

State of Wisconsin/Department of Transportation

AGREEMENT FOR HIGHWAY-RAILROAD
GRADE CROSSING WARNING DEVICES

Project I.D. 4100-10-50
Calumet Avenue, City of Manitowoc
(FVW Crossing Signals)

USH 151
Manitowoc County
DOT No. 181 165V M.P. CG 76.32

This Agreement, by and between the State of Wisconsin, Department of Transportation, Division of Transportation Infrastructure Development, hereinafter referred to as the "State" and the Fox Valley & Western Ltd., hereinafter referred to as the "Company", provides for the performance of work described herein by the Company on the above named projects.

WITNESSETH

WHEREAS, the Wisconsin Commissioner of Railroads has made a determination and finding under Section 195.28, Wisconsin Statutes, that automatic warning devices are to be upgraded at the above described locations pursuant to his Order, dated April 17, 2002 in docket #9068-RX-114; and

WHEREAS, the State desires to finance the upgrading of the highway-railroad grade crossing warning devices with a combination of federal aid and local funds as provided under Section 84.03, Wisconsin Statutes; and deems it more feasible and advantageous for highway purposes to have such work performed by the Company directly and without bids pursuant to Section 84.06(4), Wisconsin Statutes.

NOW, THEREFORE, in consideration of the premises and of their mutual and dependent agreements hereinafter set forth, the parties hereto hereby agree as follows:

STANDARD PROVISIONS. The work described below shall be performed by the Company in accordance with the provisions contained herein and the "Standard Provisions", dated April 10, 2001, Exhibit "A", attached hereto and made a part of this Agreement, except for Items numbered 8 and 9.

WORK TO BE PERFORMED BY THE COMPANY. (a) Install cantilevered automatic flashing-light signal with 12-inch LED lamp units, electronic bell, type C circuitry and bungalow at the Calumet Avenue (USH 151) crossing of the Company's Lake Shore Sub in Manitowoc County, in the City of Manitowoc, Manitowoc County.

Such work is further described in the agreement summary, Exhibit "B", detailed estimates, Exhibit "C", the Materials Lists, Exhibit "D", the signal location diagram, Exhibit "E", and further shown in Exhibits "F" through "H", which are attached hereto and made a part hereof. The Agreement cost of such work based on the estimate is Seventy Nine Thousand Two Hundred Forty Dollars (\$79,240).

DESIGN. The installations of the railroad crossing warning devices shall be in responsible conformance with the State's "Guideline for the Lateral Placement of Railroad Signs and Signals" as

Project I.D. 4100-10-50

provided in its Facilities Development Manual and Part VIII – Traffic Control Systems for Railroad-Highway Grade Crossings of the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway administration, to the extent practical and feasible.

Auxiliary signs shall be reflectorized.

CONSTRUCTION. The Company by a bid contract will make these signal installations together with the necessary connections to tracks, line circuits and power supply, in accordance with the plans and specifications therefore and the standard and accepted practices for such work. The operative parts of warning devices upon their having been installed shall be covered until placed in service.

All work under this agreement, as set forth herein and in the exhibits and attachments hereto and made a part hereof, shall be performed under normal Company practices and the applicable requirements of the United States Department of Transportation, as set forth in 23 CFR Part 646 Subpart B.

OPERATION AND MAINTENANCE. (a) Upon completion of the installations and their acceptance by the State, the Company will operate and maintain these installations under the rules and regulations of the Office of the Commissioner of Railroads.

If subsequent to any these installations the highway-railroad grades are separated, the grade crossing closed, or if for any other reason the operation of the warning devices is no longer necessary at the crossing, the State and the Company shall negotiate an agreement for the disposition of the warning devices.

The warning devices and appurtenances will become the property of the State upon completion of the project and formal acceptance by the State.

APPORTIONMENT OF COSTS. The State agrees to reimburse the Company for 100 percent of the costs eligible under this Agreement.

The execution of this Agreement by the State Shall not relieve the Company from compliance with the applicable Federal and State laws, Wisconsin Administrative Codes, and local laws or ordinances which may affect the performance of the work covered herein, and shall not be construed to supersede any other governmental agency requirements for plan approval or authority to undertake the work.

INVOICE AND BILLS. (a) The Company will submit all invoices and bills for reimbursement, to the Transportation District Office, 944 Vanderperren Way, Green Bay, WI 54304-0080. The State Project I.D. number will be included on all invoices and bills. The Final Bill is to be submitted within one year of the State's acceptance of the Company's work in accordance with Federal Law. If the Final Bill is not received by that date, the last detailed progressive bill will be considered to be the Final Bill.

If this Agreement contains more than one project, a separate invoice and a separate final statement shall be submitted for each individual project.

Project I.D. 4100-10-50

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers and representatives on the day and the year below written.

FOX VALLEY & WESTERN LTD.

By _____
Signature Date

Title

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION
INFRASTRUCTURE DEVELOPMENT

By _____
Contracts Manager Date

APPROVED:

Governor of Wisconsin Date

Project I.D. 4100-10-50

Form can be found on the WisDOT forms page at:
<http://wisconsindot.gov/Pages/global-footer/formdocs/default.aspx>.
 Type "Ctrl+F" and search for the correct DT form number.

RAILROAD CROSSING REPORT

DT1589 4/2011 (Replaces ED705)

Wisconsin Department of Transportation

1. Railroad Project ID		2. Operating Railroad	
3. Companion Construction Project ID		4. Companion Hwy Constr. Listing Date	5. Engineering ID
6. Road Name		7. Official DOT/AAR Crossing Number	
8. Highway Number/Town Road/Street Name		9. Railroad Subdivision and Milepost	
10. County		11. Town/City/Village of	

Attach sketch of crossing including track centers, approach grades and obstructions to view of approaching trains.

EXISTING DEVICES AT CROSSING

Provide information for both approaches	Northbound/Eastbound		Southbound/Westbound		Comments
	YES	NO	YES	NO	
12. Stop Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Cross Bucks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Wig Wag Signals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15. Flashing Light Signals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 8" <input type="checkbox"/> 12" <input type="checkbox"/> INC <input type="checkbox"/> LED
16. Cantilever Signals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 8" <input type="checkbox"/> 12" <input type="checkbox"/> INC <input type="checkbox"/> LED
17. Gates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
18. Crossing Illuminated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19. Flagging	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20. Bell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> M <input type="checkbox"/> E
21. Sidelights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
22. Stop Bar	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance From Crossing <input type="checkbox"/>
23. Public Road Intersection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
24. Humped Crossing Sign	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25. Railroad Advance Warning Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
26. RXR Pavement Markings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27. Advisory Speed Signs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

