

SUPPLEMENTAL SPECIAL PROVISIONS

APPENDIX O

BNSF TEMPORARY OCCUPANCY

PROCESS INSTRUCTIONS

TEMPORARY OCCUPANCY PROCESS INSTRUCTIONS

How to apply for a permit:

In an effort to effectively facilitate the permit process, BNSF has partnered with Staubach Global Services who is committed to provide professional Real Estate Services. This web site is intended to provide you with all the information you should need to apply for a permit to access BNSF's property through Staubach.

Complete the application, print and mail with the following:

- The **\$350.00** (non-refundable) **processing fee**, check made payable to The Burlington Northern and Santa Fe Railway Company. BNSF requires the processing fee be sent with the application, or it will be *returned*.
- **Two sets of drawings** of the area to be occupied. (Include: streets, distance from tracks and streets, mileposts if available and any distinguishing land marks.)

**TO: Staubach Global Services
Permits Department
3017 Lou Menk Dr., Suite 100
Fort Worth, TX 76131-2800**

If the information is not complete or is incorrect, it will delay the permit process. Please ensure all information is accurate, as each change will add \$350 to the processing fee.

Permit Process:

1. Once received by Staubach, the application and drawing will be forwarded to the engineering firm to prepare the Exhibit A drawings for the contract. **This process takes approximately 10 to 15 working days.**
2. When the Exhibit A is completed, information will be forwarded to the local BNSF Roadmaster for approval. Once approved, a contract will be prepared and two (2) copies will be forwarded to you for original signature.
3. Once received by your office, forward the signed contracts (2 copies with original signatures), along with the appropriate **payment** to Staubach Global Services Permits Department. A letter will be sent that will provide direction regarding insurance.
4. The final contracts with original signatures are presented to the Permits Manager for execution, provided all payments are received and insurance has been approved.
5. Once the contract is executed, one original will be returned for your files.
6. Prior to commencing any work on the Premises, Licensee shall complete and shall require its contractor (all parties who will be working on the site) to complete the safety training program at Internet Website <http://www.contractororientation.com>. This training must be completed no more than one year in advance of Licensee's entry on the Premises.

7. The cover letter for the executed contract will list the Roadmaster's name and phone number. **You will need to contact the Roadmaster five (5) days prior to beginning work.**
8. Please be advised that the average time period for completion of the permit process is 45 to 60 days from the time that the application is received. Every effort will be made to complete this process in a timely manner.

Costs:

Average cost for a Temporary Occupancy Permit is \$1000.00.

Insurance Requirements for the following Agreements:

License for Temporary Occupancy

- **Commercial General Liability Insurance.** Contractual liability with a combined single limit of a minimum of \$2,000,000 each occurrence and an aggregate limit of at least \$4,000,000.
- **Business Automobile Insurance.** Combined single limit of at least \$1,000,000 per occurrence.
- **Workers Compensation and Employers Liability insurance** Employers' Liability with limits of at least \$500,000 each accident, \$500,000 by disease policy limit, \$500,000 by disease each employee.
- **Railroad Protective Liability insurance** with coverage of at least \$2,000,000 per occurrence and \$6,000,000 in the aggregate, with the exception on New Mexico in which coverage is \$5,000,000 per occurrence and \$10,000,000 in the aggregate

Please note: These limits are subject to change at any time without notice. An agreement will be provided to you, which contains details concerning insurance requirements.



Date: _____

APPLICATION FOR TEMPORARY OCCUPANCY

Staubach Global Services -RR, Inc.
3017 Lou Menk Dr., Suite 100
Fort Worth, TX 76131

TAX I.D. NO./SS# _____

ATTN: Permit Services

We submit for your approval the following application for temporary occupancy on **THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY** right-of-way, as shown on enclosed sketch.

Legal name of company/municipality who will occupy the property: _____

State in which incorporated: _____ If not incorporated, please attach names(s) of owners or partners.

Is this a condemning authority? Yes ___ No ___

Name of contact: _____ Telephone: _____ Fax: _____

Applicant mailing address: _____ Zip Code: _____

Purpose of Occupancy: _____

Location of proposed occupancy _____ 1/4 Sec: _____ Twp: _____ Rng _____ Railroad Mile Post _____ + _____

Name of nearest town on Railroad _____ County _____ State _____

Name of nearest roadway crossing Railroad _____

Is the work to be performed within 50 feet from the track? Yes or No (circle one)

Total Cost of project \$ _____

Percentage of project done within 50 feet of tracks _____ %.

Area To Occupy: _____ Feet By _____ Feet Time Period: _____ (Date From) _____ (Date To): _____

Will a crossing under the railroad tracks be required. Yes or No (circle one) If yes at what railroad mile post location? _____

Is applicant a Railroad Shipper? Yes ___ No ___

If yes, BNSF Marketing Rep name and number: _____

Was this service requested by BNSF? Yes or No If yes, who requested? _____

Requestor telephone number: _____

Is this installation in conjunction with a track or track expansion project? Yes ___ No ___

If yes, BNSF contact name and number: _____

Attached to this sheet is a location plan and detailed sketch. Shown on the sketch are exact dimensions of the project area and distances to the centerline of nearest railroad track and road crossing, bridge or other railroad structure.

I understand that submission of this application does not authorize occupancy of the property. Exact fees and insurance requirements will be forwarded after the application has been reviewed and approved by the Railroad.

Signed: _____
Print Name: _____
Title: _____
Telephone: _____

If you would like confirmation of receipt of your application e-mailed to you, please PRINT your e-mail address:
