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300.01 General

Railroad negotiations require extended time and effort to complete and therefore need the earliest possible attention of Washington State Department of Transportation (WSDOT) region and Headquarters (HQ) personnel. In some cases it may take up to one year to complete an agreement. If a project involves a railroad, make early contact with both the railroad and the HQ Railroad Liaison.

300.02 Responsibilities

(1) Headquarters Railroad Liaison

The HQ Railroad Liaison:

- Coordinates between project offices and railroad companies when projects impact railroad facilities.
- Transmits proposed work data to railroad companies.
- Develops and negotiates railroad construction and maintenance agreements.
- Keeps Region Utilities Engineers informed about railroad agreements under development.
- Authorizes the railroad to begin work.
- Provides guidance on railroad crossing design and policy.
- Assists in railroad right of way matters (primary responsibility for this function belongs to the HQ Real Estate Services Office).
- Administers the WSDOT railroad grade crossing inspection program.
- Assists the regions in securing grants for grade crossing safety projects and managing funded projects at the discretion of the regions.

(2) Region Responsibilities

The Regional Administrator typically designates the Region Utilities Engineer as the person responsible for the following railroad matters:

- Advise the HQ Railroad Liaison of all projects with railroad involvement.
- Maintain records/files of region railroad involvement.
- Maintain working contact with the HQ Railroad Liaison.
- Furnish or facilitate plan/project submittals to the railroad to secure necessary agreements, approvals, and information.

- HQ Railroad Liaison keeps the regions informed of any follow-up actions required, including meeting with railroad officials if requested or required.
- Review draft railroad agreements provided by the HQ Railroad Liaison.
- Perform the construction administration of the agreement in accordance with this chapter.
- Report to Headquarters when the project is completed.

When the region receives utility accommodation requests in the vicinity of railroad ownership, closely review WSDOT's rights, and refer utilities to the railroad company when necessary (see [Chapter 5](#), Government Agencies: State, Federal, Tribal, and Other Entities).

(3) Railroad Coordination During Highway Construction

The region is responsible for coordinating all work conducted under a railroad agreement, from the date the railroad is authorized to proceed, through completion of the work, closing of the agreement, and completion of the final audit. The HQ Railroad Liaison is available as needed during the process.

(4) Roadmasters

Region Utilities Engineers should establish good working relationships with roadmasters for railroads operating in the region. When a project is under development, it is advisable to contact the roadmaster and go over the work anticipated on, under, or above railroad properties, including method of access and protective services the railroad may require. The region should keep the HQ Railroad Liaison informed of any such discussions.

(5) Railroad Billings

Billings from the railroad are received by the Region Utilities Engineer or the office assigned to administer the agreement. The region is responsible for ensuring the costs billed by the railroad are accurate and in conformance with the agreement. Costs should be clearly identified on an in-depth billing. If a billing is inaccurate or incomplete, the region is responsible for sending a response to the railroad detailing the deficiencies.

300.03 Railroad Requirements

(1) Railroad Right of Way

Work by the state on railroad property requires that the state have a property right, which the railroad generally grants by easement or temporary occupancy permit. The HQ Real Estate Services Office is responsible for obtaining easements from the BNSF Railway Company and the Union Pacific Railroad Company. Region Real Estate Services offices are responsible for easements when other railroads are involved. Temporary occupancy permits (TOPs) vary according to the scope of work and are handled according to areas of responsibility. For example, TOPs needed for utility crossings should be submitted by the Region Utilities Office; TOPs related to a property acquisition should be handled by Real Estate Services

(Headquarters or region depending on the railroad, as described above); and TOPs needed for construction access are coordinated through the Region Utilities Engineer. The HQ Railroad Liaison assists as needed.

WSDOT employees who will be working on railroad right of way will need to comply with the safety requirements of the railroad, which may include a short training class, steel-toed boots, hard hats, and high-visibility safety clothing. Specifics differ from one railroad to another.

(2) Railroad Agreements

Formal agreements with the railroad are typically required for construction projects taking place within railroad property or where the railroad will be reimbursed for work done at the state's request. Agreements may not be needed where the work will take place entirely inside bridge railings and where WSDOT's contractor will not need to access railroad property. When a formal agreement is necessary, the HQ Railroad Liaison will negotiate an agreement with the railroad and prepare it in accordance with the *Agreements Manual*.

(3) WUTC Petitions

If the project involves modifying, opening, or closing a railroad grade crossing, a Washington Utilities and Transportation Commission (WUTC) petition will likely be required per [WAC 480-62-150](#). The WUTC regulates safety at all public grade crossings in Washington outside first class cities.

- The HQ Railroad Liaison will coordinate with the WUTC and file the necessary petitions. The region must provide the roadway and traffic data required by the petition.
- Once the petition is complete, the HQ Railroad Liaison signs it and forwards appropriate copies to the WUTC and the railroad company.
- When the WUTC completes its review and issues an order, it will be returned to the HQ Railroad Liaison who will retain a copy for the records and forward a copy to the Region Utilities Engineer.

