

0080703 Prosecution and Progress  
COMMENTS FROM INTERNAL/INDUSTRY REVIEW



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Comments: (7-12-22 Industry)

Suggested change: The Department, at its sole discretion, may grant a time extension due to delay in work operations within the limits of the railroad right-of-way or the adjoining 15 feet on job progress as the basis for granting a time extension only if all the following criteria are met:

1. Delays are due to a lack of availability of Railroad protective services as required by 7- 11.4.
2. Work within the limits of the railroad right-of-way or the adjoining 15 feet actually impacted progress toward completion of controlling work items.
3. The Contractor took all reasonable measures to minimize the effect of work operations within the limits of the railroad right-of-way or the adjoining 15 feet on job progress, including compliance with all provisions of 7-11.4, 5-12, and cooperative scheduling of the Contractor's operations.

Response:

Thank you for your comment. Changes made to include 'impacted' and Spec 5-12. The 'at its sole discretion' change is inconsistent with the existing wording for other items within this section and was not added.

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Comments: (7-12-22 Industry)

Positive change which we are appreciative. However, we need to make sure that time is also afforded for activities that are determined to be a potential impact (fouling) of the tracks by the Railroad. For example, a crane that sits more than 15 ft from the ROW can still be a cause for the need of a flagger per the Railroad. Therefore, we need to make sure that we get time even if our activities are beyond the 15 ft and we are shut down due to lack of flagger. In simple terms, for ALL activities in which the Railroad requires a flagger.

See the suggested changes:

The Department will consider requests for time extension due to delay in work operations within the limits of the railroad right-of-way; or within the adjoining 15 feet or as determined by the Railroad or Department to be able to potentially foul the tracks regardless of distance from railroad right-of-way on job progress as the basis for granting a time extension only if all the following criteria are met:

Response: Thank you for your comment. Changes made.

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