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SECTION 600.00 - CONSTRUCTION

SECTION 605.00 - CONSTRUCTION INTRODUCTION

This process should be followed for all projects which include work by Railroad Companies including Non-Bid Projects.

The ITD District Resident/Regional Engineer (RE) must be familiar with the work to be done by the Railroad Company, including material delivery and the time required to do the work. **It may take up to 12 months for the Railroad Company to obtain the materials and complete the railroad portion of the project.** The Railroad Agreement will be issued by the Utility/Railroad Unit which authorizes the purchase of materials. At this time, the RE should contact the Railroad Company and Utilities/Railroad Unit to verify conditions of the Railroad Agreement. Prior to performance of any work by the Railroad Company involving federal-aid participation, the RE should verify that the most current ITD-2101 authorizes such work.

SECTION 610.00 - PRIOR TO AWARD OF CONTRACT

The RE shall coordinate railroad work per Railroad Agreement and take the following actions to prevent delays:

- During project advertisement, contact the Railroad Company Contact Person in the Railroad Agreement to alert them that the project is being advertised for bids.
- Verify the Railroad Company Contact Person has a copy of the plans and specifications and that railroad facilities are correctly shown to the best of their knowledge.
- Verify with the Railroad Company how much prior notification they will need from the contractor for their part of the work (i.e. for ordering materials and scheduling), and how much time they will need to complete the work.
- Discuss work requirements with the Railroad Company. For work involving structures, compare the railroad plan review process with ITD's Standard Specifications for Highway Construction section 502.03 subpart E and 504.01 subpart G for conflicts.
- Discuss the billing procedures as specified in the Railroad Agreement.
- Ensure the Railroad Company notifies ITD prior to start and after completion of work.
- Emphasize during any discussions with the Railroad Company that any proposed modifications of the project from the plans and Railroad Agreement shall be bilaterally approved in advance per the Railroad Agreement, prior to issuing a Change Order.

SECTION 615.00 - AFTER AWARD OF CONTRACT

Non-Bid projects are neither advertised for bids nor awarded to a contractor. The RE is made aware of these projects only when the Non-Bid project informational packet is distributed.

After the notice of award to the successful bidder, the RE shall share any information obtained from the Railroad Company during project advertisement, with the contractor. The reason for this is to allow the contractor to include the Railroad Company's work schedule in their initial CPM schedule.

The RE shall coordinate a Preconstruction Conference notifying the Railroad Company well in advance, stressing the importance of attendance since the railroad work will be a major topic of discussion. At the

Preconstruction Conference, review the contractor requirements for working on railroad property per the Railroad Agreement, which is included as part of the contract.

Emphasize that it is the contractor's responsibility to coordinate the work, including timely prior notification of when the Railroad Company needs to perform their work and sufficient time in their schedule to allow the Railroad Company to complete the work. Require the contractor to show the Railroad Company activities on the CPM schedule and ensure that the Railroad Company concurs with the durations of work. Stress to the contractor that they will be held accountable for delays due to the contractor failing to properly communicate and coordinate with the Railroad Company.

SECTION 620.00 – DURING CONSTRUCTION

The RE should stay in close contact with the Rail-Highway Safety Coordinator and the Railroad Company regarding any changes in operations such as delays to equipment or forces, or changes in schedule. The RE should also assist in coordination of other utility construction or relocation which occurs on the railroad right-of-way.

The RE must oversee inspection of railroad work for compliance to plans and all Railroad Agreement requirements. One individual should be assigned the responsibility for inspection and completion of railroad records. That person should:

- Inspect the work in sufficient detail to ensure that the exact work designated by the Railroad Agreement is accomplished.
- Determine that no unauthorized work is charged to the State.
- Maintain proper records (including Standard Construction Diary) to support the work. The records for Actual Cost Railroad Agreements should be complete enough to verify the Railroad Company's personnel and equipment expenditures, date work started and stopped, and verification of work completed. Records for Fixed Cost Lump Sum Railroad Agreements will not require as much detail as actual cost agreements. The records should support all the work accomplished. Copies of daily work orders or other reports can be obtained from the Railroad Company to further support the work completed.
- Inspect recovered materials prior to disposal per the Railroad Agreement. The method used should be discussed with the Railroad Company Contact Person. Make sure the recovered material is not reused on the project. Determine that credit is received for all salvage material that is applicable.
- If a supplemental agreement with the Railroad Company is needed, coordinate with the Utility/Railroad Supervisor to secure it. Reflect these changes on as-built drawings at the conclusion of construction.
- Request funds to be obligated for any additional cost for railroad work by ITD-2101. Coordinate ITD 2101 with the Utility/Railroad Supervisor. .

