

# TITLE 165. CORPORATION COMMISSION

## CHAPTER 32. RAILROADS



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**TABLE OF CONTENTS**

<b>RULE</b>	<b>SUBJECT</b>	<b>PAGE NUMBER</b>
<b>Subchapter 1. General Provisions</b>		
165:32-1-1.	Authority and purpose.	1
165:32-1-2.	Application and scope of rules	1
165:32-1-3.	Definitions.	2
165:32-1-4.	Location and retention of records.	2
165:32-1-5.	[Reserved]	3
165:32-1-6.	Timetables and trackcharts.	3
165:32-1-7.	Flammable materials	3
165:32-1-8.	Blocking crossings.	3
165:32-1-9.	Notice of accidents	4
165:32-1-10.	Fences	4
165:32-1-11.	Weed and trash abatement.	5
165:32-1-12.	Penalties	5
<b>Subchapter 3. Railroad Crossing Signal System Safety</b>		
165:32-3-1.	Incorporation of federal regulations [Revoked]	5
165:32-3-2.	General provisions	5
165:32-3-3.	Changes in existing crossing warning devices	6
165:32-3-4.	Removal of crossing installations	6
165:32-3-5.	[Reserved]	7
165:32-3-6.	Notice	7
165:32-3-7.	AAR/DOT numbers	7
<b>Subchapter 5. Track Clearances</b>		
165:32-5-1.	Definitions	7
165:32-5-2.	Applicability to existing structures	7
165:32-5-3.	Incorporation of AREMA Manual provisions	8
165:32-5-4.	[Reserved]	8
165:32-5-5.	Bridges [Revoked]	8
165:32-5-6.	Platforms	8
165:32-5-7.	Interlockers and switch boxes	8
165:32-5-8.	[Reserved]	8
165:32-5-9.	Signals, signal poles and switch stands	8
165:32-5-10.	Track clearances	9
165:32-5-11.	Changes	9
165:32-5-12.	[Reserved]	9
165:32-5-13.	Partial replacements	9
165:32-5-14.	Rebuilds	9
165:32-5-15.	Emergencies	10
165:32-5-16.	[Reserved]	10
165:32-5-17.	Construction materials	10
165:32-5-18.	Exemptions	10

<b><u>RULE</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NUMBER</u></b>
<b>Subchapter 7. Railroad Workplace Safety [Revoked]</b>		
165:32-7-1.	Scope; incorporation by reference [Revoked]	10
<b>Subchapter 9. Track Safety Standards [Revoked]</b>		
165:32-9-1.	Scope; incorporation by reference [Revoked]	10
165:32-9-2.	Exemptions [Revoked]	10

[**Authority:** Okla Const. Art. IX, §18; 17 O.S. §§ 61 to 116.9; 66 O.S. § 1et seq. ]

## CHAPTER 32 – RAILROADS

### SUBCHAPTER 1 – GENERAL PROVISIONS

#### **165:32-1-1. Authority and purpose**

(a) Article IX, Sections 2 through 19 of the Oklahoma Constitution, 17 O.S. §§ 61 to 116.9, and 66 O.S. § 1 et seq. give the Commission the authority and responsibility to oversee, regulate, and control railroad companies in Oklahoma, and to enact rules and regulations in connection therewith. Pursuant to such constitutional and statutory authority, the Commission has adopted this Chapter and fixed the following standards for railroads. Any other railroad safety provisions, rules, or standards, previously adopted by this Commission, except variances by Commission order, to the extent of any conflict, are superseded by this Chapter. This Chapter is a compilation of previous Commission railroad safety rules and orders. Order No. 33847 as applied to railroads in Oklahoma is revoked as of the effective date of this Chapter.

(b) Except as provided in OAC 165:32-1-2 (e), any order of the Commission granting relief which would constitute an exemption from any provision of this Chapter shall not be superseded by this Chapter.

(c) This Chapter is intended to provide safety standards for railroads within the State of Oklahoma.

