DALLAS AREA RAPID TRANSIT

LICENSE PROCEDURES

Dallas Area Rapid Transit (DART) purchased various railroad properties with public funds for future public transit uses. Other uses, compatible with current and future transit and freight railroad use, may be allowed depending on the proposed use, the impact on current or future uses, and the income generated.

The following information must be submitted for review:

1. A letter from the owner(s) or their representative requesting a license to use the corridor.
2. The attached completed Application Form. Describe “Proposed Improvements”, and provide written details; “See attached drawings” is not a description.
3. Engineering plans and plats showing ALL Details Directly on Drawings, including all information on the Plan Data Sheet (attached), the proposed license area with dimensions, profile and tie-ins to physical features on the ground (i.e. centerline of roadway, DART right of way lines, end of a bridge or culvert, etc.). Any proposed utility crossing must meet DART specifications and/or American Railway Engineering and Maintenance of Way Association (AREMA) standards.
4. The DART engineering checklist pertinent to the project type.
5. A $2,500.00 non-refundable engineering review and application fee.
6. If application is approved a License Agreement will be sent to the Applicant. The License includes, but is not limited to, sections that require:
   ▪ A 30-day notice of termination enforceable by either party.
   ▪ An annual payment based on the market value of the license area.
   ▪ Insurance naming DART and Railroads as additional insureds (see attached list of insurance requirements).
   ▪ A Standard Construction Agreement and Contractor’s Right of Entry executed by Licensee’s contractor prior to any construction activities.

Applications are processed by two departments of DART, depending on the location of the rail corridor. Mail application packages to:

Freight or Commuter Rail corridors, to: Light Rail corridors, to:

Dallas Area Rapid Transit Dallas Area Rapid Transit
Attn: Commuter Rail & Railroad Management Attn: Real Estate
P. O. Box 660163 P. O. Box 660163
Dallas, Texas 75266-7210 Dallas, Texas 75266-7230
SECTION I – Application Information for a License Agreement

1) LICENSEE’S full legal name: __________________________________________________________

Type of Legal Entity: ________________________________________________________________

   For example: Company, Corporation, Partnership, Individual, Municipality, or Other

   Specific type of entity and, if applicable, state of incorporation ________________________

Mailing Address: ___________________________________________________________________

Physical Address (if different): ___________________________________________________________________

City: _____________________ State: ______________________ Zip: ____________________

Billing Address (if different from mailing address): _________________________________________

__________________________________________________________________________________

Contact Person: __________________________ Email: ______________________________

Office Phone: _____________________________ Cell Phone: __________________________

2) APPLICANT: ___________________________________________________

   (if Agent for Licensee)   Email: ______________________________

   Agent’s Firm’s Name: __________________________________________

   Office Phone: _____________________________ Cell Phone: _______________________

   Mailing Address: ___________________________________________________________________

   City: __________________________ State: ___________ Zip: __________

3) CONTRACTOR, if known:

   a) Legal Name to appear in Agreement: ____________________________________________

   b) Mailing Address: __________________________

   City: __________________________ State: ___________ Zip: __________

   c) Contact Person: __________________________ Email: __________________________

   d) Office Phone: ___________________________  Cell Phone: ________________________
SECTION II – Proposed Improvements

Check All Appropriate Boxes:  □ New  □ Existing: Agreement No. __________

□ Relocation □ Modification Use: □ Public □ Private  Within Public ROW: □ Yes □ No
□ Crossing tracks: Angle________  □ Paralleling tracks: Distance:________

TYPE OF ENCROACHMENT:

□ Surface use: Describe:

□ Wire line: □ Electric □ Telephone □ Fiber Optic □ Cable TV □ Other: __________
□ Underground □ Overhead □ Transmission □ Distribution  No. of Wires/Cables: ______
Voltage: ______ Material: ______ Phase: ______ Size: ______
Vertical clearance above top of rail: __________ (ft.)

□ Pipeline: □ Transmission □ Distribution □ Flammable □ Non Flammable □ Pressurized
Contents: ______ Carrier Pipe Size/Thickness: ______ Casing Pipe Size/Thickness: ______
Length (encased full width of ROW): __________ Distance below base of rail: __________

□ Drainage: □ Open Ditch □ Buried Pipe □ Culverts  Size: __________

□ Road Crossing □ New □ Upgrade □ Public □ Private

□ Other Improvements: Describe: ________________________________________

Describe Proposed Improvements: ______________________________________________

_________________________________________________________________________

_________________________________________________________________________

LOCATION OF ENCROACHMENT:  Latitude: ________ Longitude: ________

Name of nearest road crossing: _______________________________ D.O.T. No.: __________
Distance to centerline of nearest road crossing: __________ Railroad Mile Post: __________
Is the work to be performed within twenty-five feet (25’) of the railroad tracks? □ Yes □ No
# FOR USE OF DART PROPERTY

