

### UTILITY LICENSE APPLICATION LETTER

#### Dear Applicant:

We are pleased to offer the included Application Forms for a Utility License Application. 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 properly completed required forms and fees will not be processed. Commonly, we are able to offer a Utility License in response to a complete and correct application package within 90 days. Notifications for complete and accurate applications not approved will be provided within thirty to sixty (30-60) business days. Any applications pending a requested correction or update for more than sixty (60) 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

7150 PHILIPS HIGHWAY, JACKSONVILLE, FL 32256

**EC** Florida East Coast

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# UTILITY LICENSE APPLICATION SUBMITTAL CHECKLIST

- The Application Form & Right-Of-Entry Form fully and accurately completed.
- Application Fee and Engineering Review Fee must be included in the application package.
- A separate application package must be submitted for each crossing/bore/parallel.
- If you do not know the milepost ( \_ \_ \_ + \_ \_ \_ ex. 299+1681) the GPS coordinates will be used to identify the milepost location of the crossing.
- One (1) spare or empty conduit for Licensee's use only, may be requested per bore for like-kind maintenance, and must be installed in conjunction with a fiber optic installation. Spare conduit will be priced at the same rate of fiber optic cable and must be installed in the same bore.
- Information on the Utility Applications forms and drawings need to match.
- One drawing (11"x17" in U.S. Survey feet). The drawing must include:
  - o Location of the facilities clearly identified
  - Planned improvements
  - o Railway right of way and signal equipment (gate arms, cantilevers, signal huts, etc.)
  - Distance of MP from crossing or utility installation/modification must be shown on the drawings.
  - Venting and jacking pits must be located outside of FEC Right-Of-Way.
  - Jack & Bores require certified De-Watering Plans to be submitted with application.
  - An aerial view of the proposed installation.
  - A Profile view of the proposed facility.
  - All wording on drawings must be legible.
- The Certificate of Insurance, complying with FEC requirements (see Insurance Requirements), will have to be provided when the application has completed review.
- For modification, maintenance, cancellation or abandonment request, a copy of the original Permitted Approval needs to be submitted as a part of the application package.

#### Application Fee payable to: FEC ROW, LLC Engineering Review Fee payable to: Florida East Coast Railway, LLC

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.

# **C** Florida East Coast

RAILWAY

# FEC ROW, LLC NON-TELECOM UTILITY LICENSE APPLICATION

Date:				New License Requ	est	Modification Request
CONTACT D	ETAILS					
Applicant Na	ame:			Phone:		
Address:	_			City, State, ZIP:		
Contact:	_			Email:		
Licensee Na	me:			Phone:		
Address:	_			City, State, ZIP:		
Contact:	_			Email:		
Emergency	Contact			Emergency Contact		
Name:	-			Phone:		
INSTALLTIO	N LOCATION D	ETAILS		PROJECT No:		
Facility locat	tion mile post:	+ (ex: 299	9+1681)	Nearest Street Crossin	ig FEC:	
Branch:						
GPS Entry:				GPS Exit:		
Length of er	ncroachment	decimal format				decimal format
on FEC:				FEC ROW Width:		
FACILITY DE	TAILS					
Note:		re and/or facility type per application				
		on application must match informa		-		recent
	modification app	ations - Office of Chief Engineer. Cc blication.	opy of the o	original approval needs to be	submitted with a	
FACILI	ТҮ ТҮРЕ	CONDUI	т		CA	SING
Electric		QTY (include Spare):		Diamete	r Size:	
Gas		Diameter Size:		Material	:	
Sewer		Material:		Reamer	Size:	
Water				Wall Thi	ckness:	
Check box to	o verify all pits	and vents are located outsid	le of FEC	Right-of-Way:		
If applicable	, identify what	the spare will be used for:				
Identify if it	is distirbution,	service or transmission:				
Provide tota	al voltage and h	now may cables:				
Provide qua	ntity & size of I	handhole, manhole, junction	isbox, etc	c:		
Provide qua	ntity and type	of pole(s), downguy(s), anch	or(s), etc			
REMITTANC	E DETAILS					

Submit application package: Two (2) copies of each – Application, ROE, plan/profile drawings (11"x17" in U.S. Survey feet) and nonrefundable application fee and ROE fee: \$8,000 payable to FEC ROW, LLC and \$1,600 Engineering Review Fee payable to Florida East Coast Railway, LLC. Non-refundable modification application fee: \$4,000 and \$1,600 Engineering Review Fee. Expedite fee upon request.

