

Title 415 - NEBRASKA DEPARTMENT OF ROADS - RAIL AND PUBLIC TRANSPORTATION DIVISION

Chapter 4 – Definitions for Highway-Rail Grade Crossings

001 THE FOLLOWING DEFINITIONS APPLY TO ALL PROVISIONS OF TITLE 415, CHAPTERS 5, 6 AND 7:

001.01 ACCESS ROAD. A private or public roadway used to provide vehicular access to private or public property, roads, streets or highways.

001.02 ACTIVE WARNING DEVICE. Traffic control device activated by the approach or presence of a train, such as flashing light signals, automatic gates and similar devices all of which display to motorists positive warning of the approach or presence of a train.

001.03 BLOCKED CROSSING. A crossing that is closed to vehicular traffic by a temporarily stopped train, parked or stored cars, locomotives, equipment or trains engaged in switching movements.

001.04 CORRIDOR. A group of two or more adjacent crossings designated by the Department as a corridor, all located within the same county.

001.05 DEPARTMENT. Nebraska Department of Roads, Rail and Public Transportation Division.

001.06 DEPUTY DIRECTOR-ENGINEERING. Deputy Director-Engineering of the Nebraska Department of Roads.

001.07 DIAGNOSTIC TEAM. A group of representatives from the Department, the railroad, the county or municipality and may include the landowner for private crossings and a representative of the Federal Highway Administration.

001.08 DIAGNOSTIC TEAM REVIEW. Field inspection of specific crossings made by the Diagnostic Team.

001.09 DIRECTOR. Director or Director State Engineer of the Nebraska Department of Roads.

001.10 DISTRICT REPRESENTATIVE. District Engineer or his/her Nebraska Department of Roads representative.

001.11 EXPOSURE FACTOR. Product of most recent average daily vehicle traffic and most recent average daily train traffic at a grade crossing. Example: 100 vehicles/day x 50 trains/day = 5,000 exposure factor.

001.12 FEDERAL RAIL SAFETY FUNDS. Federal funds appropriated specifically for the elimination of hazards at railroad-highway crossings.

001.13 GRADE SEPARATION OR GRADE SEPARATION STRUCTURE. A structure, such as a bridge, viaduct, overpass, or underpass at a Highway-Rail Grade Crossing that creates a separation of the elevation of the highway and the railroad.

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Chapter 4 – Definitions for Highway-Rail Grade Crossings (Continued)

001.14 HIGHWAY-RAIL GRADE CROSSING, GRADE CROSSING OR CROSSING. Intersection of a public or private road and a railroad where the intersecting railroad and highway are at the same elevation.

001.15 MUTCD. Manual on Uniform Traffic Control Devices adopted pursuant to Neb. Rev. Stat. Sec. 60-6,118.

001.16 MAINTENANCE. Any action taken to preserve or restore any feature, device or appurtenance to the approach roadway or crossing in order to keep the approach roadway or crossing in a condition as near as is practical to its condition as originally designed or constructed. Maintenance activities of the local entity or the railroad may include, but are not limited to the following:

001.16A Normal grading activities of aggregate roadways including, but not limited to reshaping the roadway, shoulders and/or the ditches, and embedding gravel.

001.16B The overlay of existing paved roadways that does not include widening of the roadway.

001.16C Replacement of roadway signs and pavement markings by the local entity and replacement of crossing warning signs by the railroad company or railroad track owner.

001.16D Replacement of ties, ballast and rails.

001.16E Signal maintenance including circuitry upgrades of mainline and/or crossing signals.

001.16F Replacement or repair of crossing surface by the railroad company.

001.17 NEBRASKA HIGHWAY-RAIL GRADE CROSSING STUDY. Study conducted by a consultant for the Department in 1998 that established the internal Department process for assessing risk at highway-railroad crossings.

001.18 NEW HIGHWAY-RAIL GRADE CROSSING. The addition of a public or private highway-rail grade crossing at a location that presently does not have a highway-rail grade crossing including, but not limited to:

001.18A The construction of a new roadway across an existing railroad line.

001.18B The construction of a new railroad line across an existing roadway.

001.18C The construction of a new roadway and new railroad line where no railroad or roadway presently exists.

001.18D The conversion of an existing private highway-rail grade crossing to a public highway-rail grade crossing.

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Chapter 4 – Definitions for Highway-Rail Grade Crossings (Continued)

001.19 PASSIVE WARNING DEVICE. Traffic control device utilized to provide the motorist with a constant message over time concerning the crossing such as advance warning signs and pavement markings, stop or yield signs and the crossbuck sign.

001.20 PRIVATE CROSSING. A highway-rail grade crossing on a road that is not a public road.

001.21 PUBLIC CROSSING. A highway-rail grade crossing on a roadway that is under the jurisdiction and maintenance of a public authority and open to the traveling public.

001.22 RTSD. A Railroad Transportation Safety District as defined in Neb. Rev. Stat. Section 74-1305.

001.23 RAILROAD OR RAILROAD COMPANY. An entity authorized by law to operate a railroad in the State of Nebraska, whether that entity owns the land, track, ballast or personal property used as a part of a railroad line, or merely operates a railroad with land, track or personal property owned by another entity, will be considered to be a railroad or railroad company.

001.23A CLASS I RAILROAD. A railroad company as defined by the Surface Transportation Board with 2000 operating revenues in excess of \$262 million.

001.23B REGIONAL RAILROAD. A non-Class I line-hauling railroad operating 350 miles or more of road and/or with revenues of at least \$40 million.

001.23C LOCAL RAILROAD. A railroad which is neither a Class I or Regional Railroad and is engaged primarily in line-haul service.

001.23D SWITCHING AND TERMINAL RAILROAD. A non-Class I railroad engaged primarily in switching and/or terminal services for other railroads.

001.24 RAILROAD TRACK CLASS. The Federal Railroad Administration classifies railroad trackage into six categories based upon maximum permissible operating speed for passenger and freight trains.

<u>Track Class</u>	<u>Passenger</u>	<u>Freight</u>
6	110 mph	110 mph
5	90 mph	80 mph
4	80 mph	60 mph
3	60 mph	40 mph
2	30 mph	25 mph
1	15 mph	10 mph
Excepted	None Allowed	10 mph

001.25 RAILROAD TRACK OWNER. An entity that owns land, railroad track, ballast and/or personal property used as part of a railroad line.

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Chapter 4 – Definitions for Highway-Rail Grade Crossings (Continued)

001.26 RECONSTRUCTED HIGHWAY-RAIL GRADE CROSSING.

001.26A An alteration, expansion or improvement to a public or private highway-rail grade crossing that was not present at the grade crossing as designed or constructed and may include, but is not limited to:

001.26A1 Improvements to the vertical or horizontal geometrics of the approach roadway to bring the approach roadway up to minimum standards for that roadway classification as established by the Nebraska Board of Public Roads Classification and Standards “Nebraska Minimum Design Standards” for Counties, Municipalities and State.

001.26A2 Addition of lanes to the approach roadway.

001.26A3 Changing the approach roadway surfacing from aggregate to paved with concrete or asphalt.

001.26A4 Addition of tracks to the railroad line at the crossing.

