



June 6, 2014

**Sent Via Email**

Patrick Brady  
Director, Hazardous Materials Special Operations  
BNSF Railway  
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Fax 817-740-7250

**Subject: U.S. Department of Transportation's Emergency Order Requiring Bakken  
Crude Oil Train Counts- Disclosure to the SERCs**

Dear Mr. Brady,

This letter is in response to BNSF Railway's request that the Governor's Office of Emergency Services sign a non-disclosure agreement with regard to the information the Department of Transportation has ordered BNSF to provide to our State Emergency Response Commission (SERC).

As a public entity we cannot sign the non-disclosure agreement. However, please be advised that we will treat the information that we receive from BNSF in accordance with the Federal and California law. Therefore, if the information we receive from BNSF is exempt from the Freedom of Information Act, 5 U.S.C. section 552, and the California Public Records Act, California Government Code section 6250 et seq., we will not disclose the information.

If you have any questions, please feel free to contact me at (916) 845-8543 or at [Jill.Talley@caloes.ca.gov](mailto:Jill.Talley@caloes.ca.gov).

Sincerely,

  
Jill H. Talley  
Chief Counsel