

SUPPLEMENTAL SPECIAL PROVISIONS

APPENDIX M

**BNSF RAILROAD'S
SAFETY REQUIREMENTS**

RAILROAD'S SAFETY REQUIREMENTS

Prior to entering the Premises, Licensee shall and shall cause its contractor to comply with all Licensor's applicable safety rules and regulations. Prior to commencing any work on the Premises, Licensee shall complete and shall require its contractor to complete the safety training program at the Licensor's Internet Website "contractororientation.com". This training must be completed no more than one year in advance of Licensee's entry on the Premises.

- No employee of the Grantee, its contractors, subcontractors, agents or invitees shall enter the Railroad's property without first having attended Railroad's Contractor Safety Orientation session. The Grantee and its contractors shall ensure that at a minimum its on-site project supervisor(s) have attended a Safety Orientation conducted by Railroad, or its representative, and that each of its employees, subcontractors, agents or invitees have received the same Safety Orientation through sessions conducted by or through the Grantee and its contractor before any work is performed. The Grantee and its contractor shall give Railroad advance notice for scheduling the Safety Orientation.
- The Grantee and its contractors shall notify Railroad and provide blasting plans to the Railroad for review seven (7) calendar days prior to conducting any blasting operations adjacent to or on Railroad's property.
- The Grantee and its contractors shall immediately notify the Resource Operations Center at 1(800)832-5452 of any discharge, release or spill of any hazardous waste, hazardous substance, petroleum or other deleterious material adjacent to or on the project site
- The Grantee and its contractors shall develop and implement a Safety Action Plan which shall be made available to Railroad prior to commencement of any work. During the performance of work, the Grantee and its contractors shall audit their compliance with the Safety Action Plan. The Grantee and its contractors shall designate an on-site project supervisor who shall serve as the contact person for the Railroad and who shall maintain a copy of the Safety Action Plan and subsequent audits at the job site for inspection and review by the Railroad at any time during the course of the work. The Safety Action Plan shall contain, but not be limited to, the following:
 - Grantee's /Contractor's Employee Safety
 - Safety Orientation
 - Job Briefings
 - Personal Protective Equipment
 - Work After Hours
 - Contractor Employee Training
 - Personal Injury reporting
 - Accident Investigation and Analysis
 - High Risk Work Area/Situations
 - Security of Machines, Equipment and Vehicles
 - Powerline Safety
 - Excavation Safety

- High Risk Employees
 - Alcohol and Drug Use
 - Firearms or Deadly Weapons
 - Property Damage, Housekeeping and Clean-up
 - Storage of Materials
 - Facility Auditing
 - Compliance with Laws
 - Hazardous Substances and Materials
 - Discharges, Releases and Spills
 - Hazardous Materials Encountered in Excavations
- Before beginning any task on the Railroad's property, a thorough job safety briefing shall be conducted with all personnel involved with the task and repeated when the personnel or task changes.
 - Any Grantee employee or contractor employee, its subcontractors employee, agents or invitees under suspicion of being under the influence of drugs or alcohol, or in the possession of same, will be removed from the Railroad's property and subsequently released to the custody of a representative of Grantee's or its contractor's management. Future access to the Railroad's property by that employee will be denied.
 - All persons are prohibited from having pocket knives with blades in excess of three (3) inches, firearms or other deadly weapons in their possession while working on Railroad's property.
 - All personnel protective equipment used on the Railroad's property site shall meet OSHA and ANSI specifications. Hearing protection, fall protection and respirators will be worn as required by State and Federal regulations.
 - Machines or vehicles must not be left unattended with the engine running. Parked machines or equipment must be in gear with brakes set and, if equipped with blade, pan or bucket, they must be lowered to the ground. All machinery and equipment left unattended on Railroad's property must be left inoperable and secured against movement.
 - All power line wired must be considered dangerous and of high voltage unless Grantee and its contractor has been informed to the contrary by proper authority. For all power lines the minimum clearance between the lines and any part of the equipment or load shall be: 200 KV or below – 15 feet, 200 to 350 KV – 20 feet, 350 to 500 KV – 25 feet, 500 to 750 KV - 35 feet, 750 to 1000 KV – 45 feet and if capacity of the line is not known, minimum clearance of 45 feet must be maintained. A person shall be designated to observe clearance of the equipment and give a timely warning for all operations where it is difficult for an operator to maintain the desired clearance by visual means.
 - Before excavating, it must be ascertained by the Grantee and its contractor if there are any underground pipe lines, electric wires, or cables, including fiber optic cable systems, which are located within the Railroad's property. Excavating on the Railroad's property could result in damage to buried cables resulting in business interruptions involving loss of revenue and profits. Before any

excavation commences, the Grantee and its contractor must contact Railroad. All underground and overhead wires must be considered HIGH VOLTAGE and dangerous until verified with the company having ownership of the line. It is also the Grantee and its contractor's responsibility to notify any other companies that have underground utilities in the area and arrange for the location of all underground utilities before excavating.

- If obstructions are encountered that do not appear on the drawings for the work, Grantee and its contractor must immediately notify and consult with Railroad prior to continuing excavation in the area. If the obstruction is a utility, and the owner of the utility can be identified, then the Railroad should also be notified immediately. If there is any doubt about the location of underground cables or lines of any kind, no work will be performed until the exact location has been determined. There will be no exceptions to these instructions.
- Any excavations, holes or trenches on the Railroad's property must be covered, guarded and/or protected when not being worked on. When leaving work areas at night and over weekends, all areas must be secured and left in a condition that will ensure Railroad's employees and other personnel and other persons who may be working or passing through the area are protected from all hazards. All excavations must be back filled as soon as possible.
- Railroad is required to report certain injuries as a part of compliance with Federal Railroad Administration (FRA) reporting requirements. Any personal injury sustained by an employee of the Grantee or its contractor, Grantee's invitees, a subcontractor or contractor's invitees while on Railroad's property must be reported immediately (by phone mail if unable to contact in person) to the Railroad. The Non-Employee Personal Injury Data Collection Form contained herein is to be completed and sent by Fax to Railroad at 1(817) 352-7595 no later than the close of shift on the date of injury.

NON-EMPLOYEE PERSONAL INJURY DATA COLLECTION

INFORMATION REQUIRED TO BE COLLECTED PURSUANT TO FEDERAL REGULATION. IT SHOULD BE USED FOR COMPLIANCE WITH FEDERAL REGULATIONS ONLY AND IS NOT INTENDED TO PRESUME ACCEPTANCE OF RESPONSIBILITY OR LIABILITY.

1. Accident City/State _____ 2. Date: _____
Time: _____
County: _____ 3. Temperature: _____ 4.
Weather: _____
5. Social Security #: _____
6. Name _____ (Last, _____ First.
Mi): _____
7. Address: Street: _____ City: _____ St: _____
Zip: _____
8. Date of Birth: _____ and/or Age: _____
Gender: _____
9. (a) Injury: _____ (if available) (b) Body
Part: _____
(i.e. (a) Laceration (b) Hand)
10. Description of Accident (To include location, action, result, etc.):

11. Treatment:
_____ First Aid Only
_____ Required Medical Treatment
_____ Other Medical Treatment
12. Dr. Name: _____ Date: _____
13. Dr. Address:
Street: _____ City: _____ State: _____
Zip: _____

14. Hospital
Name: _____

15. Hospital Address:
Street: _____ City: _____ State: _____
Zip: _____

16. Diagnosis: _____

**FAX TO
RAILROAD AT (817) 352-7595**