# FY14 Railroad Grade Crossing Fund

## Other Safety Improvements Management Guide

6/6/2013
Rail Office - Indiana Department of Transportation

I. AUTHORITY AND PURPOSE 3

II. ROLES AND RESPONSIBILITIES 4

Eligible Applicants 4

Eligible Projects 4

Local Public Agencies 4

Railroads 4

Administering Agency 5

III. THE RRGCF FUNDING PROCESS 5

Appropriations 5

Railroad Grade Crossing Fund Schedule

Project Selection 6

Grant Agreements 6

Claims and Payment 6

Project Close Out 6

IV. APPEALS 7

V. TIME EXTENSIONS 7

VI. AWARD DEOBLIGATION 7

VII. SELECTION PROCESS 7

VIII. GRANT MONITORING 8

IX APPLICATION INSTRUCTIONS 9

IX. FREQUENTLY ASKED QUESTIONS ABOUT THE RAILROAD GRADE CROSSING PROGRAM 10

## I. AUTHORITY and PURPOSE

The Indiana State Legislature established the Railroad Grade Crossing Fund (RRGCF) (I.C. 8-6-7.7-6.1) to provide funding for railroad-highway crossing improvement projects throughout Indiana. The RRGCF can be used for both passive and train activated crossings. The amount of available funds effectively limits the type of improvements at crossings. Train activated improvements are generally made using federally supplied funds authorized in Section 130 of United States Code Title 23 (23 U.S.C.). For example, lights or lights and gates.

Passive grade crossings are those that utilize non train-activated warning devices. The RRGCF program management principles are designed to promote uniform application of administrative rules and procedures, and compliance with current Indiana MUTCD, obligate funds and pay valid claims promptly, and fulfill oversight duties. There is a signature block on the application page to certify the application is in compliance with the MUTCD.

The Other Safety Improvement (OSI) program is designed to enhance safety at public rail-highway intersections in accordance with Indiana MUTCD. Completed projects are anticipated to improve the overall safety at crossings through the project types described below.

The Indiana Department of Transportation (INDOT) Rail Office manages this program as a cost reimbursement grant. Local public agencies (LPA's) such as towns, cities, and counties are eligible to apply. A local financial match for LPA's is not required for this grant program. Generally, an in-kind match through labor is supplied by the LPA's. Class II and III railroads and port authorities may apply. Railroads will be required to provide a 50% financial match for sight obstruction and surface projects.

This management guide explains the policies and procedures used by the (INDOT) Rail Office to administer the OSI RRGCF. This will assist INDOT project managers and local recipients to meet their program responsibilities.

The Rail Office works in conjunction with the Office of Traffic Safety to implement rail corridor improvements. Community visits are coordinated among the INDOT district office, code enforcement office and roadway safety office to encourage local public agencies to close crossings. To schedule a visit from this safety team, please contact our code enforcement officer through email at mmcgathey@indot.in.gov or Kevin Knoke at kknoke@indot.in.gov.

The INDOT Rail office will continue to offer the "Other Safety Improvement Program" and "Crossing Closure Program until further notice. The Crossing Closure application is posted separately on the INDOT Rail website at http://www.in.gov/indot/2394.htm.

## II. ROLES AND RESPONSIBILITIES

### *Eligible Applicants*

Eligible applicants as defined by the Indiana Code (I.C. 8-6-7.7-6.1) include units of government which include cities, counties, and towns. Class II and III railroads and port authorities are also eligible recipients.

The eligible applicant is responsible for:

- Assessing local highway-railroad crossing safety needs;
- Completing and submitting project applications and certifications of compliance; and
- Returning signed grant agreements.

Additionally, an eligible applicant is responsible for the following reporting requirements:

- Correctly preparing and submitting the reimbursement request; and
- Providing INDOT with copies of project-related bills and/or invoices.
- Providing quarterly reports until the project is completed.

