

**8830.2700 ESTABLISHING, RELOCATING, CHANGING GRADE CROSSING.**

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

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

Subp. 3. **When agreement reached, application required.** When the road authority and the rail carrier agree upon the establishment of a new grade crossing or the relocation of an existing grade crossing, an application must be filed with the commissioner containing the information in subpart 5. Applications for new roadways and relocations of existing roadways across existing railroad tracks must be made by the road authority that will have jurisdiction over the roadway. Applications for new railroad tracks and relocations of existing railroad tracks across existing roadways must be made by the owner of the track or the operating rail carrier, or in the case of a spur track, jointly by the operating rail carrier and the owner of the spur track.

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

Subp. 4. **When agreement not reached, petition required.** When the road authority and the rail carrier cannot agree upon the establishment of a new grade crossing, either party may file a petition with the commissioner, submitting the matter to the commissioner for determination under Minnesota Statutes, section 219.072. The petition must be accompanied by an application for the new grade crossing, containing the information required in subpart 5.

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

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

- A. the name of the rail carrier or owner of the track;
- B. the name of the road authority;
- C. maps showing:
  - (1) the general and specific location of the proposed grade crossing;

- (2) existing and projected patterns of traffic for:
    - (a) emergency vehicles;
    - (b) school buses;
    - (c) vehicles carrying hazardous materials; and
    - (d) trucks;
  - (3) distances to nearest roadway-roadway intersection in both directions, and type of traffic signs and signals at each intersection; and
  - (4) distances to nearest railroad-roadway intersection in both directions, and type of warning devices and signs at each intersection;
- D. plans showing:
- (1) grade of roadway;
  - (2) grade of tracks;
  - (3) alignment of roadway;
  - (4) alignment of tracks;
  - (5) present property limits and proposed property limits of the road authority and the rail carrier; and
  - (6) locations of objects that could obstruct a driver's view of the grade crossing or an oncoming train;
- E. the proposed schedule of construction;
- F. details of construction;
- G. proposed use by applicant;
- H. existing and projected traffic volumes and speeds, and train frequency, types of trains, whether passenger, freight, or switching, and speeds;
- I. suggested signs or active warning devices; and
- J. a list of considered alternatives to the proposed grade crossing.

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

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

Subp. 7. **Changes to active warning device.** Notwithstanding subpart 6, modifications of active warning devices must be approved under part 8830.2125.

**Statutory Authority:** *MS s 218.071; 219.072; 219.073; 219.165; 219.17; 219.384; 222.50; 222.58; 222.63*

**History:** *23 SR 524*

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