OTHER CROSSING INFORMATION

28. Total No. of Tracks	29. No. of Main Line Tracks	30. No. of Other Tracks	31. Angle of Crossing			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> LHF		<input type="checkbox"/> RHF	
32. Total No. of Lanes	33. No. of Through Lanes	34. No. of Parking Lanes	35. No. Exclusive Use Lanes	36. No. Sidewalks	37. Sidewalk Width	38. Pavement Width
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. Curb	40. Roadway Width		41. Crossing Surface Type			
<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/>		<input type="checkbox"/>			
42. Length of Existing Crossing		43. Crossing Surface Condition				
<input type="checkbox"/>		<input type="checkbox"/>				
Average Daily	6 a.m.-6 p.m. Number	6 p.m.-6 a.m. Number	Timetable Speed	Maximum Typical Train Speed	ADT	50. Year
44. Passenger Trains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> MPH	<input type="checkbox"/> MPH	47. Highway ADT (present)	<input type="checkbox"/> (<input type="checkbox"/>)
45. Freight Trains	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> MPH	<input type="checkbox"/> MPH	48. Highway ADT (design)	<input type="checkbox"/> (<input type="checkbox"/>)
46. Switching Moves	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> MPH	<input type="checkbox"/> MPH	49. Posted Speed Limit	<input type="checkbox"/>

SIGHT DISTANCES

Stopping Sight Distances			Quadrant Sight Distances			Clearing Sight Distances		
Distances at which crossing warning devices first visible (WDV) [1] and vehicle stopping distances (VSD) from crossing based on speed [2]			View of trains from stopping distance			View of trains at 25 ft from nearest rail		
51. Approach	52. WDV	53. VSD	54. Quadrant	Sight Distance [3]		57. Quadrant	Sight Distance [4]	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	55. Actual	56. Req'd	<input type="checkbox"/>	58. Actual	59. Req'd
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

60. Obstructions, Comments

61. Diagram (Label Quadrants)

***** _ *****

62. By	63. Title	64. Date
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Applies to right-angle single track crossings with vehicle speeds between 10 and 70 mph and train speeds between 10 and 120 mph. **Crossings that do not meet these criteria require special consideration.**

See:

- AASHTO (2001). A Policy On Geometric Design Of Highways And Streets. 4th edition. Pages 735-743. Washington, DC.
- FHWA publication "Guidance on Traffic Control Devices at Highway-Rail Grade Crossings" for guidance on calculating clearing sight distance.

*** Crossings with a stop condition or where vehicle speeds are less than 10 mph are to be reviewed with the Grade Crossing Safety Engineer.**

EXAMPLE

To evaluate an existing condition to determine if visual contact with a train is adequate to safely decide whether to STOP or PROCEED.

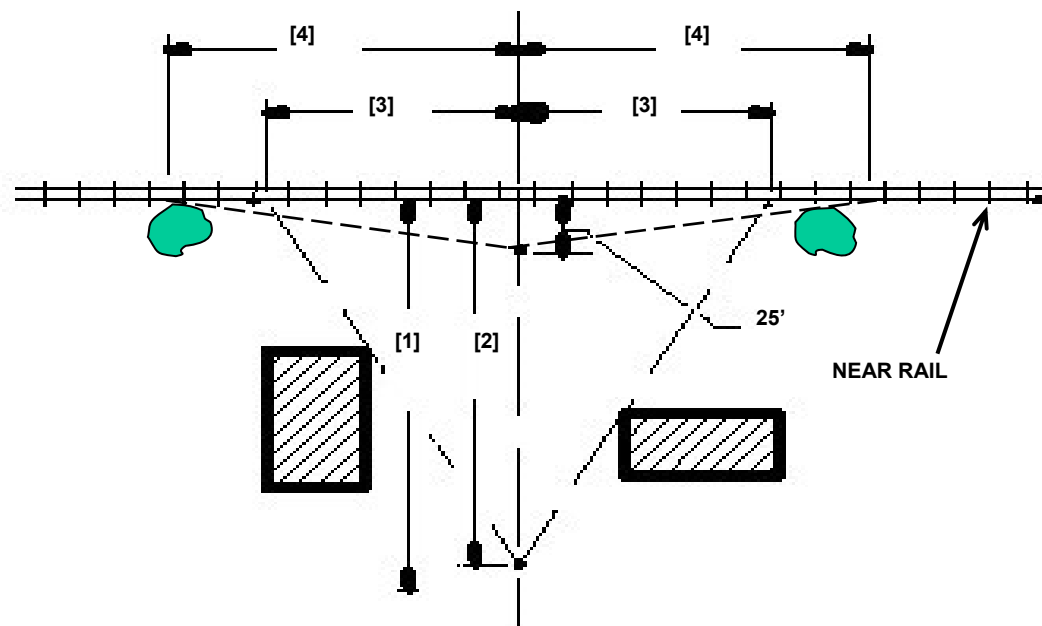
Given a 40 mph Posted Highway Speed on a 3% upgrade with an approaching 50 mph Train requires:

[A] 335' Distance Along The Highway

[B] 513' Distance Along The Track

[C] Apply Grade Adjustment Factors to both distances:

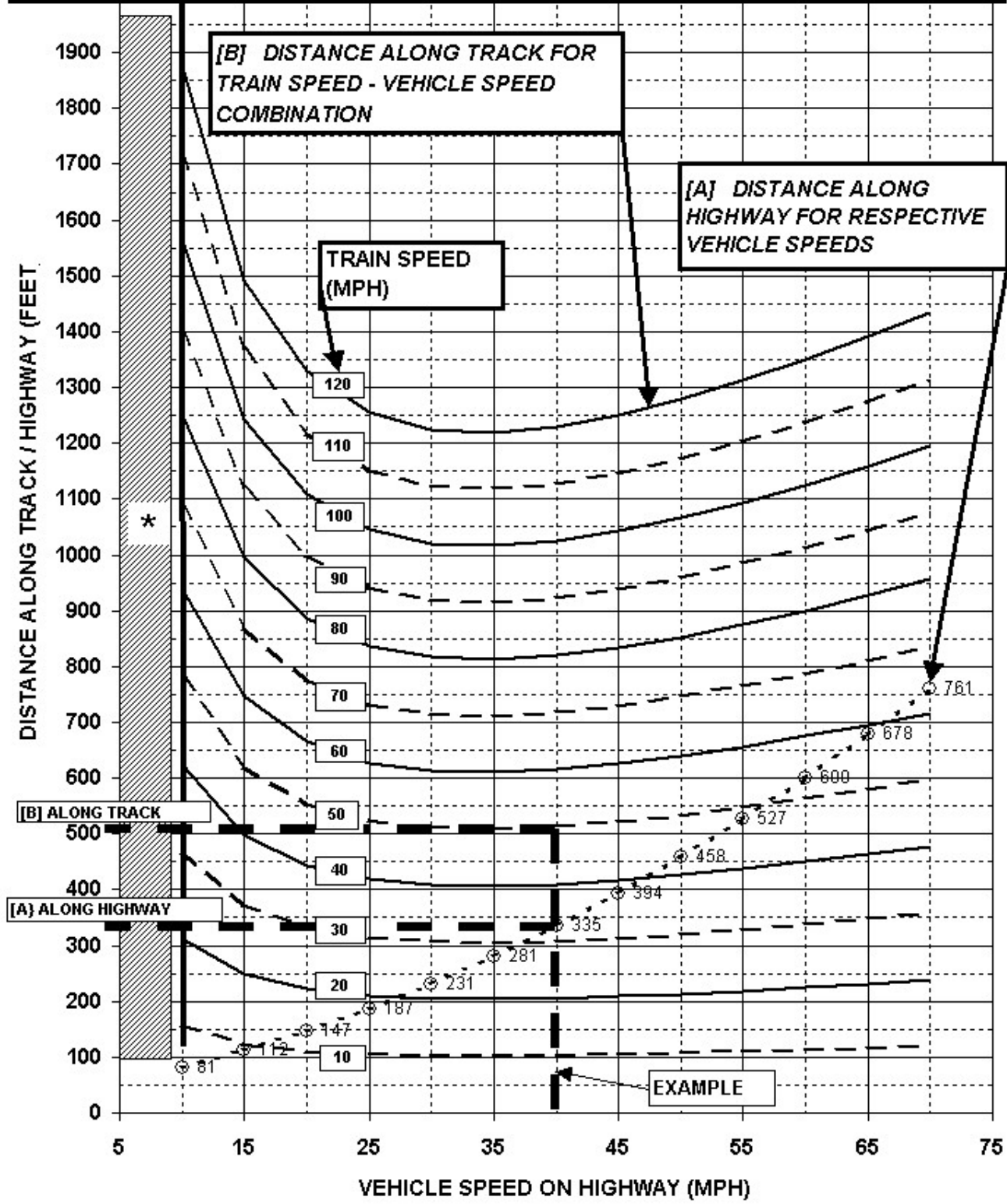
- Adjusted Distance Along The Highway = $335 \times 0.965 = 323'$ (required [2] – see item 53)
- Adjusted Distance Along The Track = $513 \times 0.97 = 498'$ (required [3] – see item 56)



