



# DOT-Freight Railroad Master Agreements – Best Practices

## Community of Interest Webinar for *Railroad-DOT Mitigation Strategies (R16)*

February 15, 2018



U.S. Department of Transportation  
Federal Highway Administration

AMERICAN ASSOCIATION  
OF STATE HIGHWAY AND  
TRANSPORTATION OFFICIALS

**AASHIO**

# Purpose of Today's Webinar

- **Hear best practices** on developing master agreements to promote expedited project delivery.
- **Hear from BNSF, NC and TX DOT** on how their efforts are improving coordination between railroads and their respective DOT partners
- **Discuss and share information** with State DOTs and Railroads

# Agenda

- Welcome
- North Carolina DOT
- Texas DOT
- BNSF Railways
- Discussion and Comments
- Open COI Meeting



# A Few Housekeeping Details

- **Tell us what you think.** We want to hear from all of you on the call during the discussion segments.
- **Please add your comments to the chat box provided.**

# Welcome



## Presenters

- Richard E. Mullinax, Rail Signals Manager, Rail Division, North Carolina Department of Transportation
- Robert Travis, Rail Highway Section Director, Railroad Division, Texas Department of Transportation
- Taylor Smith, Manager, Public Projects, BNSF

## Moderators

- Kate Kurgan, Moderator/ R16 Product Lead, AASHTO
- Pam Hutton, SHRP2 Implementation Manager, AASHTO
- Mike Loehr, R16 Subject Matter Expert
- Hal Lindsey, R16 Project Manager

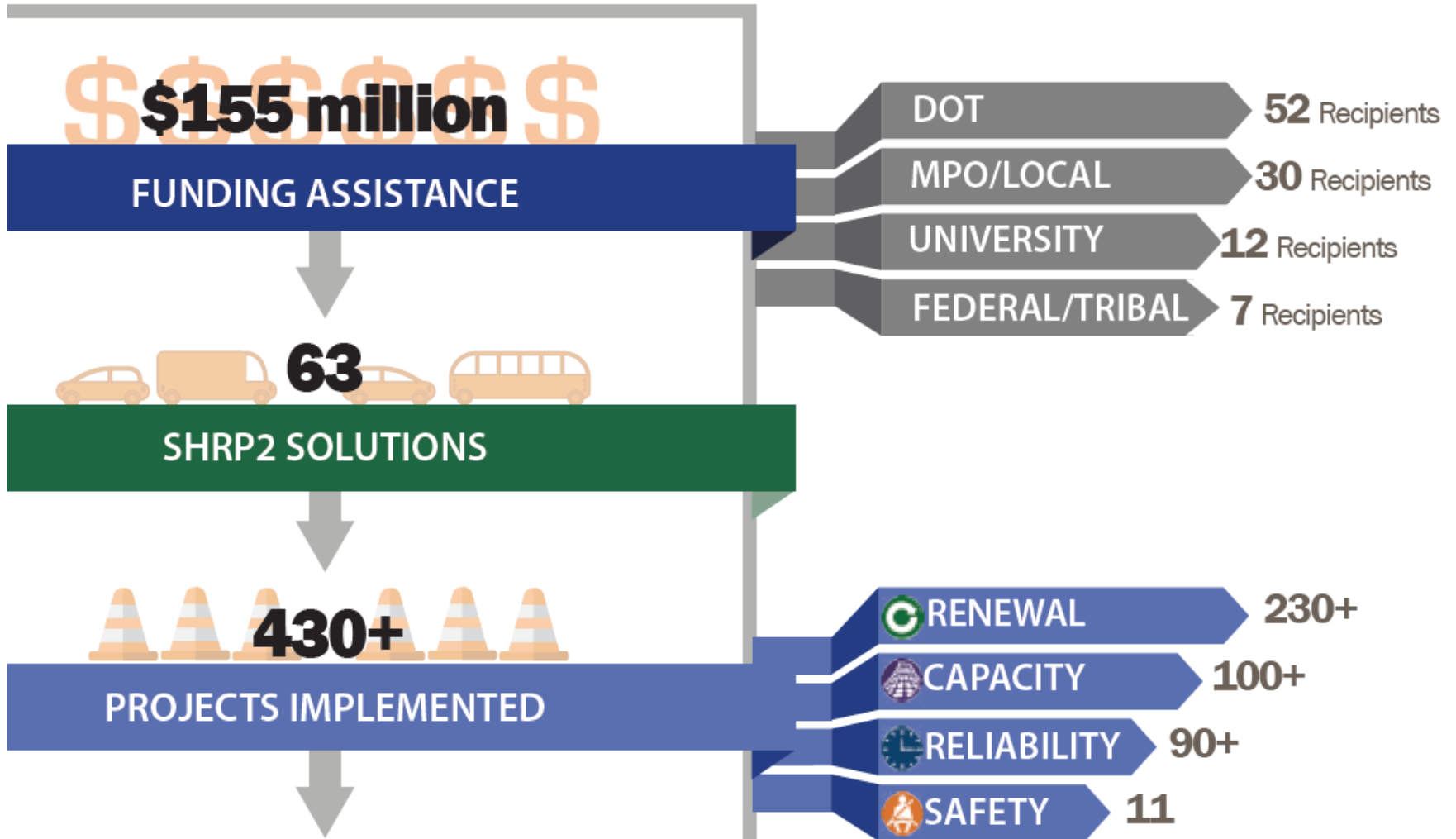
Recorded presentation will be posted on the AASHTO SHRP2 website:

[http://shrp2.transportation.org/Pages/R16\\_RailroadDOTMitigationStrategies.aspx](http://shrp2.transportation.org/Pages/R16_RailroadDOTMitigationStrategies.aspx)

# What is SHRP2?

- The Second Strategic Highway Research Program (SHRP 2): a large scale research program designed to make significant advances in some of the most challenging areas in the highway industry
- 9-year, \$232 million research program
- TRB: managed over 100 research projects, involving more than 300 research contractors
- Implementation budget of just over \$170 million

