



Private Grade Crossing Application

At Norfolk Southern, safety is our first priority, and that includes highway-rail grade crossing safety. The United States Department of Transportation promotes reducing the number of at-grade crossings, both public and private, through consolidation, elimination, grade separation, and restriction of the number of new crossings installed. State government policies also discourage the creation of new grade crossings. Norfolk Southern fully supports these goals to promote rail and community safety, and we generally do not permit the installation of private crossings for property that has other reasonable access or that has been landlocked by a property owner subdividing and selling parts of their property. Applicants should exhaust all options for access before applying for a new railroad crossing, and the crossing may be denied for safety and/or operational reasons.

Note that it is illegal to access private railroad property anywhere other than at an authorized, designated pedestrian or roadway crossing, and railroads may pursue all legal remedies if they discover illegal access.

Applicant’s Fees and Costs

Application Fee:	\$1000.00 – Non-refundable; required for any application.
Engineering review fee:	\$750.00 – Required for applications for new or modified crossings.
Annual license fee	Fees will depend on property, size, and use of the crossing and will be included in a crossing agreement.

Make checks payable to **Norfolk Southern Corporation**.

Instructions:

Applicants should exhaust all other options for access before applying for a new railroad crossing on Norfolk Southern’s railroad, and the crossing may be denied for safety and/or operational reasons. Applicants must complete fully and truthfully all information required in the application, supply all of the applicable attachments, and submit the applicable fees in order for Norfolk Southern to process the application. Failure to fully complete the application or to submit supporting documentation will lead to delays in processing the application. Applicants should review these instructions completely to understand their obligations with respect to any private crossing on Norfolk Southern.

Applicants must:

1. Fully complete and sign the Private Grade Crossing Application. A digital signature for the application is acceptable.
2. Submit all applicable required supporting documentation as listed below. Save all documents in any standard format (e.g., PDF, JPEG).
3. Submit an electronic copy of the check for the application fee and, if applicable, the engineering fee.
4. Send the original check for the application fee and, if applicable, the engineering fee to the following address below, along with a copy of the first page of the application for identification purposes. Applicants should note on the check “Private Crossing Application” and the name of the applicant.

Norfolk Southern Corporation Real Estate Department

**Attn: Private Crossing Application
650 W Peachtree Street NW Box 22
Atlanta, Georgia 30308**

Once complete, applicants must **email** the entire application package (items 1 through 3 above) to privatexing@nscorp.com. Norfolk Southern will only begin review of the application after receiving the required application form and all supporting documentation, as well as the hard copy of the payment check. Note that receipt of the application and supporting documentation and/ or acceptance of the application fee or any other fee does not mean that the application has been approved.

If your application demonstrates a need for a crossing that is not outweighed by safety and operational considerations, the application will require review and approval by a variety of Norfolk Southern departments, including Real Estate, Transportation, and Law. No work may be done to install a private grade crossing and no crossing may be used before execution of a separate formal agreement with Norfolk Southern and verification that all insurance requirements have been met. If a private grade crossing requires multiple locations, additional fees may apply.

Required Supporting Documentation:

Applicant must provide the following documentation electronically along with the fully completed application form. Failure to include relevant documentation will result in a delay in the processing of the application.

- Copy of the deed and associated parcel map for the area where the crossing is proposed, including property on both sides of the proposed crossing.
- Copy of existing agreements, if any, relating to a crossing at the proposed location.
- If the property is leased, copy of written authorization for the crossing from the legal owner(s).
- Aerial map and/or parcel map indicating the proposed location of the crossing, any surrounding streets, distance from tracks and streets, private crossing DOT # or milepost (MP) location, and any distinguishing landmarks.
- Engineering design drawings for a new or modified crossing, signed by a PE licensed in the state where the crossing is proposed.
- If a legal or statutory right to a crossing is claimed, any documentation supporting such asserted right.

Conditions for Private Crossings:

Conditions for private crossings across Norfolk Southern tracks include the following, at a minimum:

- A signed private crossing agreement with Norfolk Southern is required before any crossing work may begin.
- Private crossing agreements are not transferable by the property owner. Parties buying property with an existing private crossing must enter into a new agreement with Norfolk Southern to continue having legal access to the crossing except in some cases where the crossing is prescribed in the original deed to the railroad or required by applicable law.
- Private crossing applicants will be responsible for:
 - Application fees for crossing evaluation and, if the crossing is approved, license fees for the property use (**Note: application fees are not refundable**).
 - Costs for engineering review.
 - All costs relating to installing the crossing, including grading and drainage work on roadway approaches, including maintenance (construction from end of tie to end of tie within the track area must be performed by NS at applicant's sole expense).
 - Providing notice to NS prior to applicant's work on NS property *in addition to* One-Call obligation.
 - Relocation of utilities as needed, including the costs thereof.

