

**Railroad Grade Crossing Fund FY 2011- Crossing Closure**

**MANAGEMENT PLAN AND APPLICATION**

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# **The Railroad Grade Crossing Fund Crossing Closure Management Plan and Application**

## **I. PURPOSE**

The Indiana State Legislature established the Railroad Grade Crossing Fund (RRGCF) to provide funding for railroad crossing safety improvement projects throughout Indiana. The RRGCF applies to both passive and train activated improvements. The amount of available funds effectively limits the type of improvements at active crossings. Train activated improvements are made using federally supplied funds authorized in Section 130 of United States Code Title 23 (23 U.S.C.).

Passively warned 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, obligate funds and pay valid claims promptly, and fulfill oversight duties.

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

This management plan is organized chronologically from the availability of funding to the final accounting of expended funds.

Pursuant to Indiana Code 8-6-7.7-6.1, the Railroad Grade Crossing Fund provides funding for railroad crossing safety improvements and crossing closures. These guidelines pertain to the Crossing Closure Program.

According to the Federal Railroad Administration (FRA), one of the most effective ways to improve railroad crossing safety is to close crossings. Thus, INDOT will continue this program for communities that choose to permanently close crossings.

The Indiana Department of Transportation (INDOT) Rail Office will manage this program as a lump sum payment grant. Once the crossing is closed, the community will receive a lump sum payment. The source of this funding is the Indiana Motor Vehicle Highway Fund. The local public agency has the discretion to select the projects funded by the payment. A local public agency can receive from \$15,000 up to \$37,500 to close a crossing until funds are exhausted.

The amount awarded through this program by INDOT is independent of any contribution made by a railroad.

## **II. STATUTORY AUTHORITY**

The RRGCF was created by the 1997 Indiana General Assembly (I.C. 8-6-7.7-6.1) to assist railroads and local jurisdictions improve safety at railroad-highway intersections. The Indiana Code noted above specifies the following regarding the RRGCF program:

- An entity undertaking a passive railroad crossing safety project shall pay the cost of acquiring any easements required by the passive railroad crossing safety

project and shall be responsible for the maintenance and operation of the completed project.

- The balance of money in the railroad grade crossing fund does not revert to the state general fund at the close of any fiscal year but remains available to INDOT.

### **III. ROLES AND RESPONSIBILITIES**

#### ***Eligible Recipients***

Eligible recipients as defined by the Indiana Code (I.C. 8-6-7.7-6.1) include units of government and railroad companies. Units of government include cities, counties, and towns. Railroads are not eligible for the Crossing Closure Fund.

The eligible recipient is responsible for:

- Assessing local railroad crossing safety needs;
- Completing and submitting project applications; and
- Completing and submitting grant agreements.

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

- Completing the contract invoice voucher;
- Completing the project spending report; and
- Providing INDOT with copies of project-related bills and/or invoices.

No matching contribution is required.

#### ***Administering Agency***

The Indiana Department of Transportation is responsible for administering the RRGCF. This includes:

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

Project selection decisions will be made by the Railroad Grade Crossing Fund Committee. This committee will be comprised of the following individuals: Rail Office Manager - Chairperson, Senior Rail Planner and a Code Enforcement Officer.

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

### **IV. THE RRGCF FUNDING PROCESS**

The RRGCF funding process is divided into the following steps:

- Appropriations;
- Applications;
- Project Selection;
- Grant Agreements; and
- Claims and Payments.

Each of these steps is discussed in further detail below.

### ***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. Any balance of funds remaining from a previous year's appropriation may be added to the next year's appropriation.

### ***Applications***

To apply for a crossing closure project funding from the RRGCF, an eligible recipient must submit an application to INDOT. Application forms are included in this packet. Applications will be accepted through April 30, 2011 or until RRGCF funds are exhausted. The Review Committee will meet when applications are received.

### ***Project Selection***

#### ***Crossing Closure Program***

According to the Federal Railroad Administration (FRA), the most effective way to improve railroad crossing safety is to close crossings. Thus, INDOT has developed this program to compensate communities that choose to permanently close passive crossings. Projects will be funded on a first come first selected basis. Crossings with tracks out of service, in the process of abandonment or associated with a rail line relocation are not eligible for this program.

### ***Grant Agreement***

After selecting projects to be funded, INDOT will execute a grant agreement with the recipient that must be signed and returned. Grant agreements are effective for 12 months from the date the agreement is fully executed and a purchase order has been generated. The project will be inspected by INDOT personnel prior to the applicant receiving a Notice to Proceed. The Notice to Proceed will be sent by the Rail Office.

### ***Claims and Payment***

INDOT will provide each grant recipient a copy of the signed agreement, the purchase order, contract invoice voucher, and the instructions for reimbursement.

After the crossing is permanently closed, the grantee may submit a claim for the full amount of the grant, regardless of the actual cost incurred to close the crossing. The claim should include the completed contract voucher, invoice, and copies of project-related bills.

An on-site inspection by an INDOT staff member will be conducted prior to payment.

## **V. APPEALS**

Any applicant not receiving approval of their application may appeal the selection decision to the Director, Division of Multi-Modal Planning & Policy. The Director, Division of Multi-Modal Planning & Policy 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:

Jeffrey L. Spalding  
Director, Division of Multi-Modal Planning & Policy  
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 Director, Division of Multi-Modal Planning & Policy 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.

## **VI. TIME EXTENSIONS**

INDOT will consider up to a six month time extension for good cause shown. Requests for time extensions should be forwarded to:

Michael Riley  
Manager, Rail Office  
Indiana Department of Transportation  
100 North Senate Avenue, Room N955  
Indianapolis, IN 46204-2228

## **VII. PROJECT CLOSE-OUT**

Purchase orders will be closed after final payment.

