

# EXHIBIT A

Notes from Administrator's Meeting with BNSF  
For Docket PHMSA-2012-0082  
Open Rulemaking HM-251  
March 19, 2014

**Participants:**

**PHMSA:**

Cynthia Quarterman, Administrator

Magdy El-Sibaie, Associate Administrator, Office of Hazardous Materials Safety

Ryan Posten, Deputy Associate Administrator, Policy and Programs, Office of Hazardous Materials Safety

Jeannie Shiffer, Director, Office of Government, International, and Public Affairs

Vanessa Sutherland, Chief Counsel

Vasiliki Tsaganos, Deputy Chief Counsel

**FRA:**

Karl Alexy, Staff Director, Hazardous Materials Division

**Industry:**

Gregory Fox, Executive Vice President, Operations, BNSF Railway Company

Michael Smythers, Jr., Assistant Vice President, Federal Government Affairs, BNSF Railway Company

Amy Hawkins, Vice President, Federal Government Affairs, BNSF Railway Company

Patrick M. Brady, Assistant Director Hazardous Materials, BNSF Railway Company

**Preliminary Remarks:\***

PHMSA has an open rulemaking regarding rail cars and, as such, cannot comment on that pending rulemaking; PHMSA will simply listen to comments. The comment period has closed for the ANPRM, but PHMSA may consider late-submitted comments.

**Comments from BNSF Railway Company ("BNSF"):\***

\*BNSF is committed to prevention, mitigation and response.

\*They don't believe that Bakken crude is very different than other crude, but they believe it is more volatile and that is why they are pushing for the new tank car standard. They believe that ethanol and crude should move by the "next generation" rail car. They said that they need certainty with respect to the new tank car standards and for the retrofit issue to be addressed.

\* They are also working on the response side and are training first responders. They are also working on creating hazmat training for first responders.

\*They believe that the voluntary actions have moved the needle in terms of risk reduction and they take risk reduction very seriously.

\* This is a summary of the comments made at this meeting and not a transcript.

\* They are supportive of breaking out the proposed rulemaking into two rulemakings. They would like to see the new tank car rulemaking as soon as possible.

\*They believe the CPC-1232 should be jacketed and with thermal protection for hauling crude and ethanol.

\*They proposed that the DOT 111s can be made equally safe as the CPC-1232 if they are equipped with head protection, valve protection, are jacketed and have thermal protection. They also suggested speed restrictions on the 111 in high volume areas for 5-7 years.

\*They don't distinguish between the older and newer DOT 111s.

\*They said that they spent a lot of time on conditional probability of release (CPR) with the University of Illinois and the calculated CPR for a DOT 111 is 50%.

\*They said that the mistake they made with the consensus standard in 2011 was that the CPC - 1232 car didn't have a jacket. If they knew about crude oil in 2011, they would not have supported the consensus standard.

\*They said that the CPC- 1232 is 76% more crashworthy than an unjacketed DOT 111.

\*The "next generation" car is 85% more crashworthy than the DOT 111. Their concept of a "next generation" car is a shell thickness of 9/16, full-height head shield, thermal protection, head shield, top and bottom valve protection, high capacity pressure relief valve, and jacketed. They basically described it as a 112 tank car with a hinged and bolted manway and bottom outlet valve.

\*They also said that they could see a scenario that a slight modification to the CPC-1232 and DOT 111 could allow Packing Group III to be hauled into the future. They also suggested that Canadian tar sands, asphalt and diesel could be shipped in these cars.

\*They said that they have put out a request for proposal for new tank cars and will have bids back in 60 days. They will be looking for the new tank car standard before they commit \$700 million.

\*They have not changed their tariffs on DOT 111s although Canada has done this. They are concerned that the DOT 111s will come to the U.S. and the CPC-1232s will end up in Canada. They believe that there needs to be disincentive to use DOT 111 and they are looking at pricing as well.

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