

EMPIRE CITY SUBWAY COMPANY (LTD)
POINT OF ENTRY (POE) PROCEDURES

1.0 Introduction

- 1.1** As part of ECS's ongoing commitment to protect the Conduit System and our Tenants' Facilities, the following procedures apply to the construction of Points of Entry (POEs) for Subsidiary Conduits into ECS Manholes. This document identifies the requirements to manage and control the quality of work performed by any party all parties involved with the placing of conduit into ECS Manholes.
- 1.2** For purposes of these procedures, the term "Tenant" shall mean a Tenant of ECS's Conduit System and any other entity that seeks to own, operate or maintain a Subsidiary Conduit necessitating a POE into an ECS Manhole

2.0 Pre-Construction Activities

- 2.1** Tenants shall submit a POE Application for each proposed POE performed by or on behalf of any Tenant or other entity that owns, operates or maintains a Subsidiary Conduit which is or is planned to be connected to an ECS Manhole.
- a. Tenants shall submit a POE Application to ECS prior to performing any work associated with making a POE. POE Applications which contain errors or omissions shall not be processed.
 - b. POE Applications shall be mailed to:

Empire City Subway Co. (Ltd.)
Engineering Department
310-14 Drake St
Bronx, NY 10474
Attn: POE Manager
or
Fax to (718) 861-5088
 - c. POE Applications shall specify the exact location of ECS Manhole by street and nearest cross street.
 - d. POE Applications shall include a sketch of the proposed construction showing the number and the size of Ducts to be built between ECS Manhole and Conduit termination point.
 - e. Tenant may designate a contractor to act as Tenant's agent at field meetings, etc., by submitting to ECS written notification which shall specify the contractor's name, address and business telephone number. Tenant shall be responsible for all acts or omissions of its contractor.
 - f. POE Applications shall specify the name of the contractor performing the work that will be for the Tenant.
- 2.2** A field meeting between Tenant and ECS representative is required prior to approval of a POE Application.

- a. Tenant shall arrange for a field meeting by calling (212) 406-8527, Monday to Friday from 8:00 AM to 4:00 PM. The initial field meeting shall be scheduled on a date at least 7 business days after ECS receives the POE Application and at a time during normal business hours which is mutually convenient to ECS and the Tenant.
- b. Tenant shall be responsible for opening and closing the Manhole covers at field meetings, including all necessary work area protection, Manhole ventilation, etc. Tenant shall have proper equipment in working order, if not, the meeting will be rescheduled at both parties' convenience.
- c. At the field meeting, ECS and Tenant shall discuss preparation work (e.g., relocation of racks), field conditions and the exact location and dimensions of the POE. ECS shall make the final determination of the exact position of the POE, which shall not be changed without the prior written approval of ECS. Under no circumstances shall the POE be located in the Manhole roof, chimney or center of Manhole wall.
- d. ECS reserves the right to deny an POE Application if, in ECS's sole judgment, congestion or other conditions in the Manhole make the placement of the POE in that Manhole impractical. In such an event, the Tenant and ECS may seek another Manhole suitable for the Tenant's needs. If a suitable alternate Manhole is found, ECS and the Tenant shall proceed with the field meeting and modify the POE Application and other documentation accordingly.
- e. Tenant shall propose a method of Manhole penetration at the field meeting. ECS may approve the method as proposed or modify the method as it deems necessary.
- f. ECS shall prepare Field Notes which shall document all pertinent information, specifications and requirements regarding the proposed POE. If a subsequent field meeting is required, ECS shall mark the Field Notes as "Interim." If no more field meetings are required prior to the start of construction, the senior representative of ECS and Tenant present at the field meeting shall each sign the Field Notes and a copy of this ECS Manhole POE Procedure document, which shall constitute approval of the POE Application.
- g. No work shall commence until Tenant receives a POE field sheet from ECS. ECS will use reasonable efforts to provide a field sheet within three (3) business days after the field meeting. Tenant shall have a copy of the field form on site at all times while POE work is being performed. If POE work is performed without a field sheet on site, ECS reserves the right to stop all work relating to the POE.

3.0 POE Construction and Evaluations

- 3.1** Tenant shall comply with all applicable laws, rules, regulations procedures and standards promulgated by any authority having jurisdiction over Tenant, ECS or work associated with POE construction.
- 3.2** Tenant shall comply with all other ECS policies, practices and procedures, including but not limited to, ECS's Manhole Standards, Manhole Activity Program and AMOS Procedures, and ensure that all persons performing POE work are familiar with the same.
- 3.3** POEs shall never be built in Manhole chimneys, in corners or directly over Mainline Conduits. ECS reserves the right to deny a POE due to congested conditions in the Manhole or any other condition that is deemed unsafe to ECS's or Tenant's Facilities or personnel.

