

UTILITY OCCUPANCY LICENSE APPLICATION GENERAL PROCESS AND HANDLING



UTILITY OCCUPANCY LICENSE APPLICATION PROCESS

In order to better serve the needs of utilities, municipalities, and other prospective occupants of its railroad network, Norfolk Southern (NS) has secured the services of RailPros. On NS's behalf, RailPros will receive and review pipe and wire applications through the application management portal: <https://ns.railprospermitting.com>. All applications must be submitted through this platform and all correspondence regarding applications (i.e. questions, updates and messages) will be handled through this system.

HANDLING PROCESS

- ♦ Once an application is submitted and appropriate application fees paid, RailPros will input the assigned NS Activity Number into the online Application System and communicate it to the applicant via email within two (2) business days.
- ♦ RailPros will proactively communicate with the applicant within four (4) weeks of receipt should additional information be required to complete the in-depth review or if the design plans do not meet NS standards.
- ♦ If no response from applicant is received within 4 weeks of comments being provided, the activity will be cancelled automatically.
- ♦ Revised plans will be reviewed within two (2) weeks of submittal.
- ♦ When an application is complete and determined to be satisfactory, RailPros will prepare and transmit, within two (2) weeks, the appropriate license agreement and instruction package through the application portal to the applicant for execution via DocuSign.
- ♦ License agreements must be executed within sixty (60) days of receipt of the DocuSign envelope or an extension requested within that same time period, or the activity will be cancelled automatically.
- ♦ NS will execute the license agreement and the fully executed license will be returned to the applicant within one (1) week upon receipt of the DocuSign provided that all of the appropriate licensing fees and insurance requirements are met.
- ♦ The return package will include the name and contact information of the RailPros Protection Services coordinator who must be contacted prior to any construction on, or entry onto, NS property.
- ♦ RailPros Protection Service Coordinator will work with the Licensee or its contractor to schedule construction.
- ♦ The time period to process an application is dependent upon the quality of the information submitted, and applicants are urged to carefully follow the suggested guidelines for submission.
- ♦ All applications are given the same priority, and all should receive a response within two (2) weeks. However, complex requests or non-compliant requests require special attention and additional time. You will be notified if additional time will be required.
- ♦ No verbal authorization for construction will be provided.
- ♦ No emailed or mailed submissions will be accepted. All applications must be submitted through the application portal.

UNDER NO CIRCUMSTANCE SHALL ANY FACILITIES BE INSTALLED UNTIL THE ABOVE STEPS HAVE BEEN COMPLETED AND THE APPROPRIATE CONSTRUCTION PROTECTION SECURED.

REQUIREMENTS FOR A COMPLETE APPLICATION

Complete all questions and upload all required documents into the application portal where indicated, including the following:

- 1) **BRIEF DESCRIPTION:** Applicants will need to provide a description of the project purpose, specific circumstances, objectives, and other information that may be considered pertinent for a thorough understanding of the project.
 - a. The number and expected type of end users of the facility. If fewer than 10, provide contact information of the end user(s).
 - b. If the project is a result of public highway or bridge construction, provide the sponsor's contact information.
 - c. If the facility is required to support NS facilities, provide the contact information of the requestee.
- 2) **Location Details:** Applicants will need to provide the Latitude and Longitude, State, County, and City/Town/Village for the proposed facility.
- 3) **Plans and Specifications:** Applicants will need to upload a pdf copy of dated and numbered plans that follow the format and contain the data described in NSCE-8 for pipelines and NSCE-4 for wirelines which can be found on NS website and the application portal. NS may require, if requested, that the plans be sealed by a licensed engineer or land surveyor.

NOTE: If the utility will lie within a public right of way when it crosses NS right of way, then you must provide:

 - a. Public Right of Way lines drawn and dimensioned, with control points, on the plans
 - b. The exact source of the public right of way dimensions given
 - c. The dimensioned location of the proposed facility relative to the public right of way
- 4) **Application and Processing Fees:** All applications will require a one-time, non-refundable processing fee paid to RailPros at the time of submittal. Failure to provide the appropriate processing fee will delay processing.
 - Aerial Wireline: \$1,500.00
 - Underground Wireline: \$2,000.00
 - Pipelines: \$2,500.00
 - Supplements (w/in one year of initial application) \$750.00
- 5) **License Fees:** The application fee does not encompass charges imposed by NS for the utility license, insurance, flagging services, and other matters.

MAINTENANCE OF EXISTING FACILITIES

Entry onto NS property for the purpose of maintaining existing facilities requires advance notice by submitting an online application that shall include the following:

- ♦ A complete application package as stated above
- ♦ Copy of the current agreement, with NS, for the facility, including exhibits
- ♦ Written confirmation that applicant will pay within thirty (30) days after delivery of an invoice, for all protection and construction monitoring costs incurred by NS or its representatives.

EMERGENCY ENTRY

Emergency entry will be coordinated within reasonable response time dependent upon the circumstances.

INSURANCE REQUIREMENTS

The NS insurance requirements will be defined in the license agreement. In general, each agreement will require:

- 1) Payment of a risk financing fee of \$1,900 per installation to add the project to NS's Master Railroad Protective Policy. This will satisfy the railroad protective liability insurance requirement in its entirety for the project.
- 2) A Certificate of Liability Insurance of combined single limit minimum of \$2,000,000 per occurrence of general liability (note this may be achieved via an excess or umbrella policy) \$1,000,000 of auto liability, workers comp, and employer's liability. *Construction will not be authorized until all insurance requirements are satisfied.*
 - a. The certificate shall name Norfolk Southern Railway Company and its Subsidiaries, 650 West Peachtree St Box 22, Atlanta, GA 30308 as the certificate holder. (NOTE: The license agreement will define the exact name for the Railway as certificate holder.)
 - b. The certificate shall name the certificate holder as an additional insured and include a waiver of subrogation and 30-day notice of cancellation. Insurance, and all applicable application materials, shall be returned to RailPros with the return of the executed license agreements through the application portal.

RAILROAD RIGHT OF WAY

It is recommended that you obtain current property ownership information from local sources typically used for this purpose, such as County deeds. After receipt of an application, RailPros will verify and provide railroad right-of-way widths and parcel information for agreement preparation, but without any warranty (by RailPros or NS) as to their accuracy. If the right-of-way width is critical for plan development, please first submit an application, after which RailPros will coordinate final plan preparation with you.

RIGHT OF ENTRY

Entry on NS property for the purpose of conducting surveys, field inspections, soils examinations, or any other purposes associated with the design and construction of the proposed occupancy will require a proper entry permit prepared by NS. The applicant must pay the associated fees and execute the permit.

Right of Entry applications may be obtained through the Norfolk Southern website <http://nscorp.com/content/nscorp/en/real-estate/norfolk-southern-services/access-norfolk-southern-property.html>

The issuance of an entry permit does not constitute authority to proceed with any construction. Construction cannot begin until NS executes a formal agreement, and the applicant receives permission, from the designated NS representative, to proceed with the work.

QUESTIONS?

Contact RailPros via Email or Phone: **Email:** NS.Permitting@RailPros.com | **Phone:** (402)-965-0539