

# **Lake State Railway**

## **SPECIAL NOTES FOR PROTECTION OF RAILROAD INTEREST**

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### **LAKE STATE RAILWAY COMPANY**

Access to railroad operating property is forbidden without following the directives noted in this document and obtaining all associated permissions. **ANY** unauthorized access to railroad operating property (including mainlines, sidings, yards, maintenance facilities, etc.) is considered **TRESPASSING** and affects the safety of contractors and railroad employees.

#### **I. PROCESS OF OBTAINING ACCESS FOR WORK**

- For firms completing work within railroad right-of-way or railroad operating property, a RIGHT OF ENTRY Permit is required. In most circumstances, TRACK PROTECTION and associated fee may be applicable. Notice of work must be given **at least 14 days** prior to start of work to the railroad property manager. Notice **must** include the following:
  - Name of contractor and subcontractor (if applicable) completing the proposed work as well as the contact information for the on-site primary contact.
  - Date range for the proposed work.
  - Detailed description of proposed work, including furnishing a drawing and a schedule for all work on the railroad right-of-way
  - Proposed location on the railroad (including nearest roadway, town, city, or another railroad marker).
  - If work is proposed on sections of the Railroad owned by the State of Michigan (MDOT) and operated by Lake State Railway, the approved “Application to Use MDOT Controlled Freight Property” must be provided.
  - If work is proposed on sections of the Railroad owned by CSX Transportation and operated by Lake State Railway, applicable permit from CSX may apply, depending on location and type of work.
  - If work is proposed on sections of the Railroad within sections of Bay City, from Pinconning north to Alpena and in the City of Gaylord, a permit may be required from Straits Corporation, who owns the underground and overhead rights.
  - Insurance coverage protecting the Railroad:
    - Proof of General Liability Insurance that does not exclude railroad coverage with coverage up to \$2,000,000 per occurrence and \$6,000,000 aggregate and/or Railroad Protective Liability Insurance

- Lake State Railway Company is to be listed as an additional insured party on insurance certificate.

## **II. WHEN IS PERMISSION NEEDED?**

- A “Right of Entry” is required when a non-railroad employee requests access to the railroad right of way to perform work (contracted or otherwise) including, but not limited to, utility work for water, sewer, electric (above or below ground) or any work involving equipment or workers within the right of way or Railroad property.
- Railroad right-of-way is typically 100 feet (50 foot each direction of the center of track). However, this varies at different locations along our Railroad where the right-of-way may become narrower (cities or towns) or wider (Railroad yard or facilities). It is the responsibility of the firm completing the proposed work to confirm with the Railroad the right-of-way width.

## **III. WHEN IS TRACK PROTECTION REQUIRED?**

- The Railroad has sole authority in determining if track protection is required to protect its operations.
- In general, the requirements of such services will be whenever the Contractor’s personnel or equipment are or are likely to be working on the Railroad’s right-of-way, or across, over, adjacent to, or under a track, or when such work has disturbed or is likely to disturb a railroad structure or the railroad roadbed or surface and alignment of any track to such extent that the movement of trains must be controlled or when work is within 25 feet of the center of the tracks.
- The contractor must complete a “Right of Entry Permit Application” 2 weeks prior to proposed project.
- **The cost of Track Protection will be \$1,000 per day for up to 8 hours between the hours of 0700 and 1700. Additional hours are \$200 per hour.**

## **IV. PROVISIONS FOR WORKING ON RAILROAD RIGHT-OF-WAY**

- The Contractor shall arrange and conduct the work so that there will be no interference with Railroad operations, including train, signal, telephone and telegraphic services, or damage to the property of the Railroad Company or to poles, wires, and other facilities of tenants on the rights-of-way of the Railroad Company.
- Whenever work is liable to affect the operations or safety of trains, the method of doing such work shall first be submitted to the Railroad Engineer for approval, but such approval shall not relieve the Contractor from liability. Any work to be performed by the Contractor that requires Track Protection shall be deferred by the Contractor until the Railroad is available.
- Whenever work within Railroad rights-of-way is of such a nature that impediment to Railroad operations such as use of runaround tracks or necessity for reduced speed is unavoidable, the Contractor shall schedule and conduct construction operations so that such impediment is reduced to the absolute minimum.

- Should conditions arising from, or in connection with the work, require that immediate and unusual provisions be made to protect operations and property of the Railroad, the Contractor shall make such provisions.
- If in the judgment of the Railroad Engineer or Superintendent of Maintenance-of-Way, or in the Railroad Engineer or Superintendent of Maintenance-of-Way's absence, a qualified Railroad employee, it is determined that such provisions are insufficient, either may require or provide such provisions as deemed necessary. In any event, such unusual provisions shall be at the Contractor's expense and without cost to the Railroad.

**V. GUIDELINES FOR WHEN PERSONAL OR EQUIPMENT ON R.O.W.**

- No crane or boom equipment will be allowed to set up to work or park within boom distance plus 15' of centerline of track without specific permission from railroad official and flagman.
- No crane or boom equipment will be allowed to foul track or lift a load over the track without flag protection and track time.
- All employees will stay with their machines when crane or boom equipment is pointed toward track.
- All cranes and boom equipment under load will stop work while train is passing (including pile driving).
- Swinging loads must be secured to prevent movement while train is passing.
- No loads will be suspended above a moving train.
- No equipment will be allowed within 25' of centerline of track without railroad provided Track Protection.
- Trucks, tractors or any equipment will not touch ballast line without specific permission from railroad official.
- No equipment or load movement within 25' or above a standing train or railroad equipment without specific authorization of Railroad.
- All operating equipment within 25' of track must halt operations when a train is passing. All other operating equipment may be halted by the Railroad if the Railroad views the operation to be dangerous to the passing train.
- All equipment, loads and cables are prohibited from touching rails.
- While clearing and grubbing, no vegetation will be removed from railroad embankment with heavy equipment without specific permission from the Railroad Engineer.
- No equipment or materials will be parked or stored on Railroad's property unless specific authorization is granted from the Railroad Engineer.
- All unattended equipment that is left parked on Railroad property shall be effectively immobilized so that it cannot be moved by unauthorized persons.
- All cranes and boom equipment will be turned away from track after each work day or whenever unattended by an operator.

## VI. RAILROAD CONTACTS

### **John Agnew**

*Risk management & Property Manager*

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#### **REMINDER:**

ANY UNAUTHORIZED ACCESS TO RAILROAD PROPERTY IS CONSIDERED  
TRESPASSING AND WILL BE DEALT WITH ACCORDINGLY.