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951.787.7141 • rctc.org

Application Process for Use of RCTC Property

Applicants requesting permission to enter, construct and/or maintain improvements on RCTC property must execute a written agreement prior to commencement of the project or use. RCTC grants License Agreements and Rights of Entry (ROEs) only. A License Agreement is required for longer term uses of RCTC property (construction of facilities, structures, crossings, and other long term uses). A Right of Entry Agreement is required for all temporary uses of or temporary access to RCTC property (surveys, potholing, and other short term uses). A separate request must be submitted for each entry. Before a License or ROE can be issued, the applicant must submit a complete application for review and approval.

Complete application submissions must include:

- **General Application Form**
- **Required Supplemental Application**
- **Two (2) sets of plans**
- **One (1) set of electronic plans**
- **Non-Refundable Fee of \$6,000 for License application or \$1,000 for ROE application**
- **Certificates of Insurance**

RCTC review generally takes 12 weeks from the receipt of a complete application package. If the project or plans require revision, additional review time will be required after the plans are resubmitted. If railroad right of way is involved, a separate set of plans must be sent to Metrolink. Plan requirements are provided in more detail in the **Application Package Section**.

When the application has been approved, a License or ROE agreement will be drafted by RCTC. Template agreements for Licenses and ROEs can be found in the **Forms Section**. RCTC's legal counsel will approve the agreement as to form and a copy will be sent to the applicant for signature. Once the signed copy is received, RCTC will sign the document and send the applicant a fully executed agreement.

An annual fee for Licenses will be determined by RCTC based on the type, location, and area impacted by the project or use.

After the agreement has been fully executed, applicant will need to provide 5 days notice to the RCTC Right of Way department prior to entering and/or beginning construction. If operating railroad right of way is impacted, Metrolink must be given 15 days notice. Arrangements must be made directly with Metrolink for flagging requirements. After the facilities are installed or activity is complete, RCTC will conduct a site visit to confirm satisfactory completion of work. Further inquiries may be directed to the Right of Way department at 951-787-7141 or row@rctc.org.

Application Package

The applicant must submit a complete application with the following items to start the review process.

1. General Application Form

The General Application Form requests background and high-level project information. This form is required for all applications.

2. Required Supplemental Application

The Required Supplemental Application requests detailed information about the type of facility or use of RCTC property requested. The applicant should review the table in the **Forms Section** and complete the relevant Required Supplemental Application, in addition to the General Application Form.

3. Plans

License

Two (2) sets of detailed final plans (one “wet stamped” original and one copy), approved by applicable jurisdictional agencies (Caltrans, County, City, etc.), are required to be submitted with the application. One (1) set of electronic plans must be sent to row@rctc.org. The drawings will be reviewed by the Right of Way department and engineers. No Licenses will be issued without submission of *final* plans.

If the activities will impact **railroad right of way**, RCTC requires Metrolink’s review prior to issuing permission to enter the right of way. Applicant must submit an application directly to Metrolink for review. The proposed facilities should be in conformance with Metrolink’s Engineering Standards - <https://metrolinktrains.com/about/agency/engineering--construction/>.

For further information regarding Metrolink’s review and approval process, please contact the Eric Reese, Right of Way Coordinator, at (909) 394-3418 or reese@scrra.net.

Additional right of way encroachment process information can be found at <https://metrolinktrains.com/about/agency/right-of-way/>.

Any person performing work on or near the tracks must be complete Metrolink safety training.

Rights of Entry

Two (2) sets of plans and one (1) electronic copy are sufficient to show location and intent of project are acceptable for Right of Entry purposes. Any person performing work on or near the tracks must have completed Metrolink’s safety training.

4. Fees

License

A non-refundable fee of \$6,000 must be submitted with the application. RCTC will assess the expense required for staff, engineer, legal review and appraisal and determine the total application cost. If the cost is over \$6,000, an additional check will be required prior to executing the agreement.

Applicants with ongoing facilities or activities on RCTC property will be required to pay an annual license fee, as determined by RCTC. The annual license fee is in addition to the application fee.

Member agencies are exempt from the application cost and annual license fee.

Rights of Entry

A non-refundable fee of \$1,000 is required to obtain a Right of Entry. This fee covers RCTC's staff, engineering, and legal costs related to processing the application. There are no exemptions from the Right of Entry fee.

5. Certificates of Insurance

Certificates of Insurance must be submitted in order to execute an agreement and enter RCTC property. The limits and insurance requirements are detailed in the **Insurance Section**.

The complete package should be sent to:

Riverside County Transportation Commission
Attention: Right of Way
4080 Lemon Street, 3rd Floor
P.O. Box 12008
Riverside, CA 92502-2208

Questions may be directed to the Right of Way department at 951-787-7141 or row@rctc.org.

Insurance

All entities and individuals proposing to enter RCTC property, shall obtain, and shall require any consultant or contractor working on its behalf, to obtain insurance of the types and amounts described below. Applicant must provide an original executed Certificates of Insurance that clearly evidence all insurance required and provide that such insurance shall not be canceled, allowed to expire, or be materially reduced in coverage, except on 30 days prior written notice to RCTC. RCTC shall have the sole discretion to determine whether the certificates and endorsements presented comply with the applicable provisions.