001.26A5 Major improvement to the track structure, beyond normal maintenance, to improve the track grade over several hundred feet that includes the area through the crossing.

001.26B A simple relocation of an existing highway-rail grade crossing to improve the alignment between the roadway and the railroad tracks shall not be considered a reconstructed highway-rail grade crossing.

001.26C Actions defined as maintenance shall not be considered to be a reconstructed highway-rail grade crossing.

001.27 STATE GRADE CROSSING PROTECTION FUND. A fund established in the state treasury to be used in furnishing financial assistance for highway-rail grade crossing improvement projects.

002 EFFECTIVE DATE. Sections 001.16, 001.18 and 001.26 shall not impose requirements on work or projects completed prior to the effective date of these regulations.

ANNOTATION

**Title 415
Chapter 4**

**Enabling Legislation
39-699 and 74-1310
through 74-1322
Neb. Rev. Stat.**

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Chapter 5 – Administration of State and Federal Highway-Rail Grade Crossing Safety Projects

001 THE STATE GRADE CROSSING PROTECTION FUND AND/OR FEDERAL FUNDS MAY BE USED IN FURNISHING FINANCIAL ASSISTANCE FOR THE FOLLOWING PURPOSES

001.01 Highway-rail grade crossing closures at public crossings.

001.02 Construction, modification, or improvement of active warning devices at public highway-rail grade crossings.

001.03 Construction, rehabilitation, relocation or modification of railroad grade separations at all public roads, streets or highways.

001.04 Other improvements promoting public safety at public highway-rail grade crossings deemed appropriate by the Department.

002 CROSSING CLOSURES

002.01 If the Department and the political subdivision with jurisdiction over the crossing, agree that a grade crossing should be eliminated by closing the street, road, or highway, the political subdivision making such closing, after entering into an agreement with the Department and the railroad involved, shall receive five thousand dollars from the State Grade Crossing Protection Fund, five thousand dollars from the railroad involved, and the actual cost of closure, not to exceed twelve thousand dollars, from the State Grade Crossing Protection Fund.

002.01A The costs of closure that are eligible through agreement with the Department may include, but are not limited to:

002.01A1 The cost to remove the roadway approaches to the crossing.

002.01A2 The cost to reconstruct the roadway at the closed crossing such as placement of barricades or construction of a cul-de-sac.

002.01A3 The reasonable cost to improve the crossing or crossing(s) to which traffic will be diverted because of the closure.

002.01A4 The cost to construct a new roadway to provide access to an adjacent crossing or roadway.

002.01A5 The cost to remove active warning devices and the part of the crossing contained within the area from end of tie to end of tie.

002.01B On non-Federal (i.e. State funded) projects the cost to remove active warning devices and the part of the crossing contained within the area from end of tie to end of tie shall be the responsibility of the railroad.

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Chapter 5 – Administration of State and Federal Highway-Rail Grade Crossing Safety Projects (Continued)

002.01C The political subdivision may use the \$5,000 received from the Department and the \$5,000 received from the Railroad under 002.01 for any lawful purpose. The political subdivision may offer to pledge to the Department any or all of the \$10,000 received to assist in funding improvements at other crossings within the corporate boundaries of the political subdivision. When funds are available, and at the sole discretion of the Department, the Department may assist in the funding of improvements at other crossings through negotiations and execution of agreements between the Department and the political subdivision.

002.01D A request for a crossing closure may be initiated by the Department, the railroad or by the political subdivision with jurisdiction over the road leading to the crossing. The Department must receive a resolution from the political subdivision with jurisdiction over the road leading to the crossing before the Department will begin the process of drafting agreements to close the crossing.

002.01E No payment by the Department to the political subdivision will be made before an agreement between the Department and the political subdivision has been fully executed, the roadway is actually closed by the political subdivision or the railroad, and the Department is notified of the completion of the closure. No payment shall be made for any work performed or for costs incurred by the political subdivision prior to execution of the agreement and notice to proceed by the Department.

002.02 If a public railroad crossing is eliminated by the removal of a rail line by agreement of the Department, the railroad company and/or the railroad track owner and the RTSD which has jurisdiction over the crossing, the RTSD paying for the removal shall receive two thousand dollars or the actual costs of the removal, not to exceed twelve thousand dollars, from the State Grade Crossing Protection Fund.

002.02A The costs of removal that are eligible for reimbursement include the costs to remove the crossing, the costs to reconstruct the roadway through the crossing as well as other related costs deemed appropriate by the Department.

002.02B The same request and payment procedures will be followed as used for roadway closure.

002.03 The political subdivision will not receive crossing closure payments for crossings eliminated or to be eliminated pursuant to an announced plan for the removal or abandonment of a rail line.

003 GRADE CROSSING SAFETY IMPROVEMENTS

003.01 A request for review of a crossing for safety improvements may be received from the railroad company, railroad track owner, political subdivision, or political subdivision on behalf of a citizen, or the Department may in its sole discretion initiate a review. The request should be made in writing and directed

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to: Nebraska Department of Roads, Rail and Public Transportation Division, Public Transportation Engineer, Box 94759, Lincoln, Nebraska 68509.

003.01A Whenever a request for a review of the crossing is received by the Department from a political subdivision, railroad company or railroad track owner, the Department will review the crossing, determine if a Diagnostic Team Review is warranted, and provide the political subdivision and/or the railroad with a response to such request.

003.02 The Department shall establish and update, as needed, a list of highway-rail grade crossings in Nebraska to be considered for potential grade crossing safety improvement projects. A Diagnostic Team Review of the crossings shall then be made in order to select specific locations for safety improvement projects and to determine the safety improvements to be considered at those locations.

003.02A The Diagnostic Review may include, but is not limited to consideration of:

- 003.02A1 Train data.
- 003.02A2 Vehicle data.
- 003.02A3 Crossing data.
- 003.02A4 Accident history.
- 003.02A5 Nearby development.
- 003.02A6 Adjacent crossings.
- 003.02A7 Sight distance.
- 003.02A8 School locations and school bus routes.
- 003.02A9 Hospitals, police and fire stations.
- 003.02A10 Pedestrian traffic patterns.

003.03 Crossings may be excluded from consideration for active warning devices if one of the following conditions exists:

003.03A The crossing is a sidetrack and is hand flagged by the railroad.

003.03B There are two trains per day or fewer at the crossing.

003.03C The exposure factor at the crossing is less than 3,000.

003.04 The Department may require street or roadway improvements, and the removal of vegetation, trees, limbs, signs or poles that would obstruct the view of warning devices, as a prerequisite to funding the installation of active warning devices. The Department may also require the political subdivision to close one or more crossing(s) as a prerequisite to funding the installation of active warning devices.

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Chapter 5 – Administration of State and Federal Highway-Rail Grade Crossing Safety Projects (Continued)

003.05 The political subdivision with jurisdiction over the road leading to the crossing must install and maintain advance warning signs, pavement markings and other signs prescribed by the MUTCD.

003.06 The public entity with jurisdiction over the road leading to the crossing shall determine the need for an interconnection between the traffic signals and active warning devices and shall provide for any such interconnection consistent with the provisions of the MUTCD. The railroad company shall cooperate with the public entity in the installation.

