



# Wisconsin Department of Transportation

January 30, 2020

## Division of Transportation Systems Development

Bureau of Project Development  
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### NOTICE TO ALL CONTRACTORS:

**Proposal #12: 1009-86-18, FRE-STE-0001-1**  
**FRA STEP Grant Roadway Improvements**  
**Var Locations – Waukesha Co – CP RLWY**  
**Various Highways**  
**Waukesha County**

### Letting of February 11, 2020

This is Addendum No. 01, which provides for the following:

#### Special Provisions:

Revised Special Provisions	
Article No.	Description
3	Prosecution and Progress
9	Railroad Insurance and Coordination – Soo Line Railroad Company (CP)

Deleted Special Provisions	
Article No.	Description
13	Mobilizations Erosion Control
14	Mobilizations Emergency Erosion Control

The responsibility for notifying potential subcontractors and suppliers of these changes remains with the prime contractor.

Sincerely,

*Mike Coleman*

Proposal Development Specialist  
Proposal Management Section

**ADDENDUM NO. 01**

**1009-86-18**

**January 30, 2020**

**Special Provisions**

**3. Prosecution and Progress.**

*Replace entire article language with the following:*

**A Notice to Proceed**

Begin work within ten calendar days after the engineer issues a written notice to do so.

Provide the start date to the engineer in writing within a month after executing the contract but at least 14 calendar days before the preconstruction conference. Upon approval, the engineer will issue the notice to proceed within 10 calendar days before the approved start date.

To revise the start date, submit a written request to the engineer at least two weeks before the intended start date. The engineer will approve or deny that request based on the conditions cited in the request and its effect on the department's scheduled resources.

Construction at the Oakton Avenue crossing cannot coincide with Wisconsin Avenue crossing closure.

Begin work such that closure of Wisconsin Avenue occurs no later than April 21, 2020.

**Interim Liquidated Damages – Wisconsin Avenue**

*Supplement standard spec 108.11 as follows:*

If the contractor fails to complete all work and coordination measures necessary at Wisconsin Avenue within 30 calendar days of the closure date, the department will assess the contractor \$6,000 in interim liquidated damages for each calendar day that any portion of the road remains closed or any portion of the scope of work remains incomplete after 12:01 AM, on the 30th calendar day after the closure begins.

The department will not grant time extensions to the interim completion dates specified above for the following:

1. Severe weather as specified in standard spec 108.10.2.2.
2. Labor disputes that are not industry wide.
3. Delays in material deliveries.

If contract time expires prior to completing all work specified in the contract, additional liquidated damages will be affixed according to standard spec 108.11.

**B General**

An Erosion Control Implementation Plan (ECIP) shall be submitted to the appropriate WisDOT office and the WDNR at least 14 days prior to the preconstruction meeting.

The contract time for completion is based on an expedited work schedule and may require extraordinary forces and equipment.

Anticipate cold weather concrete work (curb, median barrier, etc). Plan to heat aggregates and water for mixes, and that the heating of the aggregate and water is considered incidental to those concrete items. Compensation for covering concrete placed in cold weather will be incidental. There will be no adverse weather delay for cold weather construction.

When engaged in roadway cleaning operations, use equipment having vacuum or water spray mechanisms to eliminate the dispersion of particulate matter into the atmosphere. If vacuum equipment is employed, it must have suitable self-contained particulate collectors to prevent discharge from the collection bin into the atmosphere. No dry sweeping is allowed, all rotary equipment must have functioning water spraying equipment.

The project includes 'Street Sweeping for Pedestrian Accommodations,' paid by the hour, which shall be utilized at the Wisconsin Avenue and Oakton Avenue improvement locations for the sole purpose to assist with pedestrian accommodations within the project limits. The contractor must gain approval from the Engineer prior to beginning sweeping operations to verify if the reason for sweeping aligns with the purpose of the pay item in the contract. Additional sweeping associated with roadway construction related elements shall be incidental to the other respective project bid items. Incidental activities include, but are not limited to, the removal of sediment, aggregate, grit, debris, and trash from urban impervious areas to assist with erosion control BMPs, surface preparation prior to asphalt overlays, surface preparation prior to pavement markings, and preparing of the final impervious driving surfaces prior to removing traffic control devices.

The contractor is advised that there may be multiple mobilizations for such items as erosion control, traffic control, signing items, temporary pavement markings and other incidental items related to the staging. The department will make no additional payment for said mobilizations.

