

Midwest & Bluegrass Rail, LLC

Capital Projects Mgr, 205 Winchester Street, Paris, KY 40361

Contractors Access/Occupancy on Railroad Property

Check box if Contractor unknown at this time (this form will need to be completed with contractor information and submitted prior to any work once bid process is complete)
Incomplete or Inaccurate Information will delay application request

Section 1 - Applicant Data

Complete Legal Name of Applicant to appear on License Agreement:

Applicant Mailing Address:

Applicant Overnight Address:

Type of Entity:

- Corporation
 Partnership
 Sole Proprietor
 Individual
 Municipality
 Developer
 Other

If other please explain:

State of Incorporation or Partnership:

Contact during Application Process:

Name:

Contact Telephone

Email

Address:

Address:

Section 2 - Location Data

Railroad Name:

Estimated Start Date

Specify the amount of time access is required:

**Reason for extension of time beyond 60 days

****\$500 extension fee for each additional 30 days being requested.**

Nearest City:

County:

State:

REQUIRED: Latitude/Longitude (Convert to Decimal Format) (ex 12.3456789/-64.101112):

Address of proposed worksite:

Right of Entry Application

Railroad

Subdivision - if known

US DOT/AAR Crossing Number - if available

Section 3 - Existing Agreement Data

Is there an Existing Agreement at this Location which will be affected by this Request?

Yes No If YES, List Agreement Number(s):

Will facility be exclusively used by Applicant? Yes No

If YES, List Name of Lessee:

Describe the complete scope of work on or around Railroad property (REQUIRED):

Section 4 - Department of Transportation (D.O.T.)

Is this installation associated with a Department of Transportation project? Yes No

If Yes, complete the following:

D.O.T. Contract Number: _____ D.O.T. Project Number: _____ D.O.T. Project Name: _____
D.O.T. Contact Information: _____
Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number _____ Email Address _____

Some important items to note when completing the application:

Checklist prior to submittal

- Latitude & longitudinal information converted to digital decimal format with an aerial map of location
- Payment for fees included - check payable to specific railroad
- If paying fees by credit card a completed signed credit card release is included - only Visa, MasterCard or Discover can be accepted - US Roads only
- Applications can be emailed with a copy of the check in order to start the approval process. Only the check for the doc prep fees needs to be mailed or overnighted when the complete application packet is emailed. Include a copy of the application to make sure the payment is matched to the correct project.
- When returning the signed agreement and proof of insurance for final review and execution please allow 2-3 weeks prior to the start of work. Once all required fees are paid and documentation in place the agreement must go through an approval process before it can be finalized.**

Section 5 - Insurance Requirements

Insurance Requirements prior to any construction project - Both the Utility Owner and the Contractor completing installation are required to provide proof of current Commercial General Liability Insurance. Prior to construction the Contractor is required to provide current proof of Railroad Protective Liability Insurance.

General Liability insurance must meet the minimum requirements of \$2M per occurrence and \$6M aggregate per the terms of the written contract.

Automobile Insurance must meet the minimum requirements of \$1M bodily injury and property damage per occurrence.

The General Liability certificate is required to show proof of **CG2417 or its equivalent**. (*Contractual Liability Railroads*)

Evidence of **Workers Compensation** must be provided on certificate and meet the minimum requirements of \$1M. Certificate Holder naming *(specified Railroad)* ****Specified Railroad names can be found at www.mbrail.com****

General Liability, Automobile Liability and Umbrella/Excess Liability provides additional insured status to the certificate holder and any other party(ies) specified in or required by written contract between the named insured and the certificate holder.

Where applicable and permitted by law, all policies include a blanket automatic waiver of subrogation endorsement that provides this feature in favor of the certificate holder and any other party(ies) specified in or required by written contract between the named insured and the certificate holder.

Prior to Construction or any access within 50' of Railroad a current **Certificate of Railroad Protective Liability insurance (RPL)** which shows the **specific Railroad** as named Insured. If the Contractor does not carry a policy of Railroad Protective Liability insurance, this coverage can be secured through the **Houchens Insurance Group**. An application will be sent after contacting **HIGrailroad@higusa.com**.

