



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE KOPELOUSOS
SECRETARY

November 5, 2010

Monica Gourdine
Program Operations Engineer
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, Florida 32303

Re: Office of Design, Specifications
Section 7
Proposed Specification: 0071105 Legal Requirements and Responsibilities to the Public –
Operations within Railroad Right-of-Way - REVISED

Dear Ms. Gourdine:

We are submitting, for your approval, two copies of the **revised** above referenced Special Provision.

These changes were proposed by Annette Lapkowski to include specific requirements for projects involving CSXT Railroad.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via Email to SP965RP or rudy.powell@dot.state.fl.us.

If you have any questions relating to this specification change, please call Rudy Powell, State Specifications Engineer at 414-4280.

Sincerely,

Signature on File

Rudy Powell, Jr., P.E.
State Specifications Engineer

RP/ft
Attachment

cc: Gregory Jones, Chief Civil Litigation
Florida Transportation Builders' Assoc.
State Construction Engineer

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

(REV ~~4-5-10~~**11-5-10**)

ARTICLE 7-11.5 (Page 68) is deleted and the following substituted:

7-11.5 Operations Within Railroad Right-of-Way:

7-11.5.1 Notification to the Railroad Company: Notify ~~the superintendent of the railroad company, as shown on the plans, and~~ 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.

7-11.5.2 Contractor's Responsibilities: Comply with ~~whatever~~ 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: ~~from the Departments website at~~ <http://www.dot.state.fl.us/specificationoffice/Implemented/URLinSpecs/Files/CSXspecs.pdf>.* -The Contractor is responsible ~~assumes responsibility~~ 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.

7-11.5.3 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.

~~CSXT flagging resources are limited. Submit schedules and schedule changes to the Engineer so in order for the Department can to coordinate the scheduling of flagging resources. Anticipate only one flagger per project. 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. For projects Projects Projects with more than 20 or more consecutive days of long-term flagging services require a CSXT long term flagger and 6 months written advance notice. The Department will provide CSXT the six 6 months written advanced written notice to CSXT. require CSXT long-term flagger and six months written advance notice.~~

**LEGAL REQUIREMENTS AND RESPONSIBILITIES TO THE PUBLIC –
OPERATIONS WITHIN RAILROAD RIGHT-OF-WAY.
(REV 11-5-10)**

ARTICLE 7-11.5 (Page 68) is deleted and the following substituted:

7-11.5 Operations Within Railroad Right-of-Way:

7-11.5.1 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.

7-11.5.2 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.

7-11.5.3 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.