

Southern California Regional Rail Authority



RIGHT OF WAY ENCROACHMENT FREQUENTLY ASKED QUESTIONS

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GENERAL QUESTIONS

When would my project require a Right of Entry (ROE) Permit with SCRRA (a.k.a. Metrolink)?

All activities within the railroad right of way or activities that affect the operations or safety of trains must follow the Right of Way Encroachment Process. Projects near the railroad right of way that can impact train operations or safety of trains will require a ROE Permit.

What materials should I include in the application submittal?

Please refer to the Right of Way Encroachment Process for Initial Application Submittal and Construction Submittal content requirements.

What are the differences between SCRRA Form No. 4, 5, 6, and 7?

- The SCRRA Form No. 4 is used for Oversized Loads that will be passing over an at-grade railroad crossing.
- The SCRRA Form No. 5 is used for surveys, job walks, and filming that use hand tools and does not involve the use of any excavations, potholing, or intrusive work.
- The SCRRA Form No. 6 is used for all projects that will be taking place on or near the Right-of-Way that are using equipment, excavating, or conducting activities that affect the safe operation of train traffic.
- The SCRRA Form No. 7 is a Special Events Railroad Crossing Notification Form that is used to notify Metrolink of any special events that will be passing over a railroad crossing such as a parade or marathon.

What is a Site-Specific Work Plan (SSWP)?

A Site-Specific Work Plan (SSWP) details the type of work the applicant plans to conduct, lists the types of tools and equipment to be used, process to perform the work, contingencies to be employed that will protect railroad operations, emergency procedures, etc. Refer to the Site-Specific Work Plan (SSWP) and Form 37 Rule and Requirements for Construction on Railway Property for additional requirements.

Are there any time or schedule restrictions for when I may complete my work?

Time restrictions are dependent on the type of work you are doing, the work location, and train schedule. In some cases, work which has a high potential to affect safety or train operations may be required on a weekend or during the night. Any excavating activities that will go underneath the Right-of-Way will typically be scheduled on the weekends, preferably on a Sunday when

there are less trains running. All projects will be conducted in a manner so as not to unreasonably interfere with the safe operation of the railroad. Any schedule restrictions will be communicated during the application review process.

On January 2, 2024 SCRRA transitioned Right-of-Entry Permitting Services to RailPros. How does the transition affect my project?

Applications that were submitted prior to January 1, 2024, will be processed and reviewed by SCRRA.

Applications received on and after January 1, 2024, and are under 180-days will be processed by RailPros.

Executed Right-of-Entry Agreements with existing flagging and training funds submitted to SCRRA can contact RailPros to schedule training or flagging services as needed. In the event additional days of support or more training is needed, SCRRA will collect additional monies in advance to support the work.

Executed Right-of-Entry Agreements where deposit monies were not collected by SCRRA for field support (training, flagging, inspection) must sign a Master Service Agreement (MSA) with RailPros prior to scheduling support. RailPros will invoice the applicant at the completion of the project or monthly, whichever occurs first.

For projects that have completed the Initial Application Submittal (also referred to as plan check) and are awaiting a license agreement or the construction submittal will be submitted through the permitting portal and processed by RailPros Field Services. For projects over 180-days, the construction submittal should be sent by email to SCRRA at rightofentry@scrra.net.

What changed as part of the Right-of-Entry Transition?

As part of the transition the following changes occurred:

- Application fees are now collected online through the permitting portal and can be paid by credit card, debit card, or by ACH Payment. Check requests will be handled by RailPros on a case-by-case basis.
- An expedited application processing option is now available for an added fee.
- Review fees (standard, expedited, specialized engineering) are non-refundable.

- The standard application processing fee includes the initial application review and 2 revision reviews. The fee and review cycle will continue as needed until all comments are addressed and documents are approved.
- A Specialized Engineering Review Fee is assessed for applications requiring review of Shoring Plans, Falsework Plans, Crane Rating Sheets, etc.
- Submitted applications that are grossly incomplete or incomprehensible will be rejected and 75% of the application fee will be refunded.
- RailPros will invoice applicants for flagging, inspection, and training costs after the completion of the project or monthly, whichever occurs first. Deposit of funds for flagging, inspection, and training fees will no longer be collected by Metrolink for projects under 180-days.
- Railroad Construction Inspection will now be required for all projects and will be conducted during key phases of the project (e.g. verify clearances, prior to jack and bore operations).
- As-Built Drawings must be provided after project completion.

