NS FILE NO. BR0018444
BR0018445
BR0018448

IN THE MATTER OF THE REMOVAL AND
RECONSTRUCTION OF THREE (3) OVERHEAD
RAILROAD BRIDGE STRUCTURES THAT CARRY THE
TRACKS OF NORFOLK SOUTHERN RAILWAY
COMPANY OVER PROSSER AVENUE, I.R. 75 AND S.R. 562
IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO

HAM-75-7.85
PID: 77889

ADDENDUM No. 1 TO AGREEMENT NO. 23888

THIS ADDENDUM TO THE AGREEMENT, made this 14th day of March, 2022 between the **State of Ohio**, acting by and through the Director of Transportation of the State of Ohio, as First Party, hereinafter referred to as the STATE, and **Norfolk Southern Railway Company** as Second Party, hereinafter referred to as the COMPANY.

WHEREAS, the STATE and the COMPANY entered into Standard Construction Agreement No. 23888 dated January 17, 2020, for the removal and reconstruction of three (3) grade separation structures that carry the COMPANY's Cincinnati-Plum Run line over Prosser Avenue at MP CT-0.89 (AARDOT #481676J); over I.R. 75 at MP CT-0.94 (AARDOT #481677R); and over S.R. 562/Northwood Lateral Expressway at MP CT-1.41 (AARDOT# (unknown)) in the City of Cincinnati in Hamilton County, Ohio.

WHEREAS, the parties desire to amend the original agreement to revise the STATE's fiscal biennium information as outlined under Section 11 (pgs. 5-6)

NOW, THEREFORE, the STATE and the COMPAN Y agree to amend Agreement No. 23888 as follows:

1. The parties agree to **REVISE** the 2nd paragraph under Section 11 with the following date revisions in **BOLD**

"All obligations of the STATE provided for in this agreement which require the expenditure of funds by the STATE shall terminate at the end of the present biennium, being **June 30, 2023**. If construction covered under said agreement is not complete by **June 30, 2023**, it is the expressed intention of the parties to renew said obligations for one successive biennium period; with the renewal period beginning **July 1, 2023** and ending no later than **June 30, 2025**; until such time as construction covered under said agreement is complete. Said renewal is conditioned upon the STATE determining future appropriations will permit the STATE to renew said obligations. "

All other terms and conditions contained in Agreement No. 23888 remain the same as originally written.

IN WITNESS WHEREOF, the parties hereunto have caused this amendment to the referenced agreement to be duly executed in duplicate as of the day and year first above written.

THE STATE OF OHIO

DJG

By Jack Marchbanks

Jack Marchbanks Ph. D.
Director of Transportation

NORFOLK SOUTHERN RAILWAY COMPANY

By D.A. Becker (AMM) Digitally signed by D.A. Becker (AMM) Date: 2022.03.14 12:04:01 -04'00'

Print Name D.A. Becker

Title Chief Eng Design & Construction