



Certificate of Coverage

Member ID: 6827
Member:
Nici Browe
City Secretary
Montgomery
PO Box 708
Montgomery, Texas 77356-0708

Company Affording Coverage:
Texas Municipal League Intergovernmental Risk Pool
PO Box 149194 Austin, Texas 78714-9194
(512) 491-2300 or (800) 537-6655
Fax: (512) 491-2404

Certificate Holder:
BNSF Railway Company
2650 Lou Menk Drive
Fort Worth, TX 76131

This is to certify that the coverages listed below have been provided to the member and are in effect at this time. Notwithstanding any requirements, terms, or conditions of any other contract or agreement with respect to which this certificate may be issued or may pertain, the coverage afforded by TMLIRP described herein is subject only to the terms, exclusions and additions of TMLIRP's coverage contracts between TMLIRP and its member(s). Coverage is continuous until canceled.

Workers' Compensation
Effective Date: 10/01/2022 Anniversary Date: 10/01/2023
Limit of Liability: Statutory

DESCRIPTION:
BNSF Pipeline License - Tracking #22W-16150 and 22W-16213

Cancellation: Should any of the above described coverages be canceled before the anniversary date thereof, TMLIRP will endeavor to mail 30 days written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon TMLIRP.

Authorized Representative: Corby Bittner
[Signature]

Date Issued:
03/29/2023

## WAIVER OF SUBROGATION

### Waiver of our Right of Recovery From Others Endorsement

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

#### WORKERS' COMPENSATION

Member Name : Montgomery  
Member ID : 6827  
Effective Date : 10/01/2022

We have the right to recover our payments from anyone liable for an injury covered hereunder. We will not enforce our right against the person or organization named below where you are required by a written contract to obtain this waiver from us.

This endorsement shall not operate directly or indirectly to benefit anyone not named below.

#### Schedule

Name of person or organization: BNSF Railway Company  
2650 Lou Menk Drive  
Fort Worth, TX 76131

Description of operations: BNSF Pipeline License - Tracking #22W-16150 and  
22W-16213

## EMPLOYERS' LIABILITY

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### WORKERS' COMPENSATION

Member Name : Montgomery  
Member ID : 6827  
Effective Date : 10/01/2022

While the Fund does not believe that governmental entities can be held liable for exemplary or punitive damages in a work-related death case and by this endorsement does not waive any defense of governmental immunity to be so asserted; the Fund does agree to defend the Member against such claims and should the highest Court in this state decide that governmental entities such as the employer-member are liable for exemplary or punitive damages in a work-related death case, the Fund will pay all monetary damages the Member shall become legally obligated to pay, but not to exceed :

**\$ 500,000**



Certificate of Coverage

Member ID:6827
Member:
Nici Browe
City Secretary
Montgomery
PO Box 708
Montgomery, Texas 77356-0708

Company Affording Coverage:
Texas Municipal League Intergovernmental Risk Pool
PO Box 149194 Austin, Texas 78714-9194
(512) 491-2300 or (800) 537-6655
Fax: (512) 491-2404

Certificate Holder:
BNSF Railway Company
2650 Lou Menk Drive
Fort Worth, Texas 76131

This is to certify that the coverages listed below have been provided to the member and are in effect at this time. Notwithstanding any requirements, terms, or conditions of any other contract or agreement with respect to which this certificate may be issued or may pertain, the coverage afforded by TMLIRP described herein is subject only to the terms, exclusions and additions of TMLIRP's coverage contracts between TMLIRP and its member(s). Coverage is continuous until canceled.

Table with 4 columns: Liability Type, Effective Date, Anniversary Date, and Limits of Liability. Rows include General Liability, Auto Liability, Law Enforcement Liability, and Errors and Omissions Liability.

DESCRIPTION:
Evidence of coverage with respect to Pipeline Licenses: Tracking #22W-16150 & 22W-16213. Indemnification Under Contract (EL217), and Covered Contract Exception - Railroad Agreement (EL270) endorsements attached. Coverage is primary and non-contributory. Waiver of Subrogation applies.

Cancellation: Should any of the above described coverages be canceled before the anniversary date thereof, TMLIRP will endeavor to mail 30 days written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon TMLIRP.

Authorized Representative: Corby Bittner
[Signature]

Date Issued:
03/29/2023

## INDEMNIFICATION UNDER CONTRACT

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### GENERAL LIABILITY

Member Name : Montgomery  
Member ID : 6827  
Effective Date : 11/01/2022

It is agreed that coverage is provided for the liability assumed by the **Fund Member** to indemnify the person or organization named below under a contract between such person or organization and the **Fund Member**, but such coverage shall not exceed the limits of coverage set forth in the **Declarations**.

Person or Organization: BNSF Railway Company

Address : 2650 Lou Menk Dr

City, State & Zip Code : Fort Worth, Texas 76131

### Description

BNSF Tracking #22W-16150 & 22W-16213

## INDEMNIFICATION UNDER CONTRACT

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### COMMERCIAL AUTOMOBILE LIABILITY

Member Name : Montgomery  
Member ID : 6827  
Effective Date : 11/01/2022

It is agreed that coverage is provided for the liability assumed by the **Fund Member** to indemnify the person or organization named below under a contract between such person or organization and the **Fund Member**, but such coverage shall not exceed the limits of coverage set forth in the **Declarations**.

Person or Organization: BNSF Railway Company

Address : 2650 Lou Menk Dr

City, State & Zip Code : Fort Worth, Texas 76131

#### Description

BNSF Tracking #22W-16150 & 22W-16213

## COVERED CONTRACT EXCEPTION – RAILROAD AGREEMENT

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### GENERAL LIABILITY

Member Name : Montgomery  
Member ID : 6827  
Effective Date : 11/01/2022

Notwithstanding the exceptions set forth under paragraphs 4. and 8.a. to the definition of **covered contract** under Part II of the Liability Coverage Document, it is agreed that the **contract** designated below is to be considered a **covered contract**.

### Designated Contract

BNSF Railway Company - Tracking #22W-16150 & 22W-16213