

FILE

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Established 1844

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May 29, 2008

VIA HAND-DELIVERY

The Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

**Re: In the Matter of the Authorization of Norfolk Southern
Railway to Institute a Corridor Project in the City of
Springfield, Clark County.
PUCO Case No. 06-1326-RR-FED
Our File No: N1432/176814**

Dear Docketing Clerk:

Enclosed for filing are an original and seven (7) copies of a Supplemental Memorandum in Support of Request for Extension of Construction Deadline. Please file this pleading and then return a date-stamped copy to me.

Please call me – at (419) 241-6000 – if you have any questions or concerns.

Thank you.

Very truly yours,

EASTMAN & SMITH LTD.

D. Casey Talbott

DCT/kml
Enclosures

cc: Ms. Susan Kirkland (w/enc.)
Mr. Rick Ray (w/enc.)
Ms. Bonnie J. Johrendt (w/enc.)
West Central Ohio Port Authority (w/enc.)
City of Springfield (w/enc.)

PUCO

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

[illegible]

In the Matter of the Authorization of
Norfolk Southern Railway to Institute a
Corridor Project in the City of Springfield,
Clark County.

Case No. 06-1326-RR-FED

**SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF REQUEST FOR
EXTENSION OF CONSTRUCTION
DEADLINE**

D. Casey Talbott (0046767)
Christopher P. Aemisegger (0082868)
EASTMAN & SMITH LTD.
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777

Attorneys for Norfolk Southern
Railway Company

[illegible]

This matter is before the Commission on Norfolk Southern's request that it be granted an extension of time of twelve (12) months – through May 21, 2009 – within which to complete construction of this corridor project.

By Entry of May 14, 2008, the Attorney Examiner directed Norfolk Southern to provide further information in support of its request.

In response:

This is a massive project which involves a total of twenty three (23) separate crossings, five of which are to be closed and the other eighteen upgraded. The project involves complex design and engineering issues, and scope changes which required re-design and re-engineering. Installation has been complicated by various issues (*e.g.*, underground and overhead obstructions, etc.), and more so because Norfolk Southern has attempted to accomplish same while maintaining vehicular traffic as well as the functionality of the existing warning devices; also, final cut-over for most of the involved crossings must be accomplished in conjunction with all adjacent crossings, as well as the closure of the five crossings to be closed.

Attached at Exhibit A is a memorandum which confirms the scope and current status of each of the twenty three crossings at issue. This confirms that substantial work has been accomplished, but that additional time is warranted and necessary.

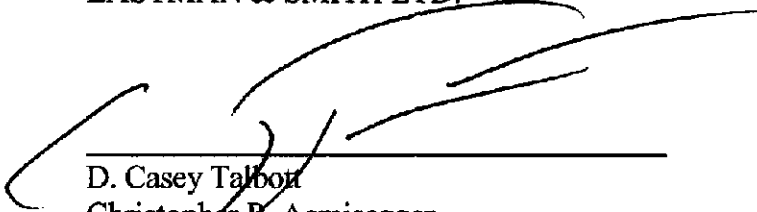
Further, on May 20, 2008 the involved parties entered into an agreement (copy attached at Exhibit B) whereby vehicle detection systems are to be installed at the four crossings receiving four-quadrant gates, and wayside horns at twelve of the crossings. This will now require formal bidding and outside design/engineering, and then extensive coordination with the City of Springfield's contractors, once hired. Upon installation (to Norfolk Southern's understanding, targeted for March or thereabouts of 2009), the vehicle detection systems and wayside horns will then need to be connected to Norfolk Southern's circuitry. This involves new technology which complicates the design/engineering and installation processes.

In light of the above, and after consultation with the Commission (by and through George Martin) and the City of Springfield (by and through Leo Shanayda, its city engineer),

Norfolk Southern respectfully requests that it be granted an extension of time of twelve (12) months – through May 21, 2009 – within which to complete this corridor project. (Norfolk Southern hopes that the corridor project can be completed a bit earlier – e.g., perhaps by late March or early April of 2009; however, due to the complexity of the project, the extensive coordination which must be accomplished with the City of Springfield and its outside contractor(s), the recent change in scope as implicated by the agreement of May 20, 2008, and the potential complications which may arise relating to winter weather, Norfolk Southern believes that May 21, 2009 is a more realistic deadline.)

Respectfully submitted,

EASTMAN & SMITH LTD.