# SHRP2 Implementation: INNOVATE – IMPLEMENT - IMPROVE



# SHRP2 Implementation: INNOVATE – IMPLEMENT - IMPROVE



- RESULTS**  
**Save lives, money, and time**
- Bridges being built more quickly
  - Smoother traffic flows and less congestion
  - Reduced construction costs
  - Safer roadways
  - Smarter environmental reviews



# What is SHRP2 R16?

- Active Strategic Community of Interest
- Strategies to Improve Railroad-DOT Cooperation and Accelerate Project Delivery
- Innovation Library  
[http://shrp2.transportation.org/Pages/R16\\_InnovationLibrary\\_Topic.aspx](http://shrp2.transportation.org/Pages/R16_InnovationLibrary_Topic.aspx)
- AASHTO Web Page Resources:  
[http://shrp2.transportation.org/Pages/R16\\_RailroadDOTMitigationStrategies.aspx](http://shrp2.transportation.org/Pages/R16_RailroadDOTMitigationStrategies.aspx)



## NORTH CAROLINA

Department of Transportation

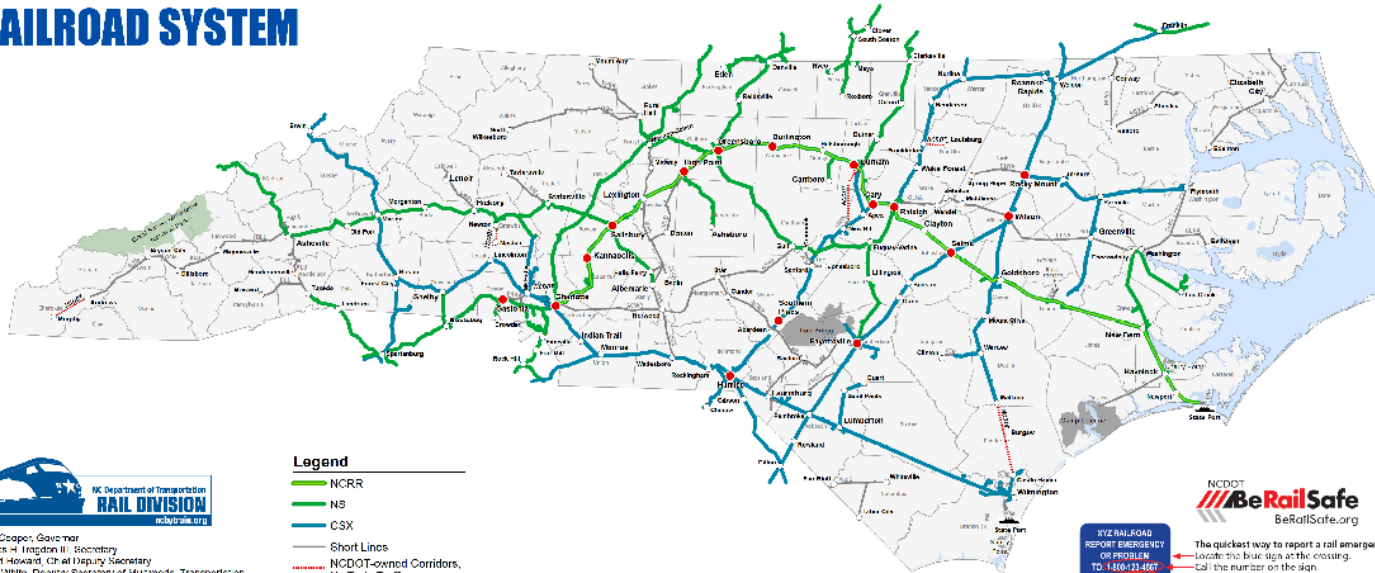


# Crossing Signals Master Agreements: North Carolina's Experience

Richard E. Mullinax, PE, PTOE, CPM

15 February 2018

# North Carolina RAILROAD SYSTEM



Ray Cooper, Governor  
 James H. Iragorri III, Secretary  
 David Howard, Chief Deputy Secretary  
 Julie White, Deputy Secretary of Multimodal Transportation

1303 MCL, Raleigh, NC 27698-1003  
 Phone: (919) 435-4700, Fax: (919) 435-5980

**NC** Information & Reservations: ncdotrail.org  
 BY TRAIN or 1-800-BY-TRAIN (1-800-298-7246)

### Train Stations

Durham	Gastonia	Rocky Mount
Charlotte	Greensboro	Salisbury
Durham	Harris	Wilmington
Fayetteville	High Point	Southern Pines
	Kannapolis	Wilson
	Raleigh	

Railway Association of North Carolina - www.ncrailes.org  
 For an online NCDOT North Carolina Rail System map, visit <http://www.ncdotrail.org>

- Legend**
- NCR
  - NS
  - CSX
  - Short Lines
  - - - NCDOT-owned Corridors, No Train Traffic
  - Passenger Train Stations

**Key**

ACWR	Aberdeen, Carolina and Western Railroad
AR	Aberdeen and Rockfish Railroad Company
ARC	Alexander Railroad Company
ATW	Atlanta and Western Railway
BLU	Blue Ridge Southern Railroad
CA	Chesapeake and Albemarle Railroad Company
G	Cape Fear Railway, Incorporated
CLN	Carolina Coastal Railway, Incorporated
CMZ	Champion Paper Company
GM	Craggy Mountain Railroad

**Key**

CRJ	Camp Lejeune Railroad Company
CSX	CSX Transportation
CTR	Clinton Terminal Railroad Company
CKCY	Clayton County Railroad
DCT	Dunn Edwin Railway
DD	Department Of Defense
GSM	Great Smoky Mountains Railway
HPTD	High Point, Thomasville and Denton Railroad Company
KSH	Kinston & Snow Hill Railroad Co., Inc.
LR	Laurinburg and Southern Railroad Company

**Key**

NCVA	North Carolina and Virginia Railroad Company
NHVA	New Hope Valley Railway/NC Railroad Museum
NS	Norfolk Southern Corporation
INRW	Iron Mountain and Northern Railway
RCS	R.J. Corman Railroad/Carolina Lines
RSNR	Red Springs and Northern Railroad
TDRY	Thermal Gull Railway
WSS	Winston-Salem Southbound Railway
WTRY	Wilmington Terminal Railroad Incorporated
YVRR	Yadon Valley Railroad Company



**RAILROAD REPORT EMERGENCY OR PROBLEM**  
 TD: 1-800-431-4567  
 DOWN: 825-2434

- The quickest way to report a rail emergency: Locate the blue sign at the crossing. Call the number on the sign. Identify your location.
- If there is no blue sign at the crossing, dial 911 to report a rail emergency.