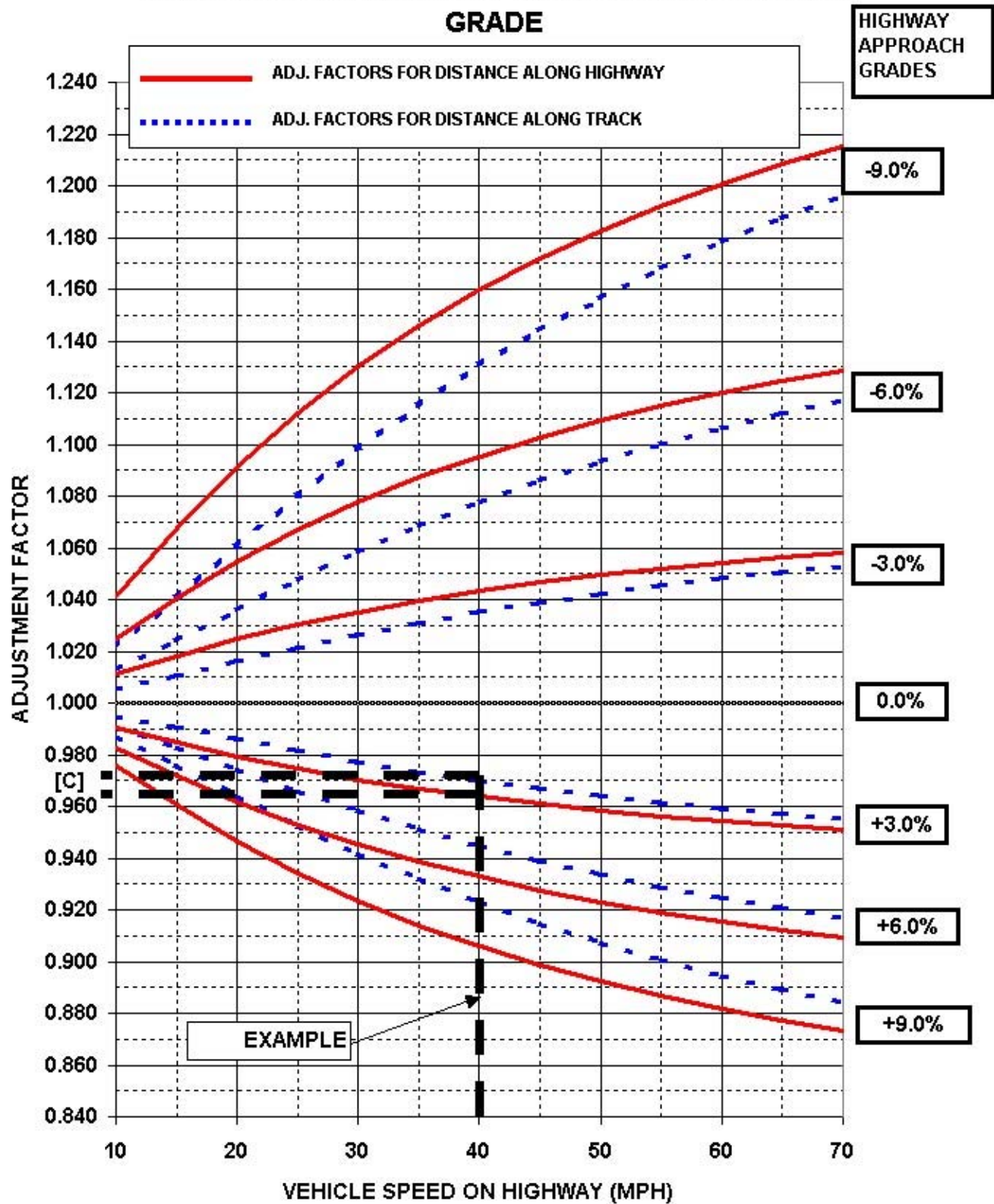
- [1] see item 52
- [2] see item 53
- [3] see items 55 and 56
- [4] see items 58 and 59

ILLUSTRATION FOR ONE APPROACH

AASHTO Case A - Moving Vehicle to safely cross or stop at RR crossing w/ distance from near rail to stopbar = 25.00 ft., downstream clearance = 15.00 ft., SKEW = 0.00 degrees, lane width = 12 ft., approach grade (G) = 0%, and vehicle length = 65 ft.