### **C Contractor Coordination**

Regular prosecution and progress meetings to be held at the discretion of the engineer. The contractor's superintendent or designated representative and subcontractor's representatives for ongoing subcontract work or subcontractor work expected to begin within the next two weeks shall attend and provide a written schedule of the next week(s)' operations.

The written schedule shall include begin and end dates of specific prime and subcontractor work operations. Invite Wisconsin State Patrol, Waukesha County Highway Maintenance, the Village of Pewaukee, and the Village of Oconomowoc Lake. Agenda items at the meeting will include review of the contractor's schedule and subcontractors' schedule, evaluation of progress and pay items, and making revisions if necessary. Plans and specifications for upcoming work will be reviewed to prevent potential problems or conflicts between contractors.

Based on the progress meeting, if the engineer requests a revised schedule, submit it within seven calendar days. Failure to submit a new schedule within seven days shall result in the engineer holding pay requests until received.

### **Northern Long-eared Bat (*Myotis septentrionalis*)**

Northern Long-eared Bats (NLEB) have the potential to inhabit the project limits because they roost in trees. Roosts may not have been observed on this project, but conditions to support the species exist. The species and all active roosts are protected by the Federal Endangered Species Act. If an individual bat or active roost is encountered during construction operations, stop work and notify the engineer and the WisDOT Regional Environmental Coordinator (REC).

According to the final 4(d) rule issued for the NLEB, the department has determined that the proposed activity may affect, but will not result in prohibited take of the NLEB. The activity involves tree removal but will not occur within 0.25 miles of a known hibernacula, nor will the activity remove a known maternity roost tree or any other tree within 150 feet of a known maternity roost tree.

If additional trees need to be removed, no Clearing shall occur without prior approval from the engineer, following coordination with the WisDOT REC. Additional tree removal beyond the area originally specified will require consultation with the United States Fish and Wildlife Service (USFWS) and may require a bat presence/absence survey. Notify the engineer if additional Clearing cannot be avoided to begin coordination with the WisDOT REC. The WisDOT REC will initiate consultation with the USFWS and determine if a survey is necessary.

Submit a schedule and description of Clearing operations with the ECIP 14 days prior to any Clearing operations. The department will determine, based on schedule and scope of work, what additional erosion control measures shall be implemented prior to the start of Clearing operations, and list those additional measures in the ECIP.

**Rusty Patched Bumble Bee (*Bombus affinis*)**

The rusty patched bumble bee (*Bombus affinis*) was listed as endangered by the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act, effective March 21, 2017. Construction activities such as grading outside the mowed shoulder area have the potential to impact ground nests and wildflowers that may serve as a food source for the bee. If an active rusty-patched bumblebee nest is encountered in construction areas, contact the WisDOT Regional Environmental Coordinator, who will coordinate with USFWS.

**Work Restrictions**

If additional construction activities beyond what was originally specified are required to complete the work, approval from the engineer, following coordination with WisDOT REC, is required prior to initiating these activities.

The contractor shall comply with all local ordinances which apply to work operations, including those pertaining to working during nighttime work hours. Any ordinance variance issued by the municipality or required permits shall be furnished to the engineer, by the contractor, in writing 3 working days before performing such work.

Equipment and material shall be parked or stored only at work sites approved by the engineer.

During driveway construction, no driveway approach shall be closed or removed from service without a 5-day notice given to the occupants of the premises to remove their vehicles prior to driveway removal or closing of the driveway approach access. The contractor shall replace the driveway as expeditiously as possible to minimize the inconvenience to the occupants whose driveway has been removed or closed.

Provide the Wisconsin State Patrol, Waukesha County Highway Maintenance, the Village of Pewaukee, and the Village of Oconomowoc Lake with a 24-hour emergency contact number for when maintenance is required.

**9. Railroad Insurance and Coordination - Soo Line Railroad Company (CP).**

*Replace entire article language with the following:*

**A. Description**

Comply with standard spec 107.17 for all work affecting Soo Line Railroad Company (CP) property and any existing tracks.

**A.1 Railroad Insurance Requirements**

In addition to standard spec 107.26, provide railroad protective liability insurance coverage as specified in standard spec 107.17.3. Insurance is filed in the name of Soo Line Railroad Company d/b/a Canadian Pacific.

Notify evidence of the required coverage, and duration to Brian Osborne, Manager Public Works; Canadian Pacific Plaza, 120 South 6th Street, Suite 700, Minneapolis, MN 55402; Telephone (612) 330-4555; E-mail: [brian\\_osborne@cpr.ca](mailto:brian_osborne@cpr.ca)

Also send a copy to the following: Paul Derksen, SE Region Railroad Coordinator; 141 N. W. Barstow Street, Waukesha, WI 53188; Telephone (262) 548-8770; E-mail: [paul.derksen@dot.wi.gov](mailto:paul.derksen@dot.wi.gov).

