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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 265-8.018 Signs. The Missouri Highways and Transportation Commission is moving the rule to Title 7, adding a publisher's note, deleting section (3), amending sections (1) and (2), and amending subsections (1)(A), (1)(B) and (1)(C).

PURPOSE: This amendment moves the rule from Title 4 to Title 7, aligns the retroreflectivity standards in the rule to those in the Manual on Uniform Traffic Control Devices and eliminates unnecessary restrictive wording.

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.

[Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.]

(1) All crossing warning signs, track switch position indicators and close clearance-warning signs [hereafter ordered by the division and those existing signs when hereafter replaced] shall [conform to the requirements of this rule.]:

(A) [The sign shall be]Be covered with a retroreflectorized material to show the same shape and color by day or night.

(B) [The] Use retroreflectorized material [used shall have the reflective intensity value not less than the values specified in Table II of the Federal General Services Pamphlet LS 300-C, March 20, 1979 or the equivalent.] that meets or exceeds the minimum levels specified in the Manual on Uniform Traffic Control Devices (2009 Edition), which is incorporated herein by reference and made a part of this rule as published by the Federal Highway Administration, United States Department of Transportation, 400 7th Street SW, Room 3408, Washington, DC 20590, website: http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm. This rule does not incorporate any subsequent amendments or additions of this manual.

(C) [The signs shall be]Be maintained in a reasonably clean condition and replaced when [they]the signs have been moderately impaired by wear or damage.

(2) In those cases where the division determines that retroreflectorization will not perform effectively, the division [,after a hearing,] may require the use of appropriate illumination for the signs.

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[(3) It is recognized that technological progress may develop new and satisfactory or superior materials in the field of illumination and reflectorization. This rule does not exclude any new material that meets the standard requirements for color and legibility, by day or night.]

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. 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.*