 4. Building maintenance | _____ |
| 5. Stationery and printing and office supplies | _____ |
| 6. Payroll taxes | _____ |
| 7. Health and welfare benefits | _____ |
| 8. Minnesota gross earnings tax | _____ |
| 9. Other expenses (explain below) | _____ |
| 10. Total direct station expenses | \$ _____ |

Statutory Authority: *MS s 218.041 subd 6*

RAILROAD TARIFFS

8830.3800 RAILROADS.

All tariffs and classifications, supplements thereto, and reissues thereof shall be prepared, posted, and filed in accordance with the Rules of Tariff Circular No. 20, supplements thereto or reissues thereof, issued by the Interstate Commerce Commission, and naming rules governing the construction, filing, and posting of freight-rate publications, except to the extent that such rules may contravene Minnesota Public Utilities Commission orders or specific provisions of the Minnesota Statutes.

Statutory Authority: *MS s 218.041 subd 6*

8830.3900 ALTERNATION OF RATES.

All tariffs shall provide for complete alternation of all rates and for application of the published rate that results in the lowest aggregate charge.

Statutory Authority: *MS s 218.041 subd 6*

RAIL SERVICE IMPROVEMENT

8830.5100 DEFINITIONS.

Subpart 1. **Scope.** The following terms as they appear in these rules shall have the following meanings.

Subp. 2. **Act.** "Act" means the Minnesota Rail Service Improvement Act, Minnesota Statutes, sections 222.46 to 222.54.

Subp. 3. **Bankrupt railroad.** "Bankrupt railroad" means any railroad corporation that has filed a petition in the United States district court stating that it is insolvent or unable to meet its debts as they mature, and that it desires to effect a plan of reorganization, which petition has been approved by said United States district court.

Subp. 4. **Capital improvements.** "Capital improvements" means the purchase, rehabilitation, construction, or reconstruction of physical facilities or equipment to improve rail service. Operating expenses are not considered capital improvements.

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

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 7. **Demonstration project.** "Demonstration project" means an experimental project to improve rail service that has general application within the state but is not traditionally associated with rail transportation.

Subp. 8. **Department.** "Department" means the Minnesota Department of Transportation.

Subp. 9. **Federal rail service continuation program.** "Federal rail service continuation program" means any federal program created under the Railroad Revitalization and Regulatory Reform Act of 1976, Public Law Number 94-210, as amended and as implemented by federal regulations.

Subp. 10. **Loan.** "Loan" means interest-free money requiring repayment.

Subp. 11. **Personal guarantee.** "Personal guarantee" means an individual or corporate obligation to repay the loan.

Subp. 12. **Rail line.** "Rail line" means railroad roadbeds, right-of-way, track structure, and other appurtenances of railroad right-of-way including public-use sidings.

Subp. 13. **Rail user.** "Rail user" means any financially responsible shipper, consignor, consignee, or other entity, political subdivision and their legal entities, that depend upon the movement of goods by rail service and offer financial assistance in improving and maintaining that rail service.

Subp. 14. **Railroad.** "Railroad" means a common carrier by railroad as defined in United States Code, title 49, section 1, clause (3) of the Interstate Commerce Act.

Subp. 15. **Rail rehabilitation.** "Rail rehabilitation" means the rebuilding of a rail line or portions thereof and/or the implementation of other allied projects that will improve rail service.

Subp. 16. **State rail plan.** "State rail plan" means the plan prepared and adopted by the department as provided for in the act.

Subp. 17. **State rail service improvement account.** "State rail service improvement account" means the special revenue account created in the state treasury by the act.

Subp. 18. **Subsidy payments.** "Subsidy payments" means the payment for all costs incurred by a railroad which exceed the revenues obtained from operating the line when the line has been abandoned pursuant to Interstate Commerce Commission regulations, Code of Federal Regulations, title 49, part 1121. Said costs shall be computed according to Interstate Commerce Commission accounting procedures as set forth in Code of Federal Regulations, title 49, part 1121.

Statutory Authority: *MS s 222.50 subd 3 para (d)*

8830.5200 AUTHORITY, PURPOSE, AND INTERPRETATION.

Subpart 1. **Authority.** The commissioner of the Minnesota Department of Transportation is authorized to adopt rules necessary to carry out the provisions of the Minnesota Rail Service Improvement Act pursuant to Minnesota Statutes 1979 Supplement, section 222.50, subdivision 3, paragraph (d).

Subp. 2. **Purpose.** The purpose of the Minnesota rail service improvement program and these rules is to improve rail service by providing state funds in a revolving account to be used in conjunction with funds from the federal rail service continuation program for the establishment of contracts between the state, rail users, and railroads for rail line rehabilitation and other rail service improvement projects.

Statutory Authority: *MS s 222.50 subd 3 para (d)*

8830.5300 RAIL REHABILITATION PROGRAM CRITERIA.

Subpart 1. **Eligibility.** A rail line, or portions thereof, upon which a train cannot operate safely at 25 miles per hour or that does not have the required structural capacity to support rail cars of 263,000 pounds gross weight, and that is within the physical boundaries of or predominantly serves rail users in Minnesota, is eligible. Rail lines belonging to a bankrupt railroad requiring rehabilitation to allow continued service of statewide significance shall also be eligible for funding.

A rehabilitation project is eligible for funding if an agreement has been negotiated which meets the requirements of the act, these rules and, when federal funds are used, applicable federal laws and regulations.

Subp. 2. **Priority criteria.** The following criteria shall be used to establish the priority of projects proposed for funding: the availability of state and federal program funds; the

probability of the rail line continuing in profitable service after the project is completed; the costs of the project compared to the benefits resulting from the project; the level of commitment of a railroad and rail users to participate financially in the project; and the need for the line as part of the overall rail system.

Subp. 3. Standards and phasing. Rail line rehabilitation shall be performed to the extent that it allows the use of 263,000 pounds gross weight railroad cars and that it allows trains to operate safely at 25 miles an hour or more. The commissioner shall approve rehabilitation to a higher standard if it is necessary for providing a required level of service. Rehabilitation may be accomplished in separate stages if the final result meets these standards.

Subp. 4. Project funding. Funding for rail rehabilitation projects must be computed as follows:

A. For rail line rehabilitation and related projects on lines not included in item B, the division of costs shall be by the following formula:

A grant or interest-free loan or combination thereof of state and federal funds shall be made by the commissioner of up to 90 percent of the total cost of a project. In no event shall the grant exceed 60 percent of the project cost.

Rail users shall loan the railroad a minimum of ten percent of the cost of a project.

The railroad shall furnish a minimum of 20 percent of the cost of a project, and shall repay all loans from the rail users and the state.

B. If a rehabilitation project is on a rail line owned by a bankrupt railroad, previously owned by a bankrupt railroad, or a rail line has been abandoned under Interstate Commerce Commission regulations, Code of Federal Regulations, title 49, part 1121, the division of costs shall be by the following formula:

A grant or interest-free loan or combination thereof of state and federal funds shall be made by the commissioner of up to 90 percent of the total cost of a project.

Rail users shall loan the railroad a minimum of ten percent of the total cost of a project.

The railroad shall furnish a portion of the cost of the project if its financial circumstances permit and shall repay all loans from the rail users and the state.

C. In kind participation: participation in a contract by any party may include non-monetary contributions such as materials, labor, land, or other kinds of contributions if agreed to by all parties to the contract. The amount and fair market value of all in kind participation shall be clearly defined in the contract.

Subp. 5. Repayment requirements. The railroad shall reimburse the rail users for funds loaned to it in accordance with a formula based on usage of the line, or a predetermined fixed amount. Repayments shall be made on a quarterly basis. The terms of repayment shall be sufficient so as to assure repayment in ten years or less.

The railroad shall repay the commissioner for funds loaned to it at a predetermined fixed amount on a quarterly basis. The repayment shall commence upon completion of the requirement to repay the rail users, and extend over a period not to exceed ten years.

The rehabilitation contract shall provide for an extension of time in the event of any cessation or reduction of service unless such cessation or reduction is the result of no demand for service.

Statutory Authority: *MS s 222.50 subd 3 para (d)*

8830.5400 RAIL LINE SUBSIDY PROGRAM CRITERIA.

Subpart 1. Eligibility. A rail line that is eligible for subsidy payments under the federal rail service continuation program is eligible for funding under the Minnesota Rail Service Improvement Act.

Subp. 2. Project funding. The combined state and federal operations subsidy payments shall be up to 90 percent of the operational subsidy costs on those lines having priority for funding. In no event shall the state and federal operational subsidy payment exceed an amount equal to the amount of the railroad's retained revenue on the line.

