



Best Practices Related to Flagging Agreements

March 21, 2019

Please use this call-in number:

(877) 336-1839

Participant code:

1500236



U.S. Department of Transportation
Federal Highway Administration

AMERICAN ASSOCIATION
OF STATE HIGHWAY AND
TRANSPORTATION OFFICIALS

AASHIO

Purpose of Today's Webinar

- Provide an overview of flagging practices in place at TxDOT and BNSF
- Discuss and share information with State DOTs and Railroads.

Agenda

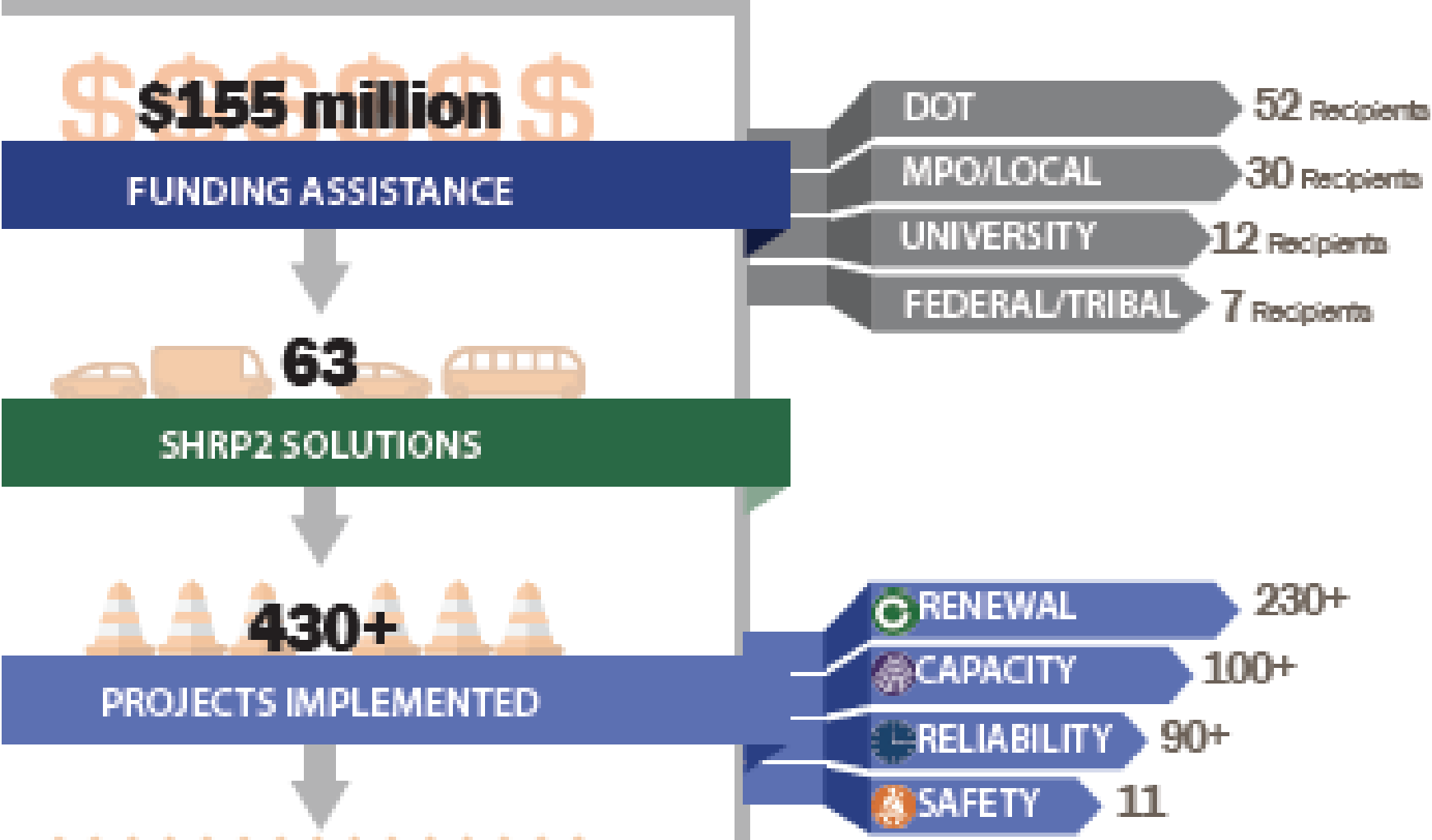
- Welcome
- Safety Moment
- SHRP2 Program and R16 Information
- Best Practices Related to Flagging Agreements

