

8.12 NON-COMPLIANCE ON INCIDENT NOTIFICATION

- A. VRE will assess a penalty as specified in **SECTION 2.4.4 OTHER LIQUIDATED DAMAGES** for failure to provide any report required as stated in these specifications.
- B. Notwithstanding any definition or provision in the Contract to the contrary, the Contractor's failure to follow these procedures and to provide the required notification information may be an Event of Default.
- C. The Contractor shall be responsible for the development, documentation, maintenance and training on all incident notification procedures, based upon existing VRE Incident Management procedures.
- D. The Contractor and its Subcontractors shall be available to submit to any required training as new procedures are implemented by VRE.

8.13 EMERGENCY NOTIFICATIONS

- A. Immediately following the notification of all applicable Emergency Services (e.g. Police, Fire Department, Ambulance) and/or regulatory agencies (e.g., FRA, DEC, DEP, NTSB, DHS, EPA), the Contractor shall notify VRE in the event of any of the following occurrences:
 - 1. Incidents defined in 49 CFR 225 per FRA;
 - 2. Loss of life, employee injury, passenger injury, stoppage or major disruption of service;
 - 3. Damage to the maintenance facility or equipment, to include VRE rolling stock or the yard;
 - 4. Operating rule violations;
 - 5. Trespass incidents;
 - 6. Fighting on the premises;
 - 7. Incidents of substance or alcohol abuse;
 - 8. Fuel or hazardous material spill;
 - 9. Vandalism or other illegal activity;
 - 10. Sink hole formations; and
 - 11. Collision, derailment, fire, explosion, acts of nature, or any other event involving damage to or operation of VRE equipment as observed along the Right-Of-Way.

