

# INSTRUCTIONAL MEMORANDUMS

To Local Public Agencies



To: Counties and Cities	Date: March 15, 2023
From: Local Systems Bureau	I.M. No. 3.680
Subject: Federal-aid Projects Involving Railroads	

**Contents:** This Instructional Memorandum (I.M.) provides a summary of the requirements and procedures for Federal-aid transportation projects that involve work on railroad right-of-way or adjustments to railroad facilities, as specified in Title 23 of the Code of Federal Regulations, Part 646 (23 CFR 646). Topics addressed include design requirements, railroad agreements, and Federal participation in railroad costs. This I.M. includes the following attachment:

- [Attachment A](#) - Railroad Agreement Language for Federal-aid Projects involving Railroads ([Word](#))
- [Attachment B](#) - FHWA Authorization of Railroad Costs
- [Attachment C](#) - FHWA Authorization of Railroad Costs Flowchart

Note: For additional instructions and procedures for projects that involve railroads, refer also to [I.M. 3.670](#), Work on Railroad Right-of-Way.

## Project Design

### Standards Used:

When the facility to be designed will be maintained and operated by the railroad, the design shall comply with the railroad's normal design standards and practices. When the facility will be maintained and operated by the LPA, the design shall comply with the applicable Federal-aid design guidelines, as outlined in Section 3.2 of the I.M.s. For structural or other design criteria not included in the I.M.s, refer to the applicable American Association of Highway Officials (AASHTO) design guidelines.

### Specific Requirements:

For projects with railroad crossings within, or in the vicinity of, the project limits, the project design shall comply with the following:

1. All traffic control devices shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), as adopted by 761 Iowa Administrative Code (IAC), [Chapter 130](#).
2. If there is a railroad crossing within the project limits, the project shall not be opened to unrestricted traffic or accepted as complete until adequate warning devices are operational at all highway-rail crossings within or adjacent to the project limits. Adequate warning devices shall include automatic gates and flashing lights when any of the following conditions exist:
  - multiple mainline tracks are present;
  - multiple tracks are present which may be occupied by a train or locomotive so as to obscure another train approaching the crossing;
  - high train speeds with limited sight distance;
  - high train speeds and moderately high volumes of train and highway traffic;
  - a high volume of highway traffic, a high number of train movements, substantial numbers of school buses or trucks carrying hazardous materials, unusually restricted sight distance, or recurring crashes; or
  - a diagnostic team recommends them.
3. Railroad crossings will need further review to determine if adequate traffic control, warning devices, and crossing surfaces are in place, if any of the following situations exist:
  - If the railroad crossing is within the project limits
  - If the railroad crossing is along the project route, and is less than 250 feet outside the project limits
  - If there is a railroad crossing on a side road that is less than 100 feet from the project route

The Iowa DOT [Rail Transportation Bureau](#) can assist with the diagnostic review. See Iowa DOT Design Manual, [Chapter 1D-20](#) for additional information. The following forms are used for the diagnostic review:

- Crossing Review On-Site Report ([Form 291306](#))
- Site Distance Chart ([Form 291318](#))
- Utility Coordination Checklist ([Form 291321](#))

Otherwise, the determination of what type of warning device to install will be made by the LPA and / or the railroad, subject to approval by the Iowa Department of Transportation (Iowa DOT).

For projects on full access control highways (freeways), at-grade crossings shall be eliminated, regardless of the train or highway traffic volumes.

#### Performance of Design Work:

The engineering design work required for rail-highway projects may be accomplished by one of the following methods, subject to mutual agreement between the railroad and the LPA:

1. The LPA's or the railroad's own engineering staff; or
2. An engineering consultant. The consultant contract may be procured and administered either by LPA, with approval of the railroad; or by the railroad, with approval of the LPA.

#### **Railroad Agreements**

The Federal regulations require an agreement between the LPA and the railroad for any Federal-aid project that requires work on railroad right-of-way or adjustments to railroad facilities. It is the responsibility of the LPA to initiate the agreement process with the railroad. Some railroad agreements can take a long time to negotiate and execute, especially for projects that involve a significant amount of work on railroad property or facilities (e.g., construction or reconstruction of overpasses or underpasses, or projects that require relocation or adjustment of grade crossings or other railroad facilities). Therefore, the LPA should contact the railroad as early possible in the project development process. For all Federal-aid projects involving railroads, the railroad agreement content listed in [Attachment A to this I.M.](#) is required to be used as long as the information is applicable to the project.

#### **Federal Participation in Railroad Costs**

FHWA will participate in costs incurred by the railroad for projects where a railroad company is obligated to move or change its railroad facility due to a Federal-aid highway project. However, Iowa DOT **does not allow** Federal-aid participation of costs incurred by the Railroad for LPA projects administered by the Local Systems Bureau, including the following Federal-aid Formula programs: Surface Transportation Block Grant (STBG) Program for roadway and bridge projects, Highway Bridge Programs funded through STBG or the Bridge Formula Program, and Highway Safety Improvement Program (HSIP). For LPA projects administered by the Systems Planning Bureau, contact the Program Manager for additional information.

If railroad work is part of the Construction Contract between the LPA and the Prime Contractor, it may be Federal participating with the exception of the Railroad Protective Insurance bid item, as noted in [I.M. 3.670](#).

To request FHWA authorization for costs incurred by the railroad (outside of the Construction Contract between the LPA and the Prime Contractor), follow the process illustrated in [Attachment B to this I.M.](#) and in the flowchart included as [Attachment C to this I.M.](#) Like any other type of project work, FHWA Authorization must be obtained prior to beginning any railroad work which will be reimbursed with Federal funds.