### *Eligible Projects*

Projects eligible for funding through the RRGCF – OSI consist of railroad crossing safety improvement projects at active and passively warned crossings including but not limited to:

### *Local Public Agencies*

- Median barriers at gated crossings;
- Pavement markings on asphalt roads (includes stop bars)
- Signage (advance warning, number of tracks);
- Stop signs are eligible, provided their installation follows guidelines outlined in the federal MUTCD
- Other safety improvement measures which may include support for locally sponsored efforts to install lights, gates, or installation of gates at crossings that currently have lights;
- Illumination – cost includes installation only, not continued maintenance.

### *Railroads*

- LED – upgrade existing incandescent bulbs to LED. The cost of the light fixture, casing and installation are eligible for reimbursement;
- Signage – crossbuck assembly (includes retro-reflective tape and post); number of track signs. **ENS Signs are not an eligible signage project**
- Sight Obstruction Removal – in accordance with Indiana Code 8-6-7.6. Costs associated with equipment usage, rental, labor, and material may be reimbursable. This project will require a 50% match by the applicant. Photos of the proposed area must be included as part of the application.
- Crossing surface maintenance – Funding is limited to two crossings per fiscal year and will require a 50% contribution by the applicant

### *Administering Agency*

INDOT is responsible for administering the RRGCF. This includes:

- Allocating funds using the criteria noted in Section VII;
- Monitoring and accounting for RRGCF expenditures; and
- Providing technical assistance on the RRGCF program.

Project selection decisions will be made by the Railroad Grade Crossing Fund Committee. This committee includes the Rail Office Manager – Chairperson (non-voting member) Senior Rail Planner, Code Enforcement Officer, and two District Rail Utility Coordinators.

For assistance, contact the Rail Office at (317) 232-1474.

## III. THE RRGCF FUNDING PROCESS

The RRGCF funding process is divided into the following steps which are discussed in further detail below.

- Appropriations;
- Application Schedule;
- Project Selection;
- Grant Agreements; and
- Claims and Payments
- Grant close-out

### *Appropriations*

The Indiana State Legislature is responsible for making funding appropriations to the RRGCF program. The State Legislature makes appropriations every two years to the RRGCF program in conjunction with the State's biennial budget process.

### *Application Schedule*

| Activity | Responsible Party | Date |
|---|---|---|
| A. Solicitation Posted On Website | Rail Office | June 6, 2013 |
| B. OSI Application Deadline | Applicant | July 19, 2013 |
| C. Selection Meeting | Rail Office | August 8, 2013 |
| D. Grant Agreement Signatory Process | Applicant/Rail Office | August/September, 2013 |
| E. Notices to Proceed | Rail Office | September, 2013 |
| F. Project Period | Applicant | September, 2013 – November, 2014 |

### *Project Selection*

*Other Safety Improvements Program (OSI)*

The purpose of this program is to increase safety at railroad-highway crossings. Under this program, cities, counties, towns, and railroad companies may apply for grants to fund projects. Class I railroads are not eligible.

Criteria used to select which projects will be funded include project need, the size of the governmental unit, and the project type. The maximum grant to a railroad or governmental unit for OSI projects is $40,000. INDOT reserves the right to line-item veto portions of applications.

INDOT also reserves the right to fund at its discretion, crossing surface projects with a high automobile and high rail traffic prior to those projects with lower volumes.

### *Grant Agreements*

After selecting projects to be funded, INDOT will generate a grant agreement with the recipient. Grant agreements are effective for the 15 months listed in the agreement. The recipient will receive a copy of the executed grant agreement, purchase order and Notice to Proceed.

Purchase orders are for a term of 15 months unless prior arrangements are made by the applicant.

Grantees are required to submit monthly progress reports until the project is completed. These reports are due by the 15th of the month following the end of the quarter, which is April 15 (January – March); July 15 (April – June); October 15 (July – September) and January 15 (October – December). The report is an email that has the grant agreement number in the subject line, with a brief project status in the body of the email. Following is a sample brief project status report: "Materials purchased; application scheduled to start in 2 weeks or "No activity this quarter." Failure to submit required reports may result in the grant being de-obligated.

### *Claims and Payment*

INDOT provide each recipient written instructions for completing and submitting payment reimbursements in the award notification packet. The recipient is responsible for completing a project spending report and providing INDOT with copies of project-related bills and/or invoices. INDOT will attach a claim voucher to the payment request.

