

# Railroad Right of Entry: It's the Right Thing to Do

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As a surveyor, what do you do when faced with a survey project adjoining a railroad corridor? Rather, what is the right thing to do? For your own safety, the safety of your crew(s) and the protection of your company - let's hope this was answered correctly.

Railroads document entries into the rail corridor with a "Right of Entry" or permit. This right of access is an important safety tool for the railroads. Believe it or not, this documentation actually makes its way down to the train engineers. Engineers need this information in their daily bulletins so that they know who will be near the track and at what times so that they can be on alert in the event they need to take action.

Right of entry permits are often looked at as a burden for any surveying project, especially considering that some projects are small, can be done in a day or two and have a low profit margin. But, they are required and need not impede your business. Of course, this involves planning, patience and perhaps some additional expenses to your company or your client. Knowing your project will require a right of entry up front can save you the hassle of railroad law enforcement, possible fines, serious injury or even death. But it might also prolong the project and cost more in the long run.

What can you do to ease the pain? First of all, determine if the project is near a railroad before you agree to do the work. If a railroad runs through the project, a right of entry will be required by the railroad operator/owner. Next, find out which railroad you will need to deal with. The North Carolina Railroad Company (NCRR) has an easy to use interactive map on its website ([www.ncrr.com](http://www.ncrr.com)) that can help show you which railroad companies operate certain lines.

Some railroad operators charge a fee for right of entry permits and there are additional fees in the event a flagman is needed to direct railroad traffic and keep your crew safe (NCRR does not charge a fee for surveying right of entries along our corridor, but Norfolk Southern or CSX may still require you

to obtain a flagman at your expense). You should discuss these fees with your customer and clearly include them in your cost estimate in the event competing bids neglect to mention this. Most railroads also have specific insurance requirements to meet before granting the right of entry. The requirements may differ from what your company typically carries, so it is a good idea to check with your insurance company prior to submitting the application since many of the application fees are non-refundable.

Finally, plan ahead. In a world of ATMs, pay at the pump, and on-demand movies, the railroad right of entry process will not provide instant gratification. CSX, Norfolk Southern and NCRR all have their right of entry forms available for download, but application process can take weeks as it gets passed from insurance administrators to track supervisors. Some of these are three-party agreements and can take a while to be mailed, signed and sent back. This should also be discussed with potential customers to avoid any 'bad marks' to your reputation from a schedule perspective. There is little use in accepting the job, being on site and ready to work and then calling the railroad.

There is often a lot of grumbling and wincing when dealing with the railroad right of entry process. However, any survey project near a railroad track should incorporate the right of entry as a standard procedure. As unpleasant as it may seem, the right of entry process exists for your legal protection and personal safety, which makes it the right thing to do.

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## Resources for Right of Entry Application, Instructions and Information:

**NCRR:** [www.ncrr.com](http://www.ncrr.com) > Corridor Management > Right of Way and Utility Forms

**CSX:** [www.csx.com](http://www.csx.com) > Customers > Non-Freight Services > Property/Real Estate > Permitting: Utility Installations and Rights of Entry

**Norfolk Southern:** [www.nscorp.com](http://www.nscorp.com) > Customers > Real Estate > Property Access

**Shortlines / Other:** <http://www.ncrailways.org/> (for individual short line railroad contact information)