Send to: FEC ROW, LLC Attn: Utilities Licensing 7150 Philips Highway Jacksonville, FL 32256

# **E** Florida East Coast

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# 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: (decimal format)		GPS Exit: (decimal format)

#### 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:	

INSURANCE REQUIREMENTS (Pipe and Wire Agreements)

I. Licensee's Insurance

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Licensee will throughout the Term and any Renewal Terms (and any other period when Licensee is in possession of the Licensed Area or has failed to comply with the requirements of paragraph 14 of this License Agreement) 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 Licensed Area, in the amounts specified with deductible amounts reasonably satisfactory to Florida East Coast Railway LLC (hereafter "Railway"):

1) Commercial General Liability Insurance

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- \$1,000,000.00 per occurrence
- \$2,000,000.00 general aggregate
- Florida East Coast Railway named as additional insureds with waiver of subrogation.
- A.M Best's rating of A-, Class IX, or otherwise approved in advance
- 2) <u>Comprehensive Automobile Liability Insurance</u> (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 insureds with waiver of subrogation.
  - A.M Best's rating of A-, Class IX, or otherwise approved in advance
- Excess Liability Insurance. Lessee 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) <u>Workers ' Compensation and Employers ' Liability Insurance</u> (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 insureds with the address at 7150 Philips Highway, Jacksonville, FL 32256.

# **EXAMPLE A STATE OF THE TEACH O**

# OFFICE OF CHIEF ENGINEER General Specifications for Sub-grade and Above Grade Utility Crossings of Railway's Right-of-Way

# I. General Provisions

- A. A plan and profile drawing containing all pertinent details measured in U. S. lineal feet for the proposed crossing shall be submitted to the Engineering Department for approval prior to the preparation of any agreement. (Metric Units, not accepted). All crossings (above grade/sub-grade) shall be substantially perpendicular to the Railroad Main Line and location of crossing shall be limited to crossing as few tracks as possible.
- B. The plan will show all information for the proposed crossing installation with reference to the nearest Railroad Mile Post or centerline of nearest street intersection.
- C. Request for installation shall be accompanied with a letter signed by the owner, company officer, or government agent.
- D. The lessee will be responsible for any and all costs of repairs or maintenance of the Railroad's property and structures disturbed or damaged due to the installation or construction aftereffects.
- E. The lessee of an installation approved by agreement will be required to provide proof of protective insurance for and during construction.
- F. As-built drawing of the installation shall be submitted with the completion report, which will include exact location referenced to nearest Railroad milepost or centerline of nearest street intersection of installation, exact profile showing subgrade elevations, and cross-sections.
- G. ALL new Utilities permits granted will be designed as UNDERGROUND Utilities, unless previously authorized and approved by FEC Railway.

## II. Subgrade Pipelines and Cables

- A. All subgrade carrier pipelines and electrical wirelines shall be installed within a casing pipe, except for telecommunication wirelines that may be installed without casings.
  - 1. All casing pipes will extend from right-of-way line to right-of-way line and shall be equipped with shut-off valves each side, protecting the entire R/W crossing.
  - 2. The Railroad will not permit casing installation by open-cut method through the track(s) roadbed.
  - 3. All gas pipelines shall be encased with steel pipe in accordance with Section II(C).

