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May 9, 2011

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Public Record

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

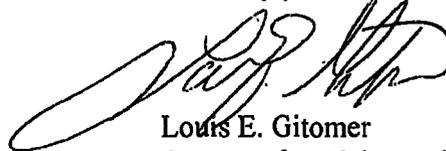
RE: Docket No. 42129, *American Chemistry Council, The Chlorine Institute, Inc., The Fertilizer Institute, and PPG Industries, Inc. v. Alabama Gulf Coast Railway LLC and RailAmerica, Inc.*

Dear Ms. Brown:

Enclosed for e-filing is a Response to a Motion for Injunctive Relief under 49 U.S.C. §721(b)(4) filed by Alabama Gulf Coast Railway LLC and RailAmerica, Inc.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,



Louis E. Gitomer
Attorney for Alabama Gulf Coast Railway
LLC and RailAmerica, Inc.

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. 42129

AMERICAN CHEMISTRY COUNCIL, THE CHLORINE INSTITUTE, INC., THE
FERTILIZER INSTITUTE, AND PPG INDUSTRIES, INC.

v.

ALABAMA GULF COAST RAILWAY LLC AND RAILAMERICA, INC.

RESPONSE TO MOTION FOR INJUNCTIVE RELIEF UNDER 49 U.S.C. §721(b)(4)

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RAILWAY LLC and RAILAMERICA, INC.

Dated: May 9, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. 42129

AMERICAN CHEMISTRY COUNCIL, THE CHLORINE INSTITUTE, INC., THE
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RESPONSE TO MOTION FOR INJUNCTIVE RELIEF UNDER 49 U.S.C. §721(b)(4)

Alabama Gulf Coast Railway LLC (“AGR”) and RailAmerica, Inc. (“RailAmerica” and together with AGR the “Defendants”) respectfully urge the Surface Transportation Board (the “Board”) to deny the Motion for Injunctive Relief Under 49 U.S.C. §721(b)(4) filed on April 19, 2011 (the “Motion”) by the American Chemistry Council, The Chlorine Institute, Inc., The Fertilizer Institute, and PPG Industries, Inc. (“PPG”) (collectively “Complainants”). The Complainants have failed to meet the Board’s criteria for injunctive relief.

Defendants contend that the regulations at 49 C.F.R. Part 174 are a floor and not a ceiling as to the actions railroads may take to provide for the safe transportation of Toxic Inhalation Hazards and Poison Inhalation Hazards (“TIH/PIH”). The regulations permit States to adopt more stringent requirements. 49 C.F.R. §174.2(b). Indeed, local restrictions may be imposed by a carrier. 49 C.F.R. §174.20(a). The Board knows well how to address issues within

the jurisdiction of the Federal Railroad Administration where parties have adopted diametrically opposing positions. *See Regulations on Safety Integration Plans*, 6 S.T.B. 129 (2002).¹

BACKGROUND

The instant proceeding concerns the handling of TIH/PIH, chemicals which are extremely dangerous. AGR has adopted tariffs to implement methods and means of reducing the danger in handling such chemicals.

Complainants filed a Complaint on April 15, 2011 seeking a finding from the Board that Defendants violated 49 U.S.C. §§ 10702 and 11101 through the publication of tariff AGR-0900 and the adoption of tariff RA-1000, Section V by AGR as a means of handling TIH/PIH. Complainants also contend that the “TIH/PIH Standard Operating Practice (SOP)” document (the “SOP,” copy attached in Exhibit A) results in an unreasonable practice and prevents AGR and RailAmerica from complying with the common carrier obligation.

RailAmerica is not a rail carrier and is not subject to the Board’s jurisdiction. Additional detail and argument are presented in the Motion to Dismiss filed on May 5, 2011. AGR is a common and contract carrier and does carry TIH/PIH for PPG.

Tariffs AGR-0900 and RA-1000, Section V were both canceled on April 29, 2011. Therefore, there is no longer a case or controversy concerning these two tariffs. AGR published a new tariff AGR-0900-1 on April 29, 2011 (Exhibit B), concerning the transportation of TIH/PIH. However, that tariff is not the subject of the instant proceeding since Complainants

¹ “[I]t might be shown that DOT and NRC did not intend to establish comprehensive regulations to assure safe transportation of radioactive materials, but rather hoped that other agencies or private industry would substantially supplement their regulations....” *Consolidated Rail Corp. v. Interstate Commerce Com.*, 646 F.2d 642, 651 (D.C. Cir. 1981) (“*Conrail*”).

have not amended their Complaint to address the terms of tariff AGR-0900-1. Nor is tariff AGR-0900-1 the subject of the Motion.

The SOP is not a tariff and Complainants do not contend that it is. The SOP is a PowerPoint presentation that was shared with PPG, among others, as a “**proposal** to modify...policies and procedures for handling TIH/PIH commodities.” Consequently, the SOP cited by Complainants was simply a document intended to propose, address and resolve issues of safety in order to open a dialogue between AGR and affiliated railroads and shippers of TIH/PIH. AGR hoped that these discussions would lead to enhanced safety for the movement of Complainants’ TIH/PIH, which would benefit all stakeholders, including the employees of AGR and its affiliated railroads and the citizens in the communities through which AGR and its affiliated railroads transport Complainants’ TIH/PIH. The “SOP” referred to in the Complaint, only “**recommended**” certain actions, it was not binding and certainly does not supersede published tariffs.

THE REQUESTED RELIEF

Curiously, Complainants request the Board issue “injunctive relief to maintain the status quo during the pendency of this proceeding.” Motion at 8. Complainants do not ask the Board to enjoin specific tariffs, including the canceled tariffs AGR-0900 and RA-1000, Section V, much less the currently effective tariff AGR-0900-1, that govern AGR’s movement of TIH/PIH. Indeed, Complainants do not even mention the tariffs in the Motion. In effect, Complainants seem to be asking the Board to enjoin a proposal.

However, a close reading of the Motion reveals that Complainants are seeking to “simply maintain the status quo that has existed for decades.” Motion at 2. Contrary to

Complainants' statement, there has been no status quo that has "existed for decades." At best the Complainants are being disingenuous, at worst, they are asking the Board to ignore or overturn the rules developed by the Pipeline and Hazardous Materials Safety Administration ("PHMSA") and Federal Railroad Administration ("FRA") in 49 CFR Parts 172, 174, and 209, *Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments: Railroad Safety Enforcement Procedures; Interim Final Rule and Proposed Rule*, 73 FR 20751-20773 (April 16, 2008) (the "*TIH/PIH Rulemaking*").² Not only have PMSA and FRA implemented rules during the "decades," but the Association of American Railroads developed protocols and recommendations in OT-55-I on July 17, 2006. Defendants respectfully suggest that if Complainants want to turn back the clock on the safe handling of TIH/PIH, the Board is not the proper agency to petition.

Complainants do not ask the Board to enjoin enforcement of the canceled tariffs AGR-0900 or RA-100, Section V, which are the tariffs that were published to be effective on March 11, 2011 and June 19, 2009, respectively, or the new tariff AGR-0900-1. Maintaining the status quo would leave tariff AGR-0900-1 in effect. It is illogical that Complainants' intent is to ask the Board to leave tariff AGR-0900-1 in effect, since that tariff prescribes the behavior Complainants are complaining about.

