

## Rail Industrial Access Program – Grant Requirements Notebook

This document provides step by step instructions for participation in the Rail Industrial Access Program (RIAP). **Please review the information in the notebook carefully.** These instructions are presented in seven phases, which are summarized below:

- **PHASE I** is information to consider prior to making a formal application for grant funding. A NCID (user ID and password) is required to access the grants system. Visit: <https://ncid.nc.gov/login/login.html> and click on “Register!” to obtain a new NCDID user ID.
- **PHASE II** explains the application and application review process.
- **PHASE III** is information about the grant agreement (or contract) between the North Carolina Department of Transportation (NCDOT) and the Grantee.
- **PHASE IV** is information to consider prior to starting project work. **NCDOT review of plans, specifications and bid package, and concurrence with final contractor, is required prior to awarding a contract. The bid procurement requirements must be strictly adhered to.**
- **PHASE V** and **Phase VI** explain the process to be followed in order to receive grant funds. The track must be completed, inspected by the railroad, and in use prior to funds being reimbursed. Grantees should submit a Request for Reimbursement, attach documentation supporting the invoice, and a DBE-IS Subcontractor Payment Information Form.
- **PHASE VII** is information about project monitoring. The NCDOT monitors employment for two years and rail use for 5 years to ensure compliance with the industry’s commitment. For the duration of the project Grantees must submit annual reports electronically to the Office of State Budget and Management. <https://www.ncgrants.gov/>

Please call Rail Planning Manager, Neil Perry, P.E. at (919) 707-4711 or [nlperry@ncdot.gov](mailto:nlperry@ncdot.gov) if you have any questions.

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**Rail Industrial Access Program  
Documents:**

<a href="#"><u>RIAP Administrative Codes</u></a>
<a href="#"><u>Rail Division System Access Authorization Form</u></a>
<a href="#"><u>RIAP Policy and Procedure Summary</u></a>
<a href="#"><u>Sample Application</u></a>
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[Budget Revision Form](#)

[Railroad Acceptance Form](#)

[Request for Reimbursement Form](#)

[No Overdue Taxes Certification](#)

[Subcontractor Payment Information Form \(DBE-IS\)](#)

[Project Monitoring Form](#)

# PHASE I

## Pre-Application

- ▶ **Applicant**: Request RIAP policy & procedures and System Access Authorization form from NCDOT Rail Division
- ▶ **Applicant/Industry**: Discuss RIAP and potential project with NCDOT Rail Division
- ▶ **Applicant**: Meet with Railroad representative
- ▶ **Applicant**: Obtain Railroad commitment to serve project
- ▶ **Applicant**: Obtain support resolution from local government(s)

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## **Phase I – Pre-Application:**

1. Local governments, community development agencies, railroad companies, and industries are eligible to apply for funds to improve rail access. Before applying for RIAP funds, potential applicants should consider the following RIAP grant repayment requirements in the North Carolina Administrative Code ([19A NCAC 06B .0417](#)):

“If, within five years, the project tracks are abandoned, relocated, or sold without the consent of the Department, the Grantee must repay the Department the state's contribution to the cost of construction and materials.

The Grantee may also be required to repay the Department if, during the first five years, rail use falls below the goal levels specified in the industry certification or job goals (as specified in the industry certification) for the first two years are not met.”

The full administration code, [19A NCAC 06B .0400](#), should also be considered.

Please note that eligible costs for RIAP funding are as follows:

- (a) site preparation, including grading;
- (b) track construction;
- (c) switches; and
- (d) grade crossings and signals.

Costs not eligible for RIAP funding include:

- (a) Relocation of utilities;
- (b) Acquisition of rights of way; and
- (c) Rail docks or unloading facilities.

