



DART AND THE “T”

Doing Business As TRINITY RAILWAY EXPRESS (TRE)

LICENSE PROCEDURES

Dallas Area Rapid Transit (DART) and the Fort Worth Transportation Authority (the “T”) own and operate the 34-mile TRE corridor, formerly the Chicago, Rock Island & Pacific (CRI&P) Railroad corridor, and also known as “Railtran” when owned by the Cities of Dallas and Fort Worth. Through an Interlocal Agreement effective December 27, 1999, the Cities finalized the transfer of the corridor to DART and the “T”. By agreement, DART’s Commuter Rail & Railroad Management staff assumed property management functions of the corridor. The TRE corridor was purchased primarily for 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, The “T”, Herzog Transit Services, Inc. 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.

Mail application package to:

Dallas Area Rapid Transit
Attn: Commuter Rail & Railroad Management
P. O. Box 660163
Dallas, Texas 75266-7210



STANDARD APPLICATION

FOR USE OF TRE PROPERTY

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: _____



STANDARD APPLICATION

FOR USE OF TRE PROPERTY

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

Size: _____ Contents: _____

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



Fill out only if applicable

FOR USE OF TRE PROPERTY

PLAN DATA INFORMATION TO BE INCLUDED ON DRAWINGS
For Underground Pipelines

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

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 TRE 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 **TRINITY RAILWAY EXPRESS**. Where applicable, the operating railroad will be named as an additional insured. The railroads include the following: BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY (BNSF), UNION PACIFIC RAILROAD COMPANY (UP), and DALLAS GARLAND & NORTHEASTERN RAILROAD (DGNO). **Other additional insureds include: Dallas Area Rapid Transit, Fort Worth Transportation Authority and Herzog Transit Services, Inc.**

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 than \$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.