

Lease for Land and Track (LLT)

Lease for Land and Track (LLT) is required when the industry seeks to lease, maintain and operate over BNSF-owned track and the underlying land. A LLT outlines ownership of the track and land, maintenance responsibility, permitted uses and liability.

In most cases, the LLT begins at the clearance point and includes a minimum of 8½ feet of land on either side of the track. Additional land can be included in the lease upon request and BNSF approval.

Prior to the industry receiving service on a BNSF-owned track, a LLT must be executed and all necessary insurance certificates and requirements need to be approved by BNSF Risk Management.

Major Requirements

✓	New Business Review (NBR) Approval
✓	Track Application
✓	Approved 100% Track Plans
✓	Insurance Requirements Met (see reverse side)



Insurance Requirements

<p>General Liability Policy</p>	<ul style="list-style-type: none"> • Required limits of \$2M / occurrence; \$4M / aggregate • BNSF Railway and Jones Lang LaSalle Brokerage should be listed as additional insured • Copy of the additional insured endorsement • Primary and non-contributory • Contractual liability for railroads – 50 foot endorsement – CG2417 10 / 01 must be provided if the general liability policy contains an exclusion for work within 50 feet of railroad property • Waiver of Subrogation
<p>Auto Liability Policy</p>	<ul style="list-style-type: none"> • Required limits of \$1M, any auto coverage type • BNSF Railway listed as additional insured • Primary and non-contributory • Waiver of subrogation • If the company does not own any vehicles, they must provide hired and non-owned auto liability coverage and a letter stating they do not own any vehicles
<p>Workers Compensation Policy for State Where Work is Being Performed</p>	<ul style="list-style-type: none"> • Required statutory limits • Waiver of subrogation • If the work is being contracted, a right of entry agreement may be required of the contractor • If employees are leased, an alternate employer endorsement will be required from the leasing company
<p>All Risk Property Policy for Leased Track</p>	<ul style="list-style-type: none"> • Minimum Value of track, \$200 per linear foot of BNSF-owned track / 100% replacement cost • Loss payee in favor of BNSF Railway • 100% replacement cost
<p>Pollution Policy</p>	<ul style="list-style-type: none"> • Required limits for general liability \$5M / occurrence; \$10M / aggregate • Required limits Pollution Policy \$5M per occurrence • Required when commodity dictates

Additional Information

The named insured on the certificates must be the same name as listed on the contract.

Self-insurance: Allowed with prior permission from BNSF Railway. BNSF will require financial statement for a minimum of the last two years and may require additional documentation. The financials must be in the name of the company named on the contract. The statements will be reviewed by BNSF every three years thereafter.

Parental Guaranty: If the company requesting the lease cannot meet the financial requirements for self-insurance, but their parent company can, BNSF will propose the parent company enter into a parental guaranty for the financial obligations.

Insurance Carrier: If the insurance carrier does not meet the A- / VII AM Best rating or does not participate in AM Best, BNSF can review the lessee's financials to see if they meet the self-insurance assessment in order to obtain approval.