- Costs relating to the current or future warning devices for the crossing, whether passive or active (devices will be approved, installed, and maintained by NS at applicant's sole expense).
- Removal costs if a temporary crossing.
- Providing insurance as required by Norfolk Southern.
- All costs for crossing maintenance conducted by Norfolk Southern after the crossing is installed, including during Norfolk Southern's normal periodic track maintenance program (costs will be billed after the work is completed).
- All liability for accidents or injuries that arise as a result of the construction, maintenance, and use of the crossing.
- Other costs relating to the crossing.

Insurance:

If a crossing is approved across Norfolk Southern tracks, the applicant will be required to obtain, at its sole cost and expense, various types of insurance coverage with various limits. These insurance coverages must be of a form and underwritten by insurance companies that meet with Norfolk Southern's approval. In certain instances, the applicant may be required to pay Norfolk Southern a risk-financing fee. The types of insurance typically required by NS include:

- Commercial General Liability Insurance
- Automobile Liability Insurance
- Worker's Compensation Insurance
- Railroad Protective Liability Insurance (during construction or maintenance only)

At a minimum, Norfolk Southern generally requires a policy of Commercial General Liability Insurance with a combined single limit of not less than \$2,000,000 per occurrence for injury to or death of persons and damage to or loss or destruction of property. Individual and residential private crossings will be required to have, at a minimum, a Personal Liability Insurance policy with a combined single limit of not less than \$1,000,000 per occurrence of injury to death of persons and damage to or loss or destruction of property. Either policy must not deny coverage for operations conducted within 50 feet of any railroad hazard. Specific insurance requirements will be provided to you in the agreement covering your request if it is approved by Norfolk Southern, and may depend on the property, size, and use of the crossing.

At Norfolk Southern, safety is our first priority, and that includes highway-rail grade crossing safety. In keeping with the stated objectives of US and State Departments of Transportation, we promote reducing the number of at-grade crossings, both public and private, through consolidation, elimination, grade separation, and restriction of the number of new crossings installed in order to promote rail and community safety. As such, Norfolk Southern expects that any party interested in applying for a new crossing will have exhausted all other options to find an alternate means of access – including the prospect of constructing a bridge or using existing overhead, subgrade or at-grade crossings – before applying for a grade crossing.

PRIVATE GRADE CROSSING APPLICATION

Page 1 of 4

At Norfolk Southern, safety is our first priority, and that includes highway-rail grade crossing safety. In keeping with the stated objectives of US and State Departments of Transportation, we promote reducing the number of at-grade crossings, both public and private, through consolidation, elimination, grade separation, and restriction of the number of new crossings installed in order to promote rail and community safety. As such, Norfolk Southern expects that any party interested in applying for a new crossing will have exhausted all other options to find an alternate means of access – including the prospect of constructing a bridge or using existing overhead, subgrade or at-grade crossings – before applying for a grade crossing.

I. APPLICANT INFORMATION

Applicant's complete legal name:							
D/B/A if applicable:							
Contact name:					State of incorporation/formation:		
Legal physical address:							
City:		State:		Zip+4 (REQUIRED):			
Entity type:	<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Individual <input type="checkbox"/> Municipality <input type="checkbox"/> General Partnership <input type="checkbox"/> Other (specify) _____						
Applicant email address:					Phone:		

II. APPLICANT BILLING INFORMATION

Same as **APPLICANT INFORMATION**

Applicant's bill-to company name:							
Applicant's bill-to contact name:							
Applicant's bill-to physical address:							
City:		State:		Zip+4 (REQUIRED):			
Applicant's bill-to email address:					Phone:		

III. PROPERTY OWNER INFORMATION

Same as **APPLICANT INFORMATION**

Name of property owner adjacent to crossing:							
Property owner's bill-to contact name:							
Property owner's bill-to physical address:							
City:		State:		Zip+4 (REQUIRED):			
Property owner's bill-to email address:					Phone:		
Name of second property owner adjacent to crossing (if any):							
Second property owner's bill-to contact name:							
Second property owner's bill-to physical address:							
City:		State:		Zip+4 (REQUIRED):			
Second property owner's bill-to email address:					Phone:		

