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Rail-Highway Crossings

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Wyoming Department of Transportation
Rail-Highway Crossings

CHAPTER 1

Section 1. **Authority.**

The Transportation Commission of Wyoming is authorized to close or establish public rail-highway crossings and to administer the Highway Crossing Protection Account under W.S. 37-10-101, et seq. This chapter is promulgated pursuant to the authority granted in W.S. 24-2-105.

Section 2. **Applicability.**

(a) The design, construction, and maintenance standards set forth in this chapter shall apply to at-grade crossings only as the crossings are established or modified. Existing at-grade crossings may remain nonconforming until such time as they are modified.

(b) New at-grade crossings shall comply with the approach gradeline provision and the maximum feasible sight distances contained in this chapter.

Section 3. **Definitions.**

(a) “At-grade crossing” means the intersection of a public road and the track or tracks of any railroad corporation or street railway corporation in Wyoming, other than crossings using a grade separation structure.

(b) “Commission” means the Transportation Commission of Wyoming.

(c) “Detour” means the temporary rerouting of public road traffic to other roads immediately adjacent to a track crossing under construction.

(d) “Exempt crossing sign” means an official traffic-control device that gives notice that the stopping requirement imposed by W.S. 31-5-511 does not apply at a particular at-grade crossing.

(e) “*MUTCD*” means the *Manual on Uniform Traffic Control Devices*.

(f) “Public road agency” means a government agency, the state, a county, city, town, or other political entity having jurisdiction over a highway.

(g) “Public roads and highways” means a road, street, or highway operated, maintained, and legally dedicated according to Wyoming law to public use by the state or any of its political subdivisions, but shall not include private roads as specified in W.S. 24-1-101.

(h) “Temporary track crossing” means a temporary crossing of railroad tracks built for road agency construction activities and may or may not include public traffic.

(i) “WYDOT” mean the Wyoming Department of Transportation.

(j) “WYDOT’s Standard Special Provisions” means the special conditions or requirements for contractors working on at-grade crossings.

Section 4. Procedure for Establishing or Closing At-grade Crossings.

(a) Using the appropriate WYDOT form, a railroad, or a public road agency, shall apply to the Commission for authorization to establish or close an at-grade crossing, except temporary crossings and detours.

(b) When it receives an application, or when the public interest clearly indicates action should be taken, upon its own motion, the Commission shall establish a diagnostic team including representatives of the railroad, the public road agency, and WYDOT to review the application.

(c) Before establishing or closing an at-grade crossing, the diagnostic team shall use the appropriate safety, traffic, cost, maintenance, and engineering factors to evaluate the application, and it shall base its recommendations on these factors.

(d) The tentative recommendations of the diagnostic team shall be submitted to all public road agencies affected by the proposed crossing change. Public road agencies may provide comments regarding the diagnostic team’s tentative recommendations. The diagnostic team may hold a public meeting to solicit public comment and to disseminate the diagnostic team’s tentative recommendations to the public. The diagnostic team shall consider these comments in formulating its final recommendations.

(e) The diagnostic team shall submit its final findings and recommendations to the Commission.

Section 5. Standards for New At-grade Crossings.

(a) The construction of a new at-grade crossing or the closing of an existing at-grade crossing shall comply with WYDOT’s Standard Special Provisions and applicable railroad regulations.

(b) When traffic control measures are installed at new at-grade crossings, they shall comply with the *MUTCD*.

Section 6. Procedure for Modifications to Existing At-grade Crossings.

(a) Requests for authorization to modify an existing at-grade crossing shall follow the procedure set forth in Section 4 of this chapter, except that the diagnostic team shall not present its tentative recommendations to the public.

(b) Requests for authorization to remove sight distance obstructions at existing at-grade crossings shall be treated as requests for modification.

Section 7. Standards for Modifications to Existing At-grade Crossings.

Modifications to existing at-grade crossings shall comply with WYDOT's Standard Special Provisions and applicable federal railroad regulations.

Section 8. Cost Allocation.

(a) The Commission shall apportion costs and expenses associated with at-grade crossings in accordance with W.S. 37-10-103 and W.S. 37-10-104.

(b) The railroad is responsible for the cost of maintaining rail crossing safety devices and surfacing in accordance with W.S. 37-10-104(b).