D. Casey Talbot
Christopher P. Aemisegger
One SeaGate, 24th Floor
P.O. Box 10032
Toledo, Ohio 43699-0032
Telephone: (419) 241-6000
Fax: (419) 247-1777

Attorneys for Norfolk Southern
Railway Company

PROOF OF SERVICE

A copy of the foregoing *Supplemental Memorandum in Support of Request for Extension of Construction Deadline* was mailed this 29th day of May, 2008, to: **Ms. Susan Kirkland**, Ohio Rail Development Commission, 50 West Broad Street, 15th Floor, Columbus, Ohio 43615; **Mr. Rick Ray**, Norfolk Southern Railway Company, 1200 PeachTree Street, Atlanta, Georgia 30309; **Ms. Bonnie J. Johrendt**, Grade Crossing Planner, c/o The Public Utilities Commission of Ohio, 180 East Broad Street, 14th Floor, Columbus, Ohio 43215-3793; the **West Central Ohio Port Authority**, c/o **Larry W. Himes**, 76 East High Street, Springfield, Ohio 45502; and the **City of Springfield**, c/o **Andrew J. Burkholder**, Deputy Law Director, 76 East High Street, Springfield, Ohio 45502-1214



Attorney for Norfolk Southern
Railway Company

**Re: In the Matter of the Authorization of Norfolk Southern
Railway to Institute a Corridor Project in the City of
Springfield, Clark County.
PUCO Case No. 06-1326-RR-FED**

Scope/Status of Corridor Project (as of May 29, 2008)

W. Main St., #523507R

Scope: Directional boring involved, multi underground obstructions. Install 3 new lights and gates. Upgrade existing cantilever lights to 12". Electro code filters installed at signal location. New shelter. 400' + of DAX cable to be buried to Snyder St. Remove existing lights, gates and shelter.

Status: Warning devices installed, awaiting cut-over of GCP; also, upon installation, wayside horns to be connected to circuitry.

Snyder St., #523506J

Scope: Directional boring involved, multi underground obstructions. City to add curbing in both quads to maintain 4'3" from the face of the curb. New shelter and 395' of Dax cable. Remove existing warning devices and shelter.

Status: Warning devices installed, awaiting cut-over of GCP; also, upon installation, wayside horns to be connected to circuitry.

Zischler Rd., #523505C

Scope: Close grade crossing and remove existing warning devices.

Status: Awaiting authorization for closure.

Bechtle Ave., #523504V

Scope: Directional boring involved, multi underground obstructions. Overhead power lines in quad "B" needed to be raised for new warning devices. Upgrade existing cantilever lights to 12". Install 2 new gates and shelter. Bury 1400' of Dax cable to W.Main St.



May 29, 2008

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Status: Materials now on-site, with construction to commence shortly; also, upon installation, wayside horns to be connected to circuitry.

Isabella St., #523503N

Scope: Close grade crossing and remove existing warning devices.

Status: Awaiting authorization for closure.

Bell St., #523502G

Scope: Close grade crossing and remove existing warning devices.

Status: Awaiting authorization for closure.

Main St., #523501A

Scope: Directional boring involved, multi underground obstructions. Upgrade cantilever lights to 12" and install new lights, gates and shelter. 1800' of Dax cable needs to be buried. Bell St. to be closed and barricaded before cut-over and warning devices removed.

Status: Warning devices installed, awaiting cut-over of GCP (Bell St. must be closed to complete); also, upon installation, wayside horns to be connected to circuitry.

Western Ave., #523500T

Scope: Directional boring involved, multi underground obstructions. Re-use existing 8x8 shelter and cantilevers. Upgrade cantilever lights to 12". New lights and gates. Electro code filters installed at signal location. 1300' of Dax cable needs to be buried.

Status: Construction 75% complete; also, upon installation, wayside horns to be connected to circuitry.

Shaffer St., #523498U

Scope: Directional boring involved, multi underground obstructions. City to add curbing in quads "A" & "B". City to relocate utility poles in both quads. Install new cantilever, lights, gates and shelter. Bury 1500' of Dax cable

Status: Warning devices installed, awaiting cut-over of GCP; also, upon installation, wayside horns to be connected to circuitry.

W. High St., #523496F

Scope: Directional boring involved, multi underground obstructions. Remove existing warning devices and add new flashing lights and gates. Bury 2000' of Dax cable. Race St. to be closed and barricaded before cut-over and warning devices removed.

Status: Warning devices installed, awaiting cut-over of GCP (Race St. must be closed to complete); also, upon installation, wayside horns to be connected to circuitry.

