



THE KANSAS CITY SOUTHERN RAILWAY COMPANY

427 West 12th Street
Kansas City, Missouri 64105-1403



Right-of-Entry Agreement Process Instructions

How to apply:

In an effort to effectively facilitate the right-of-entry agreement process, The Kansas City Southern Railway Company ("KCSR") has partnered with Jones Lang LaSalle Americas, Inc. ("JLL") who is committed to provide professional Real Estate Services. This form is intended to provide applicant with all the information applicant should need to apply for a right-of-entry agreement to access KCSR's property through JLL.

Complete the application, print and mail with the following:

- \$750 non-refundable processing fee and check made payable to Jones Lang LaSalle Americas, Inc. KCSR requires the processing fee be sent with the application or it will be returned.
- Drawing of the area to be occupied showing work to be completed. PDF document via email is preferred.

TO: Jones Lang LaSalle Americas, Inc.
Attn: Sylvia Schmidt - Permits Department
3017 Lou Menk Drive, Suite 100
Fort Worth, Texas 76131-2800
Phone: (817) 230-2688
Email: sylvia.schmidt@am.jll.com

Process & Requirements:

1. If the information is not complete or is incorrect, it will delay the right-of-entry agreement process.
2. Once received by JLL, the application and drawing will be forwarded to KCSR engineering for review and approval. Information provided by the applicant will be used to prepare the agreement. Therefore, please ensure that all information is accurate.
3. Provided KCSR approves the application, an agreement will be prepared and emailed to applicant for original signature. If application is not approved, applicant will be notified in writing with reasons for disapproval.
4. Once the agreement is received by applicant, forward three (3) signed original agreements and required insurance to JLL.
5. The final agreements with original signatures will be presented to KCSR for execution, provided insurance has been approved.
6. Applicant shall require its employees, contractors and subcontractors to be trained and certified in on-track safety in accordance with Federal Railroad Administration's Roadway Worker Protection regulations before entering KCSR's property from TrackSense, Inc. at 330-847-8661 or Rick Stapleton at 765-623-2306.
7. When applicant is in KCSR right-of-way for whatever reason or has a potential to encroach upon the KCSR right-of-way, a qualified railroad flagman is required. It will be applicant's responsibility to coordinate in obtaining and paying for the flagman from any of the following KCSR approved flagging companies:

Railroad Protective Services

Dave Shaffer (904) 588-3433
drsshaffer@aol.com

Kyle Hawthorn (318) 218-1174
kbhawthorn@aol.com

Patsy Crisafi (904) 813-9905
pjcrisafi@aol.com



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RailPros Field Services

Jennifer Kazner (714) 734-8765, Ext. 116
Or toll free 877-315-0513, Ext. 116
866-762-7619 (Fax)
jennifer.kazner@railprofs.com

Alternate Contact
Johnny Johnson
949-278-8637 (Cell)
johnny.johnson@railpros.com

General e-mail kcsinfo@railprofs.com

8. Once the agreement is executed, arrangements for flagging will be confirmed by JLL and once confirmed, a copy will be emailed and one (1) original will be returned for applicant files and work can begin.
9. Please be advised that the average time period for completion of this process is three (3) weeks from the time that the application is received. Every effort will be made to complete this process in a timely manner.
10. Once the agreement has been executed, applicant must notify Sylvia Schmidt at least two (2) days in advance of the date applicant wishes to use KCSR's right-of-way.
11. Applicant agrees to notify Sylvia Schmidt in writing when it has completed its work on KCSR property.

Insurance Requirements:

Applicant shall provide, and shall require any contractors or subcontractors employed by it in the performance of the work to provide, in addition to any other form of insurance or bond required by statute, insurance of the following kinds and amounts:

- Comprehensive General Liability & Contractual Liability Insurance. \$2,000,000 per occurrence and an aggregate of \$4,000,000 minimum limits.
- Automobile Liability Insurance. \$1,000,000 combined single limit.
- Workers Compensation Insurance. Minimum statutory worker's compensation coverage for all covered employees who are on KCSR's property.
- Railroad Protective Liability Insurance naming The Kansas City Southern Railway Company, The Texas Mexican Railway Company, or Gateway Eastern Railroad as insured with \$2,000,000 per occurrence and \$6,000,000 aggregate. Visit www.railroadprotectivesolutions.com to obtain certificate.
- No policy will be canceled or materially altered without first giving The Kansas City Southern Railway Company, The Texas Mexican Railway Company or Gateway Eastern Railroad thirty (30) day's written notice.
- Commercial General Liability naming The Kansas City Southern Railway Company, The Texas Mexican Railway Company or Gateway Eastern Railroad as additional insured.
- Waiver of subrogation in favor of The Kansas City Southern Railway Company, The Texas Mexican Railway Company or Gateway Eastern Railroad.
- All policies will be primary to any insurance or self-insurance The Kansas City Southern Railway Company, The Texas Mexican Railway Company or Gateway Eastern Railroad may maintain for acts or omissions of Licensee or anyone for whom Licensee is responsible.

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



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Application for Right of Entry Agreement

Submit with non-refundable \$750 processing fee payable to:

Jones Lang LaSalle Americas, Inc.
Attn.: Sylvia Schmidt
3017 Lou Menk Drive, Suite 100
Fort Worth, Texas 76131-2800
Phone: 817-230-2688
Email: sylvia.schmidt@am.jll.com

1. Applicant Information:

Name of applicant who will occupy the property: _____

Attn.: _____

Mailing Address: _____ City, State, Zip: _____

Phone: _____ Cell: _____

Email: _____

Check One: Individual Company Partnership
 Corporation Municipality Other (Specify) _____

2. Scope of Work:

Area to occupy: _____ feet by _____ feet Total cost of project: \$ _____

Time Period: From _____(MM/DD/YY) to _____(MM/DD/YY)

Purpose of occupancy and type of work to be done (be specific): _____

3. Location:

If crossing, relation to centerline of KCSR Tracks at KCSR Mile Post _____ + _____ feet

If parallel, beginning KCSR Mile Post _____ + _____ feet ending KCSR Mile Post _____ + _____ feet

Railroad Subdivision: _____ If spur, distance from point of switch _____ feet

In or near City/Town/Village _____, Parish/County _____, State _____

Section _____ Township _____ Range _____



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4. Other Distances:

Distance from inside face of back wall on nearest Railroad Bridge: _____ Bridge #: _____

Distance from centerline of DOT-AAR #: _____ Name: _____ DOT #: _____

Is the work to be performed within 25' from the track? Yes No

Percentage of project done within 25' of the track: _____%

5. Was this service requested by KCSR? Yes No

If yes, who requested? _____ Phone #: _____

6. Will a crossing be required? Yes No

If yes, at what Mile Post location? _____ + _____ feet

We submit for your approval the following specifications for a Right of Entry Agreement. We propose to enter The Kansas City Southern Railway Company ("KCSR")/Texas Mexican Railway Company ("Tex-Mex")/Gateway Eastern Railroad ("GWER") Right-of-Way, as described above and as shown on attached drawing.

By submitting this application, I/we understand that KCSR/Tex-Mex/GWER is under no obligation to grant this request and that KCSR/Tex-Mex/GWER may deny this request for any reason, including but not limited to safety and engineering considerations and operating convenience.

Attached to the 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 the nearest railroad track and road crossing, bridge or other railroad structure.

I/we understand that submission of this application does not authorize occupancy of the property. Exact fees, insurance requirements and appropriate agreement document will be forwarded after the application has been reviewed and approved by KCSR/Tex-Mex/GWER.

Signature: _____

Print Name: _____

Title: _____

Date: _____