October 2017

NCCCA

# Purpose of Master Agreements

- Streamline the formal agreement process
- Time savings (eliminates need for drafting and executing individual agreements)
- Applies to crossing signalizations for
  - ✓ State roads
  - ✓ Municipal roads (still need agreement between NCDOT & municipality for non-State roadways)
  - ✓ Preempted traffic signals



# History

- Earliest NCDOT Master Agreements were with Southern Railway and Seaboard Coast Line in late 1970's
- Minor supplements issued when Southern Railway became Norfolk Southern and Seaboard Coast Line became CSX.
- Short lines agreed to the process in early 2000's so new agreements developed in mid-2000's
- Agreements executed in mid-late 2000's and remain in effect



# What is a Master Agreement?

- Agreement between an agency and a railroad
- Covers language that is redundant from project to project (i.e.: DBE language, Federal Aid Policy, Circular, Conflict of Interest Statements, etc...)
- Details the process for progressing projects
- Outlines reimbursement process
- Either party can terminate with at least 60 days notice
- Current master agreement language in effect since 2008
  - ✓ 2 Class I railroads
  - ✓ 19 shortline railroad operators



# Sample Master Agreement

NORTH CAROLINA  
STATEWIDE

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

August 4, 2015

AND

MASTER AGREEMENT FOR  
INSTALLATION, REVISION OR  
REPLACEMENT OF GRADE CROSSING  
TRAFFIC CONTROL DEVICES

R. J. CORMAN RAILROAD COMPANY/  
CAROLINA LINES, LLC

THIS MASTER AGREEMENT FOR INSTALLATION, REVISION OR REPLACEMENT OF GRADE CROSSING TRAFFIC CONTROL DEVICES, hereinafter referred to as "Master Agreement," is made and entered into on the last date executed below ("Effective Date"), by and among the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the "Department" and R. J. CORMAN RAILROAD COMPANY/CAROLINA LINES, LLC, a North Carolina limited liability company, hereinafter referred to as the "Railroad." The Department and the Railroad shall be hereinafter referred to individually as a "Party" and collectively as "Parties."

WITNESSETH:

THAT WHEREAS, the parties hereto desire to install, revise, or replace automatic railway-highway grade crossing signals, gates, and traffic control devices, hereinafter referred to as "devices", at various locations throughout the State of North Carolina, including roads and streets under jurisdiction of a municipal governing authority, and to perform other work in connection therewith, the locations for said installation to be determined as hereinafter provided.

NOW THEREFORE, the Department and the Railroad do agree:

- Designated Representatives. The Director of Rail Division, on behalf of the Department, and the General Manager, on behalf of the Railroad, and/or their designee(s) as authorized in writing, are hereby designated representatives of Department and Railroad, respectively, for the purpose of coordinating internal actions within each of the parties as necessary to plan, design, and construct said devices at various locations throughout the State of North Carolina as selected by Department in accordance with North Carolina General Statute 136-20 and/or any and all Federal-Aid regulations.
- Preliminary Engineering. After notification by letter or documentation by electronic medium from Department, the Railroad shall prepare or have prepared by its consultant preliminary engineering, including all necessary plans, specifications, estimates and materials list, incorporating any necessary field diagnostic review, and shall submit the same to the Department for approval prior to beginning each project; said preliminary engineering being incorporated within each project by reference and made a part thereof. All project work

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate originals, the last day and year set out below, on the part of the Department and the Railroad by authority duly given.

ATTEST

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

BY: *Tereca W. Batts* BY: *Keith H. Weatherly*

NAME: Tereca Batts NAME: Keith H. Weatherly

TITLE: Secretary to Board of Transportation TITLE: Deputy Secretary for Transit

DATE: 11/17/15 DATE: 11/17/15

SEAL

MAILING ADDRESS

North Carolina Department of Transportation  
Rail Division, Design & Construction Branch  
1556 MSC  
Raleigh, North Carolina 27699-1556  
ATTN: Richard E. Mullinax, PE, PTOE,  
CFM  
Rail Signals Manager Engineer  
remullinax@ncdot.gov  
Telephone: (919) 733-8015

APPROVED BY BOARD OF TRANSPORTATION ITEM O: October 8, 2015  
(Date)

# Project Progression

- NCDOT selects locations / prepares concept plan
- NCDOT authorizes railroad to prepare preliminary engineering
- Railroad to make “best effort” to provide plans, specifications, estimates, and materials list within 4 months
- NCDOT reviews and authorizes railroad to construct
- Railroad makes “best effort” to construct within 6 months
- Devices placed under the custody care of the railroad to operate and maintain after NCDOT acceptance



# Sample A4PE and A4C

## AUTHORIZATION FOR PRELIMINARY ENGINEERING


State Project	Federal Aid Project	County	Road or Route No.
Z-5400FZ	N/A	Robeson	NC 72

AAR-DOT ID#: 629593L


When fully executed, this document is authority to proceed with the work described below in accordance with Agreement covering automatic traffic control devices at grade crossing dated October 16, 2008.  
 DESCRIPTION: PE for the installation of crossing signals, gates and cantilevers in Pembroke.  
 DIVISION: Florence ACCOUNT: OP#NC0822  
 SUBDIVISION: South End M.P. A-238.21