Race St., #523495Y

Scope: Close grade crossing and remove existing warning devices.

Status: Awaiting authorization for closure.

S. Yellow Springs St., #523494S

Scope: Directional boring involved, multi underground obstructions. City to add curbing in quads "A" & "B". City to remove trees in quad "B" so a cantilever won't be required. Add new flashing lights with gates and remove old warning devices. Bury over 1900' of Dax cable.

Status: Materials now on-site, with construction to commence shortly; also, upon installation, wayside horns to be connected to circuitry.

Plum St., #523492D

Scope: Close grade crossing and remove existing warning devices.

Status: Awaiting authorization for closure.

Lowery St., #523490P

Scope: Directional boring involved, multi underground obstructions. 4 quad gate installation. City to add curbing in quads "A" & "C" and extend curbing in quad "D" to maintain 4'3" from the face of the curb. Bury 1500' of Dax cable. Add extra equipment in new 8X8 shelter due to extra gates. Electro code filters installed at signal location. Remove existing warning devices.

Status: Awaiting construction (plans sent to field, materials ordered but not yet shipped); also, upon installation, vehicle detection system and wayside horns to be connected to circuitry.

Wittenberg St., #523488N

Scope:

1. All new equipment. Four quad gates
2. The city to install curbing and islands
3. Hand digging will be required in all quads to avoid water and sewer lines.
4. Need to bury 500' of cable to Lowery Street and 600' of cable to Center Street.
5. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Awaiting construction (plans sent to field, materials ordered but not yet shipped); also, upon installation, vehicle detection system and wayside horns to be connected to circuitry.

Center St., #523486A

Scope:

1. All new equipment in the house.
2. Reuse existing cantilevers, install new gate mechanisms and upgrade to 12" lights.
3. City to install islands and curbing.
4. Need to bury 600' of cable to Fountain Avenue.
5. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Construction commenced on May 27, 2008.

Fountain Ave., #523485T

Scope:

1. This was designed as a four quad location, and had to be redesigned as a two quad location.
2. All new house and equipment.
3. Reuse existing cantilevers, install new gate mechanisms and upgrade to 12" lights.
4. Hand dig to avoid fiber optic cables.
5. Need to bury 600' of cable to Fountain Avenue.
6. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Awaiting construction (plans sent to field, materials ordered but not yet shipped).

Limestone St., #527967G

Scope:

1. This will be a four quad location.
2. This will be an all new house and equipment with an additional dax house.
3. Reuse the two existing cantilevers and upgrade to 12" lights.
4. Hand digging will be required in quad "C" to avoid underground fiber optic cable.
5. City will relocate sidewalks as needed.
6. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Awaiting construction (plans sent to field, materials ordered but not yet shipped); also, upon installation, vehicle detection system and wayside horns to be connected to circuitry.

Linden St., #527969V

Scope:

1. This is an all new four quad location.
2. This will be an all new house and equipment.
3. Existing DT&I flasher and cable to be reused.
4. Hand digging will be required in quads "B" & "C" due to underground gas line.
5. Hand digging will be required in quads "A" & "D" due to underground fiber optic cable.
6. Need to bury 900' of cable to the remote dax house.
7. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Awaiting construction (plans sent to field, materials ordered but not yet shipped); also, upon installation, vehicle detection system and wayside horns to be connected to circuitry.

York St., #527971W

Scope:

1. All new equipment.
2. Overhead power in quad "A" is an obstruction.
3. The city to install curbing.

4. Need to bury 1,500' of cable to Linden Street and 2,100' of cable to location 1 of control point CP-182.
5. Need to bury 1,500' of cable to location 4 of control point CP-182.
6. Some wiring changes in the existing tie-in case at CP-182.
7. Some wiring changes in the control house at CP-182.
8. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Warning devices installed, awaiting cut-over of GCP (will require major signal work to cut-over at CP182); also, upon installation, wayside horns to be connected to circuitry.

East St., #527972D

Scope:

1. Reuse existing house wire in GCP3000D2 (extensive wiring changes).
2. Reuse existing cantilevers and upgrade lamp units.
3. Install new gate arms, masts & mechanisms on existing foundations.
4. Reuse existing switch and signal cables, and install new track and city interconnect cables.
5. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Awaiting construction (plans sent to field, materials ordered but not yet shipped); also, upon installation, wayside horns to be connected to circuitry.