- B. Application will be accompanied with plans showing profile in relation to actual ground, track, and other facilities at the project site.
  - 1. The method of installation will be detailed, including the location of jacking pit as measured from centerline of nearest track.
  - 2. The casing pipe must be installed at least 5.5 feet below bottom of crosstie or a minimum of 5' from natural ground grade (whichever is greater).
  - Jacking pit locations must be outside of Railroad right-of-way lines. No open-cut lateral crossings will be allowed. The pit will be protected with adequate sheeting, bulkheads, and sidewalls to protect the Railroad's roadbed. Proper barricades and lights, if necessary will be set around the pit for positive protection.
- C. Casing pipe specifications are as follows.
  - Metal casing pipe shall have a minimum diameter of 2.0 inches. Size 2.0 through 8.0-inch diameters, must be galvanized, and meet standard weight ASTM Specification A53, Grade B. Thread coupling is allowed.
  - 2. Casing pipe 8.0 inches and larger in diameter may be used, complying with section C-3. All joints or couplings, supports, insulators or centering devices for the carrier pipe shall be considered in the selection of the casing diameter.
  - 3. Casing pipe shall have a minimum cover of 5 ½ ft. below bottom of tie (see Section II, Item B2), and shall have a **minimum** wall thickness as shown in the table provided below, unless computations indicate that a thicker wall is required (see section C-4). All casing pipe exterior and field welds shall be protected with a protective **Fusion Bonded** type coating for protection against corrosion. Fusion Bonded coatings shall be equivalent to 3M Skotchkote Fusion Bonded Epoxy Coating 6233, or 3M Skotchkote Abrasive Resistant Epoxy Coating 328 (PE Certified Documentation of coating type used, and proof of equivalent material must be submitted to FEC prior to use).
  - 4. All Casing thickness calculations will meet or exceed design calculation of live load based on Cooper E-80 Railway Loading, using applicable formulas and computations performed by a registered professional engineer, State of Florida. The (Signed/Sealed) computation results will accompany the plans for review by the Engineering Department. Wall thickness designations for steel casing or HDPE casing pipes for Cooper E-80 loading, including impact, are as follows:

Dia m e te r	STEEL	HDPE
(Inch)	Thic kne ss	Thic kness
	Inch / (Decimal)	(De c im a l)
8-16	9/32 (0.281)	(1.582)
18 - 20	11/32 (0.344)	(1.964)
22 - 24	3/8 (0.375)	(2.345)
26 - 28	7/16 (0.438)	(2.500)
30 - 34*	17/32 (0.531)	n/ a
36 - 38*	9/16 (0.563)	<b>n</b> / <b>a</b>
40 - 48*	11/16 (0.688)	n/ a

Dia m e te r	STEEL	HDPE	
(Inch)	Thic kness	Thic kne ss	
	Inch / (Decimal)	(De c im a l)	
52 - 56*	13/16 (0.813)	n/ a	
60 - 66*	15/16 (0.938)	n/ a	
72 - 78*	1-1/16 (1.063)	n/ a	
84 - 90*	1-3/32 (1.094)	n/ a	
96 - 102*	1-1/8 (1.125)	n/ a	
108 - 114*	1-5/16 (1.313)	n/ a	
120*	1-1/2 (1.500)	n/ a	
(*) i. HDPE casing pipe diameters exceeding 28 inches require full specifications and calculations submitted for review and approval from Railroad Chief Engineer			
<i>ii. Steel casing pipe diameters exceeding 72 inches require full specifications and calculations submitted for review and approval from Railroad Chief Engineer</i>			
Note 1: Corrugated (C HDPE) is prohibited from use and will not be approved.			
Note 2: All HDPE joints will be adjoined according to the butt fusion standard ASTM International F2620			

- 5. All casing pipe joints will be welded in accordance with AISC Specifications, Section 1-7-2. All joint welds will be full penetration.
- 6. At no time will construction interfere with the normal and safe operation of the Railroad. No construction, manpower, or equipment will enter or operate right-of-way within a safety clearance of 25.0 feet from the centerline of near track.
- 7. All steel casing pipe installations, where the diameter is greater than 48 inches, and all HDPE casing pipe installations, where the diameter is greater than 30 inches, will require a pre-construction conference with all parties, at the project location.
- 8. Pre-construction arrangements will be made with the Engineering Department at least one week prior to construction. A Railroad inspector must be present during the entire construction of the casing pipe. The inspector will have complete authority over the project on the Railroad's right-of-way.
- 9. All Safety Inspection Costs will be borne by the lessee.
- D. Tunnel liner requirements are as follows.
  - 1. All applicable preceding sections will govern tunnel liner usage.
  - 2. Tunnel liner plate will be 12-gauge, galvanized, and all bolts and nuts will be galvanized.
  - 3. Live load will be based on Cooper E-80 Railway Loading, using applicable formulas and computations performed by a registered professional engineer, State of Florida. The

(signed/Sealed) computation results will accompany the plans for review by the Engineering Department.

