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SECRETARY OF STATE  
ADMINISTRATIVE RULES

Title [4]7—DEPARTMENT OF [ECONOMIC DEVELOPMENT]TRANSPORTATION  
Division 265—[Division of] Motor Carrier and Railroad Safety  
Chapter 8—Railroads [and Street Railroads]

PROPOSED AMENDMENT

[4]7 CSR 265-8.092 Railroad [Traffic Statistics]Reports. The Missouri Highways and Transportation Commission is moving the rule to Title 7, deleting the “Average Daily Railroad Train Traffic Movements-Within the State of Missouri” Form, adding a Publisher’s Note, amending the purpose statement, amending section (1) and subsections (1)(A) and (1)(B), and deleting subsection (1)(C) and adding new sections (2) and (3).

**PUBLISHER’S NOTE:** *The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

**PURPOSE:** *This amendment moves the rule from Title 4 to Title 7, removes the requirement for a railroad to provide a copy of its system rail traffic density diagram and removes an average daily train traffic form as part of the published rule to provide greater flexibility to the Department in the event this form is changed in the future. This amendment also adds new reporting requirements relating to rail operating revenues, mileage operated, track mileage, rail line operation statistics and freight carried, and incorporates the forms used for such reports into the rule by reference.*

**PURPOSE:** *This rule requires the notification by railroads operating within the state to file with the division [Division of Transportation] certain traffic statistics for use as planning information in railroad safety studies.*

(1) All railroads operating within the state shall file with the [Division of Transportation] **division**, within the time prescribed, each of the following documents:

(A) [Each railroad shall file t]Two (2) copies of their operating timetable not later than ten (10) days after the effective date of each issue;

(B) [Each railroad a]Annually [shall file with the division], on or before April 30 of each year, one (1) **Average Daily Railroad Traffic Within Missouri** [original traffic] report for each line segment operated in the state, [which shall] to be submitted on [Form MO 419-1757. The division shall timely provide each railroad with sufficient blank copies of Form MO 419-1757 to enable compliance with this rule; and] the form published February 29, 2016 by the Department of Transportation, 105 W. Capitol Ave., Jefferson City, MO 65101, which is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments or additions of this form.

[(C) Each Class I railroad shall provide one (1) copy of its system rail traffic density diagrams showing the annual gross tonnage operated on each segment of its system within the state. The report shall be filed no later than April 30 of the following year.]

(2) All Class I railroads operating in Missouri shall annually complete the forms listed in

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subsections (A)-(E) of section (2) of this rule and file the completed forms with the division on or before April 30th of each year. The forms are incorporated by reference and made a part of this rule as such forms were published on February 29, 2016 by the Department of Transportation, 105 W. Capitol Ave., Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions of these forms:

- (A) SC 210—Railway Operating Revenues Earned Within the State;
- (B) SC 702—Mileage Operated at Close of Year—Within the State;
- (C) Summary Statement of Track Mileage Within The State and of Titles Thereto at Close of Year;
- (D) SC 931—Statistics of Rail-Line Operations—Within the State; and
- (E) SC 941—Revenue Freight Carried During the Year—Within the State.

(3) All other railroads operating in Missouri are required to complete and annually file with the division on or before April 30th only the forms listed in subsections (A)-(C) of section (2) of this rule.

*AUTHORITY: section 622.027, RSMo 1986.\* Original rule filed May 2, 1991, effective Dec. 9, 1991. Amended: Filed March 9, 2018.*

*\*Original authority: 622.027, RSMo 1985.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*