

SP0071104FEC LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC –  
OPERATIONS WITHIN THE RAILROAD RIGHT OF WAY  
COMMENTS FROM INTERNAL/INDUSTRY REVIEW

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Nadir Rodrigues  
FDOT  
954-777-4385

Comments: (1-13-15)

1. Contact FEC Railway at 1-800-342-1131 For Consistency, I suggest this to be: Contact FEC Railroad at...

Response: The proper name of this company is the “Florida East Coast Railway”. Changed references for Florida East Coast Railroad to Florida East Coast Railway.

2. Currently written: 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 Railroad (FEC) Engineer or authorized Railroad Representative at... Propose to swap the word Chief to be in front of Engineer, as shown below: 7-11.4.1 Notification to the Railroad Company: Notify the superintendent of the railroad company, as shown on the plans, and the Florida East Coast Railroad (FEC) Chief Engineer or authorized Railroad Representative at

Response: Recommended changes made by the railroad reflect their company’s organization and people responsible for making decisions about this issue. No change made.

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Christopher Lewis  
FDOT  
850-414-5268

Comments: (1-14-15)

7-11.4.3 Watchman or Flagging Services - should the word "Flagging" be changed to "Flagman" to be consistent with other Department Manuals? (i.e., watchman or flagging services) - same for "flagging" change to "flagman".

Response: “Watchman” is acceptable when referring to the railroad’s own staff available and acceptable nomenclature by the industry. When referring to additional services when a Flagman is not available, “Flagging Services” is acceptable. No change made.

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Alan Autry  
FDOT  
850-414-4195

Comments: (1-14-15)

7-11-4.1 and 7-11.4.3 Suggest the phone numbers (and extension numbers) be removed and replaced with a "fill in the blank". Since these numbers may change from time to time, this will ensure that the developer of the specification package is inserting current, working numbers close to time of bid.

Response: While I would typically concur, it is better in this case to put something in writing instead of nothing. If in the event the numbers change, an addendum can be added later until it is modified. No change made.

Comments: (1-16-15)

1. 7-11.4.1 - Why is "as railroad synchronization circuitry may be inter-connected with the traffic signal preemption circuitry at a common junction box" needed in this sentence. Suggest this be revised to "Contact the FEC Signal Office at (Insert a "FILL IN THE BLANK" for phone number) at least 30 days prior to any traffic signal work within 500 feet of a signalized, at grade, rail highway crossing."

Response: Change made.

2. 7-11.4.2 - Existing language requires the Contractor to comply with "whatever requirements an authorized representative of the railroad company deems necessary". This seems to be an overly subjective, open-ended, very much undefined requirement. How is the Contractor to bid the requirements if they are not outlined in the contract? Suggest that all requirements of the railroad be defined in the contract documents.

Response: This statement has been in this specification for some time. What the railroad is asking for is reasonable for the contractor to do in order to protect not only the railroad's property, but the traveling public and adjacent property owners. The contractor is essentially maintaining and leaving the area in the safe condition they found it in. No change made.

3. 7-11.4.2 Rail - How can the contractor locate information related to the On-Track Contractor Roadway Worker Training Course for FEC Railroad?

Response: Training information can be obtained by calling the Florida East Coast Railway. This information has been added to the specification.

4. 7-11.4.2 - In the second paragraph "the Contractor's" is proposed as a deletion with regard to responsibilities for damages, delays, injuries, claims, etc resulting from operations within or adjacent to railroad company right-of-way. Suggest that this deletion not occur so that the specification is clear that the contractor is responsible for "the Contractor's operations".

Response: The title to this section is "Contractor's Responsibility" and the remainder of the specification falls in line with the Department's method of writing specifications. No change made.

5. 7-11.4.2 - Is "Delay of Train" defined? What constitutes a "delay of train"? Who determines when a "delay of train" has occurred and what criteria is used to establish a "delay of train"?

Response: "Delay of train" is a delay in the operation of the trains on the rail line. The Florida East Coast Railway would determine if train operations have been delayed due to the contractor's work. Changed "delay of train" to "delay of trains impacting railway operations".

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Dan Scheer  
FDOT  
850-414-4130

Comments: (1-22-15)  
In 7-11.4.2: Change the word 'May' in the last sentence to 'will'.

Response: Change made.

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D5 Construction

Comments: (1-27-15)  
7-11.4.2 Should the may deduct be shall deduct? 7-11.4.2 Costs incurred by the railroad for "Delay of Train" will be forwarded to the Contractor for payment. If the Contractor fails to pay said costs, the Department Shall deduct the amount from payments made to the Contractor.

Response: 'May' changed to 'will'.

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Neil Monkman  
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Comments: (2-6-15)  
I feel the proposed changes to the specification are a well-considered improvement and have no other comments.

Response: Comment accepted.

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## D4 Construction

Comments: (2-9-15)

1. (Alice Custis, D4 Treasure Coast, 772-465-7396, [Alice.Custis@dot.state.fl.us](mailto:Alice.Custis@dot.state.fl.us))

7-11.4.1 – Recommend adding “in writing” after “notify” such that the first sentence reads: “Notify in writing the Chief Florida....”

Response: Each District Rail Coordinator working with the contractor has an effective method of making this communication work with the railroad at this level or lower. Voice communications are the fastest way to make the most direct contact. No change made.

2. (Etienne Bourgeois, Project Oversight, Office 772.429.4821, Cell 772.925.2127, [Etienne.Bourgeois@dot.state.fl.us](mailto:Etienne.Bourgeois@dot.state.fl.us))

This revised spec is specific to work within the FEC right-of-way. It should also address work within CSX, Sunrail, and any other rail owners in the state.

Response: This SP is specific to FEC and not to be used on any other rail facilities. No change made.

3. (Jose Kandarappallil, Project Oversight I, D4 - Treasure Coast Operations, 772-429-4936, [Kandarappallil.Jose@dot.state.fl.us](mailto:Kandarappallil.Jose@dot.state.fl.us))

a. 7-11.4.2: Recommend modifying the Second sentence such that it defines who from the Contractor is responsible to take the required course, such as stating “Contractor’s job superintendent or Foreman shall complete the On-Track Contractor Roadway Worker Training Course for FEC Railroad.”

Response: All individuals working on railroad property are required to have this type of training as per the Federal Railroad Administration prior to any work on the railroad. Additional identification requirements may also apply as required by federal law. No change made.

b. 7-11.4.2: Recommend modifying Paragraph 3 such that the sentence that currently states “Costs incurred by the railroad for “Delay of Train” will be forwarded to the Contractor for payment,” to instead state “Contractor to pay costs incurred by the railroad for “Delay of Train”.

Response: The contractor is the implied subject of the sentence per the Department’s style of writing specifications. No change made.

4. (Katherine Kehres, Construction Engineer, Treasure Coast Operations, 772 429-4889, [Katherine.Kehres@dot.state.fl.us](mailto:Katherine.Kehres@dot.state.fl.us))

7-11.4.3 – The last section requires contacting FEC for flaggers or watchmen when railroad right of way encroachments are planning to occur (“72 hours prior to railroad right of way encroachments”). Railroad watchmen have also been required on projects when working with equipment adjacent to the right of way that has the potential to foul the tracks or working overhead (bridge crossing) of a track. Perhaps this section should be elaborated on to provide further requirements when working in the vicinity of the right of way

Response: While I agree in principle, this needs to be decided on a case by case basis. This is something that the District Rail Coordinators would address along with the railroad. No change made.

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