### ESTIMATE OF COST

<b>PRELIMINARY ENGINEERING:</b>		
200 Labor (Non Contract)	\$	-
200 Additive 31.34%	\$	-
200 Expenses	\$	-
212 Contracted & Administrative Engineering Services	\$	13,671
<b>Subtotal</b>	\$	13,671
<b>CONSTRUCTION ENGINEERING/INSPECTION:</b>		
200 Labor (Non Contract)	\$	-
200 Additive 31.34%	\$	-
200 Expenses	\$	-
212 Contracted & Administrative Engineering Services	\$	-
<b>Subtotal</b>	\$	-
<b>FLAGGING SERVICE: (Contract Labor)</b>		
7070 Labor (Conductor-Flagman)	\$	-
7050 Labor (Foreman/Inspector)	\$	-
7070 Additive 71.00% (Transportation Department)	\$	-
7050 Additive 95.98% (Engineering Department)	\$	-
7200 Per Diem (Engineering Department)	\$	-
7200 Expenses	\$	-
<b>Subtotal</b>	\$	-
<b>SIGNAL &amp; COMMUNICATIONS WORK:</b> (Details Attached)		\$
<b>TRACK WORK:</b> (Details Attached)		\$
<b>ACCOUNTING &amp; BILLING:</b>		
7040 Labor	\$	200
7040 Additive 63.03%	\$	126
<b>Subtotal</b>	\$	326
<b>PROJECT SUBTOTAL</b>		\$ 13,997
7000 CONTINGENCIES: 10.00%	\$	1,400
<b>GRAND TOTAL</b>	\$	15,397
<b>DIVISION OF COST:</b>		
Agency 100.00%	\$	15,397
Railroad	\$	-
<b>TOTAL</b>	\$	15,397

  
 Tony C. Bellamy  
 Director Project Management - Public Projects  
 CSX Transportation, Inc.

  
 Date 10/27/16

  
 P.C. Worley, CPM, Director - Rail Division  
 NC Department of Transportation - Rail Division

  
 Date 11/9/16

## AUTHORIZATION FOR CONSTRUCTION

State Project	Federal Aid Project	County	Road or Route No.
Z5400FZ		Robeson	SR 72

AAR-DOT ID#: 629593L

When fully executed, this document is authority to proceed with the work described below in accordance with Agreement covering automatic traffic control devices at grade crossing dated October 16, 2008.  
 DESCRIPTION: Installation of 4 gates and train detection circuitry at SR 72 in Pembroke.  
 DIVISION: Florence ACCOUNT: OP#NC0822  
 SUBDIVISION: South End M.P. A-238.21

### ESTIMATE OF COST

<b>CONSTRUCTION ENGINEERING/INSPECTION:</b>		
Labor (Non Contract)	\$	-
Additive	\$	-
Expenses	\$	-
Contracted & Administrative Engineering Services	\$	4,000
<b>Subtotal</b>	\$	4,000
<b>FLAGGING SERVICE: (Contract Labor)</b>		
Labor (Conductor-Flagman)	\$	-
Labor (Foreman/Inspector)	\$	-
Additive 117.39% (Transportation Department)	\$	-
Additive 118.86% (Engineering Department)	\$	-
Per Diem (Engineering Department)	\$	-
Expenses	\$	-
<b>Subtotal</b>	\$	-
<b>SIGNAL &amp; COMMUNICATIONS WORK:</b>	\$	299,999
<b>TRACK WORK:</b>	\$	-
<b>PROJECT SUBTOTAL</b>	\$	303,999
<b>CONTINGENCIES:</b> 10.00%	\$	30,400
<b>GRAND TOTAL</b>	\$	334,399
<b>DIVISION OF COST:</b>		
Agency 100.00%	\$	334,399
Railroad	\$	-
<b>TOTAL</b>	\$	334,399

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.


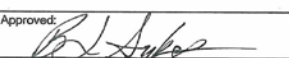
  
 Tony C. Bellamy  
 Director Project Management - Public Projects  
 CSX Transportation, Inc.

Date 1/13/17

  
 P. C. Worley, CPM, Director - Rail Division  
 NC Department of Transportation-Rail Division

Date 2/10/17

# Sample A4PE & A4C Combined

New File No. CX1112790		Railroad File No.	
AUTHORIZATION FOR CONSTRUCTION			
State Project No.	County	Road and/or Route	Crossing No.
Z-5400LM	IREDELL	SR 2400 (WIGGINS RD)	721810Y
NORFOLK SOUTHERN RAILWAY COMPANY			
When fully executed, this document is your authority to proceed with the work described below in accordance with the Rail-Highway Master Agreement covering Warning Devices at Grade crossings. Agreement dated: March 28, 2008.			
Description: Installation of Automatic Grade Crossing Warning Devices at SR 2400 (WIGGINS RD) in MOORESVILLE, IREDELL COUNTY, NC			
			Milepost: L-48.91
Estimate of Cost			
<b>***Purchases - Others***</b>			
Meals and Lodging:		\$22,979.98	
Rental of Equipment:		\$31,413.55	
Construction Supervision Vehicle:		\$4,805.22	
Purchases - Others Total:			\$59,198.75
<b>***Material And Additives***</b>			
Material Cost:		\$80,642.00	
Sales and Use Tax:		\$6,048.00	
Freight Charges:		\$8,064.17	
Material Total:			\$94,754.17
<b>***Labor And Additives***</b>			
Labor Cost:		\$54,096.00	
Payroll Tax & Overheads:		\$46,122.25	
Preliminary Engineering:		\$14,147.46	
Construction Supervision:		\$15,801.44	
Labor Total:			\$130,167.15
	Subtotal:		\$284,120.07
	Credit (Salvage / Scrap):		\$0.00
	<b>Total Project:</b>		<b>\$284,120.07</b>
Approved: 		Approved: 	
Director - Rail Division		Chief Engineer - C&S Engineering	
N.C. DOT - Rail Division		Norfolk Southern Railway Company	
Date: 10-6-2017		Date: 9/29/2017	
09 5600			