(d) To the extent federal authority preempts Commission regulation in this Chapter, federal law will control.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 15 Ok Reg 3053, eff 7-15-98]

#### **165:32-1-2. Application and scope of rules**

(a) This Chapter shall apply to the operations of any railroad corporation, as defined by the laws of the State of Oklahoma, operating within the State of Oklahoma under the jurisdiction of the Commission, and to all persons employed by such corporations and performing work in the State of Oklahoma, except in cases where the Commission shall otherwise order.

(b) The adoption of this Chapter shall in no way preclude the Commission from altering or amending it in whole or in part after notice and hearing, or from allowing or requiring additional or different service, equipment, facility, or standards than are prescribed by this Chapter, either upon complaint or application or upon the Commission's own motion. Nothing provided in this Chapter shall relieve any railroad from any duty prescribed by the laws of the State of Oklahoma.

(c) A railroad may prescribe safety rules and regulations not inconsistent with this Chapter.

(d) Whenever compliance with any provision or requirement of this Chapter would be unduly burdensome, or cause an unreasonable hardship or an excessive expense, or result in an unusual difficulty, or if other good cause can be shown, the Commission may, upon application by the railroad and after notice and hearing, suspend or excuse compliance therewith or make such other requirements as it shall deem appropriate. For good cause shown, the Commission may grant temporary relief pending the hearing. If, after the effective date of this Chapter, a railroad seeks an exception or variance from this Chapter, then upon approval by the Commission, the variance shall carry the number of the applicable Commission order.

(e) In any case where a controversy arises in connection with the interpretation of any provisions of this Chapter or the applicability thereof, the Commission will make such orders as it may deem appropriate upon application of any interested party and after notice and hearing.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

### **165:32-1-3. Definitions**

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"**Commission**" means the Oklahoma Corporation Commission.

"**Continuous direction**" means the movement of a locomotive engine or engines, coupled with or without cars, over any public rail highway crossing in any direction and maintaining that direction until the crossing is unoccupied.

"**Noxious plants**" means poison ivy, poison oak, or poison sumac, at any height or maturity.

"**Public crossing**" means a location where the tracks cross a road which is under the jurisdiction of and maintained by a public authority and which is open to public travel.

"**Private Crossing**" means a location where a physical crossing is present but the road does not meet the conditions for a public crossing. Private crossings usually restrict public use by an agreement which the railroad has with the property owner by gates or similar barriers.

"**Rank weeds**" means all vegetation which can conceal or harbor rodents, refuse or vermin.

"**Sight rectangle**" means a rectangle which would have a beginning point from the center of the main track and the center point of the grade crossing extending along the center of the street or roadway approach for a distance of 50 feet or to the railroad right-of-way property line, whichever is less, then extend along the property line for a distance of 250 feet in either direction from the original beginning point.

"**Sight triangle**" means a triangle which would have a beginning point from the center point of the main track and the center point of the grade crossing extending along the center of the street or roadway approach for a distance of 50 feet or to the railroad right-of-way property line, whichever is less, then extend at an angle until arriving at a point on the center of the main track 250 feet from the original beginning point.

"**Thickets**" means any dense growth, briar patch, or wild shrubbery having stems or trunks 1" or less in diameter.

"**Trash**" means, but is not limited to, refuse, litter, leaves, paper, combustible materials, offal, rubbish, waste, debris, and useless or unused or uncared for matter of all kinds.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 15 Ok Reg 3053, eff 7-15-98; Amended at 18 Ok Reg 2414, eff 7-1-01]

### **165:32-1-4. Location and retention of records**

(a) Any records which may be required to be generated or maintained pursuant to provisions in this Chapter, shall be kept in the normal course of business, which may include electronic media, within Oklahoma at the office or offices of the railroad, and shall be open and available for examination by the Commission or its representatives; provided that if the general office of the railroad is located outside of Oklahoma, the records may be kept in the normal course of business at the general office. Upon the Commission's request, each railroad shall identify the

location of the office or offices at which the various classes of records are kept, and shall file with the Commission such reports as the Commission may require.

