

[MN-35] RAILROADS

A. Track Construction

It shall be unlawful to construct a railroad track across any portion of the State Highway System without the written permission of the State Highway Administrator or authorized agent.

Refer to [GP-7](#), NCDOT Relations with Incorporated Railroads, Ch. 2 of this manual, and the *Roadway Design Manual*, Chapter 7

[G.S. 136-18\(5\); 18\(11\);](#)
[19A NCAC 02B.0150](#)
[DE20000807.pdf](#)

B. Grade Crossing Signs/Signals/Safety Devices

[G.S. 136-18\(5\);18\(11\); 20](#)
[DE20000807.pdf](#)

C. Signalization of Existing Grade Crossing

For purposes of the North Carolina Administrative Code (NCAC), the term "separated" means the travelways of two transportation facilities, such as two highways or a highway and a railroad, are physically separated by means of a bridge so that traffic on one will not conflict with traffic on the other.

For purposes of the NCAC the term "separation structure" is the bridge structure which physically separates the travelways of the two transportation facilities.

For purposes of the NCAC, the term "grade point" is the point where the new construction of a facility ties into and terminates at the existing facility.

Where a grade crossing which was in existence prior to December 3, 1966, is separated, the railroad will be required to pay five percent of the cost of the separation structure and approaches from grade point to grade point. Where a grade crossing is signalized, the railroad will not be charged with any of the costs of the signal installation.

[G.S. 136-18\(5\); 18\(11\); 20](#)
[19A NCAC 02B.0152](#)

D. Signalization of New Grade Crossing

For purposes of the North Carolina Administrative Code (NCAC), the term "crossing agreement" is a formal written agreement between the NCDOT and a railroad company. The railroad company permits the NCDOT to build a road across the railroad company's tracks. The agreement also lists responsibilities of each party with regard to the construction, maintenance, and funding of the new crossing.

Where the construction of a new road or the relocation of an existing road involves an additional or a new crossing and does not involve the elimination of an existing crossing, the railroad will not be required to bear any costs of signalization or separation, either at the time of the initial construction or within a 20 year period from the execution of the

crossing agreement if the NCDOT determines during said 20-year period that a signalization or a separation structure is required. If a crossing in existence prior to December 3, 1966 is eliminated by the relocation of an existing road, the policy stated in the NCAC 02B.0152 of this Section shall apply.

[G.S. 136-18\(5\); 18\(11\); 20
19A NCAC 02B.0153](#)

E. Separation Structure Cost

Whenever any highway project provides for the construction of a separation structure over or under the railroad, the NCDOT will construct the separation structure to provide for an additional track upon the request of the railroad and the furnishing of the proper 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. If the separation structure eliminated the crossing at grade, the railroad will be required to 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 aforementioned 20-year period. If the separation structure is an additional or new crossing and no existing crossing is closed, the Board of Transportation will pay the entire cost of the structure including the provision for additional tracks on request by the railroad with proper justification, or will pay the entire cost of widening the structure within the aforementioned 20-year period.

[G.S. 136-18\(5\); 18\(11\); 20
19A NCAC 02B.0154;
RF19911022a.pdf
DE19911127.pdf](#)

F. Crossing Construction and Maintenance

Whenever any road, street or highway forming a part of the State Highway System shall cross or intersect any railroad, including an industrial siding, at the same level or grade, the railroad owner shall be responsible for the construction and maintenance of a proper crossing of 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. The railroad owner shall assume the construction cost of the crossing for the pavement width and shall maintain the entire area herein described at its own expense. The Board of Transportation shall reimburse the railroad owner for costs incurred in constructing the crossing from the edge of the pavement of the main traveled lanes through the shoulders. The NCDOT shall also be responsible for the construction and maintenance of the road beyond the ends of the ties.

[G.S. 136-18\(5\); 18\(11\); 20
19A NCAC 02B.0155
RF19911022A.pdf](#)

G. Railroad and Traffic Interconnected (RR&TI) Signals Inspection

The Division Traffic Engineer is responsible for annual inspection of RR&TI signals and for inspection of new installations. There is a strong need for consistent and continuous

training, both basic and advanced, in the area of RR&TI. Each division will have a RR&TI signals coordinator to be responsible for an annual inspection of existing signals.

