U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MAR 20 2003

DOT-E 13214
(FIRST REVISION)

EXPIRATION DATE: September 30, 2003

1. GRANTEE: Union Pacific Railroad Company
Omaha, Nebraska

(See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of military munitions by rail without meeting the train placement requirements of 49 CFR 174.85. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

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

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 174.85 in that shipments of Division 1.1, 1.2 and 1.3 materials need not comply with train placement requirements except as specified herein.

5. BASIS: This exemption is based on an application from Union Pacific Railroad dated March 13, 2003, submitted in accordance with § 107.117 and a determination that it is necessary for purposes of national security.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Shipping Description	**Hazard Class/Division**	**Identification Number**	**Packing Group**
As appropriate for Military munitions	1.1, 1.2, 1.3 as appropriate	As appropriate	As appropriate

7. SAFETY CONTROL MEASURES:

a. PACKAGING: Packaging is as prescribed in 49 CFR, Part 173, Subpart B, C, and D.

b. OPERATIONAL CONTROLS:

(1) Use of this exemption is only authorized for Department of Defense movements for purposes of national security.

(2) The provisions of § 174.85 are waived, except that the car nearest to the locomotive must be loaded with Division 1.3 commodities, or those of a lower hazard class.

8. SPECIAL PROVISIONS:

a. This exemption allows railroads interchanging the subject traffic with grantee railroad, or any other party to this exemption, to continue to move the train under this exemption.

b. The marking requirements of § 172.302(c) are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation laws:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by 49 CFR 107.601 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAR 2 0 2003
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation,
Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.
PO: Phemister:DL