2. APPLICANT requests and obtains copy of [Rail Industrial Access Program Policy and Procedures](#) along with the Rail Division [System Access Authorization Form](#). The Rail Division System Access Authorization Form shall be filled out and returned to the NCDOT Rail Division per the instructions on the form. If the APPLICANT has any questions, please contact Rail Planning Manager: Mr. Neil Perry, P.E.: (919) 707-4711 or [nlperry@ncdot.gov](mailto:nlperry@ncdot.gov)

Grant management, from application completion to submittal of the invoice once the project is constructed and in service, is handled through the online NC Grants system. The System Access Authorization form is required to establish usernames for all persons involved in the grant workflow.

3. APPLICANT registers with NCID (user ID and password). NCID is required to access the grants system (<https://ncid.nc.gov/login/login.html>).
4. Rail Division Industrial Access Program Administrator discusses or meets with APPLICANT/INDUSTRY REPRESENTATIVE to provide an overview of the Program. Special attention will be given to eligible costs, allocation of funding and bid procurement requirements.
5. APPLICANT meets with railroad representative as soon as possible in planning process to inspect site, prepare preliminary plans, and prepare cost estimate to construct rail spur for proposed site.
6. APPLICANT obtains assurance of service commitment from railroad (See [Railroad Commitment Form](#)).
7. APPLICANT obtains resolution from local municipal government(s) (See [example of a resolution](#) of support).

***An interim letter of support may be accepted pending receipt of a formal resolution.***

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# PHASE II

## Application

- ▶ **Applicant**: Submit application, budget, conceptual plan, and all certifications to NCDOT Rail Division
- ▶ **NCDOT Rail Division**: Evaluate application & budget
- ▶ **NCDOT Rail Division**: Submit request for funding approval to Board of Transportation
- ▶ **Board of Transportation**: Approve funding

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## Rail Industrial Access Program

### Phase II – Application:

1. APPLICANT submits application ([See sample application](#)) and budget estimate for grant through online NC Grant Management system along with the following certifications:
  - Certification that the railroad has agreed to serve the facility (see [Railroad Commitment form](#))
  - Certification that the industry shall provide the jobs and rail traffic indicated in the application (see [Industry Commitment form](#))
  - Certification that all required easements have or will be obtained (see [Property Easement Certification Form](#))
  - Pledges that the industry and economic development organization (if applicable) will work with NCDOT on needed transportation improvements (see [Industry Safety Pledge Form](#) & [EDO Safety Pledge Form](#)).
  - Resolutions of support from County and City (if applicable) government (See [Sample Support Resolution](#)).
2. RAIL DIVISION receives and evaluates grant application and project budget. RAIL DIVISION scores project and determines funding level qualification (for scoring criteria, See [Policy & Procedures](#)). RAIL DIVISION will notify the APPLICANT that the application has been approved and awaits funding approval from the Board of Transportation.
3. RAIL DIVISION submits request to Board of Transportation to approve funds for the construction of a rail spur for proposed industry expansion/new location.
4. BOARD OF TRANSPORTATION approves funding at their monthly meeting.
5. RAIL DIVISION notifies the APPLICANT that the funding has been approved. Herein, the APPLICANT is referred to as the GRANTEE.

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# PHASE III

## Grant Agreement

- ▶ **NCDOT Rail Division**: Send award letter & request for plans and specifications to Grantee
- ▶ **NCDOT Rail Division**: Send grant agreement, Certification of No Overtue Taxes, Conflict of Interest Policy Certification, & W-9 form to Grantee
- ▶ **Grantee**: Return signed agreements and attachments to NCDOT Rail Division
- ▶ **Board of Transportation**: Approve entering into/signing the agreement

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## Rail Industrial Access Program

### **PHASE III – Grant Agreement:**

1. RAIL DIVISION prepares letter or notification to GRANTEE acknowledging grant approval and requesting that railroad-approved plans and specifications be submitted to Rail Division for review as soon as possible.
2. RAIL DIVISION prepares and sends [Rail Industrial Access Grant Agreement](#), [Conflict of Interest Policy Certification](#), [a No Overdue Taxes Certification](#), and W-9 Employer Taxpayer ID form to GRANTEE.
3. GRANTEE signs the agreements and and no overdue taxes certification, completes a W-9, and provides a Conflict of Interest Policy. These documents are returned to the Rail Division.
4. RAIL DIVISION submits request to Board of Transportation to execution of the agreement.
5. BOARD OF TRANSPORTATION approves signature of the agreement.

