**Section 800.430 Material Breach**

a) Recipient:

 Material breach under the contract will occur in the following instances:

1) any sale or disposition of the rail facility (track and materials) which is not approved in writing by the Department;

2) failure to maintain the property at the level to which it was rehabilitated, improved or constructed, as provided in Section 800.330;

3) failure to use the property for rail service, as provided in Section 800.330;

4) filing of an application for abandonment under 49 U.S.C. 109 (1985) or Ill. Rev. Stat. 1985, ch. 95½, pars. 18C-1701 et seq. in the Interstate Commerce Commission or the Illinois Commerce Commission (92 Ill. Adm. Code 1520); and

5) failure to comply with any portion of the contract involving the rights or obligations of the parties.

b) Department:

 Material breach under the contract will occur when and if the Department fails to make any payment due to the recipient within a maximum of ninety days of receipt of a properly prepared invoice and any necessary documentation of work from the recipient.