Include the following information on the insurance document:

- Project ID: 1009-86-18
- Work Performed: Medians, curb and gutter, sidewalk and excavation

#	Route Name	City/County	Crossing ID	RR Subdivision	RR Milepost
1	Gifford Road	Village of Oconomowoc Lake, Waukesha	390 549F	Watertown	115.96
2	Cottonwood Avenue	Village of Hartland, Waukesha	390 538T	Watertown	110.02
3	Wisconsin Avenue	Village of Pewaukee, Waukesha	390 532C	Watertown	105.65
4	Oakton Avenue	Village of Pewaukee, Waukesha	390 530N	Watertown	105.19
5	Forest Grove Drive	Village of Pewaukee, Waukesha	390 031X	Watertown	104.33

## A.2 Train Operation

Approximately 2 passenger trains and 23 through freight trains operate daily through the construction site. Passenger trains operate at up to 79 mph. Through freight trains operate at up to 50 mph.

## A.3 Names and Addresses of Railroad Representatives for Consultation and Coordination

### Construction Contact

Brian Osborne, Manager Public Works; Canadian Pacific Plaza, 120 South 6<sup>th</sup> Street, Suite 700, Minneapolis, MN 55402; Telephone (612) 330-4555; E-mail [brian\\_osborne@cpr.ca](mailto:brian_osborne@cpr.ca) for consultation on railroad requirements during construction.

Amend standard spec 108.4 to include the railroad in the distribution of the initial bar chart, and monthly schedule updates. The bar chart shall specifically show work involving coordination with the railroad.

### Flagging Contact

Matthew R. Miller, Supervisor of Public Works; Canadian Pacific Plaza, 120 South 6<sup>th</sup> Street, Suite 700, Minneapolis, MN 55402; Telephone (612) 330-4556; Reference the Crossing ID, Wisconsin Milepost and Subdivision found in A.1.

\* Contact Soo Line (CP) prior to letting for flagman work hour availability.

### Cable Locate Contact

In addition to contacting Diggers Hotline, contact CP Call Before You Dig line at (866) 291-0741, five working days before the locate is needed. Reference the Crossing ID, Wisconsin Milepost and Subdivision found in A.1.

Soo Line (CP) will only locate railroad owned facilities located in the railroad right-of-way. The railroad does not locate any other utilities.

#### **A.4 Work by Railroad**

The railroad will perform the work described in this section, except for work described in other special provisions and will be accomplished without cost to the contractor. Construction includes installing new warnings devices and circuitry for all gate systems including three and four quad systems.

Amend standard spec 108.4 to include the railroad in the distribution of the initial bar chart, and monthly schedule updates. The bar chart shall specifically show work involving coordination with the railroad.

#### **A.5 Temporary Grade Crossing**

If a temporary grade crossing is desired, submit a written request to the railroad representative named in A.3 at least 40 days prior to the time needed. Approval is subject to the discretion of the railroad. The department has made no arrangements for a temporary grade crossing.

### **B Railroad Flagging**

Arrange with the railroad for the flagging of trains and safety of railroad operations if clearances specified in subsection 107.17.1 are not maintained during construction operations.

The following conditions may also warrant flagging:

1. Cranes swinging (including length of boom/outriggers and /or appurtenances) or handling materials or equipment within 25 feet of the centerline of any track.
2. Construction operations that are in proximity of power lines or railroad signal and communication lines, underground cables, fuel oil facilities or pipe lines and which might result in fire or damage to such facilities, danger to railroad operations or danger to the public in the transaction of business on railroad premises.
3. Excavation, tunneling, blasting, pile driving, placing, or removing cofferdams or sheeting, or similar activities that might cause the railroad's tracks or buildings to be undermined, heaved out of normal level, shifted out of alignment, or otherwise impaired.
4. Bridge painting activities including rigging of falsework, scaffolding or similar activities over railroad tracks.
5. Deck removal activities over railroad tracks.
6. Pouring of bridge decks in spans over an operated track.
7. At any other time in railroad representative's judgment, the contractor's work or operations constitute an intrusion into the track zone and create an extraordinary hazard to railroad traffic, and at any other time when flagging protection is necessary for safety to comply with the operating rules of the railroad.

Projects with concurrent activity may require more than one flagger.

Projects with heavy contractor activity within 25 feet of the centerline of any track or unusual or heavy impact on railroad facilities will normally require a full-time flagger.

