
PIPELINE AND UNDERGROUND/AERIAL WIRELINE OCCUPANCY APPLICATION INSTRUCTIONS (FORM NCRR 230)

North Carolina Railroad Company has retained HNTB North Carolina, P.C. (HNTB) to process applications and perform technical reviews pertaining to pipeline and wire/conduit/cable occupancies on NCRR's right of way. All correspondence and requests for information pertaining to this process shall be directed to HNTB. Described below are the occupancy agreement process procedures and requirements.

Definitions

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| NCRR | - North Carolina Railroad Company |
| Operating Railroad | - A railroad company designated by NCRR to operate trains on its Property. Currently, Norfolk Southern Corp. and in some places CSX Transportation. |
| Engineering Representative | - Person or persons designated by NCRR to review and approve plans and applications for occupancies of its property. Currently, HNTB North Carolina, P.C. |
| Owner (Applicant) | - Individual, corporation or municipality desiring occupancy of NCRR property. |
| Professional Engineer | - Engineer licensed in North Carolina. |

Engineering Representative

All occupancy agreement applications shall be submitted to HNTB North Carolina, P.C. at the following address:

HNTB North Carolina, P.C.
Attn.: Mgr., NCRR Pipe and Wire Occupancy Agreement Process
343 East Six Forks Rd, Suite 200
Raleigh, NC 27609

For additional information or assistance with the application process, please contact the following:

Natasha Simmons: Phone (919) 424-0468, email: (nsimmons@HNTB.com).

HNTB's general office telephone number is (919) 546-8997 and the fax number is (919) 546-9421. The HNTB website is www.hntb.com and the North Carolina Railroad website is www.ncrr.com.

Application Review Fees

Occupancy agreement engineering review fees are payable to HNTB North Carolina, P.C. These fees are non-refundable. Failure to submit the fee with the application may delay the review process.

The engineering review fees are for the processing and review of the application only and do not include the rental agreement fees payable to North Carolina Railroad Company and the Operating Railroads. The rental agreement fees are available upon request.

The engineering review fees are shown on the Fee Schedule for the current year and are available on North Carolina Railroad Company's website.

The engineering review fees include one meeting with the applicant in Raleigh. Additional meetings, if required, and alternate meeting locations as requested by the Applicant, shall be at additional cost to the Applicant.

Engineering review fees for unusually complicated or unique applications will be determined on a case by case basis. Examples may include projects that include significant retaining walls along the right-of-way or longitudinal encroachments for significant distances.

For additional information see the North Carolina Railroad Company Right-of-way Occupancy Agreement Current Year Fee Schedule. All fees are subject to change.

Application Process

Submit the application along with the required fees and supporting documents to the Engineering Representative at the address above. All applications shall include as a minimum the following:

- Application engineering review fee payable to HNTB North Carolina, P.C.
- Completed Application for:
 - Pipeline Occupancy (NCRR Form 220), or
 - Underground/Aerial Wireline Occupancy (NCRR Form 210).
- Map showing location of proposed occupancy
- Plans
- Specifications

Three (3) copies of all applications shall be submitted and shall be accompanied with three (3) copies of all design and construction plans and three (3) copies of all specifications and engineering computations for the proposed occupancy. Note that application forms other than those identified above are not acceptable.

The Engineering Representative reviews the application for completeness and assigns a tracking number and a NCRR ID number related to the milepost location of the application.

If the application is incomplete, the Applicant will be notified of any deficiencies and asked to submit the required information before further action is taken. Should a site inspection be required to complete the review, the Applicant will be notified by the Engineering Representative. Notification of

incompleteness will be sent to the Applicant within seven (7) working days of the Engineering Representative's receipt of the original application.

Upon receipt of a complete application, the Engineering Representative will commence the engineering review. A response will be sent to the Applicant within six (6) weeks stating the results of the review. If the application does not meet the requirements of the NCRR, it will be returned to the Applicant for correction. The Applicant will be required to return the corrected application for further review and approval.

Certain applications will require further review by the Operating Railroads and may incur additional review time. These applications include, but are not limited to:

- All applications where CSXT has operating rights (generally between Raleigh and Cary)
- Occupancies over 300 feet
- Longitudinal occupancies
- Occupancies within 50 feet of a bridge or other structure
- Culverts and drainage structures

The Engineering Representative will coordinate all reviews with the Operating Railroads.

If the application is approved, the Engineering Representative will prepare the Occupancy Agreement for the project. Three copies of the completed Agreement will be forwarded to the Applicant for signature within two weeks of application approval.

The Applicant will sign the documents and return them to the North Carolina Railroad at the following address:

North Carolina Railroad Company
Attn.: Infrastructure Manager
2809 Highwoods Boulevard
Raleigh, NC 27604.

The signed agreements shall be accompanied by the license agreement fees and insurance certificates as required by both North Carolina Railroad Company and the Operating Railroads.

NCRR will return the executed Occupancy Agreement to the Engineering Representative for forwarding to Norfolk Southern. Upon execution of the Agreement by the Operating Railroads, they will return it to the Engineering Representative.

One copy of the fully executed Agreement will be forwarded to the Applicant. At the time of receipt of the signed Occupancy Agreement, the Applicant will be instructed as to who shall be contacted in order to gain access to the right-of-way and begin construction. The Applicant must also meet all right of entry requirements of the Operating Railroad.

Construction cannot begin until the Applicant receives permission from the Engineering Representative and the Operating Railroad(s) to proceed with the work.

The Operating Railroad in conjunction with the Engineering Representative will provide inspection of the completed project and coordinate all other construction aspects of the project that relate to railroad operations (flagging, track work, protection of signal cables, etc.). Any construction errors and omissions observed by the Engineering Representative and/or the Operating Railroad shall be corrected immediately. All costs associated with these corrections shall be borne by the Applicant.

Right of Entry

Entry upon NCRR property for the purpose of conducting surveys, field inspections, obtaining soil information, or any other purpose associated with the design and engineering of the proposed occupancy, will not be permitted without a proper Entry Permit prepared by the NCRR and the Operating Railroad(s) and Executed by the Applicant. For requirements related to work on NCRR right of way see NCRR form NCR 103 "Specific Requirements of North Carolina Railroad Company for Work on Its Right of Way."

Additional Information

For a description of all information required for a Pipeline Occupancy Application, see Section 1.6 of NCRR Form NCR 102 "Specifications for Pipeline Occupancy of North Carolina Railroad Company Property."

For a description of all information required for an Underground/Aerial Wireline Occupancy Application, see Sections 3, 5, and 6 of NCRR Form NCR 101 "Specifications for Wire, Conduit and Cable Occupations of North Carolina Railroad Company Property."

NCRR Forms 101, 102 and 103 may be obtained on the NCRR website at www.ncrr.com or by contacting the Engineering Representative.

If the application is a feasibility proposal for a longitudinal wire, conduit, or cable occupancy (see Section 5 of NCRR form NCR 101), arrangements will be made at this point to furnish the Applicant with the appropriate NCRR maps and a right of entry permit. An additional submittal will be required for this type of occupancy as described in Section 5 of NCRR form NCR 101.