[C] ADJUSTMENT FACTORS FOR DISTANCES ALONG HIGHWAY / RR TRACK DUE TO HIGHWAY APPROACH GRADE



INSTRUCTIONS

5. Enter the ID number the government agencies (DOT, local) are using for surveys, plans, etc. (preliminary engineering).
12. – 20. Under each of the two approaches, indicate if the item exists. Under the "Comment" column, enter any pertinent information such as "too low," "poor condition," etc.
13. Also include reflectorization information.
15. – 16. Also check off the lamp size and whether the lamps are incandescent (INC) or light emitting diodes (LED).
18. Also, under the "Comment" column, enter the distance from the crossing. NOTE: Crossing Illumination should be within 150 feet of the crossing before being included.
19. Also record "yes" in the approach where the flagger is normally located. Flaggers may select a favored approach due to geometrics or obstructions.
20. Also record whether bell is mechanical (M) or electronic (E).
21. – 27. Under each of the approaches, indicate if the item exists and at what distance it is located from the crossing. Measure the distance along the roadway from the near side of the near rail to the closest point of the item to the crossing.
22. NOTE: Record intersection(s) entering within the vehicle safe stopping distance (as shown on [FDM 17-25 Attachment 1.1](#) of the nomograph), and describe the intersection traffic control under 63.
27. Also enter the posted advisory speed.
28. Enter the total number of tracks located between the Railroad Crossing Warning Devices.
31. Enter the most severe track angle in the crossing and check the appropriate box for left-hand-forward (LHF) or right-hand-forward (RHF). "Angle" is measured between the roadway centerline and the track centerline in the quadrant common to both. Boxes would be blank for a 90-degree crossing angle.
32. Enter the total number of paved lanes (driving, parking, bypass, etc.) through the crossing.
33. Enter the number of "through" driving lanes.
34. Enter the number of lanes available for parking (either marked or unmarked) through the crossing.
35. Enter the number of "exclusive use" lanes pullout (bypass, stopping, etc.) through the crossing.
36. Enter the number of sidewalks.
37. Enter the width and location of sidewalk(s) - distance from edge of pavement or face of curb to the inside edge of each sidewalk.
38. Enter the total pavement width between edges of pavement or between faces of curbs. Measure perpendicular to the roadway centerline.
39. Indicate if curb and gutter are constructed on the crossing approaches by checking the (Y) box "yes" or the (N) box "no."
40. Enter the total roadway width, between outside shoulder points, backs of curbs, or outside edges of sidewalks. Measure perpendicular to the roadway centerline.
41. Enter crossing surface type (rubber, concrete, flange and guard timber, etc.).
42. Enter the total length of crossing (width of roadway as defined in 38 as measured along the track centerline).

43. Record the assessment of the crossing surface condition (material not covering total roadway, timbers failing, etc.).
44. – 46. Record the number of scheduled trains between the indicated hours, and record the timetable speed for each type or train. Obtain the information from the operating railroad.
51. Enter the crossing approach.
52. Enter the actual distance from the crossing at which the crossing warning devices are first visible.
53. Enter the required vehicle safe stopping distance, refer to discussion in [FDM 17-25 Attachment 1.1](#).
54. Enter the quadrant.
55. Enter the actual sight distance available at the vehicle safe stopping distance. Record obstructions in 60.
56. Enter the required sight distance, refer to discussion in [FDM 17-25 Attachment 1.1](#).
57. Enter the quadrant at a distance 25 feet from the crossing.
58. Enter the actual sight distance at a distance of 25 feet from the crossing.
59. To be calculated after review with Grade Crossing Safety Engineer, only if necessary to evaluate required clearing sight distance [4].
60. Indicate obstructions and any comments for each quadrant.
61. Show the roadway centerline, and label the crossing angle, the quadrants, and the north arrow.
62. Identify the person to be contacted for additional information or clarification.
63. Record the contact person's title.
64. Enter the date the information was obtained.

NOTE: Train information must be secured from the operating railroad.

**Process that is followed for a
Highway Improvement Project with an At Grade Railroad Component**

1. District Planning Unit identifies there is a railroad in the vicinity of the project.
2. District Planning Unit informs Region Railroad Coordinator. (RRC)
3. District sends a letter notifying the railroad of the scope of the project and invites RR to the OPM.
4. RRC identifies there is RR work to be done in conjunction with a project.
5. Field review. (possibly with Railroads and Harbors Section (RHS) and the Railroad)
6. RHS develops rough cost estimate for scheduling purposes.
7. The RRC (with input from RHS and project manager) provides District Planning with the crossing ID number(s), project estimate, RR % of funding, location, schedule date and type of work. District assigns RR Project ID number(s) and initializes in FIIPS/FOS. Under "functional type" code as a construction project. **(R/R "Schedule Date" equals the 25th day of the month prior to the let date of companion highway project, I/E "Schedule Date" is left blank, "PS&E Date" should be 2 months prior to the schedule date) Public's share of funding should be similar to the funding on the associated highway project. Life Cycle 10, Status I**
8. District puts together the project submittal package and sends to RHS. (Plan sheets & RR X-ing Report)
9. If appropriate, the district gets a municipal agreement signed by the locals.
10. RRC requests of FIIPS/FOS Coordinator that the project be authorized for charges.
 - A. If the request for authorization is prior to the same fiscal year as the R/R Schedule Date or the Environmental Document hasn't been approved, then request will be for railroad design costs. District requests authorization of BSHP for the total project estimate amount and sends an e-mail notification to the BFS Highway Accounting Unit that this is a railroad project with design cost authorization being requested. Environmental clearance date field is left blank if the environmental document hasn't been approved. In FIIPS under 'Project Notes' in the electronic FHWA 37 form, state "5% of project to be used for Railroad PE." The project remains in Life Cycle 10. **Status F**
 - B. If the request for authorization is in the same fiscal year as the R/R Schedule Date and the Environmental Document has been approved, then request full authorization of the project. The project remains in Life Cycle 10. **Status F**
11. BSHP requests authorization of BFS. **Status G**
12. BFS Highway Accounting Unit electronically submits the FHWA-37 form. After submittal, BFS changes the FHWA Fiscal Management Information System (**FMIS**) to be 5% of the total project costs. The 5% modification is done only if following #10 'A' above.
13. FHWA electronically approves the 37 Form.
14. Project is authorized for charges by BFS. (5% of the total funding needed is obligated at this time if following #1 above) **Status H**
15. RHS drafts proposal/estimate request and sends to RRC for comments.
16. RRC and project manager/designer each reviews proposal/estimate request & sends comments to RHS.
17. RHS makes necessary changes.
18. RHS sends proposal/estimate request to railroad.
19. RHS petitions the OCR.
20. Project manager/designer prepares testimony.
21. RHS and District hold a pre-hearing conference.
22. OCR hearing is held.
23. Proposed OCR decision to RHS.
24. RHS forwards proposed decision to the RRC.
25. RRC and project manager/designer reviews proposed decision.
26. RHS comments to OCR on proposed decision within 15 days. (both CO and district comments)
27. Final OCR decision (Order) to RHS.
28. RHS forwards final decision to the RRC.
29. RHS sends revised proposal/estimate request to the railroad.
30. Railroad performs preliminary (design) engineering, generates an estimate and sends to RHS.
31. Estimate received by RHS.
32. RHS prepares agreement.
33. Agreement originals sent to railroad. RRC receives agreement copy, copies and forwards to

