

DOT Emergency Order to Petroleum Crude Oil Railroad Carriers

Docket: DOT-OST-2014-0067

On May 7, 2014, the United States Department of Transportation issued an Emergency Order to Petroleum Crude Oil Railroad Carriers under Docket No. DOT-OST-2014-0067 (copy attached). The Order provides that railroad carriers must provide certain notifications to State Emergency Response Commissions (SERCs) by June 6, 2014 or the railroad carrier will be prohibited from operating certain trains through states to which such notification has not been provided until such time as the railroad carrier provides that notification. For informational purposes, and not for legal interpretations, a summary of the Order's notification requirements is provided below. We encourage you to review the Order and its impact on your SERC, as well as the Frequently Asked Questions issued by DOT on May 23, 2014 (copy attached).

May 7, 2014 Emergency Restriction / Prohibition Order Notification Requirements:

- 1) Carrier must notify the SERC in each state in which the carrier operates trains transporting 1,000,000 gallons or more of Bakken crude oil.
- 2) The SERC notification must:
 - (a) Provide a reasonable estimate of the number of trains implicated by the Order that are expected to travel per week through each county within the state.
 - (b) Identify and describe the petroleum crude oil expected to be transported in accordance with 49 CFR Part 172, subpart C.
 - (c) Provide applicable emergency response information required by 49 CFR Part 172, subpart G.
 - (d) Identify the routes over which the material will be transported.
 - (e) Identify at least one point of contact at the railroad (name, title, phone number, and address) responsible for serving as the point of contact for SERCs and local emergency responders related to the railroad's transportation of Bakken crude oil.
- 3) Railroad carriers must update the notifications prior to making a material change in volume of trains implicated by the Order (DOT defines material change as an increase or decrease of 25% or more in the estimated number of trains per week transporting 1,000,000 gallons or more of Bakken crude oil through a particular area).
- 4) Railroad carriers must assist the SERCs as necessary to aid in dissemination of information to the appropriate emergency responders in affected counties.
- 5) Copies of railroad notifications to SERCs must be available to FRA upon request.

Norfolk Southern is prepared to provide each SERC through which it transports trains covered by the Order a map depicting the its routes for Bakken crude oil trains subject to the Order, as well as individual county maps showing these routes in greater detail.

Norfolk Southern also has prepared a spreadsheet that provides a reasonable estimate of the number of trains with greater than 1,000,000 gallons of Bakken crude oil that are expected to travel per week through each county within the state.

It is important to note that this data is strictly intended for those persons with a need to know, that is, first responders at the state and local level, as well other appropriate emergency response planners. DOT and Norfolk Southern expect the SERCs or designated agency to treat this data as confidential, providing it only to those with a need to know, and with the understanding that recipients of the data will continue to treat it as confidential. Accordingly, DOT has authorized railroads to require reasonable confidentiality agreements prior to providing this information.

Further, railroads and states have routinely entered into confidentiality agreements prior to railroads providing information on commodities transported in trains within their jurisdictions, as this information has traditionally been viewed as confidential from business and security perspectives. DOT believes that following precedent and sharing the data required by this Order under confidentiality agreements is appropriate.

DOT also understands that states have varying methods and agencies responsible for emergency response planning and preparedness within their jurisdictions. For example, Fusion Centers are established on a State and regional basis, with one of their purposes being to share emergency response information. Accordingly, if a State agrees that it would be advantageous for the information required by this Order to be shared with a Fusion Center or other state agency involved with emergency response planning and/or preparedness, as opposed to the SERC, the SERC should so advise the railroad carrier, which will share the required information with that agency instead of the SERC.

Norfolk Southern requests that you identify the appropriate state agency to receive the information required by this Order (SERC, Fusion Center, or other emergency preparedness agency) and execute the attached Confidential Information Non-Disclosure Agreement. In light of the deadline imposed by the Order, Norfolk Southern asks that you designate the appropriate agency and execute the Non-Disclosure Agreement no later than Saturday, May 31, 2014, and return a copy to the undersigned at David.Schoendorfer@nscorp.com.

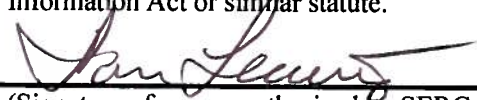
David Schoendorfer, CHMM
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Norfolk Southern Corp.
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Atlanta, GA 30309
404-582-3762 (Office)
540-529-1691 (Mobile)

CONFIDENTIAL INFORMATION NON-DISCLOSURE AGREEMENT

**DOT Emergency Restriction / Prohibition Order
to Petroleum Crude Oil Railroad Carriers
Docket: DOT-OST-2014-0067**

Agency Name: Maryland Department of The Environment
Contact Name: Tom Levering
Title: Director, Emergency Preparedness Planning
City: Baltimore State: Maryland 21230
County: _____
Phone (Office): 410 537-4460
Phone (Mobile): 443-721-7891
Email: Tom.Levering@Maryland.gov

By signing below, I acknowledge and agree on behalf of the Agency to the terms set forth herein for use and dissemination of the Norfolk Southern Railway Company (NSRC) petroleum crude oil routes as required by DOT Docket: DOT-OST-2014-0067 ("the Information"). NSRC considers the Information to be restricted information of a security sensitive nature. The Information also constitutes commercially sensitive information that is not subject to disclosure. Agency acknowledges and agrees that the Information is to be considered confidential and not subject to any disclosure other than that permitted by this Agreement. On behalf of the Agency, I thus affirm and agree that the information provided by NSRC in this report will be used solely for and by bona fide emergency planning and response organizations for the express purpose of emergency and contingency planning. The Agency agrees that the recipient organizations will be advised of and will agree to maintain the confidential nature of the Information. This information will not be distributed publicly in whole or in part without the express written permission of NSRC. The Agency acknowledges and agrees that the Information is given without any warranty by NS as to the accuracy and completeness of the Information and is received by the Agency "AS-IS". The Agency agrees that the Information is not subject to release under the terms of any governing Freedom of Information Act or similar statute.



(Signature of person authorized by SERC to receive information)

5/28/14
Date

Return completed form no later
than May 31, 2014 to:

Norfolk Southern Railway Company
Attn: David Schoendorfer, Manager Hazardous Materials
David.Schoendorfer@nscorp.com
404-582-3762