### ***Deobligations***

When a project is complete and the grant exceeds the amount spent, INDOT will deobligate the excess funds. Other Safety Improvement Program grant monies will also be deobligated when a project is not completed within the contract time, including extensions. In the event an LPA does not close a crossing within the contract time, including approved extensions, INDOT will deobligate the funds.

Deobligated funds revert to the RRGCF.

## Application Procedures

Only one crossing can be included in each application submitted by a unit of government for the Crossing Closure Program; however, units can submit more than one application per fiscal year. If a crossing is not selected for funding in a given year, the applicant may resubmit an application for the crossing to be included in the subsequent year's pool of crossing closure candidates.

A complete application includes the Project Summary and the Predicted Accident Report from the FRA Office of Safety. The Project Summary is included at the end of this packet. This form can be completed on-line and printed, or it can be reproduced, provided it is reproduced exactly as it appears. Directions on how to generate the Predicted Accident Rate Report are:

First identify the AARDOT crossing number located on the crossbuck at a given crossing. Record this number. If you cannot locate this information, please contact the Rail Office at (317) 232-1474.

Next, access the FRA Office of Safety Web Accident Prediction System at the internet site: <http://safetydata.fra.dot.gov/webaps/>

You will be brought to the Accident Prediction System (WBAPS) – select search by crossing.

Enter the crossing identification number into the Single Crossing box.

Select "Cover Sheet" "30;" "Prediction Report;" "View Report;" "Annual Report;" and Generate Report.

You have now generated a report that provides the predicted accident rate for a given crossing.

Please provide a copy of this report with the Project Summary. A display of this web page is at the end of this packet.

## Selection Process

Projects will be funded in the order of their U.S. Department of Transportation (USDOT) predicted accident rate (highest to lowest) until available funds are exhausted. The funding matrix below will be used to determine the amount INDOT will pay a city, county, or town to close a crossing.

### Crossing Closure Grant Award Amounts

\$15,000	\$22,500	\$30,000	\$37,500
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$R \leq 0.001$

$0.001 < R \leq 0.01$

$0.01 < R \leq 0.02$

Rate > 0.02

Predicted Accident Rate

When two crossings have identical predicted accident rates, and funds are not available for both, the selection committee will make the final decision as to which application is funded. If a crossing is not selected for funding in a given fiscal year, the applicant must resubmit an application for the crossing to be included in the subsequent year's pool of Crossing Closure candidates.

### **Grant Monitoring**

The Local Public Agency should notify INDOT when the crossing has been closed, so that INDOT can conduct a site inspection. Grantees have twelve (12) months following the date of the purchase order to complete the Crossing Closure. 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.

# Frequently Asked Questions about the Crossing Closure Program

1. *When will I receive the reimbursement from this grant?*  
The local public agency will receive the grant award after INDOT has been advised the project is completed and an INDOT employee inspects the Crossing Closure project and verifies it is completed.
2. *Who should execute the contracts?*  
The highest ranking elected official or their designee; usually the city mayor, president of the county board of commissioners, or town president.
3. *How can I spend the lump sum payment?*  
INDOT has developed this program to compensate communities that choose to permanently close passive crossings.
4. *How long does it take to get a fully executed contract after it is submitted to the State?*  
Approximately 8-10 weeks. Each grantee must receive clearance from the Department of Revenue and the Department of Workforce Development.
5. *Are project funds eligible for use at crossings with train activated warning devices?*  
No, the Crossing Closure Program is for passively warned crossing locations
6. *Can I apply for more than one Crossing Closure project?*  
Yes, an application should be submitted for each project.
7. *May I apply for funding in successive years?*  
Yes, but there is no guarantee funds will be awarded in successive years.
8. *How much time do I have to complete the project?*  
Twelve months from the date the purchase order is generated the crossing closure should be completed.
9. *Is there a maximum grant award?*  
Yes, the maximum grant aware is \$37,500.00 per project depending on the predicted accident rate.
10. *Will I receive the original contract back?*  
No, grantees sign one contract, which after fully executed, is kept by the Contract Administration division. You will receive a copy.
11. *Who do I contact if I have questions?*  
Venetta Keefe at 317-232-1474 or Michael Riley at 317-232-1491.

## Project Summary

### Local Public Agency Application for a Crossing Closure Project

## **Railroad Grade Crossing Fund**

Applicant Name

Mailing Address

Contact Name, Title

Phone Number

Fax Number

Email Address

Federal ID Number:

Crossing Number – (DOT AAR#):

County:

Cross Streets:

## FRA Web Accident Prediction System (WBAPS)

Welcome to the newly redesigned FRA Office of Safety Accident/Prediction Web Site. This site was established for the purpose of making railroad safety information readily available to a broad constituency which includes FRA personnel, railroad companies, research and planning organizations and the public, in general.

Visitors have access to railroad safety information including accidents and incidents and highway-rail crossing data. From this site users can run dynamic queries and view current statistical information on railroad safety.

**Search by :**       Location  Crossing

### Select Single Crossing or Range of Crossing, and Choose 'Select'

**Single Crossing**      Crossing:

**Range of Crossings**      From:  To:

### How many Records?

30     50     100     All     Specify

### Reports

- Cover Sheet
- Disclaimer/Abbreviation Key
- Prediction Report
- Crossing Profile
- Accident History
- Contact Sheet
  
- View Report       Download Report
- Annual Report       Cyclic Report

**Generate Report**