

October 18, 2024



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21825

EXPIRATION DATE: 2026-09-30

(FOR RENEWAL, SEE 49 CFR 107.109)

1. **GRANTEE:** Wisconsin Central Ltd.
Homewood, IL

2. **PURPOSE AND LIMITATION:**

a. This special permit authorizes, in certain circumstances, the movement of freight trains utilizing a “light locomotive consist” of no more than three locomotives attached to the rear end of a stalled train without positioning buffer cars separating these locomotives from the rear placarded hazardous materials cars in the train. 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 § 174.85(c) and restrictions 1 and 2 in the table in § 174.85(d) such that a buffer car is not required between the helper locomotives and rear placarded car, except as provided herein.

5. **BASIS:** This special permit is based on the application of Wisconsin Central Ltd. dated August 1, 2024, submitted in accordance with § 107.105 and the public proceeding thereon.

Tracking Number: 2024084184

6. SAFETY CONTROL MEASURES:

- a. PACKAGING: In accordance with 49 CFR 174.9, the carrier must inspect each rail car in these trains containing the hazardous material, at ground level, for required markings, labels, placards, securement of closures, and leakage. This inspection may be done in conjunction with inspections required under 49 CFR Parts 215 and 232.
- b. In certain circumstances, the movement of freight trains utilizing a “light locomotive consist” of no more than three locomotives attached to the rear end of a stalled train without positioning buffer cars separating these locomotives from the rear placarded hazardous materials cars in the train is authorized under the terms of this special permit.
- c. This special permit applies only to trains requiring additional assistance to ascend Byron Hill. Byron Hill is located South of Fond du Lac, WI on the Wisconsin Central Ltd’s Waukesha Subdivision between MP 153.9 and MP 145. For purposes of this special permit, it shall be applied only at the location identified herein for the purposes of clearing a stalled train due to operational difficulties that could not be anticipated by the operating considerations outlined in the railroad’s special permit application.

7. OPERATIONAL CONTROLS:

- a. Each crewmember of the shoving crew shall have training on the provisions of this special permit and appropriate hazardous materials training for emergency purposes.
- b. All crew members of the helper locomotives must ride in the cab of the furthest most engine from the rear of the train while conducting the shove move. This condition applies in all circumstances, even if a “helper link” is being used to automatically couple and/or decouple the helper locomotives from the train.
- c. Helper power can only be used in accordance with this special permit after a train has experienced an “unanticipated stall” while ascending Byron Hill. Under no circumstances shall helper locomotives be attached to a train without buffer car(s) as required by 49 CFR 174.85 as a planned operation or to “prevent” a stall.
- d. The helper units must be cut off consistent with current train handling standards at a sufficient distance beyond the crest of the hill as to ensure the train has the ability to proceed without additional assistance.

8. SPECIAL PROVISIONS: A current copy of this special permit must be maintained at the facility where shoving equipment covered by this special permit is based.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS:

a. A current copy of this special permit must be in the possession of shoving crew in a situation covered by this special permit.

b. Wisconsin Central Ltd. must notify the Federal Railroad Administration within 30 days of any occasion operations were conducted under the terms of this special permit. The notification must include the date, time, train identification, and cause of operational difficulty incurred. Such notification must be sent to:

Federal Railroad Administration
Hazardous Materials Division
RRS-12/Mail Stop 25
1200 New Jersey Avenue, SE
Washington, DC 20590
ATTN: Mark Maday, Staff Director
202-493-0479, FAX: 202-493-6478
mark.maday@dot.gov

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.*:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o 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.
- o 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. All incidents involving injuries, fatalities, human factors, operating practices, side-swipe, collision, derailment, and/or hazardous materials release that are directly or indirectly related to railroad operations conducted under the terms of this special permit must be reported by the grantee to the Federal Railroad Administration's Hazardous Materials Division on a semi-annual basis in order to monitor for safety and trends. In addition, the grantee 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 William Schoonover
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-13, 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 <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: MM