**Section 530.530 Track and Rail Inspection and Maintenance**

a) A permittee, other than a registered rail carrier classified in accordance with Section 530.480(a), shall in addition to special permit conditions undertake the following inspection and maintenance obligations.

1) Inspect its facilities at least once a year, unless otherwise specified by its permit.

2) Maintain its track and rail facilities to meet the following standards:

A) The rails on at-grade crossings shall be flush with the highway surface. Crossing materials shall not be loose or unstable. The highway surface shall not be rough (i.e., deviations in surface plane shall not exceed 3/4" in any one yard square area).

B) Warning and protection devices shall be fully functional.

C) Each overpass must be able to support the loads for which it is designed and used. Furthermore, portions of an overpass structure or other materials shall not be allowed to fall onto the highway below.

D) Underpasses must be able to support the highway and its users above.

3) Submit condition/inspection reports.

A) Said reports shall have a format which meets the information requirements of the Department and the National Bridge Inspection Standards, incorporated by reference in Section 530.20.

B) The reports shall be submitted to the appropriate Department's District Office issuing the permit within 25 days after the inspection of the facility.

C) If an imminently dangerous condition is found at a track and rail facility, that condition shall be immediately reported to the Department.

4) Take all necessary steps to keep the highway open and safe for motorists.

b) A permittee classified in accordance with Section 530.480(a) shall undertake the inspection and maintenance obligations required by the statutes governing, regulations adopted and orders issued by, the ILCC.

c) The Department may make verification inspections of track and rail facilities to ascertain whether they are being properly maintained and whether condition reports of those facilities are accurate. Deficiencies shall be corrected within 30 days unless otherwise specified.

d) The inspection and maintenance required by this Part shall not apply to registered rail carriers which have track and rail facilities located at grade or otherwise on highway right-of-way pursuant to permit issued by the Department, agreement with the Department or order of the ILCC prior to the adoption of this Part.