(c) When a public road agency applies to establish an at-grade crossing, and federal funding is used, costs shall be split according to proportions outlined in 23 CFR 140, 23 CFR 646 B, and W.S. 37-10-101, et seq.

(d) When a railroad applies to establish an at-grade crossing or initiates modification of a crossing, including the addition of multiple tracks, it shall pay for new signalization or for upgrading existing signals and related electronic components and circuits; installing, modifying, or replacing track crossing surfacing systems; detours and traffic controls; temporary crossings; and making road gradelines comply with these regulations. New signals, gates, or surfacing shall be replaced with like equipment or with current technology.

(e) When a public road agency initiates at-grade crossing reconstruction, the agency shall pay for the requested improvements, including detours, traffic controls, and temporary crossings, less federal matching funds, if applicable.

(f) Nothing in this chapter shall prevent or prohibit participation in the project's costs by WYDOT or the railroad.

Section 9. Project Agreements.

(a) The public road agency, if other than WYDOT, shall enter into an agreement with the railroad specifying in detail the duties and responsibilities of all parties involved for design, construction, and future maintenance of detours, warning devices, signals, crossing surfacing systems, and temporary crossings.

(b) Any work covered by standard railroad operating practices that the public road agency requests the railroad to perform, such as railroad flagging and inspection, shall also be covered by a written agreement between the affected parties.

(c) A copy of the fully executed agreement, with plans, shall be filed with the WYDOT Utilities and Railroads Section.

(d) If the Commission initiates a project on its own motion, or if federal funds are used to pay any portion of the costs of the project, the Commission and the affected railroad shall enter into an agreement as required by 23 CFR 646.216.

Section 10. At-grade Crossing Inventory Form.

(a) WYDOT shall prepare and file the American Association of Railroads (AAR) Crossing Inventory Form with the United States Department of Transportation on behalf of public road agencies for all at-grade crossing projects.

(b) The railroad shall prepare the American Association of Railroads (AAR) Crossing Inventory Form with the United States Department of Transportation for all at-grade crossing projects. The railroad shall keep one copy of the form, and send three copies to the WYDOT Planning Inventory Section.

(c) The inventory crossing number designated by the United States Department of Transportation shall be included on all plans and correspondence concerning the at-grade crossing project.

Section 11. Notice of Intended Work.

The railroad shall contact the engineer of the public road agency having jurisdiction over the road crossing the tracks in advance of any track maintenance, track addition, or track rehabilitation project. The public road agency having jurisdiction over the road crossing the

tracks shall notify the railroad in advance of any project the public road agency intends to undertake.

Section 12. Railroad Information to be Filed.

To facilitate the Commission's evaluation of whether the public interest clearly indicates that action be taken concerning the establishment or closing of at-grade crossings, each railroad operating within Wyoming shall file with WYDOT:

(a) The latest train counts on all tracks the railroad operates and affected crossings, on an annual basis.

(b) All revised railroad mileposts, United States Department of Transportation inventory numbers, and any other information concerning changes to rail or track systems whenever changes occur, within 120 days of the change.

Section 13. Highway Approach Grades.

(a) The approach grade shall not exceed 1 percent in the vertical plane measured from the grade across the railroad tracks. The approach vertical gradeline shall extend a distance of 30 feet beyond the crossing surface.

(b) From the end of the 1 percent grade, the approach shall conform to appropriate design standards and not exceed a 5 percent grade.

(c) The Commission shall not approve a crossing project unless required approach road modifications are included in the crossing project or completed prior to it.

Section 14. Crossing Surfacing Systems.

(a) Crossing surfacing systems shall be based on the type and volume of rail and highway traffic. Acceptable crossing surfacing systems include:

- (i) Planking for local improved low-volume dirt or gravel roads.
- (ii) Rubber or concrete surfacing for all other road types.
- (iii) Use of replacement material equal to or better than the original.

(b) Surfacing systems installation shall comply with manufacturer and railroad specifications.

(c) The crossing surfacing system shall be adjusted or replaced whenever the distance between the crossing surface and the top of the rail exceeds 2 inches.

(d) The surfacing system shall be as wide as the roadway travel lanes plus usable shoulders, but not less than 18 feet.