- project manager. District FIIPS/FOS coordinator also receives a copy, checks out the project in FIIPS, updates the cost along with any other necessary information and requests BFS to obligate the remainder of the funds by delegating the project to BFS with a FIIPS draft delegation note including the environmental clearance date if it is blank in FIIPS (if following #1 above). (= **PS&E Date**) **Life Cycle 20**
34. BFS electronically modifies FMIS for the entire amount of project (if following #1 above).
 35. May need further RR negotiations or amended agreement based on RR comments.
 36. Railroad approves agreement and sends to RHS.
 37. Agreement received by RHS. (Let highway project now OK to award)
 38. RHS prepares DT-25 and cost share form.
 39. Agreement to BFS ---- Secretary ---- Governor.
 40. Agreement executed by BFS (Contract Administration Unit) and encumbers the dollars (Expenditure Accounting Section). (= **Schedule Date**)
 41. Executed agreement to RHS.
 42. Copy of executed agreement sent to the Railroad along with the RRC and District FIIPS/FOS Coordinator.
 43. Progressive billing by RR may begin. (design and material bills may be submitted before construction with other progressive bills coming up until the final bill is submitted or 1 year after the completion certificate is sent to the railroad)
 44. The District ensures that the R/R Schedule Date and the EAPS Encumbrance Date are in sync and moves the project to life cycle 40. (**Life Cycle 40**)
 45. RRC provides a copy of the executed agreement to the project manager
 46. Project manager ensures a copy of the executed agreement is given to the construction project manager
 47. RRC reviews progressive bills and forwards to BFS for partial or complete payment. (an explanation of partial payment is required by BFS)
 48. RRC issues written start notice to Railroad and copies RHS. If there was an OCR Order then also send a copy to the OCR.
 50. Construction Project Manager arranges with Railroad to attend pre-construction meeting.
 51. Railroad notifies RRC of intent to start
 52. Construction by RR and inspection by district.
 53. Railroad notifies RRC of the completion date. (If the railroad didn't notify the RRC of the completion date and a field inspection of the project indicates that the project is complete, then go ahead to the next step)
 54. District does field inspection for acceptance.
 55. DRC fills out final acceptance letter and completion certificate. The original gets sent to the railroad and copies get sent to RHS and BFS. If there was an OCR order then also send a copy to the OCR.
 56. Railroad is given three months to dispute State's final acceptance of the project otherwise use the completion date from the final acceptance letter to start the one year for the railroad to send the final bill to the RRC.
 57. Railroad needs to submit final bill to the RRC within one year of the State's final acceptance of the project, otherwise the RRC can close the project.
 58. RRC reviews final bill and resolves with the railroad any disputed items.
 59. RRC forwards undisputed final bill to BFS for payment along with advising BFS to disencumber any remaining project dollars and close the project to charging.
 60. BFS disencumbers any remaining project dollars and close project to charging. **Life Cycle 50**
 61. One month after sending the final bill to BFS, RRC checks EAPS to see if the final bill has been processed and marked as final and to see if the remaining funds have been released. Also check FIIPS to see if the project is closed except for journal voucher.

**Process that is followed for a
WisDOT Railroad Safety Project
(RR Force Work Component)**

Project Identification and Approval

New Installation Projects (Passive to Active)

1. Local unit of government or the region identifies candidate new installation projects.
2. The Railroads and Harbors Section (RHS) requests that the Region Railroad Coordinator (RRC) check for any upcoming projects that could impact the railroad safety project.
3. Region field reviews (preferably with RHS and railroad (RR)) and conducts an inventory to determine any conflicts or unique geometric considerations that will need to be incorporated in the design.
4. Region assigns RR project ID number based on guidance found on the following link <https://iisgtwyp.wi.gov/ffm/pmm/05/05-05-10e.pdf>, **Life Cycle 00**.
5. Region sends submittal package (CDR, plan sheets if available, RR Crossing Report, map & digital photos) to RHS (Railroad Engineering and Safety Unit) and the Bureau of State Highway Programs (BSHP) Highway Safety Improvement Program (HSIP) manager.
6. WisDOT Rail Projects Review Committee reviews the application.
7. BSHP Highway Safety Improvement Program manager sends approval letter to region with FIIPS loading instructions.

Replacing Obsolete Equipment Projects

- a) RHS solicits replacement projects from railroads that they would be willing to cost share at 50 percent for consideration to include in the WisDOT Rail-Highway Crossing Safety Program.
- b) Railroads respond to solicitation with priority lists of candidate projects to replace obsolete equipment.
- c) RHS requests that the RRC check for any upcoming projects that could impact the railroad safety project.
- d) Region field reviews (preferably with RHS and railroad) and conducts an inventory to determine any conflicts or unique geometric considerations that will need to be incorporated in the design.
- e) WisDOT Rail Projects Review Committee reviews the project lists and selects projects to be programmed.
- f) BSHP Highway Safety Improvement Program manager sends approval letter to region with FIIPS loading instructions. (proceed to step 8).

From this point, the process steps are the same for new installation and replacing obsolete equipment projects.

Project Setup and Preliminary Engineering

8. Based on the FIIPS loading instructions provided by BSHP and input from the RRC, RHS, and the project initiator, the Region FIIPS Coordinator completes the project setup and initializes it in FIIPS. Under "functional type" code as a construction project. (Schedule Date equals 6-25 of its FY funding, PS&E Date should be 3-25 of its FY funding) Review Control Code A, **Life Cycle 10**.
9. The region identifies and ensures that projects in an MPO are included in the MPO's TIP. When the TIP becomes available, the Region FIIPS Coordinator should enter the TIP number into FIIPS. The region should respond to both BSHP and the RHS Grade Crossing Safety Engineer with the TIP number.
10. RHS sets scoping meeting with the Bureau of Technical Services - Environmental Process and Documentation Section (BTS-EPDS) for the next fiscal year to discuss the project summary and determine appropriate next steps for any complex WisDOT Safety projects regarding the creation of

environmental documentation.

11. RHS with support from BTS-EPDS identifies potential project impacts for Categorical Exclusion Checklist (CEC):
 - a. Archaeology/Historic sites
 - b. Section 4(f) of NHPA
 - c. Section 6(f)
 - d. Potential wetland/waterway impacts
 - e. Hazmat/asbestos/lead paint
 - f. Agricultural land/drainage districts
 - g. Potential controversy
 - h. If a Hazardous Materials Investigation will be required.
12. If there is local participation in the project funding, the region gets a state/municipal agreement (SMA) signed by the locals. RHS requests the region work with the local unit of government to produce the SMA.
13. RHS Grade Crossing Safety Engineer requests full (100%) authorization of the Region FIIPS Coordinator.
14. Region FIIPS Coordinator:
 - a. Makes any necessary FIIPS revisions from the e-mail provided by the RHS Grade Crossing Safety Engineer.
 - b. Adds a FIIPS draft delegation note stating that the FIIPS estimate was provided with the FIIPS loading instructions from BSHP.
 - c. Enters the correct environmental document type and impact date in FIIPS.
 - d. Sets the All Work Complete (AWC) date at 36 months after December 31st of the schedule date year of the railroad project. *For example, if the schedule date is 6/25/2022, the All Work Complete Date will be December 31, 2025.*
 - e. Moves the project to Review Control Code F.
 - f. Requests authorization from the Program Finance Section (PFS) of BSHP. For projects with only federal/state funding (no local or railroad participation) Advance Construction (AC) will be used for the federal share of the costs.
 - g. Makes sure the project remains at FIIPS Life Cycle 10.
15. PFS staff reviews project funding for any possible changes that may be needed, moves the project to Review Control Code G, then requests authorization of the Financial Operations Section (FOS) of the Division of Business Management (DBM).
16. DBM FOS electronically submits the FHWA-37 form requesting obligation authority for the entire amount of the project (PE and construction costs).
17. FHWA electronically approves the FHWA-37 form obligation authority for the entire amount of the project (PE and construction costs).
18. Project is authorized for charges by DBM FOS, and they move the project to Review Control H.