Each grantee must have on file with the State Auditor a current direct deposit form or a waiver request. If your company banking information changes, or the address where the payment should be sent, please submit an updated W9/direct deposit form directly to the State Auditor. *The payment will be rejected if this information is not current.* The Rail Office will notify the grant applicant if the payment is rejected.

Progressive payments will not be paid at more than 50% of total grant amount. Final payments are made after a project inspection. Grantees should notify INDOT within two weeks of completion, by email at vkeefe@indot.in.gov to schedule an inspection. Final payment requests **should not** be submitted without a scheduled or completed site inspection, and will be returned. Final inspections are not required for grant awards equal to or less than $1,800.00

### *Project Close-out*

Final payment should be received within 45 days of submission. Once the State Auditor zeroes out the purchase order, the grantee will receive a close-out notification from the Rail office.

## IV. APPEALS

Any applicant not receiving approval of their application may appeal the selection decision to the INDOT Rail Office Manager. The Manager will review all appeals. The process for filing an appeal is as follows:

1. The affected applicant must send, by certified mail, an appeal within 15 calendar days after receiving notification of INDOT's decision. The appeal should be mailed to:
   Mike Riley, Manager, Rail Office
   Indiana Department of Transportation
   100 North Senate Avenue, Room N955
   Indianapolis, IN 46204-2228.

2. INDOT will conduct a preliminary review within five working days, and if necessary, request by certified mail additional information from the applicant;

3. INDOT will allow five working days for receipt of additional materials;

4. The Rail Office manager will make a final decision and notify the applicant in writing within 15 working days from the receipt of the appeal request or from the receipt of all requested additional information.

5. The applicant may appeal INDOT's final decision in accordance with Indiana Code 4-21.5-3-1, et seq.

## V. TIME EXTENSIONS

Requests for time extensions for good cause should be forwarded by mail to:

Michael Riley, Manager
Rail Office – Division of Multi-Modal Planning & Programs
Indiana Department of Transportation
100 North Senate Avenue, Room N955
Indianapolis, IN 46204-2228.

Or by email to mdriley@indot.in.gov

## VI. AWARD DEOBLIGATION

Purchase orders will be closed, and any remaining balance deobligated after final payment. Recipients will receive a grant close-out notice once the project is closed.

When a safety improvement project is complete and the grant exceeds the amount spent, INDOT will deobligate the excess funds which are returned to INDOT. OSI Program grant monies will also be deobligated when a project is not completed within the contract time, including extensions.

## VII. Selection Process

Projects are scored generally using a point system, with the projects funded in highest descending point order until the funds available for the fiscal year are exhausted. Each project type will be ranked individually. Railroad and local public agency projects will be ranked together, although slightly different criteria will be used to evaluate their respective applications. After project selections have been made, INDOT will notify the successful applicants and mail an agreement to sign and return. Selections will be posted on the INDOT website http://www.in.gov/indot/2394.htm. Unsuccessful applicants will be notified individually.

## VIII. Grant Monitoring

Applicants receiving a grant are required to retain material reports for two years after completion of the project. The applicant is required to provide INDOT with any and all project related reports which INDOT deems necessary to monitor the project. INDOT may, at its discretion, conduct unscheduled site inspections. Grantees have fifteen (15) months, to complete project activities. The time frame is listed in the grant agreement. The State of Indiana encourages the use of minority owned business enterprises (MBE) and women owned business enterprises (WBE) participation on state funded grants when possible.

# Application Instructions

To apply for project funding from the RRGCF, an eligible applicant must submit an application to INDOT for eligible projects as defined in Section III. Application forms are available on the INDOT internet site http://www.in.gov/indot/2394.htm.

Applications for the OSI are due by close of business (5 p.m. EST) July 19, 2013. The project application and the project table can be completed on the website, printed and sent via email, fax or US mail.

Or, the application can be printed from the website, completed manually and faxed, emailed or sent by US mail. The vendor price list, (and photos for sight obstruction projects) must also be included. The total grant request to any LPA or railroad will not exceed $40,000.

*Project Application* The Project Application includes the applicant name, mailing address, contact name, phone number, fax number, e-mail address, local public agency federal identification number, project type(s), and total grant request.