(e) The surfacing system between the rails and extending 2 feet on the outside of the rails shall be level with the approach grade.

(f) The surfacing system for multiple tracks shall be constructed to minimize the stair-step effect caused by the different rail elevations.

Section 15. **At-grade Crossing Protective Devices.**

(a) The type and placement of protective devices and pavement markings for at-grade crossings shall be in accordance with the *MUTCD*.

(b) The Commission shall consider flashing light signals with automatic gates for the following:

(i) On multiple mainline tracks.

(ii) On multiple tracks where standing trains or parked equipment may obstruct the view of a train moving on an adjacent track.

(iii) On high speed crossings with limited sight distance for road traffic.

(iv) On crossings with high speed trains or significant volumes of both highway and rail traffic.

(v) On other crossings as determined by a diagnostic team.

(c) The Commission shall consider flashing light signals with four quadrants or double gates for the following:

(i) Urban grade crossings.

(ii) Divided roadways.

(d) At-grade crossings not fitting the preceding criteria for lights with gates but having sufficient single-track mainline rail traffic may be equipped with flashing lights only.

(e) Cantilevered signals shall be used in accordance with the *MUTCD*. The Commission shall also consider these devices for crossings with restricted stopping and sight distances.

(f) If warranted, advance warning flashers shall be connected into the crossing's flashing light signals to alert road traffic that a train is about to enter the crossing.

(g) The Commission shall consider crossbucks and advance warning signs in accordance with the *MUTCD*, at a minimum, for all at-grade crossings.

(h) The Commission shall not approve projects to install signal systems, advance warning, or crossing warning devices; motion sensors; or speed detectors and related sensors and predictors that do not use state of the art technology, unless sufficient justification exists to use salvaged or other devices as part of the project. This provision applies to new installations or the upgrade of these devices at an existing installation.

Section 16. **Sidewalks and Bicycle Paths.**

(a) Pedestrian walkways or bicycle paths located adjacent to the roadway shall be routed outside the signal masts on both sides of the crossing, and may be protected by short-arm pedestrian gates. Pedestrian crossings shall be as close to perpendicular to the tracks as possible.

(b) Pedestrian walkways or bicycle paths located away from a roadway crossing shall include a separate crossing with signals, signs, and pavement markings as prescribed by the *MUTCD*.

(c) All signals shall conform to the *MUTCD*.

(d) Walkways and bicycle paths shall comply with the Americans with Disabilities Act (ADA).

Section 17. **Detours and Temporary Crossings.**

(a) The design, application, installation, and maintenance of detours and temporary crossings required for rail crossing projects shall comply with the *MUTCD*.

(b) The railroad and the public road agency shall be responsible for all detours, traffic control, and temporary crossings in their respective rights-of-way.

Section 18. Placement of Signals, Pavement Markings, and Utilities.

(a) All new railroad crossing signs, signals, stop signs, and pavement markings shall comply with the *MUTCD*.

(b) The railroad and the public road agency shall ensure that rail crossing signals, signs, appurtenances, and utilities on their respective rights-of-way shall be placed to minimize sight distance obstructions for the road user according to current safety, traffic, and engineering standards.

(c) Rail crossing signs, signals, gates, and markings shall not be obstructed or interfered with by vegetation, trees, advertising signs, utility lines, or other obstacles.

Section 19. Exempt Crossing Signs.

(a) Public road agencies may install exempt crossing signs at an at-grade crossing when the track is relegated to inactive service.

(b) Exempt crossing signs shall comply with the *MUTCD*.

(c) Pursuant to W.S. 31-5-511(b), school buses are required to stop at all at-grade crossings, irrespective of the presence of an exempt crossing sign.

Section 20. Traffic Signals.

(a) The public road agency and the railroad shall jointly determine the proper interconnection of traffic signals and railroad crossing signals including the type of sensors and predictors to be used. These interconnections shall comply with the *MUTCD*.

(b) The public road agency and the railroad shall inspect and approve interconnected systems at least annually.

Section 21. Maintenance Responsibilities.

(a) The railroad shall be responsible for maintaining signal systems and related components for at-grade crossings in proper working condition at its own expense.

(b) The railroad shall be responsible for maintaining at-grade crossing surfacing systems between all tracks and two feet beyond the outermost rail in good condition at its own expense.

