

of this part shall be periodically reviewed by the FHWA.

(Information collection requirements in paragraph (a) were approved by the Office of Management and Budget under control number 2125-0514)

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## PART 646—RAILROADS

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#### APPENDIX TO SUBPART B—HORIZONTAL AND VERTICAL CLEARANCE PROVISIONS FOR OVERPASS AND UNDERPASS STRUCTURES

AUTHORITY: 23 U.S.C. 109(e), 120(c), 130, 133(d)(1), and 315; 49 CFR 1.48(b).

### Subpart A—Railroad-Highway Insurance Protection

SOURCE: 39 FR 36474, Oct. 10, 1974, unless otherwise noted.

#### § 646.101 Purpose.

The purpose of this part is to prescribe provisions under which Federal funds may be applied to the costs of public liability and property damage insurance obtained by contractors (a) for their own operations, and (b) on behalf of railroads on or about whose right-of-way the contractors are required to work in the construction of

highway projects financed in whole or in part with Federal funds.

#### § 646.103 Application.

- (a) This part applies:
- (1) To a contractors' legal liability for bodily injury to, or death of, persons and for injury to, or destruction of, property.
  - (2) To the liability which may attach to railroads for bodily injury to, or death of, persons and for injury to, or destruction of, property.
  - (3) To damage to property owned by or in the care, custody or control of the railroads, both as such liability or damage may arise out of the contractor's operations, or may result from work performed by railroads at or about railroad rights-of-way in connection with projects financed in whole or in part with Federal funds.
- (b) Where the highway construction is under the direct supervision of the Federal Highway Administration (FHWA), all references herein to the State shall be considered as references to the FHWA.

#### § 646.105 Contractor's public liability and property damage insurance.

(a) Contractors may be subject to liability with respect to bodily injury to or death of persons, and injury to, or destruction of property, which may be suffered by persons other than their own employees as a result of their operations in connection with construction of highway projects located in whole or in part within railroad right-of-way and financed in whole or in part with Federal funds. Protection to cover such liability of contractors shall be furnished under regular contractors' public liability and property damage insurance policies issued in the names of the contractors. Such policies shall be so written as to furnish protection to contractors respecting their operations in performing work covered by their contract.

(b) Where a contractor sublets a part of the work on any project to a subcontractor, the contractor shall be required to secure insurance protection in his own behalf under contractor's public liability and property damage insurance policies to cover any liability imposed on him by law for damages