003.07 An agreement between the Department, political subdivision and the railroad will be completed detailing the grade crossing safety improvements and the respective cost sharing for each entity.

004 GRADE SEPARATION STRUCTURES

004.01 A project for construction, rehabilitation, relocation or modification of a highway-rail grade separation structure may be considered by the Department after completion of a Grade Separation Study.

004.02 Grade separation studies may include, but are not limited to the following factors and considerations:

- 004.02A Train data.
- 004.02B Vehicle data.
- 004.02C Crossing data.
- 004.02D Accident history.
- 004.02E Nearby development.
- 004.02F Adjacent crossings.
- 004.02G Sight distances.
- 004.02H School locations and school bus routes.
- 004.02I Hospital locations.
- 004.02J Police and fire stations.
- 004.02K Project location.
- 004.02L Cost/benefits.
- 004.02M Pedestrian traffic patterns.
- 004.02N Project structure profile showing touchdown to touchdown.
- 004.02O Need for any additional right of way and any relocation expenses.
- 004.02P Effect of the location of the structure on the community.
- 004.02Q Roadway approach speed.
- 004.02R Roadway approach angle.
- 004.02S Local support and funding.
- 004.02T Railroad support and funding.

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Chapter 5 – Administration of State and Federal Highway-Rail Grade Crossing Safety Projects (Continued)

004.03 Based upon the study and availability of funding, the Department shall determine whether the location is eligible for expenditure of State or Federal grade separation funds.

004.04 Funding of new grade separation structures shall require completion of the following process:

004.04A The Department shall identify potential locations for new grade separation structures based upon exposure factor, crash costs, elimination of vehicular delay and other appropriate factors. A minimum exposure factor of 50,000 for a single crossing shall be required for identification as a potential location. The Department may, in its sole discretion, waive the 50,000 exposure factor requirement when justified based upon the combined exposure factor, crash costs and elimination of vehicular delay at multiple crossings in a corridor.

004.04B The Department shall select locations for a Preliminary New Grade Separation Study to be completed by the Department or the political subdivision. The Preliminary New Grade Separation Study shall include a review of reasonable alternative locations for the grade separation structure, associated closures and other improvements to crossings within the corridor considering the applicable factors from the list set forth in Section 004.02.

004.04B1 If a political subdivision requests a Grade Separation Study for a crossing on the State Highway System, the Department, political subdivision and railroad company or railroad track owner or both shall complete an Agreement for Cost Sharing and Closures associated with the construction of the grade separation prior to the study being performed.

004.04B2 When a political subdivision completes a Grade Separation Study of a crossing not located on the State Highway System, to be constructed using state or federal funding, the Department, political subdivision and railroad company or railroad track owner or both shall complete an Agreement for Cost Sharing and Closures associated with the construction of the grade separation, prior to the construction of the grade separation structure. The political subdivision is responsible for the costs of the study and for the cost of preliminary and final design of any grade separation structure to be constructed.

004.04C Locations for which a Preliminary New Grade Separation Study has been completed may be selected by the Department for a Detailed New Grade Separation Study which shall consider the applicable factors from the list set forth in section 004.02 in greater detail.

004.04D Locations for which projects have previously been considered and deemed by the Department to be physically or practically not feasible, or locations that were studied previously and for which a potential project was rejected by the political subdivision, may be eliminated from consideration at any time during this process.

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004.05 A new grade separation project will require closing a minimum of two public at-grade crossings: one at or near the location of the structure and one or more others as selected and approved by the Department and the political subdivision.

004.05A Exceptions to the conditions of 004.05 may be granted only upon a finding of unique or unusual circumstances by the Director or Deputy Director-Engineering of the Nebraska Department of Roads.

004.06 The feasibility of a railroad-pedestrian grade separation structure within the community will be considered based upon need and an agreement between the political subdivision and the Department.

005 OTHER SAFETY IMPROVEMENTS

005.01 The Department of Roads shall determine whether other safety improvements at railroad crossings are eligible for funding. These safety improvements may include, but are not limited to, the following:

005.01A Sight improvements such as removing trees, fill or other sight obstructions.

005.01B Crossing illumination.

005.01C Advance warning beacons.

005.01D Roadway approach or track work.

005.01E Crossing surface improvements.

005.02 The construction of any of the safety improvements specified in 005.01 is subject to the availability of funds.

ANNOTATION

**Title 415
Chapter 5**

**Enabling Legislation
39-699 and 74-1310
through 74-1322
Neb. Rev. Stat.**

Title 415 - NEBRASKA DEPARTMENT OF ROADS - RAIL AND PUBLIC TRANSPORTATION DIVISION

Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance

001 PURPOSE: To establish rules and regulations for the construction, repair and maintenance of public and private highway-rail grade crossings pursuant to the mandate of Nebraska Revised Statutes, Sections 74-1332 and 74-1336.

002 CONSTRUCTION STANDARDS FOR NEW PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

002.01 DIAGNOSTIC TEAM REVIEW. A Diagnostic Team Review will be completed to determine the final design for the approach roadway, grade crossing and type of traffic control devices including active warning devices. The determination of the Diagnostic Team Review shall be final. The following minimum design standards shall apply to new public highway-rail grade crossings.

002.01A APPROACH ROADWAY/CROSSING SURFACING. The approach roadway and crossing surfacing shall be constructed to conform to the design standards for new construction applicable to the State functional classification of the public roadway, or the following standards, whichever are more stringent.

002.01B CROSSING SURFACING - WIDTH. The crossing surfacing, from end of tie to end of tie, shall extend at least two feet beyond the outside edge of the highway surfacing, but in no case shall the crossing width be less than 20 feet.

002.01C CROSSING SURFACING - HEIGHT. The surface elevation of the roadway and the top of the railroad tracks shall be within 1/2 inch of each other, measured between the top of the railroad track and the plane of the approach roadway 2 feet outside the near rail.

002.01D CROSSING SURFACING - BETWEEN RAILS. The highway-rail grade crossing must be solidly constructed with no openings except as necessary for operation of the railroad track. The crossing surfacing shall be made of durable material. Durable material shall mean timber, asphalt, concrete or equivalent.

002.01D1 The following types of crossing surface systems between rails shall be the minimum required at all public highway-rail crossings:

<u>Exposure Factor</u>	<u>Surfacing</u>
0-3000	Timber or Asphalt
3000 & Above	Concrete or Equivalent

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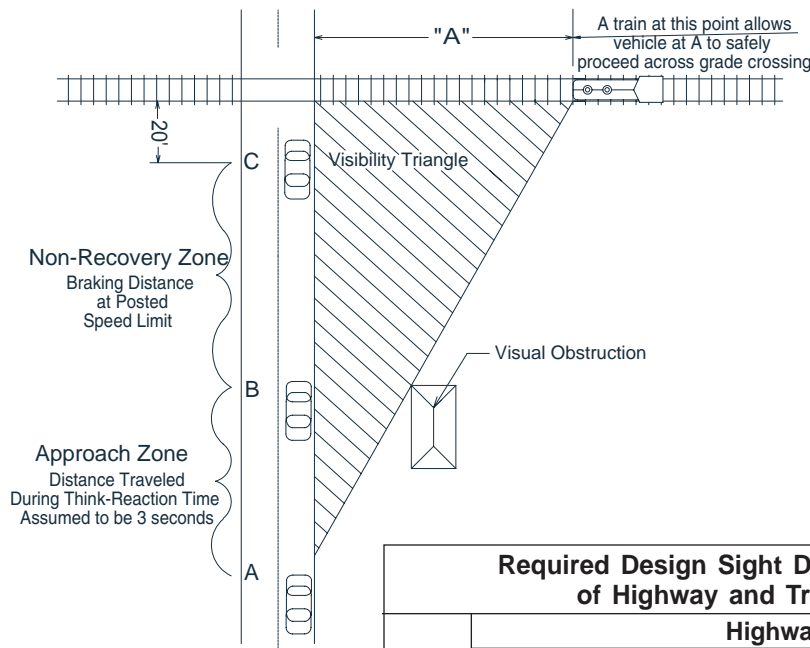
Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

