

LISA & SOUSA, LTD.  
ATTORNEYS AT LAW

(A PROFESSIONAL CORPORATION)

5 Benefit Street  
Providence, Rhode Island 02904  
Telephone (401) 274-0600  
Facsimile (401) 421-6117

RECEIVED  
16 SEP 30 PM 3:42

DIVISION OF P.U.C.  
MOTOR CARRIERS  
PROVIDENCE, R.I.

# 4652  
Carl B. Lisa  
Louis A. Sousa  
Carl B. Lisa, Jr.  
Sandra Sousa-Marujo  
John J. Poloski, III  
Christopher J. Anasoulis  
Christopher J. Menihan

Robert G. Branca, Jr. \* †  
Eugene A. Amelio \*  
of Counsel

\* (Also Member of Massachusetts Bar)  
† (Also Member of District of Columbia Bar)

September 30, 2016

Rhode Island Public Utilities Commission  
Luly E. Massaro, Commission Clerk  
89 Jefferson Blvd.  
Warwick, RI 02888

RE: PETITION FOR PRIVATE AT-GRADE RAILROAD CROSSING;  
IGUS BEARINGS, INC.

Dear Ms. Massaro:

Enclosed herewith please find the original and six (6) copies of a petition by Igus Bearings, Inc. to establish and improve a railroad crossing on Providence and Worcester Railroad Company's East Providence running track. Per your instructions, I have also enclosed three (3) full-size design plans and six (6) reduced design plans. I have also enclosed my entry of appearance. As Igus Bearings, Inc. is operating under certain time constraints regarding the purchase of real estate at 275 Ferris Avenue in East Providence, RI, I would greatly appreciate it if you would schedule this petition for decision by the Commission as soon as is reasonably possible.

Thank you in advance for your anticipated cooperation.

Very truly yours,

LISA & SOUSA, LTD.

Christopher J. Menihan, Esquire

CJM/abt  
Enclosures

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**PUBLIC UTILITIES COMMISSION**

RECEIVED  
16 SEP 30 PM 3:42

IN RE: IGUS BEARINGS, INC.

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Docket No. \_\_\_\_\_

DIVISION OF P.U.C.  
MOTOR CARRIERS  
PROVIDENCE, R.I.

**ENTRY OF APPEARANCE**

I hereby enter my appearance on behalf of Igus Bearings, Inc.



Christopher J. Menihan, Esq. (9575)

Lisa & Sousa, Ltd.

5 Benefit Street

Providence, RI 02904

(401) 274-0600

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**PUBLIC UTILITIES COMMISSION**

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DIVISION OF P.U.C.  
MOTOR CARRIERS  
PROVIDENCE, R.I.

IN RE: IGUS BEARINGS, INC.

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Docket No. \_\_\_\_\_

**PETITION TO ESTABLISH AND IMPROVE RAILROAD CROSSING**

Now comes the Petitioner, Igus Bearings, Inc., a Rhode Island corporation, who hereby petitions this Honorable Body for permission to cross Providence & Worcester Railroad Company's (hereinafter "**P&W**") East Providence Running Track in East Providence, Rhode Island (hereinafter "**the Track**") via permanent private at-grade crossing (hereinafter the "**Crossing**") and to construct thereupon certain improvements necessary to cross said track, as well as other improvements incidental thereto, at a certain location, all as depicted on plans entitled "H-PLAN IGUS, INC. PRIVATE CROSSING EAST PROVIDENCE, R.T., EAST PROVIDENCE, RI." and "PROPOSED SITE PLAN PORTION OF MAP 502, BLOCK 5, PARCELS 3, 30, & 31 FERRIS AVENUE & PATTON ROAD EAST PROVIDENCE, RHODE ISLAND" (hereinafter the "**Plans**") (the Plans are attached hereto as **Exhibit "A"**) and as shown on the map (hereinafter the "**Map**") attached hereto as **Exhibit "B"**.

As grounds for this Petition, Petitioner states as follows:

1. Pursuant to 39 R.I. Gen. Laws § 39-8-1.3, power to grant the establishment of a private railroad crossing is vested in this Honorable Body.
2. Petitioner owns and operates an approximately 170,000 square foot assembly, warehousing and distribution facility upon the property abutting the Track known and identified as 257 Ferris Avenue, East Providence, RI (hereinafter "**Parcel One**").

