## Note: This template is used when the Certified LPA is the “Agency” that owns the contract on a federal project.

**Version Date: 08/27/2020**

**[INSTRUCTIONS]:**

* Yellow highlighted areas include instructions that should be deleted prior to release.
* Blue highlighted areas indicate text or fields that need information provided or revised.
* “Agency” means the Certified LPA as defined in the Contract.
* If there is work within 500 feet of a Railroad contact ODOT Commerce and Compliance Division (CCD) Crossing Safety Unit.
* The Single Point of Contact with the railroad for this project will be ODOT’s State Utility and Railroad Liaison, unless otherwise agreed to, to ensure consistent communications between all parties.
* If design changes once the Railroad has provided signed plans that affect the Railroad area, then the process starts all over.
* Each submittal to the Railroad take approximately 30-45 (this is the standard, but can take longer) days to approve or provide review comments.
* Advanced and Final plan reviews are about 6 months apart and it takes 6 months for RR approval after final plans.
* **Pick and choose the tasks and deliverables that apply to your project. For entire subtasks that are not needed, leave the task number, add “RESERVED” after the task title, and delete task text.**
* This template is capturing the majority of the projects. The template language must be revised if needed for specifics applicable to the current project (including deletion of requirements that don’t apply).

**Delete instructions throughout the document before executing Contract or amendment. Deletions can be automated as follows:**

* From the “Edit” menu (or “Editing” menu on the “Home” ribbon) select “Replace”;
* With cursor in the “Find what” field, click “More” button, then “Format” then “Font” , then in the font field select “Times New Roman” text ;
* Leave the “Replace with” field blank;
* Click “Replace All”. This will delete all yellow highlighted text.]

**Task 9 Railroad Coordination and Support**

The purpose of this task is to prepare the ODOT Railroad Crossing Order Application and to coordinate design efforts with [insert Railroad(s) and Agency].  The single point of contact for this Project will be [insert ODOT or Agency here.] [In some local rail crossing projects ODOT Commerce and Compliance Division (CCD) Crossing Safety Unit is the primary party to the railroad and they will have another separate agreement with the railroad].

**9.1 Railroad Coordination and Correspondence**

Consultant shall coordinate with ODOT/Agency to gain approval from Railroad to [insert type of approval to be gained for example: upgrade the crossing to current standards and to accommodate bicycle and pedestrian facilities].

Right of Entry: Consultant shall be responsible to obtain any Right-of-Entries (“ROEs”) from the Railroad for the purposes of the location survey and foundation design of the Project.  ODOT/Agency will provide ROE examples and sign ROE for Consultant as required.

[If already done in the last year, delete paragraph] On-Site Field Diagnostic Review: Consultant shall coordinate with ODOT Commerce and Compliance Division (“CCD”) Crossing Safety Unit to schedule a diagnostic review. ODOT CCD will set up the meeting with all required stakeholders. Consultant shall attend an on-site field diagnostics review with the stakeholders per 23 CFR 646 Part B. Up to 2 Consultant staff members shall attend the Diagnostic review meeting.  For budgeting purposes, the meeting will be no more than 2 hours effort, including travel time and preparation.

***NOTES:***

* ODOT/Agency will provide Railroad a Notice to Proceed, or Railroad specific requirements prior to the on-site diagnostic review if required by the Railroad.
* ODOT/Agency and Consultant shall coordinate with Railroad as needed to obtain Railroad flagging.
* Railroad will provide the actual Railroad flagging and on-track-safety at a cost to ODOT/Agency.
* Consultant staff that attends any on-site meeting or need to be out on Railroad property shall have proper Railroad safety credentials and shall contact Railroad prior to entering Railroad property.
* ODOT/Agency will submit the needed Railroad permit requests for obtaining permissions, reviews, and approvals from the Railroad even when Consultants are providing the needed technical documents.
* ODOT/Agency will bear the direct cost of obtaining permissions, reviews, and approvals from the Railroad.

Additional Meetings between consultant and RR will be estimated before start of the work and budget allotted accordingly.

**9.1 Consultant Deliverables and Schedule**

Consultant shall provide:

* [Delete if not used]On-Site Field Diagnostic Review Meeting summary due within 7 calendar days following meeting to ODOT CCD and APM and all meeting attendees.
* A copy of the Railroad approved Right of Entry form to ODOT CCD and APM within 5 calendar days of receiving it.

**9.2 Design**

Consultant shall prepare design plans with ODOT/Agency for Railroad’s Engineering review.  ODOT/Agency will submit all design plans to Railroad for their review and approval. Consultant shall coordinate and meet with Railroad, if required to gather feedback, incorporate modifications, and gain concurrence for the final design.

