

Section 8.3

OPERATION WITHIN RAILROAD RIGHT OF WAY

8.3.1 Purpose

To describe requirements and procedures involving Department operations that take place within Railroad Company right-of-way and/or involve the construction or reconstruction of a rail or highway grade crossing and/or signals.

8.3.2 Authority

[Section 20.23\(3\)\(a\), Florida Statutes](#)

[Section 334.048\(3\), Florida Statutes](#)

8.3.3 References

Sections 7-11.4 and 7-13, Standard Specifications for Road and Bridge Construction

8.3.4 Plans for Track Embankment Protection

To obtain uniformity in administrative procedures for processing Contractor's detailed plans for track embankment protection within the railroad right of way, the following sequence must be followed.

(A) Resident Level Responsibilities

- (1) The Contractor submits required plans to the Project Administrator as a result of instructions defined in plan notes and preconstruction conference.
- (2) The Project Administrator submits the Contractor's plans directly to the District Structures Engineer (Design), District Geotechnical Engineer, and District Rail Office, with a copy of the transmittal letter to the District Construction Engineer.

(B) District Level Responsibilities

- (1) The District Structures Engineer (Design) approves or ~~disapproves-rejects~~ the Contractor's plans based on the input from the District Geotechnical Engineer and the District Rail Office. If approved, the District Structures Engineer will distribute

them according to District requirements. If ~~reject~~disapproved, the plans will be returned to the Contractor for correction and reprocessing.

8.3.5 Advance Notification

Resident Level Responsibilities

The Contractor shall provide the Department's Project Administrator, ~~and~~ the District Rail Office, and the ~~superintendent of the authorized Rail Company~~ representative at least 72 hours advance notice of his intent to do any work within the railroad right of way or of any operation requiring the movement of employees, trucks or other equipment across the tracks at other than a public crossing. The Project Administrator is responsible for ensuring that the Contractor adheres to the schedule established by the 72 hours advance notification.

In most cases, the Railroad Company requires a 45-day advance notice prior to the Contractor performing any work within the railroad right of way or the adjoining 15 feet due to the bidding process for flagman services. ~~This will be stipulated in the special provisions.~~

8.3.6 Liability Insurance

Resident Level Responsibilities

At the preconstruction conference or prior to work within the railroad right-of-way, the Contractor shall provide one original and one copy of the following to the Project Administrator, the District Rail Office and the Railroad Company:

- Contractor's Railroad Protective Insurance policy
- Contractor's Certification of Public Liability and Property Damage Liability Insurance ~~and similar insurance on their subcontractors.~~

No work which affects the railroad will be allowed until both the railroad policy and the certificate have been approved by the Railroad Company or Companies involved for the time specified. Railroad Company approval of the railroad policy and the certificate may take up to two weeks.

Section 7-13 of the **Standard Specifications** includes more information on insurance requirements that may apply.

8.3.7 Watchman or Flagman Services

Resident Level Responsibilities

When protective services, such as watchmen or flagmen, are needed to ensure the safety of the railroad operations during Contractor activities within the railroad right-of-way, the Railroad Company will furnish such services. The Department will reimburse the Railroad Company for all valid charges. Project personnel will record on the daily work report all times during which a flagman was needed and present and submit weekly to the District Rail Office.

The Contractor shall schedule work in an effort to minimize the need for protective services by the Railroad Company and as further noted in the plans. In addition, the Contractor shall submit construction schedules and schedule changes to the Engineer and District Rail Office which include an estimated start date, weekly construction schedule, daily hours of operation, and the calendar day duration for which flagging services will be necessary to perform work activities within railroad right-of-way in accordance with **Section 8-3** of the **Standard Specifications**

When a flagman is being used, the Contractor shall provide, through the Project Administrator and the District Rail Office, to the Railroad Company at least 24-hour~~the~~ minimum notice required by the Railroad Company when the flagman's services will no longer be needed. Railroad Company notification requirements for ending flagman services vary by Railroad Company. The railroad must be given 24-hour~~the minimum required~~ notice or the Department will pay for the railroad's flagman until ~~the 24-hour~~ appropriate notice is given.

8.3.8 Advance Warning Signs, Pavement Markings, and Traffic Control Devices

All traffic control devices shall conform to the Manual on Uniform Traffic Control Devices.

During the entire period of construction operations at railroad crossings, it shall be the Contractor's responsibility to maintain in a satisfactory and clearly legible condition, the advance warning signs that are normally installed by railroad or state forces (Sign No. W10-1). When such signs are not to be installed by railroad or state forces, the Contractor shall install and properly maintain adequate temporary advance warning signs furnished by the Department.

8.3.9 Reporting Requirements

(A) District Level Responsibilities

~~(A) Resident Level Responsibilities~~

The **Notice of Utility Construction Work**, [Form No. 700-010-48](#), has been developed for giving notification of construction work accomplished by Railroad Companies under terms of a Reimbursable Agreement. It must be used on all projects involving work by Railroad Company forces and/or their contractor. This form will be completed by the District Rail Office and distributed at the beginning and completion of reimbursable work.

~~The distribution as described on the bottom of the form will also include a copy to the District Rail Office. Copy numbers 3 and 4 will be forwarded to the Federal Aid Management Office, which will be responsible for forwarding one copy to the FHWA.~~

~~Note: Since Federal reimbursement will be withheld until pavement markings and advance warning signs are in place, it is necessary to describe the condition of these items under the "Remarks" section of the form. The Project Administrator will arrange for the markings and signs to be placed when a highway construction project is involved.~~

~~(B) District Level Responsibilities~~

When the reimbursable work is being performed other than in conjunction with highway construction, the ~~District Rail Office will~~ coordinate the placement of markings and signs through the maintaining agency. The District Rail Office may assist with obtaining locates from the Railroad Company for railroad signal cabling prior to sign placement or request additional signage be added, if needed.

~~When the work accomplished under an agreement involves the installation of a railroad crossing protective device, it is necessary that the following information be included in the "Remarks" section of the form:~~

~~(1) Date of operational check,~~

~~(2) Railroad, District Rail Office and FHWA personnel involved in the operational check, and~~

~~(3) Results of the operational check.~~