Defendants will respond to the intent of the Motion – to enjoin AGR's use and

² The notice of Proposed Rulemaking was published on December 21, 2006 in Docket HM-232E (71 FR 76834).

enforcement of AGR-0900-1.³

CRITERIA

In deciding a petition for stay, the Board follows the traditional stay criteria by requiring a party seeking a stay to establish that: (1) there is a likelihood that it will prevail on the merits of any challenge to the action sought to be stayed; (2) it will suffer irreparable harm in the absence of a stay; (3) other interested parties will not be substantially harmed by a stay; and (4) the public interest supports the granting of the stay.⁴ The petitioner carries the burden of persuasion on all of the elements required for such extraordinary relief.⁵

Entergy Arkansas, Inc. & Entergy Services, Inc. v. Union Pacific Railroad Company, Missouri & Northern Arkansas Railroad Company, Inc., & BNSF Railway Company, Docket No. NOR 42104 (STB served April 25, 2011) at 2. Defendants and Complainants agree as to the four criteria that the Board considers in deciding whether to grant a stay or enjoin an action. However, Defendants disagree that they must “demonstrate some extraordinary justification.” Motion at 5.

First, the *Radioactive Materials* proceeding relied upon by Complainants⁶ was an investigation proceeding initiated and decided prior to the enactment of the Staggers Act.⁷ Prior to the Staggers Act, in an investigation the burden of proof was on the railroad. *Bituminous Coal, Hiawatha, Utah, to Moapa, Nevada*, 361 I.C.C. 923, 928 (1979). The Staggers Act shifted

³ Defendants would not object to the Board dismissing the Motion because the tariffs it seeks to enjoin have been canceled. In fact, Defendants respectfully encourage the Board to dismiss the Motion on the ground that the tariffs sought to be enjoined have been voluntarily canceled by the only proper defendant, AGR.

⁴ See *Washington Metro. Area Transit Comm'n v. Holidays Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977); *Virginia Petroleum Jobbers Ass'n v. Fed. Power Comm'n*, 259 F.2d 921, 925 (D.C. Cir. 1958).

⁵ *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 573 (5th Cir. 1974).

⁶ *Trainload Rates on Radioactive Materials, Eastern Railroads*, 362 I.C.C. 756 (1980) (“*Radioactive Materials*”).

⁷ Staggers Rail Act of 1980, Pub. L. No. 96-448.

the burden of proof to suspend (or enjoin) a proposed rule or practice to the protestant (here the Complainants. 49 U.S.C. §10707(c)(2) repealed. The burden of proof in investigation proceedings shifted to Complainants over 30 years ago, and the Complainants have not met that burden.

COMPLAINANTS HAVE NOT JUSTIFIED INJUNCTIVE RELIEF

Complainants are not likely to prevail on the merits.

Complainants contend that they will prevail on the merits because AGR has not justified its safety measures in light of rules “mandated by federal regulations.” Motion at 3. The erroneous contention made by Complainants is that this proceeding is on all fours with *Radioactive Materials* and that the Board is bound by *Radioactive Materials* and *Conrail*.

First, the SOP is a proposal that makes recommendations for handling TIH/PIH. It is not a tariff and is not binding on AGR.

Next, the tariffs challenged in the Complaint have been canceled. Complainants have not opposed the tariff adopted on April 29, 2011 in AGR-0900-1.

Third, the 49 C.F.R. Part 174 rules do not mandate a ceiling on safe practices. Indeed, sections 174.2(b) and 174.20(a) specifically permit additional restrictions. Based on 49 C.F.R. Part 174 and the *TIH/PIH Rulemaking*, it is AGR’s belief that FRA would agree with AGR’s analysis that nothing that prohibits AGR from implementing safety protocols that are above and beyond those mandated by the FRA and that AGR’s priority trains are safer than general train service because they significantly reduce handling.

Fourth, the burden of persuasion after the Staggers Act is on Complainants, not Defendants. Defendants are not required to “demonstrate some extraordinary justification”

(Motion at 5) as Complainants allege. Even if Complainants were correct, there is “extraordinary justification” as railroads are a potential terrorist target.

Finally, Complainants are seeking to enjoin Defendants from using a proposal intended to initiate discussions about the safe handling of TIH/PIH on railroads. Complainants are not seeking to enjoin tariffs that govern the handling of TIH/PIH trains by AGR. AGR views it as highly unlikely that the Board will find the use of a proposal with recommendations that does not mandate action, but is merely intended to foster discussions, an unreasonable practice or a failure to fulfill its common carrier obligation. Talking to customers and suggesting safety enhancements cannot be an unreasonable practice. Nor is the use of the SOP to foster discussions preventing AGR from fulfilling its obligations as a common carrier. Complainants have not asked to enjoin AGR from operating under tariff AGR-0900-1, nor have they made any arguments to the effect that AGR-0900-1 is unreasonable or will interfere with AGR performing its common carrier obligation.

Complainants have failed to carry their burden of persuasion with regard to proving that they will prevail on the merits and are therefore not entitled to injunctive relief.

Complainants will not be irreparably harmed.

Complainants contend that handling TIH/PIH under the SOP will result in “heavy additional costs [that] would be substantial” and that there would be “injuries resulting from disruptions in normal shipping and manufacturing patterns and processes.” Motion at 5.⁸

⁸ Defendants contend that “substantial additional costs” are not appropriate considerations in an unreasonable practice proceeding and instead should be addressed in an unreasonable rate proceeding. See, *Cargill, Incorporated v. BNSF Railway Company*, Docket No. NOR 42120 (STB served January 4, 2011) at 5-6.

Complainants base their conclusion on the assertions that the SOP will increase cycle times and will require the storage of cars increasing security concerns. Motion at 6. Complainants are wrong because the SOP does not mandate any action by AGR.

Not only are Complainants wrong about the SOP, but they are also wrong about the governing tariff, AGR-0900-1. Tariff AGR-0900-1 explains its purpose and how it will operate:

TIH-PIH are inherently dangerous commodities and require special handling. AGR must provide safe transportation for TIH-PIH in accord with existing rules. To that end, AGR has developed a program imposing minimal additional burdens on the shippers. AGR's program starts with notification from a shipper that a car is being forwarded for delivery to AGR. AGR is requiring the pre-notification so that it can verify that the recipient will be able to receive the car or cars when it is delivered, arrange to have an inspector available when the car or cars are received by AGR, arrange to have locomotives and crews available when the TIH-PIH car or cars arrive for interchange to AGR. Before accepting a TIH-PIH car or cars, AGR will inspect that car or cars to make sure of compliance with the requirements of 49 CFR 174.3. Once AGR accepts a car or cars it will put the car or cars into a priority train to immediately deliver the car or cars to the receiver. This train will depart within the 48 hour period required by 49 CFR 174.14, usually much sooner. The priority train will also provide more expeditious service and safer transit to the receiver than handling the car or cars in the normal course of business that would require moving through yards, switching onto a regular train, and starting and stopping at different shippers along the route to the receiver. The train will travel at the appropriate speed for safe operation based on the conditions of the rail line, time of year, weather, and any other relevant factors deemed relevant by AGR operating and/or safety personnel. It is AGR's belief that the transfer of TIH-PIH cars to a priority train will enhance the efficiency of the use of the TIH-PIH equipment fleet by expediting delivery to the destination.

