

1 19A NCAC 02B .0150 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02B .0150 RAILROAD RIGHT OF WAY DEFINITIONS-CONSTRUCTION OF RAILROAD**
4 **TRACKS ACROSS RIGHT OF WAY**

5 ~~It shall be unlawful to construct a railroad track across any portion of the State Highway System, without the written~~
6 ~~permission of the Chief Engineer or his authorized agent.~~

7 The following definitions apply to Rules .0150 through .0158 of this Subchapter.

- 8 (1) “At-grade crossing” means an intersection where roadways and railroads join or cross at the same
9 level.
- 10 (2) “Closed crossing” means a location where a previous crossing no longer exists because either the
11 railroad tracks have been removed, or each pathway or roadway approach to the crossing has been
12 removed, leaving behind no intersection of railroad tracks with either a pathway or roadway. A
13 grade-separated highway-rail crossing that has been removed shall be considered a closed crossing.
- 14 (3) “Crossing Agreement” means a formal written agreement between the Department and a railroad
15 through which the railroad permits the Department to build a road across the railroad's tracks.
- 16 (4) “Facilities” means real or personal property, or any interest in that property, that is determined to be
17 necessary or convenient for the provision of a freight or passenger rail fixed guideway facility or
18 system. The term includes all property or interests necessary or convenient for the acquiring,
19 providing, using, or equipping of a rail fixed guideway facility or system, including rights-of-way,
20 trackwork, train controls, stations, and maintenance facilities.
- 21 (5) “Flange guard” means a protective edge, rib, or rim made of rubber, steel, timber, or any other
22 composite material on any object such as the base of a rail, on the top and bottom horizontal parts
23 of a beam, or girder.
- 24 (6) “Grade” means the rate of ascent or descent of a roadway, expressed as a percentage and calculated
25 by the change in roadway elevation per unit of horizontal length.
- 26 (7) “Grade point” means the point where the new construction of a facility ties into and terminates at
27 the existing facility.
- 28 (8) “Grade separation” means a crossing of a highway and a railroad at different levels that allows
29 unimpeded traffic movement.
- 30 (9) “Railroad” means an entity that owns or maintains the track through the at-grade crossing, or an
31 entity that operates one or more trains through an at-grade crossing or grade separated crossing on
32 or connected to the general railroad system of transportation.
- 33 (10) “Separated” means the travelways of two transportation facilities, such as two highways or a
34 highway and a railroad, that are disconnected by means of a bridge so that traffic on one shall not
35 conflict with traffic on the other.
- 36 (11) “Separation structure” means the bridge structure that separates the travelways of the two
37 transportation facilities.

1 (12) “Track” means an assembly of rails, ties, and fastenings that cars, locomotives, and trains traverse.

2 (13) “Traffic control device” means a sign, signal, marking, or other device placed on or adjacent to a
3 street or highway by authority of a public body or official having jurisdiction to regulate, warn, or
4 guide traffic.

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6 *History Note:* *Authority G.S. 136-18(5); 136-18(11); 136-20; 150B-2(8a)(h);*

7 *Eff. July 1, 1978;*

8 *Amended Eff. December 1, 2012.*