

This is Aberdeen Carolina & Western Railway Co standard insurance requirements per any agreements with any contractor/company on/near our tracks.

10. INSURANCE:

10.1 Prior to commencement of surveys, installation or occupation of Premises pursuant to this Agreement, Licensee shall procure and shall maintain during the continuance of this Agreement, at its sole cost and expense, a policy of Commercial General Liability Insurance (CGL), naming Licensor as additional insured and covering liability assumed by Licensee under this Agreement. A coverage limit of not less than FIVE MILLION AND 00/100 U.S. DOLLARS (\$5,000,000.00) Combined Single Limit per occurrence for bodily injury liability and property damage liability is currently required as a prudent limit to protect Licensee's assumed obligations. The evidence of insurance coverage shall be endorsed to provide for thirty (30) days' notice to RAILROAD prior to cancellation or modification of any policy. Mail CGL certificate, along with agreement, to ATTN: ACWR General Manager, 102 Depot St., Star, NC 27356. On each successive year, send certificate to ACWR General Manager at the address listed above.

10.2 If Licensee's existing CGL policy(ices) do(es) not automatically cover Licensee's contractual liability during periods of survey, installation, maintenance and continued occupation, a specific endorsement adding such coverage shall be purchased by Licensee. If said CGL policy is written on a "claims made" basis instead of a "per occurrence" basis, Licensee shall arrange for adequate time for reporting losses. Failure to do so shall be at Licensee's sole risk.

10.3 Licensor may at any time request evidence of insurance purchased by Licensee to comply with this Agreement. Failure of Licensee to comply with Licensor's request shall be considered a default by Licensee.

10.4 Securing such insurance shall not limit Licensee's liability under this Agreement, but shall be security therefore.

10.5 Specifically to cover construction and/or demolition activities within fifty feet (50') of any operated railroad track(s) or affecting any railroad bridge, trestle, tunnel, track(s), roadbed, overpass or underpass, Licensee shall pay to Licensor the sum of ONE THOUSAND THREE HUNDRED FIFTY AND 00/100 U.S. DOLLARS, (\$1,350.00) to cover the cost of adding this Crossing to Licensor's Railroad Protective Liability (RPL) Policy for the period of actual construction.

Also send a copy of the insurance to:

Department of Transportation
Engineering & Safety Branch
Attn. Meredith McLamb
1556 Mail Service Center
Raleigh N. C. 27699-1556

Average daily train count is 6 at 30 mph.