



Illinois Department of Transportation

Memorandum

To: Studies and Plans Squads PPM 10-10
From: Dennis L. Markwell By: B. Trygg Revised: T. Brandenburg
Subject: Railroad Coordination and Liability Insurance
Date: April 23, 2003 Revision Date: November 10, 2003

PLAN PREPARATION MEMORANDUM 10-10

BACKGROUND

This memorandum supercedes Plan Preparation Memorandum 89.193P, Special Provision Policy 89.116S, and Special Provision Policy 89.117S. Additional guidance is found in the Federal-aid Policy Guide (*FPG*, Chapter 1, Subchapter G, Part 646, Subpart A).

PROCEDURE

Railroad involvement with highway project

Railroad Companies require lead time to review and process Agreements, Permits, Land Acquisition, etc. The Studies & Plans Squad shall include discussion of potential railroad coordination issues at the scoping field check.

Railroad Identification, Flagmen, and Contact

Highway-Railroad crossings are identified by a unique DOT/AAR number. This number shall be included on the plans or contract documents for reference of the crossing.

A Local railroad contact is required in the plans as well as a contact for acquiring railroad flagmen. The contact names are available from the Railroad Coordinator in Project Support. General Note 107.12 shall be utilized in all contracts involving railroads for this purpose.

Railroad Liability Insurance

The District is responsible to determine if Railroad Protective Liability Insurance is needed for each project. The Studies & Plans squad is responsible to request a Railroad Protective Liability Form from Project Support if the squad suspects construction work could encroach on or across railroad right-of-way at any time. Examples of construction work requiring Railroad Protective Liability Insurance includes, but is not limited to the following:

- Any construction on railroad right-of-way.
- Painting structural steel at a railroad grade separation.
- Any time a crane boom could pass over railroad right-of-way.
- Any time a paver or any rollers would cross or contact a railroad crossing.
- Backhoe work that could encroach on railroad right-of-way.

The Railroad Coordinator in Project Support will verify the need for Railroad Protective Liability Insurance, notify the affected railroad of proposed improvements, and provide necessary completed Railroad Protective Liability Forms to the Studies and Plans squad. The completed form, BDE Checksheet "Railroad Protective Liability Insurance" shall be included in the Special Provisions for the contract.

Information supplied on the Railroad Protective Liability Form includes:

- Railroad(s) to be named insured. In some instances, railroads other than the track owner may require naming.
- The number and speed of Freight and Passenger trains for each named railroad.
- Railroad contact person addresses and telephone numbers for train operations and insurance requirements.
- The amounts of insurance coverage, if it is higher than the specified amount in Section 107.11 of the Standard Specifications.

Compensation for higher coverage is allowed in cases involving real and demonstrable danger of appreciably higher risks. If the Railroad requests higher coverage, Project Support shall request and obtain approval for additional coverage from the Central Bureau of Design & Environment, Preliminary Engineering Section (BDE), before including the additional coverage on the form. The request must include all information requested by the FPG and allow time to process a request with the FHWA.

Insurance for Abandoned Railroads

Occasionally work will be completed on Abandoned Railroad Right-of-way. The railroad may still own the property and will be concerned about liability in case of an accident.

Insurance requirements listed in Article 107.11 and Recurring Special Provision for an abandoned railroad do not apply for abandoned railroads. To address Railroad needs for insurance, an additional job specific special provision shall be included requiring the addition of the Railroad Company in Article 107.27 b(3). This information shall be supplied by the District Land Acquisition Section.