



Utility Application and Agreement Process

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Utility Application and Agreement Process

To serve the needs of utilities, municipalities, and other prospective occupants of its right-of-way, Virginia Passenger Rail Authority ("VPRA") will receive and review pipe and wire applications, and prepare and execute utility occupancy permits in a timely manner.

RIGHT-OF-ENTRY

Entry on VPRA right-of-way for the purpose of conducting surveys, field inspections, soil examinations, or any other purposes associated with the design and construction of the proposed occupancy will require a proper right-of-entry permit prepared by VPRA. The applicant for such occupancy permit must pay the associated fees, execute the permit, and follow all requirements prior to any entry to VPRA right-of-way.

The issuance of a right-of-entry permit does not constitute authority to proceed with any construction. Construction cannot begin until VPRA executes a formal utility occupancy permit and the Applicant receives permission from the designated VPRA representative to proceed with the work.

Once the VPRA representative grants permission to proceed with the work, all personnel are responsible for knowing and following the applicable local, county, state and federal laws and regulations, and any special provisions which may be imposed by the Federal Railroad Administration (FRA) or other regulatory agencies, including FRA fall protection and Roadway Worker Protection, applicable OSHA requirements, and Department of Homeland Security requirements.

Roadway Worker Safety training is provided by RailPros. Training must be specific to the operating railroad.

[Norfolk Southern Roadway Worker training](#)
[CSX Roadway Worker training](#)

Further information regarding this process may be obtained by contacting Josh Lineberger (Joshua.Lineberger@vp.ra.virginia.gov).

PROCESS

Application packages in PDF format should be emailed to

RealEstate@vp.ra.virginia.gov

- <mailto:Joshua.Lineberger@vp.ra.virginia.gov> **Proposed plans, materials, and construction will be reviewed within 45 days of receipt of a complete, PDF application package.** The applicant will be advised of any additional information required or items not in compliance with VPRA standards. If revised plans are not received within 45 days after comments are provided, the application will be automatically terminated.
1. If the proposed application package is complete and complies with VPRA standards, an occupancy permit will be prepared and provided for electronic signature by the Applicant within the 45-day period.

2. Revised plans will be reviewed within 45 days of receipt, and if determined to be acceptable, an agreement will be prepared and provided to the applicant..
3. The Applicant will execute the utility agreement. The Applicant will also provide insurance certificates as defined in the agreement and example below (see Insurance Requirements). Draft agreements are valid for 60 days, and activities will be automatically cancelled in the event an executed agreement is not returned or an extension of time requested within this period.
4. VPRA will execute the utility agreement, and return it to the Applicant, provided that all the appropriate insurance requirements have been met.
5. VPRA will include the name and telephone number of the local VPRA construction representative(s) who must be contacted prior to any construction on, or entry onto, VPRA property.
6. **Under no circumstance shall any facilities be installed until the above steps have been completed and VPRA's designated construction representative has been properly notified.**
7. After the work is complete, VPRA accounting will send an invoice to the applicant for payment.

PDF APPLICATION PACKAGE

8. **Cover Letter:** Provide a brief description of the project purpose, objectives and background, and any other specific circumstances that may assist VPRA when processing the application, including items such as the following:
 - End user of facility: provide (1) exact purpose of the facility, (2) expected number of end users, and (3) nature of end user(s) (i.e., individuals, government agency, industry, etc.); if fewer than 10 individual end users, provide name, address, and contact information of end user(s).
 - Facility is required as a result of public highway or bridge construction: provide name and contact of project sponsor.
 - Facility is required to support VPRA facilities: provide name and contact of VPRA sponsor.
 - Previous understandings with VPRA representatives: provide copies of relevant correspondence, name, and title of VPRA contact, and understanding with VPRA.
 - Track ownership (i.e., industry-owned or VPRA-owned).
9. **Application Form:** Complete all questions on the enclosed form.
10. **Location Map:** Provide a detailed location map, indicating the proposed location of the facility, the railroad, and local streets and highways.
11. **Location Plan:** VPRA must have a permanent record of the facility location, based upon railroad mileposts and valuation map stationing, and GPS latitude and longitude information. If a permanent record is not available, then the location plan should include the distance from a milepost marker or centerline of the nearest street grade crossing or bridge to the proposed facility.

- Applicants should also identify the DOT/AAR Number of the nearest public grade crossing. All public rail-highway crossings have a unique number assigned in a format such as "123 456B." A metal tag indicating the number is located on the crossbuck or flasher post at the crossing.

12. Plans and Specifications: All PDF packages shall include plans and specifications, whether original submission or revised submission. The plans shall follow the format and contain the data described in [Specifications for Wireline Occupancy](#) or [Specifications for Pipeline Occupancy](#). The minimum requirement for all applications is a plan view, profile view (cross section), and a Pipe Data Sheet (pipelines only) or a Conduit Data Sheet (conduits only). All plans shall have a Plan Number and be dated.

13. Fees and other Charges: All applications will require a non-refundable review fee. Applications will not be considered until the fee is received. In addition, projects on VPRA property will incur an occupancy fee, and charges related to flagging and construction management. Additional fee Information can be found on pages 8 and 9 below.