As can be seen in the quote from AGR-0900-1, AGR's new method for handling TIH/PIH traffic will not result in increased cycle times or the storing of TIH/PIH cars. In fact, AGR-0900-1 is intended to accomplish the exact opposite.

A shipper notifies AGR to expect a car on a certain date. AGR then checks with the receiver to arrange delivery. AGR plans to marshal its forces so that it can inspect the car or cars on arrival as required by 49 C.F.R. §174.9(a). Once the inspection is complete and the car or

cars are in compliance, AGR will take the car or cars to a priority train, avoiding extra handling and delay in the yard. The priority train will then take the car or cars to the previously notified receiver. The priority train will not stop to make pickups or deliveries of other cars at other shippers' locations, thereby avoiding a great deal of handling. AGR contends that pre-delivery notification should be a minimal burden on the originator and that the proposed movement of cars will be more efficient than the handling of more typical and less dangerous traffic. Hence, cycle times should not increase, but may well decrease. In addition, AGR will not store TIH/PIH cars, but will keep them in motion until final delivery is made. Having fresh crews and a locomotive available once the car is interchanged from a Class I railroad will expedite the process and avoid numerous delays that occur today, much less the fabricated delays posited by Complainants in their misinterpretation of AGR's operations under AGR-0900-1.

AGR is a short line railroad, and does not handle cars for hundreds or thousands of miles. Due to the shorter haul on AGR, a reduction in dwell time in a yard after interchange⁹ will more than make up for the reduced speed of the priority train, if any.

AGR-0900-1 complies with the intent of the rulemaking. "The purpose of Sec. 174.14 is to help ensure the prompt delivery of hazardous materials shipments and to minimize the time such materials spend in transportation, thus minimizing the exposure of hazmat shipments to accidents, derailments, unintended releases, or tampering." *TIH/PIH Rulemaking* at 20754.

Complainants next rely on comments from Olin Corporation filed in Ex Parte No. 705, *Competition in the Railroad Industry*. The presentation of Olin's comments by Complainants is misleading at best. AGR was assigned trackage rights over the Norfolk Southern Railway

⁹ A railroad is allowed to hold a TIH/PIH car for up to 48 hours under 49 C.F.R. §174.14(a).

Company (“NS”) by the Burlington Northern and Santa Fe Railway Company (“BNSF”). *Alabama Gulf Coast Railway LLC–Acquisition and Operation Exemption–The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34323 (STB served June 17, 2003). The trackage rights that had been granted to BNSF were for overhead traffic only. *Burlington Northern Railroad Company-Trackage Rights Exemption–Southern Railway Company*, ICC Finance Docket No. 30379 (ICC served November 5, 1985) and *Burlington Northern Railroad Company-Trackage Rights Exemption–Southern Railway Company*, ICC Finance Docket No. 30379 (Sub-No. 1) (ICC served May 5, 1994). In order to serve Olin at McIntosh, AL, AGR would need to be granted local trackage rights by NS. Moreover, AGR’s operations over NS are governed by Section 3.7 of the Agreement between NS and AGR, which provides “[NS] shall make rules and regulations for the operation of said Joint Trackage, which shall have application to all engines and trains which may be moved over the same.” AGR must operate over NS’s track at the speeds dictated by NS. AGR-0900-1 is consistent in meeting the requirements of its trackage rights landlords because it provides that “The train will travel at the appropriate speed for safe operation based on the conditions of the rail line, time of year, weather, and any other relevant factors.” The truth about operation to Olin at McIntosh, AL are that AGR cannot serve Olin, that AGR cannot operate its trains at 10 mph without authority from NS, and that AGR-0900-1 will not result in “nightmarish” operations over the NS line.

AGR does not currently handle TIH/PIH over the NS trackage rights. AGR carries TIH/PIH between Mobile and Saraland over AGR’s owned track. As can be seen on the Map (lower left) in Exhibit C, the NS trackage rights and AGR owned track between Mobile and Saraland are essentially parallel.

The Verified Statement submitted by Mr. Reiner of the Chlorine Institute contains nothing more than misrepresentations of AGR 0900-1 resulting in drawing even more inaccurate conclusions. Mr. Reiner repeats the inaccuracies infecting and undercutting Complainants' Motion that AGR will operate TIH/PIH trains at 10 mph, that AGR will require advance permits to accept cars in interchange, that AGR will hold cars in storage, and that these actions will not be safe and secure or in compliance with 49 C.F.R. Part 174. AGR has answered and refuted these inaccurate allegations in addressing the arguments in the Motion and adopts those same arguments in response to Mr. Reiner's inaccurate and misleading statement.

Nowhere in the inaccurate hyperbole offered by Complainants is there any convincing argument, much less fact that demonstrates with any certainty that AGR-0900-1 will cause irreparable harm to Complainants. Complainants have failed to carry their burden of persuasion with regard to irreparable harm and are therefore not entitled to injunctive relief.

Other parties will be harmed if injunctive relief is granted.

Rail transportation is a potential target of terrorist attack. AGR knows that TIH/PIH is very dangerous, and believes that TIH/PIH shipments are a high value target. Therefore, AGR contends that an injunction delaying implementation of AGR-0900-1, which AGR contends provides safer transportation over its lines than merely complying with 49 C.F.R. Part 174, is likely to result in greater to harm to AGR, its employees, the communities it serves, and its shippers.

AGR is highly concerned about the delivery of one TIH/PIH car to AGR where PPG has not given advance notice and the car sits uninspected and unattended on an interchange track for a weekend. The potential harm to AGR, a Class III railroad, could be catastrophic, not to

mention the peril faced by the local communities. AGR urges the Board to weigh the potential harm to AGR and the local community against the requirement that PPG provide advance notice to AGR before shipping a TIH/PIH car. In AGR's opinion the minimal requirement placed on PPG is immeasurably outweighed by the potential harm from an injunction that would not require PPG to comply with AGR-0900-1.

Complainants have failed to carry their burden of persuasion with regard to demonstrating that other parties will not be harmed by an injunction.

The public interest requires that AGR be permitted to implement safety requirements that comply with 49 C.F.R. Part 174.

Complainants, in their misunderstanding of the SOP recommendations and their failure to consider AGR-0900-1, claim that there will be a disruption in the transportation of TIH/PIH. Complainants also claim that AGR will preempt and supersede 49 C.F.R. Part 174. Complainants are wrong again.

First, a fair reading of AGR-0900-1 demonstrates that there will not be a disruption to the movement of TIH/PIH. Indeed, AGR contends that the opposite will occur. TIH/PIH cars interchanged to AGR will be inspected faster and will be moved to and arrive at destination faster than they are today without all of the intermediate handling received today.

Second, the non-binding SOP, and the binding tariff AGR-0900-1 do not preempt or supersede 49 C.F.R. Part 174. Indeed, they are complimentary. Moreover, 49 C.F.R. §174.20 allows for the imposition of "local restrictions."

The Complainants final argument is that AGR did not provide "quantitative or qualitative data." Motion at 8. Complainants ignore the centuries of experience of RailAmerica's and AGR's management in safely operating railroads and continually enhancing that safety. There

are just some actions that are right and do not require study. Advance notice of a shipment so that a railroad can expedite compliance with 49 C.F.R. Part 174 does not require an academic study. Perhaps as owners of the dangerous TIH/PIH, Complainants would recognize that expediting the movement of TIH/PIH in compliance with 49 C.F.R. Part 174 is safer.