Rail users shall provide a minimum of ten percent of the operational subsidy cost plus any other operational subsidy cost not covered by state and federal operational subsidy payments.

Rehabilitation which is eligible under federal regulations and which is performed in conjunction with operational subsidy payments shall conform with part 8830.5300.

Subp. 3. **Priority criteria.** The following criteria shall be used to establish the priority of projects eligible for subsidy payments: the availability of state and federal funds; the probability of the rail line becoming profitable upon completion of the project; the costs of the project compared to the benefits resulting from the project; and the commitment of rail users to provide their share of the project funding.

Statutory Authority: *MS s 222.50 subd 3 para (d)*

8830.5500 CAPITAL IMPROVEMENT PROJECT ELIGIBILITY.

Subpart 1. **Interest-free loans.** The commissioner shall provide interest-free loans from the Minnesota rail service improvement account for up to 100 percent of the cost of a rail transportation related capital improvement project under the following conditions:

- A. state funds are available;
- B. the capital improvement is directly related to an overall rail line rehabilitation acquisition, or operational subsidy project;
- C. the capital improvement project will strengthen the financial condition of the associated rail line;
- D. the state's interests are protected by sufficient collateral or personal guarantees acceptable to the commissioner; and
- E. the commissioner shall be repaid for funds loaned at a predetermined fixed amount payable quarterly over a period not to exceed ten years.

Subp. 2. **Grants.** The commissioner shall provide a grant from the Minnesota rail service improvement account of up to 50 percent of the total cost of a capital improvement project if said capital improvement is a demonstration project as defined in these rules, and if the following conditions are met:

- A. state funds are available;
- B. the project demonstrates unique methods of using rail service or alleviating the impact of abandonments that is not in common usage throughout the rail industry or that has not been previously funded under this program;
- C. the general likelihood that a similar project can be instituted in other locations without the need for public financing;
- D. the project includes two or more participant rail users; and
- E. the benefits resulting from the project exceed the costs of implementing the project.

Statutory Authority: *MS s 222.50 subd 3 para (d)*

8830.5600 MINNESOTA RAIL SERVICE IMPROVEMENT PROGRAM.

Subpart 1. **Provision of information.** The railroad and rail users shall provide the commissioner any pertinent information necessary to achieve proper evaluation and adequate administration of any project under this program. Said information shall include financial data, commodity data, cost data of the project, operations information, and similar types of data and information.

Subp. 2. **Contracts.** Executed contracts shall be the documents used to commit funds and implement projects. Contracts shall include the following items:

- A. the description of and the location of the project;
- B. the appropriate plans, standards, specifications, estimated costs, work schedule, and completion date;
- C. the level of service the railroad will provide during the effective rehabilitation or operations subsidy period, pursuant to applicable Interstate Commerce Commission regulations;
- D. assurances by the railroad that rail line maintenance will be performed during the period of operational subsidy or rehabilitation contract;
- E. provisions for auditing by the commissioner;
- F. the requirement to comply with all applicable federal regulations when federal funding is involved in the project;

- G. the duration of the contract;
- H. maintenance and availability of records and audits;
- I. payment and repayment schedules when appropriate;
- J. the amount of funds and any in kind participation by each party;
- K. method of administering the contract; and
- L. a provision for appropriate recapture of state and federal funds.

Subp. 3. **Exceptions.** In the event of unusual circumstances, exceptions to these rules shall be made for any particular contract if agreed to by all parties. No exception shall be made if such exception would preclude the equal treatment of competing projects.

Statutory Authority: *MS s 222.50 subd 3 para (d)*

8830.5700 DISCLOSURE OF RAILROAD DATA.

Subpart 1. **Confidential information, defined.** Information is deemed to be confidential for the purpose of these rules when the information collected contains shipping data or commercial or financial information which is required to be kept confidential by the provisions of United States Code, title 49, section 11910, which reads as follows:

49 U.S.C. 11910. Unlawful disclosure of information.

(a) (1) A common carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title, or an officer, agent, or employee of that carrier, or another person authorized to receive information from that carrier, that knowingly discloses to another person, except the shipper or consignee, or a person who solicits or knowingly receives (A) information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier for transportation provided under this subtitle without the consent of the shipper or consignee, and (B) that information may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor the business transactions of the shipper or consignee, shall be fined not more than \$1,000.

(2) A motor carrier or broker providing transportation subject to the jurisdiction of the commission under subchapter II of chapter 105 of this title or an officer, receiver, trustee, lessee, or employee of that carrier or broker, or another person authorized by that carrier or broker to receive information from that carrier or broker may not knowingly disclose to another person, except the shipper or consignee, and another person may not solicit, or knowingly receive, information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier or broker for transportation provided under this subtitle without the consent of the shipper or consignee if that information may be used to the detriment of the shipper or consignee or may disclose improperly to a competitor the business transactions of the shipper or consignee.

(3) A common carrier providing transportation subject to the jurisdiction of the commission under subchapter III of chapter 105 of this title, or an officer, receiver, trustee, lessee, agent, or employee of that carrier, or another person authorized by that carrier or person to receive information from that carrier, that knowingly and willfully discloses to another person, except the shipper or consignee, or a person that solicits or knowingly and willfully receives (A) information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier for transportation provided under that subchapter without the consent of the shipper or consignee, and (B) that information may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor, the business transactions of the shipper or consignee, shall be fined not more than \$2,000. Trial in a criminal action under this paragraph is in the judicial district in which any part of the violation is committed.

(4) A freight forwarder providing service subject to the jurisdiction of the commission under subchapter IV of chapter 105 of this title, or an officer, agent, or employee of that freight forwarder, or another person authorized by that freight forwarder, or person to receive information, who knowingly and willfully disclosed to another person, except the shipper or consignee, or a person that solicits or knowingly and willfully receives (A) information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that forwarder for service provided under that subchapter without the consent of

the shipper or consignee, and (B) that information may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor the business transactions of the shipper or consignee, shall be fined not more than \$100 for the first violation and not more than \$500 for a subsequent violation. A separate violation occurs each day the violation continues.

(b) This subtitle does not prevent a carrier or broker providing transportation subject to the jurisdiction of the commission under chapter 105 of this title from giving information —

(1) in response to legal process issued under authority of a court in the United States or a state;

(2) to an officer, employee, or agent of the United States government, a state, or a territory or possession of the United States; or

(3) to another carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

(c) An employee of the commission delegated to make an inspection or examination under section 11144 of this title who knowingly discloses information acquired during that inspection or examination, except as directed by the commission, a court, or a judge of that court, shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

Subp. 2. Provision of information. The commissioner shall direct all requests for information under the authority of the act to the corporate office of the railroad company. Such requests shall specify the kind of information, the level of detail, the format to be used, and the required date of submittal.

Within 20 days from the receipt of the request, the railroad company may if necessary apply for a revision of the time schedule for preparing the information. The commissioner shall approve or disapprove such revision requests within 20 days of the receipt of such requests.

If the requested information is not received within the time schedule, the commissioner may make a final demand. The final demand shall be in writing and sent by certified mail to the corporate office of the railroad company. If the information is not received within 60 days of the receipt of the final demand, the commissioner may issue a subpoena to compel production of the information.

Subp. 3. Use of confidential railroad data. Railroad data entrusted to the department will be used only by department personnel or the authorized agents of the department to implement the purpose set forth in the act.

Subp. 4. Release of information. Information intended for the restricted use of department personnel will be furnished to persons outside the department only in the following circumstances: the railroad gives written approval to the commissioner to make the information public; the information has already been made public by the action of the railroad or other public authority; the information is aggregated at a sufficient level to obscure the shipping information specific to any individual rail user.

Statutory Authority: *MS s 222.50 subd 3 para (d); 222.54*

STATE RAIL BANK PROGRAM

8830.5800 DEFINITIONS.

Subpart 1. Scope. For the purposes of parts 8830.5800 to 8830.5860 the following terms have the meanings given them.

Subp. 2. Acquire. “Acquire” means to purchase a rail line with state funds provided for the state rail bank program.

Subp. 3. Betterments. “Betterments” means required improvements made to acquired property to prepare the property for continued rail use.

Subp. 4. Commissioner. “Commissioner” means the commissioner of the Minnesota Department of Transportation.

Subp. 5. Continued rail operations. “Continued rail operations” means the utilization of a rail line for rail service upon acquisition or in the near or immediate future after acquisition.