[RF19910207.pdf](#)

[DE19980702.pdf](#)

[DE19970909.pdf](#) (RR&TI Coord.)

H. Crossing Paving

That whenever any road, street or highway forming a link in the State Highway System is being surfaced or resurfaced, the NCDOT will, if in such instances requested to do so by the railroad, pave the roadway surface across the crossing, but the railroad shall provide and place at its own expense the necessary crossing timbers or rail guards and otherwise adjust its facilities to meet the level of the finished road surface.

[G.S. 136-18\(5\); 136-18\(11\); 136-20](#)

[19A NCAC 02B.0156](#)

I. Facility Changes Caused by Roadway Changes

That whenever the grade of any road, street or highway requires a change in the elevation of the railroad's tracks or facilities, except those changes required solely by surfacing or resurfacing, the NCDOT will pay for the necessary change in the railroad facilities which may be required to meet the grade of the finished road surface.

[G.S. 136-18\(5\); 18\(11\); 20](#)

[19A NCAC 02B.0157](#)

J. Facility Changes Requiring Roadway Changes

That whenever any railroad changes the grades of its tracks where said tracks cross or intersect any road, street or highway of the State Highway System, the railroad shall be responsible for adjusting, at its own expense, the grade of such road, street or highway as required to meet the change in grade of the railroad's tracks or facilities. Any adjustment of the road, street or highway shall be made in a manner approved by an authorized representative of the NCDOT. A minimum of ten (10) feet runoff is required for each inch of difference in elevation between track grade and road grade. The NCDOT may by cooperative agreement perform the asphalt run-off on a 100 percent reimbursement basis.

[19A NCAC 02B.0158](#)

K. Adjacent to Secondary Road Construction

Refer to [SR-20](#), Improvement Projects within Railroad Right of Way, Ch. 6 of this manual.

[G.S. 136-18\(5\); 18\(11\); 20](#)

[19A NCAC 02B.0158; 02B.0157; 02B.0156; 02B.0155](#)

[DE19990803.pdf](#)

L. Notification

The governing body of the county, city or town, or other public road authority having charge, control or oversight of such roads, streets or thoroughfares may give to such railroad notice, in writing, directing it to place any such crossing in good condition, so that persons may cross and property be safely transported across the same.

[G.S. 136-20; 192](#)

M. Obstructing Highways; Defective Railroad Crossings

For purposes of information and general policy, this statute is quoted below.

- a. Whenever, in their construction, the works of any railroad corporation shall cross established roads or ways, the corporation shall so construct its works as not to impede the passage or transportation of persons or property along the same. If any railroad corporation shall so construct its crossings with public streets, thoroughfares or highways, or keep, allow or permit the same at any time to remain in such condition as to impede, obstruct or endanger the passage or transportation of persons or property along, over or across the same, the governing body of the county, city or town, or other public road authority having charge, control or oversight of such roads, streets or thoroughfares may give to such railroad notice, in writing, directing it to place any such crossing in good condition, so that persons may cross and property be safely transported across the same.
- b.
- c. The notice may be served upon the agent of the offending railroad located nearest to the defective or dangerous crossing about which the notice is given, or it may be served upon the section master whose section includes such crossing. Such notice may be served by delivering a copy to such agent or section master, or by registered or certified mail addressed to either of such persons.
- d.

Whenever such conditions are found by the County Maintenance Engineer or their employees, such information should be made known in an appropriate report to the District Engineer, who will consult with the Division Engineer relative to the appropriate action to be taken.

[G.S. 136-192](#)

N. Rail Grade Separation Guidelines

Any Secondary Road, Industrial Access, Small Urban or High Hazard Elimination projects that may result in the creation of a new crossing will be coordinated with the Rail Division early in the planning process.

Refer to the Rail Grade Separation Guidelines available from the Chief Engineer-Operations.

O. State Maintained Road/Railroad Crossing Closure Procedures

Contact the Chief Engineer-Operations for procedures for possible State Maintained Highways and railroad crossing closures.

P. Utility and Railroad Conflicts

The policy of NCDOT is to conduct reviews of proposed projects to identify utility and railroad facility conflicts, to determine the magnitude of impact of utility and railroad

facility conflicts and to identify design modifications. Refer to [GP-7](#), Chapter 2 of this manual.

[DE19910503.pdf](#)