

MAINTENANCE, CONSTRUCTION AND CLOSURE OF CROSSINGS

741-120-0010

Responsibility for Maintenance of Grade Crossings

- (1) Unless otherwise ordered by the Department, or unless the parties agree otherwise, the railroad is responsible for maintaining that portion of the crossing lying between lines drawn perpendicular to the end of ties of each track at the crossing.
- (2) The public authority is responsible for maintaining the remaining portion of the highway at the crossing.
- (3) Additional construction and maintenance costs necessary to comply with OAR 741-120-0020 resulting from a change in elevation of the railroad tracks or a change in elevation of the roadway at the crossing shall be borne by the party initiating the change.

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

Stat. Implemented: ORS 824.212

741-120-0020

Grade Crossing Construction and Maintenance

- (1) At all new or altered grade crossings used by motor vehicles, bicycles, or pedestrians, the roadway or multi-use path shall be constructed to conform to or exceed nationally recognized and commonly used construction standards.
 - (2) The width of the crossing surface, including sidewalks, at the crossing shall be not less than the width of the roadway approaches to the crossing.
 - (3) Unless authorized in writing by the Department, the surface of the roadway shall be in the same plane as the top of rails for a distance of at least two feet outside the rails, and not more than three inches higher nor three inches lower than the top of the nearest rail at a point thirty feet from the rail, measured at right angles thereto.
 - (4) The surface of each grade crossing shall conform to the plane of the top of the rails and be constructed and maintained in a reasonably smooth condition.
 - (5) The railroad shall notify the public authority at least two weeks in advance of the date it intends to raise or lower the elevation of one or more tracks at the crossing.
 - (6) The public authority shall notify the railroad at least two weeks in advance of the date it intends to raise or lower the elevation of its roadway on the roadway approach to the crossing.
 - (7) Upon notification by the Department of a condition that does not conform to the requirements of sections (1) through (5) of this rule, the railroad or the public authority, within 30 days of such notification, unless any party requests a hearing, shall bring its portion of the crossing surface into compliance with the provisions of this rule, unless a time extension is granted in writing by the Department. See OAR 741-120-0010.
 - (8) The construction of new driveways within 100 feet of any railroad track at existing grade crossings requires an application under ORS 824.206, except for railroad right-of-way roads.
- Stat. Auth.: ORS 184.616, 184.619, 823.011, 824.202 and 824.220
- Stat. Implemented: ORS 824.212

741-120-0025

Sidewalk Construction and Maintenance

- (1) All new or altered sidewalks at grade crossings shall be constructed to meet minimum standards, but shall be not less than five feet in width.
- (2) The surface of a sidewalk shall conform to the plane of the top of the rails, and be constructed and maintained in a reasonably smooth condition.
- (3) At crossings equipped with automatic protective devices, sidewalks shall be directed behind the devices at a distance of not less than five feet, as measured from the centerline of the signal mast to the nearest edge of the sidewalk.
- (4) Upon written notification by the Department of a condition that does not conform to the requirements of sections (2) through (3) of this rule, the railroad or public authority shall bring its portion of the sidewalk at a grade crossing into compliance with the provisions of this rule, unless a time extension is granted in writing by the Department. The work shall be commenced within 30 days of such notification, unless any party requests a hearing.

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

Stat. Implemented: ORS 824.204 and 824.212

741-120-0030

Separated Crossing Construction and Maintenance

- (1) All new or altered separated crossing structures shall be constructed to conform to or exceed nationally recognized and commonly used construction standards.
- (2) Separated crossing structures, including the roadway surface, shall be maintained in good and safe condition.

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

Stat. Implemented: ORS 824.210 & 824.212

741-120-0040

Authority for Closure of Crossings and Removal of Tracks at Crossings

- (1) Permanent Closure of Roadway at Crossings. Whenever a crossing is permanently closed to motor vehicle, bicycle or pedestrian traffic, the public authority at the crossing shall notify the Department of the closure and comply with OAR 741-120-0050. After such closure has been accomplished, the roadway cannot be reopened without the authority of the Department pursuant to ORS 824.204 or 824.210.
- (2) Temporary Closure of Roadway at Crossings by the Railroad. When a railroad desires to close a railroad-highway crossing temporarily, it shall comply with all reasonable procedures required by the public authority. At a minimum, the railroad shall provide to the public authority at least 40 hours advance notification of intent to close the crossing. See Section 8A.05 of the MUTCD.
- (3) Discontinuance of Railroad Operations at Crossings. Whenever railroad use of a crossing is to be discontinued in accordance with federal requirements, the owner of the track at the crossing and the railroad operating over such track shall notify the Department of the discontinuance.
- (4) Removal of Trackage at Crossings. Whenever one or more tracks is to be removed at a grade crossing, the railroad operating over such trackage shall file an application to alter the crossing under ORS 824.206.

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

Stat. Implemented: ORS 824.206

741-120-0050

Permanent Closure and Removal of Grade Crossings

(1) Construction of Barricades. Whenever a grade crossing is closed to use by motor vehicles, a barricade or other appropriate obstruction sufficient to prevent use of the crossing by motor vehicles shall be installed and maintained in good condition on each roadway approach to the crossing. Barricade width shall be a minimum of the width of the roadway and shoulders. Barricades shall be installed and maintained by the public authority. The cost of construction shall be borne by the railroad; maintenance cost shall be borne by the public authority.

(2) Removal of Crossing Surface. Whenever a grade crossing is closed to use by motor vehicles, the railroad, after installation of required barricades, shall promptly remove all roadway surface material from the area between lines drawn perpendicular to the end of ties of each track at the crossing.

(3) Removal of Railroad Tracks. Whenever a grade crossing, or one or more tracks is closed to use by railroad equipment, the tracks (including rails and ties) shall be removed and the roadway surface restored by the railroad within twelve months from the time the track is closed to use by railroad equipment.

(4) Removal of Protective Devices. Whenever a grade crossing is closed to use by motor vehicles or by railroad equipment, protective devices shall be promptly removed by the party responsible for their maintenance.

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

Stat. Implemented: ORS 824.206