

Alaska Railroad Corporation General Permitting Information

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Permitting Information

Contractors, utility companies, surveyors, and even ice climbers require access to Alaska Railroad (ARRC) Property for many purposes. Any entry, occupancy, activity, or use (collectively referred to as “use”) of ARRC property must be authorized and requires a permit. Several different types of permits are issued based on the location and type of use:

- Ice Climbing or Wind Surfing Permits
- Entry Permit
- Temporary Construction Permit (TCP)
- Special Land Use Permit
- Utility Permits
- Roadway Permits
- Residential Right-of-Way Permits
- Corridor Permit
- Terminal Use Permit
- Concession Permit
- Industry Track Agreement
- Floating Track or Track Use Permit
- Blanket Permit
- Right-of-Way Use Permit
 - Roadway/Trail
 - Crossing
 - Utility
 - Land Use

Permit applications can be found on the ROW Permitting page or by contacting ARRC Permitting at the number listed below.

If you aren't sure which permit you need or where to start, take a look at our ROW Permitting flow chart on our website at www.AlaskaRailroad.com.

NON Right-of-Way

If you need a permit for anything that is not within the ROW, please contact the Real Estate Department at (907) 265-2465.

Right-of-Way

The safe and efficient operation of the railroad has always required that an exclusive “safety zone” be maintained around the tracks. One function of the ARRC Right-of-Way or ROW, which is typically 200' wide and centered on the tracks, is to provide such a safety zone. The ARRC has the right to exclusive use of the ROW for transportation, communication, and transmission purposes.

ARRC may, at its sole discretion, issue a permit for the crossing or use of the ROW where it is reasonable, necessary, does not affect the safe operation of trains or create any other safety hazard, and allows for future ARRC use and development.

No activity may take place within ARRC ROW until a permit is fully executed.

The cost of application review, construction observation and/or flag protection, and long-term use is the responsibility of the applicant and may be covered by the application, permit, and flagging fees, or by a reimbursable services agreement.

If you have any questions regarding ROW permits, please contact the ROW Permits Administrator at ROWpermits@akrr.com or (907) 265-2347.

Residential Right-of-Way Use Permits

In November 2013, the Alaska Railroad Corporation Board of Directors approved a policy to guide residential use (gardens, yards, sheds, storage, etc.) of the railroad Right-of-Way (ROW). More information and an application form are available on the Residential ROW Use Permits page.

Ice Climbing or Wind Surfing Permits



People interested in obtaining a permit to access ice climbing or wind surfing areas (primarily along Turnagain Arm) can do so in person at the Alaska Railroad Police & Security Department located at 320 West First Avenue in Anchorage. Permit hours are from 10am to 4pm Monday through Friday.

Residential Right-of-Way Use Permits

The Alaska Railroad (ARRC) Board of Directors approved a policy to guide residential use (gardens, yards, sheds, storage, etc.) of the railroad Right-of-Way (ROW). The ARRC Residential ROW Use Policy (RRUP) sets up a permit process for existing uses and structures in the ROW provided they do not pose a safety hazard or interfere with ARRC operations or use of the ROW.

The final RRUP is the product of nearly three years of public outreach, including initial notices and periodic updates mailed to residents along the ROW, several public meetings, dialogue with the ARRC Board of Directors, and written correspondence. Public comment is reflected in the final policy, with many key changes based on public input since an initial draft in 2012.

Permit applications must be submitted in accordance with the policy using the application provided by the link below.

-  [Final RRUP](#) - Policy approved November 12, 2013
-  [RRUP Permit Application](#) - this form is required to apply for a residential ROW use.

For More Information:

For additional information or If you have questions regarding the permit application or the process, please contact:

- Douglas A. Stephens, PLS, Manager, Land Services, stephensd@akrr.com, (907) 265-2469

Other Types of Permits

Any entry, occupancy, activity, or use (collectively referred to as “use”) of ARRC property must be authorized and requires a permit. The type of permit required is dependent on where the requested use will occur and what it entails.

