

**OKLAHOMA DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISIONS
FOR
RAILROAD FLAGGING
PROJECT NUMBER, JP NO. 00000(04), COUNTY**

These Special Provisions revise, amend, and where in conflict, supersede applicable sections of the 2009 Standard Specifications for Highway Construction, English and Metric.

104.18 RAILROAD FLAGGING *(Add the following:)*

Execute and return the right of entry agreement (if required by the railroad) with the contract to the Department within the time period provided for contract execution. Reimburse _____, hereinafter referred to as the Railroad Company, directly for the cost of all railroad flagging required by the Railroad Company due to construction on their property.

The Railroad Company's requirements for flagging and right of entry may vary significantly from those implied by other contract documents. Therefore be informed of the individual Railroad Company's requirements for flagging and right of entry.

For the purpose of bidding, the following information is furnished by the Railroad Company covering the estimated flagging schedule and the estimated cost thereof:

A. Flagging Services

Flagging services will be required:

- (1) In the event it is necessary for the Contractor to operate his crane or other heavy machinery in the vicinity of the track, as defined by the Railroad Company, which may endanger railroad operations.
- (2) At any time the Contractor is within 25 feet of the track.
- (3) As specified in the right of entry agreement (if required).
- (4) At any other time deemed appropriate by the Railroad Company.

B. Flaggers

The total cost for one flagger, supervisory personnel, vacation allowances, and retirement and unemployment insurance is \$ ___ per eight hour day. This rate is based on current wage scales for an eight hour basic day, including any additional pay for overtime, rest days and holidays, and is subject to any increases which may result from railroad employees-railroad management negotiations, or which may be authorized by Federal authorities. No additional payment will be made for increases in the above rate if such increases should occur.

Furthermore, the Contractor's final estimate will not be paid until satisfactory evidence that the Railroad Company has been fully reimbursed for their flagging services is provided.

C. Utilities

Fiber optic, communications, control systems, and other types of cables may be buried on Railroad Company property. Contact _____ to assist in determining if cable systems are buried on Railroad Company property to be used before beginning work. Contact the appropriate personnel to have cables located, and make arrangements with the owner of the facility to ascertain the protective measures that must be adhered to prior to the commencement of any work on the Railroad Company's property.

D. Railroad Operations

Normal train operations over the crossing consists of ____ () trains daily. Details regarding train operations required or desired may be obtained by consulting the Railroad Company's office located at _____.

E. Measurement of Railroad Flagging

The Engineer will measure *Railroad Flagging (Non-Biddable)* as billed by the Railroad Company prorated to an eight hour day, as a single operation, regardless of the actual number of railroad personnel needed. For example, if the Contractor is billed by the Railroad Company for twelve hours of flagging, this will constitute 1.5 days of *Railroad Flagging*.

For progressive payment to be made, the Contractor will present an original, notarized confirmation that the Railroad Company has been reimbursed for the number of eight hour flagging days billed.

F. Payment for Railroad Flagging

Approved *Railroad Flagging*, as described above, will be paid for at the contract unit price as follows:

Pay Item:	Pay Unit:
<u><i>RAILROAD FLAGGING (NON-BIDDABLE)</i></u>	<u>Day</u>

Payment for *Railroad Flagging (Non-Biddable)* is considered full compensation for furnishing all materials, equipment, labor, and incidentals to complete the work as specified. Any additional costs incurred for railroad flagging will be included in other items bid in the Contract.

It is the intent of this provision that the Contractor be reimbursed by the Department at a rate of \$ ____ per eight hour day (approximately 50% of the rate specified in Subsection 104.18.B above).