Burt St., #527973K

Scope:

1. Will renew some warning devices and all circuitry.
2. New shelter and equipment.
3. Reuse cantilevers but upgrade lamp units to 12".
4. Two new gates and mechanisms.
5. Four all new flashing light signals.
6. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Awaiting authorization from ORDC, complicated by another railroad's involvement; also, upon installation, wayside horns to be connected to circuitry.

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Burnett Rd., #527974S

Scope:

1. Remove auxiliary track through crossing
2. All new house and equipment. Relocate signal equipment into this house
3. Install all new cantilever and gates.
4. In-depth coordination will be required between the city and railroad for the interconnect.

Status: Construction commenced on May 27, 2008; also, upon installation, wayside horns to be connected to circuitry.



Ohio Rail Development Commission

50 West Broad Street, Suite 1510, Columbus, Ohio 43215
614-644-0306 (telephone) • 614-728-4520 (fax) • www.dot.state.oh.us/ohiorail

May 2, 2008

Mr. Matthew Kridler, City Manager
City of Springfield
76 East High Street
Springfield, Ohio 45502

Mr. Rob Marvin, Director of Transportation
Public Utilities Commission of Ohio
180 E. Broad Street
Columbus, Ohio 43215-3793

Mr. Robert A. Bartle, General Manager, Northern Region
Norfolk Southern Railway Company
4600 Deer Path Road
Suite 201
Harrisburg, PA 17110

Dear Messers:

The Ohio Rail Development Commission ("ORDC") and the City of Springfield ("City") have a mutual desire to modify Subsidy Agreement # 14245 executed October 13, 2006 ("Subsidy Agreement"), which is attached hereto as if fully rewritten herein. The necessity of the change involves the application of wayside horns to a number of crossings throughout the corridor and the installation of vehicle detection systems at the four (4) crossings receiving four-quadrant gates. Specifically, we request that language be added to both III. GRADE CROSSING UPGRADES and IV. COST ALLOCATION; BILLING and that XIII. HOLD HARMLESS PROVISION be replaced in its entirety with XIII. INDEMNITY AND INSURANCE and Appendix A SPECIAL PROVISIONS FOR PROTECTION OF RAILWAY INTEREST.

III. GRADE CROSSING UPGRADES

A. The City shall engage a contractor to perform the engineering and installation functions for the wayside horns and vehicle detection systems, and to perform any necessary maintenance or repair of the wayside horns and vehicle detection systems. The City shall be required to follow all appropriate policies governing the engagement of such contractor. ORDC shall review and approve the plans and specifications of the vehicle detection systems and wayside horns before work is commenced. ORDC shall bear the responsibility of ensuring that construction conforms to the approved plans and material specifications for the installation of the vehicle detection systems and wayside horns. Vehicle detection systems shall be placed at all four quadrant gate locations. Vehicle detection system shall be connected to Norfolk Southern's



circuitry to allow for proper activation. Wayside horns shall be connected to Norfolk Southern's circuitry to allow for proper activation at the following crossings:

<u>Highway Identification</u>	<u>USDOT No.</u>
W. Main St	523507R
Snyder Street	523506J
N. Bechtle Ave.	523504V
W. Main St.	523501A
S. Western Ave.	523500T
S. Shaffer St.	523498U
W. High St.	523496F
S. Yellow Springs St.	523494S
York St.	527971W
East Street	527972D
Burt St.	527973K
Burnett Rd.	527974S

B. If any time after six (6) months of operation of a wayside horn at any of the crossings identified in Section III. A : 1) the wayside horn fails to operate as intended; or 2) the horn at that crossing repeatedly (more than twice) fails to sound, the parties at Norfolk Southern's request shall discuss the situation. If a resolution is not agreed upon, Norfolk Southern may, with notice to the involved parties, disconnect the wayside horn and utilize the locomotive horn at that crossing.

IV. COST ALLOCATION; BILLING

The ORDC shall fund 100% of contract services related to the engineering, materials and installation functions of the vehicle detection systems on four quadrant gate applications. The ORDC shall make reimbursement directly to the contractor engaged by the City. The ORDC will reimburse the City for engineering, materials and installation functions for the wayside horns in accordance with the Subsidy Agreement. The ORDC shall make reimbursement directly to the contractor engaged by the City. The total costs borne by the ORDC shall not exceed \$5,000,000.