(b) Unless otherwise specified in this Chapter, all records required by this Chapter shall be preserved by the railroad in their original form and for a period of time not less than 2 years.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-1-5. [RESERVED]**

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-1-6. Timetables and trackcharts**

Upon request, railroads shall provide the Commission and the Oklahoma Department of Transportation with train-volume and operating speed data.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 31 Ok Reg 1028, eff 9-12-14]

#### **165:32-1-7. Flammable materials**

(a) Railroads and other persons, firms, or corporations maintaining or operating any railroad line, track or facility in the State of Oklahoma shall take all reasonable measures necessary to keep under control all flammable materials in the immediate areas of their tracks and on their rights-of-way.

(b) If such materials are disposed of by burning, the railroad shall take reasonable precautions to prevent the fire from spreading to railroad facilities or adjacent properties.

(c) Railroads and other persons, firms, or corporations operating any railroad locomotives over tracks within the State of Oklahoma shall ensure each locomotive is equipped with an efficient spark arrester or other spark deterrent system.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-1-8. Blocking crossings**

(a) Railroads or other persons, firms, or corporations operating over tracks within the State of Oklahoma shall not block vehicle traffic at any railroad grade crossing, for a period of time in excess of 10 minutes, except if the train is moving in a continuous forward or backward direction, or if the train is stopped for an emergency condition, including an accident, derailment, critical mechanical failure, track or bridge washout, storm, flood, or other emergency situation.

(b) A one time exception of up to, but not exceeding, ten (10) additional minutes shall be authorized under the following conditions:

(1) When a train and its crew, operating under the rules of the Federal Railroad Administration (FRA), is unable to complete a switching maneuver while setting out or picking up rail cars within the ten (10) minutes as set forth in subsection (a).

(2) When a train is stopped to allow the passage of a second train and the stopped train has exhausted the ten (10) minutes as set forth in subsection (a), if the arrival of the second train is eminent and separation and coupling of the stopped train would result in further unnecessary blocking of motor vehicle or pedestrian traffic.

(3) When a train is stopped for a red train signal.

- (c) When a train is cut or separated to prevent blocking of motor vehicle traffic at a public crossing, the time required for recoupling a train and performing air tests as required by the FRA will not be considered a violation of this Section.
- (d) If a train is cut or separated for vehicular traffic flow and the remaining segment is blocking a crossing(s), it will not be considered a violation of this Section.
- (e) Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at public highway grade crossings.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 18 Ok Reg 2414, eff 7-1-01]

#### **165:32-1-9. Notice of accidents**

A true and correct copy of all accident/incident reports pertaining to accidents/incidents occurring within the State of Oklahoma, which are prepared for the Federal Railroad Administration pursuant to 49 CFR Section 225 et seq. shall be submitted to the Commission in a timely manner.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-1-10. Fences**

- (a) A property owner owning land adjacent to a railroad track in the State of Oklahoma may make application for a lawful fence on a form provided by the Commission, which application shall include the following:
  - (1) Signature of property owner.
  - (2) General description of property, by Section, Township and Range if possible.
  - (3) Description of the property line or portion thereof to be fenced, including measurements or railroad mile pole locations, if known.
  - (4) Statement as to whether all other sides of the property owned by the landowner are fenced and capable of retaining livestock.
  - (5) Statement as to whether livestock is being raised on the property to be fenced, and if so, whether for commercial or personal purposes.
  - (6) Attached to the application shall be a copy of written communication transmitted on behalf of the landowner to the railroad requesting the railroad to furnish the landowner a lawful fence.
- (b) No application for a lawful fence shall be filed with the Commission until forty-five (45) days have expired from the date of the written notice from the landowner to the railroad requesting a lawful fence.
- (c) When an accurate and complete application for a lawful fence has been received from a landowner, the Transportation Division shall provide a copy of the application to the affected Railroad's Manager accompanied by a letter requesting a lawful fence within sixty (60) days.
- (d) If the lawful fence is not completed when the sixty (60) day period expires, the Transportation Division shall file an application for a fencing construction order. When the Commission enters an Order for a lawful fence, the Order shall be mailed to the railroad by certified mail. Upon receipt of the Order, the railroad shall be given (60) days within which to comply with the Order, or appeal the Order pursuant to Commission rules.
- (e) A landowner may request dismissal of the application for a lawful fence at any time.

