

OREGON DEPARTMENT OF TRANSPORTATION RAILROAD COORDINATION PROGRAM



- RAILROAD FLAGGING SYMPOSIUM -



**November 14, 2023
09:30 PT
Virtual**



OREGON DEPARTMENT OF TRANSPORTATION RAILROAD COORDINATION PROGRAM



JOB BRIEFING

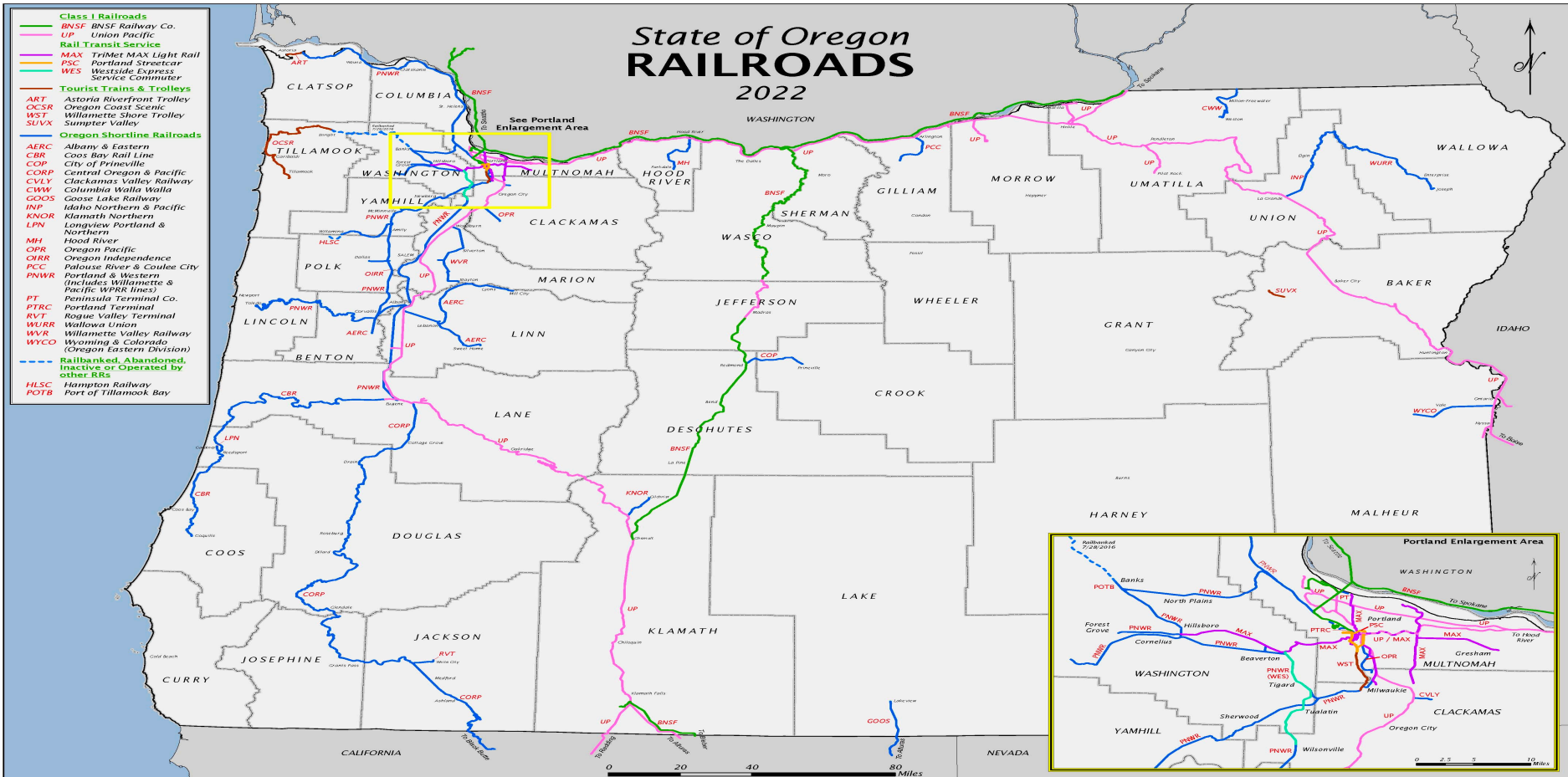
What: Railroad Flagging Symposium	CPR Certified: Site Plan
Who: Virtual Attendees	AED Location: Site Plan
When: November 14, 2023 at 09:30 PT	First Aid Kit Location: Site Plan
Where: Virtual	Fire Extinguisher Location: Site Plan
Hospital Name: Site Plan	Hazards: Site Plan
Hospital Address: Site Plan	Evacuation Plan: Site Plan
911 Caller: Site Plan	Active Shooter: Run, Hide, Fight
911 Greeter: Site Plan	Cell Phones: Vibrate or Silent