Subp. 6. **Convey.** "Convey" means to sell, lease, or grant an easement for the use of rail bank property for the purposes cited in Minnesota Statutes, section 222.63, subdivision 4.

Subp. 7. **Department.** "Department" means the Minnesota Department of Transportation.

Subp. 8. **Dispose.** "Dispose" means to convey property to a governmental subdivision of the state for any of the purposes in Minnesota Statutes, section 222.63, subdivision 4, or to sell the property as provided in Minnesota Statutes, section 222.63, subdivision 5.

Subp. 9. **Other uses.** "Other uses" means any uses of banked property other than those specified in Minnesota Statutes, section 222.63, subdivision 2b.

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

Subp. 11. **Project.** "Project" means any rail line proposed for acquisition, and rail lines actually acquired under the program.

Subp. 12. **Program.** "Program" means the state rail bank program.

Subp. 13. **Rail line.** "Rail line" means abandoned railroad roadbeds, right-of-way, track structure, and other appurtenances of railroad right-of-way including public-use sidings, and railroad buildings.

Subp. 14. **Railroad.** "Railroad" means a rail carrier as defined in the Interstate Commerce Act, United States Code, title 49, section 10102, clauses (4), (18), and (19).

Subp. 15. **Utilize.** "Utilize" means to use banked rail lines for the purposes cited in Minnesota Statutes, section 222.63, subdivision 2b.

Statutory Authority: *MS s 222.63 subd 7*

8830.5810 PROGRAM CRITERIA.

Subpart 1. **Eligibility for acquisition and preservation.** An abandoned rail line is eligible for acquisition and preservation in the state rail bank if it meets the requirements of Minnesota Statutes, section 222.63 and parts 8830.5800 to 8830.5860.

Subp. 2. **Funding criteria.** The following criteria will be considered in determining whether a project will be funded:

- A. the availability of program funds;
- B. the probability of the rail line being utilized for the purpose identified;
- C. the likelihood that an alternative rail line right-of-way could not be reestablished in the future;
- D. the adequacy of the title and the costs to cure any defects in the title; and
- E. the likelihood that no other entity will acquire the rail line for an appropriate use.

Subp. 3. **Special priority for funding.** Special consideration and priority shall be given to rail lines meeting these criteria. Priority shall be given in the following order:

- A. rail lines that are to be utilized for continued rail operations;
- B. rail lines that are needed as part of the future overall rail system;
- C. rail lines that have an identified future use that will benefit a greater portion of the state; and
- D. rail lines where the identified future utilization includes more than one use.

Subp. 4. **Continued rail operations projects.** The following information shall be used to establish the priority for continued rail operations projects:

- A. the costs of the project compared to the benefits resulting from the project;
- B. a detailed plan of operations for the rail line; and
- C. a detailed plan providing for financing of the project.

Statutory Authority: *MS s 222.63 subd 7*

8830.5820 ACQUISITION OF RAIL BANK PROPERTY.

Subpart 1. **Published list of proposed projects.** The commissioner shall publish notice in the State Register listing the rail lines proposed to be acquired. The notice shall also be

published once a week for two consecutive weeks in at least one newspaper of general circulation in each county where the rail lines included in the list are located. After an initial publication, subsequent lists shall be published as necessary.

The published list shall include the following information:

- A. a statement that the list is published pursuant to Minnesota Statutes, section 222.63, subdivision 3;
 - B. the name, length, and owning railroad of each line;
 - C. the counties where each line is located;
 - D. any identified future uses for each line;
 - E. the abandonment status of each line;
 - F. the name, address, and telephone number of the department's contact person;
- and
- G. other pertinent information.

Subp. 2. Initiation of title search. A title search of the property proposed for acquisition shall be initiated after the procedures under subpart 1 have been completed. For a rail line not yet abandoned, a title search shall be initiated after the owning railroad has filed an abandonment application with the appropriate decision making authority. To inform the public of its action the department shall publish a notice in at least one newspaper of general circulation in each county where the line is located.

Subp. 3. Public information meeting. After the title search has been completed the department shall hold at least one public meeting to provide information and to seek comments from the public. Notice of the meeting shall be given by publication in at least one newspaper of general circulation in each county where the rail line is located. The meeting shall be held at least three days after publication of the notice. At least one meeting shall be held in each county where the rail line is located.

Subp. 4. Decision to acquire. The commissioner shall decide whether or not to acquire a rail line after the public meeting. The decision shall be based upon the program criteria cited in part 8830.5810. The department shall publish notice of the decision in at least one newspaper of general circulation in each county where the line is located.

Subp. 5. Notification to railroads. The department shall send a notice to each railroad that owns a rail line proposed for acquisition at the following times:

- A. when the initial and subsequent lists of proposed acquisitions are published pursuant to subpart 1;
- B. when the public meeting notices are published pursuant to subpart 3; and
- C. when the department publishes notice of its decision pursuant to subpart 4.

Subp. 6. Simultaneous implementation. The commissioner shall simultaneously implement the procedures of parts 8830.5820 to 8830.5840 for acquisition, utilization, or disposition of rail bank property when it is possible. The initial notices which are published in the State Register and newspapers shall include a statement noting which procedures are being implemented simultaneously.

Statutory Authority: *MS s 222.63 subd 7*

8830.5830 UTILIZATION OF RAIL BANK PROPERTY.

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

The published notice shall include the following:

- A. a statement that the notice is published pursuant to Minnesota Statutes, section 222.63, subdivision 3;
- B. the identifying name, length in miles, and acres of land of the property;
- C. the counties where the property is located;
- D. the purpose of the proposed use and the conditions under which the property would be utilized;

E. the name, address, and telephone number of the department's contact person; and

F. other pertinent information.

Subp. 2. **Public information meeting.** After the procedures under subpart 1 have been completed, the department shall conduct at least one public meeting to provide information on the proposal for utilization and to seek comments. Notice of the meeting shall be given by publication in at least one newspaper of general circulation in each county where the rail line is located. The meeting shall be held at least three days after publication of the notice. At least one meeting shall be held in each county where the property is located.

Subp. 3. **Decision to utilize.** The commissioner shall decide whether or not to utilize the property as proposed after the public information meeting. The department shall publish notice of the decision in at least one newspaper of general circulation in each county where the line is located.

Statutory Authority: *MS s 222.63 subd 7*

8830.5840 DISPOSITION OF RAIL BANK PROPERTY.

Subpart 1. **Notice to dispose of rail bank property.** The commissioner shall publish notice in the State Register when considering disposing of property pursuant to Minnesota Statutes, section 222.63, subdivision 4, or when required to dispose of property pursuant to Minnesota Statutes, section 222.63, subdivision 5. The notice shall also be published once a week for two consecutive weeks in at least one newspaper of general circulation in each county where the property is located. The published notice shall include the following:

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

B. the identifying name, length in miles, and acres of land of the property;

C. the counties where the property is located;

D. the reasons for and the conditions of the disposal;

E. the name, address, and telephone number of the department's contact person; and

F. other pertinent information.

Subp. 2. **Public information meeting.** After the procedures under subpart 1 have been completed, the department shall conduct at least one public meeting to provide information on the proposed disposition and to seek comments. Notice of the meeting shall be given by publication in at least one newspaper of general circulation in each county where the rail line is located. The meeting shall be held at least three days after publication of the notice. At least one meeting shall be held in each county where the property is located.

Subp. 3. **Decision to dispose of property.** The commissioner shall decide whether or not to dispose of property after the public meeting. The department shall publish notice of its decision in at least one newspaper of general circulation in each county where the rail line is located.

When the property is to be sold because it has not been utilized, the notice shall include the following:

A. a statement noting the required six-month period which allows owners of private property adjacent to the banked property to make offers to purchase the property from the department; and

B. the name, address, and telephone number of the department's contact person.

Statutory Authority: *MS s 222.63 subd 7*

8830.5850 MANAGEMENT OF BANKED PROPERTY.

Subpart 1. **Maintenance and other uses during preservation of property.** Rail bank property shall be maintained and may be leased for other uses while it is being preserved in the program. Proposed other uses for rail bank property shall be considered if they meet one or more of the following conditions:

A. uses that were in effect prior to department acquisition of the property;

B. uses that minimize maintenance costs and maximize income to the program;

C. uses that are not in conflict with adjacent land uses; and

D. uses that provide a benefit to the state.

Subp. 2. **Other uses during utilization of property.** Other uses that were in effect while the property was being preserved may be continued while the property is being utilized for the purposes of the program. The other uses shall be continued if they do not interfere with the utilization of the property. Other uses that were not in effect prior to utilization may be allowed if they do not interfere with utilization of the property.