002.01E ROADWAY VERTICAL ALIGNMENT. The crossing surface shall be on the same plane as the top of the rails for a distance of 2 feet outside the rails. The surface of the approach roadway shall not be more than 3 inches higher or lower than the top of the nearest rail at a point 30 feet from such rail. Vertical curves shall be used to traverse from the roadway grade to a level plane at the elevation of the rails.

002.01F TRAFFIC CONTROL DEVICES. Traffic control devices must be placed as shown in the MUTCD, and such devices shall be of a type, size, and construction that conform to MUTCD requirements. Active warning devices shall be considered the minimum required devices necessary for any location with a Class 3 or greater track. Active warning devices shall be considered the minimum required devices necessary for any location with a Class 2 or lower track when any one of the following conditions is present:

- 002.01F1 Anticipated exposure factor of 3000 or above.
- 002.01F2 Train count of 2 or more trains a day.
- 002.01F3 Sight or visibility triangle not meeting the requirements of Section 002.01G.
- 002.01F4 Multiple tracks.
- 002.01F5 Approach angle of roadway and tracks greater than 15 degrees.

002.01G SIGHT DISTANCE. Sight distance for new public highway-rail grade crossings shall be determined according to the following table. The sight triangle must be clear of all permanent obstructions such as buildings, structures or topography. The Diagnostic Team shall evaluate obstructions such as haystacks, crops or other vegetation, continual or seasonal.



Required Design Sight Distance for Combinations of Highway and Train Vehicle Speeds								
Train Speed	Highway Speed (mph)							
	0	10	20	30	40	50	60	70
Distance Along Railroad From Crossing "A"								
10	162	126	94	94	99	107	118	129
20	323	252	188	188	197	214	235	258
30	484	378	281	281	295	321	352	387
40	645	504	376	376	394	428	470	516
50	807	630	470	470	492	534	586	644
60	967	756	562	562	590	642	704	774
70	1129	882	656	656	684	750	822	904
80	1290	1008	752	752	788	856	940	1032
90	1450	1134	844	844	884	964	1056	1160
Distance Along Highway From Crossing B								
	20	65	125	215	330	470	640	840

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Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

002.01H HORIZONTAL ALIGNMENT. Public highway-rail crossings shall, whenever practicable, be constructed so that the highway intersects the tracks at a right angle (90 degrees) with no public highway intersections or driveways on railroad property or within 100 feet of the outside rail. Railroad access drives and maintenance of way service roads are excluded from this requirement.

002.02 RELAXATION OF STANDARDS. A relaxation of the standards set out in Section 002.01 will be considered only if a written request is submitted to the Department by a professional civil engineer licensed to practice in the State of Nebraska. The engineer shall state in writing that the engineer is familiar with the standards set out in these rules and with all the relevant aspects of the proposed crossing necessary to design a crossing that would operate safely. The engineer shall also provide: (1) a detailed explanation of why the standard for which a relaxation is requested is not practicable or economically feasible and why the standard should not apply to the proposed crossing, and (2) a statement that the design of the crossing to be constructed has been examined by the engineer and the engineer believes that the crossing will function safely as designed.

003 CONSTRUCTION STANDARDS FOR RECONSTRUCTED PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

003.01 DIAGNOSTIC TEAM REVIEW. A Diagnostic Team Review will be completed to determine the final design for the approach roadway, grade crossing and type of traffic control devices including active warning devices. The determination of the Diagnostic Team Review shall be final. The following minimum design standards shall apply to reconstructed public highway-rail grade crossings.

003.01A APPROACH ROADWAY/CROSSING SURFACING. The approach roadway and crossing surfacing shall be constructed to conform to the design standards for new construction applicable to the State functional classification of the public roadway, or the following standards, whichever are more stringent.

003.01B CROSSING SURFACING - WIDTH. The crossing surfacing, from end of tie to end of tie, shall extend at least two feet beyond the outside edge of the highway surfacing, but in no case shall the crossing width be less than 20 feet.

003.01C CROSSING SURFACING - HEIGHT. The surface elevation of the roadway and the top of the railroad tracks shall be within 1/2 inch of each other, measured between the top of the railroad track and the plane of the approach roadway 2 feet outside the near rail.

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003.01D CROSSING SURFACING - BETWEEN RAILS. The highway-rail grade crossing must be solidly constructed with no openings except as necessary for operation of the railroad track. The crossing surfacing shall be made of durable material and the elevation of the surfacing shall be within 1/2 inch of the top of the rail. Durable materials shall mean timber, asphalt, concrete or equivalent.

003.01D1 The following types of crossing surface systems between rails shall be the minimum required:

<u>Exposure Factor</u>	<u>Surfacing</u>
0-3000	Timber or Asphalt
3000 & Above	Concrete or Equivalent

003.01E ROADWAY VERTICAL ALIGNMENT. The crossing surface shall be on the same plane as the top of the rails for a distance of 2 feet outside the rails. The surface of the approach roadway shall not be more than 3 inches higher or lower than the top of the nearest rail at a point 30 feet from the rail. Vertical curves shall be used to traverse from the roadway grade to a level plane at the elevation of the rails.

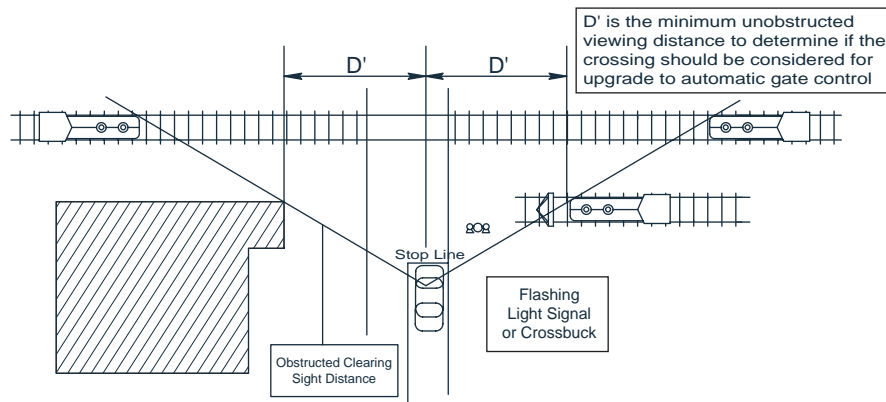
003.01F TRAFFIC CONTROL DEVICES. Traffic control devices must be placed as shown in the MUTCD, and such devices shall be of a type, size, and construction that conform to MUTCD requirements. Active warning devices shall be considered the minimum required devices necessary for locations with an exposure factor of 3,000 or above, a minimum of 100 vehicles per day, and when any one of the following conditions is present:

003.01F1 Clearing sight distance not meeting the requirements of Section 003.01G.