Who do I send Right of Entry Applications to?

All applications that use the SCRRRA Form No. 5 and SCRRRA Form No. 6 and require less than 180 days on the SCRRRA railroad right-of-way will be submitted through the Metrolink Permitting Portal. Use the link found on the Right-of-Way Encroachments webpage.

Oversized Movements using the SCRRRA Form No. 4, Special Events Railroad Crossing Notifications using the SCRRRA Form No. 7, and projects requiring more than 180 days on SCRRRA railroad right-of-way will be submitted electronically to the SCRRRA Right-of-Way Coordinator by emailing rightofentry@scrra.net.

If I have any questions, concerns, or if I would like to contest a rejected application submittal, who can I contact?

Applicants with questions, concerns, or to dispute a rejected application submittal can email the SCRRRA at rightofentry@scrra.net.

How early should I apply for the Right of Entry Permit?

For projects not requiring License Agreements It is recommended to allow at least 3 months prior to your project start date for processing a Right of Way Encroachment Permit. Projects requiring License Agreements should be

submitted at least 6 months in advance. Processing begins once SCRRRA or its representative receives a complete application submittal and electronic payment for fees. Please refer to SCRRRA Right of Way Encroachment Process, Section 3.1 Process Timeline for additional details.

Is there an expedited permit process?

Yes, there is an expedited application process. A higher application processing fee and conditions apply. See the Schedule of Fees portion of the FAQ Document for more information. The Expedited application option reduces the application review time and each subsequent review from 15 business days to 5 business days. Any requested revisions will reset the review clock once resubmitted.

Can the Initial Application and Construction Submittals be sent in at the same time?

Yes.

What are common reasons submittals are returned?

The Right of Way Encroachment Application is missing information (e.g. missing plans, incomplete site specific work plan, incomplete insurance documents).

What types of comments are common during plan review?

- Plans do not comply with minimum clearance requirements for overhead wire (ES2104 Minimum Vertical Clearance for Wires)
- Plans do not comply with minimum underground depth requirements or do not comply with casing type and thickness requirements (ES5001 Pipelines for Non-Flammable Substances Across or Along Right-of-Way; ES5002 Pipelines for Flammable and Hazardous Substances across or Along Right-of-Way).
- Temporary perimeter fencing does not include pile driven posts and secured chain link mesh.

What types of comments are common during construction review?

- Temporary traffic control includes lane closures which do not extend through a railroad crossing.
- R8-8 "DO NOT STOP ON TRACKS" sign not included in Temporary Traffic Control plans.
- Insurance has expired
- Insurance limits do not meet requirements within the Form 6.
- Railroad Protective Liability is not provided. Additionally insured does not include all entities listed within Form 6, Exhibit B.

I only need the railroad to review Temporary Traffic Control Plans, what is the process?

Follow the requirements for a Temporary Encroachment described in the Right of Way Encroachment Process document. This will begin the review of temporary traffic control and will determine if the plan meets SCRRA requirements and whether additional requirements may be necessary.

Why is an Application Processing Fee being assessed for applications needing more than three reviews?

Additional review cycles take additional time for review and coordination. Most comments can be resolved within 3 review cycles. If additional revisions are needed, additional fees are required to support the time and coordination to continue support of the application.

An applicant can prevent the incurrence of additional Application Processing Fees by ensuring their revised application packet has satisfied all engineering comments before resubmitting the packet for review.

What constitutes a rejected application submittal?

Applications that are grossly incomplete, incomprehensible, or written in a language other than English will be rejected. Applications with minor issues or missing information that can be resolved within one review cycle will not be rejected.

Why are rejected applications not fully refundable?

Applications that are rejected will incur a 25% fee to cover the administrative costs to process and review the application submittal. Applicants can avoid rejected applications by ensuring they submitted all required documents as outlined in the Right-of-Way Encroachment Process and FAQ available on the Right of Way Encroachment webpage.

LICENSE AGREEMENT QUESTIONS

When is a License Agreement required?

A license Agreement is required for any project that will result in a permanent installation of facilities, equipment, or utilities on the Right-of-Way. This includes permanent installations under, on, or above the Right-of-Way.

