



## *Florida Department of Transportation*

**RICK SCOTT**  
GOVERNOR

605 Suwannee Street  
Tallahassee, FL 32399-0450

**JIM BOXOLD**  
SECRETARY

February 2, 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: SP0071104 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 for Design Build projects.

The changes are proposed by Rudy Powell of the State Construction Office. This Special Provision is only used on Design-Build contracts. The notice requirements are best located in the Request for Proposal with guidance notes to the developer of the RFP to meet the specific needs of each project.

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](mailto: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/ft  
Attachment

cc: Florida Transportation Builders' Assoc.  
State Construction Engineer

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

(REV ~~11-5-10~~~~12-1-14~~) (~~FA 11-9-10~~) (1-15)

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 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.

**7-11.4.2 Contractor's Responsibilities:** Comply with 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 Requirements sections of the CSXT Pipeline and Wireline Design and Construction Specifications prior to beginning work. These documents are available at the following URL: <http://www.dot.state.fl.us/specificationsoffice/Implemented/URLinSpecs/Files/CSXspecs.pdf> . 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.

**7-11.4.3 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.

Submit schedules and schedule changes to the Engineer so the Department can coordinate the scheduling of flagging resources. ~~Projects with less than 20 consecutive days of flagging services require a CSXT short term flagger and 45 days written advance notice. Provide the 45 days written advance notice to the Engineer. Projects with 20 or more consecutive days of flagging services require a CSXT long term flagger. The Department will provide the 6 months written advance notice to CSXT.~~

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – OPERATIONS  
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