003.01F2 Multiple tracks.

003.01F3 Approach angle of roadway and tracks varying from 90 degrees by 15 degrees or more.

003.01G CLEARING SIGHT DISTANCE. Clearing sight distance is defined as the distance a stopped driver must be able to see down the tracks in both directions from a distance of 15 feet from the near rail in order to move his or her vehicle safely across the tracks to a point 15 feet past the far rail, prior to arrival of a train. The required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the "Design Vehicle." The table values are for a level, 90 degree crossing of a single track. The Diagnostic Team shall evaluate circumstances not meeting these requirements and adjust the table accordingly.



Required Clearing Sight Distance for Various Train Speeds

Train Speed	Clearing Sight Distance (in feet) *					
	Car	Single Unit Truck	Bus	WB-50 Semi Truck	65' Double Truck	Pedestrian**
10	105	185	200	225	240	180
20	205	365	400	450	485	355
25	255	455	500	560	605	440
30	310	550	600	675	725	530
40	410	730	795	895	965	705
50	515	910	995	1120	1205	880
60	615	1095	1195	1345	1445	1060
70	715	1275	1395	1570	1680	1235
80	820	1460	1590	1790	1925	1410
90	920	1640	1790	2015	2165	1585

* A single track, 90° level crossing.

** Walking 1.1 mps (3.5 fps) across two sets of tracks feet apart, with a two-second reaction time to reach a decision point 3 m (10 ft) before the center of the first track, and clearing 3 m (10 ft) beyond the centerline of the second track. Two tracks may be more common in commuter station areas where pedestrians are found.

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Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

003.01H HORIZONTAL ALIGNMENT. Public highway-rail crossings shall be constructed so that the highway intersects the tracks at a right angle (90 degrees) with no public highway intersections or driveways on railroad property or within 100 feet of the outside rail. Railroad access drives and maintenance of way service roads are excluded from this requirement.

003.02 RELAXATION OF STANDARDS. A relaxation of the standards set out in Section 003.01 of this chapter will be considered only if a written request is submitted to the Department by a professional civil engineer licensed to practice in the State of Nebraska. The engineer shall state in writing that the engineer is familiar with the standards set out in these rules and with all the relevant aspects of the proposed crossing necessary to design a crossing that will function safely. The engineer shall also provide: (1) A detailed explanation of why the standard for which a relaxation is requested is not practicable or economically feasible and why the standard should not apply to the proposed crossing, and (2) A statement that the design of the crossing to be constructed has been examined by the engineer and the engineer believes that the crossing will function safely as designed.

004 CONSTRUCTION STANDARDS FOR NEW AND RECONSTRUCTED PRIVATE HIGHWAY-RAIL CROSSINGS

004.01 DIAGNOSTIC TEAM REVIEW. A Diagnostic Team Review may be completed if requested by the parties involved to determine the final design for the approach roadway, grade crossing and type of traffic control devices including active warning devices.

004.01A A Diagnostic Team Review is mandatory for functional use or classification changes to private crossings such as the following:

004.01A1 Changing a residential private crossing to a commercial private crossing.

004.01A2 Changing a commercial private crossing to a residential private crossing.

004.01A3 Changing a farm/ranch private crossing to commercial private crossing.

004.01A4 Changing a farm/ranch private crossing to a residential private crossing.

004.01A5 Changing a private crossing to a public crossing.

004.01B The determination of the Diagnostic Team Review shall be final.

004.02 APPROACH ROADWAY/CROSSING SURFACING. The approach roadway and crossing surfacing on railroad property shall be constructed to the following standards.

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Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

004.02A CROSSING SURFACING - WIDTH. The crossing surfacing, from end of tie to end of tie, shall extend at least two feet beyond the outside edge of the roadway surfacing, but in no case shall a crossing used solely for access to farm, ranch or vacant land or to a single family residence be less than 12 feet in width. All other private crossings shall be no less than 16 feet in width, however, additional width may be required after consideration of all relevant circumstances, including but not limited to:

- 004.02A1 Speed and number of trains per day.
- 004.02A2 Type and number of tracks.
- 004.02A3 Approach angle of roadway and tracks.
- 004.02A4 Type, number and cargo of vehicles using the crossing.
- 004.02A5 Pedestrian traffic.
- 004.02A6 Geometrics of the roadway.
- 004.02A7 Development within the surrounding area.

004.02B CROSSING SURFACING - HEIGHT. The elevation of the surfacing of the roadway and the top of the railroad tracks shall be within 1/2 inch of each other.

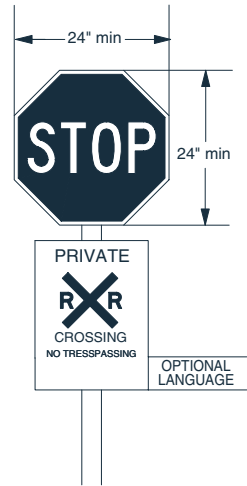
004.02C CROSSING SURFACING - BETWEEN RAILS. Private highway-rail grade crossings must be solidly constructed with no openings except as necessary for the railroad track. The crossing surfacing shall be made of durable material and the elevation of the surfacing shall be within 1/2 inch of the top of the rail. Durable shall mean timber, asphalt, concrete or equivalent. Private crossings used solely for access to farm, ranch or vacant land may be constructed of a compactable material.

004.02D ROADWAY VERTICAL ALIGNMENT. All crossings shall be at the same plane as the top of the rails for a distance of 2 feet outside the rails, measured between the top of the railroad track and the plane of the approach roadway 2 feet outside the near rail.

004.02D1 The approach roadway for private highway/rail crossings providing access to farm, ranch or vacant land shall be constructed in accordance with the Private Crossing Agreement between the railroad and the private owner to provide clearance for the typical vehicle that will use the crossing.

004.02D2 The approach roadway for private rail/highway grade crossings that are public in character providing access for business, commercial or industrial use shall be constructed to meet the clearance requirements for the typical vehicle using the crossing. Crossings with an exposure of 3,000 or above and 100 vehicles per day shall meet the requirements of Section 002.01E of this chapter.

004.02E TRAFFIC CONTROL DEVICES. All private crossings must have, at a minimum, a stop sign and a sign that identifies the crossing as a private crossing, on both roadway approaches, with a warning that informs the motorist that the use of the crossing without permission is trespassing. Message, placement and dimension of the signs shall be clearly visible and be in substantial conformity with the following illustration:



004.02F ACTIVE WARNING DEVICES. Active warning devices shall be considered the minimum required devices necessary for any new private crossing providing access to: (1) Three or more residences, (2) Commercial, retail or industrial businesses, (3) Recreational roadways open to the public, or (4) Private roadways that are public in nature.

