August 7, 2009

U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

DOT-SP 14436
(FIRST REVISION)

EXPIRATION DATE: December 31, 2009

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BNSF Railway Company
Topeka, KS

2. PURPOSE AND LIMITATION:

a. This special permit authorizes the transportation in commerce of hazardous materials that are toxic-by-inhalation by rail without meeting the requirements of 49 CFR 174.14 for expedited shipments. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.

b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.

c. No party status will be granted to this special permit.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 174.14(a) and (b) in that hazardous materials that are toxic-by-inhalation and transported by rail must meet the requirements of 49 CFR 174.14 for expedited shipments, except as provided herein.

5. BASIS: This special permit is based on the application of BNSF Railway Company dated January 7, 2009, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Ammonia, anhydrous	2.2	UN1005	N/A
Various toxic-by-inhalation hazardous materials*	Various	Various	Various

* Meeting the definition in 49 CFR 173.132

7. PACKAGING: Tank cars that are authorized for the transportation of materials toxic-by-inhalation as prescribed by 49 CFR, Part 173, Subpart F.

8. SPECIAL PROVISIONS:

a. Cars to be transported over non-signaled track (a.k.a. dark territory): As specified in Appendix A of this special permit the holder may store tank car shipments of materials identified in paragraph 6 of this special permit in transit at the locations identified in Appendix A, until these shipments can be moved in specially designated trains.

The following conditions apply:

(i) This special permit applies only to the routes specified in Appendix A between the initial station and final station on carrier right-of-way identified in the route/station column.

(ii) A current copy of this special permit must be maintained at each facility where the cars are held during transportation.

(iii) Cars stored under this special permit may not exceed a total of 14 days at a single location including Saturdays, Sundays, and holidays.

(iv) The route must be evaluated and inspected by qualified BNSF track department personnel prior to an Inhalation Hazard (IH) train being operated. Only after a successful inspection and evaluation can the tracks be deemed suitable for operation of an IH train.

The next movement must be the IH train and must occur within six hours after the evaluation unless the carrier has information that mandates re-inspection at a more frequent interval.

(v) The maximum operating speed authorized for IH trains must not exceed 35 MPH.

(vi) When meeting any other train, the IH train shall hold the main track as operating conditions dictate. No "after arrival" orders shall be permitted on non-signaled territory.

(vii) In non-signaled, track warrant controlled territory, when a train is approximately 2 miles in advance of a siding or junction, a crew member must transmit the following by radio: "Train identification (initials, engine number and direction) is approaching (location name) at (speed) MPH."

(viii) When holding the main track, an IH train must not proceed past the meeting point before the train in the siding is completely stopped. Dispatchers shall advise IH train conductors of meeting points and the involved conductors shall verify that the train in the siding is stopped before the IH train proceeds.

(ix) Employees shall not operate main track switches when using individual train detection (lone worker or lookout for minor work or routine inspection). Authority must be obtained from the dispatcher to operate main track switches. No such authority may be granted between the time that the route evaluation is completed and the IH train passes.

(x) When maintenance of way employees work with a Form B Track Bulletin after the route is evaluated for the IH train movement, main track switches may not be operated and maintenance may not be performed on the track until the IH train has passed.

(xi) Carrier must provide emergency response training to urbanized areas, as defined by the U.S. Census Bureau, and provide the railroad emergency response telephone numbers to smaller communities along the dark territory routes on which the special permit apply.

b. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail Freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident occurs during the movement, including non-compliance with train meets, by contacting:

Federal Railroad Administration
Hazardous Materials Division
RRS-12, Mail Stop 25
1200 New Jersey Avenue, SE
Washington, D.C. 20590
(202) 493-6229 or 493-6233

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq*:

- All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- Registration required by § 107.601 *et seq*., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:

for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm
Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: FRA/sln

Appendix A

Carrier Lines authorized by Special Permit							
IH Route ID	Division	Subdivision	Initial Station	Holding Yard	Final Station	Route/Stations	Disposition
AMO-CLM	Springfield	Amory	Amory, MS	Amory, MS	Columbus , MS	Amory-Hamilton-Columbus	Delivered on-line, operations in both directions
ASH-SIO	Nebraska	Sioux City	Ashland, NE	Lincoln, NE	Sioux City, IA	Ashland - Sioux City	Eastbound only, trains originate in Lincoln NE
BET-LIN	Nebraska	Beatrice	Beatrice, NE	Hoag	Crete, NE	Beatrice-Crete-Lincoln	Pickup from shipper facility, dark territory to Crete then CTC to Lincoln
BNT-SSB	Gulf	Silsbee	Beaumont TX	Beaumont, TX	Silsbee	Beaumont-Silsbee (train continues to Conroe)	Train origination from industry and additional traffic, IH set out at Conroe
ELP-BEL	Southwest	El Paso	El Paso, TX	El Paso, TX	Belen, NM	El Paso-Las Cruces-Socorro-Belen	PU FXE interchange at Mexico border
GRF-LAU	Montana	Laurel	Great Falls, MT	Great Falls MT	Laurel, MT	Great Falls-Sipple-Mossmain-Laurel	Through traffic; Mossmain-Laurel is CTC
KED-KLF	Northwest	Gateway	Keddie, CA	Riverbank, CA	Klamath Falls, OR	Riverbank-Sacramento-Keddie-Klamath Falls	Cars are held at Riverbank for northbound move on restricted territory
KLF-KED	Northwest	Gateway	Klamath Falls, OR	Pasco, WA	Keddie, CA	Klamath Falls-Bieber-Keddie	Through traffic
SSB-COT	Gulf	Conroe	Beaumont, TX	Beaumont, TX	Conroe, TX	Silsbee-Conroe	Through train from Beaumont: IH traffic sets out at Conroe for industry
SVL-COT	Gulf	Conroe	Somerville, TX	Somerville, TX	Conroe, TX	Somerville-Navasota-Dobbin-Conroe	Train origination from traffic set out; IH traffic sets out at Conroe for local industry
SWE-SHM	Montana	Sweetgrass	Sweetgrass, MT	Sweetgrass, TX	Shelby, MT	Sweetgrass-Shelby	PU CPRS interchange at Canada border
WIS-KLF	Northwest	Oregon Trunk	Bend, OR	Pasco, WA	Klamath Falls, OR	Wishram-Bend-Chemult-Klamath Falls	Dark from Bend to Chemult (68 miles); Up track rights Chemult to Klamath Falls
WJC-PHX	Southwest	Phoenix	Williams Jct. AZ	Belen, NM	Phoenix, AZ	Williams-Ashfork-Mattie (Wickenburg)-Phoenix	Through traffic to Phoenix area, train originates in Winslow AZ, Phoenix is HTUA
ZAP-MAN	Twin Cities	Zap Line	Zap, ND	Beulah, ND	Mandan, ND	Beulah-Mandan-(yard west of Bismark)	Pickup from shipper facility
SHE-GRF	Montana	Laurel	Shelby, MT	Shelby, MT	Great Falls, MT	Shelby - Great Falls	Shelby - bound only
WIL-SIO	Twin Cities	Marshall	Wilmar, MN	Wilmar, MN	Sioux City, IA	Wilmar - Sioux City	Sioux City - bound only