Best Practices Related to Flagging Agreements

March 21, 2019

Please use this call-in number:
(877) 336-1839
Participant code:
1500236
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.

$155 million

FUNDING ASSISTANCE

63

SHRP2 SOLUTIONS

430+

PROJECTS IMPLEMENTED

DOT
52 Recipients

MPO/LOCAL
30 Recipients

UNIVERSITY
12 Recipients

FEDERAL/TRIBAL
7 Recipients

RENEWAL
230+

CAPACITY
100+

RELIABILITY
90+

SAFETY
11
SHRP2 Implementation:
INNOVATE. IMPLEMENT. IMPROVE.
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.
• 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
• 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](http://shrp2.transportation.org/Pages/R16_InnovationLibrary.aspx)
R16 Innovation Library-State

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

- Contractor’s Requirements
  - Contact Information
  - Contractor Safety Orientation: [www.BNSFContractor.com](http://www.BNSFContractor.com)
  - Railroad Requirements
- Contractor’s Right of Entry Agreement
  - Required indemnification
  - Required insurances
  - Reimbursement for Train Delays
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
Prior to Start of Work

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
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

- 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
Best Practices Related to Flagging Agreements

March 21, 2019

Maintenance Notification Letter

Texas Department of Transportation

January 10, 2018

MAINTENANCE NOTIFICATION

Bexar County
900.01.15.12.7.89
Project: SF7-03
Client: Southwest
Contractor: Bowden
CH 218 in San Antonio, Texas

Roadway Maintenance

Brian Kasper
Manager, Construction Services
924 S. Alamo Street
Spring, Texas 77379

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 in the State's interest. The type of work for this project consists of cutting and placing the roadway and replacing the return signal head on the control of SA-110 and 1421A. A public hearing notice has been advertised for reference.

The State and/or the State's Contractor shall complete flagging operations with a flagger for service of flagging for these types of flagging. Services are being provided by the District's Personnel with Public Safety, an agreement with the County of Bexar and SA-110. Also, the Public Hearing Notice has been advertised for reference.

The State and/or the State's Contractor shall complete flagging operations with a flagger for service of flagging for these types of flagging. Services are being provided by the District's Personnel with Public Safety, an agreement with the County of Bexar and SA-110. Also, the Public Hearing Notice has been advertised for reference.

The State and/or the State's Contractor shall complete flagging operations with a flagger for service of flagging for these types of flagging. Services are being provided by the District's Personnel with Public Safety, an agreement with the County of Bexar and SA-110. Also, the Public Hearing Notice has been advertised for reference.

If you have any questions, please contact Mr. Kasper at (210) 651-3024 or via email at B.Kasper@txdot.state.tx.us. For additional information, please contact Mrs. Murphy.

Sincerely,

By /s/ John P. Rees

Date 1-8-2018

Robert Travis, M.C.
Railway District Director
Railroad Division

March 21, 2019
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
- 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:
  

- 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
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

Texas Department of Transportation

March 05, 2019

Brooks County, etc.

OSU 06200175-649

Actual CSI: 09-01-159-02-00

OCT 236512001, RPM 08.09

FM 1359 in San Juan, Texas

Mission Industrial

Mail and Overlay Notification

Mr. Barry McClure

Executive Vice President

TNT Horse Transportation

Barretts Mercantile Company

1375 North Green Mound Road, Suite 300

O’Fallon, Illinois 62269-2072

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, milking 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 time and material basis. Hourly rates may be applied for overtime work or flagging performed on nights or on weekends and holidays. The estimated time frame for work to be performed in this area is 15 days for an estimated amount of $7,500. Reimbursement to your company is at actual cost based on equipment, labor, and materials used to perform the work. 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-Way 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 (555) 972-6111 or email address patrick@roadsafetyfirst.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) 702-6161.
Questions?

- Robert Travis, P.E.
  Rail Highway Section Director
  Rail Division
  Robert.travis@txdot.gov
  (512) 416-2635

Rail Highway Website

Questions & Discussion
For More Information

Product Leads:

Katie Hulbert
FHWA Sponsor
kathleen.hulbert@dot.gov

Kate Kurgan
AASHTO Co-Product Lead
kkurgan@aashto.org

Pam Hutton
AASHTO Co-Product Lead
phutton@aashto.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
Website: fhwa.dot.gov/GoSHRP2

AASHTO SHRP2
Website: http://shrp2.transportation.org

R16 Product Page
http://shrp2.transportation.org/Pages/R16_RailroadDOTMitigationStrategies.aspx