Environmental Documentation

19. RHS informs BTS-EPDS when commencing design.
20. RHS sends Tribal Notification Letters to appropriate tribes for the project county.
21. RHS prepares the DT1030 document and sends to WisDOT Cultural Resources with project location map for the Section 106 screening process.
 - a. If not on screening list, BTS-EPDS works with RHS to make screening request to WisDOT Cultural Resources Team (CRT). Complete this as early as possible if inclusion on screening list is declined.
22. RHS prepares WDNR Project Coordination for an Initial Review Request and sends it to the appropriate WDNR Liaison for the project county.

- a. Allow maximum of 45 days for response. If no response in that time frame, contact BTS-EPDS staff.
23. RHS receives WDNR Initial Review, considers issues with design, and coordinates with BTS-EPDS/WDNR on any questions or issues that arise.
24. RHS begins coordination with other state/federal agencies, as appropriate.
 - a. U.S. Fish and Wildlife Service (USFWS) for evaluation of habitat and threatened/endangered species at the crossing project.
25. RHS completes Section 106 (if not on screening list for Archaeology and History).
26. RHS finalizes the Environmental Documentation.
 - a. If CEC, reviewed and signed by BTS-EPDS and WisDOT Project Manager.
 - b. If an environmental review (ER), reviewed by:
 - i. WisDOT Project Manager, Supervisor, and Region Environmental Coordinator (REC).
 - ii. FHWA Engineer when project has federal involvement.
 - iii. WisDOT BTS, ONLY on projects with Section 4(f)/6(f) issues or no federal involvement.
 - c. If an environmental assessment (EA), reviewed and approved in the same fashion as an ER would be.
27. If there are wetland impacts with the project, RHS applies for:
 - a. Section 404 Permit to U.S. Army Corps of Engineers.
 - b. WDNR Final Correspondence/Section 401 Water Quality Certification (WQC).
 - c. These need to be completed before construction, but the CEC can be signed by BTS-EPDS and project manager before applications are approved.
28. If no wetland impacts, RHS requests WDNR Final Concurrence/WQC (needed for all projects).
29. If required under the commitments laid out by WisDOT Cultural Resources, RHS requests authorization to work within the boundaries of a burial site within one year of construction.

Obtaining Railroad Force Work Agreement

30. RHS petitions OCR, if necessary, because of potential alterations. If an OCR petition is not needed, skip to step 38.
 - a. If the project is going from passive to active warning devices, an OCR petition is required.
 - b. If the project is an obsolete equipment upgrade, review any previous OCR orders that exist.
 - i. If the previous OCR order differs from what is proposed, an OCR petition is required.
 - ii. If the crossing is pre-empted, an OCR petition is required to ensure annual inspections and exemption requirements are included.
31. If OCR determines a hearing is necessary, RHS Grade Crossing Safety Engineer prepares testimony. If hearing is not being held, skip to step 34.
32. RHS and region hold a pre-hearing conference.
33. OCR hearing.
34. OCR final decision is published to docket database.
35. RHS and RRC reviews final decision.
36. RHS comments to OCR on final decision through an uploaded correspondence to the docket database (both central office and region comments).

37. If comments were submitted, OCR issues amended final decision (Order). Otherwise, initial final decision remains. <https://apps.ocr.wi.gov/APPS/OCRRapps/docket/search.aspx>
38. RHS drafts proposal/estimate request. After seeking concurrence from the RRC, RHS sends the proposal/estimate request to the railroad and copies the RRC.
39. Railroad performs preliminary (design) engineering, generates an estimate, and sends to RHS.
40. Estimate reviewed and approved by RHS. The estimate may need further RR negotiations before development of the proposed force work agreement.
41. RHS prepares force work agreement. After seeking concurrence from the RRC, RHS sends the proposed agreement to the railroad and RRC.
42. Railroad approves and signs agreement, then sends to RHS.
43. RHS prepares DT-25 and sends, with signed railroad agreement, to the Audit & Contract Administration Section in the Bureau of Financial Management (BFM) (email: DOTCAU@dot.wi.gov). If signed railroad agreement utilizes docusign, send DT-25 separately.
44. The Audit and Contract Administration Section executes the agreement and DT-25. They send the fully executed agreement and DT-25 to RHS.
45. RHS Grade Crossing Safety Engineer verifies the schedule date, estimate amount, delivery amount, Review Control status, federal authorization amount, funding, All Work Complete date, and the environmental document type in FIIPS, and provides a request for any updates to the Region FIIPS Coordinator. Include fully executed agreement with request.
46. Region FIIPS Coordinator:
 - a. Updates the estimate amount, schedule date and/or funding to reflect the information provided in the railroad agreement.
 - b. Revises the FIIPS environmental document type and impact date, if necessary.
 - c. Reviews All Work Complete (AWC) date set at 36 months after December 31st of the schedule date. *For example, if the schedule date is 6/25/2022, the All Work Complete Date will be December 31, 2025.* RHS Grade Crossing Safety Engineer will request an extension modification, if necessary.
 - i. AWC extension has the potential to threaten encumbrance and authorization timeframes. The AWC extension can be completed after the turn of the fiscal year, as necessary.
 - d. Moves project to **Life Cycle 20**.
 - e. Delegates the project to PFS for review and provides them with a copy of the fully executed agreement.
47. PFS staff reviews funding for any required changes and converts the AC funding to the established cost share on projects that have been AC'd. Projects will then be delegated to the FOS Region Accountant (Theresa Schult), with a copy of the fully executed agreement.
48. The FOS Region Accountant may need to request a federal modification based on a new estimate in the railroad agreement.
49. When FIIPS is verified and fully updated, RHS Grade Crossing Safety Engineer requests encumbrance to the FOS Expenditure Accounting Unit (email: DOTExpenditureAccounting@dot.wi.gov). The request should include the Request to Encumber Railroad Project form and the fully executed agreement. Note, encumbrance does not include delivery. In E-mail, request FOS confirmation of encumbrance.
50. FOS Expenditure Accounting Unit encumbers the railroad agreement.
51. RHS Grade Crossing Safety Engineer checks to verify that the encumbrance date (creation of the Purchase Orders, found in Peoplesoft) either precedes or matches FIIPS schedule date.
52. After encumbrance is ensured, the Region FIIPS Coordinator moves the railroad project to **Life Cycle 40** and switches the encumbered flag to Yes in FIIPS.

