

WESTERN RAIL YARD RFP

**REQUEST FOR PROPOSALS
For Development At
Western Rail Yard Section
of The Long Island Rail Road's
West Side Yard**

**ADDENDUM NO. 4
August 17, 2007**

This is Addendum No. 4 to the Western Rail Yard RFP ("WRY RFP"), dated July 13, 2007. All capitalized terms not otherwise defined in this Addendum No. 4 shall have the meanings ascribed thereto in the WRY RFP and any addenda thereto.

WARNING: IN ORDER TO PARTICIPATE IN THIS ADDITIONAL SITE VISIT, YOU MUST BE A REPRESENTATIVE OF A REGISTERED PROPOSER AND MUST HAVE CURRENT LIRR RWP TRAINING AND CERTIFICATION AS DESCRIBED BELOW.

THE DEADLINE FOR REGISTERING FOR THE FINAL TRAINING AND CERTIFICATION CLASS IS 11:00 A.M. ON WEDNESDAY, AUGUST 22, 2007.

UNDER NO CIRCUMSTANCES WILL MORE THAN THREE (3) REPRESENTATIVES PER REGISTERED PROPOSER BE ACCOMMODATED AT THE SITE VISIT.

Additional Site Visit

The additional site visit for Registered Proposers to both the ERY and the WRY originally scheduled for the week of August 20, 2007 has been postponed until a day to be determined after Labor Day. The exact time, date and meeting location of the visit will be emailed to registered participants during the week of August 27, 2007. On this visit, participants will be provided access to the interior of certain of the buildings located within the WSY.

Each Registered Proposer will be entitled to send up to three (3) representatives with RWP training and certification on this visit. No other persons will be permitted to attend, and no photography, video, or use of Personal Digital Assistance devices at all will be permitted while inside LIRR property.

All participants must have current LIRR Roadway Worker Protection ("RWP") training and certification before being allowed on this site visit. LIRR will hold a **final** four-hour RWP class at the LIRR Capital Programs Conference Room on the 20th Floor of 450 Seventh Avenue (between West 34th and West 35th Streets) from 9:00 a.m. to 1:00 p.m. on Friday, August 24, 2007. The RWP class will start at 9:00 AM sharp. Participants for the class and the site visit must register by faxing a completed and signed copy of the RWP Class Registration and the

Visitor's Release and Indemnity, attached as Addendum 4-Exhibits 1 and 2 hereto, to MTA at 212-878-1055 no later than 11:00 AM on Wednesday, August 22, 2007. If a participant has currently valid RWP training please note that fact on the faxed copy of the Visitor's Release and Indemnity. Before entering upon LIRR property, each attendee will be required to hand in an original completed and signed copy of his/her Visitor's Release and Indemnity and show their LIRR RWP Contractors Certification ID Card. Each attendee will be responsible for bringing his/her own Personal Safety Protection Equipment – safety shoes, helmet and vest.

ADDENDUM 4 – EXHIBIT 1

RWP Class Registration

Please provide the following information to register for the RWP training class to be held from 9:00 a.m. to 1:00 p.m. on Friday, August 24, 2007 at the LIRR Capital Programs Conference Room on the 20th Floor of 450 Seventh Avenue (between West 34th and West 35th Streets).

Name: _____

Name of Registered Proposer Being Represented: _____

Business Address: _____

Telephone Number: _____ Email: _____

Date: _____

Signature: _____

Fax this sheet to MTA at 212-878-1055 no later than 11:00 AM on Wednesday, August 22, 2007.

ADDENDUM 4 – EXHIBIT 2

VISITOR'S RELEASE AND INDEMNITY

Your site visit to the Long Island Rail Road (LIRR) West Side Yard in connection with the Eastern Rail Yard RFP and/or the Western Rail Yard RFP process will involve entry upon certain areas of the LIRR's system that are being used for operating purposes. Trains and other equipment will continue to operate in these areas and the electric power traction system (the "third rail") will remain on or "live." Because we cannot discontinue operations during the period of your visit and because of the nature of the risk to your person, we require that you execute this Visitor's Release and Indemnity prior to the commencement of your visit. Absent execution of the release and indemnity, you will not be permitted to enter upon LIRR property.

VISITOR'S RELEASE AND INDEMNITY

The undersigned (the "Visitor"), in consideration of being permitted to enter upon the premises of the LIRR, hereby (a) assumes any and all risk of and liability for losses, damages, personal injury and/or death which may be suffered or sustained by Visitor while on, at or about such LIRR premises, and (b) on behalf of the Visitor, the Visitor's heirs, executors, administrators, personal representatives, and administrators (collectively, the "Visitor Group"), remise, release and forever quitclaim and discharge The City of New York ("City"), Metropolitan Transportation Authority ("MTA"), Triborough Bridge and Tunnel Authority ("TBTA") and LIRR, and their respective members, officers, agents, and employees, from and against any and all claims and liability whatsoever for any loss, personal injury (including death) or property damage which the Visitor Group have, or can or might have, as the result of any losses, property damage, personal injuries and/or death which may be suffered by the Visitor while on, at or about the premises of the LIRR during such visit, irrespective of whether such loss, injury or damage shall have been due to the negligence of the City, MTA, TBTA, LIRR, or their respective members, officers, agents or employees, or otherwise.

The undersigned further agrees to hold harmless and indemnify the City, MTA, TBTA, LIRR, and their respective members, officers, agents, and employees from any and all loss and liability for damages on account of injuries (including death) to persons and damage to property attributable in whole or in part to the negligence of the undersigned while on or about the premises of the LIRR.

Name: _____

Firm: _____

Address: _____

Telephone Number: _____ Email: _____

Date: _____

Signature: _____