



# Illinois Department of Transportation

## Memorandum

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To: Regional Engineers  
From: Jack A. Elston   
Subject: Special Provision for Railroad Protective Liability Insurance (5 and 10)  
Date: April 19, 2019

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This special provision was developed by the Bureau of Construction, in cooperation with the FHWA, to increase the limits of railroad protective liability insurance per the railroads' requirements. This cover memo has been revised to update the list of Class 1 railroads.

This special provision is only for use in contracts involving the following Class 1 railroads:

The Belt Railway Company of Chicago  
BNSF Railway Company  
Chicago, Central & Pacific Railroad Company and its Parents  
Canadian Pacific Railway/Soo Line  
CSX Transportation, Inc.  
Dakota, Minnesota, and Eastern Railroad  
Grand Trunk Western Railroad Inc.  
Illinois Central Railroad Company and its Parents  
Indiana Harbor Belt Railroad Company  
Kansas City Southern Railway Company/Gateway Western  
Metra \*  
Norfolk Southern Corporation and its subsidiaries  
Union Pacific Railroad Company  
Wisconsin Central, Ltd. and its Parents

\* When the Metra is the Class 1 railroad, they shall be listed in the special provision as follows:

“The Commuter Rail Division of the Regional Transportation Authority, a division of an Illinois municipal corporation, and its affiliated separate public corporation known as the Northeast Illinois Regional Commuter Railroad Corporation, both operating under the service mark Metra, as now exists or may hereafter be constituted or acquired, and the Regional Transportation Authority, an Illinois municipal corporation.”

The districts should include the BDE Check Sheet marked with the applicable special provisions for the August 2, 2019 and subsequent lettings. The Project Coordination and Implementation Section will include a copy in the contract.

This special provision will be available on the transfer directory April 19, 2019.

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**RAILROAD PROTECTIVE LIABILITY INSURANCE (5 and 10) (BDE)**

Effective: January 1, 2006

Description. Railroad Protective Liability and Property Damage Liability Insurance shall be carried according to Article 107.11 of the Standard Specifications, except the limits shall be a minimum of \$5,000,000 combined single limit per occurrence for bodily injury liability and property damage liability with an aggregate limit of \$10,000,000 over the life of the policy. A separate policy is required for each railroad unless otherwise noted.

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NAMED INSURED & ADDRESS	NUMBER & SPEED OF PASSENGER TRAINS	NUMBER & SPEED OF FREIGHT TRAINS
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DOT/AAR No.:  
RR Division:

RR Mile Post:  
RR Sub-Division:

For Freight/Passenger Information Contact:  
For Insurance Information Contact:

Phone:  
Phone:

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DOT/AAR No.:  
RR Division:

RR Mile Post:  
RR Sub-Division:

For Freight/Passenger Information Contact:  
For Insurance Information Contact:

Phone:  
Phone:

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Approval of Insurance. The original and one certified copy of each required policy shall be submitted to the following address for approval:

Illinois Department of Transportation  
Bureau of Design and Environment  
2300 South Dirksen Parkway, Room 326  
Springfield, Illinois 62764

The Contractor will be advised when the Department has received approval of the insurance from the railroad(s). Before any work begins on railroad right-of-way, the Contractor shall submit to the Engineer evidence that the required insurance has been approved by the railroad(s). The Contractor shall also provide the Engineer with the expiration date of each required policy.

Basis of Payment. Providing Railroad Protective Liability and Property Damage Liability Insurance will be paid for at the contract unit price per Lump Sum for RAILROAD PROTECTIVE LIABILITY INSURANCE.

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