

1 19A NCAC 02B .0154 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02B .0154 COST OF RAILROAD SEPARATION STRUCTURES**

4 ~~Whenever any highway project provides for the construction of a separation structure over or under the railroad, the~~
5 ~~Department of Transportation will construct the separation structure to provide for an additional track upon the request~~
6 ~~of the railroad and the furnishing of the proper justification or enter into an agreement with the railroad to provide for~~
7 ~~the additional track if such tracks are constructed and placed in use within a 20 year period from the signing of the~~
8 ~~agreement. If the separation structure eliminated the crossing at grade, the railroad will be required to pay five percent~~
9 ~~of the total costs of the separation structure and approaches from grade point to grade point as constructed initially~~
10 ~~and five percent of the costs of the widening of the structure within the aforementioned 20 year period. If the~~
11 ~~separation structure is an additional or new crossing and no existing crossing is closed, the Board of Transportation~~
12 ~~will pay the entire cost of the structure including the provision for additional tracks on request by the railroad with~~
13 ~~proper justification, or will pay the entire cost of widening the structure within the aforementioned 20 year period.~~

14 (a) Construction, elimination, costs, and maintenance of a grade separation over or under any road, street, or highway
15 forming a part of the State highway system.

16 (1) Whenever any highway project provides for the construction of a separation structure over or under
17 the railroad, the Department shall construct the separation structure to provide for an additional track
18 upon the request of the railroad and the furnishing of the proper justification or enter into an
19 agreement with the railroad to provide for the additional track if such tracks are constructed and
20 placed in use within a 20-year period from the signing of the agreement.

21 (2) If a grade crossing that was in existence prior to December 3, 1966, shall be separated, the railroad
22 shall pay five percent of the cost of the separation structure and approaches from grade point to
23 grade point.

24 (3) If the separation structure eliminated the crossing at-grade, the railroad shall pay five percent of the
25 total costs of the separation structure and approaches from grade point to grade point as constructed
26 initially and five percent of the costs of the widening of the structure within the 20-year period.

27 (4) If the separation structure is an additional or new crossing and no existing crossing is closed, the
28 Board of Transportation will pay the entire cost of the structure including the provision for additional
29 tracks on request by the railroad with proper justification, or will pay the entire cost of widening the
30 structure within the aforementioned 20 year period.

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32 *History Note: Authority G.S.136-18(5); 136-18(11); 136-20;*
33 *Eff. July 1, 1978.*