# Reimbursement

- Once authorized, railroad may submit progressive invoices up to 85% of total estimate
- Upon acceptance of project, railroad has up to 9 months to submit final invoice
- On non-State roadways, NCDOT reimburses railroad and upon completion seeks reimbursement from municipality
  - ✓ Municipal reimbursement to NCDOT covered under separate agreement

# Projects



# Other

- Change Orders – Railroad submits revised plans and materials list with new Authorization for Construction form
- Supplemental to Master Agreement – may be issued when significant changes are required
  - ✓ Vehicle detection systems
  - ✓ Legislative / technical corrections or updates

# Sample Supplemental to MA

NORTH CAROLINA  
STATEWIDE

DATE: September 26, 2017

NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

SUPPLEMENTAL AGREEMENT NO. 1 TO  
THE MASTER AGREEMENT FOR  
INSTALLATION, REVISION OR  
REPLACEMENT OF GRADE CROSSING  
TRAFFIC CONTROL DEVICES

AND

R. J. CORMAN RAILROAD COMPANY/  
CAROLINA LINES, LLC

THIS SUPPLEMENTAL AGREEMENT NO. 1 to the MASTER AGREEMENT FOR INSTALLATION, REVISION OR REPLACEMENT OF GRADE CROSSING TRAFFIC CONTROL DEVICES is made and entered into on the last date executed below ("Effective Date") by and among the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the "Department" and R. J. CORMAN RAILROAD COMPANY/ CAROLINA LINES, LLC, hereinafter referred to as the "Railroad." The Department and the Railroad shall be hereinafter referred to individually as a "Party" and collectively as "Parties."

## WITNESSETH:

**WHEREAS**, the Department and the Railroad, on November 17, 2015, entered into a certain MASTER AGREEMENT FOR INSTALLATION, REVISION OR REPLACEMENT OF GRADE CROSSING TRAFFIC CONTROL DEVICES to install, revise, modify or replace automatic railway-highway grade crossing signals, gates, and traffic control devices, such signals, gates, and traffic control devices being hereinafter referred to as "devices", at various locations throughout the State of North Carolina, including roads and streets under jurisdiction of a municipal governing authority, and to perform other work in connection therewith, the locations for said installation to be determined.

**WHEREAS**, in accordance with recent Federal and State legislative and statutory requirements, the Department is required to include certain provisions in all agreements entered into between the Department and other entities; and,

**WHEREAS**, the current Master Agreement for Installation, Revision or Replacement of Grade Crossing Traffic Control Devices between the Department and the Railroad was executed prior to these Federal and State legislative and statutory requirements being enacted making it necessary, in order to follow the law, to incorporate the new provisions into the Master Agreement for Installation, Revision or Replacement of Grade Crossing Traffic Control Devices through a Supplemental Agreement; and,

**WHEREAS**, the Department and the Railroad mutually consent to amend the Master Agreement for Installation, Revision or Replacement of Grade Crossing Traffic Control Devices executed on November 17, 2015 to revise, delete, or add certain provisions.

1

**NOW THEREFORE**, the Parties wish to supplement the aforementioned Master Agreement for Installation, Revision or Replacement of Grade Crossing Traffic Control Devices whereby the following provisions are amended, revised or added.

**The following items will be changes and/or deleted:**

On Page 1, in the first paragraph, "This Agreement" will be deleted, and "This Master Agreement for Installation, Revision or Replacement of Grade Crossing Traffic Control Devices and hereinafter referred to as (This Agreement)" will be inserted.

On Page 2, in Provision 4, OMB Circular A-133 is deleted and changed to 2 C.F.R. § 200.

**The following provisions will be added:**

### 16. Parties Authorized To Execute

The Parties and any purported agent signing for a Party hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Supplemental Agreement on their behalf and to bind the respective entities to the terms contained herein and that they have read the Master Agreement for Installation, Revision or Replacement of Grade Crossing Traffic Control Devices, and as amended, conferred with their attorney, and fully understands its contents.

A copy or facsimile copy of the signature of any Party shall be deemed an original with each fully executed copy of this Agreement as binding as an original, and the Parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

### 17. Compliance

The Railroad, and or its agent, shall comply with the following federal policies: (a) Equal Employment Opportunity; and (b) Title VI – Civil Rights Act of 1964, as amended

### 18. Governing Law

This Agreement is made under, and shall be governed and construed in accordance with, the laws of the State of North Carolina.

This Agreement shall not be construed to create any relationship of agency or employment between the Parties hereto.

### 19. Department Debarment Policy

It is the policy of the Department not to enter into any agreement with another party that has been debarred by any government agency (Federal or State). By execution of this Agreement, the Railroad certifies that to its knowledge neither it nor its agents or contractors are presently

2

# VDS Installed by State Under Supplemental Agreement



Thank You!  
Contact: [remullinax@ncdot.gov](mailto:remullinax@ncdot.gov)







# PROJECT REVIEW AND CONTRACT FLAGGING

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Robert Travis, P.E.

Rail Highway Section Director

# Project Challenges & Solution

- 300 Construction and Maintenance Projects per year
- 25 Different Districts = 25 ways to do them
- Texas DOT use template and/or master agreements
- Texas uses a Rail Highway Operations Manual
- <http://onlinemanuals.txdot.gov/txdotmanuals/rho/index.htm>
- Texas DOT identified that 2/3 of the projects are maintenance and partnered with the Class 1 railroads to streamline the process
  - 2 page simple agreement for flagging as needed
  - Maintenance notice if Contracted/ Approved Vendor used for flagging
  - Standard language in our plan set plans to cover insurance, etc.