Who administers License Agreements on the Metrolink Right-of Way?

Metrolink's Member Agencies (LA Metro, OCTA, RCTC, SBCTA, and VCTC) administer the License Agreements on Metrolink Right-of-ways in their respective county.

What is the typical timeline for License Agreements?

Most License Agreements through Metrolink's Member Agencies take on average 30-90 days to approve. To avoid delays to your project, it is recommended that you apply for your Right-of Way Entry Permit at least 6 months prior to your project start date. Most Metrolink Member Agencies will not issue a License Agreement until Metrolink has approved the project plans, therefore please apply early to allow time for plan approvals.

Can Metrolink expedite License Agreements through its Member Agencies?

No.

CERTIFICATE OF INSURANCE QUESTIONS

What type of Insurance does Metrolink require for Right-of Way Entry Projects?

Metrolink requires that all applications include proof of insurance that includes the following coverages: Commercial General Liability with minimum \$2,000,000 coverage per occurrence for bodily injury and property damage; Automotive Liability with minimum \$1,000,000 coverage per accident for bodily injury and property damage; Worker's Compensation with minimum \$1,000,000 per accident for bodily injury or disease; and Railroad Protective Liability Insurance with minimum \$2 million per occurrence, combined single limit, for coverage and for losses arising out of injury to or death of all persons and for physical loss or damage to or destruction of property, including loss of use thereof. A \$6 million annual aggregate shall also apply. Depending on the project scope, additional insurances may be required.

Refer to Exhibit A of the SCRRA Form #6 for more details.

Does Metrolink allow self-insurance or endorsements to the Commercial General Liability Policy in lieu of obtaining Railroad Protective Liability Insurance?

No. With limited exceptions, all applicants are required to obtain Railroad Protective Liability Insurance coverage. Any exceptions must be approved through Metrolink's Legal Department.

Do Insurance Endorsements need to be provided?

Yes. The following Insurance Endorsements need to be included with the Insurance Certificate: Additionally Insured for Commercial General Liability and Automobile Liability, Primary and Non-Contributory Coverage for Commercial General Liability and Automobile Liability, CG 24 17 Contractual Liability-Railroads Form for Commercial General Liability, Waiver of Subrogation for Commercial General Liability, Automobile Liability, and Workers Compensation, and 30 Day Notification of Insurance Cancellation for Non Payment and Non-Renewal for Commercial General Liability, Automobile Liability, and Workers Compensation.

SCRRA PERFORMANCE BOND QUESTIONS

What is a Performance Bond, and when is a Performance Bond required?

A Performance Bond is a surety bond issued by an insurance company to guarantee a contractor's work against failure or settlement of the soil around a project area for 2 years after the completion of work. A Performance Bond is required for any excavation, shoring and support of construction, or boring and jacking of pipe and casing that may affect the stability of the railroad facility or track(s), or settlement of the soil around a pipe. See SCRRA Form #37 for more information. What amount do I furnish for a Performance Bond?

The amount is dependent on the size of the casing/pipe. Excavation and shoring will require a \$180,000 bond while a 36" casing will require a \$120,000 bond. The amounts will be relayed during the Plan Review Process. Please see SCRRA Form 37 for a complete list of rates.

SCRRA SCHEDULE OF FEES QUESTIONS

Does SCRRA accept Credit Cards, Debit cards, or Electronic Bank Transfer for payment of fees?

For ROE Agreements processed by RailPros Field Services, credit card, debit card or electronic bank transfer are accepted payment methods. Checks are handled by RailPros on a case-by-case basis.

For ROE Agreements process by SCRRA staff, SCRRA accepts Automated Clearing House (ACH) payments and paper checks.

If paying by Automated Clearing House (ACH), who do I submit payment to and how?

Please contact RailPros Field Services or SCRRA, as applicable, to set up ACH payment.

Are SCRRA Fees Refundable?

All application review fees (i.e., Standard Application Processing, Expedited Application Processing, Specialized Engineering Review) are non-refundable.

Do SCRRA Fees include License Agreement fees?

No, License Agreement fees are handled separately by SCRRA Member Agencies.

How do I know which fees to pay?

Review the Right-of-Way Encroachment Process and Schedule of Fees for explanations of each item and to determine how to calculate the fees required.