Safety Moment

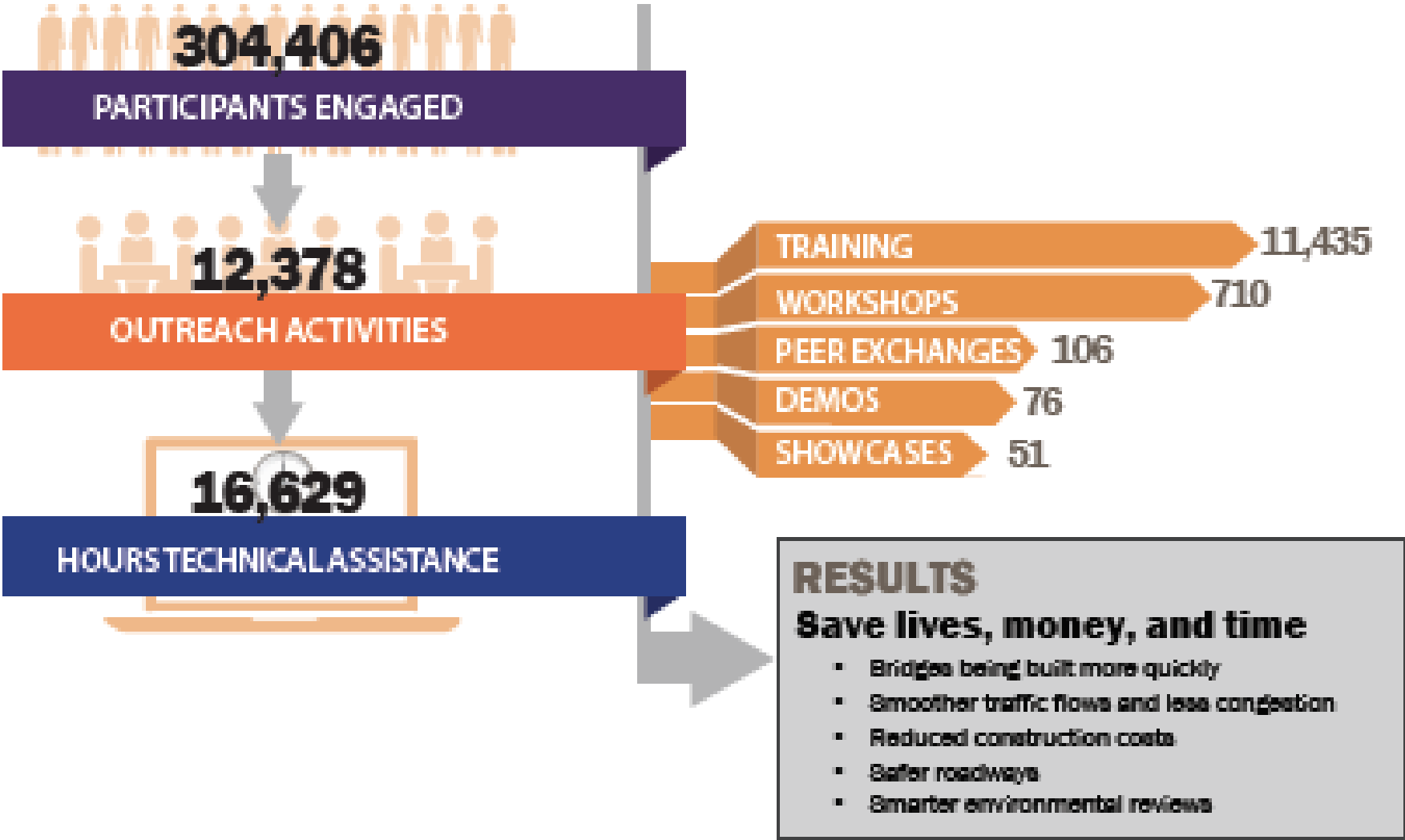
- Work Zone Safety Tips for Drivers:
 - Stay Alert
 - Keep your headlights on
 - Merge into the proper lane
 - Don't tailgate
 - Obey the speed limit
 - Change lanes safely
 - Follow instructions from flaggers
 - Expect the unexpected
 - Be patient



SHRP2 Implementation: INNOVATE. IMPLEMENT. IMPROVE.



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Railroad-DOT Mitigation Strategies (R16)

Challenge

- Railroad-DOT interaction requires a thorough review of the safety, engineering, and the operational impacts of a roadway project during construction – since it will have lasting effects on the railroad for decades thereafter. Rapid construction goals require a new approach that eases the project agreement process for both industries.

Solution

- Recommended practices, model agreements, and training materials to help resolve potential conflicts.



