

	<b>Department of Design and Construction</b>	<b>SPECIFICATION BULLETIN</b>	<b>SB</b>  <b>24-011</b>
<b>Title: ALLOWANCE FOR RAILROAD FACILITY PERMITTING (ALL TYPES)</b>			
Prepared:	10/21/2024	Approved:	10/21/2024
Mohammad Mahmud, P.E. Director, Specifications	Date	How Sheen Pau, P.E. Associate Commissioner – Infrastructure Design	Date

**APPLICABILITY:**

- This Specification Bulletin (SB) is effective for projects advertised on or after 10/25/2024.

**SUPERSEDEENCE:**

- This SB supersedes the following SBs: None.

**ATTACHMENTS:**

1. *Section 9.29 (2 pages)*

**REVISIONS TO THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION  
STANDARD HIGHWAY SPECIFICATIONS, DATED 5/16/2022:**

All references contained below are to the New York City Department of Transportation Standard Highway Specifications, Dated May 16, 2022. Said Standard Highway Specifications are hereby revised as follows:

- a) **Refer** to Section 9.29  
**Add** the new Section in Attachment 1 (2 pages)

For questions regarding this bulletin, please contact Richard Jones, [jonesri@ddc.nyc.gov](mailto:jonesri@ddc.nyc.gov).

## **SECTION 9.29- ALLOWANCE FOR RAILROAD FACILITY PERMITTING (ALL TYPES)**

### **9.29.1. DESCRIPTION.**

Under this item the Contractor must negotiate with the railroad to obtain a permit to enter railroad property and comply with all relevant railroad work and financial requirements.

### **9.29.2. MATERIALS.**

(Not applicable)

### **9.29.3. CONSTRUCTION DETAILS.**

Prior to the Contractor providing any services under this Section, the Engineer will provide written direction to the Contractor. The written direction will include:

- The name and contact information of the railroad;
- Additional Insurance requirements;
- Special railroad requirements and provisions;
- Scope and area of work where railroad coordination is required.

When directed by the Engineer, the Contractor must negotiate with the railroad to obtain a permit to enter railroad property, comply with all relevant railroad requirements, and, if required, provide a payment fund to the railroad for all miscellaneous expenses incurred by the railroad due to the contractor entering the railroad property. These expenses may include the costs incurred by the railroad to provide flaggers, spotters, engineering services (plan review/comments), accounting services (cost work-up and negotiations), construction inspection, or any other labor, material or equipment necessary to provide a safe environment to both the contractor and the railroad. The right-of-entry permit must be obtained prior to commencement of any work within the boundaries of the railroad. The railroad will not provide any services necessitated by the Contractor's operations until the permit is obtained.

This allowance must include all the railroad insurances costs as required by the railroad.

### **9.29.4. METHOD OF MEASUREMENT.**

The fixed sum shown in the Bid Schedule for this item must be included in the total bid price; however, actual payment to the Contractor will be based on the actual invoices submitted by the Contractor in connection with the railroad works as described above.

**9.29.5. BASIS OF PAYMENT.**

The fixed sum must be considered the price bid for this item. The fixed sum is not to be altered in any manner by the bidder. Should the amount shown be altered, the new figures will be disregarded and the original price will be used to determine the total amount bid for the contract.

The fixed sum payment made under this item will be equal to the sum of all invoices submitted by the Contractor as proof of work performed for this item, as approved by the Engineer.

The total estimated cost of this item is the "fixed sum" amount shown for this item in the Bid Schedule and must not be varied in the bid. The "fixed sum" amount is included in the bid solely to ensure that sufficient monies will be available to pay the Contractor for this work, which may be more or less than the fixed sum amount.

The unit price will cover the cost of all labor, materials, equipment, insurance, and incidentals necessary to complete the work under this section in accordance with the Contract Drawings, the specifications and the directions of the Engineer.

Payment will be made under:

<b>Item No.</b>	<b>Item</b>	<b>Pay Unit</b>
9.29	ALLOWANCE FOR RAILROAD FACILITIES INCLUDING INSURANCE AND FORCE ACCOUNT (ALL TYPES)	F.S.