



DISTRICT DEPARTMENT OF TRANSPORTATION
PUBLIC RIGHT-OF-WAY OCCUPANCY PERMIT



Inspections/Enforcement: (202) 645-7050

Date: MARCH 30, 2014 **Permit No.** PA-LTO-CSX-VA Ave Tunnel ROW 2
Permittee: CSX TRANSPORTATION, INC.
Address: UNDER VIRGINIA AVE SE GENERALLY BETWEEN 2ND ST SE AND 12TH ST SE, WASHINGTON, DC AND AT-GRADE TO THE EAST OF 12TH ST SE- AS MORE PARTICULARLY SHOWN ON EXHIBIT A OF THE TERMS AND CONDITIONS ATTACHED HERETO

Pursuant to the approval by the District Department of Transportation ("DDOT" or "Department") on December 21, 2012, permission is hereby granted to CSX TRANSPORTATION, INC. ("CSXT" or "Permittee"), subject to the terms of this Permit including, without limitation the Terms and Conditions attached to this Permit, to use and occupy exclusively a portion of the Public Right of Way located under Virginia Avenue, SE generally from 2nd Street, SE to 12th Street, SE, and located under Virginia Avenue, SE and at-grade as applicable to the east of 12th Street, SE, the location and dimensions of which are more particularly shown in Exhibit A of the Terms and Conditions as shall be amended as described in the Terms and Conditions hereunto annexed and made a part hereof (collectively, the "Virginia Ave Tunnel ROW") where Permittee will occupy the Virginia Ave Tunnel ROW with a tunnel, railroad tracks and related appurtenances for railroad purposes.

Occupancy Times and Days: 24 hours a day, 7 days a week

Occupancy Period: The date hereof through the duration of the Virginia Avenue Tunnel Reconstruction Improvements (defined in the Terms and Conditions) in the Virginia Avenue Tunnel ROW being used for railroad purposes

Compensation: \$10.00 for exclusive occupancy of the Virginia Ave Tunnel ROW during the Occupancy Period

- The Permittee and DDOT shall be bound by all terms listed herein, as well as the Terms and Conditions attached to this Permit.
- No deviation from the Terms and Conditions that supplement this Permit shall be allowed without prior permission from DDOT as provided for in the Terms and Conditions attached to this Permit.
- The Permittee agrees to occupy the public right-of-way only to the extent as set forth in this Permit and the Terms and Conditions attached to this Permit.
- Upon termination of this Permit, the Permittee shall suspend all occupancy of the public right-of-way and all activities authorized in the public right-of-way under this Permit except for that occupancy and those activities authorized under other permits, DCMR, the District of Columbia Code, or applicable federal laws.

NAME AND TITLE OF DDOT APPROVER:

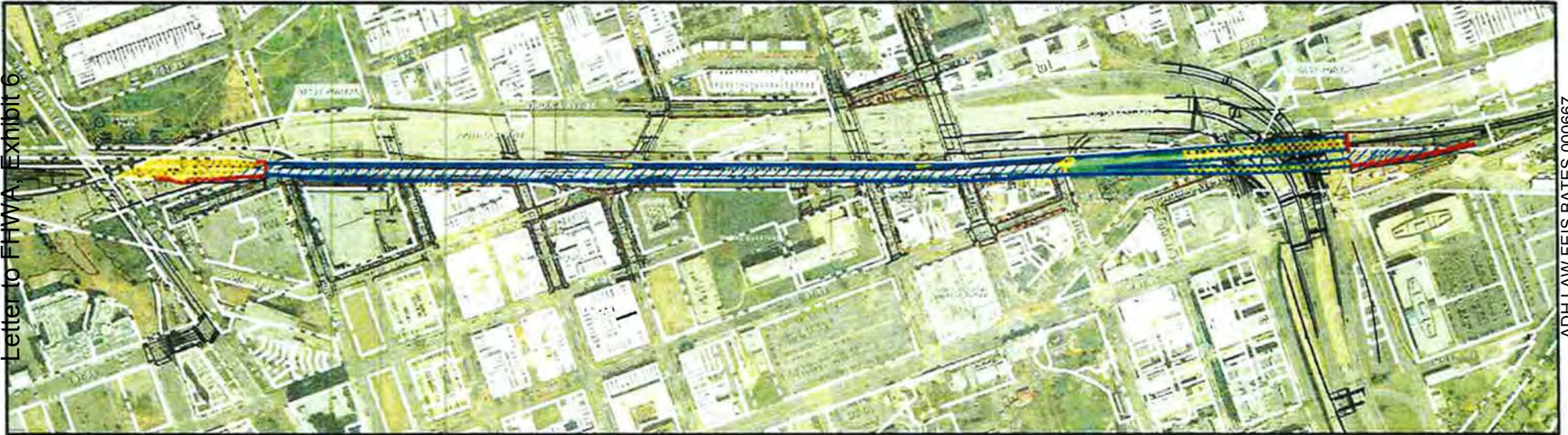
MATTHEW J MARCOU, DEPUTY ASSOCIATE DIRECTOR, PUBLIC SPACE REGULATION ADMINISTRATION

