

**POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION**

RESOLUTION

MOTION: _____

RESOLUTION NO. 07-09-___

SECOND: _____

**OFFICIAL COMMISSION MEETING
SEPTEMBER 6, 2007**

**RE: CONFIRMATION OF CSXT'S STATUS AS INSURED UNDER VRE'S
LIABILITY INSURANCE PLAN**

WHEREAS, the Northern Virginia and Potomac and Rappahannock Transportation Commissions established the Commuter Rail Services Liability Insurance Plan ("Insurance Plan") in 1989, administered by the Commonwealth of Virginia's Division of Risk Management ("DRM"), to provide for the indemnification obligations accepted by the Commissions in each of their agreements with the railroads as a condition of gaining access to the railroads' rights of way; and

WHEREAS, at the time the Insurance Plan was established, the railroads permitting commuter rail service were Norfolk Southern, Conrail, RF&P, and Amtrak; and

WHEREAS, since that time, CSXT became the successor in interest to the RF&P, and CSXT and Norfolk Southern became the successors in interest to Conrail; and

WHEREAS, since the inception of the Insurance Plan, it has been the intent of the Commissions that successors and assigns of insureds named in the Insurance Plan would automatically become insureds, and it has been the Commissions' understanding since 1992 when CSXT acquired RF&P, that CSXT was an insured covered by the Insurance Plan.

NOW, THEREFORE, BE IT RESOLVED that Potomac and Rappahannock Transportation Commission does hereby confirm its understanding that CSXT has been a named insured under both the self insured and commercial insurance portions of the Plan since 1992 when it acquired the interests of RF&P, and expresses its intent that successors and assigns of named insureds in the Commissions' Insurance Plan automatically be included in the Insurance Plan.

BE IT FURTHER RESOLVED that the Commission hereby approves amendments to the Insurance Plan clarifying the foregoing, in particular that CSXT has been a named insured in the Insurance Plan since 1992, and that successors and assigns of named insureds are automatically included in the Insurance Plan.

BE IT FURTHER RESOLVED that the Commission authorizes the Chairman and the VRE Chief Executive Officer to execute all documents as may be necessary to give effect to the foregoing amendments, including amendments to railroad operating access agreements that incorporate the Insurance Plan as amended.