Application Processing Fees (Standard, Expedited, and Specialized) and Cable Marking Fees are due at the time of application or construction submission.

For ROE Agreements processed by RailPros Field Services, flagging, training, and inspection fees will be invoiced by RailPros either monthly or at the conclusion of the project, whichever comes first. For ROE Agreements processed by SCRRA staff, a deposit of the estimated flagging, training and inspection needs must be provided prior commencement of work.

What is the difference between Standard Application Processing and Expedited Application Processing?

Standard Application Processing includes an initial application review within 15 business days of submission, and up to two (2) resubmittal reviews within 15 days of submission. Once comments are resolved and all documents are

received and approved, then the ROE Agreement will be issued within 5 business days.

Expedited Application Processing includes an initial application review within 5 business days of submission, one (1) resubmittal review within 5 days of submission, and the execution of an ROE Agreement within 2 business days of resolved comments and receipt and approval of all required documentation. Each resubmittal resets the review clock.

When will a Specialized Engineering Review Fee be required?

Applications with Shoring Plans, Falsework Plans, impacts to a railroad bridge or structure, or other unique conditions requiring detailed plan and calculation reviews will require the submission of the Specialized Engineering Review Fee.

What application types are ineligible for Expedited Application Processing?

Applications with encroachments requiring a License Agreement, applications requiring a design exception, and applications requiring specialized engineering review are ineligible for Expedited Application Processing.

How many reviews are included in an application processing fee?

The Standard Application Processing Fee includes one (1) initial review and two (2) revision reviews for a total of three reviews. Applications that require more than three reviews will require the payment of another application processing fee. This fee will need to be submitted for every three submittal reviews. The Expedited Application Processing Fee includes one initial review and one (1) revision review for a total of two reviews. Continue the fee and review cycles as needed until comments are resolved and all required documents are approved.

RAILROAD SAFETY TRAINING QUESTIONS

What is Railroad Safety Training (also referred to as RWP Safety Training) and why is it required?

SCRRRA requires each individual working on the right-of-way to complete a 4-hour in-person Railroad Safety Training. The training course covers railroad rules, forms of on-track protection, and methods of communication for clearing for trains. Any individual who has not completed the training and does not have a valid safety training decal will not be allowed on the Right-of-Way.

How long is Railroad Safety Training valid for?

Railroad Safety Training is valid for one full calendar year. If you have a multi-year project, Railroad Safety Training and fees will be required for each calendar year until the project is complete.

Is there a cost for Railroad Safety Training?

Yes, a per person fee is assessed for Railroad Safety Training, refer to the Schedule of Fees

How many people does a Railroad Safety Training Class accommodate?

Each Railroad Safety class can accommodate up to 25 people. If you have more than 25 employees or cannot schedule all individuals within the same class, additional Railroad Safety classes will need to be scheduled.

If I need to cancel an RWP Training Class for a specific day, how much time must I give advanced notice and what happens if I fail to provide advance notice?

A 24-business hour notice from the scheduled start time of the RWP Training Class is required. If you cancel less than 24-business hours, you will be charged for the RWP training Class.

I received a RWP Training Badge from the class, where do I need to display it?

The RWP Training Badge must be displayed on the outer clothing garment of the person and must be visible for inspection while on the Right-of-Way. RWP Training Badges are uniquely assigned to each individual and are non-transferable.

RAILROAD FLAGGING SERVICES QUESTIONS

What are railroad flagging services and why does my project require railroad flagging services?

Railroad Flagging services consist of a Railroad Worker In-Charge (RWIC) who will provide protection for workers by communicating with either passing trains or train dispatchers. The RWIC controls the access of trains through the work zone and ensures that trains only pass when all workers are clear from the tracks. Because Metrolink tracks are live and active tracks, flagging services are required by Metrolink, State, and Federal Regulations to ensure that all workers who may have the potential to foul tracks are protected from all passing trains.

Can I hire my own railroad flagger to provide protection?

No, only SCRRRA's authorized contractors can provide Railroad Flagging on SCRRRA railroad Right-of-Way.

My project will involve more than 10 workers at the site, how many flaggers will be required?

