

1 **(August 7, 2006)**

2 **Contractor's Right of Entry and Insurance Requirements - BNSF**

3 No work shall commence within BNSF Railway Company (BNSF) right of way until the
4 Contractor has executed, delivered, and received in return the fully executed
5 Contractor's Right-of-Entry Agreement from BNSF, and has obtained all of the
6 insurance required by the Railroad. All work within BNSF's right of way shall be in
7 accordance with BNSF's Contractor Requirements and the Contractor's Right of Entry
8 Agreement (See Appendices).

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10 The Contractor, its Subcontractors or agents, shall at its own expense, obtain and
11 maintain in force all insurance required by BNSF until the completion date of the
12 contract as described in Section 1-08.5 except as stated herein.

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14 When all the work involving construction activities within or immediately adjacent to the
15 Railroad right of way is completed, the Contractor may make a written request to the
16 Engineer to be relieved of the responsibility to continue the insurance required by
17 BNSF. If the Engineer deems the portion of the work in that area is complete, the
18 Engineer may approve the Contractor's request. However, if for any reason the
19 Contractor resumes or starts any new work in that area (including being ordered to do
20 so by the Engineer), the insurance shall be reinstated by the Contractor before the work
21 is started. If the insurance must be reinstated because of the Contractor's activities or
22 failure of the Contractor to perform all the contract requirements, the costs shall be the
23 responsibility of the Contractor. If the insurance must be reinstated because of changes
24 to the contract, the costs will be considered in accordance with Section 1-04.4.