

## FOREWORD

This policy sets forth Authority procedures and policies applicable to reviewing and granting right of way requests from third parties for the use of real estate at Ronald Reagan Washington National Airport (National Airport) and at Washington Dulles International Airport (Dulles Airport). These right of way requests include, but are not limited to, roadways that run through or along Dulles Airport such as Routes 28, 606 and the Greenway; or along the Dulles Airport Access Highway (Access Highway). Collectively, the National and Dulles Airport properties are referred to as “Airport Property.”

The policies and procedures articulated here are in addition to the construction permit policies and procedures that each Airport applies to any person or entity wishing to perform work on Airport Property. In addition, the Authority is required to use Airport Property only for airport purposes, as defined in 49 U.S.C. §49104(a)(2)(A). Further information about construction permit policies and procedures is available from the Engineering and Maintenance Department at either National or Dulles Airport. See Section 4 (see *paragraph 4.1*) for specific contact information.

This policy does not apply to leases of Authority property or to rights of way that may be granted in conjunction with such leases. It also does not apply to Authority contractor requests to install utilities or other equipment or facilities on Airport Property when such installations are made pursuant to an Authority contract. Such installations are subject only to the requirement to obtain a Construction Permit prior to commencing work.

This policy will be distributed to Vice Presidents, the Associate General Counsels, and the Managers of Engineering and Maintenance at each Airport. This Policy shall also be available to the public upon request, and shall be available through the Authority’s Website.

The President and Chief Executive Officer reserves the right to approve changes to this policy, including changes to the application fee, delegations of authority, or assignment of responsibility. The General Counsel is authorized to change the procedures applicable to the Authority’s issuance of real estate licenses.

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**James E. Bennett**  
**President and Chief Executive Officer**

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**Date**

## **1. PROCESS FOR REQUESTING A RIGHT OF WAY**

### **1.1 APPLICATION FOR RIGHT OF WAY**

Effective January 1, 2005, all firms, agencies or individuals wishing to acquire a right of way, or the use thereof, across Airport Property must submit a Right of Way Application form to the appropriate Airport Manager. A sample of the application is included in Appendix A. This application may be obtained from the Authority's website (<http://www.mwaa.com>) or by contacting the appropriate Airport Engineering and Maintenance Office. Contact information for the Airport Engineering and Maintenance Departments is found in paragraph 4.1. Each application shall identify the applicant; specify the location and purpose of the proposed right of way; provide information, including engineering drawings, concerning the applicant's facilities to be installed or constructed in the right of way; identify the firm that will perform the construction or installation within the right of way; and provide any other information requested on the application. An original application and three copies, plus the applicable application fee, shall be submitted to the appropriate Airport Manager.

Applications relating to the proposed use of Airport Property at National Airport shall be submitted to:

Vice President and Airport Manager  
Ronald Reagan Washington National Airport  
Washington, DC 20001-4901  
(703) 417-8003

Applications relating to the proposed use of Airport Property at Dulles Airport or along the Access Highway shall be submitted to:

Vice President and Airport Manager  
Washington Dulles International Airport  
Washington, DC 20041-0045  
(703) 572-2710

### **1.2 APPLICATION FEE**

Nongovernmental applicants shall submit their right-of-way applications accompanied by a nonrefundable \$2,500 application fee. This application fee offsets the Authority's costs associated with processing applications and the administrative activities associated with the right of way. Governmental applicants, including federal, state or local government agencies, cities, towns, counties, municipalities or other political subdivisions, are not required to submit the application fee. All other entities submitting right of way applications will be considered nongovernmental entities and subject to the application fee; provided, however, the Authority reserves the right to waive the application fee when circumstances warrant.

The application fee shall be submitted by check made out to the Metropolitan Washington Airports Authority, which shall be submitted with the original application to the appropriate Airport Manager.

