PUBLIC NOTICE AND REQUEST FOR COMMENTS

REGARDING PROPOSED PUBLIC HIGHWAY-RAILROAD CROSSING CONSTRUCTION OR SAFETY IMPROVEMENTS

SECTION 1. MHTC CONSIDERATION OF PROPOSED PROJECT:

THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (MHTC) IS NOW CONSIDERING A PROPOSAL TO APPROVE THE CONSTRUCTION OF A PUBLIC HIGHWAY- RAILROAD CROSSING, OR SAFETY IMPROVEMENTS TO AN EXISTING PUBLIC HIGHWAY- RAILROAD CROSSING, OR BOTH, AS FURTHER DESCRIBED IN THIS NOTICE. THE PURPOSE OF THIIS NOTICE IS TO INFORM THE PUBLIC AND TO SOLICIT COMMENTS ON THE PROPOSED PROJECT. TERMS OF THE PROPOSED PROJECT MAY BE ALTERED BY AGREEMENT OF THE INTERESTED PARTIES, AND BY LAWFUL ORDERS OF MHTC, OR THE MISSOURI ADMINISTRATIVE HEARING COMMISSION.

SECTION 2. PROJECT LOCATION:

☑Existing / ☐ Proposed Crossing of:		Roadway Classification:	Local - Urban		
Route No.	n/a	Street Name	20th Street		☑Within / ☐Near
City / Town / Village	Jasper		County		Missouri
With: Railroad	Kansas City Southern Railway Company (KCS)	At RR Milepost	K155.97	USDOT Inventory No.:	330 057L

SECTION 3. DESCRIPTION OF PROPOSED CONSTRUCTION OR SAFETY IMPROVEMENT PROJECT:

This section describes the proposed highway-railroad crossing construction or safety improvement project, which is now being considered by MHTC. If MHTC approves the project as proposed, then for each row in this section, Column 3.2 indicates which interested party shall be responsible to perform the work listed in Column 3.1; Column 3.3 also indicates which party or parties shall be responsible to pay the costs of performing the work listed in Column 3.1, and what portion of the costs for that work shall be apportioned to each party. Because this project has not yet received final approval, the project description and responsibilities are subject to change without notice as provided by law.

3.1. Scope of Work to Be Performed	3.2. Party Responsible to Perform Work	3.3. Party or Parties Responsible to Pay Costs
Removal of existing warning devices and construction of a grade separation structure.	City of Joplin/KCS	City of Joplin/MODOT/KCS

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SECTION 4. MoDOT SOLICITATION OF PUBLIC COMMENTS:

YOU ARE INVITED TO COMMENT IN SUPPORT OF, OR IN OPPOSITION TO, THE PROJECT DESCRIBED IN THIS NOTICE. MoDOT is soliciting these comments for the purpose of identifying, evaluating and/or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings pursuant to sections 130, 144, and 152 of Title 23, United States Code, or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds. Comments should be made in writing and filed with MoDOT Multimodal, at the address below, not later than thirty (30) days after the service date of the Public Notice. The comments are protected by 23 U.S.C. 409 from discovery and admission into evidence in damage suits relating to crossing accidents.

Date of Notice: November 20, 2014

IMPORTANT*— *PLEASE SUBMIT COMMENTS BEFORE THE FOLLOWING DATE: **December 19, 2014**

Please address your comments for or against the proposed project to:	ATTN: Mr. Troy Hughes	Title:	Railroad Project Manager
	Multimodal Operations **Missouri Department of Transportation** **105 W. Capitol Ave., P.O. Box 270** **Jefferson City, MO 65102-0270**	Telephone	(573) 526-3577
		FAX	(573) 526-4709

SECTION 5. MHTC MAY APPROVE PROJECT WITHOUT FURTHER PUBLIC NOTICE:

Except as otherwise provided by law, the Missouri Highways and Transportation Commission (MHTC) has exclusive power to approve, modify or deny the proposed construction or safety improvements described in this notice. Not less than thirty (30) days after the service date of this notice, MHTC may issue an Administrative Order approving the proposed project without further notice, if:

A. MoDOT Multimodal receives no written comments in opposition to the proposed project within the thirty (30)-day notice period; or

B. MoDOT Multimodal timely receives written comments in opposition, but there is competent and substantial evidence from which MHTC finds that the proposed project (either as described in the Public Notice, or as modified in response to any comments received) will promote public safety and will not adversely affect public necessity; and

C. No interested party is pursuing a pending Application with the AHC to review or determine this project.

See Section 6 of this notice.

SECTION 6. INTERESTED PARTIES MAY FILE AN APPLICATION WITH THE AHC:

Any interested party may file an application with the Administrative Hearing Commission (AHC), which is a separate body from the MHTC, for a formal hearing/review, of the proposed project. Upon the filing of such an Application, the AHC acquires exclusive jurisdiction to conduct hearings, make findings of fact and conclusions of law, and issue orders to determine the project, as provided by law.	**Administrative Hearing Commission** **Truman Bldg. Room 640, P.O. Box 1557** **Jefferson City, MO 65102-1557** **Telephone (573) 751-2422**

SECTION 7. ADDITIONAL INFORMATION / COURT REVIEW:

Any interested party who is aggrieved by a final administrative order in this matter, whether issued by the MHTC or by the AHC, may seek judicial review of the order as provided by law, by filing a petition in Circuit Court, unless the party has waived judicial review.

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A COPY OF THIS NOTICE HAS BEEN SENT TO: **MoDOT Southwest District, City of Joplin, and KCS Railroad.**	**If you have questions about the proposed project,** **or desire further details, please contact the Missouri Department of Transportation at:** **Railroad Administrator** **Missouri Department of Transportation** **105 W. Capitol Ave., P.O. Box 270** **Jefferson City, MO 65102-0270** **573-751-7476**
Additional Comments:	