NON Right-of-way

If you need a permit for anything that is not within the ROW, or for a Residential ROW use, please contact the Real Estate Department at (907) 265-2465

Right-of-Way

The type of permit required for use of the ROW is dependent on the type of use and whether or not the use is being covered under a Blanket Permit. General guidance regarding the permit types is provided in the table below. If you aren't sure which permit is required, please email your question to ROWpermits@akrr.com or call the ROW Permits Administrator at (907) 265-2347.

General Need	Activity	Duration / Frequency	Permit
Site Investigation / access only	<ul style="list-style-type: none"> • Surveying • Geotechnical • Environmental • Videography • Photography • Etc... 	One time for a single project	Standard Entry Permit
		Multiple times for multiple projects	Blanket Entry Permit good for 5 years with Access Notifications for each access occurrence.
Maintenance <i>(with existing permit)</i>	<ul style="list-style-type: none"> • Tree/Brush Cutting • Pavement/Striping restoration • Painting/Cleaning • Etc... 	ANY	Access Notification
New construction	<ul style="list-style-type: none"> • Crossing • Roadway • Trail • Utility • Etc... 	ANY	ROW Use Permit, Temporary Construction Permit (TCP)*
Special Land Use	<ul style="list-style-type: none"> • Parking • Storage • Clearing • Etc... 	ANY	ROW Use Permit, Temporary Construction Permit (TCP)*

*A TCP is required when the following two conditions are met:

1. A contractor other than the Permittee will be working on ARRC Property and
2. The Permittee does not insure and indemnify the ARRC for Work performed by a contractor.

The difference between a Draft TCP and an Executed TCP:

A Draft TCP is an incomplete Temporary Construction Permit that lists the permit and fee requirements based on a project's scope of work. The Draft TCP is designed for the bidding of projects – the document can be included with the bid package to inform all bidders of the requirements of working on ARRC property. Once the project has been awarded, the contractor will turn the Draft TCP into a fully

executed Temporary Construction Permit by providing the information requested in Part 2 of the permit application and providing proof of insurance meeting the requirements found in the draft TCP.

An Executed TCP is a Temporary Construction Permit which has been signed by ARRC and the Permittee.

Site Investigations:

For those permits allowing engineering, environmental, or other site investigations, ARRC **requires** the Permittee to submit a copy of all reports and information gathered for review and comment prior to release to the public, any regulatory agency, or any other party without a direct contractual relationship for the work permitted on ARRC Right-of-Way. This includes (but is not limited to) wetland delineation, archeological surveys, critical habitat identification, and contaminated site assessments. Where differences of professional opinion between the Permittee and ARRC staff occur, additional reviews or coordination may be required.

There is a \$750 fee per document, per review. If any information is released without the prior review or incorporation of ARRC comments, ARRC may seek remedies for some or all parties involved.

Application Submissions:

Applications may be submitted in person, via mail, email, or fax:

Hand Deliver: Alaska Railroad Corporation Projects, Management & Engineering 327 West Ship Creek Avenue Anchorage, Alaska 99501 Attn: ROW Permits	Mail: Alaska Railroad Corporation Projects, Management & Engineering P.O. Box 107500 Anchorage, Alaska 99510-7500 Attn: ROW Permits	Email: ROWpermits@akrr.com Fax: (907) 265-2638 Attn: ROW Permits
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Permit Processing Times & Fees

The time it takes to process a permit and the fees associated with permits and permit applications are again dependent on where the permitted area is and what activity the permit covers.

NON Right-of-Way

If you need a permit for anything that is not within the ROW, please contact the Real Estate Department at (907) 265-2465

Right-of-Way

Permit Processing Times

The standard processing time for ARRC permit applications varies by the type of permit.

Within one week of submittal, the permit applicant should receive a confirmation from the ARRC regarding the receipt of the Permit Application Package and noting that the application is complete, or

that additional information is required. The permit processing times, outlined in the table below, will not begin until ARRC acknowledges, in writing, the receipt of a **complete** Permit Application Package. If additional information or coordination is required, the processing time will be extended until the issues are resolved.