004.02F1 Active warning devices shall be considered the minimum required devices for any reconstructed crossing providing access to three or more residences, commercial, retail or industrial businesses, recreational roadways open to the public or private roadways that are public in nature, when the crossing has an exposure factor of 3,000, is used by a minimum of 100 vehicles per day, and when any one of the following conditions is present: (1) Clearing sight distance not meeting the requirements of Section 003.01G, (2) Multiple tracks, (3) Approach angle of roadway and tracks varying from 90 degrees by 30 degrees or more.

004.02G HORIZONTAL ALIGNMENT. Private roadway-rail grade crossings shall be constructed so that the roadway intersects the tracks at a right angle (90 degrees) unless the Department, in its sole discretion, authorizes a variance.

004.02H Reconstructed crossings that only involve the addition of a track shall be exempted from the rules in Section 004.02F1 and 004.02G.

004.02I Crossings providing access solely to vacant land or land used for farm or ranch purposes shall be exempted from the rules in Section 004.02F1.

004.03 A private field or single-family residential crossing shall not be used for access for business, commercial or industrial use or for providing access to more than two residences without being reconstructed to meet the new private crossing requirements set out in Section 004.02.

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Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

005 MAINTENANCE AND REPAIR OF PUBLIC HIGHWAY-RAIL GRADE CROSSINGS

005.01 The railroad company or railroad track owner shall have the obligation to inspect all public crossings for which they are responsible for conformity with the following maintenance and repair provisions:

005.01A The railroad or railroad track owner shall maintain the crossing surface, end of tie to end of tie, in a safe condition. The crossing surfacing or the rails shall be adjusted or replaced whenever the distance between the elevation of the crossing or approach surface and the elevation of top of rail exceeds 2 inches, measured between the top of the railroad track and the plane of the approach roadway 2 feet outside the near rail. In those instances where the repair and maintenance of the railroad track causes the elevation of top of rail to exceed the elevation of the crossing surface by 2 inches or more, the railroad or railroad track owner shall bring the crossing into compliance with the standards expressed in Section 003.01C and 003.01D of this chapter. The approach pavement shall be tapered at a rate of not less than 10 feet for each inch of rise in the track. The only exception to this rule will be if the approach roadway geometrics make this physically and economically impossible.

005.01B If the standards established in 005.01A cannot be met, the railroad or railroad track owner shall place signs as follows in conformance with the MUTCD:

005.01B1 DO NOT STOP ON TRACKS
(To be placed if there is a roadway intersection within 100 feet of the crossing).

005.01B2 HUMPED CROSSING.

005.01C The railroad or railroad track owner shall treat, mow or remove any vegetation within an area 300 feet from the edge of the crossing as measured along the railroad and 50 feet from the outside track or to the railroad right of way line, whichever is less.

005.01D The railroad or railroad track owner shall maintain the crossbuck sign and any signs attached to the crossbuck mast in a proper position and ensure the signs conform to the MUTCD.

005.01E The railroad or railroad track owner shall maintain all active warning devices at crossings and ensure that train detection and control circuitry and signal systems and related components are in operable condition.

005.01F Class I railroads shall post a sign at each mainline highway-rail grade crossing listing a toll-free telephone number that can be used to report emergencies and other conditions present at the crossing. Railroads below Class I shall list a telephone number that can be used to report emergencies and other conditions present at the crossing.

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Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

005.02 The public entity with jurisdiction over the roadway leading to the crossing shall have the obligation to inspect all crossings which are the responsibility of the public entity for conformity with the following maintenance and repair provisions:

005.02A The public entity shall maintain the crossing approaches, including the area between multiple tracks, except for the area of the surfacing to be maintained by the railroad. When a road maintenance project causes the distance between the elevation of the crossing surface and the elevation of top of rail to exceed 2 inches, measured between the top of the railroad track and the plane of the approach roadway 2 feet outside the near rail, the public entity shall bring the crossing into compliance with the standards expressed in Section 003.01C of this chapter. The approach pavement shall be tapered at a rate of not less than 10 feet for each inch of rise in the roadway. The only exception to this rule will be if the approach roadway geometrics make this physically and economically impossible.

005.02B If the standards established in 005.02A cannot be met, the public entity shall place signs as follows in conformance with the MUTCD:

005.02B1 DO NOT STOP ON TRACKS
(To be placed if there is a roadway intersection within 100 feet of the crossing).

005.02B2 HUMPED CROSSING.

005.02C The public entity shall maintain any traffic control devices pertaining to the crossing and erected in advance of the crossing except as provided in Section 005.01D and Section 005.01E of this chapter.

005.02D The public entity shall treat, mow or remove any vegetation within that portion of the sight triangle, as established in Section 002.01G, that is completely within the public entity's right of way if the height and density of the vegetation completely obscures the visibility of an oncoming train and to ensure that advance warning signs and crossing warning devices are clearly visible.

005.03 The State of Nebraska, Department of Roads shall have no maintenance obligations at public or private crossings on driveways, streets, roads and highways that are not on the State highway system.

006 MAINTENANCE AND REPAIR OF PRIVATE ROAD-RAIL GRADE CROSSINGS

006.01 The railroad company or railroad track owner shall have the obligation to inspect all private crossings for which they are responsible for conformity with the following maintenance and repair provisions:

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Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

006.01A The railroad or railroad track owner shall maintain the crossing surface, end of tie to end of tie, in a reasonably safe condition as stipulated in the Private Crossing Agreement between the railroad or railroad track owner and the private owner. Payment for work done to the crossing will be as stipulated in the Private Crossing Agreement.

006.01B The railroad or railroad track owner shall check the placement of the private crossing signs as described in Section 004.02E and ensure that the signs are clean and legible with proper visibility.

006.01C The railroad or railroad track owner shall maintain all active warning devices at crossings and ensure that train detection and control circuitry and signal systems and related components are in operable condition.

006.02 The private land owner utilizing the private crossing shall have the following maintenance obligations at private crossings as stipulated in the Private Crossing Agreement between the railroad or railroad track owner and the private owner unless otherwise stipulated in the Private Crossing Agreement:

006.02A To treat, mow or remove any vegetation on railroad right of way that obstructs the owner's view of approaching trains.

006.02B To maintain the approach roadway surfacing on railroad property.

007 CROSSING CLOSURES DUE TO RAILROAD CONSTRUCTION OR MAINTENANCE

007.01 Before the railroad company or railroad track owner closes a crossing on the State Highway System in order to perform maintenance work or new construction of rail lines, it shall contact the appropriate Nebraska Department of Roads District Representative or designee at least two weeks in advance of the week of the planned closure, and then again 48 hours prior to closure. The railroad or railroad track owner shall place signs two weeks in advance of the date of the closure notifying the public of the date of the closure and the expected duration of the closure.

007.01A The railroad or railroad track owner shall contact the District Representative to coordinate a detour plan at least two weeks in advance of the week of the planned closure. The railroad or railroad track owner shall be responsible for coordinating all necessary detours, traffic control, and temporary crossings. The design, application, installation and maintenance of detours and temporary crossings shall comply with the MUTCD.