PLAN DATA INFORMATION TO BE INCLUDED ON DRAWINGS

For Underground Pipelines

<table>
<thead>
<tr>
<th></th>
<th>CARRIER PIPE</th>
<th>CASING PIPE</th>
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</thead>
<tbody>
<tr>
<td>Contents to be handled</td>
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<tr>
<td>Outside diameter</td>
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<td>Pipe Material</td>
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<td>Specifications and grade</td>
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<tr>
<td>Wall thickness</td>
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<td>Actual working pressure</td>
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<td>Type of joint</td>
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<tr>
<td>Coating</td>
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<tr>
<td>Method of installation</td>
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<td>Vents: Number</td>
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<tr>
<td>Size:</td>
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<td>Height above ground:</td>
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<td>Seals: Both ends:</td>
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<td>One end:</td>
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<tr>
<td>Type:</td>
<td></td>
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<tr>
<td>Bury: Base of rail to top of casing:</td>
<td>ft.</td>
<td>in.</td>
</tr>
<tr>
<td>Bury: (Not beneath tracks)</td>
<td>ft.</td>
<td>in.</td>
</tr>
<tr>
<td>Bury: (Roadway ditches)</td>
<td>ft.</td>
<td>in.</td>
</tr>
<tr>
<td>Type, size and spacing of insulators or supports:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distance C.L. track to face of jacking/receiving pits</td>
<td>ft.</td>
<td>in.</td>
</tr>
<tr>
<td>Bury: Base of rail to bottom jacking/receiving pits:</td>
<td>ft.</td>
<td>in.</td>
</tr>
<tr>
<td>Cathodic protection:</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Cathodic Protection Procedure:</td>
<td></td>
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</tbody>
</table>

**SPECS:** DART and/or AREMA (American Railway Engineering and Maintenance of Way Association) specifications must be met. Attach Engineering Drawings that include Project Plan and Profile, North Arrow, Right-of-Way Lines of Railroad corridor, and Public or Private streets. Identify location with nearest street crossing the rail corridor and distance from center of street to the project. Provide a location map, surveys, mile post, etc., as needed to identify location.
CONTRACTOR’S INSURANCE REQUIREMENTS
FOR USE OF DART PROPERTY

Prior to the start of work or occupancy of premises under a License, Licensee’s contractor agrees to procure and maintain at its sole cost and expense, the following types and amounts of insurance with an insurer or insurers and form satisfactory to Licensor who is herein defined to be DALLAS AREA RAPID TRANSIT. Where applicable, the operating railroad will be named as an additional insured. DART staff will inform you which railroad(s), if any, are operating in the area of the proposed License agreement. The railroads include one or more of the following: DALLAS GARLAND & NORTHEASTERN RAILROAD (DGNO), FORT WORTH & WESTERN RAILROAD COMPANY (FWWR) and KANSAS CITY SOUTHERN RAILWAY (KCS).

Licensee’s contractor shall furnish an original Certificate of Insurance along with all endorsements for review and approval by DART’s Risk Management Department with the following insurance as a minimum standard:

1) Comprehensive General Liability with Contractual Liability Endorsement
   ▪ Combined single limit of at least $2,000,000.
   ▪ Licensor and Railroad are named as additional insureds (Endorsement for ongoing operations CG 2010 or equivalent and for completed operations CG 2037 or equivalent) without any qualifications or restrictions.
   ▪ Contractual liability endorsement must have exclusions for operations within 50 feet of railroad (Endorsement 2417 or equivalent) and for XCU hazards deleted.
   ▪ Waiver of subrogation (Endorsement CG 2404 or equivalent).
   ▪ Licensor must have 30 days notice of cancellation or modification.

2) Comprehensive Automobile Liability Policy
   ▪ Combined single limit of at least $2,000,000.
   ▪ Licensor and Railroad are named as additional insureds (Endorsement CA 0403 or equivalent) without any qualifications or restrictions.
   ▪ Waiver of subrogation (Endorsement CA 2089 or equivalent).
   ▪ Licensor must have 30 days notice of cancellation or modification.

3) Workers’ Compensation Insurance
   ▪ Providing Statutory Benefits under the Worker’s Compensation Act of the State of Texas and/or any other State or Federal Law or Laws applicable to the Contractor’s employees performing the work under this agreement.
   ▪ Employer’s Liability Insurance with limits of liability of not less that $500,000 each accident, $500,000 each employee for disease and $500,000 policy limit for disease.
   ▪ Endorsed with a Waiver of Subrogation (Endorsement WC 42 03 04 or equivalent), waiving the carrier’s right of recovery under subrogation or otherwise from Licensor.

4) Railroad Protective Coverage
   The Railroad, not DART, is to be listed as the insured on the certificate. The coverage is not required if the contractor’s general liability limits are $2,000,000 per occurrence and $6,000,000 aggregate or higher and the contractor provides the Contractual Liability Endorsement CG 2417.

5) Licensee agrees to furnish Licensor with Certificates of Insurance (or, as and when Licensor may direct, copies of the actual insurance policies) as evidence of the coverages outline in 1), 2) and 3) above.

6) All coverage described in a License shall be in a form and content satisfactory to Licensor. No party, subject to the provisions of a License agreement, shall violate or knowingly permit to be violated any of the provisions of the policies of insurance described therein. All insurance should be provided by insurance companies with a Best’s Rating of B+ or better.