Complainants have failed to carry their burden of persuasion with regard to demonstrating that the public interest requires an injunction.

CONCLUSION

For the forgoing reasons, AGR and RailAmerica respectfully request that the Board deny the Motion and not grant Complainants injunctive relief.

Respectfully submitted,



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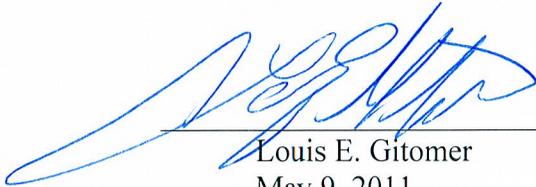
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Attorneys for: ALABAMA GULF COAST
RAILWAY LLC and RAILAMERICA, INC.

Dated: May 9, 2011

CERTIFICATE OF SERVICE

I hereby certify that I have caused the foregoing document to be served upon counsel for American Chemistry Council, The Chlorine Institute, Inc., The Fertilizer Institute, Inc., and PPG Industries, Inc. electronically.



Louis E. Gitomer
May 9, 2011

EXHIBIT A-SOP

TIH/PIH Standard Operating Practice (SOP)

Implementation Proposal

A proposal to modify RailAmerica's policies and procedures for handling TIH/PIH commodities.

RailAmerica

A cross functional team of RailAmerica employees was charged with developing operating practices that go beyond “industry standards” in order to further reduce the risk of moving TIH/PIH commodities.

2

SOP Recommendations

The team recommended that railroads owned by RailAmerica move all TIH/PIH shipments in dedicated train service at no more than 10 MPH.

The team recommended that a qualified mechanical employee inspect every TIH/PIH car before pulling the car from the interchange track.

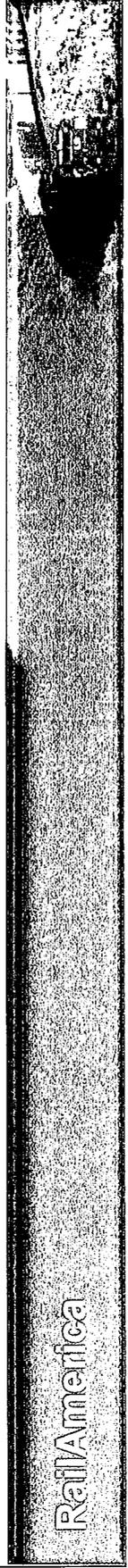
The team recommended that employees accompany the shipment at all times, even if outside of a High Threat Urban Area (HTUA), as long as the shipment is on RailAmerica property and until the receiving entity acknowledges receipt of the shipment.

The team recommended that a permitting process be implemented to manage the movement of each TIH/PIH shipment.

Because of the varying operating conditions across all RailAmerica properties, the railroads that move TIH/PIH commodities will have to create specific operating procedures.

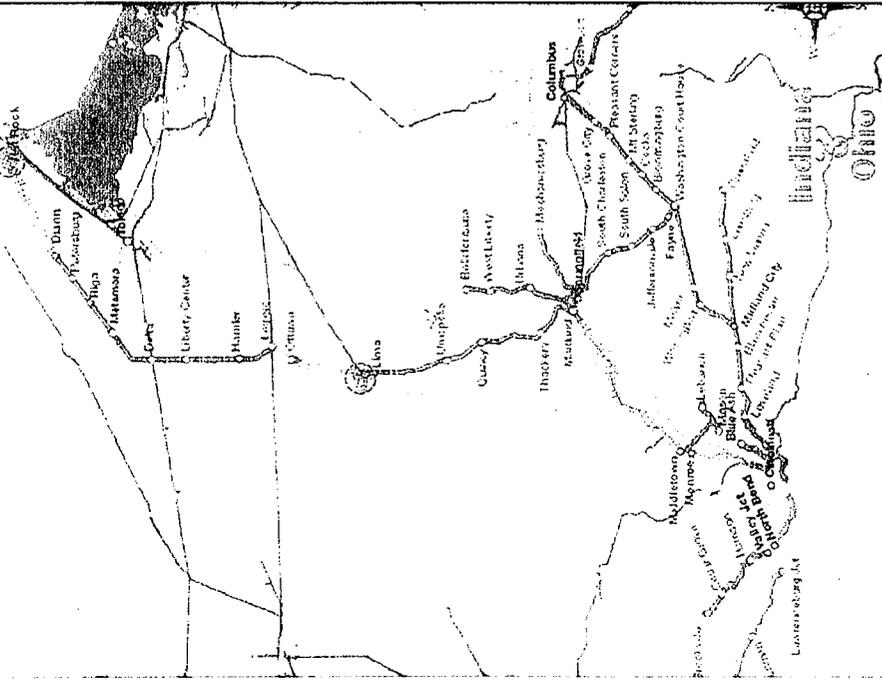
- Some railroads may choose to use “Go-Teams” to augment existing transportation crews.
- Some roads may request advance notification from Class I railroads of movements of TIH/PIH commodities.
- Physical interchange procedures will have to be developed for each property
- In extreme situations, some roads may need additional locomotives and crews.

RailAmerica



The local IORY operating team developed an operating plan for the movement of anhydrous ammonia from Lima, OH to interchange with CN at Flat Rock, MI.

3



OPERATING PLAN

1. NS advance notice sent to IORY.
2. IORY Mechanical team member meets the NS crew at interchange track in Lima.
3. IORY Mechanical inspects car and signs NS chain of custody and waits with car.
4. Lima Switcher pulls car from NS interchange track to North End of Lima Yard and sets car over. Lima Switcher attends car.
5. Special Train crew moves locomotive to car and takes control of car.
6. Special Train crew moves car from Lima to Delta. MP 130 to MP 74 - 56 miles.
7. Crew one vans back to Lima.
8. Special Train crew number two goes on duty at Delta. Boards train and takes position of car / train.
9. Crew two moves car from Delta to Flat Rock. MP 74 to MP 18 - 56 Miles.
10. Crew runs light engine back to Delta.
11. Engine runs on "normal" freight train next night to Lima.



RailAmerica

We will designate a new position to manage and maintain the new process. The position will be responsible for monitoring all TIH/PIH movements on RailAmerica properties.

5

Manager Special Services (Roles and Responsibilities)

Create SOP's for the movement of TIH/PIH shipments with local operating teams.

Coordinate with Class I partners and customers the movement of TIH/PIH commodities.

Initiate movements of shipments with local railroad operating teams.

Monitor TIH/PIH carloads on RailAmerica properties.

Coordinate communication strategy for customers, Class I's and local communities.

RailAmerica

The Manager Special Services (MSS) will manage the shipment up to the time that the railroad takes physical control of the shipment. After that time the MSS will monitor and coordinate the movement and delivery with the railroad, customer and any interline parties.

6

MANAGER SPECIAL SERVICES PROCESS

NO LESS THAN 5 DAYS BEFORE RECEIPT OF SHIPMENT

1. Customer applies for transportation permit.
2. MSS confirms that a transportation rate exists.
3. MSS confirms that an operating plan exists for the movement.
 - A. If no operating plan exists MSS coordinates with railroad to create new operating plan.
4. MSS notifies Dispatcher that movement is pending.
 - A. The Dispatcher will notify local emergency response teams.
5. MSS notifies railroad that customer wishes to initiate a movement.
6. MSS notifies destination customer or railroad that the railroad will be making a delivery.
7. MSS monitors all aspects of movement while on RA.