The City's engaged contractor may bill ORDC monthly for costs associated with the vehicle detection systems when costs exceed \$1,000. The City's contractor may also bill ORDC monthly or periodically for costs associated with wayside horn installations. The ORDC will reimburse for the wayside horn installations using funds from the City's funds transferred to the Ohio Department of Transportation by the area metropolitan planning organization. Only after Norfolk Southern has final billed all four (4) four quadrant gate installations will any remaining incentive funds (\$925,000) from the ORDC be used to reimburse for the wayside horn installations.

ORDC shall pay, or reimburse, the City or, at the request of the City and with the concurrence of ORDC, pay directly the City's contractor, the expense in accordance with the cost sharing provisions of this Agreement. ORDC will reimburse the City's contractor or the City within 45 days after receipt.

XIII. INDEMNITY AND INSURANCE

- A. ORDC/PUCO and/or City shall require that any contractor engaged by it or them agree, in writing, to indemnify Norfolk Southern for injury to or death of any person, or loss of or

damage to property arising from any work performed by such contractor pursuant to this Subsidy Agreement, and shall require such contractor to procure and maintain in force insurance protection which shall conform to the requirements specified in Appendix A ("Special Provisions for Protection of Railway Interest"), a copy of which is attached hereto and incorporated by reference herein.

- B. City shall procure and maintain in force insurance protection which shall conform to the requirements specified in Section A.2 of Appendix A while the City performs maintenance of the wayside horns and vehicle detection systems. In addition, City shall provide evidence of insurance pool participation naming Norfolk Southern as an additional insured.

Sincerely,



Matthew R. Dietrich
Executive Director


The above-referenced modifications to the Subsidy Agreement are hereby agreed to and accepted this 20th day of May, 2008.

CITY OF SPRINGFIELD

BY: 

NAME:  Matthew Kridler
TITLE: City Manager

APPROVED AS TO FORM
AND CORRECTNESS


Deputy Law Director

NORFOLK SOUTHERN RAILWAY COMPANY

BY: _____

NAME: Robert A. Bartle
TITLE: General Manager, Northern Region

PUBLIC UTILITIES COMMISSION OF OHIO

BY: _____

NAME: Robert E. Marvin
TITLE: Director of Transportation

APPROVED AS TO FORM WITH REGARD TO
OHIO RAIL DEVELOPMENT COMMISSION ONLY


Assistant Attorney General Alan H. Klodell

damage to property arising from any work performed by such contractor pursuant to this Subsidy Agreement, and shall require such contractor to procure and maintain in force insurance protection which shall conform to the requirements specified in Appendix A ("Special Provisions for Protection of Railway Interest"), a copy of which is attached hereto and incorporated by reference herein.

- B. City shall procure and maintain in force insurance protection which shall conform to the requirements specified in Section A.2 of Appendix A while the City performs maintenance of the wayside horns and vehicle detection systems. In addition, City shall provide evidence of insurance pool participation naming Norfolk Southern as an additional insured.

Sincerely,



Matthew R. Dietrich
Executive Director

The above-referenced modifications to the Subsidy Agreement are hereby agreed to and accepted this 20th day of May, 2008.

CITY OF SPRINGFIELD

BY: _____

NAME: Matthew Kridler
TITLE: City Manager

NORFOLK SOUTHERN RAILWAY COMPANY

BY: Robert A. Bartle

NAME: Robert A. Bartle
TITLE: General Manager, Northern Region

PUBLIC UTILITIES COMMISSION OF OHIO

BY: _____

NAME: Robert E. Marvin
TITLE: Director of Transportation

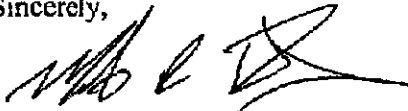
APPROVED AS TO FORM WITH REGARD TO
OHIO RAIL DEVELOPMENT COMMISSION ONLY


Assistant Attorney General Alan H. Klodell

damage to property arising from any work performed by such contractor pursuant to this Subsidy Agreement, and shall require such contractor to procure and maintain in force insurance protection which shall conform to the requirements specified in Appendix A ("Special Provisions for Protection of Railway Interest"), a copy of which is attached hereto and incorporated by reference herein.

- B. City shall procure and maintain in force insurance protection which shall conform to the requirements specified in Section A.2 of Appendix A while the City performs maintenance of the wayside horns and vehicle detection systems. In addition, City shall provide evidence of insurance pool participation naming Norfolk Southern as an additional insured.

Sincerely,



Matthew R. Dietrich
Executive Director

The above-referenced modifications to the Subsidy Agreement are hereby agreed to and accepted this 20th day of May, 2008.

