



Patrick M. Brady CIH, CSP
Director, Hazardous Materials
Special Operations

BNSF Railway Company
4200 Deen Road
Fort Worth, TX 76106
817-740-7358
817-740-7250
Patrick.Brady@bnsf.com

Railroad Restricted Material

June 13, 2013

Thomas Campbell, Deputy Chief, HazMat
Fire and Rescue Division, (Cal OES)
California Governor's Office of Emergency Services
3650 Schriever Avenue, Mather, CA 95655

RECEIVED

JUN 17 2014

CAL OES FIRE & RESCUE

Re: U.S. Department of Transportation Emergency Order Docket Number DOT-OST-2014-0067 (Issued May 7, 2014)

Dear Mr. Thomas Campbell:

Pursuant to the above referenced Emergency Order, on June 5, 2014 you were sent a copy of the traffic flow summary for crude oil shipments in your state through each county. Also pursuant to the Emergency Order we are required to "update notifications when there is a material change in the volume (+/- 25%) of those trains." The attached report provides this updated traffic flow summary.

It is important to note that this information is subject to several restrictions upon its release and exemptions from both state and federal applicable Freedom of Information laws. This information should only be provided to persons meeting the appropriate need-to-know requirements discussed below. BNSF considers this information Railroad Restricted Material, commercial confidential and business confidential information and pursuant to Federal Law the documents have been marked accordingly.

The D.O.T.'s guidance states that "This data is 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 expects the SERCs 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, railroads may require reasonable confidentiality agreements prior to providing this information". BNSF trusts that each agency will maintain the confidentiality of this information in accordance with D.O.T.'s stated expectation.

The information is being provided to government personnel with emergency response, planning and/or security-related responsibilities. Please distribute this information only to those people who have a direct "need to know" as defined by regulation with a copy of this letter. The key purpose of the emergency order is to ensure local responders are aware when crude oil is being routed through their counties and the potential volumes for the purpose of developing emergency response plans.

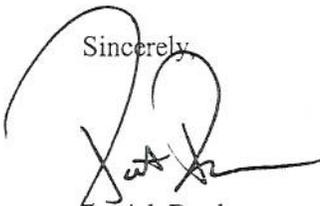
BE FURTHER ADVISED, numerous federal and state regulatory restrictions prohibit BNSF or those receiving this information from publicizing data on train volumes and routing. These include, but are not limited to the following:

- Federal regulation prohibits Railroad Restricted Material information relating to transportation shipments from being released. Attached is the STB protective order as further example of treatment and restriction on disclosure of Railroad Restricted Materials):
[http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/369FD392053798F985257975005464D3/\\$file/42116.pdf](http://www.stb.dot.gov/decisions/readingroom.nsf/UNID/369FD392053798F985257975005464D3/$file/42116.pdf)
- BNSF considers this information to be proprietary and confidential trade secret and business information. We are providing this information to your agency with the expectation and understanding that you will not share it with anyone who does not have a "need to know" such information for emergency response, planning and/or security-related responsibilities.
- Pursuant to Federal Statute, information relating to the route, kind, quantity routing of a shipper's property is competitively sensitive information that shall not be disclosed by a railroad. 49 USC§11904.

BNSF recognizes the important role community emergency planning and responding personnel play in protecting our communities and is committed to providing information needed to support these efforts within the limits defined by law. Although security regulations allow for limited disclosure of this information, we must all be cognizant that there is a real potential for the criminal misuse of this data in a way that could cause harm to your community or other communities along the rail route. BNSF is providing this information to you with the understanding that your agency can and will protect such information from public disclosure. Each agency that receives this information is responsible for compliance with these restrictions.

In the event that you are asked to disclose or provide this information via an open records or other request to which your or another agency believes this information is responsive, BNSF requires that you immediately notify me at 817-740-7358 or by email at Patrick.Brady@bnsf.com so that BNSF can determine whether legal or other action to prevent disclosure is appropriate.

Sincerely,



Patrick Brady
Director Hazardous Materials Special Operations
BNSF Railway

Bakken Region Crude Weekly Train Tracking

		State/County/Route	Loaded Train Counts 6/5/2014 - 6/11/2014
<u>Baseline Low</u>	<u>Baseline High</u>	CA	
0	9	BUTTE	1
0	9	CONTRA COSTA	1
0	9	LASSEN	1
0	9	MODOC	1
0	9	PLACER	1
0	9	PLUMAS	1
0	9	SACRAMENTO	1
0	9	SAN JOAQUIN	1
0	9	YUBA	1
		ALAMEDA	0
		FRESNO	0
		KERN	0
		KINGS	0
		LOS ANGELES	0
		MADERA	0
		MERCED	0
		NEVADA	0
		ORANGE	0
		RIVERSIDE	0
		SAN BERNARDINO	0
		SAN DIEGO	0
		SAN FRANCISCO	0
		SAN LUIS OBISPO	0
		SANTA CLARA	0
		SHASTA	0
		SISKIYOU	0
		SOLANO	0
		STANISLAUS	0
		SUTTER	0
		TULARE	0
		WEST BARSTOW	0
		YOLO	0

Railroad Restricted Materials