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## Department of Transportation

### Rail Division - Chapter 741

#### Division 200 APPLICATIONS

##### [741-200-0010](#)

###### **Purpose**

To provide procedures to apply for authority to construct, relocate, alter or close crossing.

**Statutory/Other Authority:** ORS 823 & 824

**Statutes/Other Implemented:** ORS 824.202

###### **History:**

RD 1-2009, f. & cert. ef. 2-20-09

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0005

PUC 3-1983, f. & ef. 3-16-83, Order No. 83-143

##### [741-200-0020](#)

###### **Applications Required**

Except where formal proceedings are initiated by the Rail and Public Transit Division of the Department and except as provided in OAR 741-110-0050 and 741-120-0040, an application for authority must be filed with the Department to:

- (1) Construct, relocate or alter a sidewalk, multi-use path or roadway across one or more railroad tracks at grade;
- (2) Construct or relocate one or more railroad tracks across a sidewalk, multi-use path or roadway at grade; or
- (3) Construct, relocate or alter a separated crossing of a sidewalk, multi-use path or roadway.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202 & 824.220

**Statutes/Other Implemented:** ORS 824.204, 824.206 & 824.210

###### **History:**

RD 1-2013, f. & cert. ef. 10-15-13

RD 3-2003, f. 9-18-03, cert. ef. 10-1-03

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0011

PUC 3-1983, f. & cert. ef. 3-16-83, Order No. 83-143

##### [741-200-0030](#)

###### **Persons Who May Make Application**

Pursuant to ORS Chapter 824, only a railroad company or the public authority in interest may file an application for authority to construct, relocate, alter or close a crossing.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202 & 824.220

**Statutes/Other Implemented:** ORS 824.202

###### **History:**

RD 3-2003, f. 9-18-03, cert. ef. 10-1-03

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0025

PUC 3-1983, f. & ef. 3-16-83, Order No. 83-143

##### [741-200-0040](#)

###### **Form of Applications**

(1) Applications shall be filed on forms approved by the Department.

(2) An original application and attachments must be filed with the Rail Division of the Department.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202 & 824.220

**Statutes/Other Implemented:** ORS 824.204, 824.206 & 824.210

**History:**

RD 1-2009, f. & cert. ef. 2-20-09

RD 3-2003, f. 9-18-03, cert. ef. 10-1-03

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0040

PUC 3-1983, f. & cert. ef. 3-16-83, Order No. 83-143

**741-200-0050**

**Information to Accompany Application**

Unless exceptions have been authorized pursuant to OAR 741-200-0060, each application shall be accompanied by an engineered plan (drawing). The plan shall include:

(1) A vicinity map, drawn to scale, showing in detail the vicinity of the crossing, project site and surrounding area road grid. The map shall show:

(a) The angle of intersection of the centerlines of railroad and roadway. In cases where such intersection is on a curved section of roadway or railroad, the angle of intersection shall be the angle formed by a tangent to the curve or curves at the point of intersection;

(b) The right-of-way lines of the roadway and the railroad;

(c) The location of all public and private crossings within the limits of the map;

(d) The location of all structures or other obstructions to vision that are between approaching vehicles and trains;

(e) The location of all signs and signals that govern the flow of rail or roadway traffic within the safe stopping distance and the location of all railroad signs and signals within the grade crossing approach circuit; and

(f) Maximum distance of unobstructed view along the tracks, indicated by sight lines drawn from:

(A) Points on the roadway 18 feet on each side of the centerline of the nearest track; and

(B) Points on the roadway at the distance from the centerline of the nearest track in accordance with the table of safe stopping distances.

(2) Drawings for Active Protective Devices. When active protective devices are to be installed or altered, a drawing (scale of 1 inch = 20 feet is recommended) shall be provided showing the location of proposed signal foundations in relation to distances from centerlines of highway and nearest railroad track. This drawing shall also show the proposed position of other related structures and devices such as guardrails, shoulders of roadway, curbs of roadway and part-time turn restriction signals.

(3) Vehicle Traffic Signal Plan (if applicable) with Operation Description.

(4) Roadway Profile. A profile showing, to scale, the grade of the roadway within the safe stopping distance on each side of the crossing.

(5) Railroad Profile. A profile showing the track profile within 250 feet of the crossing.

(6) Drawings for Separated Crossings. All applications to construct or alter separated structures shall include engineered drawings showing the vertical and horizontal clearances above and adjacent to the railroad tracks that will exist upon completion. Such clearances shall not be less than those prescribed in CFR 646.212(a)(3) as stated in the Appendix to Subpart B of Part 646—Horizontal and Vertical Clearance Provisions for Overpass and Underpass StructuresBU.

(7) Drawings for Undercrossings. All applications to construct or alter undercrossings shall include engineered drawings showing the clearances beneath the structure that will be provided for roadway use. Minimum clearances shall comply with AASHTO.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202 & 824.220

**Statutes/Other Implemented:** ORS 824.204, 824.206 & 824.210

**History:**

RD 1-2013, f. & cert. ef. 10-15-13

RD 3-2003, f. 9-18-03, cert. ef. 10-1-03

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0045  
PUC 3-1983, f. & cert. ef. 3-16-83, Order No. 83-143

#### **741-200-0060**

##### **Application Alternative**

Upon approval of Rail and Public Transit Division management staff, certain requirements of OAR 741-200-0050 may be waived.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202 & 824.220

**Statutes/Other Implemented:** ORS 824.202

##### **History:**

RD 1-2013, f. & cert. ef. 10-15-13

RD 3-2003, f. 9-18-03, cert. ef. 10-1-03

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0046

PUC 3-1983, f. & cert. ef. 3-16-83, Order No. 83-143

#### **741-200-0065**

##### **Submittal Process**

Application and application materials may be submitted electronically or in hard copy format.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202, 824.220, 84.022 & 84.025

**Statutes/Other Implemented:** ORS 824.202

##### **History:**

RD 1-2009, f. & cert. ef. 2-20-09

#### **741-200-0080**

##### **Assignment of Responsibility for Continuing Costs**

Cost responsibility for the maintenance of facilities associated with any project for which an application is filed pursuant to these rules shall be assigned to a railroad or the public authority in interest.

**Statutory/Other Authority:** ORS 823 & 824

**Statutes/Other Implemented:** ORS 824.244

##### **History:**

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0060

PUC 3-1983, f. & ef. 3-16-83, Order No. 83-143

#### **741-200-0090**

##### **Expiration of Authority to Construct Crossings**

Authority to construct a crossing expires two years from the effective date of the Order granting such authority unless the authorized construction is substantially in progress within that period or within such additional period as may have been provided by Order of the Department.

**Statutory/Other Authority:** ORS 184.616, 184.619, 823.011, 824.202 & 824.220

**Statutes/Other Implemented:** ORS 824.204

##### **History:**

RD 3-2003, f. 9-18-03, cert. ef. 10-1-03

RS 2-1996, f. & cert. ef. 3-14-96, Renumbered from 860-043-0065

PUC 5-1985, f. & ef. 4-8-85, Order No. 85-291

PUC 3-1983, f. & ef. 3-16-83, Order No. 83-143

