



RIGHT OF ENTRY PROCESS



Type of Project

An application may be submitted for the following projects:

1. **Facility Application** – new installations, upgrade/modification to existing facilities
 - Wirelines (electric, fiber, cable, etc.)
 - Pipelines (water, sewer, gas, culverts, etc.)
3. **Tower Application** – new installations, upgrade/modification to existing facilities
 - Cellular/Wireless
 - Co-location requests
4. **Temporary Right of Entry**
 - Surveys
 - Existing facilities with Agreement involving minor inspection/maintenance activities
 - Ingress/Egress (short term over non-operating property)
 - Inspection (bridges, roads, etc.)
 - Monitoring wells or soil boring or sampling
 - Oversized equipment move over operating track and/or property
 - Property remediation
 - Environmental Investigation

For any project not described above, please contact railroad (see Contact Us) to discuss feasibility of the project.

For fees associated with Applications, see Fee Schedule.

Design Requirements

All projects should be designed and constructed in accordance with the American Railway of Engineering and Maintenance of Way Association (AREMA) standards. Further, projects should be designed so that rail operations and facilities are not interfered with, interrupted or endangered. In addition, proposed facilities should be located to minimize encumbrance to the corridor so that the railroad will have unrestricted use of its corridor for current and future operations.

All projects involving installation, or maintenance to, Wirelines, Pipelines and Towers are subject to Engineering Review.

For fees associated with Engineering Review, see Fee Schedule.

Agreements/Permits

All projects within railroad corridor and other railroad property must be reviewed and approved, including installations within the public road rights-of-way. Once approved, the applicant will receive a Permit for Right of Entry. If the project involves a permanent wireline, pipeline or tower, the applicant will also receive a License Agreement.

To access railroad property to perform activities related to an existing facility, please review the existing agreement verbiage to determine which application to submit.

For fees associated with obtaining a copy of an agreements, see Fee Schedule.

Construction Activities

The safety of railroad operations is of paramount importance. Once applicants receive an Agreement or Permit, the applicant must contact the Regional General Manager for scheduling. Each project is reviewed by the railroad independently to determine, in its sole discretion, the need for 1) protection services (flagging), 2) construction manager services, and 3) On-Track Worker Safety Training.

Fees associated with construction activities require a deposit based on the estimated fee to be paid two (2) weeks prior to construction. For fees associated with construction activity services, if required, see Fee Schedule.

Insurance

The following insurance coverage must be provided prior to any entry or project activity within the railroad corridor:

Commercial General Liability Insurance. CGL shall contain broad form contractual liability with a combined single limit of a minimum of \$2,000,000 each occurrence and an aggregate limit of at least \$6,000,000. Coverage must be purchased on a post-1998 ISO occurrence form or equivalent and include coverage for, but not limited to the following:

- Bodily Injury and Property Damage
- Personal Injury and Advertising Injury

- Fire Legal Liability
- Products and Completed Operations
- Contractual Liability

The policy shall contain the following endorsements (or appropriate alternate language) on the Certificate of Insurance:

- Employer’s liability or workers’ compensation related exclusions in the policy shall apply only to employees of the Named Insured and shall not apply to Railroad employees.
- The definition of “insured contract” shall be amended to remove any exclusion or other limitation for work being done within 50 feet of railroad property
- A Waiver of Subrogation
- Additional Insured endorsement in favor of Railroad
- Separation of Insureds
- That policy shall be primary and non-contributing with respect to any insurance carried by the Railroad
- The policy shall contain no exclusion for subcontractors

Railroad Protective Liability Insurance. RPL insurance may be obtained by contacting Lockton at PioneerRPL@Lockton.com . This insurance shall contain a combined single limit of \$2,000,000 for Bodily Injury and Property Damage per occurrence and \$6,000,000 annual aggregate.

- The RPL policy shall be issued with the name of the insured being the Railroad
- The RPL policy shall include employees and any subcontractors
- Definition of designated employees shall include:
 - any watchman, flagman, inspector, engineer, maintenance of way employee or similar employee who is employed by the Railroad and is specifically assigned or furnished by the Railroad for work in connection with the project
 - any employee of the Railroad while operating the work trains or other equipment assigned to the project by the Railroad and while engaged in the performance of work

Business Automobile Insurance. This insurance shall contain a combined single limit of at least \$1,000,000 per occurrence and include coverage for, but not limited to, the following:

- Bodily Injury and Property Damage
- Any and all vehicles owned, used or hired

Workers’ Compensation and Employers’ Liability Insurance. This insurance shall include coverage for, but not limited, to the following:

- Statutory liability (Part A) under the workers’ compensation laws of the state(s) in which the work is to be performed
- Employers’ Liability (Part B) with limits of at least \$1,000,000 each accident, \$1,000,000 by disease policy limit, \$500,000 by disease each employee

The fact that insurance is obtained by Applicant shall not be deemed to release or diminish Applicant's liability, including, without limitation, liability under the indemnity provisions of the Permit. Damages recoverable by Railroad shall not be limited by the amount of the required insurance coverage.

Contact Us

5619 DTC Pkwy, Suite 650
Greenwood Village, CO 80111
(309)697-1400
apps@Pioneer-Railcorp.com

Application fees should be sent to: 75 Remittance Dr., Dept. 4648, Chicago, IL 60675-4648

Fee Schedule

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| Application Fee | \$1,750 |
| Engineering Review Fee | \$1,750 |
| Construction Manager Fee | \$1,200/day |
| On-Track Worker Safety Training | Varies |
| Expedite Fee | \$2,000 |
| Copy of Agreement | \$40 |
| Valuation Map | \$85 |
| Flagging Fees | \$125.00 Per hour with a 4-hour minimum up to eight hours in any week day \$190.00 Per hour for all hours over 8-hours in any week day \$190.00 Per hour with a 4-hour minimum up to eight hours on Saturday's \$250.00 Per hour for all hours over eight on Saturday's or up to eight hours on Sunday's or holidays |