Signage and pavement marking projects must meet the specifications of the 2009 Manual on Uniform Traffic Control Devices at http://mutcd.fhwa.dot.gov/index.htm. or 2011 the INDOT version at http://www.in.gov/dot/div/contracts/design/mutcd/mutcd.html.

*Exhibit A and Project Budget* The table should include the crossing identification number (DOT AAR #) for each crossing for which funds are being sought, selected type(s) of project improvements, and standard data for each project type. The AAR-DOT# is the 7-digit alpha-numeric code posted on the signal or sign pole at each crossing. The Annual Average Daily Traffic (AADT), train volume, and train speed is available from the FRA website. ‡ An example is provided below. Use multiple copies of the exhibit sheet if necessary.

| **County Name** | **City/Town Name** | **Street Name** | **DOT-AAR#** | **AADT** | **Weekly Train Volume/Speed** | **Project Type** | **Project Specific** | **Cost** |
|---|---|---|---|---|---|---|---|---|
| County Name | City Name | First | 123456V | 100 | 14 - 10 mph | Signage | Advance Warning | $XXX.00 |
| County Name | City Name | Second | 123788E | 200 | 14 – 10 mph | Surface | Asphalt | $XXX.00 |
| County Name | City Name | Third | 123204N | 150 | 14 – 10mph | Pavement Markings | Thermoplastic | $XXX.00 |
| County Name | City Name | Fourth | 123987T | 110 | 14 – 10 mph | Sight obstruction | See photos | $XXX.00 |
| County Name | City Name | Fifth | 123599A | 175 | 14 – 10 mph | LED | | $XXX.00 |
| County Name | City Name | Sixth | 123724H | 50 | 14 – 10 mph | Other Safety Improvement | See attached narrative | $XXX.00 |
| | | | | | | | Total: | $XXX.00 |

‡ This information is available at the Federal Railroad Administration's crossing inventory web site at http://safetydata.fra.dot.gov/OfficeofSafety/default.aspx.

## IX. Frequently Asked Questions about the Railroad Grade Crossing Program

1. When can I start to spend money on the project?
The money can be spent upon receipt of a purchase order, Notice to Proceed and fully executed contract.

2. Who should execute (sign) the contracts?
For a LPA, the highest ranking elected official or their designee; usually the city mayor, president of the county board of commissioners, town president; for a railroad, or the chief executive office or their designee.

3. How long does it take to get a fully executed contract after the contract is submitted to the State?
Approximately 8 – 10 weeks. Each grantee must receive clearance from the Department of Revenue (DOR) and the Department of Workforce Development (DWD). The Rail Office will notify the grantee if there is an outstanding issue with the DOR or DWD. It will be the grantee's responsibility to resolve the issue. If the issue is not resolved, the grant award will be withdrawn.

4. Can we hire a subcontractor to complete the project?
Yes, and the costs associated with the subcontractor are reimbursable under this grant if included in the original bid sheet.

5. Can project funds be used at sites with train activated warning devices?
Yes. Projects can be applied for at both active and passive crossing locations.

6. Is a local match required for LPA's? What about railroads?
No, a local financial match is not required for LPA's. A 50% railroad match will be required for sight obstruction removal and crossing surface maintenance projects.

7. How will costs over the grant award amount be handled?
The grantee will be responsible for any cost above the original grant award. No additional funds will be made available above the approved project budget.

8. How much time do I have to complete the project?
Projects should be completed within the fifteen months listed in the grant agreement.

9. Who do I contact if I have questions?
Contact Venetta Keefe by phone at (317) 232-1474 or e-mail at vkeefe@indot.in.gov or Michael Riley by phone at (317) 232-1491 or e-mail at mdriley@indot.in.gov.

10. Is there a maximum grant award?
Yes, the maximum grant award for the OSI application is $40,000 to any local public agency or railroad.

11. Will I receive the original contract back?
No, grantees sign one contract, which after fully executed, is kept by INDOT. You will receive a copy.

12. If I do not receive a grant, can I appeal that decision?
Yes. The instructions for filing an appeal are on page eight.