PREFACE:

This presentation is specifically designed to assist both ODOT and AGC, designers and contractors alike, in better understanding railroad flagging processes and procedures. This presentation is not a rule/policy book. This presentation is simply supplemental material to assist others in understanding what to expect with respect to railroad flagging. This presentation does not supersede any Railroad or DOT rule/policy book and should not be construed as such. For specific Railroad or DOT rules/policies, please refer to the respective entity for further guidance.

OREGON DEPARTMENT OF TRANSPORTATION RAILROAD COORDINATION PROGRAM

RAILROAD FLAGGING SYMPOSIUM - PART 01



RAILROAD FLAGGING SYMPOSIUM - PART 01

QUESTION:

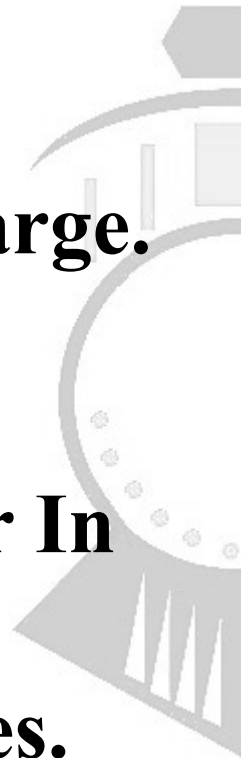
What is a Railroad Flagman?



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 01:

- 1. In short, a Railroad Flagman is jargon terminology for Roadway Worker In Charge.**
- 2. The term Roadway Worker In Charge (RWIC) is often synonymously used with Employee In Charge (EIC) or Contractor In Charge (CIC).**
- 3. Said vernacular may vary between entities.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 02:

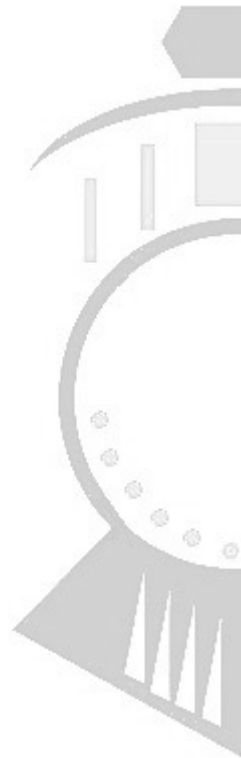
- 1. Definition (§ 214.7): Roadway worker in charge means a roadway worker who is qualified under § 214.353 to establish on-track safety for roadway work groups, and lone workers qualified under § 214.347 to establish on-track safety for themselves.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

QUESTION:

Why is Railroad Flagging required?



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 01:

- 1. In short, Railroad Flagging is not only required by the Federal Railroad Administration (FRA) pursuant to 49 CFR 214, but it is also a requirement of the respective Railroad itself.**
- 2. Said requirements are outlined in detail in the respective Railroad permit.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 02:

- 1. Aside from being a federal requirement, Railroad Flagging is simply good business.**
- 2. The Railroad Flagman is responsible for providing On-Track Safety.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 03:

- 1. Definition (§ 214.7): On-track safety means a state of freedom from the danger of being struck by a moving railroad train or other railroad equipment, provided by operating and safety rules that govern track occupancy by personnel, trains and on-track equipment.**

RAILROAD FLAGGING SYMPOSIUM - PART 01

QUESTION:

When is Railroad Flagging required?



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 01:

- 1. According to § 214.317 On-track safety procedures, generally: Each employer subject to the provisions of this part shall provide on-track safety for roadway workers by adopting a program that contains specific rules for protecting roadway workers that comply with the provisions of §§ 214.319 through 214.337.**

RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 02:

- 1. According to § 214.313 Responsibility of individual roadway workers: Each roadway worker is responsible to ascertain that on-track safety is being provided before fouling a track.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 03:

- 1. Definition (§ 214.7): Fouling a track means the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving train or on-track equipment, or in any case is within four feet of the field side of the near running rail.**

RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 04:

- 1. In short, federal law mandates that Roadway Workers are protected by On-Track Safety via a Railroad Flagman anytime they Foul a track.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 05:

- 1. Albeit FRA regulation mandates Railroad Flagging only when Roadway Workers Foul a track, the Railroad itself may adopt more stringent requirements as they are the property owner.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