### **1.3 APPLICATION PROCESSING**

The Airport Manager shall forward copies of each complete Right of Way Application it receives to Airport's Engineering and Maintenance Department, the Office of Engineering (MA-30), the Concessions and Property Development Office (MA-430) and the Office of General Counsel (MA-70) for review. The Office of General Counsel will draft the appropriate real estate permit, revocable license or easement document if: (1) the

Office of General Counsel determines there is no legal impediment to granting the right of way; and (2) the Office of General Counsel receives notice from the Authority Office of Engineering and the appropriate Airport Manager or their designees that the proposed right of way is consistent with Airport engineering and planning interests.

The Airport Engineering and Maintenance Department, Office of General Counsel, Office of Engineering or Airport Manager's Office staff may contact the applicant to obtain additional information in order to complete consideration of an application. Applicant's failure to submit requested information may delay processing of the application.

If the requested right of way will cross or be adjacent to a right of way previously granted by the Authority or its predecessor, the applicant must secure the written consent of the recipient of the previously granted right of way. A right of way will not be granted to the applicant without such consent.

Applicants should expect that Authority staff will require 6 to 8 weeks to process an application after it is received in the appropriate Airport Manager's Office. Actual processing time may vary depending on the complexity of the request, completeness of the application and supporting documents, and whether an easement or a license is to be granted.

#### **1.4 REVOCABLE LICENSE OR EASEMENT**

If the application review process is completed successfully, the Office of General Counsel will draft the appropriate right of way document that will establish the terms and conditions under which the right of way is granted. In most cases, this document will be a revocable license or permit that will authorize the applicant to occupy and use the right of way for a period of time. The revocable license or permit document allows the Authority to revoke the license or permit and require the right of way to be vacated. Under some circumstances, the Authority may grant an easement, which has a longer term and more permanence. Because easements require the Authority Board of Directors approval, easements will require additional time to obtain. The decision to grant a revocable license, permit or easement falls within the Authority's sole discretion.

#### **1.5 REVOCABLE LICENSE OR EASEMENT FEE**

In addition to the application fee, the Authority in its sole discretion may charge a fee for the use of the right of way. The Authority's decision concerning such fees may be based on many considerations, including the size, location and purpose of the right of way and whether a revocable license or easement is granted.

#### **1.6 AUTHORITY RIGHT TO REFUSE TO GRANT LICENSE OR EASEMENT**

The Authority in its sole discretion may refuse to grant a revocable license or easement if (1) the license or easement may interfere with current or future Authority use of the Airport or property within or adjacent to the right of way sought; (2) there is insufficient space on overpasses, bridges or other facilities that the applicant plans to use; (3) there are outstanding obligations owed by the license or easement applicant to the Authority; or (4) for any reason whereby granting of the license or easement would not be in the best interests of the Authority.

#### **1.7 LICENSE OR EASEMENT MODIFICATION**

Recipients of revocable licenses and easements are required to notify the Authority in advance of changes in the use of the right of way property, location of facilities within the right of way, and changes in the recipient's identity. If the license or easement must be modified, the recipient shall send a written request to the appropriate Airport Manager. The Authority will not charge an additional fee for processing such modifications.

## **2. RIGHTS OF WAY AFFECTING ROADS ON AIRPORT PROPERTY**

### **2.1 AUTHORITY ACCESS HIGHWAY**

Rights of way crossing the Authority Access Highway property, i.e., crossings that run north to south, shall cross the property at an overpass or at another location approved by the Authority. This requirement may be waived by the Authority for good cause. Rights of way that run parallel to the Access Highway, i.e., from east to west, are not normally permitted.

### **2.2 VIRGINIA DEPARTMENT OF TRANSPORTATION CONSENT**

If the requested right of way will cross or be located within or about the Dulles Toll Road or other Airport Property that has been granted by easement to the Virginia Department of Transportation (VDOT), the right of way applicant must provide evidence that it has secured VDOT consent to the right of way prior to obtaining a revocable license or easement from the Authority.

### **3. BASIC TERMS AND CONDITIONS OF REVOCABLE LICENCES AND EASEMENTS**

#### **3.1 TERM**

The term of revocable licenses and easements granted by the Authority shall not exceed June 7, 2067. The Authority may establish a shorter term in the easement or license. In most cases, revocable license terms will not exceed 20 years. Licenses and easements may contain terms providing for their renewal.

