



Florida Department of Transportation

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MEMORANDUM

DATE: December 14, 2015

TO: Specification Review Distribution List

FROM: Daniel Scheer, P.E., State Specifications Engineer

SUBJECT: Proposed Specification: **SP0071104RR Legal Requirements and Responsibility to the Public – Operations within the Railroad Right-Of-Way.**

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

The changes are proposed by Michael Dowell of the State Rail Office to accommodate Norfolk Southern (NS) requirements for contractors working in their right-of-way and to combine the existing Special Provisions for CSX, FEC and Department-owned rail corridor requirements into a single document.

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 online at <http://www2.dot.state.fl.us/ProgramManagement/Development/IndustryReview.aspx> . Comments received after **January 11, 2016**, may not be considered. Your input is encouraged.

DS/ot
Attachment

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

(REV ~~10-711-612-14-15~~)

SUBARTICLE 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:

7-11.4.1.1 CSX Transportation (CSXT), Norfolk Southern (NS), and Department-Owned Rail Corridors: 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.

7-11.4.1.2 Florida East Coast Railway (FEC): Notify the Chief 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~~ the requirements an authorized representative of the railroad company deems necessary in order to safeguard the railroad's property and operations. Do not perform temporary lane closures, lane shifts or detour routes within the railroad company right-of-way without railroad approval.

- 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.

7-11.4.2.1 CSXT: Comply with the Construction Submission Criteria of the 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/programmanagement/Implemented/URLinSpecs/Files/CSXspecs.pdf>.

7-11.4.2.2 NS: Comply with the NS Special Provisions for Protection of Railway Interests (Appendix E) and the Construction Requirements (Appendix 4.3) of the NS Public Projects Manual document prior to beginning and during all work. These documents are available at the following URL: http://www.nscorp.com/content/dam/nscorp/ship/shipping-tools/Public_Projects_Manual.pdf.

7-11.4.2.3 FEC: Complete the On-Track Contractor Roadway Worker Training Course for FEC Railway. Contact FEC Railway at 1-800-342-1131 for training information.

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:

7-11.4.3.1 CSXT, NS, and FEC:

7-11.4.3.1.1 General: *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.*

7-11.4.3.1.2 CSXT: *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.*

7-11.4.3.1.3 NS: *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 NS 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 NS long term flagger. The Department will provide the 6 months written advance notice to NS.*

7-11.4.3.1.4 FEC: *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.*

7-11.4.3.2 Department-Owned Rail Corridors: *The Department will furnish protective services (i.e., watchman or flagging services) to ensure the safety of railroad operations during certain periods of the project.*

For projects involving the South Florida Rail Corridor (SFRC), contact the South Florida Regional Transportation Authority (SFRTA) at 954-788-1788 at least 30 days prior to rail corridor right-of-way encroachments to coordinate the scheduling of flagging resources.

For projects involving the Central Florida Rail Corridor (CFRC), provide written advance notice to the Engineer at least 30 days prior to rail corridor right-of-way encroachments so the Department can coordinate the scheduling of flagging resources.