
Railroad Crossing Closure Guidelines FY22 Railroad Grade Crossing Fund

*Guidelines for Communities
Considering a Rail Crossing Closure*

*Rail Programs Office
Indiana Department of Transportation*

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I. PURPOSE

The Indiana State Legislature established the Railroad Grade Crossing Fund (RRGCF) per Indiana Code 8-6-7.7-6.1; to provide funding for railroad crossing safety improvement projects throughout Indiana. According to the Federal Railroad Administration (FRA), the most effective way to improve railroad crossing safety is to close crossings. With this in mind, INDOT encourages the use of RRGCF monies to be used as an incentive to help communities that choose to permanently close crossings.

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

A local public agency can receive between \$20,000 and \$50,000 to close a crossing, based on the FRA predicted accident rate for each crossing; no match in contribution is required from LPA's. INDOT will award money until funds are exhausted. For all subsequent crossing closures, during any one fiscal year, the community will receive a flat rate of \$10,000 regardless of the predicted accident rate. The amount awarded through this program by INDOT is independent of any contribution made by a railroad.

The Crossing Closure program is a one-time incentive payment grant. Once the crossing is closed, the community will receive the total awarded amount. The local public agency has the discretion to use the closure monies received towards any projects they choose.

II. STATUTORY AUTHORITY

A rail crossing closure is considered the strongest tool for enhancing safety as it eliminates the intersection where rail - highway accidents may occur. Indiana Code 8-6-7.7-6.1 outlines the types of projects that are eligible for Railroad Grade Crossing Funds. Railroad crossing closures would fall under the category of "Other safety improvements" and are eligible project types to receive funds from the Railroad Grade Crossing Fund.

III. ROLES AND RESPONSIBILITIES

Eligible Recipients

Eligible recipients for the Closure program as defined by the Indiana Code (I.C. 8-6-7.7-6.1) include units of government: cities, towns, & counties. 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

Crossing closures associated with a Section 130 project will receive an incentive award of \$5,000.00. This award amount is not based on the predicted accident rate.

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

- Completing the final spending report; and quarterly reports if necessary
- Providing INDOT with copies of project-related bills and/or invoices.

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: Senior Rail Planner and a Code Enforcement Officer.

IV. THE RRGCF FUNDING PROCESS

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

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

Applications

To apply for funding for a crossing closure project from the RRGCF, an eligible recipient must submit an application to INDOT through the GRIP system via INDOT Technical Application Pathway (ITAP) at the following link <https://itap.indot.in.gov/login.aspx>. Instructions are available on the Rail Programs Office web site <https://www.in.gov/indot/2394.htm>. Applications will be accepted throughout the year until the RRGCF funds are exhausted. The Review Committee will meet as applications are received.

You can contact Bridgette Hail with the INDOT Rail Programs Office with any questions bhail@indot.in.gov or by phone (317) 232-5463.

Project Selection

INDOT has developed this program to compensate communities that choose to permanently close railroad crossings. Projects will be funded on a first come first selected basis. Crossings with tracks out of service, in the process of abandonment, associated with rail line relocation, or in a quiet zone are not eligible for this program. The funding matrix below will be used to determine the amount INDOT will pay a city, county, or town to close a crossing.

Predicted Accident Rate = Crossing Closure Amount Awarded

(R = Predicted Accident Rate)

(R) ≤ 0.001 = \$20,000 (R) 0.002 to ≤ 0.01 = \$35,000

(R) > 0.01 to ≤ 0.02 = \$40,000 (R) > 0.02 = \$50,000

Subsequent crossings: \$10,000.00_

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 15 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 from the Rail Office.

Claims and Payment

Grantees are required to submit quarterly 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.

INDOT will provide each grant recipient a copy of the signed agreement, the purchase order, and the instructions for reimbursement. After the crossing is permanently closed, the grantee may submit a claim for the full amount of the grant. The claim should include an invoice, and copies of project-related bills. A post-inspection by INDOT will be conducted prior to payment.

Project close-out

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

V. APPEALS

Any applicant not receiving approval of their application may appeal the selection decision to the Manager, Rail Programs Office. The Manager, Rail Office 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. Mail the appeal to:

Venetta Keefe, Manager – Rail Programs 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 Programs 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.

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:

Venetta Keefe, Manager - Rail Programs Office
Indiana Department of Transportation
100 North Senate Avenue, Room N955
Indianapolis, IN 46204-2228

VII. APPLICATION PROCEDURES

Applications must be submitted through the GRIP system within ITAP at <https://itap.indot.in.gov/login.aspx>. Instructions are located on the Rail Programs Office webpage at <https://www.in.gov/indot/2394.htm>.

VIII. SELECTION PROCESS

Projects will be funded in the order of their FRA Predicted Accident Rate for the crossing (highest to lowest) or on a first come, first served basis until available funds are exhausted.

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 may 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 nineteen (19) months 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

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 completion.
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 railroad crossings. The money can be used for any purpose determined by local leaders.
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. Can I apply for more than one Crossing Closure project?
Yes.
6. May I apply for funding in successive years?
Yes, but there is no guarantee funds will be awarded in successive years.
7. How much time do I have to complete the project?
Fifteen months from the date the purchase order is generated the crossing closure should be completed.
8. Is there a maximum grant award?
Yes, the maximum grant award is \$50,000.00 per project and is based on the FRA predicted accident rate for each crossing.
9. My community closed a crossing earlier in the fiscal year. How much is a subsequent closure worth?
All subsequent crossing closures through the Grade Crossing Fund are paid at \$10,000; regardless of the predicted accident rate.
10. Will I receive the original contract back?
No, the original fully executed agreement is kept by the Contract Administration division. You will receive a copy.
11. Who do I contact if I have questions?
Bridgette Hail at (phone) 317-232-5463 (email) bhail@indot.in.gov