FUNCTIONAL HAND-OFF

LOCAL OPERATING TEAM PROCESS

1. NS advance sent to IORY.
2. IORY Mechanical team member meets the NS crew at interchange track in Lima.
3. IORY Mechanical inspects car and signs NS chain of custody and waits with car.
4. Lima Switcher pulls car from NS interchange track to North End of Lima Yard and sets car over. Lima Switcher attends car.
5. Special Train crew moves locomotive to car and takes control of car.
6. Special Train crew moves car from Lima to Delta. MP 130 to MP 74 – 56 miles.
7. Crew one vans back to Lima.
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9. Crew two moves car from Delta to Flat Rock. MP 74 to MP 18 – 56 Miles.
10. Crew runs light engine back to Delta.
11. Engine runs on "normal" freight train next night to Lima.

DELIVERY TO RAILAMERICA DESTINATION

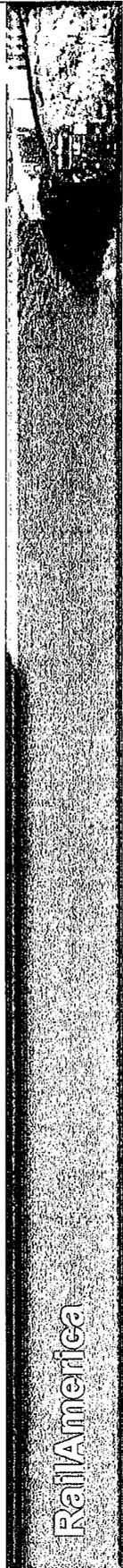


EXHIBIT B-TARIFF AGR-0900-1



AGR TARIFF 0900-1

ORIGINALLY EFFECTIVE: April 29, 2011

EXPIRES: April 28, 2012

COMMODITIES: All TIH-PIH Commodities as defined by AAR Circular No. OT-55-Series (Series "L" attached).

ORIGIN: When from connections at all AGR interchange points; rule 11 applies.

DESTINATION: To all AGR served stations.

ROUTE: AGR

PURPOSE: TIH-PIH are inherently dangerous commodities and require special handling. AGR must provide safe transportation for TIH-PIH in accord with existing rules. To that end, AGR has developed a program imposing minimal additional burdens on the shippers. AGR's program starts with notification from a shipper that a car is being forwarded for delivery to AGR. AGR is requiring the pre-notification so that it can verify that the recipient will be able to receive the car or cars when it is delivered, arrange to have an inspector available when the car or cars are received by AGR, arrange to have locomotives and crews available when the TIH-PIH car or cars arrive for interchange to AGR. Before accepting a TIH-PIH car or cars, AGR will inspect that car or cars to make sure of compliance with the requirements of 49 CFR 174.3. Once AGR accepts a car or cars it will put the car or cars into a priority train to immediately deliver the car or cars to the receiver. This train will depart within the 48 hour period required by 49 CFR 174.14, usually much sooner. The priority train will also provide more expeditious service and safer transit to the receiver than handling the car or cars in the normal course of business that would require moving through yards, switching onto a regular train, and starting and stopping at different shippers along the route to the receiver. The train will travel at the appropriate speed for safe operation based on the conditions of the rail line, time of year, weather, and any other relevant factors deemed relevant by AGR operating and/or safety personnel. It is AGR's belief that the transfer of TIH-PIH cars to a priority train will enhance the efficiency of the use of the TIH-PIH equipment fleet by expediting delivery to the destination.

Item 1000 - General Rules:

- A) Not subject to Rule 24 of tariff STB-UFC-6000 Series. Any services not covered by the charges in this document are subject to the rules and provisions of the 6006-series, & 6007-series Charge Catalogs. This Rate Authority can be cancelled upon 20 days notice. Reverse application applies only on rejected shipments moving back toward original origin via reverse route. Each shipment hereunder shall be tendered to Carriers on a Uniform Straight Bill of Lading. AGR-T-0900-series must be shown on all bills of lading tendered for

shipment. Except when specifically provided herein, rates do not include switching charges at origin or destination. Shipments shall be billed accounting Rule 11.

- B) Upon tender of a car or cars containing TIH-PIH to a rail carrier for delivery to AGR in interchange for delivery to the receiver, the shipper shall give notice of the shipment to AGR by providing AGR a copy of the Notice attached as Appendix A hereto. The Notice must be completely filled out and tendered to AGR by the instructions specified on the bottom of Appendix A. AGR shall use the Notice to track the car in order to be able to comply with the regulatory requirements once the car or cars arrive for interchange to AGR.
- C) Upon placement of the car or cars containing TIH-PIH upon the interchange track to AGR, a mechanical inspector shall inspect the car or cars as required by 49 CFR 174.9 to make sure that the car or cars comply with the requirements of 49 CFR 174.3.
- D) After the inspection, AGR will notify the recipient of the arrival of the car or cars and the estimated time of delivery.
- E) All TIH-PIH commodities will be moved in priority train service.
- F) No more than 3 cars loaded with TIH-PIH commodities will be transported in the same priority train at any time.

Item 1001 – Procedure on Delivery and Placement of Cars:

Receiver shall be prepared to receive carloads of TIH-PIH commodities immediately upon notification of availability at destination by AGR. There will no free time granted to receiver once notification takes place. Charges will begin at 12:01AM the morning after notification to the receiver or the first day of deliverable service, whichever occurs first.

If a receiver or receiving location is unable to accept a TIH-PIH commodity carload when it is first tendered after notice and available for delivery, and AGR must then hold the car(s) in its rail facilities, a charge of \$1,000 per car, per day or portion thereof will be assessed until the car or cars are placed at the billed destination.

Item 1020 is a list of STCC codes that fall under the category of TIH-PIH and will be applicable in assessment of the daily charge and handling.

Item 1003 – Procedure on Unsafe or Improperly Loaded Cars:

When a car is deemed unsafe based on the criteria below or for failure to comply with 49 CFR 174.3, a penalty of \$10,000 may be assessed to the Shipper:

- A car is overloaded, imbalanced or has a shifted load.

- A car is spilling, leaking, or dusting.

- A car containing TIH-PIH commodities or residue is identified moving on AGR for which shipping instructions were not regulatory compliant.

Item 1005 – Procedure on any Major Adjustment for TIH-PIH Cars

When AGR provides any of the following tasks to a TIH-PIH car or cars, a charge equating to actual cost plus 25% (minimum \$1,000) will be assessed to the party requesting or requiring these services:

- A car needs readjusting, reducing, loading, or unloading of a shipment.
- Repair or cleaning equipment, or clean-up of leaked/spilled materials.
- Applying sprays or suppressants to the shipment or contents.

Item 1007 – Procedure on Unsafe Condition at Customer Facility

Where at AGR's sole discretion, safe railway operations are not possible because of an extreme condition or practice including, but not limited to the conditions below, train service will be suspended until the condition is rectified to the satisfaction of AGR's safety/environmental staff.