# Contract Flagging

- History
- Change over from Railroad employee to Approved Vendor
- Success Stories
- Contract issues
- Purchase order for State Forces
- Scope of Work Sheet

# Maintenance Notification Letter



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.483.8568 | WWW.TXDOT.GOV

January 10, 2018

## MAINTENANCE NOTIFICATION

Bexar County  
CCSJ 0915-12-578  
Project STP ( )  
Giddens Subdivision  
DOT 764-352R, RRMP 194.10  
SH 218 in San Antonio, Texas

### Roadway Maintenance

Brandon Kasper  
Manager Special Projects  
24125 Aldine Westfield Rd  
Spring, Texas 77373

Dear Mr. Kasper:

Please be advised that the State and/or the State's Contractor plan to perform necessary maintenance work at the above referenced location. All work will be performed at the State's expense. The scope of work for this project consists of milling and sealing the roadway and replacing the left turn signal head at the corner of Aviation Boulevard and SH 218. A project location map is attached for reference.

The State and/or the State's Contractor shall coordinate flagging protective services with RailPros for three days of flagging. Should the UPRR determine that UPRR personnel will perform flagging, an amendment to this Notice will be sent prior to UPRR personnel providing the flagging services.

The State shall require the State's Contractor to obtain and provide the State-required Railroad Protective Liability Insurance before commencing any work on Railroad's property. This project is scheduled to let to contract May 2018.

If you have any questions, please contact Quentin Huckaby at telephone number (512) 416-3282 or me at (512) 416-2635. We appreciate your time and cooperation.

Sincerely,

By  R.T. Date 1-8-2018

Robert Travis, P.E.  
Rail Highway Section Director  
Railroad Division

OUR VALUES: People • Accountability • Trust • Integrity  
OUR MISSION: Through collaboration and innovation, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

© 2018 Department of Transportation

# Maintenance Notice Letter

- Notice only signed by TxDOT and sent to Class 1 Railroad
  - Covers following activities only:
    - Pavement planning, filling and seal coat work
    - Signing and Striping of roadway
    - Bridge Maintenance and inspection
    - Common ditch and vegetation work
  - Excludes any widening of the crossing, including shoulders
  - Excludes major bridge work such as bridge deck replacement
  - Excludes and direct payment to the Railroad by TxDOT

# Scope of Work Sheet

- Scope of Work Sheet and sample Bridge and non-Bridge requirements sheets located at:

<http://www.txdot.gov/inside-txdot/division/rail/requirements.html>

- Scope of work sheet is used in lieu of Special Provisions
- Convey Contractor vs. Railroad requirements including the following:
  - Location of the work
  - Work by Contractor vs. Railroad
  - Insurance, flagging, right of entry requirements
  - Coordination requirements and contacts
  - Emergency contact

# Flagging for Emergency Work



# Questions?

- Robert Travis, P.E.

Rail Highway Section Director

Rail Division

[Robert.travis@txdot.gov](mailto:Robert.travis@txdot.gov)

