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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 [2]—Railroads [Practice and Procedure]

**PROPOSED AMENDMENT**

[4]7 CSR 265-[2]8.300 Railroad Safety Applica[-]tions (Other Than Railroad-Highway Crossings). The Missouri Highways and Transportation Commission is moving the rule to Title 7, amending sections (1) and (2) and adding new subsections (2)(A) and (2)(B).

*PURPOSE:* This amendment moves the rule from Title 4 to Title 7, revises the rule to delete an obsolete reference to the administrative law judges, authorizes the division director to decide a railroad safety matter raised under an application to the commission if a hearing is waived by all parties to the application or refer the case to the Administrative Hearing Commission, and eliminates unnecessary restrictive language.

(1) Except as otherwise provided under 4 CSR 265-2.320, persons **other than division staff** filing applications for [division] **commission** orders involving railroad safety matters shall file in writing an original [plus four (4) copies of the] completed application with the director of the division, in accordance with this section [and 4 CSR 265-2.080. Every application shall include] **that includes** at least the following information:

(J) Date and signature of the applicant or the applicant's authorized representative, and the signature, name (typed or printed), address and telephone **number** of the applicant's attorney, if any; and

(2) [It shall be in the discretion of the administrative law judge to convene a hearing regarding the application or to decide the case based on the application and other documents filed, except when a hearing is required by law.] **The application is to be decided under one of the following methods:**

(A) **The division director decides and issues an order on behalf of the commission based on the application and all other documents filed in those cases in which all parties to the application have waived a hearing in writing; or**

(B) **The division director refers the application to the Administration Hearing Commission per Chapter 621 RSMo if all parties have not waived a hearing in writing or a hearing on the application is required by law.**

*AUTHORITY:* section 622.027, RSMo 1986. \* Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed March 9, 2018.

\*Original authority: 622.027, RSMo 1985, 1993, 1995.

*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 (\$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.*