SIGNATURE:

DATE:

04/30/14

EXHIBIT A
TO
DDOT PUBLIC RIGHT OF WAY
OCCUPANCY PERMIT
PERMIT # _____
DATED _____



Letter to FHWA Exhibit 6

ADH LAW FEIS BATES 000667

ACKNOWLEDGED

DDOT _____

CSX _____

DECEMBER 21, 2012



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

**FIRST AMENDMENT TO TERMS AND CONDITIONS
FOR THE
PUBLIC RIGHT OF WAY OCCUPANCY PERMIT
FOR
CSX TRANSPORTATION, INC.**

RECITALS

WHEREAS, District Department of Transportation (“DDOT”) issued a certain Permit to CSX Transportation, Inc. (CSXT) dated December 21, 2012 (Permit No. PA-LTO-CSX-VA Ave Tunnel ROW) which consisted of the Permit cover page (“Cover”), those Terms and Conditions for the Public Way Occupancy Permit for CSX Transportation, Inc. (“Terms and Conditions”) and Exhibit A thereto (collectively the Cover, the Terms and Conditions and Exhibit A are the “Permit”); and

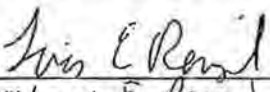
WHEREAS, CSXT and DDOT agree that certain clarifications need to be made to the Cover so that it is consistent with the Terms and Conditions and Exhibit A thereto, as it was always the intention of the parties that the Permit cover both the below grade space between 2nd and 12th Streets, S.E. and certain at grade areas east of 12th Street, S.E., all as shown on Exhibit A.

NOW, THEREFORE, the parties agree (i) to make such modifications to the Permit cover page as shown on Exhibit B and (ii) that the Permit shall include the new cover page, the Terms and Conditions, Exhibit A and this First Amendment.

1. This First Amendment amends certain terms and conditions of the Permit simply to clarify the Cover and make it harmonious with the Terms and Conditions and Exhibit A. All other terms and conditions of the Permit that are not modified by this First Amendment shall remain in full force and effect. Hereafter, the Cover, modified as provided in Exhibit B, the Terms and Conditions, as modified by this First Amendment, and Exhibit A shall constitute the entire Permit.
2. Counterparts. This First Amendment may be executed in counterparts, which shall have the full force and effect of an original document.
3. Recitals. The recitals are incorporated by reference.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the date specified below.

CSX TRANSPORTATION, INC.

By: 
Name: Louis E. Renzel
Title: Vice President - Strategic Infrastructure

**DISTRICT OF COLUMBIA,
by the District of Columbia Department of Transportation**

By: _____
Name:
Title:

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.**

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WHEREAS, CSXT and DDOT agree that certain clarifications need to be made to the Cover so that it is consistent with the Terms and Conditions and Exhibit A thereto, as it was always the intention of the parties that the Permit cover both the below grade space between 2nd and 12th Streets, S.E. and certain at grade areas east of 12th Street, S.E., all as shown on Exhibit A.

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CSX TRANSPORTATION, INC.

By: _____
Name:
Title:

**DISTRICT OF COLUMBIA,
by the District of Columbia Department of Transportation**


By: 
Name:
Title:

EXHIBIT A
TO
DDOT PUBLIC RIGHT OF WAY
OCCUPANCY PERMIT
PERMIT # _____
DATED _____



Letter to FHWA, Exhibit 6

ACKNOWLEDGED

DDOT _____

CSX _____

DECEMBER 21, 2012

LEGEND

- EXISTING PROPERTY LINE / ROW ---
- EXISTING TRACKS —+—
- EXISTING TUNNEL —
- OUTSIDE ENVELOPE COMBINED ALTERNATIVES —
- RETAINING WALLS COMBINED ALTERNATIVES —
- DDOT PUBLIC RIGHT OF WAY —
- OTHERS —
- RIGHTS UNDER INTERSTATE SUBJECT TO RECORD OF DECISION FROM FHWA —

Scale from
0 100 200
Feet

EXHIBIT B

Address shall read: Under Virginia Avenue SE Generally Between 2nd Street SE and 12th ST SE, Washington DC and at-grade to the east of 12th Street, SE -As more particularly shown on Exhibit A of the Terms and Conditions attached hereto.

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