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This ITD Railroad Guide provides information and procedures for the Idaho Transportation Department (ITD) regarding the State Highway System and local roadway improvement projects using State or Federal-aid funds that encroach onto railroad property. This Guide is available electronically at the following web site <http://itd.idaho.gov/manuals/ManualsOnline.htm>.

SECTION 110.00–DEFINITION OF TERMS & ACRONYMS

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| Agreement or Permit | A general term referring to a signed document between two or more parties outlining conditions each signing party must adhere too, including any monetary compensation. All attachments included (plans, estimates, special provision, etc.) and references are part of the agreement or permit. |
| CFR | Code of Federal Regulations |
| CO | Change Order |
| CPM | Critical Path Method |
| District | Refers to one of the six districts that ITD is divided into geographically. |
| DRI | District Record Inspector |
| Easement | A type of property right. |
| Encroach | To entry onto property. |
| FA | Federal Aid |
| FHWA | Federal Highway Administration |
| FRA | Federal Railroad Administration |
| Highway | A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way. |
| IC | Idaho Code |
| Idaho Transportation Board | Governing body of the Idaho Transportation Department established by Idaho Code 40-301 . |
| IPUC | Idaho Public Utilities Commission |
| ITD | Idaho Transportation Department |
| ITIP | Idaho Transportation Improvement Program |
| LPA | Local Public Agency |
| LHTAC | Local Highway Technical Assistance Council |
| LRFA | Local Rail Freight Assistance |
| MUTCD | Manual on Uniform Traffic Control Devices as adopted by the Idaho Transportation Board in accordance with Idaho Statute 49-201. |
| Railroad Company | An entity comprised of any person, private company, public entity, or cooperative owning and/or operating railway and each and every branch or extension together with all tracks, bridges, trestles, rights of way, subways, stations, tunnels, depots, yards, terminals, terminal facilities, structures and equipment, and all other real estate, fixtures and personal property of every kind used in connection for use in the transportation of persons or property. |
| RE | Regional / Resident Engineer working for ITD. |
| Right-of-Entry | A type of property right. |
| Right-of-way | A general term denoting land, property, or interest therein, acquired for or |

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| | devoted to transportation purposes. |
| State Highway System | Highways or sections of highways designated by the Idaho Transportation Board as part of the system. The system is basically comprised of highways designated as State Highways (SH), US Highways (US), and Interstates (I). |
| STIP | Statewide Transportation Improvement Program |
| STP | Surface Transportation Program |
| USC | United States Code |

SECTION 115.00—LAWS & REGULATIONS

115.01 Idaho Code. The following are sections of Idaho Statutes relevant to Railroad Companies and rail-highway crossings.

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| Title 18-Chapter 60 | Mandates crimes and punishments relating to Railroad Corporations and rail-highway crossings. |
| Title 33-1508 | Requirements for school buses stopping at railroad tracks. |
| Title 40-311 | Gives the Idaho Transportation Board authority to acquire right-of-ways or easements deemed necessary for present or future state highway purposes. |
| Title 40-2309 | Allows for highways to cross railroads without danger or delay and no damage to be awarded to the railroad for right-of-way secured by a court judgment for highway crossing. |
| Title 49-202(25) | Mandates stop signs at all railroad crossings without electric or mechanical warning signals except when a recognized engineering study determines the existence of a stop sign at the location would constitute a greater hazard. |
| Title 49-221 | Requires railroads to remove visual obstructions on their property at crossings. |
| Title 49 Chapter 6 | Requirements and limitation when stopping or driving vehicles or heavy equipment near or across railroad tracks. |
| Title 49-710 | Limits pedestrians crossing railroad track when gates or barriers are activated. |
| Title 49-805 | Illegal to display unauthorized traffic or railroad signs. |
| Title 49-1420 | Illegal to damage or deface traffic or railroad signs. |
| Title 49-1425 | Railroad trains are not to unnecessarily block highway traffic. |
| Title 49 Chapter 29 | Establishes the Rail Service Preservation Program. |
| Title 54-4105 | Outlines when an appraisal for property value is required. |
| Title 61 All Chapters | Establishes the Idaho Public Utility Commission and specifies the authority to regulate activities of the Railroad Companies within the State. |
| Title 62 Chapter 1, 2, 3, and 4 | Gives authority for the Railroad Companies to construct and operate within the State of Idaho and specifies those activities regulated by the State. |

115.02 ITD Manuals. This guide is to be used in conjunction with the following ITD Publications. The policies, procedures and standards set forth in these publications take precedence over this guide.

- Access Management Policy: Standards and Procedures for Right-of-Way Use
- Contract Administration Manual
- Current ITD Standard Specification for Highway Construction including the applicable Supplemental Specifications
- Design Manual
- District Record Inspection Manual
- Financial Services Manual
- Maintenance Manual

- Manual on Uniform Traffic Control Devices (MUTCD) as adopted by ITD
- Right-of-Way Procedures Handbook
- Traffic Manual

115.03 Code of Federal Regulations. For highway improvement projects using Federal-Aid funds that encroach upon or require services from a Railroad Company, ITD must adhere to the requirements in the 23 CFR Chapter 1:

- Subchapter B, part 140
- Subchapter G, part 646
- Subchapter H part 710 and part 924
- and any related amendments or supplements which are in effect.

