

**19A NCAC 02B .0155 EXISTING AT-GRADE CROSSING**

(a) If the construction, reconstruction, or maintenance of an existing at-grade crossing causes any road, street, or highway forming a part of the State highway system to cross or intersect any railroad, including an industrial siding, at the same level or grade, the railroad shall be responsible for the following:

- (1) construction and maintenance of the crossing and the area between the ends of the ties and the edge of the pavement of the main traveled lanes plus a maximum of 10 feet of the usable shoulders; and
- (2) construction cost of the crossing for the pavement width and maintenance for the entire area herein described at its own expense.

(b) Pursuant to G.S. 136-20(h), the railroad shall be responsible for 50 percent of annual maintenance costs of grade crossing signals.

(c) A railroad, county, city, or other political subdivision of the State may identify and propose at-grade crossings for potential closure by submitting a Crossing Closure Request to the Rail Division Director as follows:

- (1) The Crossing Closure Request shall be addressed to the Rail Division Director, 1553 Mail Service Center, Raleigh, North Carolina, 27699-1553 and contain the following information:
  - (A) name of the entity submitting the request;
  - (B) name of the county, city, or political subdivision where the crossing is located;
  - (C) Association of American Railroads (AAR) crossing number;
  - (D) railroad milepost number;
  - (E) State maintained road number or name; and
  - (F) any existing protection at the crossing.
- (2) The Rail Division shall review the Crossing Closure Request and make a final recommendation to the Board of Transportation upon the consideration of transportation impacts, including emergency access, safety, feasibility, and public convenience.
- (3) If upon the consideration of the Rail Division's final recommendation, the Board of Transportation approves the at-grade closure, the Rail Division shall give notice to the governing body within which the at-grade crossing is located, direct the Railroad to close or remove the crossing within 60 days, and coordinate with the Railroad the responsibilities for removal.

*History Note: Authority G.S. 136-18(5); 136-18(11); 136-20;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1993;  
Readopted Eff. June 1, 2019.*