

CODE OF CONDUCT

Zayo is committed to high standards of social responsibility and ethical conduct. Zayo

SAFETY REQUIREMENTS

When working on any railroad right-of-way, the safety and continuity of operations of trains are of paramount importance. Contractor shall arrange its Services so that the personnel, trains and the tracks and appurtenances will be protected and safeguarded at all time.

- (a) Contractor shall utilize a suitably qualified safety inspector who will head its safety management program. This safety inspector will be responsible for developing the required safety management plan, ensuring attendance by all Contractor's and its subcontractors' personnel at railroad safety training classes, and enforce compliance therewith in accordance with the applicable railroad safety rules, requirements, laws, regulations, codes, and the Contract Documents.
- (b) Accidents, injuries, and illnesses requiring medical attention other than first aid, damage to property of Zayo, right-of-way owner, and Contractor, and fires shall be orally reported to Zayo at the time of the incident. Written reports, satisfactory in form and content to Zayo and meeting applicable codes/regulations, shall be submitted, promptly after each incident, by Contractor to all involved parties as required by the applicable regulations, codes, and other requirements. Contractor shall comply with applicable legislation regarding the reporting of workplace accidents, injuries or illness to the applicable provincial and federal authorities, including the workers' compensation board.
- (c) Contractor shall maintain accident, injury and illness records and statistics with respect to the Job Site and as required by all applicable laws, statutes, ordinances, regulations, and codes; and such records and statistics shall be available for inspection and copying by Zayo, and shall be submitted by Contractor to governmental agencies as required by law.
- (d) When the possibility of injury to persons or damage to property is anticipated, Contractor shall take immediate remedial action, including the stoppage of Services where necessary, to prevent such injury or damage. Should Contractor encounter any unexpected hazardous, toxic, or other condition in furtherance of the Services, Contractor shall immediately cease such activity and shall notify Zayo, and shall thereafter coordinate with Zayo and the pertinent right-of-way owner in efforts to remedy such condition.
- (e) Contractor shall take particular care to prevent the fouling of the railroad tracks, and to avoid coming into contact with, or causing damage to the railroad tracks, any water, sewer, steam, gas, fuel, or other pipe lines, mains or service pipes, electrical, communications, other energy transmission conduits, cables, wires, or service connections, other private, utility, or governmental facilities, and any hazardous, toxic, or dangerous condition or thing, whether they are located upon, below, or above the ground surface. Contractor shall be responsible for protection of the integrity of all railroad tracks. Repair of any and all damage, if sustained, will be the responsibility of and costs shall be borne solely by Contractor or its subcontractors. Contractor shall take all necessary and/or customary precautions to prevent injury to persons or property from open manholes, excavations, ditches,

and from materials or equipment left on the Job Site, by placing signs and lights, erecting barricades, or doing other things as prudence may require or as mandated by law, local regulations, or the right-of-way owner.

- (f) If hazardous substances of a type of which an employer is required by law to notify its employees are being used on the Job Site by Contractor, a subcontractor or anyone directly or indirectly employed by them, Contractor shall, prior to harmful exposure to any employees on the Job Site to such substance, give both immediate oral notice and follow up written notice of the chemical composition thereof to Zayo in sufficient detail and time to permit compliance with such laws by Zayo, other contractors and employers on the Job Site, to the extent Material Safety Data Sheets (MSDS) exist, they shall also be provided.
- (g) Contractor shall be responsible for, at Contractor's expense, the provision of all necessary warning devices, barricades, flaggers, and uniformed patrolmen as are necessary to safely perform and protect the work. Contractor shall be responsible for, at Contractor's expense, determination of necessity, and provision of, security to protect materials, work in progress, or finished work. The foregoing notwithstanding, on railroad right-of-way Zayo will arrange for and pay for railroad flaggers.
- (h) In the event Contractor encounters on the Job Site material reasonably believed to be asbestos, lead, or polychlorinated biphenyl (PCB), or other potentially dangerous substance, which has not been rendered harmless, Contractor shall immediately stop work in the area affected and report the condition to Zayo in writing. The Services in the affected area shall resume in the absence of such substances, or when it has been rendered harmless. In case of dispute, Zayo shall have the right to determine whether work should resume and shall so state in writing.
- (i) Contractor shall comply with applicable legislation regarding the in transportation of materials including, but not limited to regulations which apply to securing of equipment for transport, marking and placarding of transport vehicles and regulations governing driver qualifications. If applicable, Contractor shall comply