3. Petitioner is in contract to purchase from Aarjus IV, LLC, a certain portion of the real property abutting the Track known and identified as 275 Ferris Avenue, East Providence, Rhode Island (hereinafter "**Parcel Two**"). Parcel One and Parcel Two abut, but are separated by a rail line of the Providence and Worcester Railroad Company. Petitioner intends to construct upon Parcel Two an approximately 81,000 square foot assembly and warehousing facility for use as an extension of its assembly and warehousing operations performed on Parcel One. The Map indicates the relation among Parcel One, Parcel Two and the Crossing. A Letter of Support of this Petition from Aarjus IV, LLC is attached hereto as **Exhibit "C"**.

4. Crossing between Parcel One and Parcel Two currently requires travel over Ferris Avenue and other public streets and requires use of the public at-grade rail crossing located on Ferris Avenue.

5. Attached hereto as **Exhibit "D"** is a narrative prepared by Robert H. Douglass, President of Viaduct Advisors, LLC, which provides additional details regarding: (a) Petitioner's business operations, (b) the agreements between Petitioner and P&W, (c) the Crossing's likely effect of reducing public road usage by Petitioner and its suppliers, (d) additional traffic-control measures, (e) additional safety measures, and (f) other details of the project as a whole.

6. This petition has the support of P&W.

(a) On May 3, 2016, Petitioner and P&W entered into a Memorandum of Understanding, which memorialized the parties' understanding to enter into a Preliminary Services Engineering Agreement, a Construction Agreement, and a Grade Crossing License (the Memorandum of Understanding, Preliminary Services Engineering Agreement, Construction Agreement, and Grade Crossing License are collectively referred to herein as "**the P&W Agreements**"). All P&W Agreements are subject to and

conditioned upon obtaining approval from this Honorable Body for the establishment of the Crossing.

On May 9, 2016, the parties entered into the Preliminary Services Engineering Agreement, which provides for, among other things, P&W's review, comment, and approval of preliminary and final engineering and design plans, specifications, drawings, agreements and other documents pertaining to construction of the Crossing. P&W has since approved the Plans in their final form as attached hereto, subject only to approval granted by this Honorable Body.

Should this Honorable Body grant approval, the parties intend to enter into the Construction Agreement and the Grade Crossing License. The Construction Agreement provides that P&W will supply the labor, materials, equipment and services necessary to complete the Crossing in accordance with the Plans and in accordance with P&W's construction means, methods, techniques, sequences, specifications, scheduling and procedures, and at such time as not to interfere with travel of any train upon the Track. The Grade Crossing License grants Petitioner use of the Crossing and contains the following provisions, among others:

- (i) Only Petitioner and its tenants, servants, employees, contractors, patrons, invitees, licensees and any agents or other persons having business with Petitioner or its tenants may use the Crossing, unless others are granted access by P&W;
- (ii) Petitioner will pay annual maintenance fees to P&W to cover the costs of routine maintenance and inspection of the Crossing and will pay all costs and expenses related to other needed repairs and/or rehabilitation;

- (iii) The Crossing will be designed to P&W's safety standards and specifications, which will include stop signs, warning devices and other such safety features (a summary of Railroad Crossing Safety Measures provided by Robert H. Douglass, President of Viaduct Advisors, LLC, which sets forth the safety elements of the Crossing itself, as well as safety protocol that Petitioner intends to employ at its existing and future facilities, is attached hereto as **Exhibit "E"**);
- (iv) Use of the Crossing will be limited to a use the same or substantially similar to Petitioner's current and intended use of Parcel One and Parcel Two as assembly, warehousing and distribution facilities. In the event there is a material increase in use of the Crossing, Petitioner may be required to install additional line-of-sight improvements and other improvements required by P&W or any applicable regulatory authority with jurisdiction; and
- (v) Petitioner will maintain P&W's property in the vicinity of the Crossing in order to keep it free and clear of any and all vegetation, undergrowth and debris, so as not to obscure approaching trains from the view of vehicles approaching the crossing.

A Letter of Support of this Petition from P&W is attached hereto as **Exhibit "F"**.

7. On September 7, 2016, Petitioner submitted to the City of East Providence: (i) a Minor Subdivision application for the subdivision of the aforementioned parcel currently owned by Aarjus IV, LLC; and (ii) a Land Development Project application for masterplan approval of the new facility upon Parcel Two.



8. Petitioner submits that the grant of this Petition is in the public interest and in accordance with law and regulatory policy. Should this Honorable Body grant this Petition, Petitioner could thereafter move forward with the purchase and development of Parcel Two as an extension of its assembly and warehousing operations performed on Parcel One. Once the Crossing and the new facility upon Parcel Two are fully constructed and operational, Petitioner envisions an increase in business operations, which will, in turn, result in the need for additional employees at Petitioner's Rhode Island operations. Should this Honorable Body deny this Petition, Petitioner will terminate all agreements with Aarjus IV, LLC, and with P&W, as all of Petitioner's obligations thereunder are contingent upon this Honorable Body's grant of this Petition, and will abandon its plans to develop a new facility upon Parcel Two.

