

**Performance Based Maintenance (PbM), 2016 Program
Railroad Coordination
Railroad Flagging and Railroad Protective Liability Insurance**

1. It is a little known fact that “normal” county liability insurance excludes working within 50 feet of railroad property. Due to this, it is highly recommended that Railroad Protective Liability Insurance be purchased on an annual basis for counties that have railroads. This would provide coverage not only for planned projects but also for emergency situations.
2. Railroad Protective Liability Insurance (RRPLI)
 - a. 23 CFR 646 Subpart A – Railroad-Highway Insurance Protection requires that the contractor (or County) purchase RRPLI on behalf of the railroad when the project is located in whole or in part within railroad property (FDM 17-50-5.1) or when the project work is within 50-feet of any railroad property or affects any railroad bridge or trestle, tracks, roadbed, tunnel, underpass, or crossing.
 - b. It is in the interest of the county to have RRPLI as it protects the county if something happens while working near a railroad where there is an exclusion in “normal” liability insurance coverage. Coordinate with the Region Railroad Coordinator (RRC) to determine the need for RRPLI.
 - c. Counties insured through the Wisconsin Counties Association can add RRPLI on an annual basis at a reasonable cost.
3. If there is a railroad within 1,000 feet of the project, contact the RRC to determine the level of railroad coordination that could be required. The RRC will work to determine if coordination with the railroad is necessary. When coordinating with the RRC, remember any detours, traffic control or potential traffic queues that might occur near railroad property could also require railroad coordination.

The RRC will provide information on RRPLI approvals, how far in advance to schedule flaggers or any other work that needs to be done by railroad forces. Some railroads require a minimum of 30 days to arrange for flaggers or even longer if work is required by railroad forces. Some railroads also require payment in advance of flagging operations. The requirements vary with each railroad so it's important to contact the RRC as early in the planning stage as possible.

4. Railroad flagging is required if work is occurring within 25 feet of the track centerline or if there is the possibility of “fouling” the tracks. If flagging is required to complete the work, include an estimate of the dollar amount for railroad flagging when determining the total project cost using the bid item Railroad Flagging Reimbursement, 801.0117.M. The RRC can provide an estimate for the flagging costs. This estimate should be entered into the Agreement before it is sent to the county.
5. When flagging, consider the length of work day. If working a full 8-hour day, the railroad flagger will have to work overtime in order to set up the warning signs along the track as well as coordinate with any locomotive engineers that will be driving through the work site. Anytime over 8-hours would be considered overtime and billed as such. If it is a 6-hour work day, the flagging prep would occur during a regular 8-hour day and the department would not be billed overtime. To keep flagging costs down, consider requesting the county work a 6-hour day if flagging is required. This could alleviate the need for the railroad flagger to work overtime.

6. Railroad flagging is typically required when working with 25 feet of the track centerline and RRPLI is required when working within 50 feet of railroad property. If railroad flagging is required, RRPLI is required. However, it is common to have instances where RRPLI is required but railroad flagging is not required.