

ORIGINATION FORM

THE INFORMATION BELOW IS TO BE PROVIDED BY THE ORIGINATOR (The person who receives or originates the issue and needs to forward the issue for action.)

Specification: 007 Legal Requirements and Responsibilities to the Public

Subject: 7-11.5 Operations within Railroad Right-of-Way

Origination date: 4-5-10

Originator: Annette Lapkowski

Office/Phone: 850-414-4541

Problem statement: Requirements regarding Contractor responsibilities found in the CSXT documents Construction Submission Criteria of the CSX Transportation (CSXT) Public Project Information and Construction sections of the CSXT Pipeline and Wireline Design and Construction Specifications are being included in the Contract Documents by plan note and not always consistent between Districts.

Proposed solution: Create a Special Provision that includes the information.

Information source: CSXT, CO and District Rail Offices

Recommended Usage Note: CSXT Projects Only

Estimated fiscal impact, if implemented:

Implementation of these changes, if and when approved, will begin with the January 2011 letting.



Florida Department of Transportation

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STEPHANIE KOPELOUSOS
SECRETARY

M E M O R A N D U M

DATE: June 22, 2010

TO: Specification Review Distribution List

FROM: Rudy Powell, Jr., P.E., State Specifications Engineer

SUBJECT: Proposed Specification: 0071105 Legal Requirements and Responsibilities to the Public – Operations Within Railroad Right-of-Way

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

This change was proposed by Annette Lapkowski to include specific requirements for projects involving CSXT Railroad.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at ST986RP or rudy.powell@dot.state.fl.us. Comments received after **July 20, 2010** may not be considered. Your input is encouraged.

RP/ft
Attachment

**LEGAL REQUIREMENTS AND RESPONSIBILITIES TO THE PUBLIC –
OPERATIONS WITHIN RAILROAD RIGHT-OF-WAY.**

(REV ~~4-5-10~~6-11-10)

ARTICLE 7-11.5 (Page 68) is deleted and the following substituted:

7-11.5 Operations Within Railroad Right-of-Way:

7-11.5.1 Notification to the Railroad Company: Notify ~~the superintendent of the railroad company, as shown on the plans, and~~ the Engineer at least 72 hours before beginning any operation within the limits of the railroad right-of-way; any operation requiring movement of employees, trucks, or other equipment across the tracks of the railroad company at other than an established public crossing; and any other work that may affect railroad operations or property.

7-11.5.2 Contractor's Responsibilities: Comply with whatever requirements an authorized representative of the railroad company deems necessary in order to safeguard the railroad's property and operations. *Specifically, comply with the Construction Submission Criteria of the CSX Transportation (CSXT) Public Project Information document and Construction sections of the CSXT Pipeline and Wireline Design and Construction Specifications prior to beginning work.* The Contractor is responsible for all damages, delays, or injuries and all suits, actions, or claims brought on account of damages or injuries resulting from the Contractor's operations within or adjacent to railroad company right-of-way.

7-11.5.3 Watchman or Flagging Services: The railroad company will furnish protective services (i.e., watchman or flagging services) to ensure the safety of railroad operations during certain periods of the project. The Department will reimburse the railroad company for the cost thereof. Schedule work that affects railroad operations so as to minimize the need for protective services by the railroad company.

CSXT flagging resources are limited. Submit schedules and schedule changes to the Engineer ~~in order for the Department can~~ to coordinate the scheduling of flagging resources. Anticipate only one flagger per project. Projects with less than 20 consecutive days of flagging services require a CSXT short-term flagger and 45 days written advance notice. Projects with more than 20 consecutive days of flagging services require CSXT long-term flagger and six months written advance notice.