- 4. Grout holes, if required will be provided at 10-foot intervals along the roof and sides.
- 5. The tunnel liner-jacking shield will protect 180 degrees of the upper section and material removed to allow for a minimum 1:1 slope, with a minimum 2.0 feet of undisturbed soil supporting the overburden.
- 6. The tunnel liner installation will progress with sufficient manpower and supervision for around-the-clock construction until the liner is completed, through the limits of the right-of-way.
- E. Carrier pipeline specifications are as follows.
  - 1. Reinforced concrete pipe:
    - a. Materials: Modified bell and spigot or tongue and groove in accordance with current ASTM Specification C76 Class V for Railway strength pipe or current specification for prestressed concrete pipe.
    - b. Joints: Rubber and steel joint for prestressed pipe in accordance with current Lock Joint Pipe Company Specification on SP5, or equivalent. Joints for bell and spigot and tongue and groove pipe to be in accordance with current standard practice. Joints may be made using confined continuous rubber gasket.
  - 2. Cast iron pipe:
    - a. Materials: Pipe must conform to current ASTM Specification A142 for "Standard Pipe."
    - b. Joints: Bell and spigot, caulked with lead and oakum, or approved mechanical type joint.
  - 3. Polyethylene pipe (HDPE):
    - a. Materials: Pipe must conform to current ASTM Specifications D2104, Schedule 40, for standard pipe.
  - 4. Steel pipe:
    - a. Materials: Pipe must conform to current ASTM Specification A120.
    - b. Joints: All joints must be welded or of an approved mechanical type.
- F. Carrier Pipe Shut-Off Valves Carrier pipe under pressure shall have a sufficient shut-off valve(s) at each end outside of Railroad's right-of-way limits. The Utility Owner shall install accessible emergency shut-off valves within effective distances on each side of the Railroad. Valves shall not be located within the Railroad right of way. The carrier pipe must be installed within a steel casing.
- G. Casing Pipe Vents All casing pipes shall be properly vented. Vent pipes shall be of sufficient diameter, but in no case less than four (4) inches in diameter and shall be attached near each end Last Revised 01/01/2022 Page 4 of 7

of casing, projecting through ground surface and located outside of Railroad property limits. Where possible, they shall be marked and located at the vent location. The markers shall display the Railroad Milepost location, the name and address of the utility owner, and a phone number contact in case of emergency. Vent pipes shall extend not less than four (4) feet above ground surface. Top of vent pipes shall be fitted with a down-turned elbow, properly screened; or a relief valve installed.

- H. The inside diameter of the casing pipe shall be such as to allow the carrier pipe to be removed subsequently without disturbing the casing or the roadbed. For steel pipe casings, the inside diameter of the casing pipe shall be:
  - 1. For carrier pipe less than 6 inches in diameter, the interior diameter of the casing pipe will be at least 2 inches greater than the largest outside diameter of the carrier pipe joints or couplings.
  - 2. For carrier pipe 6 inches in diameter and over, the interior diameter of the casing pipe will be at least 4 inches greater than the largest outside diameter of the carrier pipe joints or couplings.
- I. All Casing pipe ends shall be sufficiently constructed as to prevent leakage of any substance from the casing throughout its length. Each end of the casing shall require a sufficient permanent seal to prevent the potential from leakage of any substance from the casing pipe. Grout fill is an acceptable method installed by pressure grouting. If used, the grout material should consist of non-shrink sand cement slurry or Railroad approved equivalent, and sufficiently seal the casing pipe ends to the satisfaction of the Railroad. If deemed necessary, and at the sole discretion of the Chief Engineer, the entire void between the carrier pipe and casing pipe throughout the entire length of the casing pipe may be required to be filled upon notification from the Railroad.
- J. For directional bore installations:
  - 1. Minimum cover within 25.0 feet centerline any track, 10-foot from bottom of the crosstie to top of pipe or casing.
  - 2. Minimum cover outside 25.0 feet centerline near track, 5-foot from natural ground to top of pipe or casing.