A complete Permit Application Package includes the completed permit application form, any additional required information (e.g. project plans, business license) and the permit application fee.

The table below outlines the time required to process an application and represents the time between the acknowledgment that a complete Permit Application Package has been received and the time Applicant is notified that either the permit documents are ready for signature or that the permit application has been denied. The permit will then be executed within two weeks of the applicant returning the signed permit and supporting documentation and fees.

Rush processing is available with an additional fee for those permit applications that do not substantially deviate from the Technical Standards. Rush processing is NOT available for railroad crossings or longitudinal use of the ARRC Right-of-Way.

Type of Permit	Standard Processing	Rush Processing	Additional Considerations
Standard Entry	4 Weeks	2 Weeks	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed.
Blanket Entry	4 Weeks	2 Weeks	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed. • Additional 2 weeks for first Access Notification.
Access Notification <i>(if you already have a Blanket Permit)</i>	2 Weeks	-	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed.
ROW Use	8 Weeks	2 Weeks <i>(no crossings or longitudinal use)</i>	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed.
Temporary Construction (TCP) <i>(Full or Draft)</i>	8 Weeks	2 Weeks	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed.
Draft TCP Execution <i>(if a draft TCP has previously been issued)</i>	2 Weeks	-	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed.
Permit Modification	6 Weeks	-	<ul style="list-style-type: none"> • 10 business days to schedule flagging if needed.

NOTE: ARRC reserves the right to deny any Permit Application for any reason. A complete Permit Application Package meeting the Technical Standards does not guarantee the granting of a Permit.

Permit Costs:

ARRC permit applications require a non-refundable permit application fee. If approved, a separate permit fee will be required upon execution of the permit. In some cases, additional fees are required for processing documents, public notices, etc. Permit application fees are assessed per application. If the

Applicant wishes to make changes to its Application after ARRC has notified the Applicant that the Permit Application Package is complete, an additional fee may be required.

If the permit application is for a railroad crossing, Longitudinal Use (as defined in the Technical Standards), or requires a waiver from the Technical Standards, then a Reimbursable Services Agreement (RSA) will be required. Additionally, some large scale projects may require an RSA based upon complexity. When an RSA is executed, some application and permit fees may be waived as the cost of processing the permits and applications will be covered under the agreement.

Type of Permit	Permit Application Fee*	Permit Issuance Fee	Additional Fees
Standard Entry	\$750	\$750	<ul style="list-style-type: none"> • \$750 per field report or environmental document review • Flagging, as required
Blanket Entry	\$750	\$750	<ul style="list-style-type: none"> • Annual fee set by Real Estate • \$500 per entry • \$750 per field report or environmental document review • Flagging, as required
Access Notification <i>(if you already have a Blanket Entry Permit)</i>	-	\$500	<ul style="list-style-type: none"> • \$750 per field report or environmental document review • Flagging, as required
ROW Use	\$1250 <i>or RSA</i>	\$1650 <i>or RSA</i>	<ul style="list-style-type: none"> • Annual fee set by Real Estate • Flagging/Inspection as required
Full Temporary Construction (TCP)	\$1200 <i>or RSA</i>	\$1700	<ul style="list-style-type: none"> • Annual fee set by Real Estate • Flagging/Inspection as required
Draft TCP <i>(if TCP will be held by a contractor at a later date)</i>	\$1200 <i>or RSA</i>	-	
Draft TCP Completion <i>(if a draft TCP has previously been issued)</i>	-	\$1700	<ul style="list-style-type: none"> • Annual fee set by Real Estate • Flagging/Inspection as required
Permit Modification	\$750 <i>or RSA</i>	-	<ul style="list-style-type: none"> • Flagging/Inspection as required

*Application fees listed are for standard processing times; rush processing (2 weeks) requires an additional \$10,000. Note that rush processing is not available for certain ROW permits.