SECTION 120.00–UTILITY/RAILROAD UNIT

The Utility/Railroad Unit in the Roadway Design Section of ITD is headed by the Utility/Railroad Supervisor who reports to the Roadway Design Engineer. There are two (2) Utility Coordinators and a Rail-Highway Safety Coordinator to assist the Utility/Railroad Supervisor with the mission and function of the Utility/Railroad Unit (see [Appendix A –ITD Organization Complement](#)).

The Utility/Railroad Unit is committed to providing quality assistance for the State Highway Development Program involving Railroad Companies. The function of the Utility/Railroad Unit is to:

- Coordinate and assist ITD Districts and Headquarters to secure Railroad Agreements/easements.
- Assist to resolve conflicts with Railroad Companies during highway improvement activities.
- Ensure the State and Federal laws, policies, and procedures are followed for Railroad Agreements/easements.
- Maintain records of Railroad Agreements/easements.
- Provide training regarding ITD Railroad policy and procedures.

The Utility/Railroad Unit has overall responsibility to prepare and maintain all agreements between ITD and the Railroad Companies. The Utility/Railroad Unit will assist in preparing and executing Railroad Agreements for a Local Public Agency (LPA) using Federal or State-Aid funding. A list of existing Railroad Agreements is available electronically at the following web site <http://itd.idaho.gov/apps/utilityrrreader/> or by clicking “Applications” on the ITD Intranet and going to “Railroad/Utility.”

SECTION 125.00–RAIL-HIGHWAY SAFETY COORDINATOR

The Rail-Highway Safety Coordinator reports directly to the Utility/Railroad Supervisor in the Roadway Design Section at ITD Headquarters. The Rail-Highway Safety Coordinator is responsible for:

- The State FRA Crossing Inventory.
- FRA Crossing Incident Reporting.
- Inspection of all public rail-highway crossings for compliance with FRA Regulations.
- Inspection of all rail-highway crossing advance warning signs and pavement markings.
- Assists in selecting rail-highway crossing construction up-grades based upon the FRA Priority Index and engineering studies with the Highway Districts.

The Rail-Highway Safety Coordinator coordinates all aspects of public rail-highway crossings in Idaho with the Railroad Companies, Local entities/stakeholders and ITD.

The Rail-Highway Safety Coordinator is an Idaho Operation Lifesavers Board Member.

SECTION 130.00–RAIL PLANNER

The Rail Planner in the ITD Division of Transportation Planning administers the Idaho Rail Service Preservation Program [Idaho Code 49-29](#) and the federal Local Rail Freight Assistance (LRFA) Program or other eligible federal programs that may become available. The primary focus of ITD regarding rail planning shall be directing efforts to ensure that an efficient rail network be integrated into the Idaho transportation system, and to preserve rail lines which are essential to the overall transportation system.

The Rail planning activities include:

- shipper surveys;
- data collection;
- rail line inspections and needs assessments;
- development of rail rehabilitation projects;
- preparation of benefit/cost analyses for potential rail projects and project applications;
- working with railroads, shippers, public agencies, etc. on various rail issues, such as branch line sales to short lines, rail abandonment, rail mergers, rail passenger issues etc.;
- preparation of the State Rail Plan and updates/amendments thereof, plus a number of other rail planning documents;
- negotiations and preparation of rail construction agreements;
- working with ITD District construction personnel in overseeing and monitoring rail construction activities.

According to [Idaho Code 49-2904](#), ITD shall prepare and periodically update a state rail plan, a primary objective is to identify, evaluate and encourage the preservation of essential rail services. The plan shall:

- Identify and describe the state's rail system;
- Prepare state rail system maps;
- Identify and evaluate mainline capacity issues in cooperation with the railroads;
- Identify and evaluate rail access and congestion issues;
- Identify and evaluate rail commodity flows and traffic types;
- Identify lines and corridors that have been rail banked or preserved;
- Identify and evaluate other rail issues affecting the state's transportation system and regional and local economies;
- Identify and evaluate those rail freight lines that are potentially subject to abandonment in the future because of unmet capital needs or other reasons, or have recently been approved for abandonment but the track improvements are still in place;
- Quantify the costs and benefits of maintaining rail service on those lines potentially subject to abandonment in the future; and
- Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges,

surcharges on rail traffic and other funds, and the impact of abandonment or capacity constraints on changes in energy utilization and air pollution.

SECTION 135.00—CHANGES OR ADDITIONS

All recommended changes, corrections, or additions to this guide are to be submitted to the Utility/Railroad Supervisor. The Utility/Railroad Supervisor and the Utility/Railroad Unit will review all recommendations with all stakeholders to determine the impact of the revision(s). Approved changes, corrections, and additions will be incorporated in subsequent publications.