REQUESTS FOR INFORMATION

If you have questions as to the process, prospective applicants may contact Josh Lineberger (Joshua.lineberger@vp.ra.virginia.gov).

VPRA RIGHT-OF-WAY INFORMATION

Applicants should obtain current property ownership information from local sources typically used for this purpose, such as deeds recorded in the local city or county. After receipt of an application, VPRA will verify and provide VPRA right-of-way widths and parcel information to the Applicant but without any warranty by VPRA as to their accuracy. If the right-of-way width is critical for plan development, please first submit an application; VPRA will coordinate final plan preparation with the Applicant.

APPLICATION OR AGREEMENT STATUS CHECK

Complete PDF application packages will be processed in the following typical time frames:

Transverse Crossings: 45 days

Longitudinal Occupancy less than 500 feet: 45 days

Complex Requests: All applications are given the same priority. However, complex requests or non-compliant requests may require special attention and additional time. You will be notified if additional time will be required.

You will be contacted during this period if additional information or revised plans are required. If you would like to verify receipt of an application or check on the status of an application, please submit an inquiry to Josh Lineberger (Joshua.Lineberger@vp.ra.virginia.gov).

MAINTENANCE OF EXISTING FACILITIES

Notwithstanding issuance of a utility occupancy permit, except for an emergency, entry on VPRA right-of-way for the purpose of maintaining existing facilities requires advance written notice that shall include the following:

- Copy of the current utility occupancy permit for the facility, including exhibits
- Detailed description of proposed work
- Evidence of insurance as required by VPRA
- A written agreement signed by authorized representatives of each party that you will pay VPRA, within thirty (30) days after delivery of an invoice for all protection and inspection costs incurred by VPRA during any entry

It is recommended that you provide 90 days' advance notice of intention to perform programmed maintenance. Emergency entry will be coordinated as may be reasonable under the circumstances.

Any change to the character, capacity, use or location of the Facilities shall require submission of a new application, execution of a new utility occupancy permit, and payment of all applicable fees.

UTILITY FEES

The first two reviews are included in the initial application fee. Each additional review after that will incur a \$500 charge.

Utility Type	Normal (\$)	Variance Amount (\$)*
Aerial Crossings		
Wireline	1,500	5,000
Pipeline	Not permitted	Not permitted
Subgrade Crossings		
Wireline	2,000	5,500
Pipeline	2,500	6,000

**A variance review requires more time to evaluate applications that do not meet the VPRA utility specifications. It will be identified during the first review. The variance fee can be paid for review of the submitted plans or the plans can be revised to meet the specifications.*

*** The utility application fee is solely for the engineering review of the application and does not cover other VPRA charges. Those costs may include the utility license fee, insurance, construction monitoring, and railroad flagging services.*

VPRA RESERVES THE RIGHT TO CHARGE ADDITIONAL FEES AND/OR ALLOW VPRA'S CONTRACTORS, CONSULTANTS, AUDITORS, ETC. TO INVOICE DIRECTLY FOR (1) DIRECT COSTS FROM VPRA'S CONTRACTORS, CONSULTANTS, AUDITORS, ETC. IN CONNECTION WITH UTILITY ENCROACHMENTS AND (2) ADDITIONAL FEES FOR ANY PERMIT SUBMITTAL THAT REQUIRES ONE OR MORE REVIEWS OF REVISIONS TO THE ENGINEERING DRAWINGS.

The time required by VPRA to process an application is dependent upon the quality of the information submitted, and applicants are urged to carefully follow the suggested guidelines for submission.

Other Fees

- The utility license fee is currently \$100 per linear foot per utility.
- Additional costs for construction monitoring and railroad flagging services will be determined at project approval and will vary by project.

VPRA requires an initial deposit from the applicant after the initial Application Review. The initial deposit amount will be specified by VPRA to include all of the costs detailed above. Upon completion of the project, any unused funding will be returned to the applicant.

INSURANCE REQUIREMENTS

Upon execution of the utility occupancy permit and prior to entry onto the VPRA property or right-of-way to start any construction work, VPRA requires the following insurance coverage:

Commercial General Liability

Coverage at applicant or applicant's contractor sole cost and expense with limits of not less than \$5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name VPRA and the appropriate operating railroad as an additional named insured. The policy shall include endorsement for Insurance Services Office (ISO) CG 24 17 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described below.

Commercial Automobile Liability Insurance

Policy with limits of not less than \$1,000,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name VPRA and the appropriate operating railroad as an additional insured. The policy shall include endorsement ISO CA 20 70 evidencing that coverage is provided for work within 50 feet of a railroad. **If such endorsement is not included, railroad protective liability insurance must be provided as described below.**

Statutory Worker's Compensation and Employers Liability Insurance

Policy with limits of not less than \$1,000,000, which insurance must contain a waiver of subrogation against VPRA and its affiliates if permitted by state law.

