

Environmental Right of Entry General Process Instructions



ENVIRONMENTAL RIGHT OF ENTRY APPLICATION PROCESS

Norfolk Southern Railway Company and its operating subsidiaries (collectively, NS) has secured the services of RailPros to handle environmental rights of entry applications. On NS's behalf, RailPros will receive and process the applications through the application management portal: <https://ns.railprospersmitting.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.

Processing of your application involves several departments at NS and requires NS management review and approval. No access is allowed prior to the execution of a separate formal agreement with NS and verification that all insurance requirements have been met.

APPLICATION FEE

Fee Schedule	
EROE application review by Norfolk Southern	\$2,000.00

Please be advised that the application fee is **nonrefundable** and does not guarantee approval. If the environmental right of entry requires multiple locations, additional fees may apply.

HANDLING PROCESS

- An application must be submitted and the appropriate application fees paid before an application will be reviewed. For detailed instructions on how to use the portal, please refer to "Portal Tutorial" on the portal homepage <https://ns.railprospersmitting.com>.
- RailPros will assign a NS Activity Number and communicate it to the applicant via message within the portal and an email within two (2) business days. All communications will reference this Activity Number.
- For documentation and ease of tracking, all communications should be within the portal. The applicant will receive an email alert that there is a new message in the portal.
- When the application is complete and determined to be satisfactory, RailPros will facilitate the review by NS departments and communicate the results of that review to the applicant.
- If NS approval is granted, RailPros will prepare and transmit the Environmental Right of Entry to the applicant via DocuSign.
- NS will execute the right of entry upon the receipt of insurance certificates and the appropriate fees.
- No verbal authorization will be provided.
- No emailed or mailed submissions will be accepted. All applications must be submitted through the application portal.

REQUIREMENTS FOR A COMPLETE APPLICATION

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

1. **Requesting Party:** Please be sure to provide the requesting party's complete legal name (which is not the consultant working on behalf of the requesting party).
2. **Application fee:** All applications must be submitted online at the time of application submittal.
3. **Scope of Work:** All applications must include a detailed description of the requested work to be performed. The scope of work must include descriptions of the anticipated work to be conducted initially as well as any longer-term monitoring or other similar work that may require ongoing access. The scope of work should include, as applicable and without limitation, the approximate number and location of borings, wells, or other such structures; method of installation of such structures; scope of any excavation work; scope of other passive or active remediation activities; and scope and frequency of ongoing monitoring. In addition to describing the work to be done, provide the approximate duration of initial access including the number of days for installation, duration and frequency of any continued access, and length of time such access is requested (e.g., sampling access required once a month for a period of two years). If samples will be taken, provide compounds/chemicals description for such sampling activities. Please include information on whether the property has known or suspected environmental contamination or if work is being conducted at the direction of a regulatory agency.
4. **Map:** All applications must include a map depicting the approximate location on the NS property where the work is anticipated to be conducted, including dimensions and distances from any existing railroad structures such as railroad track. Any planned structures on the property, with dimensions from the nearest track, should also be depicted.

The proposed area of access, including ingress and egress should be highlighted. Please indicate which direction is north. If available, include additional information to assist in processing the application, such as the closest property address, railroad milepost, the parcel ID number, GPS coordinates, and latitude and longitude.

INSURANCE REQUIREMENTS

The NS insurance requirements will be defined in the right of entry agreement. In general, each agreement will require the applicant to obtain, at its sole cost and expense, various types of insurance coverage with various limits. These insurance coverages must be of a form and underwritten by insurance companies that meet with NS's approval. The types of insurance typically required include:

- Commercial General Liability Insurance
- Automobile Liability Insurance
- Worker's Compensation Insurance
- Railroad Protective Liability Insurance

In certain instances, the licensee may be required to pay NS a risk-financing fee 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.

NS generally requires a policy of Commercial General Liability Insurance with a combined single limit of not less than \$2,000,000 per occurrence for injury to or death of persons and damage to or loss or destruction of property. *Access will not be authorized until all insurance requirements are satisfied.*

- a. The certificate must name Norfolk Southern Railway Company, 1200 Peachtree St. NW, Atlanta, GA 30303 as the certificate holder. (NOTE: The right of entry agreement will define the exact name for the Railway as certificate holder.)
- b. The certificate shall name the certificate holder as an additional insured. Insurance, and all applicable application materials, shall be returned to RailPros with the return of the executed right of entry agreement through the application portal.

QUESTIONS?

Contact RailPros via Email or Phone:

Email: NS.Permitting@RailPros.com

Phone: (402)-965-0539 ext. 1