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95; Added at 14 Ok Reg 2557, eff 7-1-97]

**165:32-1-11. Weed and trash abatement**

(a) Railroads or other persons, firms or corporations operating a railroad company are responsible for the reasonable abatement of all rank weeds, noxious plants, thickets and trash, as defined in this Subchapter, along their rights-of-way and at crossings within a sight rectangle within the boundaries of any city or town or unincorporated community in Oklahoma.

(b) Railroads or other persons, firms or corporations operating a railroad company are responsible for the reasonable abatement at public crossings of trees, shrubs and other obstructions within or encroaching within a sight triangle. Upon request of the Commission, the sight triangle may be extended to a sight rectangle if it is determined necessary for proper sight distance at the crossing. Devices, signs or structures necessary for the operation of the railroad and railroad equipment in the process of loading, unloading or switching are not considered obstructions.

(c) This responsibility exists as long as the railroad or other person, firm, or corporation operating as a railroad company, is the legal owner of the right-of-way, even if operations have ceased, and/or the tracks and facilities have been removed. Abatement must begin upon notification received from the Commission.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 15 Ok Reg 3053, eff 7-15-98]

**165:32-1-12. Penalties**

Upon violation of any of the regulations contained in this Chapter, the responsible party shall be assessed a fine in an amount deemed appropriate by the Commission.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

**SUBCHAPTER 3 – RAILROAD CROSSING SIGNAL SYSTEM SAFETY**

**165:32-3-1. Incorporation of federal regulations [REVOKED]**

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Revoked at 31 Ok Reg 1028, eff 9-12-14]

**165:32-3-2. General provisions**

(a) **Specifications.** After the effective date of this Chapter, railroads shall install 12 inch signal heads during new or upgrade construction of crossing warning devices.

(b) **Crossbucks.** Railroads shall install and maintain one crossbuck on each roadway approach which complies with the minimum standards of the Manual on Uniform Traffic Control Devices ("MUTCD") for highway crossing crossbuck signs.

(c) **Private crossings exempt.** Private crossings are exempt from the regulations contained in this Subchapter.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 31 Ok Reg 1028, eff 9-12-14]



### **165:32-3-3. Changes in existing crossing warning devices**

(a) **Notice.** No change, except in case of emergencies, shall be made in existing crossing warning devices at any grade crossing unless and until due notice thereof is given in writing to the Commission and the written approval of the Commission is obtained where such approval is required by this Section. This Section shall not apply to the erection of additional signs, consistent with Commission rules or Orders, nor prevent a railroad from making changes in circuits to accommodate changes, but cannot be reduced.

(b) **Exceptions.** Changes in the existing crossing warning devices may be made without specific authority first having been obtained, provided written communication identifying the location, extent and permanent or temporary nature of the changes is given to the Commission, if the changes consist of any of the following:

- (1) Extending the hours of a flagman.
- (2) Installing bells or additional light units on flashing light signals, or additional units to meet special conditions at crossings where flashing light signals are already established.
- (3) Establishing new or additional lighting, either by flood light or by new or additional lamps placed on gates, signs or other warning equipment.
- (4) Removal of any sign not provided for in the Manual For Uniform Traffic Control Devices (MUTCD) or required by order of the Commission.
- (5) A temporary change, such as one made necessary by highway reconstruction work in progress, or the like.

(c) **Resolution.** Where a major change or reduction in existing crossing warning devices is proposed at any crossing within the limits of a city or town, the Commission may, at its discretion, require the applicant to file an appropriate resolution or other official act, if obtainable, indicating the attitude of the municipal authorities with reference to the proposed change.

