

PORT OF PEND OREILLE

PEND OREILLE VALLEY RAILROAD

APPLICATION FOR PERMIT/AUTHORIZATION TO CONSTRUCT AND OPERATE UTILITY FACILITIES ON PORT OF PEND OREILLE RIGHT-OF-WAY

Applicant Name, Address and Telephone Number:

Proposed Construction Start Date:

Construction Completion Date:

Legal Description of Location of Requested Permit/Authorization: attach map or sketch showing location(s):

Utility Facility/Work Type:

____ Electric ____ Fibre Optics ____ CATV ____ Gas/Petroleum ____ Water
____ Telephone/Communications ____ Chemical Treatment ____ Sanitary Sewer
____ Tree Cutting/Removal ____ Other- please list _____

Line/Facilities Orientation: _____ Overhead _____ Underground

Specification of Requested Permit Authorization:

Requested permit/authorization is to be _____ feet in length, _____ feet in width, and _____ in size (or area), as shown on attached map of definite location, attached hereto and made a part hereof.

Term of Requested Permit/Authorization:

Requested permit/authorization is for a period of _____ year for the following purposes and reasons: _____

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS:

1. To construct and maintain the permitted utility facilities in a good and workmanlike manner.
2. To indemnify, save and hold the Port of Pend Oreille (hereinafter the "Port"), its officers, employees and agents harmless from actions of any nature whatsoever (including any by Applicant itself) which arise out of, ore connected with, or are claimed to arise out of or be connected with any of the work done by the Applicant, or the construction or maintenance of facilities by the Applicant, pursuant to this permit/authorization or any other permit/authorization issued by the Port for location of property, lines or facilities on the Port's right-of-way, (1) while Applicant is performing its work, or (2) while any of the Applicant's property, equipment or personnel, are in or about such place or the vicinity thereof, or (3) while any property constructed, place or operated by or on behalf of Applicant remains on the Port's property or right-of-way pursuant to this permit/authorization r any other permit/authorization issued by the Port of location of property, lines or facilities on said right-of-way; including without limitation, all liability, damages, loss, expense, claims, demands and actions on account of personal injury, death or property loss to the Port, its officers, employees, agents, contractors, subcontractors or frequenters; to the Applicant, its employees, agents, contractors, subcontractors, or fre1quenters; or to any other persons, whether based upon, or claimed to be based upon , statutory, contractual, tort, or whether or not caused or claimed to have been caused by active or inactive negligence or other breach of duty by the Port, its officers, employees, agents, contractors, subcontractors, or frequenters; Applicant, it employees, agents, contractors, subcontractors or frequenters; or any other person. Without limiting the generality of the foregoing, the liability, damage, loss, expense, claims, demands and actions indemnified against shall include all liability, damage, loss, expense, claims, demands and actions or damage to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit/authorization or any other permit/authorization issued by the Port for location of property, lines or facilities on the Port's right-of-way in the past or present, or that are located on any Port property or right-of-0way with or without a permit issued by the Port, for any loss of data, information or material; for trademark, copyright or patent infringement; for unfair completion or infringement of personal or property rights of any kind whatever. The Applicant shall at its own expense investigate all such claims and demands, attend to their settlement or other disposition, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands and actions.
3. That any transfer, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Applicant that remains on the Port's

property or right-of-way pursuant to this permit shall not release Applicant from any of the indemnification requirements of this permit/authorization, unless the Port is notified of such transfer in writing. Any acceptance by any other person or entity, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Applicant that remains on the Port's property or right-of-way pursuant to this permit/authorization shall include acceptance of all of the indemnification requirements of this permit/authorization by the other person or entity receiving ownership or control.

4. To restore the lands as nearly as may be possible to their original condition upon the completion of construction of Applicant's facilities, to the extent compatible with the purpose for which this permit/authorization is granted.
5. To clean and keep clear the lands within the scope of this permit/authorization to the extent compatible with the purpose of said permit/authorization; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the Applicant's facilities.
6. To do everything reasonable within Applicant's power to prevent and suppress fires on or near the lands to be occupied pursuant to this permit/authorization.
7. That upon revocation or termination of this permit/authorization, the Applicant shall, so far as is reasonably possible, restore the land to its original condition.
8. To at all times keep the Port informed of Applicant's address and principal place of business.
9. That Applicant will not interfere with the use of the lands by or under the authority of the Port for any purpose not inconsistent with the primary purpose for which this permit/authorization is granted.
10. To comply with all applicable statutes and regulations governing the construction, operation and/or maintenance of Applicant's facilities.

SUBMITTED this _____ day of _____, 20_____.

Signature of Authorized Representative of Applicant

Printed Name

Title