R16 Range of Activities

- Host Community of Interest providing forum for sharing of best practices and challenges
 - Annual face to face meeting in Q1
 - Quarterly meetings by webinar
- Host SHRP2, R16 Web Page
- Provide SME Technical Assistance
- Host Webinars, topics selected by COI
- Host annual Peer Exchange in Q3
- Produce Case Studies of most value to the COI
- Host state workshops to meet specific state DOT needs

Innovation Library – R16 Webpage

- A library of agreements and other documents developed by state DOTs and rail agencies.
- State and Railroad Agreements, Manuals, and Processes (R16)
 - Organized by State/Railroad
 - Organized by Topic
- http://shrp2.transportation.org/Pages/R16_InnovationLibrary.aspx

SHRP 2

- Home
- Implementation Assistance
- Upcoming Events
- SHRP2 Presentations
- Products by Focus Area ▶
- Products by Topic Area ▶
- News and Videos

Need More Information?

Pamela Hutton
SHRP2 Implementation Mgr
phutton@aaashto.org
303-263-1212

R16 Innovation Library-State

AASHTO > Strategic Highway Research Program 2 > R16 Innovation Library-State



Innovation Library - Agreements, Manuals, and Processes Organized by State and Railroad (R16)

A library of agreements and other documents developed by state DOTs and rail agencies.

To view these documents sorted by TOPIC, click here.

Connecticut Department of Transportation

- ConnDOT Amtrak Support Service Master Agreement

Delaware Department of Transportation

- Delaware DOT Railroad Coordination Workshop Slides

Georgia Department of Transportation

- Georgia DOT CSX Railroad Special Provisions
- Georgia DOT CSX Right of Entry Acquisition Agreement Form
- Georgia DOT CSX Special Provision CSX Higher Atlanta Division
- Georgia DOT Guidance on Right of Way Acquisition
- Georgia DOT Norfolk Southern Railroad Master Agreement
- Georgia DOT Norfolk Southern Right of Way Agreement Form
- Georgia DOT Norfolk Southern Special Provisions
- Georgia DOT Vertical Clearance of Bridges over Railroad Tracks
- Georgia DOT Railroad Plan Submittal Checklist

Illinois Department of Transportation

- Illinois DOT Flagger Agreement

A Few Housekeeping Details

- **Tell us what you think.** We want to hear from all of you on the call during the Question and Answer portion of the webinar.
- **Do not use your computer's audio;** use the call-in number instead.
- **State your name and organization before speaking.**
- **Download the PDF of this presentation from the Files section.**

Railroad Flagging 101

Tim Huya

MANAGER PUBLIC PROJECTS (AL, OK, & TX)