9. If permission is granted by this Honorable Body and Petitioner thereafter constructs the Crossing, Petitioner shall construct the Crossing in accordance with the Plans and the P&W Agreements.

WHEREFORE, Petitioner prays that this Honorable Body grants Petitioner and P&W permission to construct a permanent private at-grade crossing and to construct thereupon certain improvements necessary to cross the Track, as well as other improvements incidental thereto, all in the form and manner depicted on the Plans and in the general location depicted on the Map.

**IGUS BEARINGS, INC.**

By its attorney:



Christopher J. Menihan, Esq. (9575)

Lisa & Sousa, Ltd.

5 Benefit Street

Providence, RI 02904

(401) 274-0600

CERTIFICATION

I hereby certify that on the 30th day of September, 2016, I sent a copy of the within petition to the following persons by Federal Express with all shipping and delivery costs prepaid.

RI Office of the Attorney General  
Attn: Leo J. Wold, Esq.  
150 South Main Street  
Providence, RI 02903

RI Department of Transportation  
Office of Legal Counsel  
Attn: Chief Special Counsel  
Two Capitol Hill, Rm. 250  
Providence, RI 02903

Providence and Worcester Railroad Company  
Attn: Charles D. Rennick, Esq.  
75 Hammond Street  
Worcester, MA 01610

Aarjus IV, LLC  
c/o Duffey & Sweeney, Ltd.  
Attn: Joshua Celeste, Esq.  
1800 Financial Plaza  
Providence, RI 02903



Christopher J. Menihan, Esq. (9575)  
Lisa & Sousa, Ltd.  
5 Benefit Street  
Providence, RI 02904  
(401) 274-0600

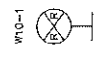


**Exhibit "A"**

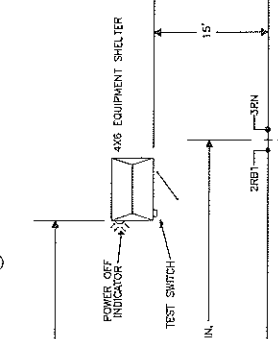
Plans

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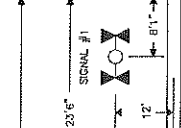
440' ± APPROACH  
30 SEC. WARNING ⚡ TO M.P.H.



PROPOSED AC POWER  
POLE #B146



4x6 EQUIPMENT SHELTER



SIGNAL #1

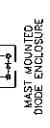


SIGNAL #2  
WITH BELL

MP 7.25  
PRIVATE  
DRIVEWAY

TO VALLEY FALLS

TO AMTRAK



MAST MOUNTED  
DIODE ENCLOSURE

DOT XXX-XXXX



W10-1

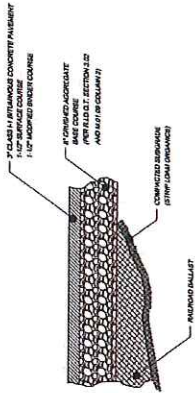
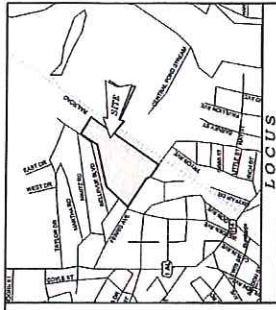
- NOTES:
- 1) ALL DIMENSIONS ARE APPROXIMATE AND MAY VARY DUE TO ACTUAL FIELD CONDITIONS
  - 2) SIGNAL CASES, AND HOUSES TO BE INSTALLED PER MITCH, STATE, AND/OR RAILROAD STANDARDS
  - 3) ALL SIGNALS TO BE STICK BELIEVER
  - 4) ALL SIGNALS TO BE STICK BELIEVER WITH 1" LED
  - 5) TRACK CIRCUITS TO BE EPC AG/DC (STYLE TC) TRACK DRIVERS
  - 6) TRACK CIRCUITS TO HAVE UGS-30 & STICK RELEASE TIMERS
  - 7) CROSSING TO BE EQUIPPED WITH SCAR II RECORDER

H-PLAN  
IGUS, INC. PRIVATE CROSSING  
EAST PROVIDENCE R.T., EAST PROVIDENCE, RI.  
AUGUST 2016  
PROVIDENCE & WORCESTER R.R. CO.  
R.M.K.  
SHEET 1 OF 1

