

1 19A NCAC 02B .0155 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02B .0155** **EXISTING AT-GRADE CROSSING CONSTRUCTION AND MAINTENANCE OF**
4 **RAILROAD CROSSINGS**

5 ~~Whenever any road, street or highway forming a part of the State Highway System shall cross or intersect any railroad,~~
6 ~~including an industrial siding, at the same level or grade, the railroad owner shall be responsible for the construction~~
7 ~~and maintenance of the crossing and the area between the ends of the ties and the edge of the pavement of the main~~
8 ~~traveled lanes plus a maximum of 10 feet of the usable shoulders. The railroad owner shall assume the construction~~
9 ~~cost of the crossing for the pavement width and shall maintain the entire area herein described at its own expense.~~
10 ~~The Department of Transportation shall reimburse the railroad owner for costs incurred in constructing the crossing~~
11 ~~through the shoulder widths. The Department of Transportation shall also be responsible for the construction and~~
12 ~~maintenance of the road beyond the ends of the ties.~~

13 (a) If the construction, reconstruction, or maintenance of an existing at-grade crossing causes any road, street, or
14 highway, forming a part of the State highway system, to cross or intersect any railroad, including an industrial siding,
15 at the same level or grade, then the railroad shall be responsible for the following:

- 16 (1) construction and maintenance of the crossing and the area between the ends of the ties and the edge
17 of the pavement of the main traveled lanes plus a maximum of 10 feet of the usable shoulders; and
18 (2) construction cost of the crossing for the pavement width and maintenance for the entire area herein
19 described at its own expense.

20 (b) Pursuant to G.S. § 136-20(h), the railroad shall be responsible for 50 percent of annual maintenance costs of grade
21 crossing signals.

22 (c) A railroad, county, city, or other political subdivision of the State may identify and propose at-grade crossings for
23 potential closure by submitting a Crossing Closure Request to the Rail Division Director.

24 (1) The Crossing Closure Request shall contain the following information:

- 25 (A) name of the entity submitting the request;
26 (B) name of the county, city, or political subdivision where the crossing is located;
27 (C) Association of American Railroads (AAR) crossing number;
28 (D) railroad milepost number;
29 (E) State maintained road number and/or name; and
30 (F) any existing protection at the crossing.

31 (2) The Rail Division will review the Crossing Closure Request and make a final recommendation to
32 the Board of Transportation upon the consideration of transportation impacts including emergency
33 access, safety, feasibility, and public convenience.

34 (3) If the Board of Transportation approves the at-grade closure, the Rail Division will give notice to
35 the governing body within which the at-grade crossing is located, direct the Railroad to close or
36 remove the crossing within 60 days, and coordinate with the Railroad the responsibilities for
37 removal.

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2 *History Note: Authority G.S. 136-18(5); 136-18(11); 136-20;*

3 *Eff. July 1, 1978;*

4 *Amended Eff. October 1, 1993.*