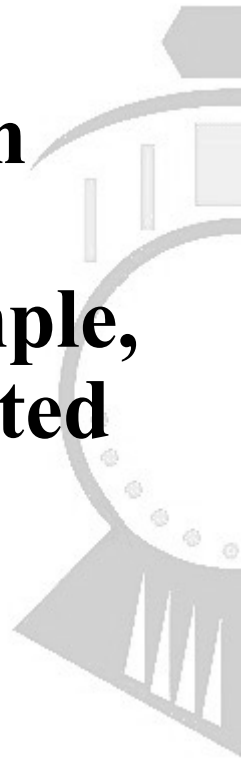
ANSWER 06:

1. Generally, most Railroads mandate at a minimum Railroad Flagging when workers encroach within 25 Feet either side of any track out of an abundance of precaution.
2. That being said, most Railroads also mandate Railroad Flagging if work and/or equipment has the *potential* to encroach within 25 Feet.

RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 07:

- 1. In other words, Railroad Flagging is often mandated even if equipment were to be located outside of the 25 Foot zone. Example, a crane with an 80 Foot boom that is located 100 Feet away, still has the potential to impact the 25 Foot zone, i.e. *potential*, regardless the direction it may be facing.**



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 08:

1. In addition to *potential*, it should also be noted that the Railroad often requires Railroad Flagging when work simply impacts the property, regardless if it is within the 25 Foot zone.



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 09:

- 1. In other words, Railroad Flagging may still be needed within the 26 - 100 Foot zone (or wherever the property line may end). This will typically be determined by the Railroad permit itself or the Manager Track Maintenance (MTM) and/or Roadmaster.**

RAILROAD FLAGGING SYMPOSIUM - PART 01

QUESTION:

Who provides Railroad Flagging?



RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 01:

- 1. The Railroad, being the property owner, has the right to provide Railroad Flagging services.**
- 2. That being said, often times the Railroad is unable and/or does not wish to provide said services and contracts a Third-Party Flagging vendor to provide services on their behalf.**

RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 02:

- 1. Generally, the Railroad does not allow Contractors, Utilities, etc. to provide Railroad Flagging for themselves. This is largely because said entities are generally not trained to provide said services and it is often deemed a conflict of interest. In short, a Third-Party Flagging vendor is the liaison of the Railroad.**

RAILROAD FLAGGING SYMPOSIUM - PART 01

ANSWER 03:

- 1. Depending on the Railroad in question, certain Third-Party Flagging vendors may be utilized. Some (not all) approved vendors will be outlined later in the presentation. For a complete list of approved vendors, please consult the Railroad in question.**



OREGON DEPARTMENT OF TRANSPORTATION RAILROAD COORDINATION PROGRAM

RAILROAD FLAGGING SYMPOSIUM - PART 02



QUESTION:

**How should ODOT estimate
railroad flagging hours for a
project in design?**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 01:

- 1. ODOT needs to first consider which Railroad said project is impacting.**
- 2. In short, the available time, in a given day, to impact the Railroad will largely depend on which Railroad is being impacted.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 02:

- 1. The Freight and/or Passenger train volume will largely vary by entity. While a Class One Railroad may move 50 trains/day on a given segment, a Shortline may only move 1 train/day.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 03:

1. Refer to the FRA Crossing Inventory Database for estimated train volume:
<https://railroads.dot.gov/safety-data/crossing-and-inventory-data/crossing-inventory-lookup>



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 04:

1. Refer to the FRA GIS Web Application for railroad crossing inventory detail:

<https://fragis.fra.dot.gov/gisfrasafety/>



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 05:

- 1. ODOT needs to secondarily consider what type of Railroad operation said project is impacting.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 06:

- 1. In short, if said project impacts a Main Line, trains generally move in and out of working limits quickly, meaning shorter downtime. However, if the project impacts a yard, switching operations may occur for extended periods of time.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 07:

- 1. In addition, the amount of tracks should also be considered for estimating purposes. In short, the more tracks that are being impacted, the more likely the project is to be impacted by train movement. Special attention should be paid to adjoining areas, i.e. if project is the chokepoint for a yard.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 08:

- 1. Depending on which Railroad operation is being impacted, additional time to set up On-Track Safety may be necessary, i.e. billable time. Example, if the project impacts a Main Line, more likely than not a Form B will be necessary, meaning a potential for 2 extra billable hours in a given day.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 09:

- 1. In addition, terrain should be considered for purposes of On-Track Safety. At times, railroad right of way access may be limited depending on how remote the project is. Although uncommon, it is possible that a project may warrant additional billable time for the set-up of On-Track Safety.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 10:

- 1. Likewise, if a major yard is being impacted, there may be a need for additional flagman so as to minimize Railroad operation impact and/or Contractor downtime.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 11:

- 1. Care should also be considered with respect to how far apart Contractor Work Groups may get as a byproduct of the size of the project. If the Contractor Work Groups spread out to the point the Railroad Flagman loses control of safety, additional Railroad Flagman may be needed.**

QUESTION:

**How should AGC estimate
railroad flagging hours for a project
in the bidding phase?**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 01:

- 1. In addition to the aforementioned answers that apply to ODOT, the Contractor needs to consider what schedule they intend to work.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 02:

- 1. Example: If said project impacts a Main Line, a Form B may be necessary. While the Contractor may work an 8 hour shift, the Railroad Flagman typically works a 10 hour shift as they must set up boards 1 hour prior to start and must remove boards 1 hour after the end of shift.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 03:

- 1. It should also be noted that depending on the method of On-Track Safety, typically the flagman is unable to take a lunch, meaning they must remain billable regardless what Contractor employees may be doing.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 04:

- 1. Depending on location and/or which Third-Party Flagging Vendor is selected, there may be additional miscellaneous billable time that should be considered. The Third-Party Flagging Vendor can provide an accurate estimate of ancillary charges if they may apply.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 05:

- 1. In addition, the Contractor should carefully consider how On-Track Safety may impact Railroad Flagman Overtime as Railroad Flagman Overtime may apply when Contractor Overtime may not apply.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 06:

- 1. Lastly, the Contractor should carefully consider the schedule with which they intend to work the project.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 07:

- 1. Example: If said project impacts a yard with which Inaccessible Track is being utilized, i.e. portable derrails, the Contractor should consider how long it may take said Railroad Flagman to install/remove said portable derrails.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 08:

- 1. In other words, if it takes an hour to install all of the necessary portable derails, the Contractor may consider utilizing a secondary Railroad Flagman to speed up this process, meaning an increase in productive hours.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

BONUS QUESTION

QUESTION:

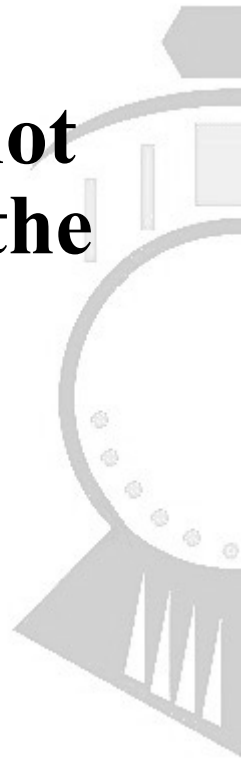
**Why am I being charged for 8 Hours
if my crew worked less?**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 01:

- 1. How many hours the crew worked does not necessarily co-relate to how many hours the Railroad Flagman worked.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 02:

- 1. It is important to remember that the Railroad Flagman may have additional billable time for the setup and takedown of On-Track Safety. Likewise, in most situations, the Railroad Flagman is unable to take lunch and must remain billable due to the nature of On-Track Safety.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

BONUS QUESTION

QUESTION:

**Why am I being charged for overtime
if my crew worked only 8 Hours?**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 01:

- 1. As outlined in the previous question, it is important to remember that the Railroad Flagman may have additional billable time for the setup and takedown of On-Track Safety and/or may not be able to take a lunch. Typically, overtime is billed after 8 Hours by most Third-Party Flagging Vendors.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 02:

- 1. Example: Contractor XYZ works from 07:00 - 15:30 and takes a 30 minute lunch. If a Form B for On-Track Safety is utilized, the Railroad Flagman would place boards from 06:00 - 07:00, work the project with no break from 07:00 - 15:30, and take down boards from 15:30 - 16:30; ergo, 2.5 Hours Overtime.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

BONUS QUESTION

QUESTION:

Is a Construction Observer the same as a Railroad Flagman?



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER:

- 1. No, Construction Observation Services are not the same as Railroad Flagging Services. If said project requires Construction Observation Services, this will be in addition to the need for Railroad Flagging Services and will be an additional billable person.**

RAILROAD FLAGGING SYMPOSIUM - PART 02

BONUS QUESTION

QUESTION:

How much time can ODOT or AGC be expected to work in a given shift?



