

8830.2720 VACATING GRADE CROSSING.

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

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

B. A grade crossing may be vacated if:

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

(2) the grade crossing:

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

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

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

Subp. 2. **Considerations.** The commissioner shall consider the following factors in determining which grade crossings to be vacated:

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

B. accident history for the last five years;

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

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

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

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

G. distance and travel time to an alternate crossing;

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

I. volume of vehicular traffic and operating speed;

J. volume of train traffic and operating speed;

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

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

M. costs and benefits of vacating the grade crossing.

Subp. 3. **Crossing vacation program; priority.** In identifying grade crossings proposed to be vacated under the crossing vacation program established by Minnesota Statutes, section 219.074, subdivision 2, the commissioner shall first evaluate rail lines carrying the highest number of trains and having the highest train speeds.

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

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

History: *23 SR 524*

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