SHRP2 R16 – 3/21/19 LIVE WEBINAR



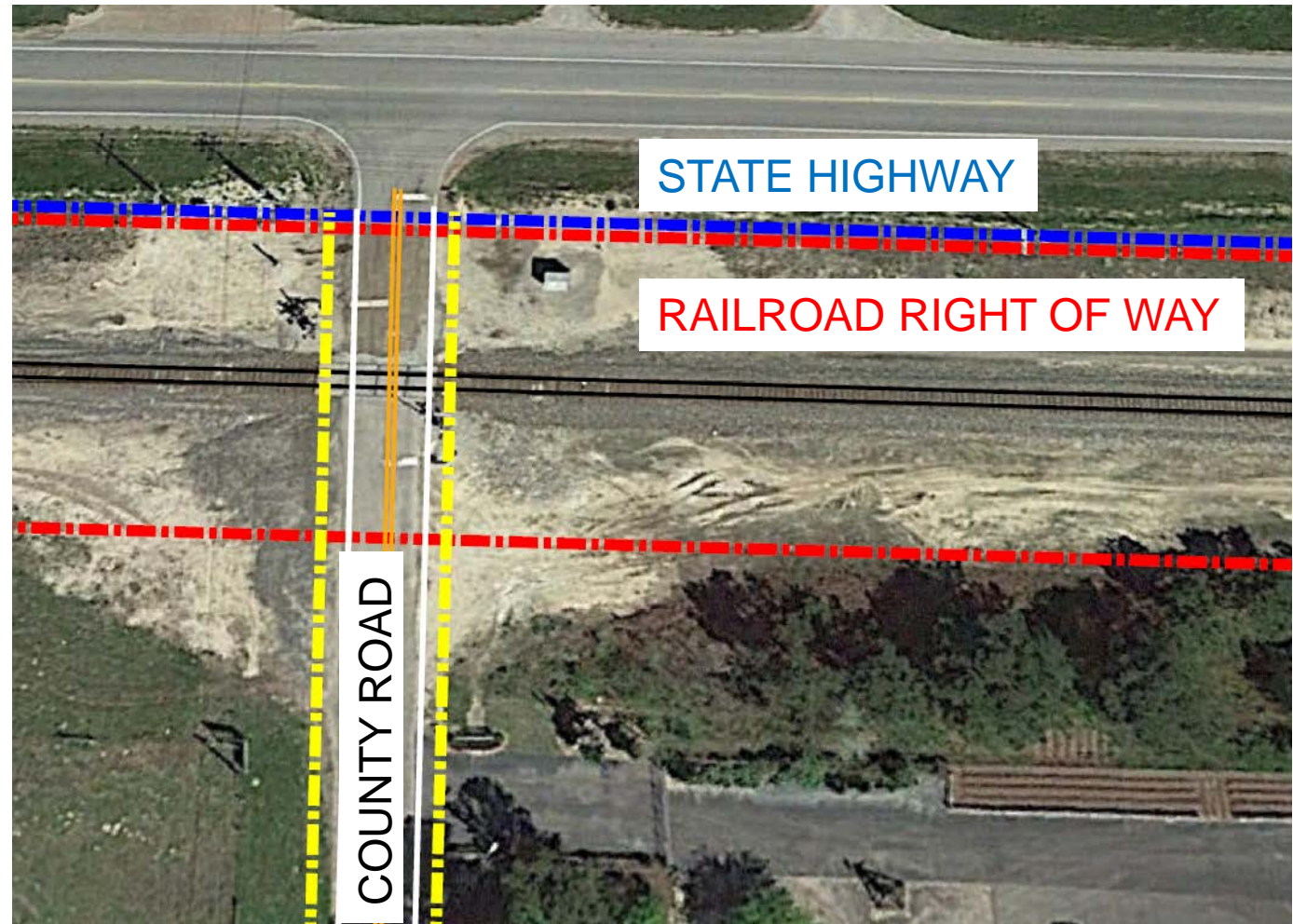
BNSF Network

- **32,500 route miles**
in 28 states and 3 Canadian provinces
- **Serves over 40 ports**
- **30,112 total crossings**
17,000 Public at-grade
8,471 Private at-grade
2,153 Underpasses
2,302 Overpasses
- **6,322 crossings closed**
since year 2000



