

1. How are the costs for flagging or RR observation paid by your DOT?
 - a. Direct billed to DOT by the railroad
 - i. 52.17% (12 responses)
 - b. Billed to Contractor, no direct pay item from DOT (subsidiary to other contract items).
 - i. 8.7% (2 responses)
 - c. Contract pay item
 - i. 21.74% (5 responses)
 - d. Other, please specify
 - i. 7.39% (4 responses)
 1. (No comment field was given)
2. How are the costs for railroad engineering reviews of contractor submittals paid by your DOT?
 - a. Direct billed to DOT by the railroad
 - i. 65.22% (15 responses)
 - b. Billed to Contractor, no direct pay item from DOT (subsidiary to other contract items).
 - i. 17.39% (4 responses)
 - c. Contract pay item
 - i. 4.35% (1 response)
 - d. Other, please specify
 - i. 13.04% (3 responses)
3. Who is responsible for contacting the railroad or railroad consultant for flagging/observation scheduling?
 - a. Contractor
 - i. 86.96% (20 responses)
 - b. DOT
 - i. 8.7% (2 responses)
 - c. Other
 - i. 4.35% (1 response)
4. How are engineering submittals (as described above) submitted to the railroad or the railroad's consultant?
 - a. Submitted to DOT by contractor, and then submitted to RR by DOT.
 - i. 43.48% (10 responses)
 - b. Submitted directly by contractor to the RR
 - i. 43.48% (10 responses)
 - c. Other
 - i. 13.04% (3 responses)
5. Do the railroads in your state require flaggers or construction observers?
 - a. Flaggers
 - i. 86.96% (20 responses)
 - b. Construction Observers
 - i. 0%
 - c. Other
 - i. 13.04% (3 responses)
6. What type of costs are shown in your contract specific railroad coordination/crossing specifications? (Please indicate all that apply)
 - a. Permit Fees
 - i. 13.04% (3 responses)
 - b. Estimate of total Flagging/Observation Costs or hours
 - i. 17.39% (4 responses)

- c. Hourly flagger/observation rates
 - i. 26.09% (6 responses)
 - d. Processing fees for contractor submittals
 - i. 0%
 - e. Other
 - i. 43.48% (10 responses)
7. Please provide any comments regarding your DOT's satisfaction with your current methods regarding these issues or any other comments that you would like to share:
- a. Satisfied with methods. Not satisfied with response times nor costs involved in RR involvement.
 - b. We are always working with the Class 1s (NS and CSX) to get better estimates, ROW acquisition procedures, and payment methods. With personnel shortages, it is tough on both sides.
 - c. Michigan DOT is experiencing significant cost increases and longer review times. Therefore, we are looking at new ways of working with the railroads.
 - d. We do not generally have a need for the RR to review and engineered submissions. The Contract item for flagging is a "Not A Bid Item" and the rate is predetermined in the RR agreement that the state gets in design.
 - e. Generally both ODOT and the RR's are satisfied w/the current methodology & protocols
 - f. RR Flagging is an issue for our contractors. RR has issue supplying flaggers at times and allowable windows to work are changed by the flagger in construction. WisDOT and contractors split the cost 50/50 (reality is contractor puts the 50% of their share into the bid assuming so many days of flagging is required, if they are efficient and complete in less days than assumed they come out ahead. The contractor will send WisDOT a bill of the flaggers so the 50% share can be paid.
 - g. Railroads are increasingly adding new requirements that are outside our agreements with them. These are items such as signed and sealed drawings for any lift of demolition that occur over a track, a representative of the RR be present for all lifts over a track, Soil analysis under the crane, and survey monitoring to assure the tracks do not move. Also contractors are frustrated in determining flagger rates. The flagger is selected by seniority. Therefore you may get a flagger located two hours away and have to pay the 4 hours of overtime for travel to and from the job. Also the RR has stated they will review all submittals within 30 days. This does not always happen and delays projects and the costs for delay are absorbed by the DOT and contractor. There are no repercussions for them missing deadlines.
 - h. CDOT is content with current methods.
 - i. RR companies a very late to submit invoices a year or two after completion of a project.
 - j. Dealing with Railroads is risky. Delaware feels like the DOT is in a better position to deal with the risk than the contractors.
 - k. UDOT pays the RR directly for flagging costs, but deducts the invoice amount from the contractors payment. We've found this allows the contractor to think of ways of building the project which will allow them to lower their costs to help win the project. It also allows us to deal directly with the RR, which preserves our relationship.
 - l. On your questions above, the correct answer included multiple selections that you provided but you could only select one. I was not able to type additional info. in the other selection. One thing that needs to be mentioned, all railroads handle things differently. You lumped them all together, the response to your questions

would be different for the different railroads. ODOT is okay with the process with the railroads, but it can always be improved. The railroad process is continually being modified/evolved over the years.