- 3.4** ECS reserves the right to perform routine evaluations to safeguard the integrity of ECS's Manholes and Conduits and the Facilities of its other Tenants throughout the job. Tenant shall adhere to all specifications and instructions of ECS. ECS may, in its discretion, direct Tenant to stop work for failure to comply with any specifications, instructions or safety requirements.
- 3.5** The following procedures shall apply to the construction of POEs:
- a. Tenant shall complete all preparation work before breaking the Manhole wall. Core drilling shall be required on all concrete Manholes without no exception (note on field sheet shall not be required.)
 - b. Tenant shall be responsible for all costs associated with moving cables and racks necessary to accommodate the POE.
 - c. Tenant shall excavate outside ECS Manhole wall to pinpoint any obstructions in order to protect ECS's Conduits and any other facilities owned by third parties, e.g. gas, sewer, and water mains, etc.
 - d. If unforeseen circumstances require a change the POE , the Tenant shall not proceed until after Tenant has had an additional field meeting with ECS and ECS has approved the changes. Tenant shall bear all costs associated with changes.
 - e. Tenant shall use whatever means necessary to protect all cables and equipment within ECS's Manhole during the penetration of the Manhole.
 - f. Tenants shall make break or drill all POEs from the interior of the Manhole, unless otherwise instructed by ECS, in which case Tenant shall ensure by precise measurements that the POE is made in the exact interior location approved at the field meeting.
 - g. Tenant may use hammer and chisel to penetrate brick wall Manholes. For all other Manholes, Tenant must use a core drill or any other method discussed and approved by ECS at the field meeting.
 - h. Tenant shall install Subsidiary Conduit(s) into each POE made in the Manhole Wall. To avoid cable cuts and obstructions within the Manhole, Tenant shall terminate all Subsidiary Conduits flush with the interior surface of the Manhole wall.
 - i. All Innerduct will be cut 3" from the end of the duct in Manholes where splice coils are to be left. Innerduct will be brought to, cut and tied to the first racking position in Manholes where pull throughs are to be made. This is to facilitate the coupling of ducts for proper racking procedure.
 - j. Tenant shall secure its Conduit(s) in place with concrete (or equally approved HD-25) from the outside of the Manhole. Tenant shall restore and waterproof the Manhole wall prior to leaving the job site each day.
 - k. Tenant shall plug their Conduit(s) at the conduit termination point (e.g., building entrance location) with an approved conduit plug to prevent gas or water leaks.
 - l. Tenant shall "face off and seal" the interior wall of the Manhole around its POE with a sand and cement mixture of a consistency similar to plaster, hydraulic cement, or equal.

- m. Tenant shall repair any bricks or concrete which may have been removed while making its POE.
- n. Tenant shall restore the Manhole wall with concrete (minimum 3000 psi) to ensure Manhole wall integrity.
- o. Tenant shall ensure compaction of backfill does not disturb the POE “face off” work inside the Manhole.
- p. Tenant shall clean the Manhole after the completion of its work, including .
 - 1. Cleaning of inner pan of debris
 - 2. Manhole lips must be clean of debris for casting/inner pan
 - 3. All debris associated with their construction
 - 4. Notify the ECSC (212) 274-0740 if other debris exists

3.6 If Tenant causes or observes any damage or suspected damage to any existing facility, Manhole structure and or hardware while performing work, Tenant shall notify ECS immediately by calling:

(212) 274-0740 Monday to Friday from 8:00am to 4:00pm

3.7 The following procedures shall apply to POE Evaluations:

- a. Tenant shall notify ECS at least twenty-four (24) hours prior to beginning work. All aspects of the POE shall conform with the agreement made and documented at the field meeting.
- b. If the work does not meet the specifications set forth in the Field Notes, ECS shall advise Tenant in writing what remedial work is required. Tenant shall advise ECS when all remedial work is complete and ready for evaluation.
- c. If Tenant fails to perform the remedial work within three (3) business days of notification, ECS may elect to perform the work itself and Tenant shall pay all costs and expenses associated with the performance of such work.
- d. ECS reserves the right to inspect work before, during and after the completion of the work and bill Tenant for the costs thereof. Tenant shall notify ECS within 48 hours of completion of the job.
- e. ECS reserves the right to refuse to accept further POE Applications of any Tenant or contractor who does not adhere to POE procedures and ECS Manhole Discipline Regulations until such time as these violations are corrected and verified by a field evaluation.
- f. Final Evaluation: Upon completion of POE, tenant shall make arrangements with the POE Manager to perform the final evaluation. Final evaluations must be made within (30) days of POE completion. It is the Tenant’s responsibility to supply a two man crew, and the necessary equipment, needed to open and work within Manholes for final evaluations.

- g. Cancellations: After ECS grants permission to perform the POE, the Tenant has (180) days to complete the POE. If POE is not completed within the necessary timeframe ECS will cancel the POE and bill the tenant for a cancellation fee. ECS will allow additional time beyond the (180) days if the POE work is delayed by government agencies (i.e. NYCDOT). The extension period will be determined by the POE Manager and will not exceed ninety (90) days.

4.0 Billing

- 4.1 Tenant shall pay ECS invoices for work associated with processing Tenant's POE Application, field meetings and evaluations within thirty (30) of the invoice date.
- 4.2 POE Applications shall include the following billing information: the name of employee authorized to approve the POE billing, the account payable supervisor or other authorized accounting employee, address and telephone number. If the supervisor changes, it is the responsibility of the Tenant to notify ECS in writing of the change and the name of replacement.
- 4.3 Tenants submitting a POE Application for the first time shall include a deposit of one thousand dollars (\$1,000.00) which shall be refunded upon payment in full of all costs associated with the POE. No further deposits shall be required unless Tenant's account with ECS is not kept current.
- 4.4 ECS reserves the right to refuse to process POE Applications for any Tenant that does not keep its account current.

5.0 Insurance & Indemnification

- 5.1 To the extent that an entity seeking to construct a Subsidiary Conduit and POE is not a Tenant of ECS's Conduit System (e.g., a pay telephone service provider, a kiosk owner, etc.), such entity shall indemnify ECS and provide ECS with the same [Insurance Requirements](#) prior to applying for a POE.

**EMPIRE CITY SUBWAY COMPANY (LTD)
POINT OF ENTRY FLOW DIAGRAM**