SECTION 625.00 - ACCOUNTING

The RE will provide copies of all billings and payments made out of the State Railroad Grade Crossing Protection Fund (STX) and out of the Federal Surface Transportation Program (STP) Rail Crossing Fund to the Utility/Railroad Supervisor. The RE reviews and pays billings from the railroad as follows:

1. Railroad Company submits billing to RE for reimbursement of facility relocation costs in accordance with a Railroad Agreement. Supporting costs documentation is to be provided for Actual Cost Agreements. If there are changes in the scope of work, extra work, or major changes in the planned work, reimbursement will be limited to costs covered by a modification of the Railroad Agreement in the form of a prior approved Supplemental Agreement.

2. Billings and any supporting cost documentation are reviewed by the RE for correctness with the understanding that ITD personnel are not necessarily experts in railroad work. Questions regarding billings are to be directed to the billing company. Any billing disputes or adjustments are to be resolved prior to final payment.
3. Established rates for overhead, equipment and other items may be obtained from Internal Review. An audit, by Internal Review, of either the billings or billing procedures of the Railroad Company can be requested at anytime by the District.
4. Payments are made by the District in accordance with the Railroad Agreement. Refer to the Financial Services Manual Section 8.5. The District prepares an Invoice and Tracking form that in turn will generate a warrant from the State Controllers office.
5. Payments are to be made within 60 days in accordance with Idaho Code 67-2302 or as specified by the Railroad Agreement. Otherwise, the billing Railroad Company may assess a late fee and/or interest charge.
6. Payments are reviewed by the District Records Inspector in accordance with the District Records Inspector Manual Section 5.

Special notes regarding railroad protective services including railroad flagging:

- Make payments for flagging in accordance with the special provisions of the roadway contract involving railroad facilities. Separate railroad protective service costs performed by the Railroad Company for a contractor's convenience from those railroad protective services done by the Railroad Company in connection with their work. Code the contractor's railroad protective services cost as non-participating (function UT District Rule B Activity Code G155).
- Request a railroad protective services billing from the Railroad Company showing state and contractor's costs separately as soon as the requirement for railroad protective services has been completed to assist in early collection for contractor's share of these costs.
- The RE should request in writing that the contractor pay ITD for railroad protective service costs chargeable to that contractor after comparing the billing against the billing records.

SECTION 630.00-COMPLETION OF RAILROAD WORK AND POST CONSTRUCTION

Final payments are paid in full in accordance with the Financial Services Manual Section 8.3.4 and Section 8.5 and the District Records Inspector Manual Section 5. An [ITD-1865 Utility/Railroad Fiscal Final Review Report](#) is prepared by the RE and submitted to the District Record Inspector with the final billing. These forms shall be sent to the Rail-Highway Safety Coordinator, the Financial Services Controller and a copy to the Utility/Railroad Supervisor. As noted above, an audit can be requested by ITD using form [ITD-1865](#). Generally audits are not conducted on agreements less than \$200,000.00 or for agreements where the actual cost exceeds the estimated amount by less than 15% or \$50,000.00.

Any claim by a Railroad Company for additional money shall be reviewed. Railroad Agreements require that ITD reimburse the Railroad Company for all additional costs or losses. Generally a claim is evaluated by the District for payment in the same manner as the procedure used for contractor's claims including any appeals. A claim may be paid by insurance company or bonding company associated with the project or by ITD.

When the project is completed, and there are no outstanding payment issues, it is closed out utilizing the form [ITD-1865](#).