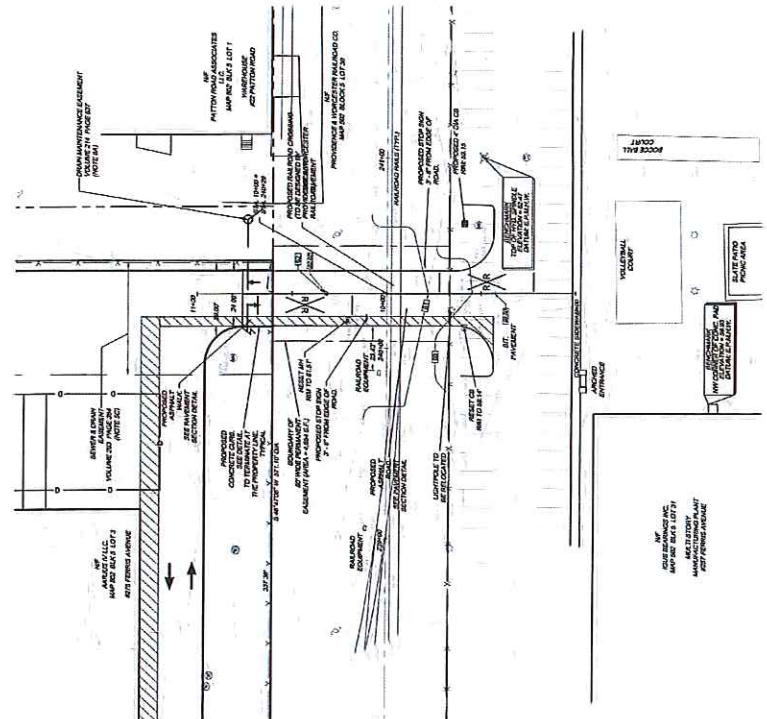
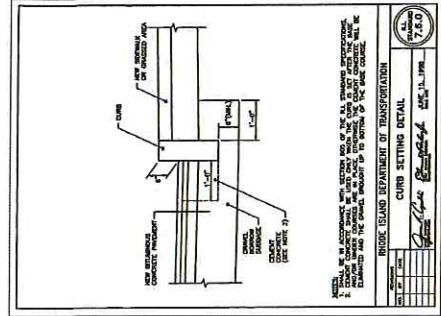
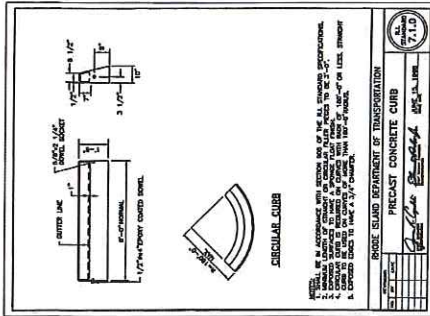
LOCATION PLAN  
NOT TO SCALE

NO.	DATE	BY	DESCRIPTION	APP. BY
1	08/16	RMK	DRWN IN CAD	
2				
3				
4				
5				





TYPICAL PAVEMENT SECTION



PROPOSED RAILROAD CROSSING

ALL DIMENSIONS MUST BE IN BLUE INK TO CONSTITUTE AN ORIGINAL PLAN

**CERTIFICATION**  
 I, **ROBERT J. LITTE**, PE, No. **12345**, State of **RI**, do hereby certify that I am a duly Licensed Professional Engineer in the State of Rhode Island, and that I am the author of the above described drawings.

**LEGEND & ABBREVIATIONS**  
 A.P. - ASSESSOR'S PLAT  
 C.L. - CENTER LINE  
 D. - DRAINAGE  
 E. - EASEMENT  
 F. - FENCE  
 G. - GRASS  
 H. - HOOD  
 I. - INTERSECTION  
 J. - JUNCTION  
 K. - KUTTING  
 L. - LANE  
 M. - MAIN  
 N. - NORTH  
 O. - OPEN  
 P. - PAVEMENT  
 Q. - QUARRY  
 R. - ROAD  
 S. - SIDEWALK  
 T. - TRAIL  
 U. - UTILITY  
 V. - VALLEY  
 W. - WALL  
 X. - XING  
 Y. - YARD  
 Z. - ZONE

**WATERMAN ENGINEERING COMPANY**  
 1000 WEST MAIN STREET  
 PROVIDENCE, RHODE ISLAND 02914  
 TEL: 401-845-1234  
 FAX: 401-845-5678  
 WWW.WATERMAN-ENG.COM