53. RHS Grade Crossing Safety Engineer sends RRC fully executed agreement.
54. RRC verifies FIIPS and encumbrance. Once verified, RRC sends E-mail with fully executed agreement, and start notice to the railroad and copies RHS.

Project Construction and Billing (Region project management responsibilities start here)

55. RRC is responsible for performing all construction project management duties, including bringing project stakeholders together for project construction work.
56. Railroad notifies RRC of intent to start.
57. Progressive billing by RR may begin. (design and material bills may be submitted before construction with other progressive bills following until the final bill is submitted or one year after the final acceptance E-mail is sent to the railroad).
58. RRC reviews progressive bills and forwards to FOS for partial or complete payment. (An explanation of partial payment is required by FOS).
59. Construction by RR.
60. Railroad notifies RRC of the completion date. (If the railroad didn't notify the RRC of the completion date and a final invoice is submitted, then proceed to the next step).
61. Region does field inspection for acceptance.
62. RRC fills out final acceptance E-mail and sends to the railroad and copies RHS and FOS.
63. Railroad is given three months to dispute state's final acceptance of the project. Otherwise use the completion date from the final acceptance E-mail to start the one year for the railroad to send the final bill to the RRC.
64. Railroad needs to submit final bill to the RRC within one year of the state's final acceptance of the project, otherwise the RRC can close the project.
65. RRC reviews final bill and resolves with the railroad any disputed items.
66. RRC forwards undisputed final bill to FOS for payment along with advising FOS to disencumber any remaining project dollars and close the project to charging.
67. FOS disencumbers any remaining project dollars and closes project to charging. **Life Cycle 50.**
68. One month after sending the final bill to FOS, RRC checks PeopleSoft to see if the final bill has been processed and marked as final and to see if the remaining funds have been released. Also check FIIPS to see if the project is closed except for JV. More information on closing contracts and projects can be found in PMM [06-10-55e.pdf \(wi.gov\)](#)

**Process that is followed for an
OCR Railroad Safety Project
(RR Force Work Component)**

Project Identification and Approval

1. Office of the Commissioner of Railroads (OCR) approves project to be included in OCR Safety Program and sends E-mail notification to Railroads and Harbors Section (RHS) and Bureau of State Highway Programs (BSHP) Highway Safety Improvement Program (HSIP) manager.
2. Candidate projects are put on master OCR projects list by RHS and BSHP.
3. BSHP sends the master list to the region planning section in August of each year so the region can identify and ensure that projects in an MPO are included in the MPO's TIP.
4. OCR performs a field review (Investigation).
5. OCR conducts hearing or makes a determination on the adequacy of warning devices.
6. OCR issues proposed decision, if a hearing was held.
7. OCR issues final decision (Order). <https://apps.ocr.wi.gov/APPS/OCRapps/docket/search.aspx>

Project Setup and Preliminary Engineering

8. RHS assigns railroad (RR) project ID number based on guidance found on the bottom of page 4 of the following link <https://iisgtwyp.wi.gov/ffm/pmm/05/05-05-10e.pdf>, creates a project scoping estimate based on the work outlined in the OCR final decision (Order), and then works with the RHS FIIPS coordinator to initialize the RR project in FIIPS (Schedule Date equals 6-25 of its FY funding, PS&E Date should be 3-25 of its FY funding) Review Control Code A, **Life Cycle 10**.
9. When the TIP becomes available, the Region FIIPS Coordinator should enter the TIP number into FIIPS. The region should respond to both BSHP and the RHS Grade Crossing Safety Engineer with the TIP number.
10. RHS requests that Region Railroad Coordinator (RRC) check for any upcoming projects that could impact the OCR project.
11. RRC contacts locals about upcoming OCR project.
12. RHS sets scoping meeting with the Bureau of Technical Services - Environmental Process and Documentation Section (BTS-EPDS) for the next fiscal year to discuss the project summary and determine appropriate next steps for any complex OCR projects regarding the creation of environmental documentation.
13. RHS with support from BTS-EPDS identifies potential project impacts for Categorical Exclusion Checklist (CEC):
 - a. Archaeology/Historic sites
 - b. Section 4(f) of NHPA
 - c. Section 6(f)
 - d. Potential wetland/waterway impacts
 - e. Hazmat/asbestos/lead paint
 - f. Agricultural land/drainage districts
 - g. Potential controversy
 - h. If a Hazardous Materials Investigation will be required.
14. If the Commissioner has determined that there is local participation in the project funding, the region gets a state/municipal agreement (SMA) signed by the locals. RHS requests the region work with the local unit of government to produce the SMA.

15. RHS Grade Crossing Safety Engineer requests full (100%) authorization of the RHS FIIPS Coordinator.
16. RHS FIIPS Coordinator:
 - a. Makes any necessary FIIPS revisions from the e-mail provided by the RHS Grade Crossing Safety Engineer.
 - b. Adds a FIIPS draft delegation note stating that the FIIPS estimate was provided by the RHS Grade Crossing Safety Engineer.
 - c. Enters the correct environmental document type and impact date in FIIPS.
 - d. Sets the All Work Complete (AWC) date at 36 months after December 31st of the OCR order completion date year. *For example, if the OCR order date is 6/25/2022, the All Work Complete Date will be December 31, 2025.*
 - e. Moves the project to Review Control Code F.
 - f. Requests authorization from the Program Finance Section (PFS) of BSHP. For projects with only federal/state funding (no local or railroad participation) Advance Construction (AC) will be used for the federal share of the costs.
 - g. Makes sure the project remains at FIIPS Life Cycle 10.
17. PFS staff reviews project funding for any possible changes that may be needed, moves the project to Review Control Code G, then requests authorization of the Financial Operations Section (FOS) of the Division of Business Management (DBM).
- ~~18.~~ DBM FOS electronically submits the FHWA-37 form requesting obligation authority for the entire amount of the project (PE and construction costs).
19. FHWA electronically approves the FHWA-37 form obligation authority for the entire amount of the project (PE and construction costs).
20. Project is authorized for charges by DBM FOS, and they move the project to Review Control Code H.

