

PROCEDURE FOR REQUESTING LICENSE AGREEMENTS WITH CAPITAL METRO

In order to process the request for a license agreement, it is necessary that you furnish Capital Metro with the following:

- An application for a license agreement must be completed and signed by the Applicant.
- A non-refundable application review fee of \$550.00 in the form of a cashier's check or company check. All applicants, including governmental entities will pay this application fee. **Important: Checks for the application fee should be made payable to Capital Metro, designated as an application fee, AND delivered to Accounts Receivable at the following address (be sure to include a brief explanation of your request with your check)**
- Deliver to the Railroad Department, three copies of the completed application package. A completed application package should contain all of the following:
 - A letter transmitting the application and the proposed use of the license. The letter may include additional information, special circumstances or a description of special conditions effecting your application or use of the license and that will assist staff in reviewing your application.
 - Three copies of complete application form. One original and two copies.
 - Three copies of any support documents that will identify the location(s) of your requested crossing site(s) (i.e. engineering plans certified by a registered engineer licensed to do business in the State of Texas or a survey sketch by a registered surveyor in the State of Texas). All documentation must include Latitude(s) and Longitude(s) with distance from nearest railroad milepost(s), measured in feet.
 - Copies of recorded deeds showing the current ownership of all property contiguous to the area proposed to be licensed.

Upon receipt of the above items, including a check, your request and materials will be distributed to the Engineer and the Rail Freight Operator for review and concurrence. Assuming favorable comments, your request will then be appraised by Capital Metro staff and your request will be submitted to legal staff to prepare the necessary documents for execution. Pursuant to resolution number CMTA-99-0329-030 of the Capital Metropolitan Transportation Authority Board of Directors, the General Manager is authorized to finalize and execute all use agreements that do not exceed \$10,000.

Once the license agreement has been approved by Capital Metro staff, originals will be sent to Licensee for execution. After execution by Licensee, the executed documents must be returned to Capital Metro along with a cashier's check or certified check for the first annual fee, if required, and proof of insurance. Upon execution by the President/CEO, a copy of the original license agreement will be forwarded to you for your files.

In the event of a negative departmental response, you will be notified. We will be pleased to advise you of status during any stage of the application processing.

Please use the enclosed checklist and submit your completed application to:

LICENSE AGREEMENT CHECKLIST

_____ Application fee in the form of a cashier's check or company check in the amount of \$550.00 The application fee is non-refundable regardless of resulting action by Capital Metro. Please mail to:
Capital Metropolitan Transportation Authority
Accounts Receivable
P.O. Box 6308
Austin, TX 78762-6308

_____ A letter of transmittal for the following documents required to process the application.

_____ Three completed and signed applications and supporting documentation.

_____ A completed **Corporate Resolution** showing who is authorized to sign, if applicable, refer to **Exhibit "A"** to determine which resolution is needed.

_____ Submit completed application to:
Capital Metro-North Ops
Rail Department
2910 E. 5th Street
Austin, Texas 78702
Attention: Rail R.O.W. Manager

If any of the required submittals are missing, it will be considered an incomplete packet and will be returned to you for completion via **U.S. Mail**.

APPLICATION FOR LICENSE AGREEMENT FOR ROAD CROSSING INSTALLATION

Application is hereby made for a license agreement to allow the access Railroad Right-of-Way as described below (give address, location or common description of the area requested for licensing and provide engineered plans or sketch of the area).

SECTION 1: TO BE COMPLETED FOR ALL CROSSINGS:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Check Number for Application Fee: _____

Phone: _____ Fax: _____ E-Mail: _____

() Individual () Partnership () Proprietorship () Corporation: _____ State Incorporated

Names of Officers, Partners or Proprietor: _____

Billing Address (if different from above): _____

Type of Road Crossing (check ALL that apply):

___ Private Farm Crossing ___ Private Commercial Crossing ___ Contractor's Crossing

___ Pedestrian Overpass ___ Pedestrian Underpass ___ Other: _____

___ Existing Crossing ___ New Installations ___ Relocations

___ Permanent Use ___ Temporary Use for _____ Mos. ___ Reconstruction

___ Utility Crossing -- Please indicate type of utility, who it is for, who owns it, and who will maintain it

Crossing will be used to access _____

Type of vehicles to be driven over/through/under crossing (check ALL that apply):

___ Passenger Cars ___ Recreational Vehicles ___ Pick-ups

___ Farm Equipment ___ Heavy Construction Equipment ___ Other _____

Approximate number of daily one-way trips over the crossing _____

Name of Owner of Property to be served by crossing _____

Address (if different from above) _____

The proposed access adjoins property legally described as: _____

Crossing is Located:

_____ In/Near the City of _____, _____ County, State of Texas

Tax appraisal parcel number, if available: _____

SECTION 2: TO BE COMPLETED FOR EXISTING CROSSINGS ONLY:

Name(s) of previous users of crossing: _____

Crossing is currently covered by license agreement number: _____

Dated: _____

SECTION 3: TO BE COMPLETED FOR INSTALLATION OF NEW CROSSINGS ONLY:

How is property currently accessed? _____

Why was access to property not obtained from previous owner? _____

Desired crossing will be _____ feet () North () South () East () West

Of nearest _____ () public road crossing () private road crossing.

Track is in _____ cut/fill Number of tracks crossed _____ Track is on: () curve () straight

The undersigned Applicant understands that processing of this application will be handled in accordance with the Procedure for Requesting a License Agreement and that no action on processing will be taken without payment of the "non-refundable" application fee. It is further understood that acceptance of this application and fee in no way obligates Capital Metro to license the subject area. I/We further understand that the value of the Right of Way, if recommend to be licensed, will be determined by Capital Metro, and a Certified or Cashiers Check must be presented before the request will be recommended for Administrative Approval.

Signed by Applicant: _____

Date: _____

EXHIBIT “A”

** In order to prepare the legal documents the following information and/or documentation is required by the Legal staff.

If applicant is in the name of a Corporation:

1. A current Corporate Authorization Resolution showing who is authorized to sign on behalf of the corporation. The name of the corporation should be complete and accurate as to the spelling and style.

If title or ownership is in the name of a Partnership or Joint Venture:

1. A copy of the Partnership Agreement showing name and title of the managing partner or person authorized to sign for the partnership,

or, if Limited Partnership,

1. A copy of the partnership Agreement showing name and title of the current general partner authorized to sign for the partnership.
 - a) If the general partner is a corporation, a Corporate Authorization Resolution will be required.

If title/ownership is in the name of an individual(s), complete name(s) and addresses are required.