A CONDITION OR PRACTICE LIKELY TO CAUSE: PERMANENT DISABILITY; LOSS OF LIFE OR BODY PART; EXTENSIVE LOSS OF STRUCTURE, EQUIPMENT OR MATERIAL; OR REPEATED/OR MULTIPLE UNRESOLVED CONDITIONS OR PRACTICES THAT MAY HAVE A SAFE WORK-AROUND.

Item 1009 - Loss or Damage

No claim for physical loss or damage to any one shipment transported hereunder shall be made or filed by receiver for amounts of \$250.00 or less. Any claims should be filed with the destination AGR.

Item 1011 - Fuel Surcharge

Shipments are not subject to Fuel Surcharge Tariffs.

Item 1013 – Rate

Notwithstanding any other rate provisions for transportation of a TIH-PIH car on AGR, the rate shall be for one car \$15,000 per car, for two cars \$7,000 per car, and for three cars \$5,000 per car.

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

	4821019	Waste Allyl Alcohol UN 1098 I B
	4821261	Waste Toxic Liquid, corrosive, inorganic, n.o.s. UN 3289 I B
	4821722	Waste Hexachlorocyclopentadiene UN 2646 I B
	4830030	Waste Sulfuric acid, fuming UN 1831 I B
2819815	4904209	Ammonia, Anhydrous UN 1005
2819815	4904210	Ammonia, Anhydrous UN 1005
2819815	4904211	Ammonia, Solution UN 3318
3533945	4904879	Ammonia, Anhydrous UN 1005
2899991	4907409	Isobutyl Isocyanate UN 2486 I A
2899991	4907434	Ethyl Isocyanate UN 2481 I A
2899991	4909306	Isopropyl Isocyanate UN 2483 I A
2899991	4909307	Methoxymethyl Isocyanate UN 2605 I A
2899991	4910370	Methacrylonitrile, Stabilized UN 3079 I B
2899991	4916138	Pentaborane UN 1380 I A
2899991	4918180	Tetranitromethane UN 1510 I B
2899991	4918505	Bromine Pentafluoride UN 1745 I A
2899991	4918507	Bromine Trifluoride UN 1746 I B
2818890	4920101	Compressed Gas, toxic, corrosive, n.o.s. UN 3304 A
2818890	4920102	Compressed Gas, toxic, flammable, corrosive, n.o.s. UN 3305 A
2818890	4920103	Compressed Gas, toxic, oxidizing, corrosive, n.o.s. UN 3306 A
2818890	4920104	Compressed gas, toxic, oxidizing, n.o.s. UN 3303 A
2818890	4920105	Liquefied gas, toxic, corrosive, n.o.s. UN 3308 A
2818890	4920106	Selenium Hexafluoride UN 2194 A
2818890	4920107	Diborane UN 1911 A

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2818890	4920108	Liquefied gas, toxic, flammable, corrosive, n.o.s. UN 3309 A
2818890	4920110	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. UN 3310 A
2818890	4920111	Liquefied gas, toxic, oxidizing, n.o.s. UN 3307 A
2813975	4920112	Nitric Oxide, Compressed UN 1660 A
2818890	4920113	Nitric oxide and nitrogen dioxide mixtures or Nitric oxide and dinitrogen tetroxide mixtures UN 1975 A
2818890	4920115	Insecticide gases, toxic, flammable, n.o.s. UN 3355 A
2818890	4920116	Insecticide gases, toxic, flammable, n.o.s. UN 3355 A
2818890	4920122	Hydrogen Selenide, anhydrous UN 2202 A
2818890	4920135	Arsine UN 2188 A
2818890	4920160	Phosphine UN 2199 A
2818890	4920164	Liquefied gas, toxic, flammable, n.o.s. UN 3160 A
2818890	4920165	Compressed Gas, toxic, flammable, n.o.s. UN 1953 A
2818890	4920167	Stibine UN 2676 A
2818890	4920173	Oxygen Difluoride, Compressed UN 2190 A
2818890	4920174	Dinitrogen Tetroxide UN 1067 A
2818890	4920175	Nitrogen Trioxide UN 2421 A
2818890	4920178	Cyanogen Chloride, Stabilized UN 1589 A
2818890	4920180	Fluorine, Compressed UN 1045 A
2818890	4920181	Compressed Gas, toxic, n.o.s. UN 1955 A
2818890	4920183	Phosphorus Pentafluoride UN 2198 B
2818820	4920184	Phosgene UN 1076 A
2818890	4920187	Sulfur Tetrafluoride UN 2418 A
2818890	4920188	Tellurium Hexafluoride UN 2195 A
2818890	4920189	Chlorine Pentafluoride UN 2548 A

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2818890	4920195	Liquefied gas, toxic, n.o.s. UN 3162 A
2818890	4920196	Ethylene Oxide and Carbon Dioxide mixture UN 3300 D
2818890	4920300	Compressed Gas, toxic, corrosive, n.o.s. UN 3304 C
2818890	4920301	Compressed Gas, toxic, corrosive, n.o.s. UN3304 D
2818890	4920302	Insecticide gases, toxic, flammable, n.o.s. UN 3355 B
2818890	4920303	Compressed Gas, toxic, flammable, corrosive, n.o.s. UN 3305 B
2818890	4920304	Compressed Gas, toxic, flammable, corrosive, n.o.s. UN 3305 C
2818890	4920305	Compressed Gas, toxic, flammable, corrosive, n.o.s. UN 3305 D
2818890	4920306	Compressed Gas, toxic, oxidizing, corrosive, n.o.s. UN 3306 B
2818890	4920307	Compressed Gas, toxic, oxidizing, corrosive, n.o.s. UN 3306 C
2818890	4920308	Compressed Gas, toxic, oxidizing, corrosive, n.o.s. UN 3306 D
2818890	4920309	Compressed gas, toxic, oxidizing, n.o.s. UN 3303 C
2818890	4920310	Compressed gas, toxic, oxidizing, n.o.s. UN 3303 D
2818890	4920311	Liquefied gas, toxic, corrosive, n.o.s. UN 3308 B
2818890	4920312	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. UN 3310 B
2818890	4920313	Liquefied gas, toxic, corrosive, n.o.s. UN 3308 C
2818890	4920314	Liquefied gas, toxic, flammable, corrosive, n.o.s. UN 3309 B
2818890	4920315	Liquefied gas, toxic, corrosive, n.o.s. UN 3308 D
2818890	4920316	Liquefied gas, toxic, flammable, corrosive, n.o.s. UN 3309 C
2818890	4920317	Liquefied gas, toxic, oxidizing, n.o.s. UN 3307 B
2818890	4920318	Liquefied gas, toxic, flammable, corrosive, n.o.s. UN 3309 D
2818890	4920319	Liquefied gas, toxic, oxidizing, n.o.s. UN 3307 C
2818890	4920320	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. UN 3310 C
2818890	4920321	Liquefied gas, toxic, oxidizing, n.o.s. UN 3307 D

**Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)
(HazardZone A, B, C, or D)**

2818890	4920322	Insecticide gases, toxic, flammable, n.o.s. UN 3355 C
2818890	4920323	Insecticide gases, toxic, flammable, n.o.s. UN 3355 D
2818890	4920324	Compressed Gas, toxic, corrosive, n.o.s. UN 3304 B
2818890	4920325	Liquefied gas, toxic, oxidizing, corrosive, n.o.s. UN 3310 D
2818890	4920331	Compressed Gas, toxic, corrosive, n.o.s. UN 3304 C
2818890	4920337	Compressed gas, toxic, oxidizing, n.o.s. UN 3303 B
2818890	4920342	Ethylene Oxide and Carbon Dioxide mixture UN 3300 D
2818890	4920343	Carbon Monoxide and Hydrogen mixture, Compressed UN 2600
2818890	4920344	Oil Gas, Compressed UN 1071
2813964	4920346	Trifluorochloroethylene, Stabilized UN 1082 C
2818890	4920347	Trifluoroacetyl Chloride UN 3057 B
2818890	4920348	Hydrogen Iodide, anhydrous UN 2197 C
2899991	4920349	Boron Trichloride UN 1741 C
2818890	4920351	Carbonyl Sulfide UN 2204 C
2899991	4920352	Chlorine Trifluoride UN 1749 B
2818239	4920353	Ethylene Oxide or Ethylene Oxide with Nitrogen UN 1040 D
2818890	4920354	Germane UN 2192 B
2813950	4920355	Methyl Mercaptan UN 1064 C
2818890	4920356	Perchloryl Fluoride UN 3083 B
2818890	4920357	Silicon Tetrafluoride UN 1859 B
2819815	4920359	Ammonia, Anhydrous UN 1005 D
2819815	4920360	Ammonia, Solution UN 3318 D
2818890	4920368	Liquefied gas, toxic, n.o.s. UN 3162 C
2818890	4920369	Liquefied gas, toxic, n.o.s. UN 3162 D

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2818890	4920371	Tungsten Hexafluoride UN 2196 B
2818890	4920373	Compressed Gas, toxic, n.o.s. UN 1955 D
2818890	4920375	Compressed Gas, toxic, n.o.s. UN 1955 C
2818890	4920378	Compressed Gas, toxic, flammable, n.o.s. UN 1953 C
2818890	4920379	Compressed Gas, toxic, flammable, n.o.s. UN 1953 D
2818890	4920380	Liquefied gas, toxic, flammable, n.o.s. UN 3160 C
2818890	4920381	Liquefied gas, toxic, flammable, n.o.s. UN 3160 D
2818890	4920382	Liquefied gas, toxic, flammable, n.o.s. UN 3160 B
2879951	4920392	Chloropicrin and Methyl Chloride mixtures UN 1582 B
2899991	4920394	Methylchlorosilane UN 2534 B
2818890	4920395	Cyanogen UN 1026 B
2818890	4920396	Compressed Gas, toxic, flammable, n.o.s. UN 1953 B
2818890	4920398	Dichlorosilane UN 2189 B
2813932	4920399	Carbon Monoxide, Compressed UN 1016 D
2813920	4920502	Hydrogen Bromide, anhydrous UN 1048 C
2813922	4920503	Hydrogen Chloride, anhydrous UN 1050 C
2813922	4920504	Hydrogen Chloride, refrigerated liquid UN 2186 C
2818890	4920505	Compressed Gas, toxic, n.o.s. UN 1955 C
2819997	4920508	Sulfur Dioxide UN 1079 C
2818890	4920509	Nitrosyl Chloride UN 1069 C
2818890	4920510	Gas Identification set NA 9035
2813932	4920511	Carbon Monoxide, refrigerated liquid NA 9202 D
2813946	4920513	Hydrogen Sulfide UN 1053 B
2818890	4920515	Hexaethyl tetraphosphate and compressed gas mixtures UN 1612 C

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2813914	4920516	Chloropicrin and Methyl Bromide mixtures UN 1581 B
2813914	4920518	Methyl Bromide UN 1062 C
2819972	4920522	Boron Trifluoride UN 1008 B
2812815	4920523	Chlorine UN 1017 B
2818890	4920526	Sulfuryl Fluoride UN 2191 D
2912130	4920527	Coal Gas, Compressed UN 1023 C
2818890	4920528	Hexafluoroacetone UN 2420 B
2818890	4920530	Organic phosphate, mixed with compressed gas or Organic phosphate compound, mixed with compressed gas or Organic phosphorus compound, mixed with compressed gas NA 1955 C
2818890	4920534	Gas sample, non-pressurized, toxic, flammable, n.o.s. UN 3168
2818890	4920535	Parathion and Compressed gas mixture NA 1967 C
2818890	4920536	Gas sample, non-pressurized, toxic, n.o.s. UN 3169
2818890	4920547	Chloropicrin and Methyl Bromide mixtures UN 1581 B
2879936	4920550	Insecticide gases, toxic, n.o.s. UN 1967 C
2899991	4920556	Compressed Gas, toxic, n.o.s. UN 1955 B
2818890	4920559	Carbonyl Fluoride UN 2417 B
2818890	4920570	Compressed Gas, toxic, n.o.s. UN 1955 B
2818890	4920571	Liquefied gas, toxic, n.o.s. UN 3162 B
2818008	4920715	Bromine Chloride UN 2901 B
2899991	4921000	Toxic by Inhalation liquid, n.o.s. UN 3382 I B
2899991	4921003	Toxic by Inhalation liquid, flammable, n.o.s. UN 3384 I B
2818009	4921004	Allylamine UN 2334 I B
2899991	4921006	Toxic by Inhalation liquid, water-reactive, n.o.s. UN 3386 I B
2899991	4921008	Methyl Phosphonous Dichloride, pyrophoric liquid NA 2845 I B

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2899991	4921009	Chloroacetonitrile UN 2668 II B
2899991	4921010	Cyclohexyl Isocyanate UN 2488 I B
2819415	4921016	Phosphorus Trichloride UN 1809 I B
2818410	4921019	Allyl Alcohol UN 1098 I B
2818037	4921020	Ethyl Chloroformate UN 1182 I B
2899991	4921023	Toxic by Inhalation liquid, oxidizing, n.o.s. UN 3388 I B
2899991	4921024	Toxic by Inhalation liquid, corrosive, n.o.s. UN 3390 I B
2819434	4921028	Hydrocyanic acid, aqueous solutions or Hydrogen cyanide, aqueous solutions UN 1613 I B
2899991	4921063	Trimethylacetyl Chloride UN 2438 I B
2818023	4921202	Dimethylhydrazine, Unsymmetrical UN 1163 I B
2899991	4921207	sec-Butyl Chloroformate NA 2742 I B
2899991	4921211	Isobutyl Chloroformate NA 2742 I B
2899991	4921213	Trimethoxysilane NA 9269 I B
2815151	4921216	Phenyl Isocyanate UN 2487 I B
2819434	4921239	Hydrogen Cyanide, solution in alcohol UN 3294 I B
2899991	4921245	Methanesulfonyl Chloride UN 3246 I B
2818123	4921248	Crotonaldehyde, Stabilized UN 1143 I B
2818023	4921251	Dimethylhydrazine, Symmetrical UN 2382 I B
2899991	4921252	Isopropyl Chloroformate UN 2407 I B
2899991	4921254	Diketene, Stabilized UN 2521 I B
2899991	4921255	Methyl Orthosilicate UN 2606 I B
2899991	4921275	Methyldichloroarsine NA 1556 I B
2819962	4921287	Toxic by Inhalation liquid, corrosive, n.o.s. UN 3390 I B
2819962	4921288	Toxic by Inhalation liquid, corrosive, n.o.s. UN 3390 I B