- m. All works well, TDOT and the RR's are satisfied.
 - n. The Railroads require a person who is both a flagger and observer.
 - o. NHDOT is currently very happy with the latest RR protection specification. It seems to have struck a balance between addressing the RR's needs and the contractors effort to perform the necessary work near RR tracks.
 - p. The two Class 1 RRs operating in our state are very slow to respond to Plan/Demo Review Requests and any sort of an agreement (flagging or C/M) seems to take forever to get finalized. The Shortline RR's are much more accommodating and responsive.
 - q. RIDOT is satisfied with the current state of interactions with the various railroad entities.
 - r. FDOT is satisfied with our current methods regarding these issues.
 - s. on 6 above it is a, c and d. Working with the RR is very frustrating and timely. RR wants everything done on their schedule and their way. They take so much time it delays things and always come up with ways to make everyone else pay more money.
 - t. By including the railroad support cost as a force account in our construction contracts, we eliminated a lot of additional paperwork that would have been required, if DDOT paid the railroad directly.
 - u. We have just transitioned to having contractors bid the flagging hours and directly pay the railroads. It's been a struggle but we are getting better cooperation from the contractors as well as the railroad. Our primary bottleneck is in the preliminary engineering before projects go to let. Union Pacific is getting less responsive and Burlington Northern has been difficult to work with in that they do not define upfront what they want. Is your DOT satisfied with these methods or are you looking at making changes? If making changes, please elaborate
8. Is your DOT satisfied with these methods or are you looking at making changes? If making changes, please elaborate
- a. No changes proposed at this time (7 responses)
 - i. We are not looking at making changes but contracting industry is complaining and hoping for changes.
 - b. One idea being discussed is Michigan DOT contracting RRs directly for flaggers. All solutions are being evaluated.
 - c. It seems to be working, even if the flagger rates are high and beyond our control
 - d. We are currently reviewing our processes and will be making some modifications. If a new RR requirement is being imposed that is not in the contract we are reimbursing the contractor for actual out of pocket expenses.
 - e. Satisfied and not looking to make any changes (2 responses)
 - f. A clause needs to be added to agreements " if not invoiced by 6 months of completion agreement expires"
 - g. We are satisfied with our method for flagging. We are looking for better ways of working with the RR since their business changes. We are incurring substantial project delays due to the required coordination with the RR.
 - h. We are in the process of switching over to a direct bill system where VDOT would be invoiced directly by the rail for flagger hours.
 - i. yes, we are always looking at ways to improve or streamline the process

- j. Different methods have been considered that require the contractor to bid the number of hours that a flagger/observer is needed. If exceeded, the contractor would be responsible for that cost.
 - k. Have recently made spec changes that we are happy with after trying different procedures in the past.
 - l. DOT would love to make changes to expedite Reviews and agreement turn-around time frames. DOT has offered to pay for third party reviews to help expedite, but RR's have declined. DOT has worked the last few years to really establish a collaborative relationship with both Class 1 RR's, but timelines for reviews, etc. really haven't decreased. We believe that the decrease in staffing at the Class 1's is the biggest contributor to long review times.
 - m. We continually looks for ways to improve process. as we are not satisfied. If an area is improved then the RR finds another thing to fight about in another area.
 - n. We're not satisfied but do not feel like there are any other options to pursue at this time. We're seeing some improvements with BN through quarterly meetings and project specific meetings.
9. Please provide any comments about how the contracting industry in your state feels about your current methods:
- a. Contracting industry is satisfied with methods but they also are dissatisfied with review times for submissions, lack of track time, etc.
 - b. We are under discussions with them regarding RR scheduling and approved work tasks.
 - c. They are frustrated. The contractors are being held up by the RR review times. Contractors do not like working with the RRs or being pass through companies for RR payments.
 - d. I believe they like it because it removes the risk of an unknown hourly flagging costs.
 - e. Generally acceptable as it relates to the RR's
 - f. Contracting issues would like WisDOT to take lead coordination with RR because of the issues. We continue to hold our stance stating contractor issue on schedule and coordination of flaggers with RR. Contractors complain that the coordination done in design with RR is not complete enough regarding the # of trains and workable hours to get the project done dealing with the railroad. The coordination with RR has been and will always be a risk to projects.
 - g. They would like the DOT to pay for all flagging costs. However this would not incentivize the contractor to schedule work to minimize flagging.
 - h. CDOT does not hear any complaints.
 - i. Contractor do not obviously agree with RR rates
 - j. Satisfied
 - k. We haven't had major issues raised by our industry. The only concern was different rates charged by the RR for flagging based on whether the RR provided the flagging directly, or hired a private flagging company. We tried to mitigate this risk by including a flat rater for flagging in our specs (i.e. we take the cost risk directly).
 - l. Experienced contractors that have previous interaction with railroads on projects don't have a problem with the process. Inexperienced contractors have a lot of questions or need some direction when dealing with the railroad due to no previous experience with working with the railroad folks.
 - m. The Contractors seem to like the arrangement since it reduces risk, liability and financial burdens.

- n. We worked with our NH AGC to revise the RR protection specification. Its working well for all parties to date.
 - o. Contractors wish that DOT would handle all dealings/reviews with the RR's.
 - p. The contracting industry is satisfied with the current methods of railroad interactions.
 - q. N/A - FDOT Rail Office and FDOT Construction Office are not aware of any Contractor complaints about our current methods.
 - r. They don't like it. It is as frustrating for them as it is on us.
 - s. Contractors are ok with or processes
 - t. The contracting industry has slit their own throats a few times so they haven't helped. They have complained about similar issues that we have had. They have completed right of entry agreements and shoring plans to the railroads terms only to be rejected because the railroad wanted more information or didn't like their idea. We did run into a problem where the railroad directed the contractor to make field changes to erection that caused our bridge designers heartburn.
10. Are all railroad companies handled the same?
- a. 52.17% (12 responses)
 - b. 47.83% (11 responses)
11. Please include a copy of your specification with your response.



Copy of Railroad
Flagging and Engin