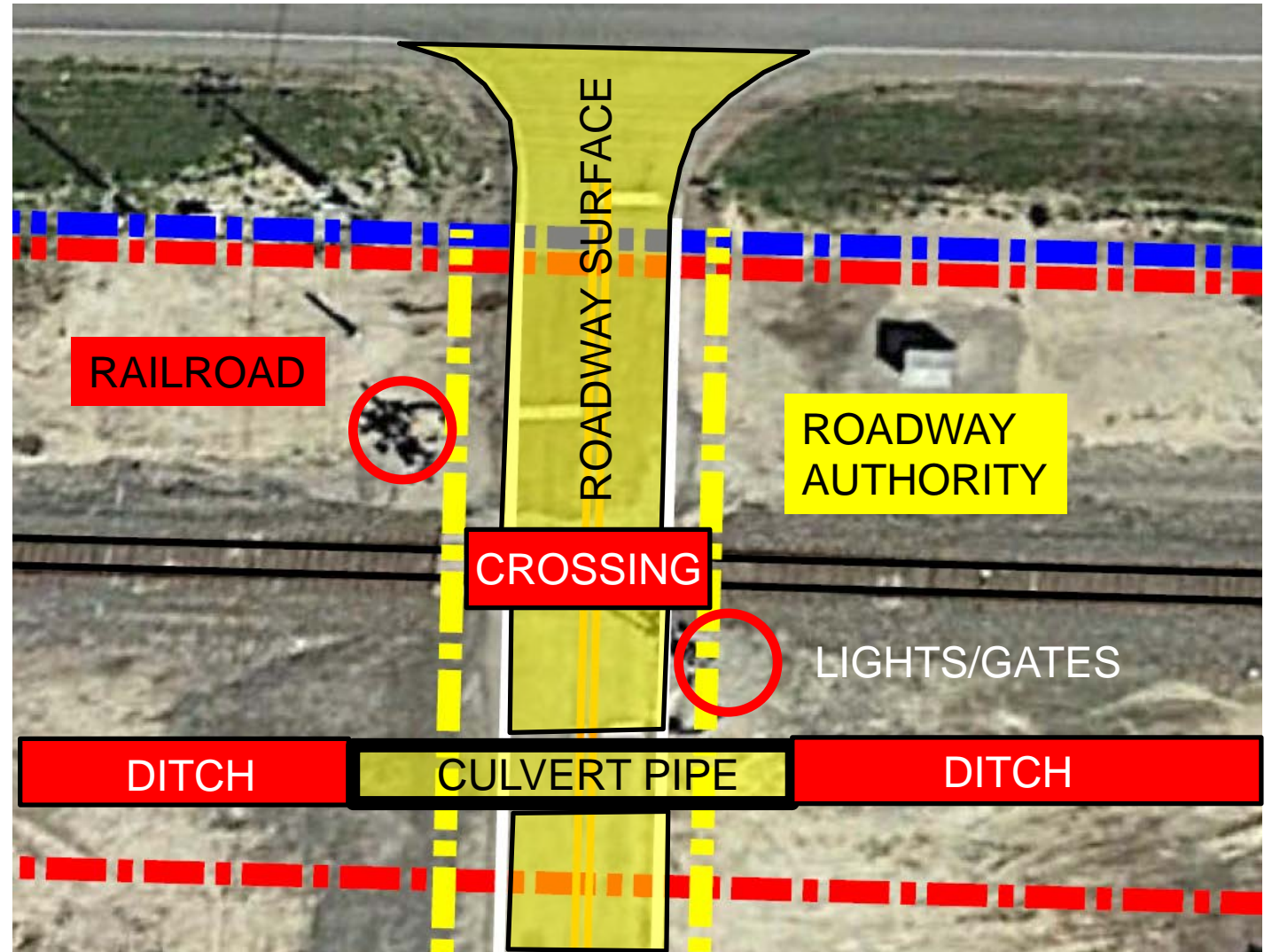
Roadway and Railroad RIGHT OF WAYS

Public roadways cross private railroad right of ways typically by an easement or agreement from the railroad company.



Roadway and Railroad Maintenance

Prior to a road crossing, typically open ditches existed along the track.



Railroad Flagger(s)

- BNSF-approved Contract Flagger
- Conducts Job Safety Briefings
- Communicates with trains and on-track equipment
- Provides notice of approaching trains and on-track equipment:
 - Contractor work is stopped and/or is moved clear of track
- Provides notice when track is clear:
 - Contractor work resumes
- Some projects require additional flaggers



The Cost of Railroad Flagger(s)

- Paid by the Agency or Contractor
- Paid a minimum 8-hour work day
- Expect additional 1 to 2 hours at start and end of day to set up and take down signs and verify working limits with train dispatcher and travel time to site.
- Overtime and Holiday Pay rates
- Could exceed over \$1,000 per day



Type of work requiring railroad flagging

Work that could affect:

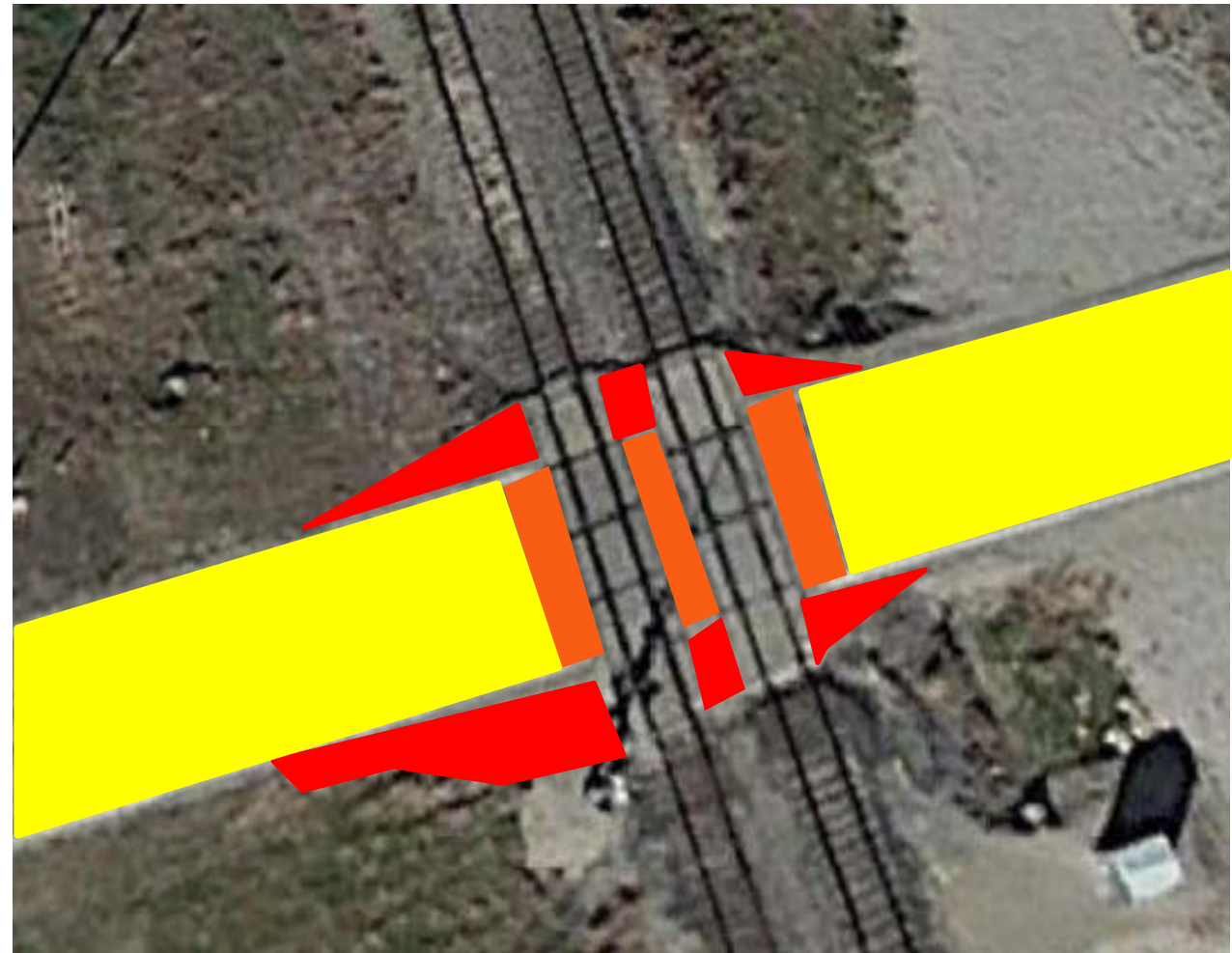
- Safety of railroad employees
- Track stability
- Track alignment
- Train or on-track equipment operations
- Communications, Signaling or Warning Device systems