Application Submissions:

Applications may be submitted in person, via mail, email, or fax:

<p>Hand Deliver: Alaska Railroad Corporation Projects, Management & Engineering 327 West Ship Creek Avenue Anchorage, Alaska 99501 Attn: ROW Permits</p>	<p>Mail: Alaska Railroad Corporation Projects, Management & Engineering P.O. Box 107500 Anchorage, Alaska 99510-7500 Attn: ROW Permits</p>	<p>Email: ROWpermits@akrr.com</p> <p>Fax: (907) 265-2638 Attn: ROW Permits</p>
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Reimbursable Services Agreements

A Reimbursable Services Agreement (RSA) is an agreement between a permit applicant and the ARRC which allows the ARRC to bill costs associated with extensive plan reviews, Diagnostic Team studies, project development consulting, etc.

The following will always trigger the need for an RSA with the permit application:

- Any type of non-utility Railroad Crossing (defined as a road or trail passing over, under, or at the same grade as railroad tracks)
- Any new Industry Track (as defined in the Technical Standards)
- Any project that requires a waiver from the Technical Standards
- Any Longitudinal Use projects (as defined in the Technical Standards)
- Any project that requires adjustment of ARRC facilities

An RSA will be required for the execution of the permit for any project requiring flagging, inspection, or other participation by ARRC for the permitted activity.

RSAs also cover the costs to process permit applications and permit documents and therefore override the requirement for submitting application and permit fees.

If your project meets any of the criteria above or you believe an RSA is necessary for any other reason, be sure to submit your RSA paperwork prior to or in conjunction with your permit application.

If you do not have standard RSA paperwork or if you need ARRC to complete an estimate prior to completing an RSA, please contact the ROW Permits Administrator at (907) 265-2347 or ROW permits@akrr.com for assistance.

Administrative Appeals Process

Permit applications or modifications that have been denied may be appealed for administrative review. Within 14-days of the notice of denial, the Applicant may submit in writing their wish to appeal. The written notice must include:

- the decision being appealed
- the factual arguments supporting the claim(s) of the aggrieved party
- the specific relief sought
- contact information for the Applicant including the address, telephone number, and an email address
- signature of the applicant party
- a non-refundable fee of \$750

Within seven days of written notice and the receipt of the fee, the Permit Administrator will respond in writing to the Applicant that the administrative review has been initiated. Within 30-days, the Manager of ROW Permitting and Public Projects, or his designee, will assemble the Administrative Review Panel which includes:

- The Vice President of Real Estate, or his designee
- The Vice President of Engineering, or his designee
- The Superintendent of Transportation, or his designee

The Administrative Review Panel will review the written information provided by the Applicant, and information provided by the Manager of ROW and Public Projects. The decision of the Administrative Review Panel to grant the permit, with or without conditions, or deny the permit shall be final. The Applicant shall be notified in writing within 14-days of the Administrative Review Panel's decision.

Applications may be submitted in person, via mail, email, or fax:

Hand Deliver:

Alaska Railroad Corporation
Projects, Management & Engineering
327 West Ship Creek Avenue
Anchorage, Alaska 99501
Attn: ROW Permits

Mail:

Alaska Railroad Corporation
Projects, Management & Engineering
P.O. Box 107500
Anchorage, Alaska 99510-7500
Attn: ROW Permits

Email:

ROWpermits@akrr.com

Fax:

(907) 265-2638
Attn: ROW Permits

Insurance Requirements

Parties working on ARRC property are required to meet minimum insurance requirements. These requirements vary by location and activity.

The coverage listed below is one example of typical insurance requirements for new construction in the ROW. For insurance requirement specific to your project, please refer to your permit document or contact the ROW Permit Administrator at (907) 265-2347.