**WATERMAN ENGINEERING COMPANY**  
 1000 WEST MAIN STREET  
 PROVIDENCE, RHODE ISLAND 02914  
 TEL: 401-845-1234  
 FAX: 401-845-5678  
 WWW.WATERMAN-ENG.COM

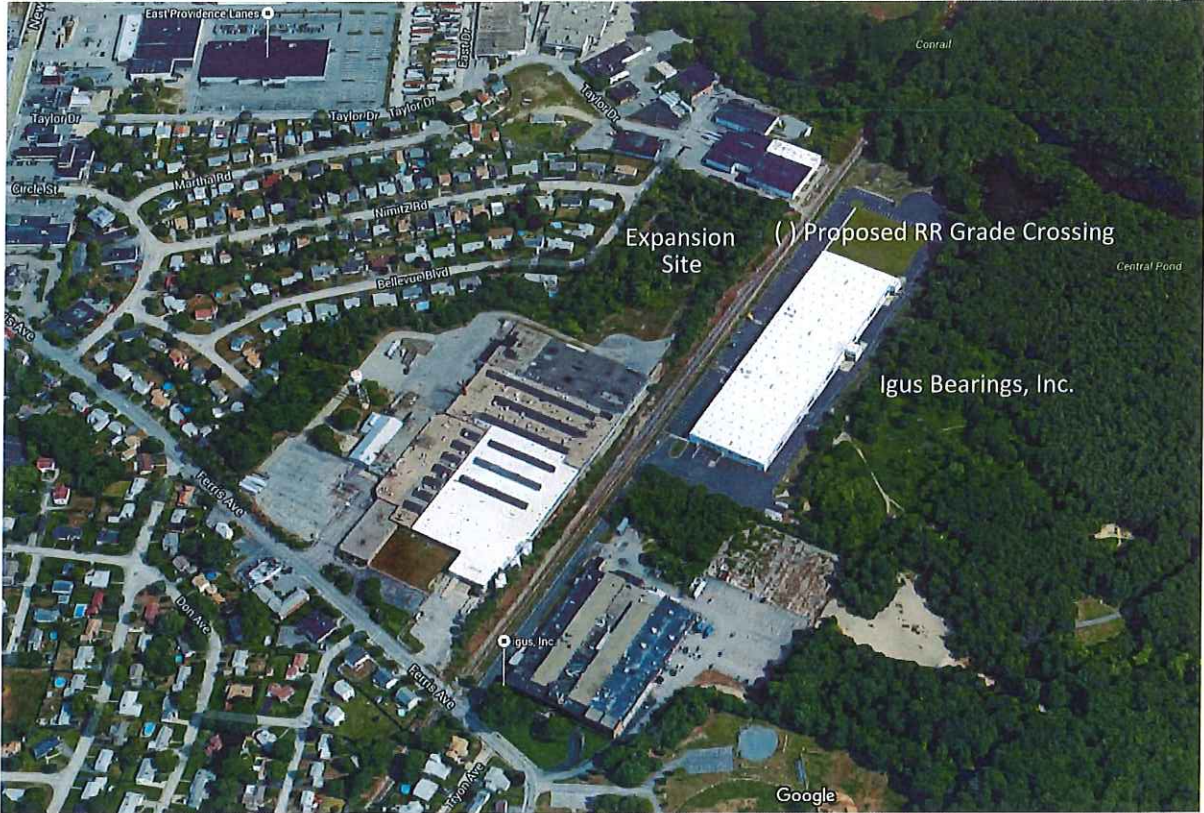
**WATERMAN ENGINEERING COMPANY**

**Exhibit "B"**

Map

(beginning on next page)







**Exhibit "C"**

Letter of Support  
Aarjus IV, LCC

(beginning on next page)

September 22, 2016

TO:  
Rhode Island Public Utilities Commission  
c/o Luly E. Massaro, Commission Clerk  
89 Jefferson Blvd.  
Warwick, RI 02888

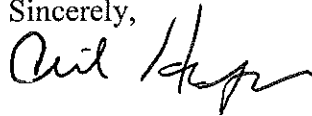
**LETTER IN SUPPORT OF**  
**PETITION BY IGUS BEARINGS, INC.**  
**TO ESTABLISH AND IMPROVE RAILROAD CROSSING**  
(for inclusion as an exhibit to said petition)