Railroad Protective Liability Insurance (if applicable)

Applicant or Applicant's contractor shall furnish evidence to VPRA that, with respect to the operation the Applicant or any of the Applicant's contractors and sub-contractors perform, the Applicant has provided for and on behalf of VPRA, Railroad Protective Liability Insurance with limits of not less than \$5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate limit in the amount of \$10,000,000 for each annual period.

The above railroad protective policy of insurance shall conform to the railroad liability requirements prescribed by the Federal Administration in Federal Aid Policy Guide 23 CFR 646A as amended. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance - ISO Form CG 00 35. The corporate name and address of the "Named Insured" and "Additional Insured" as listed on the policy shall be as follows:

Named Insured:
Virginia Passenger Rail Authority

919 East Main Street, Suite 2400
Richmond, VA 23219

Additional Insured:

This information will be based on location and will list the information for the railroad operating the line.

The description of operations must appear on the Declarations, must match the project description in this agreement and must include the appropriate MP and/or OP number. The job location must appear on the Declarations page and must include the city, state, and appropriate highway name/number. The name and address of the prime contractor must appear on the Declaration. The name and address of the applicant must be identified on the Declarations as "Other Contracting Party."

Endorsements that must be included:

Pollution Exclusion Amendment - CG 28 31 (not required with CG 00 35 01 version 96 and later)

Other endorsements/forms that will be accepted include the following:

- Broad Form Nuclear Exclusion - Form IL 00 21
- 30 day Advance Notice of Non-renewal or Cancellation
- Required State Cancellation Endorsement
- Quick Reference or Index Form CL/IL 240

Endorsements/forms that are NOT acceptable are the following:

- Any Pollution Exclusion Endorsement, except CG 28 31
 - Any Punitive or Exemplary Damages Exclusion
 - A "Common Policy Conditions" Endorsement
 - Any other endorsement/form not specifically authorized above
14. Any type of deductible policy

General Insurance Requirements

Each such insurance policy shall be procured from an insurer that is authorized to conduct business in the Commonwealth of Virginia and shall have a current policyholder's management and financial size category rating of A- or better and Class VII by AM Best and Company's Insurance Reports Key Rating Guide. All required insurances shall contain a waiver of subrogation provision in favor of the Commonwealth of Virginia and Virginia Passenger Rail Authority, and if applicable, CSX Transportation, Inc. and the National Railroad Passenger Corporation. Consultant agrees to have the insurance requirements set forth herein flow down to any subconsultants it retains on the Project.

Additional Terms

1. Contractor must submit its original insurance policies and 2 (two) copies and all notices and correspondence regarding the insurance policies to:

Virginia Passenger Rail Authority
Attn: Josh Lineberger

919 East Main Street, Suite 2400
Richmond, VA 23219

Or via email at:

RealEstate@VPRA.virginia.gov

2. Neither applicant nor Contractor may begin work on the project until it has received VPRA's written approval of the required insurance policies.

Questions regarding insurance requirements shall be directed to Josh Lineberger (Joshua.Lineberger@vpra.virginia.gov).

APPLICATION FOR PIPE OR WIRE OCCUPANCY

Please fill out questions 1-7 and include these pages with your application. Once questions 1-7 are completed, proceed to the applicable forms: RE-03 through RE-07

Please answer all questions and return to:

Joshua.Lineberger@vpra.virginia.gov

1. Legal Name and Address of Applicant (party to agreement)

Legal Name**: _____

Street: _____

City: _____ State: _____ Zip: _____

****Please ensure that the exact legal name is provided with no additional abbreviations not found in the legal name. This name will be used for agreement preparation, as well as the information below.**

2. Applicant (party to agreement) is a:

() Corporation – give state of formation: _____

() Limited Partnership – give state of formation: _____

() General Partnership – give state of formation: _____

() Sole Proprietorship – give state of formation: _____

() Individual

() Government Entity

() Other: _____

3. Name and address of Applicant's representative:

Name: _____

Title: _____

Company: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4. Location of proposed facility:

City/Municipality: _____ County: _____ State: _____

Name of closest street crossing of railroad: _____

Street grade crossing AARDOT #: _____
GPS coordinates: Latitude _____ Longitude _____
Footage (_____) and direction (N/S/E/W) from Railroad Mile Post No. _____
or center of public highway crossing or bridge _____
(Name of Street)

5. Will facility be located entirely within confines of a public highway right-of-way?

() Yes * () No

* If yes, provide conclusive evidence for verification in the form of a letter or memo from the appropriate road authority indicating that proposed installation is acceptable to the road authority

Street width: _____ Street right-of-way width: _____

Road authority responsible for street maintenance

Name: _____

Address: _____

Contact: _____

Telephone: _____

6. Proposed facility to be installed is a:

() New facility () Upgrade of an existing facility*

*If an upgrade, please identify and attach copy of current agreement for the facility.

7. Proposed installation/construction date(s): _____

If application is approved, applicant agrees to reimburse VPRA for any cost incurred by VPRA related to installation, maintenance, and/or supervision necessitated by this pipeline or wireline installation. The applicant further agrees to assume all liability for accidents or injuries which arise because of this installation.