(4) Construction Drawings

Plans for projects that involve building or altering roadway facilities on or affecting railroad property require the railroad company's approval. The primary consideration is meeting the requirements for railroad clearances and design. To expedite this review process, the region should develop a railroad exhibit that specifies impacts to railroad facilities, including horizontal and vertical clearances between the tracks and any new structures; roadway and shoulder widths; and placement of warning devices for railroad grade crossing projects. Other items that require prior railroad approval are falsework, shoring, demolition, and drainage plans.

(5) Railroad Insurance and Flagging

Railroad insurance and flagging will likely be required in connection with construction of highway projects where any portion of the work is within railroad right of way. The General Special Provision, *Relations With Railroad*, provides this information. Questions regarding insurance or flagging should be referred to the HQ Railroad Liaison.

Flagging costs from the railroad that are not associated with a formal agreement should be charged to a separate group in Group Category 99 (Vendor-Supplied Services and Materials). The group should be set up not to accept labor (Labor N), as the group will only be used when making payments to the railroad for flagging.

(6) Pipe, Pole, or Wire Occupancy Permits

These permits are completed by the Region Utilities Engineer. In some cases, it is possible to provide convincing information to the railroad that there are mutual benefits for the requested installation—in which case there may be no charge for the permit. The region should keep track of the various permits issued by assigning each one a region service agreement number.

(7) Maintenance Notifications

Any maintenance work within railroad rights of way requires advance notification and approval from the railroad.

(a) Maintenance Near At-Grade Crossings

[WAC 480-62-305\(4\)](#) requires road authorities to provide at least ten days' notice to the appropriate railroad company whenever it "plans to perform maintenance that will affect a (railroad grade) crossing." In practice, the region should notify the railroad roadmaster whenever any work is planned to occur within 25 feet of the tracks at a grade crossing. Such work will likely require a flagger, so the railroad should be contacted as far in advance as possible to coordinate flagging. Note: The rule is not intended to cover immediate safety hazards or emergencies.

(b) Overcrossing Maintenance

If a bridge is covered by a Construction and Maintenance (C&M) Agreement, the state typically has the right to access railroad property for maintenance purposes, subject to requirements for notification and coordination of railroad flagging. If the work is contracted, the contractor will need to comply with any applicable requirements by the railroad, such as insurance.

300.04 Railroad Crossings

(1) Grade Separation Structure

The region should contact the HQ Railroad Liaison as early as possible for each bridge project that affects railroad facilities. Sufficient information and plans must be provided by the region to allow the railroad to review the proposal and the HQ Railroad Liaison to develop an agreement.

(2) Railroad-Highway Grade Crossings

The intersection of railroad lines with streets and highways at grade introduces the potential for conflict between trains and highway vehicles. Hazards at railroad grade crossings can often be mitigated through improvements to grade crossing warning devices, geometry, or sight distance. WSDOT is required to inspect the railroad grade crossings along state highways to ensure adequate sight distance per [RCW 47.32.140](#). Inspections also provide the opportunity to ensure the department is meeting its

responsibilities at railroad grade crossings and to prioritize the state's crossings for safety upgrades. Questions regarding WSDOT's railroad grade crossing inspection program should be directed to the HQ Railroad Liaison.

WSDOT projects that alter grade crossings (such as roadway widening, realignment, or changes to traffic control devices) require an agreement with the railroad. For coordination of projects that do NOT alter grade crossings (such as paving or maintenance-related work), the region should contact the railroad roadmaster and discuss the proposed work. (Contact information for most railroads in Washington is available at: www.wsdot.wa.gov/Freight/Rail/railroadsContacts.htm.) If necessary, the region representative should meet the roadmaster on-site to discuss the work. The HQ Railroad Liaison should be kept informed of these discussions.

Additional information concerning railroad-highway grade crossings is contained in the *Design Manual*, Chapter 1350, Railroad Grade Crossings, and Chapter 8 of the *Manual on Uniform Traffic Control Devices* (MUTCD).

(3) Temporary Railroad Crossings

Temporary railroad grade crossings are occasionally required as the result of highway construction projects or for some other access need. If a temporary crossing is needed as part of a construction project already covered by a railroad Construction and Maintenance Agreement, the HQ Railroad Liaison can, in most cases, include the crossing as part of the agreement. If, however, a temporary crossing cannot be attached to a railroad Construction and Maintenance Agreement, such rights are usually issued by the railroads as temporary crossing permits. In these cases, the Region Utilities Engineer has primary responsibility for applying for the temporary crossing permits. The HQ Railroad Liaison will assist as necessary.

(4) Crossings Along Abandoned or Out-of-Service Rail Lines

Upon notification that a rail line crossing a state highway is to be abandoned, the HQ Railroad Liaison will work with the railroad to ensure it plans to remove warning devices and tracks from the crossing. The HQ Railroad Liaison should be advised whenever a region becomes aware of rail abandonment proceedings.

Whenever rail lines are taken out of service, the railroad is responsible for removing any gate arms and removing, turning from view, or placing hoods over active warning signals at grade crossings along such lines to clearly indicate they are not in operation. In addition, it may be appropriate for the railroad to replace the crossbucks at the crossing with an R8-8 (Tracks Out of Service) sign for the benefit of vehicles that are otherwise required to stop at railroad grade crossings.

Questions regarding this chapter should be directed to the HQ Railroad Liaison at (360) 705-7271.