In connection with the Petition by Igus Bearings, Inc., a Rhode Island corporation (“Igus”), to establish and improve a private at-grade railroad crossing between 257 Ferris Avenue, East Providence, Rhode Island and a portion of the to-be-subdivided 275 Ferris Avenue, East Providence, Rhode Island, I, Donald Budnick, being the Manager of Aarjus IV, LLC, a Rhode Island limited liability company (“Aarjus”), on behalf of Igus and in my capacity as Manager of Aarjus, state as follows:

- Aarjus is the owner of fee simple title to the real property known and identified as 275 Ferris Avenue, East Providence, Rhode Island (the “Property”).
- Igus is in contract to purchase from Aarjus a certain portion of the Property.
- In order to effectuate the purchase and sale of only a portion of the Property, the Property must be subdivided. Accordingly, on September 7, 2016, Igus submitted a Minor Subdivision application to the City of East Providence for the subdivision of the Property. Also on September 7, 2016, Igus submitted a Land Development Project application for the construction of a new assembly, warehousing and distribution facility upon the Property. Aarjus supported and consented to Igus’s submission of both such applications.
- Igus’s obligation to purchase the Property is contingent upon, among other things, the Rhode Island Public Utilities Commission’s approval of Igus’s petition to establish and improve a private at-grade railroad crossing between 257 Ferris Avenue and the Property.

Aarjus is in full support of Igus’s petition to establish and improve a private at-grade railroad crossing as set forth in the petition. Please do not hesitate to contact Aarjus’s counsel, Joshua Celeste, Esq. by email at [jceleste@duffysweeney.com](mailto:jceleste@duffysweeney.com) or by phone at (401) 455-0700, if you have any questions regarding such support.

Sincerely,



Aarjus IV, LLC  
275 Ferris Avenue  
East Providence, RI 02914

**EXHIBIT "D"**

Narrative

(beginning on next page)

# Igus Bearings

## RIPUC -Proposed Railroad Crossing

275 - 277 Ferris Avenue, East Providence, RI

Igus Bearings, Inc. opened their new North American Headquarters and Distribution facility, at 277 Ferris Avenue, East Providence in 2013. This 170,000 SF facility employs 160 people and has continued to grow its business during its 30 year history in Rhode Island.

In order to accommodate future expansion, Igus has negotiated to purchase a 4.4 acre parcel at the rear of 275 Ferris Avenue. While the two properties abut, they are separated by a spur line of the Providence & Worcester Railroad.

In order to go forward with the property purchase, Igus is requesting that P&W Railroad and the RIPUC approve a signaled Railroad Grade Crossing between the current facility and the adjacent parcel that would house future expansion operations.

P&W would design, engineer, construct and maintain this grade crossing to standards acceptable to P&W Railroad and RIPUC. IGUS will be responsible for annual lease payments to P&W and reimbursing P&W for the Engineering and construction and maintenance costs for the crossing. Waterman Engineering who has been retained by IGUS, is responsible for surveying and locating the grade crossing in consultation with the P&W Engineering Department.

IGUS and P&W have negotiated the terms of these annual lease and maintenance agreements and both parties are prepared to formally execute these agreements following the approval by the RIPUC.

Without this grade crossing, IGUS would be unable to expand its business and operate in a cost effective manner on this adjoining parcel. Without approval of this grade crossing, IGUS will not proceed with the property purchase and this will limit future growth and additional jobs in their RI operations.

This private grade crossing between 2 contiguous Igus parcels will allow truck traffic to utilize the existing driveway at 277 Ferris Ave to access both facilities without crossing back onto public streets. This will reduce truck traffic in the neighborhood and also allow for an efficient internal operation of these adjoining facilities.

In the Master Plan and Subdivision submittal to the City of East Providence, IGUS has listed the following traffic control measures that would be implemented with this new building program.

1. Drives exiting the 275 Ferris Ave. site will be right hand turn only and will direct traffic Northeast along Bellevue Blvd. and then turning left on Taylor Drive to reach Rt. 1-A, Newport Avenue.
2. IGUS deliveries will be directed to the current driveway at 277 Ferris Avenue, by signage placed at the Newport Ave. and Ferris Ave. intersections with Circle Street. Circle Street provides access to the residential neighborhood through Bellevue Blvd., Martha Street and Nimitz Street.
3. All delivery companies will be notified in writing of the traffic pattern discussed above and will have to acknowledge acceptance by returning a signed copy of the traffic Plan to IGUS.

The single track spur line currently is a low speed low volume line that services other manufacturing facilities north and south of Ferris Avenue. During the past two years, Igus has observed that the track typically handles 1 - sometimes 2 limited car length, trains a day, generally in the late morning and early afternoon.