It could include work activities greater than 25' from a track.



Examples of work requiring railroad flagging

- Removal of excess asphalt
- Grinding / milling asphalt
- Paving roadway approaches



Examples of work requiring railroad flagging

- Demolition of existing overpass
- Cranes lifting beams over or adjacent to track
- Pile driving where boom could fall-over within 25' of track
- Installing and removing falsework



- Contractor's Requirements
 - Contact Information
 - Contractor Safety Orientation: www.BNSFContractor.com
 - Railroad Requirements
- Contractor's Right of Entry Agreement
 - Required indemnification
 - Required insurances
 - Reimbursement for Train Delays

Obtaining a Right of Entry (ROE) Agreement

1. BNSF receives Notice from Agency
2. Agency's Contractor requests ROE:
 - Scope of Work
 - DOT Number
 - Project Location
 - Contractor Information
3. BNSF Manager Public Projects prepares ROE:
 - Create Vendor ID for Contractor
 - Write Agreement
 - Obtain BNSF Contract Number
 - Submits Agreement and Contract Number to Contractor

BNSF process to obtain Right of Entry



4. Contractor completes and returns ROE to BNSF
5. Contractor submits insurance documents
6. BNSF Insurance Review:
 - Any exceptions provided for Contractor to re-submit
 - Insurance is approved
7. BNSF Manager Public Projects returns fully executed ROE

1. Agency or Contractor enter into agreement with BNSF-approved Flagging Contractor
2. Contractor schedules flagger(s) – 10 days minimum notice to Start & 5 days notice to Stop
3. Contractor schedules an on-site job safety briefing with Railroad Flagger and BNSF Representative

