

If the Owner at any time shall fail to keep the Joint Section in good condition and repair and shall fail to make such repairs, after reasonable written request by the User, the User may itself enter the Joint Section and make such necessary repairs, and the cost thereof shall be borne by the Owner and charged to maintenance of the Joint Section. 5

6. The Owner shall, from time to time during the continuance of this Agreement, acquire and set apart for the use and benefit of the parties hereto, upon and under the terms of this Agreement, such additional lands as in the opinion of the parties hereto may be required for the accommodation of the traffic and business of the parties hereto intended to be carried on and done hereunder on the Joint Section, as such traffic and business are hereinafter defined and limited, and the cost or determined value of such additional lands, including all expense of and incidental to the acquisition and setting apart thereof, shall, from the date of such acquisition and setting apart, be added to Capital Account and shall bear interest as hereinafter provided; PROVIDED that, should at any time there be any dispute or difference of opinion between the parties hereto as to the necessity or expediency of acquiring or setting apart any such additional lands, such dispute or difference shall be referred for settlement as provided by paragraph 40 hereof. 10 15 20 25

7. The Owner shall, from time to time during the continuance of this Agreement, provide or construct upon any land which shall at such time or times be comprised in the Joint Section, such additional railway facilities and appurtenances, including station and other buildings, as in the opinion of the parties hereto may be required for the operation and handling of the traffic and business of the parties hereto, as such traffic and business are hereinafter defined and limited, and shall rearrange, rebuild, alter or make such permanent improvements, additions or extensions to or substitutions for any railway facilities or appurtenances (including buildings and bridges) now or at any time hereafter comprised in the Joint Section, as in the opinion of the parties hereto may be so required, and shall provide, make and construct such works and things in connection with the Joint Section or any portion thereof as have been or may from time to time be ordered or required by the Board, or any other properly qualified authority and the cost of any and all such additional railway facilities and appurtenances, permanent improvements, buildings and rebuildings, alterations (not in the nature of repairs), extensions, additions, substitutions, works and things shall be added to Capital Account and shall bear interest as hereinafter provided; PROVIDED THAT, should at any time there be any dispute or difference 30 35 40 45 50