Statutory Authority: *MS s 222.63 subd 7*

8830.5860 ADMINISTRATION OF THE STATE RAIL BANK PROGRAM.

Subpart 1. **Information for continued rail operations projects.** The entity proposing a continued rail operations project shall provide the commissioner with any pertinent information necessary to achieve proper evaluation and adequate administration of a project. The information shall include financial, commodity, cost and operations data, and other similar types of data and information.

Subp. 2. **Contracts.** Executed written contracts shall be the documents used to commit betterment funds, implement utilization projects, and to authorize other uses of banked property.

Subp. 3. **Variance.** The commissioner may approve a variance from any of the provisions of parts 8830.5800 to 8830.5860. A variance shall be granted if:

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

B. the application of the rule in question would impose an excessive burden on the person or entity applying for the variance in attempting to carry out the intent of the program; and

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

The commissioner shall set forth in writing the reasons for granting or denying a variance. The person or entity who is granted a variance shall comply with the alternative practice granted by the commissioner. The person or entity who is granted a variance shall immediately notify the department of any material changes in the circumstances that justified granting the variance.

A variance shall be revoked if material changes occur in the circumstances which justified the variance, or if the person or entity who was granted the variance fails to comply with the alternative practice granted by the commissioner.

Statutory Authority: *MS s 222.63 subd 7*

RAIL USER LOAN GUARANTEE PROGRAM

8830.6100 DEFINITIONS.

Subpart 1. **Scope.** The following terms as they appear in these rules shall have these meanings.

Subp. 2. **Account.** "Account" means the rail user loan guarantee account established by Minnesota Statutes, section 222.57 as amended by Laws of Minnesota 1979, extra session chapter 1, section 40.

Subp. 3. **Act.** "Act" means the Rail User Loan Guarantee Act, Minnesota Statutes 1978 and Minnesota Statutes 1979 Supplement, sections 222.55 to 222.62.

Subp. 4. **Borrower.** "Borrower" means any "rail user" as that term is defined in Minnesota Statutes 1978, section 222.56 subdivision 7.

Subp. 5. **Capital improvements.** "Capital improvements" means the purchase, rehabilitation, or construction of physical facilities or equipment to improve rail service. Operating expenses are not considered capital improvements.

Subp. 6. **Capital investment.** "Capital investment" means the cost of labor, materials, and other incidental costs of rehabilitation of a rail line, including acquisition of right of way and structures.

Subp. 7. **Collateral.** "Collateral" means the security pledged for the loan which includes land, buildings, machinery, equipment, furniture, fixtures, accounts receivable, marketable securities, cash surrender value of life insurance and assignment of leases or leasehold interests, and other similar types of property interests.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Department of Transportation, state of Minnesota.

Subp. 9. **Department.** "Department" means the Minnesota Department of Transportation.

Subp. 10. **Interest adjustment.** "Interest adjustment" means that portion of the interest on a guaranteed loan paid by the commissioner pursuant to Minnesota Statutes 1979 Supplement, section 222.58, subdivision 5a.

Subp. 11. **Lender.** "Lender" shall have the meaning given it in Minnesota Statutes, section 222.56, subdivision 4.

Subp. 12. **Loan.** "Loan" means a loan or advance of credit to a rail user for the purpose of making a capital investment in rail line rehabilitation.

Subp. 13. **Personal guarantee.** "Personal guarantee" means an individual or corporate obligation to repay the loan.

Subp. 14. **Railroad.** "Railroad" means a common carrier by rail as defined by United States Code 1970, title 49, section 1, clause (3).

Subp. 15. **Rail line.** "Rail line" means a railroad roadbed, right-of-way, track structure, and other appurtenances of railroad right-of-way, including public-use sidings.

Subp. 16. **Rail user.** "Rail user" means any person or entity described by Minnesota Statutes, section 222.48, subdivision 6.

Subp. 17. **Rehabilitation.** "Rehabilitation" means the rebuilding of a rail line or portions thereof and the implementation of other projects that will improve rail service.

Statutory Authority: *MS s 222.61*

8830.6200 AUTHORITY.

These rules are adopted pursuant to the provisions of Minnesota Statutes 1978 and Minnesota Statutes 1979 Supplement, sections 222.55 to 222.62.

Statutory Authority: *MS s 222.61*

8830.6300 APPLICATIONS FOR STATE OR FEDERALLY CHARTERED BANK LOANS.

All information required to be submitted to the commissioner to support consideration for acceptance as an insured eligible loan shall be submitted in duplicate, and include:

A. a written statement under oath executed by the borrower that the proceeds of the loan will be used solely for participation in contracts for rail line rehabilitation or other capital improvements;

B. a copy of the contract for rail line rehabilitation which must contain: the identification of the participating parties; the total amount of the contract for rehabilitation; the respective share of the amount of the contract for rehabilitation to be provided by each participating party; the conditions for repayment of the total amount of the contract to the participating parties; the nature of the capital improvements to be made; and identity of the escrow agent, if any;

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

(1) principal amount of the loan and repayment terms;

(2) the collateral offered;

(3) investigative credit data developed;

(4) borrower's statement of present financial condition, including schedule of assets, liabilities, capital or net worth, and income and expenses, and statements for the immediately preceding three fiscal years; and

(5) application of person or persons, if any, making personal guarantee of such a loan together with their statement of financial condition as required in subitem (4);

D. the form of the promissory note to be executed, complete except for signatures, and any personal guarantee forms to be executed by a person or persons providing guarantee of repayment of the loan;

E. the form of the security agreements or mortgages to be executed in connection with the loan, complete except for signatures; including the complete legal description of the property, personal or real, to be pledged, supplemented in addition by: a statement of the collateral's condition, marketability, and appraised value, including the source of the appraisal; a statement of priority of such lien or security interest position based on official records search; and evidence of insurance coverage against customary perils and the availability of suitable loss payable assignments;

F. a lender's sworn statement to the commissioner which includes: the citation of Minnesota Statutes under which the interest rate and other expenses in connection with the loan are deemed lawful; and documentation of lender's appraisal and consent to make the loan in the amount applied for which may be conditioned upon the granting of the commitment for insurance by the commissioner;

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

(1) funds will be disbursed only under the terms and for the purposes set forth in the application for insurance;

(2) liens and security interests provided for in the application and documents offered in the application for insurance will be filed, recorded, or otherwise perfected by the lender;

(3) reasonable care shall be exercised by the lender or its agents to protect the interest of the state;

(4) a copy of the notice of default required by the act to be sent to the borrower within 90 days of default of the loan shall also be sent to any person or persons guaranteeing the loan; and

(5) if default is continued for 180 days and borrower has not made arrangements to meet the obligation, the lender shall promptly notify the commissioner of the circumstances of default and file a claim for benefits under the act.

Statutory Authority: *MS s 222.61*

History: *17 SR 1279*

8830.6400 APPLICATIONS FOR LOANS BY MUNICIPALITIES AND COUNTY OR RURAL DEVELOPMENT FINANCING AUTHORITIES.

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

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

B. a copy of the application for the revenue bond project together with any attachments required to be submitted to the Minnesota Department of Commerce, Securities Division;

C. evidence of the approval of the application for the revenue bond project by the commissioner of securities;

D. a statement that upon granting of the commitment for insurance by the commissioner that a copy of the notice of default required by the act to be sent to the borrower by the trustee within 15 days of the default of the terms of the revenue agreement will also be sent to any person or persons guaranteeing the agreement; and

E. a statement that after 90 days, if default continues, the trustee shall file a claim with the commissioner stating the nature of the default.

Statutory Authority: *MS s 222.61*

8830.6500 ELIGIBILITY REQUIREMENTS FOR LOANS BY STATE OR FEDERALLY CHARTERED BANKS.

Subpart 1. **Principal amount.** The original bona fide principal amount of any loan shall not exceed:

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

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

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

Subp. 3. **Repayment terms.** The commissioner shall grant the approval called for by this part if the loan agreement remains substantially the same, the loan agreement is in accordance with these rules, and the risks to the state by the change in the agreement are fully protected. The loan agreement shall provide for repayment terms which:

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

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

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

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

E. include language that effectively renders the obligation as documented to be nontransferable as to all or any part of its interests without prior written approval of the commissioner.

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

Statutory Authority: *MS s 222.58 subd 1*

8830.6600 ELIGIBILITY REQUIREMENTS FOR LOANS BY MUNICIPALITIES, COUNTIES, OR RURAL DEVELOPMENT FINANCING AUTHORITIES.

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

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

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

Subp. 2. **Repayment of revenue agreement.** The repayment of the revenue agreement shall be such that it will produce income and revenue sufficient to provide for the repayment of principal and interest on all bonds issued thereunder when due.

