ALLOCATION OF MONIES TO DEFRAY COSTS OF MAINTAINING ACTIVE PROTECTIVE DEVICES AT RAILROAD-HIGHWAY CROSSINGS

741-115-0010
Definitions
(1) Signal Maintenance Units (SMU) are defined in the American Railway Engineering and Maintenance of Way Association Communication and Signals Manual (2000 Edition).
(2) "Active Protective Devices" mean any devices described in OAR 741-110-0030(3) or vehicle traffic signals.
(3) "Eligible Railroad" means a railroad as defined in ORS 824.020, which bears the costs of maintaining one or more active protective devices at railroad-highway crossings and which is entitled, under ORS 824.018, to partial reimbursement for those costs. Public transit districts are not eligible for such reimbursement.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.018

741-115-0020
Procedure for Allocation of Monies
(1) Apportionment Factors to allocate funds from the Grade Crossing Protection Account to defray the costs of maintaining active protective devices at railroad-highway grade crossings, pursuant to ORS 824.018, shall be apportioned based on SMU units. The calculation for reimbursement to each eligible railroad shall be apportioned based upon total SMU units maintained by the railroad divided by the total SMU units reported for all railroads that maintain active protective devices at railroad-highway grade crossings in the state.
(2) Reimbursement Procedure. On or before January 31 of each year, the Department shall determine the unit counts, as defined in section (1) of this rule, at railroad-highway grade crossings equipped with active protective devices. The Department shall, based on those units, apportion funds from the Grade Crossing Protection Account to partially reimburse eligible railroads for expenses incurred in the preceding year to maintain the devices at those crossings. The amount distributed shall equal $100,000.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.018

741-115-0030
Responsibility for Installation and Maintenance of Protective Devices
Unless otherwise ordered by the Department, or unless the parties agree otherwise, the party responsible for the installation and maintenance of protective devices at a grade crossing is as set forth in Table 3. At grade crossings with interconnected vehicle traffic signals, the responsibilities are shared between the railroad and the public authority. The railroad shall install and maintain the circuitry located on the track and its connection to the outside of the railroad signal case. The railroad shall provide appropriate electrical contacts to the public authority. The railroad shall install and maintain “DO NOT STOP ON TRACKS” signs on Standard No. 2B devices pursuant to OAR 741-110-0040(11). The public authority shall install and maintain all other signs, signals and circuitry connected to the outside of the railroad signal case to assure proper operation of the subject device.

Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.200 and 824.212

741-115-0040
Special Requirements for Traffic Signal Interconnection
(1) Each public authority with responsibility for maintaining a vehicle traffic signal system interconnected with active protective devices at an adjacent grade crossing shall:
(a) Install the notice, provided by the Department, in the traffic signal cabinet.
(b) Install a "DO NOT STOP ON TRACKS" sign (see Figure 4) capable of holding three flags.
(c) When the railroad preemption feature fails and cannot be repaired within 30 minutes, install flags on the "DO NOT STOP ON TRACKS" signs (see Figure 4) and/or provide manual flag protection alerting motorists of the potential hazard.
(d) Remove the flags required in subsection (c) of this section upon completion of repairs to the railroad preemption feature.
(2) Upon notification of failure of the railroad preemption feature at a crossing equipped with an interconnected vehicle traffic signal system, the railroad shall immediately issue appropriate instructions to all train and switch crews operating over the crossing to be alert for trapped vehicles when approaching the crossing.
(3) The appropriate public authority will provide the Department with a report within 15 days of any signal interconnection malfunction reported to the railroad dispatcher.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.220

741-115-0050
Experimental Devices
The Department anticipates new active or passive devices may become available as technology advances. Such devices should be field tested on a limited basis and evaluated statistically to determine their effectiveness. As such devices may be of mutual interest and responsibility, such tests may be made jointly by the Department or railroad or the public authority in interest.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.202

741-115-0060
Stop Signs at Private Crossings
(1) Unless otherwise ordered by the Department under ORS 824.224, the railroad shall cause to be installed one vehicle stop sign (24-inch minimum) on each side of any private or farm crossing at grade that is not equipped with automatic protective devices.
(2) The railroad shall also cause to be installed an auxiliary sign identifying the crossing as a private crossing by stating the words "PRIVATE CROSSING" in letters at least two inches high. The color of the sign shall be black letters on a white background (see Figure 9). Optional information such as the words "NO TRESPASSING," the name of the railroad from which permission must be secured for use of the crossing and permit number may be included on the auxiliary sign.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.224

741-115-0070
Bicycle Lane and Multi-use Path Construction
(1) Bicycle facilities shall intersect railroad tracks as close to 90 degrees as possible.
(2) Multi-use paths or bicycle lanes that have angles of intersection with railroad tracks of 60 to 74 degrees shall have an appropriate sign (see Figure 10) posted on each approach to the crossing.
(3) Multi-use paths or bicycle lanes that have angles of intersection with railroad tracks of 59 degrees or less shall require an engineering study.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.212

741-115-0080
Vegetation Control at Grade Crossings
(1) The railroad shall control vegetation on its right-of-way for a distance of 250 feet in each direction from the edge of the crossing surface and for a distance of 50 feet in each direction from the centerline of the nearest track or to the edge of the railroad's right-of-way, whichever is less, so that the vegetation does not obstruct motorists' view of approaching trains.
(2) The public authority shall control vegetation on its right-of-way within the SSD and within its right-of-way.
Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
Stat. Implemented: ORS 824.212