



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

March 3, 2015

Khoa Nguyen
Director, Office of Technical Services
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Re: State Specifications and Estimates Office
Section **007**
Proposed Specification: **SP0071104FEC Legal Requirements and Responsibility to the Public – Operations within the Railroad Right-Of-Way.**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Special Provision.

The changes are proposed by Mike Dowell of the State Rail Office to remove a large number of notes from the Roadway Plan Set which cause problems. Moving the notes to the Special Provision is a good outcome recommended by the Secretary CPR Plan (Consistent, Repeatable, and Predictable).

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to SP965DS or daniel.scheer@dot.state.fl.us.

If you have any questions relating to this specification change, please call me at 414-4130.

Sincerely,

Signature on file

Daniel Scheer, P.E.
State Specifications Engineer

DS/ot

Attachment

cc: Florida Transportation Builders' Assoc.
State Construction Engineer

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

(REV ~~10-2311-3-141-52-27-15~~)

ARTICLE 7-11.4 is deleted and the following substituted:

7-11.4 Operations within Railroad Right-of-Way:

7-11.4.1 Notification to the Railroad Company: Notify ~~the superintendent of the railroad company, as shown on the plans, and~~ the *Chief Florida East Coast Railroadway (FEC) Engineer or authorized Railroad-way Representative* 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.

Contact the ~~Florida East Coast Railroad (FEC) Signal Office at 904-279-3182 at least 30- days prior to any traffic signal work within 500- feet of a signalized, at-grade, rail highway crossing~~ as railroad synchronization circuitry may be inter-connected with the traffic signal preemption circuitry at a common junction box.

7-11.4.2 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. *Complete the On-Track Contractor Roadway Worker Training Course for FEC Railroadway. Contact FEC Railway at 1-800-342-1131 for training information.*

~~The Contractor is~~ *Assume responsible-responsibility* for all damages, delays, or injuries and all suits, actions, or claims ~~brought on account of~~ *due to* damages or injuries resulting from ~~the Contractor's~~ operations within or adjacent to railroad company right-of-way.

~~Grade separation project designs must comply with FEC's Design Parameters for OH Bridges. This document is available at the following URL:~~ 

~~Penalties imposed~~ *Costs incurred by the railroad for "Delay of Trains impacting" railway operations will be forwarded to the Contractor for payment. If the Contractor fails to pay such penalties said costs, the Department may will deduct the amount from payments made to the Contractor.*

7-11.4.3 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.

Contact FEC Railway at 1-800-342-1131, ext. 2377, to request signal locates and railroad watchmen or flagging services at least 72- hours prior to railroad right of way encroachments. Identify the work as a Florida Department of Transportation project when requesting railroad watchman or flagging services.

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

(REV 2-27-15)

ARTICLE 7-11.4 is deleted and the following substituted:

7-11.4 Operations within Railroad Right-of-Way:

7-11.4.1 Notification to the Railroad Company: Notify the Chief Florida East Coast Railway (FEC) Engineer or authorized Railway Representative 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.

Contact the FEC Signal Office at 904-279-3182 at least 30 days prior to any traffic signal work within 500 feet of a signalized, at-grade, rail highway crossing.

7-11.4.2 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. Complete the On-Track Contractor Roadway Worker Training Course for FEC Railway. Contact FEC Railway at 1-800-342-1131 for training information.

Assume responsibility for all damages, delays, or injuries and all suits, actions, or claims due to damages or injuries resulting from operations within or adjacent to railroad company right-of-way.

Costs incurred by the railroad for delay of trains impacting railway operations will be forwarded to the Contractor for payment. If the Contractor fails to pay said costs, the Department will deduct the amount from payments made to the Contractor.

7-11.4.3 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.

Contact FEC Railway at 1-800-342-1131, ext. 2377, to request signal locates and railroad watchmen or flagging services at least 72 hours prior to railroad right of way encroachments. Identify the work as a Florida Department of Transportation project when requesting railroad watchman or flagging services.