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# PHASE IV

## Pre-Construction

- ▶ **Grantee**: Submit monthly Progress Report forms to NCDOT Rail Division
- ▶ **Grantee**: Submit RR-approved plans & specs to NCDOT Rail Division
- ▶ **NCDOT Rail Division**: Discuss project with Grantee & answer additional questions
- ▶ **Grantee**: Comply with applicable state & federal environmental regulations
- ▶ **Grantee**: Adhere to RIAP bid procurement requirements
- ▶ **Grantee**: Take photo of project site prior to construction

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## Rail Industrial Access Program

### PHASE IV – Pre-Construction:

1. GRANTEE must publicly announce requirements for **professional services** and choose only pre-qualified consultants based on qualifications. Prepare the relevant Request for Letters of Interest ([Construction or Planning & Design Services](#)) before submitting to the Program Manager for comments. The process is outlined below
  - A) Prepare relevant draft Request for Letters of Interest
  - B) Submit for review to Program Manager and address resulting comments
  - C) Publicly notify all requirements for service
  - D) Select the most qualified firm and request cost proposal
  - E) Submit cost proposal, completed RS-2 forms (per RFLOI) to Program Manager.  
Contracts to exceed \$50,000 require NCDOT approval
  - F) Enter into the final contract after receiving comments
  - G) Submit a final copy of the executed contract to Program Manager

For more detailed information on the procurement process for professional services, see: (<https://connect.ncdot.gov/municipalities/Funding/Documents/ProfServ.pdf>).
2. GRANTEE should begin submitting [monthly progress reports](#) to the Rail Division upon execution of the grant agreement.
3. GRANTEE submits railroad-approved construction plans and specifications to Rail Division for their review. Plans, at minimum, shall identify the track(s) to be constructed, point of switch station, end of track station, stationing, length of track to be constructed, construction responsibility limits for railroad and contractor, grading associated with track construction, and who furnishes and installs the turnout on the railroad. Specifications shall list size of rail and ties to be provided along with other materials and miscellaneous hardware. Line item bid sheet is suggested. **(Note: Rail Division review will be for suggestions and recommendations only and not for approval.)**
4. Rail Division Planning and Design and Construction Branch staff member may make pre-construction site visit to review project budget, proposed plans/specifications and answer any additional questions grantee may have on program since initial coordination with Rail Planning's Program Manager.
5. An environmental review, study, or permitting may be required for certain projects including new construction and those significantly impacting bodies of water ([See summary of environmental regulations](#)).

6. GRANTEE should follow the four steps outlined below to meet the Rail Industrial Access Program's [bid procurement requirements](#).

Procurement Requirements	
State Funding	Bidding Requirement
>\$30,000	Materials or construction contracts - Informal
>\$90,000	Materials - Formal
>\$500,000	Construction - Formal

- A) Submit a request for bids to the Rail Division for review and approval;
- B) Obtain bids from contractors\* by a competitive bidding process (formal or informal);
- C) Submit a [bid tabulation](#) to the Rail Division. Recommend a bid award for review and approval by the Rail Division prior to the execution of the construction contract;
- D) Execute the contract after approval from the Rail Division.

Note that all steel and iron to be permanently incorporated into a construction or repair project must be produced in the United States pursuant to [N.C.G.S. §136-28.7](#)

7. GRANTEE should obtain photo documentation of the project site prior to construction beginning (for submission later with Request for Reimbursement).

