

of opinion between the parties hereto as to the necessity or expediency of any work which either party may at any time desire to have done under the provisions of this paragraph for any of the purposes herein referred to, such dispute or difference shall be referred for settlement as provided by paragraph 40 hereof. 5

8. The Owner may hereafter construct and maintain on the Joint Section for its own exclusive use such additional tracks, structures, buildings, additions, betterments or facilities as it may decide are necessary, provided that the construction and maintenance of the same do not impair the use of the Joint Section by the User, but the cost of said tracks, structures, buildings, additions, betterments and facilities, when so constructed on the Joint Section, shall not be added to the cost thereof; PROVIDED, HOWEVER, that if the User desires to use any such tracks, structures, buildings, additions, betterments or facilities constructed by the Owner, it shall have the right to do so and from and after the commencement of such use by the User the reasonable value thereof, which shall be the actual cost of the construction of such tracks, structures, buildings, additions, betterments, or facilities (less a reasonable depreciation charge on buildings and other structures) shall be added to the cost of the Joint Section on which rental, or interest, is to be paid as hereinafter provided. 10  
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9. The Owner may maintain the industrial spurs existing at the date hereof and connected with the Joint Section and may hereafter construct and maintain additional industrial spurs directly connecting with the Joint Section. The Owner shall, subject as hereinafter provided, have the sole use of all such industrial spurs and shall have the sole right of serving all industries located thereon but such industrial spurs shall not, whilst used solely by the owner, be or form a portion of the Joint Section. 30

10. (a) The Owner shall from time to time make such reasonable rules and regulations for the operation of the Joint Section as are customary among railway companies. 35

(b) All rules, regulations and train schedules shall be equally just, fair and non-discriminatory as between the parties hereto, and, except as herein otherwise provided, each party shall have in every respect the same rights and privileges in the transaction of its business. 40

(c) All conductors, enginemen, trainmen and other employees of the User connected with its trains, engines and cars shall, while in or upon the Joint Section, be subject to the rules, regulations and orders hereinbefore referred to, and all trains, engines and cars shall move over and through the Joint Section under and in accordance with the orders of the Superintendent, Dispatchers and other officers of the Owner having authority in that behalf in matters relating 45  
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