Subp. 3. **Repayment terms.** The revenue agreement shall provide for:

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

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

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

Subp. 4. **Granting approval.** The commissioner shall grant the approvals called for by this part if the loan agreement remains substantially the same, the loan agreement is in accordance with these rules, and the risks to the state by the change in the agreement are not increased and the interests of the state are fully protected.

Statutory Authority: *MS s 222.58 subd 1*

8830.6700 INTEREST ADJUSTMENT.

Subpart 1. **Eligibility requirements.** In order to be eligible for an interest adjustment an applicant must demonstrate inability to obtain a loan at an interest rate of seven percent or less from other sources.

Only guaranteed loans that comply with parts 8830.6300 to 8830.6600 shall be eligible for interest adjustment.

Subp. 2. **Repayment procedures.** The borrower shall reimburse the commissioner for any amounts paid as an interest adjustment within one year after the final payment to a lending institution is due on the loan. The reimbursement to the commissioner may be made in equal installments over the period of one year or in a single payment at the close of that year.

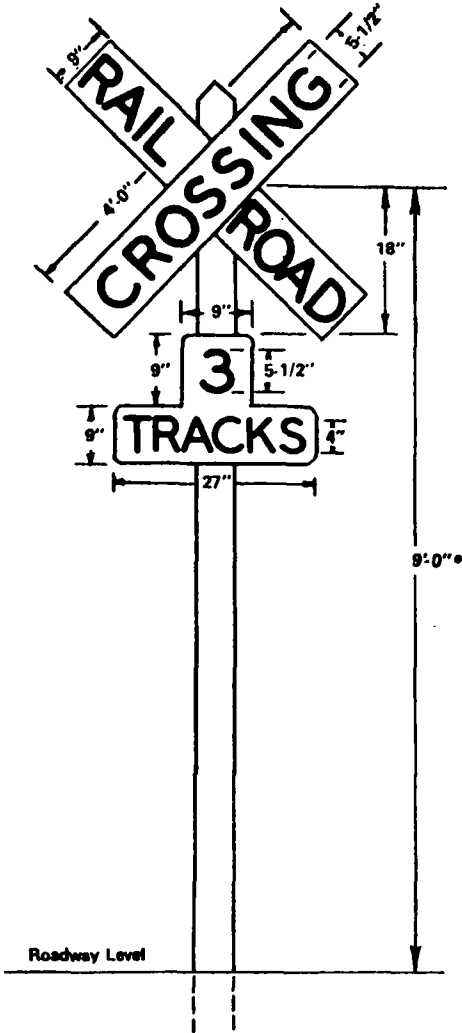
If the borrower has no proprietary right in the property to be rehabilitated, then a promissory note shall be negotiated between the borrower and the commissioner prior to the granting of a loan guarantee to insure repayment of the interest adjustment.

Statutory Authority: *MS s 222.58 subd 5a*

EXHIBITS, FIGURES, AND TABLES

8830.9900 SIGNS.

Subpart 1. Railroad crossbuck sign.



Railroad 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 be varied as required by local conditions.

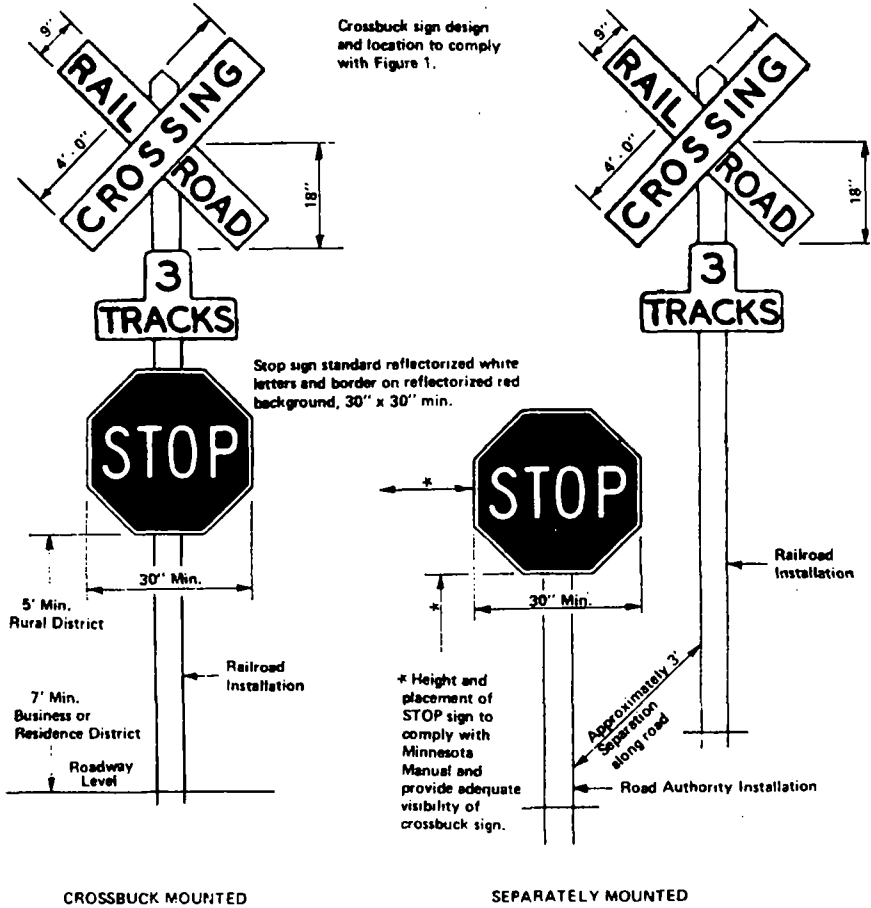
Post to be wood or other yielding design.

Crossbuck assembly to be located to right of road not less than two feet clear of curb or edge of shoulder (not less than 10 feet from edge of lane) and not less than 12 feet from center line of near track.

RAILROAD CROSSBUCK SIGN

MINNESOTA
DEPARTMENT OF TRANSPORTATION

Subp. 2. Stop signs at railroad crossings.



STOP SIGNS AT RAILROAD CROSSINGS

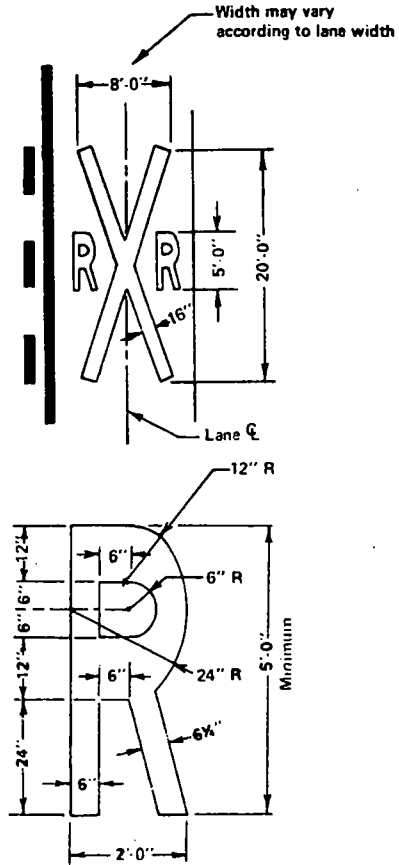
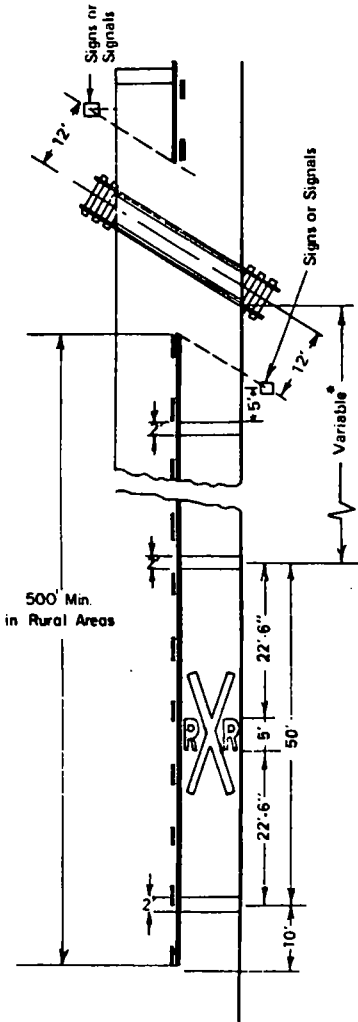
MINNESOTA
DEPARTMENT OF TRANSPORTATION

Subp. 3. Pavement markings.