PRIVATE GRADE CROSSING APPLICATION

Page 2 of 4

IV. LOCATION AND USE DETAILS				
Name of railroad:				
Proposed crossing physical address:		County:		
City:	State:	Railroad milepost:		
Nearest US DOT crossing number:		Latitude/Longitude:		
Distance and direction from nearest railroad milepost:		Are there any agreements covering the crossing? If yes, identify and attach copies with the application.		
Will this crossing be open to the public?	<input type="checkbox"/> Yes <input type="checkbox"/> No			
Type of crossing:	<input type="checkbox"/> New crossing <input type="checkbox"/> Relocation <input type="checkbox"/> Reconstruction <input type="checkbox"/> Use of existing crossing/provide DOT number			
Use of crossing access:	<input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Commercial <input type="checkbox"/> Construction <input type="checkbox"/> Farm <input type="checkbox"/> Pedestrian overpass <input type="checkbox"/> Pedestrian underpass <input type="checkbox"/> Other (specify) _____			
Type of vehicles using crossing:	<input type="checkbox"/> Passenger cars <input type="checkbox"/> Recreational <input type="checkbox"/> Pickups <input type="checkbox"/> Farm equipment <input type="checkbox"/> Heavy equipment <input type="checkbox"/> Other (specify) _____			
Duration of crossing:	<input type="checkbox"/> Permanent use <input type="checkbox"/> Temporary use			
If temporary, date(s) access requested:	Start date:	Completion date:		
Do you have a deeded right to the crossing? If so, provide documents.	Do you own or lease land on either side of the crossing?			
Is the land owned or leased on either side of the track?		<input type="checkbox"/> Leased <input type="checkbox"/> Owned		
Do you assert a statutory right to the crossing? If so, identify the statute and provide documentation.				
For what purpose is the crossing being or to be used?				
If modification of an existing crossing, what is the reason for the modification?				
What measures have you taken to find alternative access that avoids crossing the railroad tracks?				

PRIVATE GRADE CROSSING APPLICATION

LOCATION AND USE DETAILS (continued)

Width of crossing on railroad right of way:		Length of crossing on railroad right of way:	
Angle at which crossing will cross tracks:		Expected volume of vehicles per day or monthly:	
Existing roadway surface:	<input type="checkbox"/> Aggregate <input type="checkbox"/> Concrete <input type="checkbox"/> Dirt <input type="checkbox"/> Other (specify:) <input type="checkbox"/> Asphalt		
Proposed roadway surface at crossing:	<input type="checkbox"/> Aggregate <input type="checkbox"/> Concrete <input type="checkbox"/> Dirt <input type="checkbox"/> Other (specify:) <input type="checkbox"/> Asphalt		
Number of track(s) at crossing:			

Existing Roadway Approach for Crossing (as applicable)

Number of lanes:	Width of median (feet):
Width of lanes (feet):	Turnouts distance (feet):
Number of shoulders:	Crossovers distance (feet):
Width of shoulders (feet):	Distance to rail yard (feet)
Number of sidewalks:	Curbing distance from track centerline (feet):
Width of sidewalks (feet):	Sawcut distance from track centerline:

Existing traffic control devices:	<input type="checkbox"/> Flashing signals <input type="checkbox"/> Flashing signals / gates <input type="checkbox"/> Signs	Flashing signals / cantilever arm
Proposed traffic control devices:	<input type="checkbox"/> Flashing signals <input type="checkbox"/> Flashing signals / gates <input type="checkbox"/> Signs	Flashing signals / cantilever arm

Number of property owners the crossing will serve:	
List other property owner(s) the crossing will serve, with their property address(es):	
Have you coordinated with all other property owners identified above? If not, when will such coordination occur?	
If this is a recent property purchase, please advise why access was not obtained by the seller.	
How is property currently accessed:	
Distance and direction from existing crossings:	

PRIVATE GRADE CROSSING APPLICATION

Page 4 of 4

V. GENERAL INFORMATION

Are you a railroad shipper? If yes, please provide your Marketing representative's name:		Phone:	
Marketing representative's email:			
Is company registered with Browz:			

VI. PROJECT INFORMATION (If applicable)

Is project funded by state or federal funds, including ARRA? If so, include funding agency and project identification:			
Railroad project number:			
Please specify if you are working with a Railroad engineer (Name):		Phone:	
Railroad engineer email:			

List any additional information to support the need for your crossing application:

VII. SIGNATURE

I/We understand that submission of this application does not authorize installation and/or use of a private road crossing across Norfolk Southern tracks and that all road crossings are contingent upon Norfolk Southern approval. Additional fees, charges, and other requirements will be forwarded to the Applicant if the application is approved by Norfolk Southern.

Signed: _____ Date: _____