While there is some truck traffic to and from the Igus facility on and off during the 7 am to 3 pm time frame, the higher truck volume occurs at the end of the business day between 3 pm to 7 pm, when common carriers and freight delivery companies pick up the day's orders for delivery.

The attached site plans and aerial photographs show the location of the proposed crossing. The current parking lot will be reconfigured to provide proper turning radius for tractor trailer trucks. The site plan for the proposed new facility includes adequate clearance at the loading docks for trucks to easily navigate without parking or slowing on the proposed rail crossing.

This grade crossing is also designed to accommodate fork trucks moving materials between the two buildings.

Some employee foot traffic will also cross between the two parcels over this grade crossing. The width of the grade crossing has been increased to accommodate a sidewalk crossing. There is an existing pedestrian sidewalk crossing at the current Ferris Ave. grade crossing.

All IGUS employees will receive training instructions on the proper methods to be used when crossing the railroad tracks, either by vehicle, fork truck or on foot.

A complete set of Engineering plans detailing this railroad grade crossing has been submitted with this application.

**EXHIBIT "E"**

Railroad Crossing Safety Measures

(beginning on next page)



## IGUS - Railroad Crossing Safety Measures

The acquisition of the property on the west side of the P&W Railroad tracks and the installation of a signaled grade crossing to connect the current Igus Facility to a future Igus facility will require enhanced safety training and instructions to all Igus employees and notification to all shipping companies that deliver or pickup at either facility.

These training and notification procedures will include clearly identifying all of the safety features that will be incorporated into the signalled grade crossing as well as the operational safety measures that all employees as well as third party shippers will need to follow.

The safety features incorporated into the design and construction of the grade crossing include the following:

### Safety Features shown on H-Plan from P&W Engineering

1. Signal #1 will consist of 2 way 12" flashing red LED railroad signals mounted on a 4" mast. Attached to the mast will be 1ea R15-1 Railroad Crossing Sign and 1ea I-13 ENS Sign.
2. Signal #2 will be the same as signal #1 but will also include 1ea pedestrian bell.
3. All circuitry and testing will comply with CFR 49 Part 234 requirements.
4. See attached highway crossing flashing light assembly-1 as example
5. The Railroad will also supply and install 2ea W10-1 Railroad Advance Warning signs.

### Safety Features incorporated and shown on Drawings prepared by Waterman Engineering

1. Painted "RR Xing's" on both sides of the crossing
2. Stop Signs at both sides of the crossing
3. Striped roadway crossing
4. A striped pavement sidewalk in the crossing area to the proposed building

All of the foregoing will be incorporated into a single plan that will be included in the Employee Training Manual that will be updated and distributed to all existing employees and included in all new employee training and orientation. Employee training will include a supervised crossing between the two facilities using the grade crossing - both by vehicle and on foot.

All employees will be required to sign and acknowledge receipt of this safety information as well as their agreement to follow all safety measures and procedures outlined.

Any visitors to the site that may be required to pass between the two facilities will be provided with a site map and instructions that must be followed to utilize the grade crossing. Visitors will be required to sign and acknowledge receipt of this safety information as well as their agreement to follow all safety measures and procedures outlined.

Rolling gates will be installed on either side of the railroad tracks as part of the perimeter property fencing. These rolling gates will be closed and locked at all times when the facilities are closed at nights and on weekends.

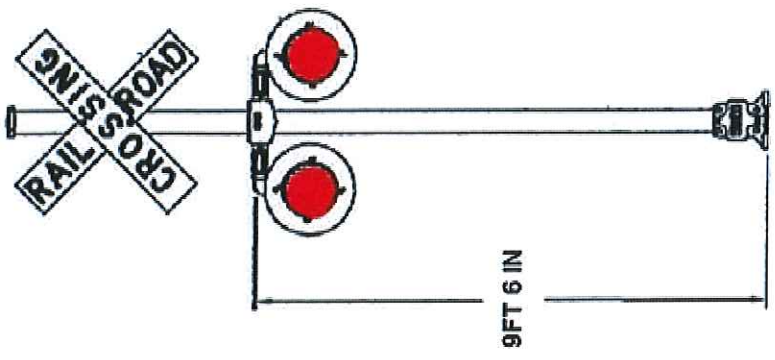
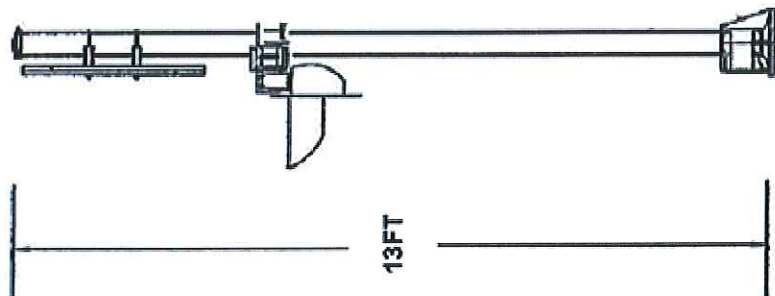
These gates will serve a dual purpose to complete the perimeter security at each property as well as to prevent any off hours crossing of the railroad tracks by unauthorized personnel.