* The distance from the railroad crossing marking to the nearest track will vary according to the approach speed and sight distance of the vehicular traffic approaching, but probably should not be less than 50 feet.

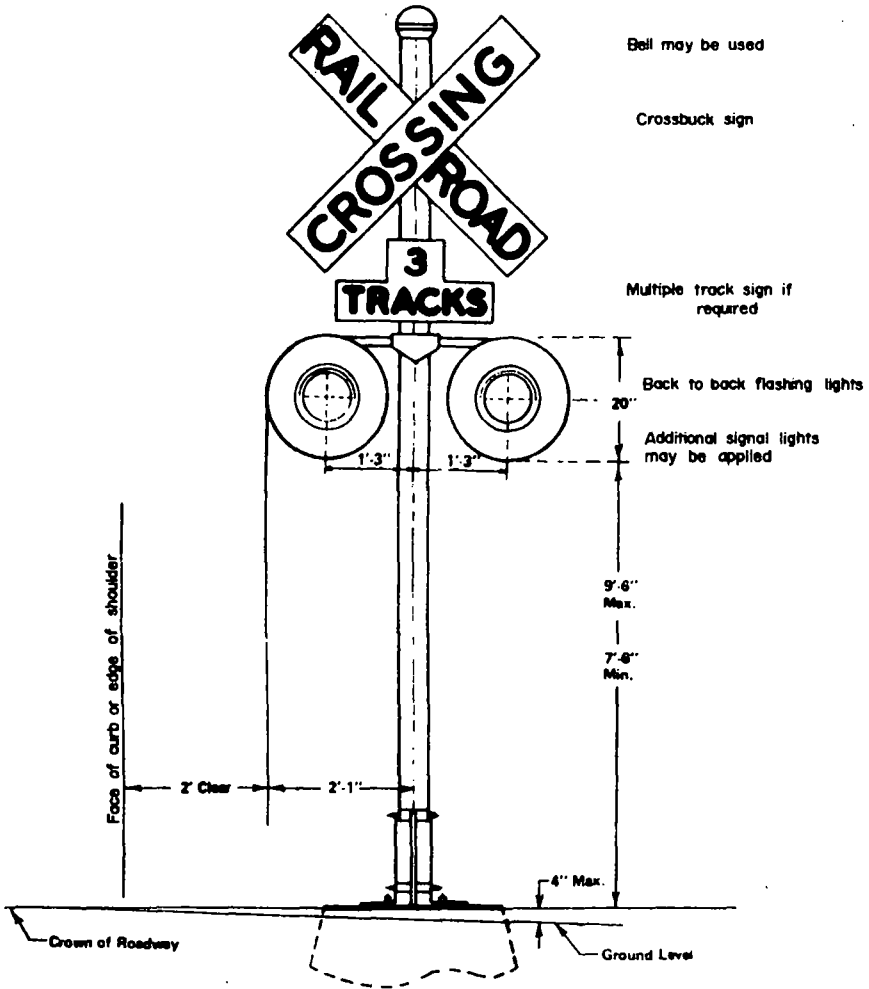
On multi-lane roads the transverse bands should extend across all approach lanes, and individual R X R symbols should be used in each approach lane.

Stop line may be parallel to and 15 feet from the tracks where there are railroad cross buck signs.



PAVEMENT MARKINGS
MINNESOTA
DEPARTMENT OF TRANSPORTATION

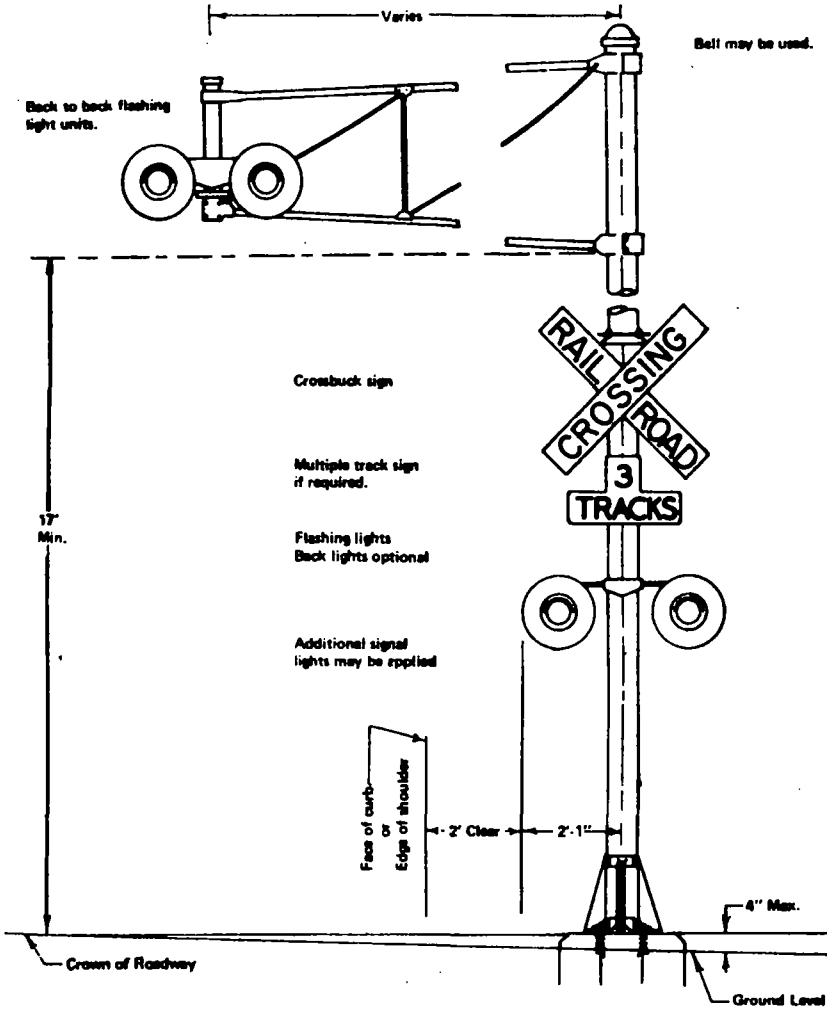
Subp. 4. Railroad crossing signal.



Bell may be used
Crossbuck sign
Multiple track sign if required
Back to back flashing lights
20"
Additional signal lights may be applied

RAILROAD CROSSING SIGNAL
MINNESOTA
DEPARTMENT OF TRANSPORTATION

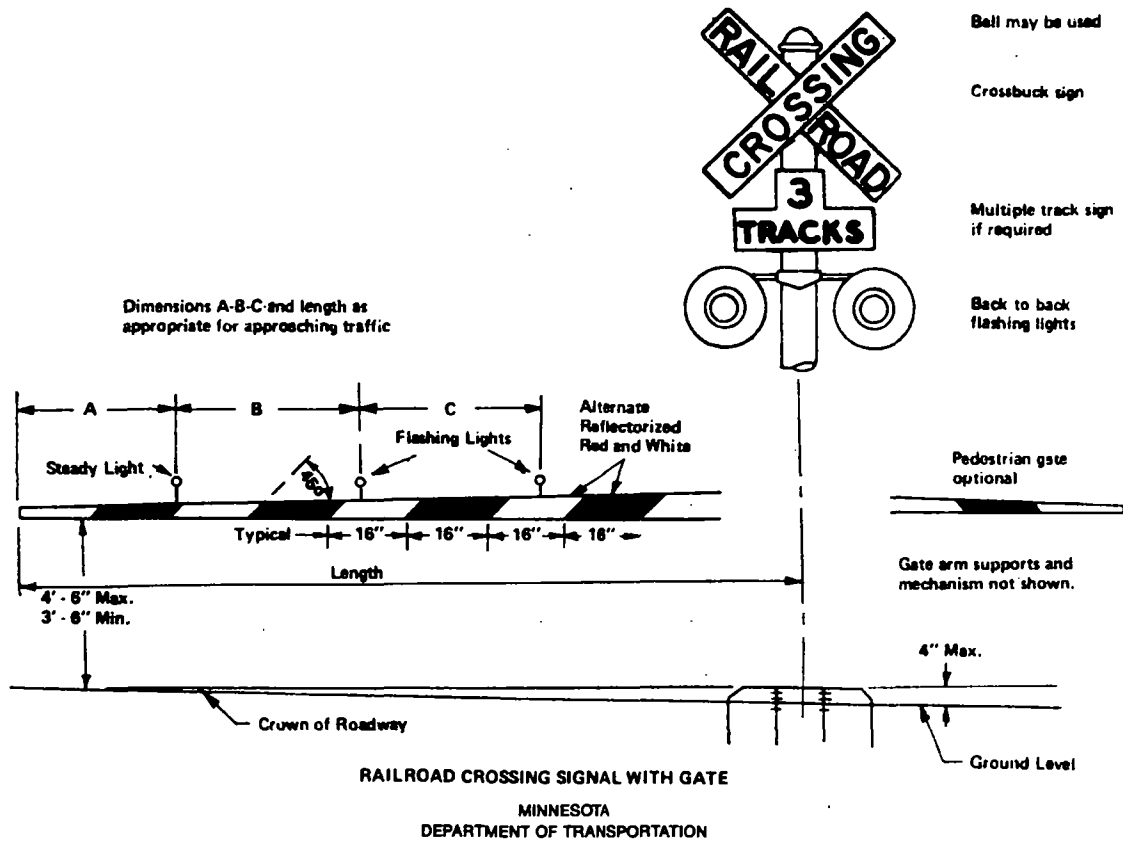
Subp. 5. Railroad crossing signal cantilever type.