How much time to expect

30 days minimum for ROE

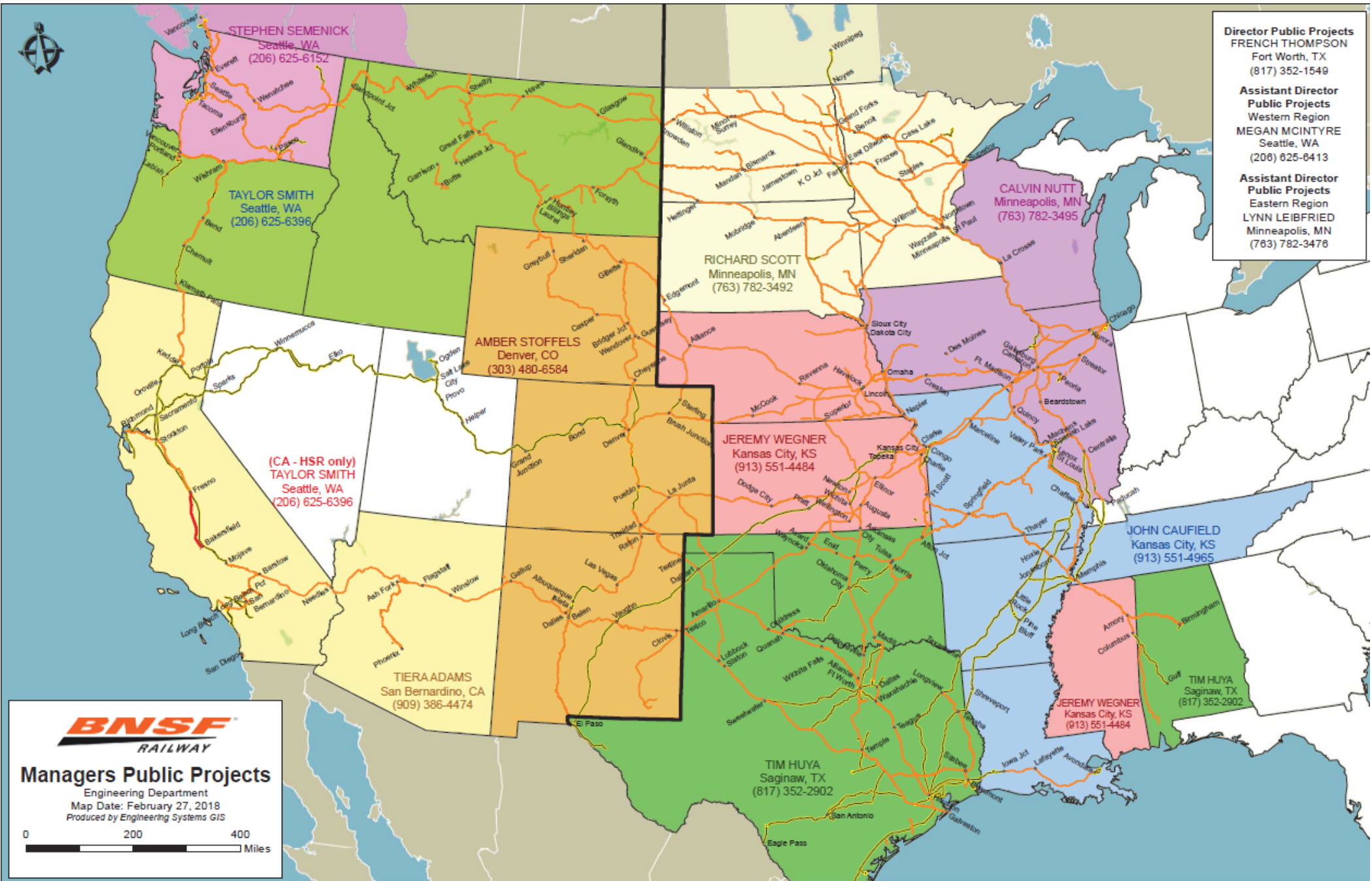
15 - 30 days for scheduling

PLAN FOR 45 – 60 DAYS

Director Public Projects
FRENCH THOMPSON
 Fort Worth, TX
 (817) 352-1549

Assistant Director Public Projects
 Western Region
MEGAN MCINTYRE
 Seattle, WA
 (206) 625-6413

Assistant Director Public Projects
 Eastern Region
LYNN LEIBFRIED
 Minneapolis, MN
 (763) 782-3476



BNSF
 RAILWAY

Managers Public Projects
 Engineering Department
 Map Date: February 27, 2018
 Produced by Engineering Systems GIS

0 200 400
 Miles



BEST PRACTICES RELATED TO FLAGGING

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 | 512.463.8568 | 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 21B 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 21B. 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  PC Date 1-8-2018

Robert Travle, 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.
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- 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
 - Railroad assigns their own internal number, acknowledges or nothing

Scope of Work Sheet

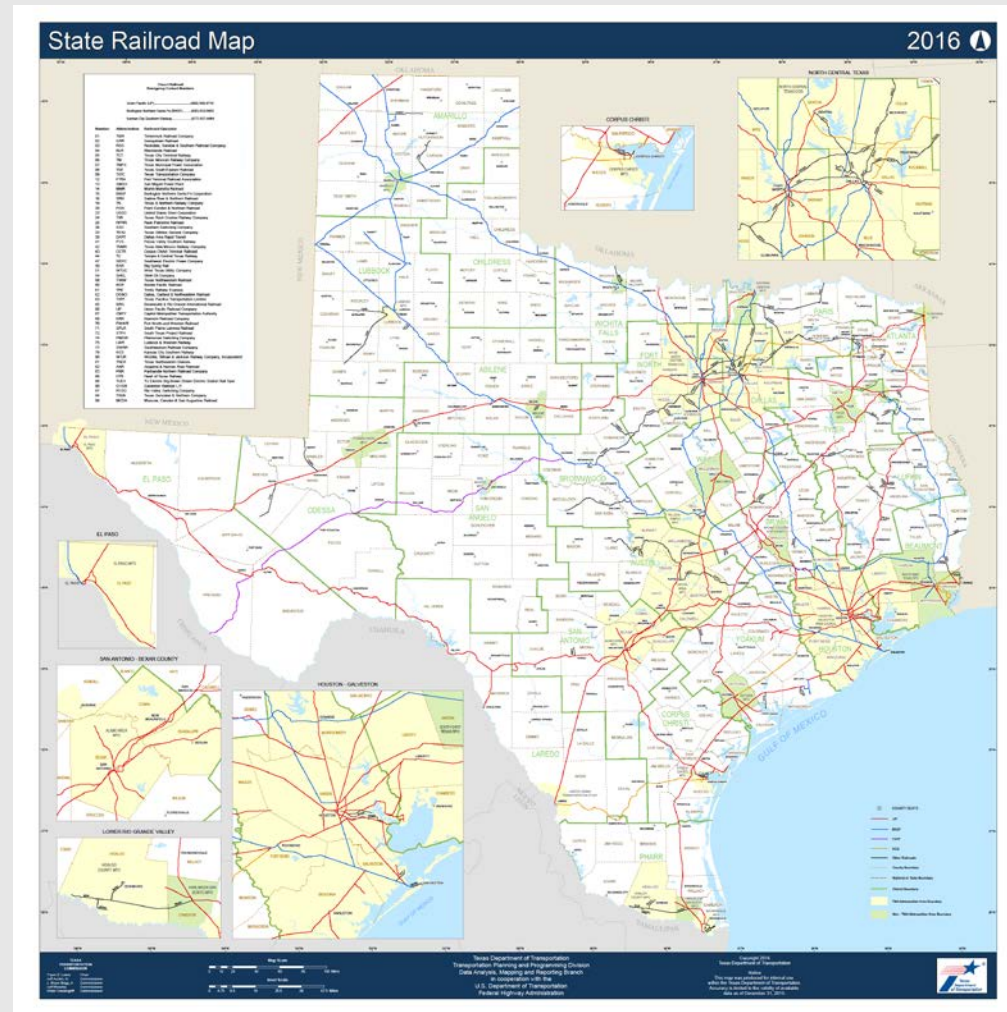
- Scope of Work Sheet and sample Bridge and non-Bridge requirements sheets located at:
<http://www.txdot.gov/inside-txdot/division/rail/requirements.html>