(512) 416-2635

Rail Highway Website

<http://www.txdot.gov/inside-txdot/division/rail.html>





# BNSF Railway Company

## Public Projects Presentation

### *Agency Master Agreements*

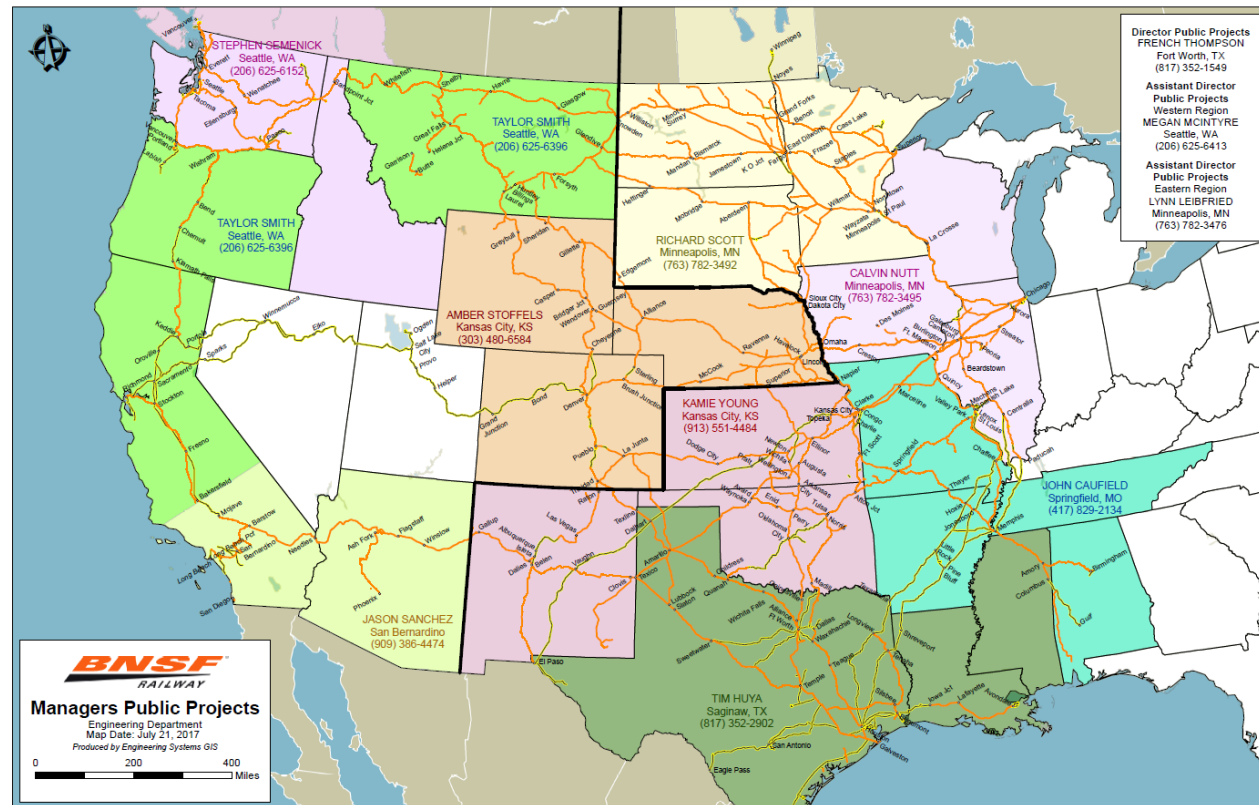
2018 SHRP2  
Webinar

**Taylor Smith**  
***Manager Public Projects***  
Montana, Oregon, Northern California

# BNSF Railway Public Projects Dept.

1 Director, 2 Assistant Directors, 9 Managers, 7 Project Engineers

- Warning Device Upgrades
- Grade Separations
- Crossing Closures
- Quiet Zones
- Line Relocations
- Roadway Widening
- Private Crossing Permits



# Grade Crossing Safety

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**How do we reduce the risks inherent with at grade crossings and deter trespassing on our network?**

- **Closure and Consolidation**
- **Grade Separations**
- **Section 130 Funds for safety modifications**
- **ROW fencing**
- **Site Distance improvements**
- **Education**

# Master Agreements

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- **Purpose is to expedite project authorization timeline while still protecting both parties**
- **Standard Language that is redundant can be included in MA and referenced in subsequent agreements**
  - **Indemnification Language**
  - **Safety Requirements**
  - **Contractor Requirements on ROW**
  - **Flagging Requirements**
  - **Invoicing and reimbursement**
  - **Etc**

# Design/Scope items under MAs

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- Agreements –
- **Construction and Maintenance (C&M)**
  - **Exhibit C and C1**
- Schedule – 4<sup>th</sup> Quarter Moratorium for track windows and form B's
- Railroad Flagger when on BNSF property
- Railroad 3<sup>rd</sup> party inspector (different from flagger and Agency inspector)
- Enhanced BNSF RR Structures Review

# Construction and Maintenance Agreement

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## C&M Agreement (typical)

Recitals

Railroad Obligations

Agency Obligations

Joint Obligations

\*\*Indemnification Language

\*\*Insurance

Signatures

- Exhibits

\*\*included in Master Agreement

## Exhibits (typical)

A – Approved Plan

B – Permanent & Temporary Easements *JLL*

C – \*\*Contractor Requirements

C1 – Agreement b/w RR and Contractor (non  
editable)

D – Cost estimate for RR work

E – Final Written approval from BNSF-MPP

F – BNSF Bridge Requirements

G – Total Project Estimate – for grade sep  
eliminating an at grade xing

# Checklist for Construction on BNSF ROW

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- C&M Agreement executed
- Contractor has proper insurances in hand
- Pre-construction meeting
- Agency to provide BNSF Notice to Proceed
- Safety credentials
  - **Contractor Orientation**
  - **E-railsafe**
- Safety Action Plan
- Construction Submittals reviewed and approved!
  - new requirements forthcoming...why?

# Broomfield, CO

March 2016





# La Pine, OR

Aug 2016





# Common themes

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## ***6 incidents across system in the last 2 years***

- **Contractor made changes to the work plan after the plan was approved and Contractor did not resubmit**
- **Contractor did not stop the actual work activity to re-brief when changes were made the day of**
- **Cranes were overloaded past specifications on crane charts**
- **Contractor improperly calculated or did not calculate load weights**
- **New requirements and protocols forthcoming**

# Crossing Safety - revisited

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**How do we reduce the risks inherent with at grade crossings, deter trespassing and reduce the risk with Agency construction projects on our network?**

- **Unified Agreement language**
- **Expectations articulated clearly throughout the design and agreement phase**
- **Project engagement and ownership (Agency, CM, RR, RR-3<sup>rd</sup> party inspector, RR Flagger)**
- **Closeout and best practices**

# Havre MT - Co Rd. 403 - before



# Havre MT - Co Rd. 403 - after



# Laurel Airport Road OP Replacement



# Laurel Airport Road OP Replacement



06/14/2017 15:46



Questions?

**BNSF**<sup>®</sup>  
**RAILWAY**

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**Questions?**



# Open Discussion with COI

- **Community of Interest (COI) Goals:**

- To share best practices, lessons learned, challenges, accomplishments, model agreements, and processes with railroads and highway agencies, to in turn share nationwide.
- To create a collaborative environment in which to capture the most innovative ideas from all stakeholders for expediting project delivery.

- **Activities:**

- Annually meet face-to-face in Q2 and through these webinar (virtual) meetings in Q1, Q3 and Q4.

- **Today:**

- Review and shape upcoming meeting agendas
- Propose webinar and case study topics, and
- Get general discussion of mutual topics of interest.


# Draft Agenda – Fort Worth, March 27

8:30 – 8:45 AM	<b>Welcome</b>	
	<ul style="list-style-type: none"> <li>Welcome from FHWA, AASHTO, FRA and BNSF</li> <li>Safety moment</li> <li>Housekeeping</li> </ul>	Jessica Rich, Pam Hutton, Frank Frey, French Thompson
8:45 – 9:15 AM	<b>Meeting Overview and Activity Recap</b>	
	<ul style="list-style-type: none"> <li>Review of meeting agenda</li> <li>Brief overview of webinar, case study and peer exchange activity that occurred since last COI meeting</li> </ul>	Kate Kurgan
9:15 – 10:15 AM	<b>Community of Interest Update</b>	
	<ul style="list-style-type: none"> <li>Self-Introductions and Report Outs from Each COI member (DOTs and RRs), highlighting updates since last COI meeting and hot topics (Questions attached)</li> </ul>	All COI Members – approx. 5 minutes each; Group Discussion
10:15 – 10:30 AM	<b>Break</b>	
10:30 – 11:15 AM	<b>Community of Interest Update</b>	All COI Members
	<ul style="list-style-type: none"> <li>Continued COI Report Outs</li> </ul>	
11:15 – 12:15 PM	<b>State of the Industry Open Discussion</b>	Group Discussion
	<ul style="list-style-type: none"> <li>Innovations/challenges ahead for the Industry – Roundtable</li> </ul>	Susannah Adler to Moderate
12:15 – 1:15 PM	<b>Lunch – Non-Working or Working with Topic of Choice by COI</b>	Hosted by BNSF
1:15 – 2:45 PM	<b>Campus Tour – BNSF Host</b>	
2:45 – 3:15 PM	<b>Break</b>	
3:15 – 4:30 PM	<b>Section 130 Updates and Industry Discussion – Section 130 Do’s and Don’ts</b>	Jessica Rich and Group Discussion
4:30 – 5:00 PM	<b>Wrap-up and Adjourn</b>	Pam Hutton
5:15 – 6:00 PM	<b>Networking Opportunity</b>	All COI Members

