

TEMPORARY RIGHT OF ENTRY APPLICATION

Dear Applicant:

We are pleased to offer the included Application Forms for a Temporary Right of Entry Agreement. The Florida East Coast Railway (FEC) Company has served the citizens of our State, on its current alignment, for more than 100 years. Tracing its lineage back to 1885 and owing roots to the legendary Henry M. Flagler (who founded Palm Beach, Miami and most of the east coast of Florida), the Florida East Coast Railway is the sole rail provider operating along the east coast of Florida. FEC provides flexible, cost-effective rail and logistics solutions to meet the demanding transportation needs of domestic and international intermodal and carload customers.

The FEC is a Class II regional railroad that owns all of the 351-mile mainline track, and other Railway properties from Jacksonville to Miami. The founders and their successors of the Railway have acquired the right-of-way and its other properties by Fee Simple title (this includes air-rights). The property is thus private, just as those things you own are private to you. To accommodate your needs, we will consider granting a lease for the use of our property.

We are only able to accept and process a complete application package, that includes all required forms and fees submitted together. A complete package consists of the items listed on the application submittal checklist. The fees can be found on the application page and are non-refundable regardless of the outcome of the application. We may request an additional fee if the scope of the project requires outsourcing for additional engineering consultant review, a re-submitted application reflects a significantly different project, and/or has numerous revisions.

When an application package is received it will be reviewed, and if complete, it will be processed. Applications missing the property completed required forms and fees will not be processed. Commonly, we are able to offer a Right of Entry Agreement in response to a complete and correct application package within 30 days. Notifications for complete and accurate applications not approved will be provided within fourteen (14) business days. Any applications pending a requested correction or update for more than seven (7) business days will be closed. Multiple locations must be submitted individually.

A Certificate of Insurance must be provided in accordance to FEC's insurance requirements before FEC executes the agreement. FEC's insurance requirements must be provided to the insurance agent to assure the certificate of insurance meets these provisions.

Sincerely,

Real Estate Team
FEC ROW, LLC

**TEMPORARY RIGHT OF ENTRY (ROE) APPLICATION FOR
 NON-LICENSED/NON-LEASED CONTRACTOR(S) ON FEC RAILWAY PROPERTY**

Date: _____

CONTACT INFORMATION			
Contractor Company Name:			
Contractor Corporate Name (if different from above):	State of Incorporation:		
Contractor Contact Name:			
Contractor Phone:	Contractor Email:		
Mailing Address:			
City, State, Zip Code:			
Work being done for:			
Tenant Contact Name, Phone Number and Email:			

PROPOSED WORK OR ACCESS LOCATION			
Nearest Street Crossing FEC:	County:		
City:	State:		
Facility location is at mile post:	_____ + _____ (ex. 299+1681)	Branch:	
GPS Entry: <i>(decimal format)</i>	GPS Exit: <i>(decimal format)</i>		

DESCRIPTION, SCOPE OF WORK AND PURPOSE			
Provide scope of work on Railroad property (include purpose, distance from FEC tracks, equipment being utilized, signalization, etc.....) and submit aerial view/drawings:			
Estimated duration of work:	Estimated start date:		

REMITTANCE DETAILS	
Submit the application of proposed occupancy in duplicate with a non-refundable \$1,750.00 Right of Entry Fee made payable to FEC ROW, LLC. Send to:	
FEC ROW, LLC Attn: Real Estate Department 7150 Philips Highway Jacksonville, FL 32256	

AUTHORIZATION FROM LICENSEE			
Licensee Signature:	Date:		
Licensee Name:	Licensee Phone:		
Licensee Title:	Licensee Email:		

RIGHT OF ENTRY APPLICATION SUBMITTAL CHECKLIST

- Right of Entry Application fully and accurately completed.
- Aerial view of area where access is being requested (must include the FEC right-of-way lines, distance from the tracks, signalization, existing/new utilities, equipment location, etc.....).
- If you do not know the milepost (ex. 299+1681) the GPS coordinates must be provided for the entry and exit area for milepost location.
- Right of Entry fee - \$1,750.00 payable to: **FEC ROW, LLC**
- Certificate of Insurance of contractor accessing FEC property.

The checklist above is a guide and is not meant to be all-inclusive as each application is individual and additional information may be required.

For additional questions, contact FEC ROW, LLC Real Estate Department at fecrow@fecrwy.com

RIGHT OF ENTRY INSURANCE REQUIREMENTS

I. Permittee's Insurance

Permittee will throughout the duration of this Agreement (and any other period when Permittee is in possession of the Property or has failed to comply with the requirements of the Agreement) shall carry and maintain, at its sole cost and expense, the following types of insurance, which shall provide coverage on an occurrence basis, with respect to the Property, in the amounts specified with deductible amounts reasonably satisfactory to Florida East Coast Railway, LLC., (hereafter "Railway"):

1) Commercial General Liability Insurance

- \$1,000,000.00 per occurrence
- \$2,000,000.00 general aggregate
- Florida East Coast Railway named as additional insured with waiver of subrogation
- A.M Best's rating of A-, Class IX, or otherwise approved in advance

2) Comprehensive Automobile Liability Insurance (required if Company owned/leased vehicles access leased premises)

- A combined single limit of \$1,000,000 for both owned and non-owned vehicles
- Florida East Coast Railway named as additional insured with waiver subrogation
- A.M Best's rating of A-, Class IX, or otherwise approved in advance

3) Excess Liability Insurance Permittee shall also carry and maintain umbrella liability insurance with a limit of not less than \$4,000,000.00 per occurrence. FEC ROW, LLC and Florida East Coast Railway named as additional insured.

4) Workers' Compensation and Employers' Liability Insurance (waived for an individual with no employees or business/corporation not required by State Law to carry coverage)

- \$1,000,000 each employee
- \$1,000,000 each accident
- \$1,000,000 policy limit
- A.M Best's rating of A-, Class IX, or otherwise approved in advance
- Waiver of Subrogation in favor of FEC ROW, LLC and Florida East Coast Railway

Florida East Coast Railway, LLC and FEC ROW, LLC named as additional insured with the address at 7150 Philips Highway, Jacksonville, FL 32256.

PAYMENT INSTRUCTIONS

APPLICATION FEE (non-refundable)

- Amount: \$1,750.00
- Payable to FEC ROW, LLC.

PAYMENT OPTIONS:

If by US Mail: (FEC receives fund within 5-10 business days, except overnight)

FEC ROW, LLC
Attn: Real Estate Department
7150 Philips Highway,
Jacksonville, FL 32256

If by ACH: (FEC receives fund within 1-2 business days)

Name on Bank Account: FEC ROW, LLC
ABA Number: 111000012
FEC Bank Account Number: 004451236762
REF: FEC ROW/ COMPANY NAME

If by FED Wire Transfer Credit: (FEC receives funds instantly)

Name on Bank Account: FEC ROW, LLC
ABA Number: 026009593
FEC Bank Account Number: 004451236762
SWIFT CODE: BOFAUS3N
REF: FEC ROW/ COMPANY NAME