Per SCRRRA policy, one flagger can only provide protection for up to 10 workers at a time. If you have more than 10 workers at a site, an extra flagman will be required. The cost for railroad flagging shown on the Schedule of Fees represents one (1) day of flagging by one (1) railroad flagger. Additional flaggers may be required based on site conditions and constraints.

How are railroad flagging services coordinated?

Once a Right-of-Entry Encroachment agreement is executed the Applicant is provided contact information for an SCRRRA authorized flagging contractor. The Applicant must provide the SCRRRA Project Number, number of workdays, workhours, total number of people that will be onsite and number of workgroups, and, if applicable, the C&S Authorization Number.

What is the minimum amount of time needed to schedule flagging services?

To ensure flagging availability, all railroad flagging services must be scheduled a minimum of 15 days prior to your desired start date. This prior notification does not guarantee the availability of on track safety protection for the proposed date of construction. For multi-month or multi-year projects a 3-week lookahead calendar is required to be submitted in advance.

If I need to cancel flagging services for a specific day, how much time must I give advanced notice and what happens if I fail to provide advance notice?

A 24-business hour notice from the schedule start time of flagging services is required. If you cancel less than 24-hours, you will be charged for 4-hours of flagging services. Cancelling within 4-hours of the start time, after the start time or if the contractor does not show up will incur an 8-hour flagging charge.

FILMING REQUEST QUESTIONS

I am planning on conducting filming near a Metrolink Facility, on a Metrolink trainset or on the Right-of-Way that might impact railroad operations, do I require Metrolink Authorization?

Yes, there are two processes and points of contact depending on the location of filming.

- Filming at a Metrolink Facility or on a Metrolink Trainset requires coordination through Metrolink Marketing. Please visit the Customer Service page of the Metrolink website for more information. <https://metrolinktrains.com/customer-service/filming-requests/>
- Filming on the right-of-way or needing access to the right-of-way requires coordination through Metrolink Right-of-Way Encroachments.

After reviewing the filming project scope, the applicable Metrolink department will advise on further requirements

I am planning on conducting filming on the Right-of-Way or will require access to the Metrolink Right-of-Way, (e.g., along, on or across railroad tracks or railroad bridge) what does Metrolink require me to submit?

Please visit the Right-of-Way Encroachment page of the Metrolink website and review the Right of Way Encroachment Process. Refer to Section 6 which identifies the submittal requirements: SCRRRA Form 5, a Letter of Intent and deposit for Right-of-Entry Support.

What is the lead time Metrolink needs to review and process film production requests?

Metrolink requires a minimum of six (6) weeks to review and process film production requests, depending on the complexity of the production

What are the fees for filming requests?

Fees will vary depending on the film production shoot and the type of Metrolink support services needed. Please review the Right of Way Encroachment Process for additional information.

COMMUNICATIONS AND SIGNAL CABLE MARKING QUESTIONS

When are SCRRRA Communications and Signal (C&S) Cable Marking required?

Communications & Signal Cable Marking is required anytime the applicant plans to conduct excavation, drilling, paving or grinding within a railroad crossing, or installation of any underground facilities within the SCRRRA Right-of-Way. The Applicant will be provided a signed Cable Marking Request Form with SCRRRA C&S Authorization number once marking is complete.

How long are C&S Authorization numbers valid for?

Initial and Refresher C&S Authorization numbers are valid for up to 28-days. Refresher mark-outs (and associated fees) may be required throughout a project.

How do I Submit a C&S Cable Marking Request?

For applications processed by RailPros: complete the C&S Cable Marking Request Form, include a map with markups showing the areas to be located, and submit the completed form with map through the Metrolink Permitting Portal. The C&S Cable Marking Request Form can be found on the Metrolink Right-of-Way Encroachments Website. For applications processed by SCRRRA: email completed form with map to rightofentry@scrra.net.

Will Underground Service Alert/DigAlert identify all underground utilities within the SCRRRA Right-of-Way?

No, SCRRRA is not a member of DigAlert, therefore the applicant must notify SCRRRA to begin a mark-out request.

PROJECT COMPLETION QUESTIONS

I have finished my project, what do I do?

Once you have finished your project, please complete the Contractor Completion Form (included in the Right-of-Way Encroachment Agreement package) and forward to the flagging contractor for verification. Once the form is submitted, the project close-out process will begin. To complete project close out the Applicant must pay all outstanding invoices and must submit project As-Built drawings.