

IC 8-6-7.7-3.1 Duty of department to specify criteria; considerations in applying criteria

Sec. 3.1. (a) The Indiana department of transportation shall adopt rules under [IC 4-22-2](#) specifying criteria for:

- (1) the department to use in determining whether to open a new public railroad grade crossing; and
- (2) the department or a unit (as defined in [IC 36-1-2-23](#)) to use in determining whether to abolish a public railroad grade crossing.

(b) In applying criteria required by subsection (a) to determine whether to open a new public railroad grade crossing, deny a public grade crossing closure, or abolish a public railroad grade crossing, the department or unit shall consider the following:

- (1) Timetable speed of passenger trains operated through the crossing.
- (2) Distance to an alternate crossing.
- (3) Accident history of the crossing for the five (5) years preceding the department's or the unit's consideration.
- (4) Amount of vehicular traffic and posted speed limits for the crossing.
- (5) Amount of freight trains and their timetable speeds operated through the crossing.
- (6) Type of warning device present at the crossing, if any.
- (7) Alignment of the roadway and the railroad, and the angle of the intersection of an alignment at the crossing.
- (8) Use of the crossing by:
 - (A) trucks carrying hazardous materials;
 - (B) vehicles carrying passengers for hire;
 - (C) school buses; and
 - (D) emergency vehicles.

(9) Other appropriate criteria as determined by the department.

As added by P.L.81-1996, SEC.6.

105 IAC 5-10-1 Criteria for opening a crossing

Authority: IC 8-6-7.7-3.1; IC 8-23-2-6

Affected: IC 8-6-1-7; IC 8-6-7.7

Sec. 1. Subject to the provisions of IC 8-6-1-7 and IC 8-6-7.7, the department may approve a petition to open a crossing after making findings and conclusions which reflect consideration of all the following factors, to the extent that same are relevant to the crossing decision under consideration:

- (1) Passenger trains do not operate in excess of sixty (60) m.p.h. at the location of the proposed crossing (Class 3 FRA track classification or higher). In cases where passenger service does not operate, this criteria is not applicable.

(2) An alternate public crossing is not located within one (1) mile of the proposed crossing.

(3) No crossings within two (2) miles of the proposed crossing have had at least three (3) accidents in the preceding five (5) years, with the expected characteristics of the proposed crossing being similar to the nearby crossings. Characteristics for all crossings within two (2) miles of the proposed crossing must be submitted with the petition.

(4) The proposed crossing will have expected average annual daily traffic (AADT) of five hundred (500) or greater in rural areas or one thousand (1,000) or greater in urbanized areas, where the traffic collection procedure is completed in accordance with the Federal Highway Administration's (FHWA) Traffic Monitoring Guide, Third Edition, February 1995. This requirement shall not be applicable where a nonmotorized public grade crossing has been petitioned to the department for opening.

(5) Consideration shall be given to the overall design speed of the roadway approaches involving the proposed grade crossing. This requirement shall not be applicable where a nonmotorized public grade crossing has been petitioned to the department for opening.

(6) There are not more than ten (10) train movements per day at the proposed crossing.

(7) Freight trains do not operate in excess of twenty-five (25) m.p.h. at the location of the proposed crossing (Class 2 FRA track classification or higher).

(8) The proposed crossing has, at a minimum, standard crossbucks, pavement markings, and flashing lights. Any proposed crossing must also meet all standards for a rail-highway intersection as provided in the Indiana Manual on Uniform Traffic Control Devices, which is incorporated by reference at 105 IAC 9-2-1. The requirement for flashing lights may be waived if the petitioner can demonstrate that such devices are not essential for safety at the proposed crossing.

(9) The proposed crossing is not within two hundred (200) feet of a roadway intersection. Adjustment of this criteria will consider the maximum queue expected for the design hour.

(10) The proposed crossing does not have, at a minimum, an eighty (80) degree intersection alignment.

(11) The proposed crossing will not provide access for trucks carrying hazardous materials unless the utilization of the crossing by such traffic is incidental.

(12) The proposed crossing will not provide access for vehicles carrying passenger for hire unless the utilization of the crossing by such traffic is incidental.

(13) The proposed crossing will not provide access for school buses unless the use of the crossing by the school bus traffic provides enhanced safety over other transportation routes, as documented by the highest school transportation official.

(14) The proposed crossing will provide improved safety access for emergency vehicles. The department requires documentation from the highest emergency response official whose jurisdiction is located where the crossing is proposed for opening.

(15) While a new crossing may satisfy the conditions listed in this section, if it can be shown by evidence that there are extenuating circumstances which, in the opinion of the department, a new crossing would still constitute a hazard, it would be denied.

(16) While a new crossing may not satisfy the conditions listed in this section, if it can be shown by evidence that there are extenuating circumstances which, in the opinion of the department, a new crossing would still be justified, it would be approved.

(Indiana Department of Transportation; 105 IAC 5-10-1; filed Jun 17, 1998, 9:00 a.m.: 21 IR 4190; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Aug 5, 2002, 1:05 p.m.: 25 IR 4051; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA; readopted filed Oct 2, 2013, 11:39 a.m.: 20131030-IR-105130295RFA; readopted filed Oct 4, 2019, 9:49 a.m.: 20191030-IR-105190422RFA)