#### **3.2 LICENSE REVOCATION**

Unless agreed otherwise, the Authority may revoke licenses for any reason on 6 months' written notice by one party to the other. The Authority's property must be restored to its original condition, reasonable wear and tear excepted, unless otherwise permitted by the Authority.

#### **3.3 OWNERSHIP OF FACILITIES INSTALLED IN RIGHTS OF WAY**

The recipient shall retain ownership of the facilities it installs within rights of way granted by the Authority.

#### **3.4 AUTHORITY RESERVATION OF RIGHTS**

The Authority reserves the right to construct and maintain pavement, including roadways under and over the right of way, and to make any use of the right of way which may not be inconsistent with or interfere with the recipient's use of the right of way.

#### **3.5 INDEMNITY AND INSURANCE**

Unless waived by the Authority for good cause, the right of way recipient shall indemnify and hold harmless the Authority, its agents, directors, officers, and employees from any and all claims, liability, damage or expense, including reasonable attorneys fees, incurred by reason of the death, loss or damage of or to persons or property arising out of the recipient's use or occupancy of the right of way.

In addition, the recipient shall require its contractors engaged in construction, reconstruction, repair or maintenance activities within the right of way to carry Public Liability Insurance in a form acceptable to the recipient, insuring their liability under an indemnity agreement with initial limits of not less than: (1) \$1,000,000 for bodily injury to any one person, (2) \$2,000,000 for bodily injuries resulting from one occurrence, and (3) \$200,000 for property damage.

The recipient shall maintain liability insurance providing coverage for the recipient's operation, maintenance or repair of the facilities within the right of way and use or occupancy of the right of way, in amounts not less than: (1) \$1,000,000 for any bodily injury, (2) \$2,000,000 for bodily injuries resulting from one occurrence, and (3) \$200,000 for property damage.

#### **3.6 USE OF RIGHT OF WAY**

The recipient shall have full use of the right of way property for the purposes named in its license or easement. It shall have all rights and privileges necessary to its exercise of the license or easement as well as the right to use immediately abutting Authority-owned land adjoining the right of way when necessary during periods of actual construction or maintenance, after notice to the Authority and in compliance with any applicable airport rules, regulations, procedures and orders. The recipient shall not construct or erect any permanent building or structure on land abutting the right of way. Furthermore, the Authority's use of the adjacent or abutting property is not restricted, nor is the Authority required to notify the recipient if the Authority or any person or entity authorized by the Authority uses the adjacent or abutting property unless this

use will materially interfere with the recipient's use of its right of way.

At its own expense, the recipient shall restore all land included within or abutting the right of way that is disturbed in any manner by the recipient's construction, operation, maintenance, repair, replacement or removal activities within the right of way as nearly as possible to its original condition. Unless otherwise agreed in writing by the Authority, restoration shall include backfilling trenches and other areas excavated by the recipient or its contractors, repaving, replacing fences, reseeding or resodding, and any other reasonable repairs that the Authority deems necessary to preserve the land.

The Authority may require the recipient to use a utility locating company to perform a utility sweep of the proposed right of way in accordance with Section 3.1.4 of the Authority Design Manual before beginning any work within the right of way.

### **3.7 ASSIGNMENTS**

The recipient of a revocable license or easement from the Authority shall not assign, lease or sublease or otherwise transfer the license or easement, or permit others to use the right of way without the prior written consent of the Authority; except that the recipient shall have the right to assign, sublet or otherwise transfer the license or easement to any parent, subsidiary or affiliate of the recipient which shall control, be under the control of, or be under common control with the recipient.

### **3.8 GOVERNING LAW**

Revocable licenses and easements granted by the Authority shall be governed by and in accordance with the laws of the Commonwealth of Virginia.

### **3.9 ALTERING BASIC TERMS AND CONDITIONS**

The Authority may alter or waive the license and easement basic terms and conditions stated herein in its sole discretion and for good cause.