RAILROAD CROSSING SIGNAL
CANTILEVER TYPE
MINNESOTA
DEPARTMENT OF TRANSPORTATION

MINNESOTA RULES 1997

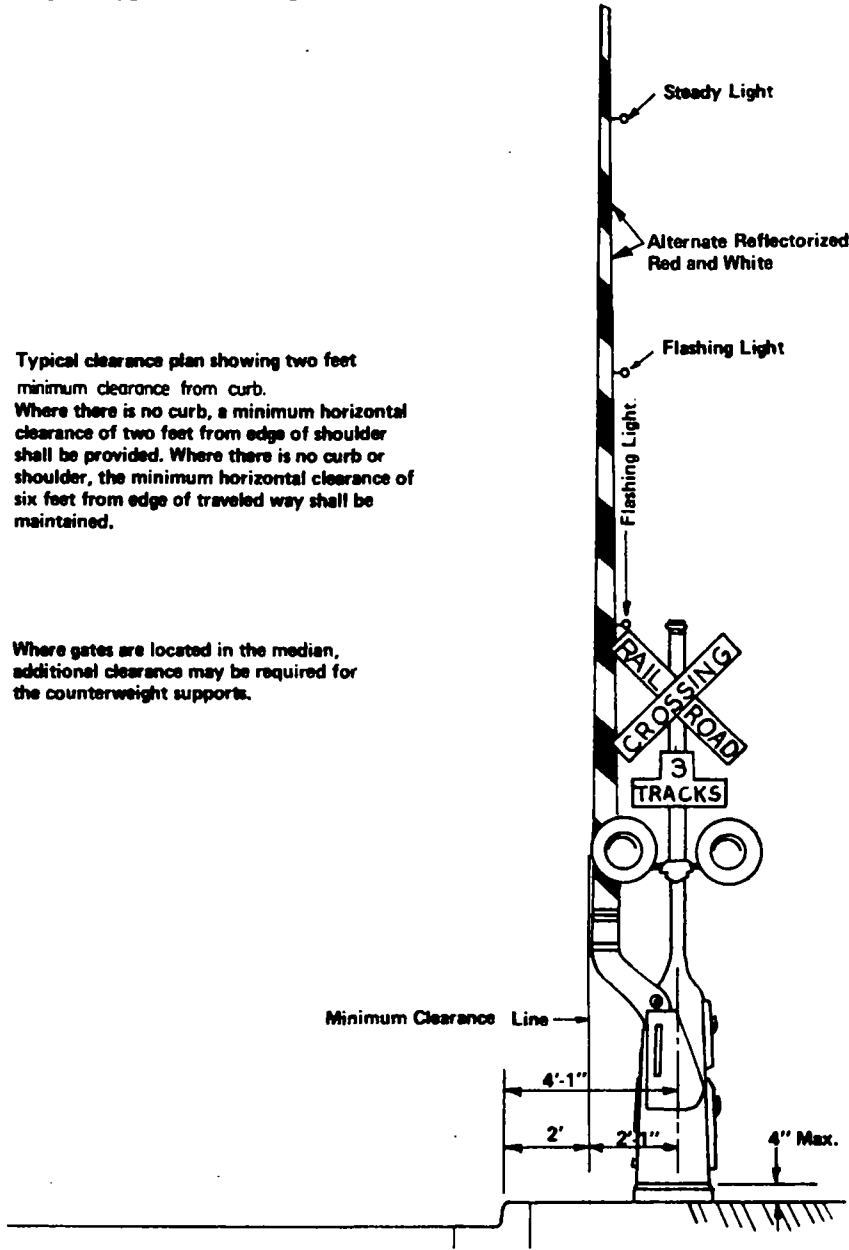
Subp. 6. Railroad crossing signal with gate.



Subp. 7. Typical location plan for railroad crossing signals with or without gate.

Typical clearance plan showing two feet minimum clearance from curb. 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 from edge of traveled way shall be maintained.

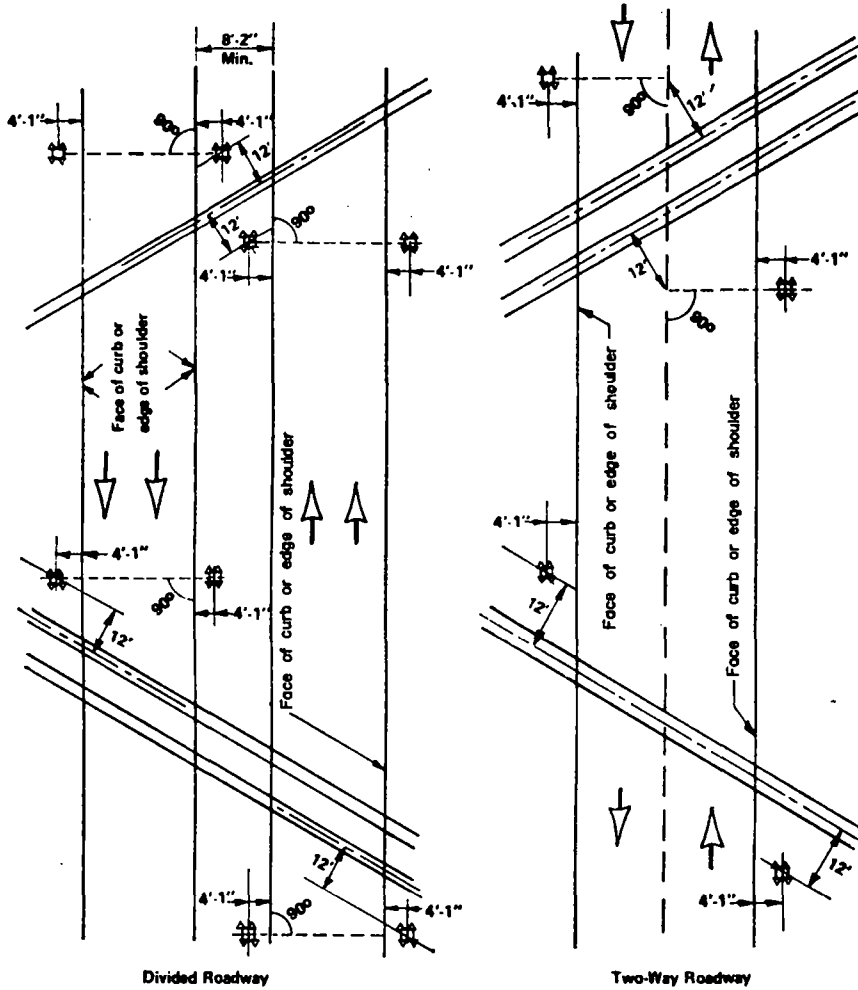
Where gates are located in the median, additional clearance may be required for the counterweight supports.



TYPICAL LOCATION PLAN FOR RAILROAD CROSSING SIGNALS WITH OR WITHOUT GATE

MINNESOTA DEPARTMENT OF TRANSPORTATION

Subp. 8. Standard railroad crossing signal locations.