(c) The railroad shall remove snow, ice, and debris between all tracks and two feet beyond the outermost rail. The public road agency shall be responsible for removing snow, ice, and debris from the remainder of the crossing.

(d) The public road agency shall be responsible for maintaining the crossing road.

(e) The pavement and subsurface of a road disturbed by track activities of the railroad or its tenants shall be restored at railroad or tenant expense.

Section 22. **Secondary Use Permits.**

(a) When a track crosses a public road by a permit or easement granted by WYDOT, the railroad shall contact WYDOT and request a permit for secondary use for facilities not related to the operation of trains. Other public roads will be determined by the public entity having jurisdiction.

(b) WYDOT shall not charge for secondary use permits located on WYDOT's road right-of-way.

(c) The railroad shall not charge for a secondary use of WYDOT's road right-of-way.

Section 23. **Audits.**

Railroad records pertaining to an at-grade crossing project paid for, in any portion, by state or federal funds shall be available for audit for a period of 3 years from the date of final payment.

Section 24. **Compliance.**

(a) Payments by WYDOT to an entity installing, constructing, or modifying an at-grade crossing or safety signals and devices shall not be released until the work has been completed to the satisfaction of WYDOT.

(b) If the Commission becomes aware of any violations of federal law by a railroad involving public safety at any crossing, the Commission shall immediately notify the appropriate federal agency with responsibility over the violation.

Section 25. **Forms.**

(a) Information about the forms described in this rule and regulation shall be available through the Wyoming Department of Transportation Utilities and Railroads Section, 5300 Bishop Blvd., Cheyenne, Wyoming, 82009-3340, telephone 307-777-4133.

(b) Please see the following pages for form examples.

(for Use by Other than Railroads)

**STATE OF WYOMING
DEPARTMENT OF TRANSPORTATION
GRADE CROSSING PETITION
(File original and one copy)
To the Wyoming Department of Transportation
Utilities/Railroads Section
P.O. Box 1708
Cheyenne, Wyoming 82003**

To open, close, improve or establish and install safety protection at any grade crossing within the petitioner's jurisdiction. The Petitioner herein respectfully shows:

- 1. Petitioner
- 2. Address

- 3. Proposal

located at _____, in the County of _____ on the
Railroad at DOT Crossing No. _____ at Railroad Mile Post # _____

- 4. The reasons and purpose for petition:

----- (Describe in detail. Attach extra sheets and plans if necessary.)

- 5. Petitioner requests the Department to consider and act upon this matter, after investigation and hearing, if necessary, and proceed to enter an appropriate order.

- 6. Petitioner further asks that notice be given to Railroad, Respondent herein, upon whom service may be made at

dated at _____, Wyoming, this ____ day of _____ 20____.

Petitioner(s) or duly authorized agent(s)

Attest / Witness:

ROAD/HIGHWAY NAME and/or NUMBER:
HIGHWAY MILEPOST:
NAME(S) OF ADJACENT LANDOWNERS:

IS THE ROAD/HIGHWAY PUBLIC or PRIVATE? PUBLIC PRIVATE
PROVIDE EVIDENCE OF THE PUBLIC OR PRIVATE NATURE OF THE
ROAD/HIGHWAY

(Evidence can be in the form of public documents from municipal or state agencies indicating the road is on their system or from a private owner showing the road to be on private land for private purposes.)

(use additional sheets if necessary)

WIDTH OF ROAD: _____ **TYPE OF SURFACING:**
WIDTH OF BRIDGE(S):
TYPE OF BRIDGE(S): (concrete, steel, timber)

D. EXISTING PROTECTIVE DEVICES

DESCRIBE SIGNS and SIGNALS:

ARE GATES IN OPERATION: YES: _____ NO: _____

E. TRACK

TOTAL TRACKS AT THIS LOCATION: _____
MAINLINE TRACK(S): _____ SPUR TRACK(S): _____
ARE ALL TRACKS IN USE? YES: ___ NO: ___ IF NO, HOW MANY ARE
IDLE? _____
FREQUENCY OF TRAINS (total/day/week): _____
MAINLINE FREQUENCY: _____ SPUR TRACK(S) FREQUENCY: _____