Environmental Documentation

21. RHS informs BTS-EPDS when commencing design.
22. RHS sends Tribal Notification Letters to appropriate tribes for the project county.
23. RHS prepares the DT1030 document and sends to WisDOT Cultural Resources with project location map for the Section 106 screening process.
 - a. If not on screening list, BTS-EPDS works with RHS to make screening request to WisDOT Cultural Resources Team (CRT). Complete this as early as possible if inclusion on screening list is declined.
24. RHS prepares WDNR Project Coordination for an Initial Review Request and sends it to the appropriate WDNR Liaison for the project county.
 - a. Allow maximum of 45 days for response. If no response in that time frame, contact BTS-EPDS staff.
25. RHS receives WDNR Initial Review, considers issues with design, and coordinates with BTS-EPDS/ WDNR on any questions or issues that arise.
26. RHS begins coordination with other state/federal agencies, as appropriate.
 - a. U.S. Fish and Wildlife Service (USFWS) for evaluation of habitat and threatened/endangered species at the crossing project.
27. RHS completes Section 106 (if not on screening list for Archaeology and History).
28. RHS finalizes the Environmental Documentation.
 - a. If CEC, reviewed and signed by BTS-EPDS and WisDOT Project Manager.
 - b. If an environmental review (ER), reviewed by:
 - i. WisDOT Project Manager, Supervisor, and Region Environmental Coordinator (REC)

- ii. FHWA Engineer when project has federal involvement
 - iii. WisDOT BTS, ONLY on projects with Section 4(f)/6(f) issues or no federal involvement.
 - c. If an environmental assessment (EA), reviewed and approved in the same fashion as an ER would be.
29. If there are wetland impacts with the project, RHS applies for:
- a. Section 404 Permit to U.S. Army Corps of Engineers
 - b. WDNR Final Correspondence/Section 401 Water Quality Certification (WQC)
 - c. These need to be completed before construction but the CEC can be signed by BTS-EPDS and project manager before applications are approved.
30. If no wetland impacts, RHS requests WDNR Final Concurrence/WQC (needed for all projects).
31. If required under the commitments laid out by WisDOT Cultural Resources, RHS requests authorization to work within the boundaries of a burial site within one year of construction.

Obtaining Railroad Force Work Agreement

32. RHS and/or region conducts field review and inventory to determine any conflicts or unique geometric considerations that will need to be incorporated in the design.
33. RHS drafts proposal/estimate request. After seeking concurrence from the RRC, RHS sends the proposal/estimate request to the railroad and copies the RRC and submits it to the OCR docket.
34. Railroad performs preliminary (design) engineering, generates an estimate and sends to RHS.
35. Estimate reviewed and approved by RHS. The estimate may need further RR negotiations before development of the proposed force work agreement.
36. RHS prepares force work agreement. After seeking concurrence from the RRC, RHS sends the proposed agreement to the railroad and RRC.
37. Railroad approves and signs agreement, then sends to RHS
38. RHS prepares DT-25 and sends, with signed railroad agreement, to the Audit & Contract Administration Section in the Bureau of Financial Management (BFM) (email: DOTCAU@dot.wi.gov). If signed railroad agreement utilizes docusign, send DT-25 separately.
39. The Audit and Contract Administration Section executes the agreement and DT-25. They send the fully executed agreement and DT-25 to RHS.
40. RHS Grade Crossing Safety Engineer verifies the schedule date, estimate amount, delivery amount, Review Control status, federal authorization amount, funding, All Work Complete date, and the environmental document type in FIIPS, and provides a request for any updates to the RHS FIIPS Coordinator. Include fully executed agreement with request.
44. RHS FIIPS Coordinator:
- a. Updates the estimate amount, schedule date and/or funding to reflect the information provided in the railroad agreement.
 - b. Sets a limit on federal funding equal to the new federal amount (with delivery) on the priority 1 line. Establishes a new priority 2 line with zero dollars funded with 100 percent state funds. (Add a FIIPS funding note that this update is per RHS policy).
 - c. Revises the FIIPS environmental document type and impact date, if necessary.
 - d. Reviews All Work Complete (AWC) date set at 36 months after December 31st of the OCR order completion date year. *For example, if the OCR order date is 6/25/2022, the All Work Complete Date will be December 31, 2025.* RHS Grade Crossing Safety Engineer will request an extension modification, if necessary.
 - i. AWC extension has the potential to threaten encumbrance and authorization timeframes. The AWC extension can be completed after the turn of the fiscal year, as necessary.

- e. Moves project to **Life Cycle 20**.
 - f. Delegates the project to PFS for review and provides them with a copy of the fully executed agreement.
42. PFS staff reviews funding for any required changes and converts the AC funding to the established cost share on projects that have been AC'd. Projects will then be delegated to the FOS Region Accountant (Theresa Schult), with a copy of the fully executed agreement.
43. The FOS Region Accountant may need to request a federal modification based on a new estimate in the railroad agreement.
44. When FIIPS is verified and fully updated, RHS Grade Crossing Safety Engineer requests encumbrance to FOS Expenditure Accounting Unit (email: DOTExpenditureAccounting@dot.wi.gov). The request should include the Request to Encumber Railroad Project form and the fully executed agreement. Note, encumbrance does not include delivery. In E-mail, request FOS confirmation of encumbrance.
45. FOS Expenditure Accounting Unit encumbers the railroad agreement.
46. RHS Grade Crossing Safety Engineer checks to verify that the encumbrance date (creation of the Purchase Orders, found in Peoplesoft) either precedes or matches FIIPS schedule date.
47. After encumbrance is ensured, the RHS FIIPS Coordinator moves the railroad project to **Life Cycle 40** and switches the encumbered flag to Yes in FIIPS.
48. RHS Grade Crossing Safety Engineer sends RRC fully executed agreement.
49. RRC verifies FIIPS and encumbrance. Once verified, RRC sends E-mail with fully executed agreement, and start notice to the railroad and copies RHS.

Project Construction and Billing (Region project management responsibilities start here)

50. RRC is responsible for performing all construction project management duties, including bringing project stakeholders together for project construction work.
51. Railroad notifies RRC of intent to start.
52. Progressive billing by RR may begin. (design and material bills may be submitted before construction, with other progressive bills following until the final bill is submitted or one year after the final acceptance E-mail is sent to the railroad).
53. RRC reviews progressive bills and forwards to FOS for partial or complete payment. (An explanation of partial payment is required by FOS).
54. Construction by RR.
55. Railroad notifies RRC of the completion date. (If the railroad didn't notify the RRC of the completion date and a final invoice is submitted, then proceed to the next step)
56. Region does field inspection for acceptance.
57. RRC fills out final acceptance E-mail and sends to the railroad and copies RHS and FOS.
58. Railroad is given three months to dispute state's final acceptance of the project. Otherwise use the completion date from the final acceptance E-mail to start the one year for the railroad to send the final bill to the RRC.
59. Railroad needs to submit final bill to the RRC within one year of the state's final acceptance of the project, otherwise the RRC can close the project.
60. RRC reviews final bill and resolves with the railroad any disputed items.
61. If the RRC determines that there is an overrun above the agreement amount, the RRC needs to instruct the Region FIIPS Coordinator to update the funding total on the FIIPS Funding Screen to the new total cost of the project.

62. RRC forwards undisputed final bill to FOS for payment along with advising FOS to disencumber any remaining project dollars and close the project to charging.
63. FOS disencumbers any remaining project dollars and closes project to charging. **Life Cycle 50**
64. One month after sending the final bill to FOS, RRC checks PeopleSoft to see if the final bill has been processed and marked as final, and to see if the remaining funds have been released. Also, check FIIPS to see if the project is closed except for JV. More information on closing contracts and projects can be found in PMM [06-10-55e.pdf \(wi.gov\)](#)