CITY OF SPRINGFIELD

BY: _____

NAME: Matthew Kridler
TITLE: City Manager

NORFOLK SOUTHERN RAILWAY COMPANY

BY: _____

NAME: Robert A. Bartle
TITLE: General Manager, Northern Region

PUBLIC UTILITIES COMMISSION OF OHIO

BY: 

NAME: Robert E. Marvin
TITLE: Director of Transportation

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Appendix A

SPECIAL PROVISIONS FOR PROTECTION OF RAILWAY INTEREST

INSURANCE:

- A. In addition to any other forms of insurance or bonds required under the terms of the contract and specifications, the Prime Contractor will be required to carry insurance of the following kinds and amounts:
1. Commercial General Liability Insurance having a combined single limit of not less than \$2,000,000 per occurrence for all loss, damage, cost and expense, including attorneys' fees, arising out of bodily injury liability and property damage liability during the policy period. Said policy shall include explosion, collapse, and underground hazard (XCU) coverage, shall be endorsed to name Railroad specified in item A.2.c. below both as the certificate holder and as an additional insured, and shall include a severability of interests provision.
 2. Railroad Protective Liability Insurance having a combined single limit of not less than \$2,000,000 each occurrence and \$6,000,000 in the aggregate applying separately to each annual period. If the project involves track over which passenger trains operate, the insurance limits required are not less than a combined single limit of \$5,000,000 each occurrence and \$10,000,000 in the aggregate applying separately to each annual period. Said policy shall provide coverage for all loss, damage or expense arising from bodily injury and property damage liability, and physical damage to property attributed to acts or omissions at the job site.

The standards for the Railroad Protective Liability Insurance are as follows:

- a. The insurer must be rated A- or better by A.M. Best Company, Inc.
- b. The policy must be written using one of the following combinations of Insurance Services Office ("ISO") Railroad Protective Liability Insurance Form Numbers:
 - (1) CG 00 35 01 96 and CG 28 31 10 93; or
 - (2) CG 00 35 07 98 and CG 28 31 07 98; or
 - (3) CG 00 35 10 01; or
 - (4) CG 00 35 12 04.
- c. The named insured shall read:
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191
Attn: D. W. Fries, Director Risk Management
- d. The description of operations must appear on the Declarations, must match the project description in this agreement, and must include the appropriate Department project and contract identification numbers.
- e. The job location must appear on the Declarations and must include the city, state, and appropriate highway name/number.
- f. The name and address of the prime contractor must appear on the Declarations.

- g. The name and address of the Department must be identified on the Declarations as the "Involved Governmental Authority or Other Contracting Party."
 - h. Other endorsements/forms that will be accepted are:
 - (1) Broad Form Nuclear Exclusion – Form IL 00 21
 - (2) 30-day Advance Notice of Non-renewal or cancellation
 - (3) Required State Cancellation Endorsement
 - (4) Quick Reference or Index Form CL/IL 240
 - i. Endorsements/forms that are **NOT** acceptable are:
 - (1) Any Pollution Exclusion Endorsement except CG 28 31
 - (2) Any Punitive or Exemplary Damages Exclusion
 - (3) Known injury or Damage Exclusion form CG 00 59
 - (4) Any Common Policy Conditions form
 - (5) Any other endorsement/form not specifically authorized in item no. 2.h above.
- B. If any part of the work is sublet, similar insurance, and evidence thereof as specified in A.1 above, shall be provided by or on behalf of the subcontractor to cover its operations on Railroad's right of way.
- C. Prior to entry on Railroad right-of-way, the original Railroad Protective Liability Insurance Policy shall be submitted by the Prime Contractor to the Department at the address below for its review and transmittal to the Railroad. In addition, certificates of insurance evidencing the Prime Contractor's and any subcontractors' Commercial General Liability Insurance shall be issued to the Railroad and the Department at the addresses below, and forwarded to the Department for its review and transmittal to the Railroad. The certificates of insurance shall state that the insurance coverage will not be suspended, voided, canceled, or reduced in coverage or limits without (30) days advance written notice to Railroad and the Department. No work will be permitted by Railroad on its right-of-way until it has reviewed and approved the evidence of insurance required herein.

DEPARTMENT:

RAILROAD:

Mr. D. W. Fries, ARM
Director Risk Management
Norfolk Southern Railway Company
Three Commercial Place
Norfolk, Virginia 23510-2191

- D. The insurance required herein shall in no way serve to limit the liability of Department or its Contractors under the terms of this agreement.