\*A list of railroad contractors can be found at <http://www.ncbytrain.org/projects/industrial/rrconstuctcontract.html>

\*\*You may also search for NCDOT pre-qualified bidders and subcontractors at <https://partner.ncdot.gov/VendorDirectory/search.html?s=pbs&a=new>

\*This is not a complete list nor should it be considered a recommendation. Contractors must be currently licensed in NC

\*\*Railroad contractors are not required to be pre-qualified, only licensed in NC

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# PHASE V

## Construction

- ▶ **Grantee**: Provide signed construction contract & work schedule to NCDOT Rail Division
- ▶ **Grantee**: Obtain Railroad acceptance of project upon completion
- ▶ **Grantee**: Notify NCDOT Rail Division of project completion
- ▶ **Grantee**: Obtain photo documentation of track in service

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## Rail Industrial Access Program

### Phase V – Construction:

1. GRANTEE provides copy of signed construction contract and monthly work schedule to Rail Division Planning's Program Manager.
2. Final construction inspection and acceptance of track will be the responsibility of the operating railroad. GRANTEE provides to the Rail Division a [Railroad Acceptance Form](#) completed by the railroad indicating that track construction is acceptable and that rail service will be provided to subject industry site.
3. GRANTEE notifies Rail Division Planning's Program Manager construction is completed.
4. GRANTEE requests and receives rail service from the railroad.
5. GRANTEE obtains photo documentation of the rail spur after construction is completed (from the same perspective as the photo(s) taken prior to construction).

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# PHASE VI

## Request for Reimbursement & Audit

- ▶ **Grantee**: Submit Request for Reimbursement package to NCDOT Rail Division
- ▶ **NCDOT**: Review & approve Request for Reimbursement
- ▶ **Grantee**: Submit annual financial reports to NC State Office of Budget & Management

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## Rail Industrial Access Program

### Phase VI – Request for Reimbursement & Audit:

1. Prior to reimbursement, the project must be completed, inspected by the railroad, and placed in revenue service.
2. GRANTEE completes and uploads Request for Reimbursement package to the Rail Division grant management system:
  - ~ [Request for Reimbursement Form](#)
  - ~ [Subcontractor Payment Form \(DBE-IS\)](#)
  - ~ Copies of the contractor invoices and proof of payment
  - ~ Before-and-after photo documentation of project site
  - ~ Photo or waybill documentation that the first car has moved in revenue service over the new rail spur
3. RAIL DIVISION and NCDOT Fiscal review Grantee Request for Reimbursement.
4. After approval of Request for Reimbursement by Rail Division and NCDOT Fiscal, reimbursement check is submitted to GRANTEE.
5. GRANTEE submits annual financial/progress reports electronically to the Office of State Budget and Management: <https://www.ncgrants.gov/> (see [N.C. General Statute 143C-6-22](#) and [N.C. General Statute 143C-6-23](#), Non-State Entities Receiving State Funds).
6. NCDOT Fiscal may conduct audit and RAIL DIVISION closes project financial files.

Note: Please refer to the [Administrative Code for the Rail Industrial Access Program](#). If there are differences between the Administrative Code and this notebook, please apply guidelines identified in the Administrative Code.

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# PHASE VII

## Project Monitoring

- ▶ **Industry**: Report rail use & employment to NCDOT Rail Division for 1<sup>st</sup> 2 years after project completion
- ▶ **Industry**: Report rail use to NCDOT Rail Division for years 3, 4, & 5 after project completion.

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## **Rail Industrial Access Program**

### **Phase VII – Project Monitoring:**

1. GRANTEE, 1 year after construction, reports industry employment and rail uses to Rail Division.
2. GRANTEE, 2 years after construction, reports industry employment and rail uses to Rail Division.
3. GRANTEE, years 3, 4, & 5 after construction, continues to report industry rail uses to Rail Division.

See [Project Monitoring form](#).

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