

FORT SMITH RAILROAD CO.
RIGHT OF ENTRY PERMIT
APPLICATION PROCEDURES

You have requested an application for a Right of Entry Permit. The following are the steps necessary to secure a permit:

1. The application for a Right of Entry Permit should be completed and returned along with your work print (Exhibit A) and/or a city or area map, showing the location of the proposed facility or crossing.
2. Any specifications will need to be sent to our Corporate Headquarters to be examined there for approval.
3. The Real Estate department is the contact for all Right of Entry Permit requests. Send information to:

Fort Smith Railroad Co.
Attn: Right of Way Agent
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111
Email: apps@pioneer-railcorp.com

4. The Railroad reserves the right to refuse entry to anyone who proposes to enter the property, or proceeds to enter the property without a permit or is uninsured, or for the performance of work which the Railroad deems unsafe or otherwise a threat to the Railroad's operations.
5. Generally, processing time will be 30 days. This will be depending on if all requirements have been met. Agreements or leases are needed for all permanent encroachments or crossings. That will also be handled by the Real Estate department. We will attempt to meet your desired date, however, executed documents, as well as, a Certificate of Insurance, must be returned to the Real Estate department so a Right of Entry Permit can be granted and sent to you. You will need to send back signed copies of the permit to the Real Estate department before any construction or work can begin. **VERBAL AUTHORIZATION WILL NOT BE PERMITTED OR GRANTED.**
6. The desired dates or times this permit is to be used should be given to us at least 10 days in advance. The time period that you can be on Railroad property will be put on the permit.
7. The Federal Railroad Administration (FRA) states that there must be a flagman or railroad representative present during any work done on the Railroad Right of Way. The cost for the flagman is \$900.00 per day per flagging tariff. This will be billed to your company after the work is completed.
8. Railroad is a private, tax paying corporation. We maintain our own facilities, at considerable expense. The Railroad is not a Public Right of Way maintained with tax dollars as the highways and waterways used by our competitors are. We must maintain many records of existing licenses, dating back several decades and keep up with the present requests for them and permits. There is a one-time administrative fee of

\$1500.00 and a one-time engineering review fee of \$1500.00 when applicable or necessary. There is an annual fee for an agreement or license for an encroachment if one exists or is needed. That fee will be based upon various factors, including the location, size, and type of crossing.

9. Our Railroad is a common carrier railroad, under the jurisdiction of the Surface Transportation Board (STB) and the Federal Railroad Administration, and as such we have to comply with the STB and FRA regulations, and our common carrier obligations. Railroad operations are dangerous, and unauthorized entry upon the right of way, or substandard construction can result in severe damage, personal injuries and/or death. The safety and operations of the Railroad is our primary consideration when receiving and acting upon license and permit requests.

If you have questions regarding these procedures, please contact: Manager, Right of Way Agent, Fort Smith Railroad Co., 5619 DTC Parkway, Suite 650, Greenwood Village, CO 80111, Email: apps@pioneer-railcorp.com.

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APPLICATION FOR RIGHT OF ENTRY

1. Location of Proposed Entry:

Mile Post:

At/Near:

2. Method of Entry: Underground Overhead Grade (Circle One)

3. If Underground, type of bore: _____

4. Purpose of Entry: _____

5. Name of Applicant:

(Legal name to be shown on Document).

6. (a) If a corporation, jurisdiction of incorporation: _____

(b) If a partnership, name partners; indicate general or limited, and jurisdiction:

If other, show type of entity and jurisdiction:

7. Give address, telephone number and fax number for Notices. Include contact person or position to be addressed to. If address is a P.O. Box, also include street address.

8. If entry is to be made by any entity other than the Permittee list all such other entities:

9. When do you expect to enter upon Railroad's Property?

_____ (Please allow 30 days).

10. When do you expect to complete? _____

11. Are there any other facilities at this location which will be affected by this entry?

No Yes. Describe all such other facilities and give any information you have relevant to those facilities (ie. railroad license agreement number covering, parties, or date of such agreement):

12. Will you require any track work? Yes No

If yes, all track work will be performed by Railroad personnel. Please describe required work fully:

13. Additional information pertinent to this Request:

Please fill out this Application completely, attach your workprint (which will be identified as "Exhibit A") and area map, and return to: FORT SMITH RAILROAD CO. 5619 DTC Parkway, Suite 650, Greenwood Village, CO 80111, Attn: Manager, Right of Way Agent, at least 30 days prior to the date you need the Permit. If you have any questions, please email via: apps@pioneer-railcorp.com.

Permit will be drafted based upon the information provided herein. Inaccurate information may render the Permit invalid. Please review your answers to assure their accuracy.

The Superintendent of Transportation will review all information, and may request additional information regarding your proposed work. The Railroad reserves the right to refuse entry to anyone who proposes to enter the property in, or proceeds to enter the property, without a Permit; uninsured; or for the performance of work which the Railroad deems unsafe or otherwise a threat to the Railroad's operations.