(d) **Removal.** The railroad company shall not remove an automatic crossing device or reduce the hours during which any such device is maintained, or substitute any form of warning device for a form already maintained at any public crossing, unless the consent for such removal, reduction or substitution shall have been obtained from the Commission; provided, however, that a human flagman, assigned to temporarily warn the traveling public during an emergency, may be removed without such consent.

(e) **Damage.** Absence of crossing signals and signs, due to accidents or severe weather conditions, shall not be considered a violation of this Subchapter. This does not excuse the company from providing warning by train order or human flagmen in lieu of the missing or damaged sign or signal.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 31 Ok Reg 1028, eff 9-12-14]

### **165:32-3-4. Removal of crossing installations**

(a) Within 120 days after removal of track which was formerly contiguous to a crossing, railroads are required to also remove the crossing surface which is unneeded, and replace the excavated area, matching width, grade and materials, to repair the existing roadway, making it contiguous.

(b) Railroads are required to remove signal installations deemed not salvageable by the Oklahoma Department of Transportation, on abandoned rail lines, not more than 120 days after crossing surface(s) are removed.

(c) Railroads shall relocate existing warning devices (passive or active) to a distance no less than 12 feet and no greater than 20 feet from the remaining railroad crossing surface(s). Said work to be completed not more than 120 days after the track(s) or crossing surface(s) are removed.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-3-5. [RESERVED]**

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-3-6. Notice**

Railroads shall notify the entity having roadway maintenance jurisdiction (City, County or State), no less than 48 hours in advance of closing or detouring any roadway for railroad maintenance or construction, unless an emergency exists.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 31 Ok Reg 1028, eff 9-12-14]

#### **165:32-3-7. AAR/DOT numbers**

Railroads shall display the proper American Association of Railroads/Federal Department of Transportation (AAR/DOT) number at every railroad overpass, underpass, and at-grade crossing.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

### **SUBCHAPTER 5 – TRACK CLEARANCES**

#### **165:32-5-1. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"AREMA Manual" means, the American Railway Engineering and Maintenance-of-Way Association's Manual.

"MUTCD" means, the Manual on Uniform Traffic Control Devices, which is the Federal Highway Administration ("FHWA") standard for signs, signals and pavement markings in the U.S.

"Track clearance" means the shortest horizontal distance between the center lines of adjacent tracks.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 31 Ok Reg 1028, eff 9-12-14]

#### **165:32-5-2. Applicability to existing structures**

All structures, operating appurtenances, pole lines, service facilities, and track arrangements existing on the effective date of this Chapter shall be exempt from these regulations except as may be provided in this Subchapter.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

### **165:32-5-3. Incorporation of AREMA Manual provisions**

This Subchapter adopts and incorporates by reference all of the provisions and standards pertaining to clearances, as are currently published in the AREMA Manual, or as may be amended from time to time.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Amended at 31 Ok Reg 1028, eff 9-12-14]

### **165:32-5-4. [RESERVED]**

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95]

### **165:32-5-5. Bridges [REVOKED]**

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Revoked at 31 Ok Reg 1028, eff 9-12-14]

### **165:32-5-6. Platforms**

(a) **Combination platforms.** Platforms may be combined, provided that the lower platform presents a level surface to the face of the wall of the platform with which it is combined. No other combinations will be permitted.

(b) **Platform extensions.** Platforms which were constructed at the prevailing clearances, prior to the effective date of this Chapter, may be extended at those existing clearances.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

### **165:32-5-7. Interlockers and switch boxes**

Switch boxes, switch operating mechanisms necessary for the control and operation of signals, and interlockers projecting 4 inches or less above top of rail, shall each have side clearances of no less than 3 feet.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

### **165:32-5-8. [RESERVED]**

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95]

### **165:32-5-9. Signals, signal poles and switch stands**

(a) **Signals and switch stands 3 feet high or less.** Side clearances at signals and switch stands shall be 6 feet when said signals and switch stands are 3 feet high, or less, above top of rail when located between tracks, or where not practical to provide clearances otherwise prescribed in this Subchapter.