****Insurance Requirements for potentially hazardous pipelines such as natural gas, oil, petroleum, etc. to be amended as shown below****

General Liability Insurance which names the **specific Railroad** as additional insured and must meet the limits of **\$5M per occurrence and \$10M aggregate**. Such policy shall be endorsed to provide Waiver of Subrogation in favor of the certificate holder per written contract.

Pollution Legal Liability Insurance with minimum limits of **Five Million Dollars (\$5,000,000)** per occurrence naming the **certificate holder** as additional insured per written contract. Such policy shall be endorsed to provide Waiver of Subrogation in favor of the certificate holder per written contract.

IMPORTANT

Prior to application submittal, Questions can be answered and additional contact information obtained by visiting the website at www.mbrail.com or contacting J.Kelley@mbrail.com.

Plans for proposed installations shall be submitted to and approved by the Railroad, on behalf of itself, its subsidiaries, and affiliates, and designated engineer before work can begin! Applications submitted not meeting current specifications as outlined in the General Specifications for Sub-grade and Above grade Utility Crossings of Railway's Right-of-Way will be returned and may incur additional engineering review fees. To request general specifications, contact Jimmy Kelley at j.kelley@mbrail.com

Materials and installations are to be in strict accordance with specifications of National Electrical Safety Code, AREMA, current edition, and requirements of the Railroad.

Upon application approval, applicant agrees to reimburse Railroad for any cost incurred by Railroad incident to the installation, maintenance and/or supervision necessitated by the installation. Applicant further agrees to assume all liability for accidents or injuries that arise as a result of this installation.

This section must be completed in full, signed and dated prior to submittal to the Capital Projects Mgr. for processing. Unsigned applications, incomplete or inaccurate Information will delay application request and may incur additional fees.

Date: _____	Signature: _____
Phone Number _____	Printed Name _____
Fax Number: _____	Title: _____

Please make check payable to the specific Railroad where proposed work is to occur. A list of Midwest & Bluegras Rail, LLC railroads can be found at: www.mbrail.com. W-9 information available upon request.

Mail the application for proposed project, along with the applicable non-refundable fee(s) in U.S. Funds to:

**Midwest & Bluegrass Rail, LLC
Attn: Jimmy Kelley
205 Winchester Street
Paris, KY 40361**

In order for the application to be complete ALL required details pertinent to the proposed installation must be completed in full and submitted along with the following fees:

	# of Copies	Amount Due	Description
<input type="checkbox"/>	1	\$2,250	Engineer review fee, plans/drawings, no larger than 11 x 17. Larger drawings may incur additional engineering fees.
<input type="checkbox"/>	1	\$1,750	Completed Contractor's Access/Occupancy Application and Fee required with ALL application submittals. If the contractor is unknown at time of submittal just check the box under the heading on the form.
		\$4,000	Full amount due with submittal for new utility installations - <i>Unless prior arrangements are made, applications received without payment will not be processed until receipt of payment. This could extend the time frame for the processing of your request.</i>
<i>Only applicable for projects over 60 days</i>		\$500	Extension fee for each additional 30 days over the initial 60 days

Standard Application processing takes approximately 6-8 weeks. PLEASE READ IN FULL - "Expedited processing" is available and will reduce the processing time to between 1-2 weeks at an additional cost of \$3,000. For *all expedited requests* the application and plans submitted must meet engineering specifications and be approved in order for the applicable agreement(s) to be forwarded to the applicant for signature within 2 weeks *from receipt of all required information and full payment of required fees*. It is important to note that an incomplete application and plans submitted that do not meeting engineering specifications will cause a delay in the processing of expedited request and the two week guarantee no longer applies if revisions are required to be made by the applicant in order for them to meet engineering specs for engineering to approve the request.

The expedited processing of an application does not apply to the final review and execution phase of the agreement process. Once a signed agreement has been received and ALL required fees and insurance has been submitted the agreement(s) is(are) forwarded for final review by Capital Projects Mgr, Legal and the signatory for the Railroad. This final review and execution process can take up to 2 weeks from receipt of all required documentation and fees. This part of the agreement process cannot be expedited.

At this time we are unable to expedite requests for the installation of new private grade crossings, industrial track agreements, and track leases. The process for these requests varies somewhat from the review and approval process for new utilities and takes a little longer to secure all required approvals.

Entering or working on the railroad right of way or any other railroad property without the permission of the railroad is trespassing and illegal. Violators risk the possibility of serious, even fatal injury and will be prosecuted.