STANDARD RAILROAD CROSSING SIGNAL LOCATIONS
MINNESOTA
DEPARTMENT OF TRANSPORTATION

Statutory Authority: *MS s 218.041 subd 6*

8830.9910 OPERATING LICENSE.

DEPARTMENT OF TRANSPORTATION
STATE OF MINNESOTA
(LOCATION)
OPERATING LICENSE

The aforementioned warning signal system of the approved and alternating flashing light type, with its various parts and appliances, having been duly inspected and examined by the Department of Transportation of the state of Minnesota, on (DATE), 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 thereof 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 parts 8830.1200 and 8830.1300 and shall not operate its trains over the approach circuits of this signal system at a rate of speed in excess of (MAXIMUM TRAIN SPEED)

SECOND: The aforesaid Railway Company shall cause said signal system to be frequently inspected and properly maintained and shall provide for its continuous efficient operation so long as it is in use under this license.

THIRD: When notified of failure of the aforesaid warning signal system to function properly, means shall be provided to furnish adequate warning for each train movement at said crossing until the signal system is again restored to normal operation.

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: (Additional restrictions, if necessary)

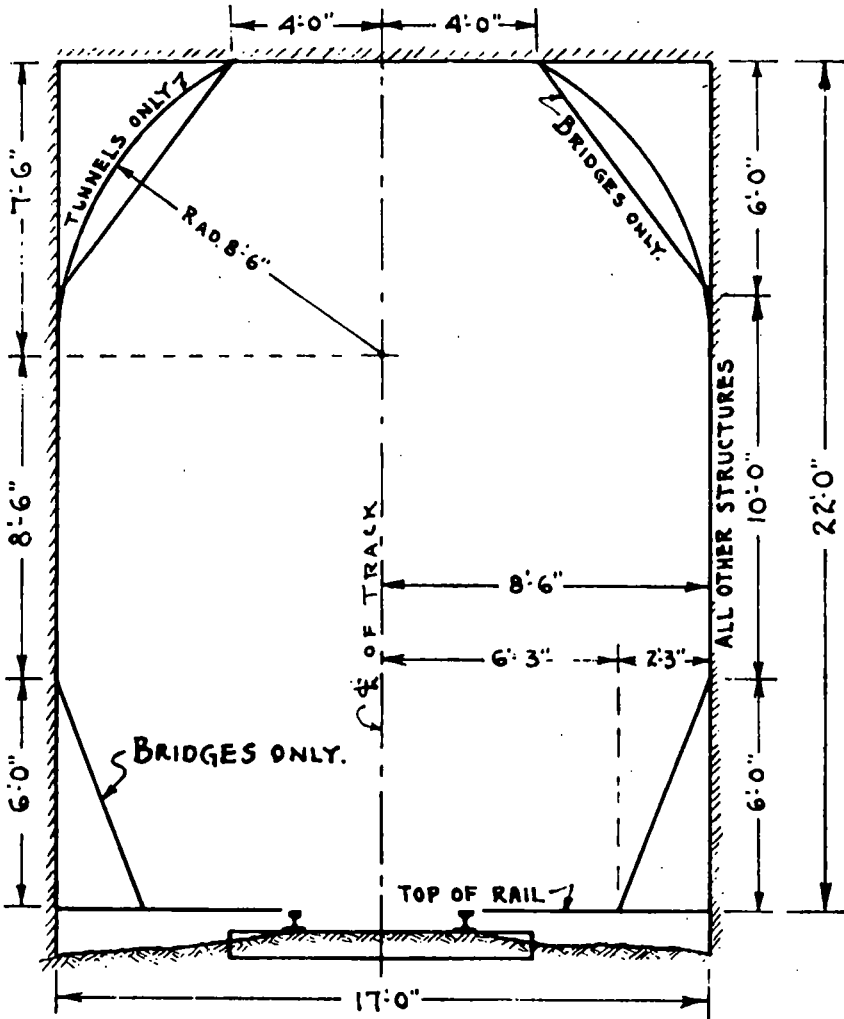
STATE OF MINNESOTA
DEPARTMENT OF
TRANSPORTATION

Director of Railroad
Administration

Dated at Saint Paul, Minnesota

Statutory Authority: *MS s 218.041 subd 6*

8830.9920 CLEARANCE DIAGRAM STRUCTURES, BRIDGES, AND TUNNELS.

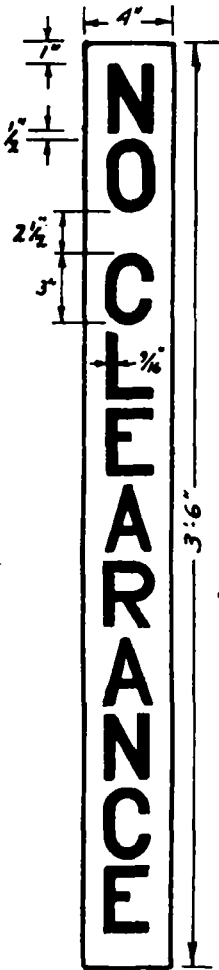


MINNESOTA
 PUBLIC SERVICE COMMISSION
CLEARANCE DIAGRAM
STRUCTURES, BRIDGES & TUNNELS

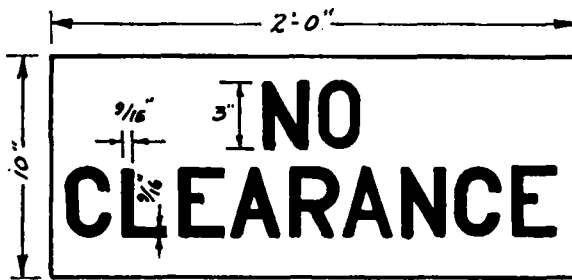
ST. PAUL, MINN.
 NOV. 17, 1944

Statutory Authority: *MS s 218.041 subd 6*

8830.9930 STANDARD NO CLEARANCE SIGNS.



STANDARD VERTICAL
NO CLEARANCE SIGN



STANDARD HORIZONTAL
NO CLEARANCE SIGN

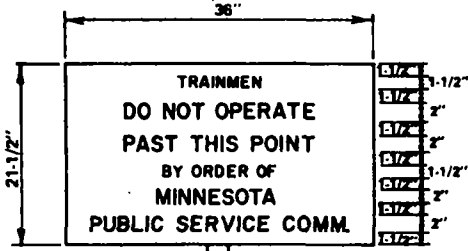
*NOTE: Black letters on white background
Letters 3" high 1/16" stroke.*

MINNESOTA
PUBLIC SERVICE COMMISSION

STANDARD
VERTICAL & HORIZONTAL
NO CLEARANCE SIGNS

Statutory Authority: *MS s 218.041 subd 6*

8830.9940 WARNING SIGN FOR TRAIN WORKERS.



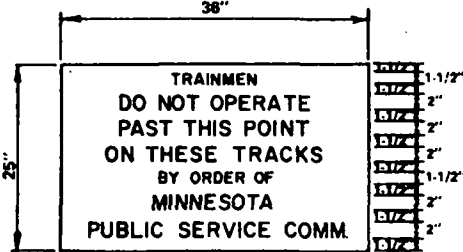
Type C-1

Warning Signs:
Black letters, 1-1/2" and 2"
with 1/4" 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 point along side or over any track
without authority of the Minnesota
Public Service Commission.

WARNING SIGN FOR TRAINMEN
MINNESOTA
DEPARTMENT OF TRANSPORTATION

Statutory Authority: *MS s 218.041 subd 6*

History: *17 SR 1279*

8830.9950 EXCERPT FROM MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

Excerpt from Manual on Uniform Traffic Control Devices for Streets and Highways 1971, Official Rulings on Requests for Interpretations, Changes and Experimentations, Volume IV, October 1973, U.S. Department of Transportation, Federal Highway Administration: Sg-18 (Intr.) — Association of American Railroads Request Interpretation of Section 4B-21 Related to the Use of Flashing Operation at Grade Crossings.

The Association of American Railroads requested an interpretation of the meaning of the sixth paragraph of Section 4B-21 relating to traffic signals near grade crossings. The question was whether this paragraph prohibits flashing operation of traffic control signals following the track clearance phase.

The flashing red traffic signal indications are consistent with the meaning of railroad grade crossing signals in the Uniform Vehicle Code which requires a stop but allows the motorists to proceed if safe to do so. The flashing yellow indications controlling traffic on the street paralleling the tracks allows right or left turns into the street crossing the track except where prohibited by signs or other methods.

The most efficient traffic operation is usually achieved if, following the initial track clearance, movements not in conflict with the train operation are allowed. Flashing operation can in many instances provide this type of intersection efficiency.

The finding was made that the wording in the sixth paragraph of Section 4B-21 does not prohibit the use of flashing operation of traffic signals following the track clearance phase. Accordingly, the request was approved.

Statutory Authority: *MS s 218.041 subd 6*