Commercial General Liability Insurance	During the entire term of the Permit, and during any holdover thereafter, whether or not authorized by ARRC, Permittee shall keep in full force and effect a policy of General Liability Insurance acceptable to ARRC with respect to the Permit Area and the operations of Permittee thereon, which the limits shall be not less than \$5,000,000 per occurrence and \$10,000,000 aggregate for Bodily Injury and Property Damage, including coverage for Premises and Operations Liability, Products and Completed Operations Liability, Contractual Liability, and Broad Form Property Damage Liability. Coverage shall not contain any exclusion for Explosion, Collapse, Underground, Rail Operations, or Work on Railroad Property, and shall name ARRC as additional insured.
Business Automobile Insurance	Automobile Liability insurance on all owned, non-owned, hired and rented vehicles with limits of liability of not less than \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage per each accident or loss.
Workers Compensation and Employers Liability Insurance	Worker's Compensation insurance in accordance with the statutory coverages required by the State of Alaska and, where applicable, insurance in compliance with any other statutory obligations, whether State or Federal, pertaining to the compensation of injured employees assigned to the Work, including but not limited to Voluntary Compensation, Federal Longshoremen and Harbor Workers Act, and the Federal Employers Liability Act.
Railroad Protective Liability Insurance	If any part of the work to be performed on ARRC Property is located within fifty feet (50') of a railroad track, then the Permittee shall also obtain Railroad Protective Liability Insurance (Alaska Railroad Corporation as named insured) with limits of liability of not less than \$5,000,000 Combined Single Limit for Bodily Injury and Property Damage per each accident or loss.

Each required policy needs to have the following endorsements:

1. Endorsed to include ARRC as an additional insured with respect to the performance of the work
2. Endorsed whereby the insurance company will notify ARRC of any material change, cancellation, non-renewal, or expiration of the insurance policy in writing not less than 30 days prior to the effective date
3. Endorsed with a waiver of subrogation rights in favor of ARRC
4. Endorsed with the Alaska Suit Endorsement

If a Permittee doesn't wish to indemnify and insure ARRC with respect to other parties onsite, those other parties must obtain their own permits (entry or temporary construction) and provide ARRC with insurance meeting the stated requirements.


Flagging / Inspection Requirements


Railroad Flag Protection is required per the Railroad Flagging Policy, which outlines the situation requirements of flag protection, scheduling requirements, and flagging costs.


ARRC may also require project inspection (at the same hourly rate as flagging) whenever work is occurring within the ROW. Contact the ROW Permit Administrator for additional information.

ROW Use Legal Issues

State & Federal Statutes

 [Act of 1914](#) - U.S. legislation authorizing the construction and operation of a railroad in Alaska. (March 12, 1914) (294KB)

 [Alaska Railroad Transfer Act \(ARTA\)](#) - U.S. Code Title 45 - Railroads: transfers ownership of the Alaska Railroad from federal government to state government. (January 14, 1983)

 [Alaska Railroad Corporation Act \(ARCA\)](#) - Alaska Statute (42.40) establishing the Alaska Railroad Corporation as a public corporation authorized to own and operate the Alaska Railroad (1984)


Legal Materials Relating to ROW Ownership and Exclusive Use

Alaska Railroad Legal Position and Analysis

 [Alaska Railroad Legal Analysis of ROW Ownership and Use](#) (December 2012) (2.7MB)

 [Residential ROW Use Policy \(RRUP\) Summary of History, Status and Issues](#) (January 2013) (3MB)


 [Letter to Roy Longacre](#) (July 24, 2012) (794KB)

 [Letter to Roy Longacre](#) (December 21, 2012) (2.5MB)

 [Letter to John Pletcher](#) (April 25, 2012) (5MB)

Bureau of Land Management Materials

 [U.S. Dept. of the Interior, Bureau of Land Management \(BLM\) Solicitor's Legal Opinion Regarding Conveyance of Federal Interests in Alaska Railroad Lands.](#) (12/20/2012) (931KB)

 [BLM Letter to Roy Longacre Regarding Conveyance of Federal Interests in Alaska Railroad Lands.](#)(1/22/2013) (712KB)

U.S. Dept. of the Interior, Interior Board of Appeals (IBLA) Case 2014-27 (ROW Patent Appeal)

 [IBLA Case No. 2014-27 Alaska Railroad Answer](#) (March 11, 2014) (10.7MB)

 [IBLA Case No. 2014-27 Alaska Railroad Answer: Exhibits A - E](#) (6.4MB)

 [IBLA Case No. 2014-27 Alaska Railroad Answer: Exhibits F - J](#) (4.5MB)