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 01:

- 1. The short answer to this question is that it is unknown. The Railroad will not make guarantees with respect to production, nor will the Railroad generally guarantee windows, i.e. track shut downs.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 02:

- 1. If a window is absolutely necessary, this is generally coordinated months in advance and may have an associated cost depending on how Railroad operations are being impacted.**



RAILROAD FLAGGING SYMPOSIUM - PART 02

ANSWER 03:

- 1. While ODOT and AGC may have generalized ideas with respect to daily train volume and/or times, this is subject to change at any moment. Generally, the Railroad Flagman will be able to coordinate with the Railroad Dispatcher in the morning to get an idea of expected train traffic.**

OREGON DEPARTMENT OF TRANSPORTATION RAILROAD COORDINATION PROGRAM

RAILROAD FLAGGING SYMPOSIUM – PART 03



QUESTION:

Which Third-Party Companies are approved to provide Railroad Flagging Services on behalf of Union Pacific Railroad (UP)?

Website: https://www.up.com/real_estate/third-party-flagging/index.htm

- **NRSS:** up.request@nrssinc.net
- **RailPros:** up.info@railpros.com

RAILROAD FLAGGING SYMPOSIUM - PART 03

NRSS CONTACTS - UP:



OPERATIONS:

Adam Shepherd
Senior Operations Manager
Toll Free (877) 984-6777 x103
Cell (513) 266-5535
ashepherd@nrssinc.net



SCHEDULING:

Matthew (Matt) Branch
District Manager - UP Account
Toll Free (877) 984-6777 x121
Cell (513) 787-0530
mbranch@nrssinc.net

DOCUMENT CONTROL:

Damon Hughes
District Manager - UP Account
Toll Free (877) 984-6777 x125
Cell (575) 693-2924
dhughes@nrssinc.net

ON-TRACK SAFETY:

Michael (Mike) Kent
Manager - On Track Safety
Toll Free (877) 984-6777
Cell (513) 818-7471
mkent@nrssinc.net

RAILROAD FLAGGING SYMPOSIUM - PART 03

RAILPROS CONTACTS - UP:



OPERATIONS:

Sterling Cooper
Director of Operations
Cell (318) 205-9757
sterling.cooper@railpros.com



SCHEDULING:

David Pohle
Manager of CIC Operations
(Western Region)
Cell (682) 238-9179
david.pohle@railpros.com

SCHEDULING:

Alex Alvarez
Manager of CIC Operations
(Northern Region)
Cell (402) 499-7215
alexander.alvarez@railpros.com

SCHEDULING:

John Green
Manager of CIC Operations
(Southern Region)
Cell (949) 402-5027
john.green@railpros.com

QUESTION:

Which Third-Party Companies are approved to provide Railroad Flagging Services on behalf of BNSF Railway (BNSF)?

RailPros: bnsf.info@railpros.com



RAILROAD FLAGGING SYMPOSIUM - PART 03

RAILPROS CONTACTS - BNSF:



OPERATIONS:

Derek Goodrum
Director of RWIC Operations
Cell (469) 615-7736
derek.goodrum@railpros.com



SCHEDULING:

Christopher Kiser
Manager of RWIC Operations
(BNSF East)
Cell (214) 980-4069
christopher.kiser@railpros.com

SCHEDULING:

Justin Pairman
Manager of RWIC Operations
(BNSF West)
Cell (817) 876-4231
justin.pairman@railpros.com

QUESTION:

What is the general lead time to request Railroad Flagging Services?



RAILROAD FLAGGING SYMPOSIUM - PART 03

ANSWER:

- 1. While the lead time may vary between Third-Party Flagging Vendors, project location, and time of year, the general rule of thumb is to provide as much notice as possible.**
- 2. It is generally recommended to provide a minimum of two-weeks notice, however, shorter lead time may be accommodated.**



RAILROAD FLAGGING SYMPOSIUM - END



QUESTIONS?

AS PRESENTED BY:

Nicole Frankl

ODOT State Utility & Rail Liaison

4040 Fairview Industrial Dr. SE

Salem, OR 97302-1142

Cell (503) 385-6594

nicole.frankl@odot.oregon.gov

[www.oregon.gov/odot/ROW/Pages/](http://www.oregon.gov/odot/ROW/Pages/Railroad.aspx)

[Railroad.aspx](http://www.oregon.gov/odot/ROW/Pages/Railroad.aspx)

Adam Shepherd

Senior Operations Manager

7395 Kingsgate Way

West Chester, OH 45069

Toll Free (877) 984-6777 x103

Cell (513) 266-5535

ashepherd@nrssinc.net

www.nrssinc.net

David Pohle

Manager of CIC Operations

(Western Region)

1320 Greenway Drive, Suite 490

Irving, TX 75038

Cell (682) 238-9179

david.pohle@railpros.com

www.railpros.com

- RAILROAD FLAGGING SYMPOSIUM -

THANK YOU