

19A NCAC 02B .0154 RAILROAD SEPARATION STRUCTURES

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

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

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

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

*History Note: Authority G.S. 136-18(5); 136-18(11); 136-20;
Eff. July 1, 1978;
Readopted Eff. June 1, 2019.*