# III. Above Grade Structures

- A. Standard overhead clearances for fixed structures, such as bridges and other overhead fixed structures shall provide a minimum of 23.5 feet vertical clearance above top of rail (T/R).
- B. Pre-design conference with the Engineering Department will set forth horizontal clearance of subgrade, grade, and above grade construction and structural limits.

## IV. Above Grade Wirelines

A. All installation of aerial lines and cables will provide a minimum clearance above top of rail (T/R) of highest track (communication facilities must be installed subgrade). Standard overhead clearance for all aerial line crossings, both power and non-power line crossings, shall provide the following clearances:

- 1. 43 feet above T/R for lines 0 to 75,000 volts.
- 2. For lines over 75,000 volts, review and approval from Chief Engineer required.
- B. For installation of aerial line and cable crossings at or near other fixed facilities, such as automated crossing gate arms at highway grade crossings and any other facility that the Railroad might deem additional clearance requirements necessary, aerial lines and cables must provide a minimum 43' vertical clearance above top of rail (T/R) of highest track, except as otherwise noted in Section IV(C).
- C. Exceptions: At Roadway Grade Crossings, provide safe clearances between warning device and electrical transmission, distribution cables (including messenger and neutral wires), and all communication lines. All overhead utility crossings shall provide a minimum 43' vertical clearance from top of rail (T/R) of highest track, or additional clearances necessary to obtain operational clearances from crossing warning device assemblies as follows (clearances must be identified on drawings):
  - 1. 43' Minimum or 6'0" vertical clearance from Gate tip in vertical position or structure mast (whichever is greater).
  - 2. 43' Minimum or 13'-6" vertical clearance from Cantilever arm or structure mast (whichever is greater).
- D. Should the Railroad add or modify existing crossing warning devices of facilities at any highway grade crossing, existing wire lines or cables shall be raised or relocated immediately on notice from Railroad to lessee and at the sole cost and expense of the lessee.
- E. All parallel electrical lines will require an electromagnetic compatibility (EMC) study to determine the effects the facility may have on railroad and signal communication systems. The Railway requires the cost of the EMC study to be paid in full by the potential lessee prior to the field study being conducted.

# V. <u>Miscellaneous</u>

- A. Cathodic protection of pipelines, cables, or casings:
  - 1. When cathodic protection is provided, it shall be installed so as not to induce currents, which will interfere with the signal apparatus of the Railroad. Any change required in the manner, method, or location of such cathodic protection shall be made at the sole cost and expense of the lessee and to the satisfaction of the Engineering Department of the Railroad.
- B. Proposed structures must maintain a minimum 10-foot horizontal clearance to the face of any signal, post, crossing gate or other above grade obstruction.

# VI. Design Submittal Drawings

- A. Drawings for carrier and casing pipes should contain the following:
  - Contents to be carried
  - Inside diameter
  - Pipe Material
  - Specifications and grade of pipe material
  - Wall thickness of pipe
  - Actual working pressure
  - Type of joints
  - Longitudinal joint factor
  - Coating
  - Method of installation
  - Vents: Number, size, location and height above ground
  - Seals: both ends
  - Cover (top of tie to top of pipe casing)
  - Cover (other than under tracks)
  - Cover (at ditches)
  - Cathodic protection
  - Type, size, and spacing of insulator or supports
  - Railroad Mile Post, crossing gates, cantilevers, and any railroad signal equipment (huts, boxes, poles, etc.)
  - All topography of Facilities and utilities within 150 feet in all directions of the proposed utility crossing through the Railway Corridor MUST be shown on the design plans for clarity and reference. Profile Drawing must also be included.





