

8830.2710 ESTABLISHING, RELOCATING GRADE CROSSING; CRITERIA.

Subpart 1. **Candidate for establishment or relocation.** A proposed new grade crossing or proposed relocation of an existing grade crossing must meet at least one of the criteria in items A to E to be considered for establishment or relocation.

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

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

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

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

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

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

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

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

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

A. use of the grade crossing by emergency vehicles;

B. use of the grade crossing by vehicles carrying hazardous materials, vehicles carrying passengers for hire, and school buses;

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

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

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

F. distance and travel time to an alternate crossing;

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

H. volume of vehicular traffic and operating speed;

I. volume of train traffic and operating speed;

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

- K. type of warning devices proposed;
- L. other factors that might adversely affect the safety of roadway users, pedestrians, bicyclists, and recreational users;
- M. costs and benefits of constructing the grade crossing, and the cost participation that would be required of each of the parties involved, as well as the availability of funds; and
- N. public opinion regarding establishment or relocation of the grade crossing.

Subp. 4. **Responsibility for costs.** The cost of constructing a new grade crossing or relocating an existing grade crossing is the responsibility of the road authority, unless the construction or relocation is the result of an action initiated by the rail carrier. If the new or relocated grade crossing consolidates two or more existing grade crossings, the cost of constructing or relocating the grade crossing must be divided between the road authority and the rail carrier in the same proportion as the accrued benefits and savings.

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

History: *23 SR 524*

Published Electronically: *October 2, 2007*