If the project involves ***railroad right of way***, the following insurance requirements apply:

Commercial General Liability Insurance - \$2,000,000 per occurrence/\$10,000,000 in aggregate; the policy shall include RCTC and its officials, officers, employees, agents and consultants as insureds and shall contain no special limitations on the scope of coverage or the protection afforded to these insureds. It will be primary with respect to any insurance or self-insurance programs covering RCTC, its officials, officers, employees, agents and consultants. The insurance will also contain standard separation of insured provisions.

Railroad Protective Liability - \$3,000,000 single limit/\$6,000,000 aggregate (if applicable). Most general liability insurance excludes railroads. In some situations, RCTC has agreed to require Railroad Protective Liability Insurance on behalf of rail lines with operating rights on RCTC's owned lines. The determination of whether this insurance is required for a particular Right of Entry or License will be made on a case by case basis based, in part, on any potential contractual commitment RCTC has made to a rail line to require such insurance. RCTC reserves the right to require the immediate procurement of adequate Railroad Protective Liability insurance by the applicant in the event it is required by a rail freight carrier and RCTC consents to the rail carrier's requirement, even if the requirement is actually imposed during the term of the License or Right of Entry Agreement, after the agreement has been executed.

Pollution Liability - If construction involves any hazardous materials, a \$1,000,000 single limit/\$2,000,000 in aggregate policy is required.

Worker's Compensation Insurance - Within statutory limits and not less than \$1,000,000 per incident.

The certificates shall evidence the insurer's knowledge of the proximity of applicant's operation to active rail tracks. Insurers must have an A.M. Best Company rating of no less than A-:VIII and be licensed to do business in California.

If the project does not involve **railroad right of way**, the following insurance requirements apply:

Commercial General Liability Insurance - \$2,000,000 per occurrence/\$10,000,000 in aggregate; the policy shall include RCTC and its officials, officers, employees, agents and consultants as insureds and shall contain no special limitations on the scope of coverage or the protection afforded to these insureds. It will be primary with respect to any insurance or self-insurance programs covering RCTC, its officials, officers, employees, agents and consultants. The insurance will also contain standard separation of insured provisions.

Pollution Liability - If construction involves any hazardous materials, a \$1,000,000 per occurrence/\$2,000,000 in aggregate.

Worker's Compensation Insurance - Within statutory limits and employers' liability insurance with limits of not less than one million dollars (\$1,000,000) each accident.

Insurers must have an A.M. Best Company ratings of no less than A-:VIII and licensed to do business in California.

Forms

Check the website for the following forms:

General Application Form

Required Supplemental Application – Pipeline Facilities (under Property Forms)

Required Supplemental Application – Wire Line Facilities (under Property Forms)

Required Supplemental Application – Grade Crossing/Access (under Property Forms)

Required Supplemental Application – Private Use (under Property Forms)

Required Supplemental Application – Right of Entry (under Property Forms)

| Required Supplemental Application | Examples |
|-----------------------------------|---|
| Pipeline Facilities | Water, sewage, oil, natural gas, petroleum, storm drains, etc. |
| Wire Line Facilities | Phone, fiber optic, CATV, electric, etc. |
| Grade Crossing/Access | Vehicular, pedestrian, bicycle, bridge, and livestock crossing/access |
| Private Use | Spur tracks, fences, patios, landscaping, slope work, storage, etc. |
| Right of Entry | Geotechnical survey/inspection, seismograph survey, movie production, potholing, temporary construction access and other temporary use projects |

(Note: In July 1997, the Commission adopted the policy of not allowing new billboards on RCTC property. Existing billboards have been allowed to remain at current fair market value prices.)

For uses other than those described above, please contact the Right of Way department at 951-787-7141 or row@rctc.org.

Frequently Asked Questions (FAQs)

- 1. Can a preliminary set of plans be submitted for RCTC review and response prior to the plans being finalized?** A preliminary set of plans may be submitted for RCTC review and response. However, the applicant will be charged engineering time for each review and a review of all final plans is required. No preliminary or final review will begin until the \$6,000 License deposit or \$1,000 ROE fee is submitted.
- 2. What constitutes final plans?** One set of final plans must be “wet stamped” and approved by the jurisdictional agency (Caltrans, County, City, etc.)
- 3. Does RCTC grant easements or permits?** No. RCTC grants Licenses and Rights of Entry, but not easements or permits.
- 4. Can we enter the property with verbal approval if the use is very short term?** No. All entities and individuals entering RCTC property MUST have prior written agreement in the form of a Right of Entry or License.
- 5. How is a public agency defined?** Public agencies are those organized under Local, State or Federal law. Public utilities are not considered to be public agencies.
- 6. Does RCTC allow billboards on its property?** In July 1997, the Commission adopted the policy of not allowing new billboards on RCTC property. Existing billboards have been allowed to remain at current fair market value prices.
- 7. Can I submit one application for a line or facility that is part of one project but crosses RCTC property multiple times?** A separate Supplemental Application and set of plans must be completed for each use of RCTC property. One General Information Form may be completed with multiple Supplemental Applications attached.
- 8. How do I get BNSF licensed?** The BNSF licensing course information can be found at www.contractororientation.com/.
- 9. Do I need to apply again if my Right of Entry expires?** If you require a time extension on your Right of Entry, and if the terms (type of use and area required) are the same, you may request an extension in writing. You must obtain RCTC approval in writing prior to proceeding.