007.02 Before the railroad company or railroad track owner closes a crossing on any municipal or county road system for more than four hours in order to perform maintenance work or new construction of rail lines, it shall contact the appropriate Municipal Engineer/Street Superintendent or County Highway Engineer/Superintendent or designee at least one week in advance of the week of the planned closure, and then

Title 415 - NEBRASKA DEPARTMENT OF ROADS - RAIL AND PUBLIC TRANSPORTATION DIVISION

Chapter 6 – Highway-Rail Crossings - Construction, Repair and Maintenance (Continued)

again 48 hours prior to closure. The railroad or railroad track owner shall place signs one week in advance of the date of the closure notifying the public of the date of the closure and the expected duration of the closure.

007.02A The railroad or railroad track owner shall contact the Municipal Engineer/Street Superintendent or County Highway Engineer/Superintendent to coordinate a detour plan at least one week in advance of the week of the planned closure for approval. The railroad or railroad track owner shall be responsible for coordinating all necessary detours, traffic control, and temporary crossings. The design, application, installation and maintenance of detours and temporary crossings shall comply with the MUTCD.

007.03 Before the railroad company or railroad track owner closes a crossing on the municipal or county road system for four hours or less in order to perform maintenance work, it shall contact the appropriate Municipal Engineer/Street Superintendent or County Highway Engineer/Superintendent to coordinate detours if necessary, and be responsible for traffic control.

007.04 In the event of an emergency closure of a crossing(s), the railroad company or railroad track owner shall contact the NDOR District Representative or the appropriate Municipal Engineer/Street Superintendent or County Highway Engineer/Superintendent as soon as practicable after the closure.

ANNOTATION

**Title 415
Chapter 6**

**Enabling Legislation
74-1332 and 74-1336
Neb. Rev. Stat.**

Title 415 - NEBRASKA DEPARTMENT OF ROADS - RAIL AND PUBLIC TRANSPORTATION DIVISION

Chapter 7 – Comprehensive Public Safety Program for Highway-Rail Grade Crossings

001 PURPOSE

001.01 To establish rules and regulations for a comprehensive public safety program to deal with problems associated with public and private highway-rail grade crossings.

001.02 To establish a process for assessing the risk to the public from particular grade crossings and for reducing or eliminating such risk in a cost-effective and timely manner pursuant to the mandate of Nebraska Revised Statutes, Section 74-1342.

002 GRADE CROSSING SAFETY ASSESSMENT PROCESS

002.01 The grade crossing safety assessment process may include, but is not limited to consideration of the following factors:

- 002.01A Volume of trains.
- 002.01B Volume of motor vehicles, including character, function, and type of vehicular traffic through the crossing.
- 002.01C Number of tracks at the crossing.
- 002.01D Geometry of the crossing, including acute angles.
- 002.01E Sight-distance restrictions, if any.
- 002.01F Train and motor vehicle speed.
- 002.01G Accident history.
- 002.01H Character of proximate road network, including distance and travel time to adjacent crossings.
- 002.01I Frequency and duration of roadway blockage by trains, including citation history.
- 002.01J Emergency response routes, including alternatives.
- 002.01K Economic impact of crossing.
- 002.01L Current and foreseeable development in the vicinity of the crossing.
- 002.01M Location of schools, school bus routes, hospitals, police and fire stations.

002.02 The Grade Crossing Safety Assessment process shall be completed by the Department and shall include the following steps:

002.02A **CORRIDOR IDENTIFICATION.** For each county, the Department shall identify all crossings of railroad tracks by public or private roads, streets and highways. The Department, in its sole discretion, shall establish groups of two or more adjacent crossings to be separately identified as crossing corridors ("corridors"). Generally, a corridor shall only include crossings in the same county and shall not include both city street and county road crossings.

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Chapter 7 – Comprehensive Public Safety Program for Highway-Rail Grade Crossings (Continued)

002.02B CORRIDOR CLASSIFICATION. The Department shall classify each corridor as rural or urban, and as high density or low density.

002.02B1 An urban corridor is a corridor that includes a crossing located within the corporate limits of a city with a population greater than 5,000 residents. A rural corridor is a corridor that is not an urban corridor.

002.02B2 A high density corridor is a corridor that includes a crossing with an average of over 40 trains per day. A low density corridor is a corridor that is not a high density corridor.

002.02B3 A municipal crossing is a crossing located inside the corporate limits of any village or city.

002.02B4 A non-municipal crossing is a crossing located outside the corporate limits of any village or city.

002.02C CORRIDOR PRIORITIZATION. The Department shall prioritize the relative needs of corridors within each classification. A priority index value shall be calculated for each corridor based upon a weighted analysis of crossing collisions, crossing blockages and the use of the crossings for emergency services.

002.02D CORRIDOR IMPROVEMENTS OPTIONS

002.02D1 In the initial corridor prioritization process, the Department may consider the following primary corridor improvement options:

002.02D1A Crossing closures

002.02D1B Warning device upgrades

002.02D1C Installation of flashing light signals or flashing light signals with automatic gates

002.02D1D Construction of grade separation structure(s)

002.02D2 Other options may be considered during detailed Diagnostic Team Reviews.

002.02E CORRIDOR IMPROVEMENT EVALUATION. The Department may evaluate each improvement option based upon a weighted analysis of the following five factors: collisions, emergency response, blockage, economic significance and corridor improvement costs.

003 DIAGNOSTIC TEAM REVIEW AND IMPROVEMENT RECOMMENDATIONS

003.01 DIAGNOSTIC TEAM REVIEW. After completing the process of identifying priority corridors, the Department shall annually select one or more of the priority corridors for a Diagnostic Team Review. A previously completed Diagnostic Field Inspection report may be used or updated by the Department.

003.02 CORRIDOR IMPROVEMENT PROPOSAL. Upon completing or updating a Diagnostic Team Review on a selected corridor, the Department may prepare and submit a specific corridor improvement proposal to the railroad company and the county or municipality in which the corridor is located and to any property owners who have the right to use a private crossing in the corridor. The proposal may include a timetable for completion of the improvements and funding options and obligations of the various entities. The following is a non-exclusive list of the crossing improvements that may be included in the specific corridor improvement proposal by the Department.

003.02A Construction of grade separation structure(s) for vehicles and/or pedestrians.

003.02B Closure of public or private grade crossings.

003.02C Installation or upgrade of passive or active warning devices.

003.02D Construction of crossings at new locations, or maintenance or reconstruction of crossings or the approach to crossings.

003.02E Improvement of sight distance at crossings.

003.02F Construction or modification of access roads.

003.02G Other improvements may include upgrading existing signal controllers, traffic light preemptive systems, active advance warning systems, special signing, public education, focused enforcement efforts, use of LED systems, converting the crossing from private to public, making crossing surface improvements or railroad operational changes.

003.03 Review of a corridor improvement proposal shall proceed as follows:

003.03A The municipality or county and the railroad owner or operator shall have 60 days to review the Department's specific corridor improvement proposal and to suggest revisions, additions or deletions. When requested, the Department will attend any public meetings to explain the specific corridor improvement proposal. If the Department and the municipality or county and/or the railroad owner or operator fail to agree to the specific corridor improvement proposal, including revisions, additions or deletions agreed to by the Department, then Sections 003.04 and 003.05 of this chapter shall apply.