During normal operating hours these gates will be in the open position so as to not trap any vehicles or personnel within the grade crossing.

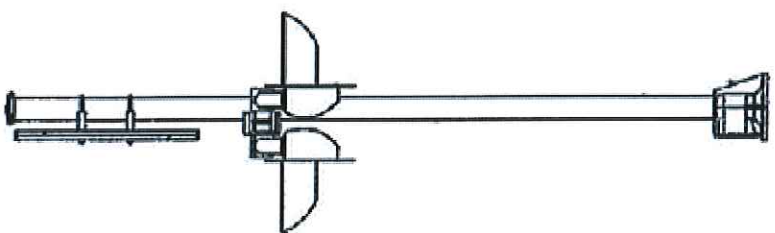
Site lighting for both facilities will be enhanced at the grade crossing so that the roadway and adjacent walkway are clearly lit.

Snow and ice removal on the grade crossing will be completed when any snow removal is performed at either site.

1 WAY



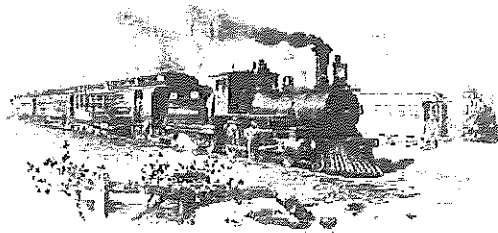
2 WAY



**EXHIBIT "F"**

Letter of Support  
Providence & Worcester Railroad Company

(beginning on next page)



FOUNDED 1844

*Via US Mail*

September 22, 2016

Luly E. Massaro, Commission Clerk  
State of Rhode Island  
Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

*Re: Igus Bearings, Inc.*

Dear Ms. Massaro:

I am writing to you with respect to the petition by Igus Bearings, Inc. ("Igus") for the installation of a new private, at-grade railroad crossing (the "Crossing") in the City of East Providence, Rhode Island across Providence and Worcester Railroad Company's ("P&W") East Providence Running Track (the "Track"). P&W and Igus are parties to a certain Memorandum of Understanding dated May 3, 2016 ("MOU") whereby the parties memorialized their conditional agreement regarding the proposed Crossing. Among other things, the MOU provides for the execution of a Preliminary Engineering Services Agreement (executed on May 9, 2016) governing the design and installation of the Crossing and, subject to and expressly conditioned upon approval of the proposed Crossing by the Rhode Island Public Utilities Commission ("RIPUC"), execution of a Construction Agreement, governing P&W's installation of the Crossing, and a Grade Crossing License, governing Igus's use of the Crossing. The MOU, Preliminary Engineering Services Agreement, Construction Agreement, and Grade Crossing License are collectively referred to herein as the "Agreements."

The purpose of this letter is to inform you that P&W is in support of Igus's petition to install the new private Crossing, subject to the following conditions:

1. The Crossing must be constructed in accordance with the P&W approved engineering and design plans, specifications, and drawings reviewed in accordance with the Preliminary Engineering Services Agreement; and

**PROVIDENCE AND WORCESTER RAILROAD COMPANY**  
75 HAMMOND STREET, WORCESTER, MA 01610      P.O. BOX 10551, WORCESTER, MA 01601  
TELEPHONE (508) 755-4000



Luly E. Massaro  
September 22, 2016  
Page 2

2. If RIPUC approves the Crossing, P&W and Igus will enter into the Construction Agreement providing for, among other things, P&W's installation and construction of the Crossing; and
3. If RIPUC approves the Crossing, P&W and Igus will enter into the Crossing License, providing for, among other things, Igus's use of the Crossing; and
4. If RIPUC does not approve Igus's petition, P&W will terminate all Agreements with Igus and will not enter into any new agreements with respect to the proposed Crossing.

Please do not hesitate to contact me should you have any questions.

Sincerely,

Charles D. Rennick  
General Counsel

cc: Christopher J. Menihan, Esq.  
Bernard A. Cartier, Director of Engineering, P&W