# Draft Agenda – Ft. Worth, March 28

8:30 – 8:45 AM	<b>Recap of Day 1 and Agenda Overview</b>	
	<ul style="list-style-type: none"> <li>Safety Moment</li> <li>Housekeeping</li> <li>Recap of Day 1</li> <li>Proposed adjustments to agenda for Day 2</li> </ul>	Jessica Rich Kate Kurgan
8:45 – 9:15 AM	<b>FRA Update</b>	Frank Frey
	<ul style="list-style-type: none"> <li>Positive Train Controls, Regional Passenger Rail Plans, Other Issues</li> </ul>	
9:15 – 10:30 AM	<b>Master Agreements Facilitated Discussion / Round Table</b>	TBD
	<ul style="list-style-type: none"> <li>RR/DOTs share latest successes and how they achieved them</li> </ul>	
10:30 – 10:45 AM	<b>Break</b>	
10:45 – 11:15 AM	<b>Topics for Future Webinars and Case Studies</b>	
	<ul style="list-style-type: none"> <li>Topics of industry interest for upcoming R16 Webinars and Case Studies</li> </ul>	Pam Hutton David Solow
11:15 – 11:45 AM	<b>Peer Exchange 2018 Agenda Planning</b>	
	<ul style="list-style-type: none"> <li>COI planning for Peer Exchange in Q3 2018 in Miami (draft agenda, topics of industry interest, proposed speakers, logistics, etc.)</li> </ul>	Kate Kurgan Mike Loehr
11:45 AM – 1:00 PM	<b>Lunch – Non-Working or Working with Topic of Choice by COI</b>	Hosted by BNSF
1:00 – 2:30 PM	<b>Application of New Technologies - Panel Discussion (drones, nondestructive testing techniques, AskRail, etc.)</b>	BNSF and other COI members to be named
2:30 – 2:45 PM	<b>Break</b>	
2:45 – 3:45 PM	<b>Leveraging R16 COI in 2018 and 2019</b>	
	<ul style="list-style-type: none"> <li>Planning for 2019 COI; future of SHRP2's R16 product; additional industry needs; the role of FHWA, State DOTs and partner railroads going forward</li> </ul>	Group Discussion

# Optional Tour of New TEX-Rail Commuter System



- **Monday, March 26, 3 p.m.** prior to COI meeting.
- The tour will start and end at the Homewood Suites Fossil Creek hotel; no personal protective equipment required; no cost to attend. It will be mostly drive-by, with limited walking.
- Tour will highlight several active highway, bridge and railroad projects related to the new TEX-Rail commuter rail system currently under construction, linking downtown Ft. Worth to DFW International Airport on existing, upgraded and new freight tracks.
- This project involves collaboration between **Fort Worth Transportation Authority, DART, TX DOT, Amtrak, BNSF, UP and the FRA.**

# Open Discussion with COI - Webinars

- **Prior activities:**

- Sept 2016: COI Introduction
- May 2016: Section 130 Funding
- Sept 2017: Railroad/DOT User Manuals and Training
- Feb 2018: Master Agreements

- **Input needed for Future Webinars**

- *April/May 2018: Design/Build and RR Agreements*
- *Sept 2018: Flagging Agreements*
- *Jan 2019: Open*

- **Possible Topics – Discussion**

- Innovative use of new technology, i.e. use of drones for bridge and corridor inspections,
- Advances in grade crossing signaling and gates, etc.
- Other? Your Ideas?

# Open Discussion with COI – Case Studies

- **Completed or In-Process Case Studies**
  - Sept 2017: Section 130 Funding (Already completed)
  - March 2018: Master Agreements (In process)
- **Suggested Case Studies:**
  - *April/May 2018: Document Control and File Sharing between DOTs and Railroads*
  - *June/July 2018: Design/Build and RR Agreements*
  - *October 2018: Flagging Agreements*
  - *Nov/Dec 2018: Open*
  - *Feb 2019: Open*

**Do you have a good program or process you want to highlight and share with your colleagues?**



# Open Discussion with COI

- **What keeps you up at night?**
- What **other topics** should we be discussing as industry partners to promote increased safety, collaboration, efficiency, and time savings?



# For More Information

## Product Leads:

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**Hal Lindsey**  
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## Additional Resources:

**GoSHRP2** [fhwa.dot.gov/GoSHRP2](http://fhwa.dot.gov/GoSHRP2)  
**Website:**

**AASHTO SHRP2** <http://shrp2.transportation.org>  
**Website:**

**R16 Product** [http://shrp2.transportation.org/Pages/R16\\_RailroadDOTMitigationStrategies.aspx](http://shrp2.transportation.org/Pages/R16_RailroadDOTMitigationStrategies.aspx)  
**Pages**

**Innovation** [http://shrp2.transportation.org/Pages/R16\\_InnovationLibrary.aspx](http://shrp2.transportation.org/Pages/R16_InnovationLibrary.aspx)  
**Library**

**Thank You for Joining Us!**