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Chapter 7 – Comprehensive Public Safety Program for Highway-Rail Grade Crossings (Continued)

003.03B The party or parties served by a private crossing(s) shall have 60 days to review the Department's specific corridor improvement proposal and suggest revisions, additions or deletions. When requested, the Department will meet with affected parties to explain the corridor improvement proposal. If the Department and the party or parties served by the private crossing(s) fail to agree to the specific corridor improvement proposal, including revisions, additions or deletions agreed to by the Department, then Section 003.06 of this chapter shall apply.

003.04 After the sixty day period set out in Section 003.03 has elapsed, without agreement, the municipality or county shall have 90 additional days to complete the following:

003.04A Hold additional public meeting(s) if deemed necessary by the municipality or county including, if requested by the municipality or county, a presentation of the specific corridor improvement proposal by the Department.

003.04B Present the specific corridor improvement proposal to the municipality's or county's governing body for formal approval or disapproval.

003.04C Upon approval or disapproval, mail to the Department, by certified mail, a written approval or disapproval by the governing body of the municipality or county.

003.04D In the event that the municipality or county formally disapproves the Department's proposal, the municipality or county shall submit to the Department each reason why the Department's proposal was not approved and a counterproposal, signed by the chief executive of the municipality or county, detailing a crossing improvement counterproposal for crossings in the corridor to which the municipality or county has formally bound itself to accept in lieu of the Department's proposal.

003.05 After the 60-day period set out in Section 003.03 of this chapter has elapsed, without agreement, the railroad and the railroad track owner or operator shall have 90 additional days to complete the following:

003.05A Attend public meetings, if requested by the municipality, county or Department.

003.05B Mail to the Department, by certified mail, a written approval or disapproval of the proposal.

003.05C In the event that the railroad and/or the railroad track owner disapproves of the Department's proposal, the railroad owner and/or operator shall submit to the Department in writing each reason why the Department's proposal was not approved and a written counterproposal, signed by a person authorized to bind the railroad and/or railroad track owner, detailing a crossing improvement counterproposal to which the railroad and/or railroad track owner has formally bound itself to accept in lieu of the Department's proposal.

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Chapter 7 – Comprehensive Public Safety Program for Highway-Rail Grade Crossings (Continued)

003.06 After the 60-day period set out in Section 003.03 of this chapter has elapsed, without agreement, the party or parties served by a private crossing(s) in the corridor shall have 90 additional days to mail to the Department by certified mail, a written approval or disapproval.

003.07 The Department shall review all information received from the municipality, county, or the party or parties served by a private crossing(s) and the railroad and/or railroad track owner and shall issue, by certified mail, an Order for Corridor Improvements detailing the improvements that it determines should be made to the crossings within the corridor, the timetable for completion of the improvements and funding options and obligations of the various entities.

003.08 The municipality, the county, the railroad and/or the railroad track owner or the party or parties who have a legal right to use the affected private crossing(s) may appeal the Order for Corridor Improvements by filing a Petition and request for hearing with the Department within 60 days after the date of the order issued by the Department. All aspects of the appeal shall be governed by the rules of procedure set out in Title 407.

004 REPORTING REQUIREMENTS

004.01 By November 1st of each year, the railroad company shall report to the Department in a format agreed to between the railroad and the Department, the average daily number of trains on each of its Nebraska lines.

004.02 On or about January 1st of each odd-numbered year, the Department will provide each local entity (municipalities and counties with public highway-rail grade crossings within their jurisdiction) with the Department's most recent estimate of the average daily number of vehicles for each public railroad crossing within that entity's jurisdiction. The local entity shall review the Department's estimates and report in writing to the Department by November 1 of that year, whether it agrees or disagrees with each of the Department's estimates. In the event the local entity disagrees with the Department's estimate for any crossing, the local entity shall report to the Department in writing its own estimate of the average daily number of vehicles for that crossing. If the local entity chooses to conduct its own traffic count or counts, the Department will provide, upon request, a traffic counting device to the local entity at no expense. Additionally, the local entity may at any time request a copy of data in the Department's inventory of the most recent estimate of the average daily number of vehicles for any public crossing within that entity's jurisdiction.

005 CROSSINGS BLOCKED BY A STOPPED TRAIN

005.01 A railroad company or a railroad track owner operating trains over tracks within the State of Nebraska shall not block a public highway-rail grade crossing, for a period of time in excess of ten (10) minutes, except if the train is moving in a continuous forward or backward direction, or if the train is stopped

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Chapter 7 – Comprehensive Public Safety Program for Highway-Rail Grade Crossings (Continued)

for an emergency condition, including an accident, derailment, critical mechanical failure, track or bridge washout, storm, flood, or other emergency situation.

005.02 A one-time exception of up to, but not exceeding, ten (10) additional minutes shall be authorized under the following conditions:

005.02A When a train and its crew, operating under the rules of the Federal Railroad Administration (FRA) is unable to complete a switching maneuver while setting out or picking up rail cars within the ten (10) minutes set forth in Section 005.01 of this chapter.

005.02B When a train is stopped to allow the passage of a second train and the stopped train has exhausted the ten (10) minutes set forth in Section 005.01 of this chapter, if the arrival of the second train is imminent and separation and coupling of the stopped train would result in further unnecessary blocking of the highway-rail public grade crossing.

005.03 When a train is cut or separated to prevent blocking of a highway-rail public grade crossing, the time required for re-coupling a train and performing air tests as required by the FRA will not be considered a violation of this section.

005.04 Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at highway-rail public grade crossings.

005.05 Trains blocking a public crossing for more than 10 minutes and not meeting the requirements of Sections 005.01 through 005.04 of this chapter shall break the train to provide access to the public. A train cut to clear a public crossing shall not leave cars, engines or equipment within 250 feet of the crossing.

006 MAINTENANCE AND REPAIR OF CROSSINGS WHEN RAILROAD LINE IS ABANDONED OR REMOVED

The following rules shall apply whenever the owner of a railroad line is granted, by proper authority, an abandonment of its rail line.

006.01 The owner of the rail line shall have the following duties:

006.01A To continue to protect, maintain and repair all active warning devices at all crossings until they are properly removed or a track out-of-service sign is placed in accordance with the MUTCD.

006.01B To promptly remove all active warning devices from crossings on the abandoned or removed lines. The railroad company shall cooperate with the Department to ensure that the devices are installed at another location on a line owned by the railroad or make the devices available to the Department for installation at a crossing on another railroad line.

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Chapter 7 – Comprehensive Public Safety Program for Highway-Rail Grade Crossings (Continued)

006.01C To remove all tracks, ties, switches and other structures within the area of the lateral clear zone applicable to the roadway and to resurface the crossing and restore the area within the lateral clear zone to a condition safe for the traveling public. The roadway shall be resurfaced with the same surfacing used on the road leading to the crossing.

006.01D To mow and treat weeds at the crossing within the area of the roadway lateral clear zone on the railroad company's right-of-way until the work prescribed in Section 006.01C of this chapter is completed.

006.02 The public entity with jurisdiction over the road leading to the crossing shall erect exempted grade crossing signs when and as required by statute and by the MUTCD.

006.03 The Department reserves its right to remove grade crossing warning devices at abandoned crossings to protect the State's investment in such devices.

ANNOTATION

**Title 415
Chapter 7**

**Enabling Legislation
74-1342
Neb. Rev. Stat.**

