

INSURANCE REQUIREMENTS 2015
(near-track construction/demo projects)¹

1. Specific Insurance Requirements

Worker's Compensation and Employer's Liability	<ul style="list-style-type: none"> • Statutory liability (Part A) under the workers' compensation laws of the state(s) in which the work is to be performed • Employers' Liability (Part B) with limits of at least \$1,000,000 each accident, \$1,000,000 by disease policy limit, \$500,000 by disease each employee 	
Commercial General Liability	<ul style="list-style-type: none"> • \$5,000,000 per occurrence • \$10,000,000 general aggregate 	<p>Coverage must be purchased on a current edition ISO occurrence form or equivalent and include coverage for the following:</p> <ul style="list-style-type: none"> • Bodily Injury and Property Damage • Personal Injury and Advertising Injury • Fire Legal Liability • Products and Completed Operations • Contractual Liability <p>The policy shall contain the following endorsements on the Certificate of Insurance:</p> <ul style="list-style-type: none"> • Employer's liability or workers' compensation related exclusions in the policy shall apply only to employees of the Named Insured and shall not apply to Railroad employees. • The definition of "insured contract" shall be amended to remove any exclusion or other limitation for work being done within 50 feet of railroad property • A Waiver of Subrogation • Additional Insured endorsement in favor of INRD • Separation of Insureds • That policy shall be primary and non-contributing with respect to any insurance carried by the Railroad • The policy shall contain no exclusion for subcontractors
Business Auto Liability	\$1,000,000 per accident	<ul style="list-style-type: none"> • Current edition of ISO form CA 00 01 or equivalent. • Describing in its "Declarations" the automobiles covered as 'Symbol 1: Any 'Auto"' (i.e., owned, hired or non-owned vehicles).
Railroad Protective Liability ²	<ul style="list-style-type: none"> • \$3,000,000 per occurrence • \$6,000,000 general aggregate 	<ul style="list-style-type: none"> • ISO-RIMA form or equivalent form approved by the Railroad.

¹ These insurance requirements are for suppliers providing services for projects involving construction or demolition within 50 ft. of track.

² RPL may be purchased through the railroad.

2. General Insurance Requirements.

- (a) **Policies.** All policies must
- (i) Be issued by carriers having ratings of Best's Rating of A or better and a Best's Financial Size Category of Class VIII or better and/or *Standard & Poor Insurance Solvency review* A- or better, and admitted to engage in the business of insurance in the State of Texas;
 - (ii) Be primary with the policies of the Railroad and other additional insureds being excess and noncontributing;
 - (iii) Provide a waiver of subrogation in favor of the Railroad (by endorsement, if necessary);
 - (iv) With respect to all liability policies except workers' compensation/employer's liability and professional liability be endorsed to include the Railroad as "additional insured" under a form which does not exclude coverage for the sole or contributory negligence of the additional insureds;
 - (v) Contain provision for 30 days' prior written notice by insurance carrier to Railroad required for cancellation, nonrenewal, or substantial modification.
- (b) **Limits, Deductibles and Retentions.** No deductible or self-insured retention in excess of \$25,000 without the prior written approval of Railroad.
- (c) **Forms.**
- (i) If the forms of policies, endorsements, certificates or evidence of insurance required are superseded or discontinued, Railroad will have the right to require other equivalent forms; and
 - (ii) Any policy or endorsement form other than a form specified in this document must be approved in advance by Railroad.
- (d) **Evidence of Insurance.** Insurance must be evidenced as follows:
- (i) ACORD Form 25 *Certificate of Liability Insurance* for liability coverages;
 - (ii) Evidence to be delivered to Railroad prior to commencing operations at the Property and at least 30 days prior to the expiration of current policies; and
 - (iii) ACORD forms must:
 - (A) Show Railroad a certificate holder (with Railroad's mailing address);
 - (B) Show the Railroad as an "Additional Insured"
 - (C) Show the insurance companies producing each coverage and the policy number and policy date of each coverage;
 - (D) Name the producer of the certificate (with correct address and phone number) and have the signature of the authorized representative of the producer;
 - (E) Specify the additional insured status and/or waivers of subrogation; and
 - (F) Show the primary status and aggregate limit per project where required.
- (e) **Copies of Endorsements and Policies.** Upon request of Railroad, Contractor will provide Railroad with the following documents required by this Agreement;
- (i) A copy of all required endorsements; and
 - (ii) A certified copy of all insurance policies.