Consultant shall prepare and revise the drawings and reports needed for each submittal to Railroad for review and approval as listed below:

Reports

* + Geotechnical report supporting foundation and backfill design regarding bridges and retaining walls if required by Railroad
  + Drainage report if the project changes existing drainage patterns or changes flow within Railroad property that would affect Railroad operations or property

Preliminary Plans [modify as needed]

* + Plan, elevation, typical section to include but not limited to any future track that Railroad will require, the final horizontal & vertical clearances as outlined in the latest approved BNSF Railway – Union Pacific Railroad guide lines for Railroad Grade Separations manual and the and the existing property limits.
  + All Drainage sheets within 500 feet of the Railroad
  + Title sheet showing project location
  + DET1200 sheet found on ODOT web site for standard details
* Footing locations if applicable
* Construction phasing plans

Advanced Plans

* Response to Railroad review and comments from Preliminary Plans submittal and revise plans and design as required by the Railroad
* Additional plan sheets as required by Railroad for their review

Final Plans

* + Final signed Railroad plans for inclusion into the Rail Order and the Construction and Maintenance (“C&M”) agreement

Utility Crossings Permits:Consultant shall prepare the appropriate Railroad on-line application forms for new ODOT/Agency utility crossings associated with the Project.  Consultant shall coordinate with ODOT/Agency for submittal of utility permits.  ODOT/Agency will execute the utility permits.

***Notes:***

* The Railroad states that the procedures and submittals as described in the Guidelines for Railroad Grade Separation Projects manual are subject to change without notice. ODOT/Agency and Consultant will cooperate with Railroad if these changes occur with the intent all procedures and submittals are meeting Railroad requirements.
* Consultant staff that attends any on-site meeting or need to be out on Railroad property shall have proper Railroad safety credentials and shall contact Railroad prior to entering Railroad property.
* ODOT/Agency will bear the direct cost of obtaining permissions, reviews, and approvals from the Railroad.
* One ODOT/Agency utility crossing permit is assumed for estimating purposes.
* Private Utilities will acquire their own Utility crossing permits from the Railroad as needed.
* Railroad will require submittal of the plan sheets that affect the Railroad facilities (Railroad plans) to be final signed plans prior to any final approvals from the Railroad.
* The Rail Order and the C&M agreement cannot be finalized until the Railroad approves the final signed Railroad plans.
* The Railroad milepost and the US Department of Transportation number will be supplied by ODOT.

**9.2 Consultant Deliverables and Schedule**

Consultant shall provide:

* + Preliminary Plans including the Geotechnical and Drainage report per the schedule developed in Task 1 Project Management.
  + Advanced Plans due per the schedule developed in Task 1 Project Management.
  + Final signed Plans due per the schedule developed in Task 1 Project Management.

**9.3 ODOT Railroad Crossing Order Application**

The Project includes one or is within 500’ of Railroad crossing.  Consultant shall prepare the ODOT Railroad Highway Public Crossing Order application including the exhibits and other technical information for submission to ODOT CCD Crossing Safety Unit to review.

Upon receipt of ODOT CCD comments, Consultant shall revise the Railroad Crossing Order application and appendix drawings on behalf of the Road Authority and/or Railroad for their signature and submission and submit the Final Railroad Crossing Order Application 6 months prior to final PS&E.

**[Disclaimer: The Crossing Order process can take anywhere from 3-6 months for a non-contested process, whereas a contested process can take a year or more.]**

**9.3 Consultant Deliverables and Schedule**

Consultant shall provide:

* ODOT Railroad-Highway Public Crossing Order application to ODOT CCD 6 weeks following the acceptance of the DAP per the schedule developed in Task 1 Project Management. Submit copies to the APM.
* Crossing Order Application for finalization to ODOT CCD with copies to APM due 6 months prior to Final PS&E per the schedule developed in Task 1 Project Management.

**9.4 Construction and Maintenance Agreement Support**

Consultant shall prepare the C&M agreement and coordinate with ODOT/Agency to provide supporting information as required. Consultant shall provide drawings in a format acceptable to the Railroad consisting of supporting materials as exhibits as required for ODOT/Agency to execute the agreement with the Railroad.  ODOT/Agency will be responsible for paying all Railroad fees associated with said agreement.

ODOT/Agency will execute the C&M Agreement with the Railroad.

**9.4 Consultant Deliverables and Schedule**

Consultant shall provide:

* + Draft C&M agreement to ODOT/Agency within three weeks of the submittal of Advanced Plans.
  + Final C&M agreement to ODOT/Agency no later than 24 weeks prior to bid date.