

Coordination and Execution of Agreements with Railroad Companies Required on UDOT and Railroad Projects

Effective: January 17, 2013

UDOT 08E-04

Revised: New

Purpose

To establish the policy and procedure for the Utah Department of Transportation (Department) for regulatory compliance, to establish consistency, and to expedite the preparation and execution of agreements between the Department and railroad companies operating within the State.

Policy

Federal, State and Department regulations and directives will be understood, complied with, and consistently applied during coordination, negotiation, and agreement preparation with railroad companies on all projects. Program level guidance, oversight, and sign off is required as projects are developed and agreements are prepared.

Railroad companies for the purpose of this policy include all rail carriers, publicly-owned, private, and common carriers, including line haul freight and passenger railroads, switching and terminal railroads and passenger carrying railroads such as rapid transit, commuter, and street railroads.

Background

Federal and State regulations for Railroad-Highway crossings apply to both freight and transit rail facilities and operations; however, individual companies' processes for project coordination, right of way transactions, and agreement preparation are very different. The Department seeks to establish a high level of internal communication and consistency with respect to railroad issues and developing agreements to meet the best interests of the Department and for railroad agreement preparation to be as efficient as possible.

Procedures

Coordination and Execution of Agreements with Railroad Companies Required on UDOT and Railroad Projects

UDOT 08E-04.1

Responsibility: Project Manager

Actions

1. Notify the Region Utility and Railroad Coordinator and Statewide Utilities & Railroads Engineer when a project involving railroad facilities or property is in the Concept Phase
2. Include them on the Project Team.

Responsibility: Region Utility and Railroad Coordinator

3. Arrange, facilitate and conduct all project level meetings with railroad company representatives.
4. Advise the Project Manager, Roadway Design Engineer and Structure Engineer if necessary on the applicable Federal and State Regulations, the impacted railroad company's Standards, Guidelines, Master Agreements, Memorandum of Agreement or other applicable requirements.
5. Verify that the applicable regulations, standards, guidelines, and agreements are applied to the design and project level decisions.
6. Lead the negotiations on project level railroad items including the method for performing work, basis of payment for work, right of way transactions and requirements, grade separation cost sharing calculation methodology, and payment.
7. Include the Project Manager in all negotiation discussions.
8. Provide supporting information with cost analysis on proposals for offsetting railroad costs against project costs to the Statewide Utilities & Railroads Engineer and if right of way costs are involved to the Director of Right of Way for review and approval.
9. Determine if requests for future track accommodation, other future use considerations or commitments are consistent with the applicable guidelines or prior mutual agreements.
10. Provide proposed future use commitments to the Statewide Utilities & Railroads Engineer and Department Counsel for review and approval.

11. Escalate project level issues involving design, future use, construction, and billing that cannot be resolved at the region level by applying the appropriate guidelines to the Statewide Utilities and Railroads Engineer for further consideration and resolution.
12. Prepare a draft agreement and submit copies of the draft agreement to the Statewide Utilities & Railroads Engineer and Department Counsel for final review and comment prior to execution.
13. Include the Statewide Utilities & Railroads Engineer and Department Counsel as signatories on railroad company agreements.
14. Include the Director of Right of Way as a signatory when property rights transactions are included in agreements.
15. Route agreement copies to the Statewide Utilities & Railroads Engineer, Director of Right of Way and Department Counsel for final signatures during the execution of the agreement.

Responsibility: Project Manager

16. Support the Region Utility and Railroad Coordinator and Statewide Utilities & Railroads Engineer when negotiating project railroad considerations described in this policy.
17. Provide resources and direction on project constraints and opportunities to the Region Utility and Railroad Coordinator as they negotiate with railroads.

Responsibility: Statewide Utilities & Railroads Engineer

18. Review supporting information with cost analysis provided by the Region Utility and Railroad Coordinator.
19. Approve information.
20. Provide approval documentation to the Region Utility and Railroad Coordinator or Consultant Coordinator.

Responsibility: Director of Right of Way

21. Review supporting information with cost analysis provided by the Region Utility and Railroad Coordinator when right of way costs are involved.
22. Approve information.
23. Provide approval documentation to the Region Utility and Railroad Coordinator or Consultant Coordinator.