The department and railroad will monitor operations for compliance with the above flagging requirements. Violations may result in removal from railroad property until arrangements to adhere to the flagging requirements are satisfied. If the railroad imposes additional flagging requirements beyond the above flagging requirements due to the previous violations, the contractor shall bear all costs of the additional flagging requirements.

### **C Flagging by Railroad– Railroad Does Not Pay Flagging Costs**

#### **C.1 General**

*Replace paragraph (4) of standard spec 107.17.1 with the following:*

Comply with the railroad's rules and regulations regarding operations on railroad right-of-way. If the railroad's chief engineering officer requires, arrange with the railroad to obtain the services of qualified railroad employees to protect railroad traffic through the work area. Bear the cost of these services and make payment directly to the railroad. Notify the appropriate railroad representative as listed in section A.3 above,

in writing, at least 40 business days before starting work near a track. Provide the specific time planned to start the operations.

Work that requires railroad flaggers to occupy the work zone for longer duration or longer than the normal work day will require 40 day written notice to the railroad.

### **C.2 Rates - Soo Line Railroad Company (CP)**

The following rates, reimbursement provisions, and excluded conditions will be used to determine the contractor's cost of flagging:

- \$1,000 daily rate for an eight-hour day (including wages, labor surcharges, meals, lodging, vehicle and mileage expenses),
- \$1,200 daily rate for an eight-hour day on Saturdays, Sundays or holidays (including wages, labor surcharges, meals, lodging, vehicle and mileage expenses),
- \$150 per hour overtime rate for all time worked before or after the regular assigned eight hours on any day, or for a minimum three hour call on Saturdays, Sundays, or Holidays.

If a flagger must be relieved due to hours of service requirements, arrangements will be made for a relief flagger.

The flagger is required to set flags each day in advance of the contractor commencing work that will require flagging. The flagger must also remove the flags each day after the completion of work that required flagging. Any time worked before or after the minimum eight-hour flagging day to set or remove flags will be billed at the overtime rate. The contractor is responsible for knowing the requirements of the railroad for arranging and terminating flagging services and for the associated costs of those services.

### **C.3 Reimbursement Provisions**

The actual cost for flagging will be billed by the railroad. After the completion of the work requiring flagging protection as provided in section B above, the department will reimburse 50% of the cost of such services up to the rates provided above based on paid railroad invoices, except for the excluded conditions enumerated below. In the event actual flagging rates exceed the rates stated above, the department will reimburse 100% of the portion of the rate that is greater than the rates stated above.

### **C.4 Excluded Conditions**

The department will not reimburse any of the cost for additional flagging attributable to the following:

1. Additional flagging requirements imposed by the railroad beyond the flagging requirements provided in subsection B above due to violations by the contractor.
2. Temporary construction crossings arranged for by the contractor.

The contractor shall bear all costs of the additional flagging requirements for the excluded conditions.

### **C.5 Payment for Flagging**

The department will pay for the department's portion of flagging reimbursement as specified in section C of this provision under the following item:

ITEM NUMBER	DESCRIPTION	UNIT
801.0117	Railroad Flagging Reimbursement	DOL

The reimbursement payment, as shown on the Schedule of Items, is solely for department accounting purposes. Actual flagging costs will vary based on the contractor's means and methods.

Railroads may issue progressive invoices. Notify the railroad when the work is completed and request a final invoice from the railroad. Promptly pay railroad-flagging invoices, less any charges that may be in dispute. The department will withhold flagging reimbursement until any disputed charges are resolved and the final invoice is paid. No reimbursement for flagging will be made by the department if a violation of subsection B is documented.

## **D Rail Security Awareness and Contractor Orientation**

Prior to entry on railroad right-of-way, the contractor shall arrange for on-line security awareness and contractor orientation training and testing and be registered through "e-RAILSAFE" for all contractor and subcontractor employees working on railroad right-of-way. See [e-railsafe.com](http://e-railsafe.com) "Information". The security awareness and contractor orientation training is shown under the railroad's name.

The department has secured right of entry to railroad property; neither the contractor nor subcontractors or their employees will be required to sign a right of entry form.

The security awareness and contractor orientation certification is valid for 2 year(s) and must be renewed for projects that will carry over beyond the 2 year period. Contractor and subcontractor employees shall wear the identification badge issued by e-RAILSAFE when on railroad right-of-way. Costs associated with training and registration are incidental to other items in the contract.

stp-107-034 (20190717)

**13. DELETED.**

**14. DELETED.**

END OF ADDENDUM