(b) **Signals, signal poles and switch stands over 3 feet.** Signals, signal poles and switch stands which stand higher than 3 feet above top of rail shall have all the portions thereof, which exceed higher than 4 feet above top of rail and less than 16 feet above top of rail, be located no less than 8 feet 6 inches from center of track. Those portions below 4 feet and over 16 feet shall not exceed the minimum clearances described above.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-5-10. Track clearances**

- (a) **Standard gauge railroad tracks.** The minimum distance between the center line of parallel standard gauge railroad tracks, which are used or proposed to be used for transporting freight cars, shall be 14 feet.
- (b) **Main and subsidiary tracks.** The minimum distance between the center line of two parallel main tracks or passing tracks shall be 14 feet. When another track is constructed adjacent to a passing track the clearance may be no less than 14 feet.
- (c) **Parallel team, house or industry tracks.** The minimum clearances between center lines of parallel team, house or industry tracks shall be 13 feet.
- (d) **Ladder tracks.** The minimum clearance between center lines of ladder track and any parallel track except another ladder track, shall be 17 feet, and the minimum clearance between center lines of ladder track and another parallel ladder track shall be 20 feet.
- (e) **Existing tracks.** Existing tracks may be extended at the clearances prevailing prior to the effective date of this Chapter.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-5-11. Changes**

No change in track location or elevation shall be made which will reduce existing vertical or horizontal structural clearance below the minimums specified in this Subchapter, except where tracks are constructed as part of the existing facility, and in such cases the clearance shall conform to existing conditions.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-5-12. [RESERVED]**

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-5-13. Partial replacements**

Where existing structure provide clearance less than the standards which are specified in this Subchapter, the portion of the structure producing the impaired clearance may be repaired or maintained by partial replacements, which shall in no case reduce the existing clearance.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

#### **165:32-5-14. Rebuilds**

When the owner shall replace in its entirety, a portion of a structure which has not previously provided standard clearance, the rebuilt portion must, when complete, provide the full standard clearance as provided by this Subchapter, unless otherwise ordered by the Commission.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

**165:32-5-15. Emergencies**

No restricted clearances set forth herein, shall apply to shoo-fly tracks or other temporary emergency conditions caused by derailments, washout, slides or other unavoidable disasters.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

**165:32-5-16. [RESERVED]**

[Source: Reserved at 12 Ok Reg 2107, eff 7-1-95]

**165:32-5-17. Construction materials**

No restricted clearances set out herein shall apply to ballast, track material, or construction material unloaded on and adjacent to tracks for contemplated use thereon or in the immediate vicinity, nor shall they apply to temporary construction necessary on any construction project.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

**165:32-5-18. Exemptions**

Exemptions from any of the requirements contained in this Subchapter will be considered by the Commission upon proper application from a carrier, industry representative, or other interested person. The application must be accompanied by a full statement of the conditions existing, and the reason(s) why such exemption is being requested. Any exemption so granted shall be limited to the particular case covered by the application.

[Source: Added at 12 Ok Reg 2107, eff 7-1-95]

**SUBCHAPTER 7 – RAILROAD WORKPLACE SAFETY [REVOKED]**

**165:32-7-1. Scope; incorporation by reference [REVOKED]**

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Revoked at 31 Ok Reg 1028, eff 9-12-14]

**SUBCHAPTER 9 – TRACK SAFETY STANDARDS [REVOKED]**

**165:32-9-1. Scope; incorporation by reference [REVOKED]**

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Revoked at 31 Ok Reg 1028, eff 9-12-14]

**165:32-9-2. Exemptions [REVOKED]**

[Source: Added at 12 Ok Reg 2107, eff 7-1-95; Revoked at 31 Ok Reg 1028, eff 9-12-14].