- 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



Ok, what about the other 60+ Railroads



Class III Railroad Outreach

- Is the work maintenance or part of larger C&M Agreement?
- Most Railroads are part of a larger Corporation
- Corporation/ Railroad specific 2 page flagging agreement
- Pay Actual cost
- Either hard signature or Electronic Signature

Sample 2 Party Flagging Agreement

DocuSign Envelope ID: 673925E3-D888-4670-B3D7-8C742B407C5C



125 EAST 11TH STREET | AUSTIN, TEXAS 78701-2483 | (512) 463-8588 | WWW.TXDOT.GOV

March 05, 2019

Brooks County, etc
CCSJ 0102-07-045
Actual CSJ 1429-01-035
DOT 435689M, RRMP 28.65
FM 2557 in San Juan, Texas
Mission Subdivision

Mill and Overlay Notification

Mr. Barry McClure
Executive Vice President
Iron Horse Resources
Rio Valley Switching Company
1575 North Green Mount Road, Suite 300
O'Fallon, Illinois 62269-1073

Dear Mr. McClure:

Please be advised that the State and/or the State's Contractor plan to perform at the State's expense, necessary maintenance work at the above-referenced location. This work consists of installing, maintaining traffic control devices, milling and overlay of the roadway, pavement markings at the Railroad crossing.

This letter is your company's authority to provide flagging of trains as needed for safe operation and work conditions. Under terms of this agreement, you are authorized to charge an estimated \$500 per day for railroad flagging. The actual cost to your company will be reimbursed on a force account basis. Higher rates may be approved for overtime work or flagging performed at night or on weekends and holidays. The estimated time frame for work to be performed in this area is four (4) days for a total estimate amount of \$2,000. Reimbursement to your company is at actual cost based on reasonable, usual, and verifiable audited overhead rates. The Railroad may submit monthly bills, prepared in satisfactory form, for work performed as described in this agreement. Payment will be made within thirty (30) days from the State's receipt and approval of the Railroad's request for reimbursement.

The State shall require the State's Contractor to provide Railroad Protective Liability Insurance and a Right-of-Entry Agreement before commencing any work on Railroad's property.

To arrange flagging, the State shall require the State's Contractor to contact Patrick Johnson at (956) 974-9111 or email address patrick@riovalleyswitching.com before beginning any work on this project.

Should you need a local TxDOT contact for this project, please call our Pharr District Railroad Coordinator Joe Mendez, at telephone number (956) 702-6146.

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OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

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Questions?

- Robert Travis, P.E.

Rail Highway Section Director

Rail Division

Robert.travis@txdot.gov

(512) 416-2635

Rail Highway Website

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

Questions & Discussion



For More Information

Product Leads:

Katie Hulbert

FHWA Sponsor

kathleen.hulbert@dot.gov

Kate Kurgan

AASHTO Co-Product Lead

kkurgan@ashto.org

Pam Hutton

AASHTO Co-Product Lead

phutton@ashto.org

Hal Lindsey

R16 Project Manager

hal.lindsey@jacbos.com

Presenters:

Robert Travis, TxDOT

Rail Highway Section Director

robert.travis@txdot.gov

Tim Huya, BNSF

Manager, Public Projects

tim.huya@bnsf.com

Additional Resources:

GoSHRP2

fhwa.dot.gov/GoSHRP2

Website:

AASHTO SHRP2

<http://shrp2.transportation.org>

Website:

R16 Product

<http://shrp2.transportation.org>

Page

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