#### **4. CONSTRUCTION PERMIT REQUIREMENT**

Revocable license or easement recipients shall not commence any work within the right of way until they have received a Construction Permit from the appropriate Airport Manager. The following Departments should be contacted for assistance in obtaining a Construction Permit.

**Construction Permits for National Airport:**

Manager

Engineering and Maintenance Department  
Ronald Reagan Washington National Airport  
Washington, DC 20001-4901  
(703) 417-8060

**Construction Permits for Dulles Airport and the Access Highway:**

Manager

Engineering and Maintenance Department  
Washington Dulles International Airport  
Washington, DC 20041-0045  
(703) 572-2800

**APPENDIX A.**  
**RIGHT OF WAY APPLICATION FOR USE OF**  
**METROPOLITAN WASHINGTON AIRPORTS AUTHORITY PROPERTY**

**General Instructions:**

1. Submit one original and three copies of the application and the drawings along with a nonrefundable \$2,500 application fee (this fee applies if the application is for a new right of way and if the applicant is not a governmental entity) to the appropriate Airport Manager. Submit applications for proposed use of property at National Airport to: Vice President and Airport Manager, Ronald Reagan Washington National Airport, Washington, DC 20001-4901. Submit applications for proposed use of Airport Property at Washington Dulles International Airport or along the Dulles Airport Access Highway to: Vice President and Airport Manager, Washington Dulles International Airport, Washington, DC20041-0045.
2. Applicants shall submit scale drawings with the application. Plat-type drawings must be 8 ½" x 11", 8 ½" x 14", or 11" x 17". Construction drawings may be larger.
  - a. Plat-type drawings shall depict the requested right of way, Authority property lines, boundaries of the requested right of way (shown in bold lines), boundaries of any other rights of way within or adjacent to the requested right of way, dimensions of the right of way, north arrow, applicant's legal name and address, drawing number, date. These plat-type drawings shall be stamped and sealed by a Professional Land Surveyor registered in the Commonwealth of Virginia.
  - b. Construction drawings shall show all relevant aspects of the proposed project within the right of way, including depth of underground structures or height of above-ground structures; location of shut-off valves, vents, poles, manholes, bridges, and any other facilities relevant to the project to be constructed or installed in the right of way; applicant's legal name and address, drawing number and date. These construction drawings must be stamped and sealed by a Professional Engineer or Architect registered in the Commonwealth of Virginia.

**Project Owner Information**

1. Complete applicant name as it would appear in a legal document:  
\_\_\_\_\_

2. Company contact name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Cell: \_\_\_\_\_

3. Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Address for overnight mail \_\_\_\_\_

Should license or easement be mailed to this address?  Yes  No

If "no," list name and address to send License or Easement

4. Type of business:

Corporation (State of incorporation \_\_\_\_\_)

Partnership (Type and state of partnership \_\_\_\_\_)

Individual  Developer  Government

Other (Specify type \_\_\_\_\_)

**Engineer / Consultant Information (if any)**

1. Company Name: \_\_\_\_\_

2. Company contact name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Cell \_\_\_\_\_

3. Street Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Address for overnight mail \_\_\_\_\_

**Construction Company Information (if any)**

1. Name of firm performing construction

\_\_\_\_\_

2. Company contact name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Cell \_\_\_\_\_

3. Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

4. Address for overnight mail \_\_\_\_\_

\_\_\_\_\_

**Project Information:**

1. Is this installation  New?  Revision to existing?  
 Attachment to existing?  Upgrade to existing?

Note: If not new, provide existing License or Easement date or copy.

\_\_\_\_\_.

2. Purpose of crossing: \_\_\_\_\_  
(attach detailed description)

3. Length of crossing: \_\_\_\_\_ feet

Note: Authority staff may request additional project information during their review.)

**Supplemental Fiber Optic Information (Must be completed for fiber right of way proposals)**

4. Identify number of conduits and cables and intended user(s) of each conduit/cable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of fibers per cable: \_\_\_\_\_

**SIGNATURE:**

I affirm that the information furnished in this application is complete and accurate.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Application