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2899991	4921304	Methyl Iodide UN 2644 I B
2818915	4921401	Acetone Cyanohydrin, Stabilized UN 1541 I B
2899991	4921402	2-Chloroethanal UN 2232 I B
2899991	4921404	Ethylidichloroarsine UN 1892 I B
2818131	4921405	Dimethyl Sulfate UN 1595 I B
2818930	4921413	Phenyl Mercaptan UN 2337 I B
2818830	4921414	Chloropicrin UN 1580 I B
2818138	4921420	Ethylene Chlorohydrin UN 1135 I B
2879934	4921438	Methyl Bromide and Ethylene dibromide mixtures, liquid UN 1647 I B
2899991	4921473	Perchloromethyl Mercaptan UN 1670 I B
2818063	4921487	Methyl Isothiocyanate UN 2477 I B
2899991	4921495	2-Methyl-2-Heptanethiol UN 3023 I B
2818184	4921497	Ethylene Dibromide UN 1605 I B
2818104	4921558	Chloroacetone, Stabilized UN 1695 I B
2899991	4921587	Phenylcarbylamine Chloride UN 1672 I B
2899991	4921695	Methyl Phosphonic Dichloride NA 9206 I B
2818331	4921722	Hexachlorocyclopentadiene UN 2646 I B
2818168	4921727	Bromoacetone UN 1569 II B
2899991	4921730	n-Butyl Chloroformate UN 2743 I B
2899991	4921741	3, 5-Dichloro-2, 4, 6-Trifluoropyridine NA 9264 I B
2899991	4921742	Ethyl Phosphonous Dichloride, Anhydrous pyrophoric liquid NA 2845 I B
2899991	4921744	Ethyl Phosphorodichloridate NA 2927 I B
2899991	4921745	Ethyl Phosphonothioic Dichloride, Anhydrous NA 2927 I B
2899991	4921746	Chloropivaloyl Chloride NA 9263 I B

Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)

(HazardZone A, B, C, or D)

2899991	4921756	n-Propyl Chloroformate UN 2740 I B
2899991	4923113	Allyl Chloroformate UN 1722 I B
2815210	4923117	Chloroacetyl Chloride UN 1752 I B
2899991	4923209	Arsenic Trichloride UN 1560 I B
2899991	4923298	Thiophosgene UN 2474 II B
2899991	4927004	Iron Pentacarbonyl UN 1994 I A
2899991	4927006	Ethyleneimine, Stabilized UN 1185 I A
2818101	4927007	Acrolein, Stabilized UN 1092 I A
2818454	4927008	Methyl Chloroformate UN 1238 I A
2818288	4927009	Methyl Isocyanate UN 2480 I A
2819535	4927010	Nickel Carbonyl UN 1259 I A
2899991	4927011	Methylhydrazine UN 1244 I A
2899991	4927012	Methyl Chloromethyl Ether UN 1239 I A
2819434	4927014	Hydrogen Cyanide, stabilized UN 1051 I A
2899991	4927018	Toxic by Inhalation liquid, n.o.s. UN 3381 I A
2899991	4927019	Toxic by Inhalation liquid, flammable, n.o.s. UN 3383 I A
2818057	4927022	Methyl Vinyl Ketone, Stabilized UN 1251 I A
2899991	4927023	Toxic by Inhalation liquid, water-reactive, n.o.s. UN 3385 I A
2899991	4927024	Toxic by Inhalation liquid, oxidizing, n.o.s. UN 3387 I A
2899991	4927025	n-Propyl Isocyanate UN 2482 I A
2899991	4927026	tert-Butyl Isocyanate UN 2484 I A
2815207	4927027	n-Butyl Isocyanate UN 2485 I B
2899991	4927028	Toxic by Inhalation liquid, corrosive, n.o.s. UN 3389 I A
2899991	4927099	Toxic by Inhalation liquid, corrosive, n.o.s. UN 3390 I B

**Item 1020: List of Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH)
(HazardZone A, B, C, or D)**

2819484	4930024	Hydrogen Fluoride, Anhydrous UN 1052 I C
2819340	4930030	Sulfuric acid, fuming UN 1831 I B
2819325	4930050	Sulfur Trioxide, Stabilized UN 1829 I B
2819422	4930204	Chlorosulfonic Acid UN 1754 I B
2819961	4930260	Sulfuryl Chloride UN 1834 I A
2819215	4931201	Nitric Acid, red fuming UN 2032 I B
2899991	4932010	Boron Tribromide UN 2692 I B
2819416	4932352	Phosphorus Oxychloride UN 1810 II B
2819971	4932385	Titanium Tetrachloride UN 1838 II B
2899991	4933327	Ethyl Chlorothioformate UN 2826 II B
2899991	4935231	Trichloroacetyl Chloride UN 2442 II B
2819919	4936106	Bromine Solutions UN 1744 I B
2819919	4936110	Bromine or Bromine Solutions UN 1744 I A
2819315	4936565	Sulfur Trioxide, Stabilized UN 1829 I B



APPENDIX A
NOTICE OF SHIPMENT OF TIH-PIH

	TIH/PIH COMMODITY TRANSPORTATION NOTICE		
	COMPANY PROVIDING NOTICE:		
COMMODITY NAME:		STCC CODE:	
MOVEMENT INFORMATION			
ORIGIN RAIL STATION:		ORIGIN RAILROAD:	COMPLETE RAIL ROUTE:
DESTINATION RAIL STATION:		DESTINATION RAILROAD:	ORIGIN STATION ON AGR: DESTINATION STATION ON AGR:
WAYSBILL/BOL DATE:	WAYSBILL/BOL NUMBER:	CAR INITIAL:	CAR NUMBER: DATE AGR IS REQUESTED TO TAKE POSSESSION:
APPLICABLE RATE AUTHORITY:		FREIGHT PAYOR:	
ADDITIONAL CONTACT INFORMATION PROVIDED BY CUSTOMER (SHIPPER)			
CONSIGNEE:		CONSIGNOR:	
CONSIGNEE EMERGENCY CONTACT NAME:		CONSIGNEE EMERGENCY CONTACT PHONE NUMBER:	
SPECIAL INSTRUCTIONS			
AGR INFORMATION FOR SHIPMENT		CUSTOMER REPRESENTATIVE GIVING NOTICE	
NAME:		NAME:	
TITLE:		TITLE:	
DATE:		DATE:	
ESTIMATED MOVE DATE:		PHONE:	EMAIL:
ADDITIONAL INFORMATION FOR CUSTOMER			
<p>1. Notice must be delivered to AGR upon tender of a car or cars containing TIH/PIH to a rail carrier for delivery to AGR.</p> <p>2. All notices must be accompanied by a waybill and a Material Safety Data Sheet (MSDS) for the commodity listed on the waybill.</p> <p>3. A notice must be filed for each individual shipment.</p> <p>4. By sending the notice for shipment, the Customer agrees to conform to and be bound by all applicable industry and AGR tariffs governing the shipment of TIH/PIH commodities.</p> <p>5. By receiving this notice, AGR does not commit to a specific date or service schedule for the movement of the shipment listed in the notice.</p>			
FAX COMPLETED APPLICATION TO -- (904) 256-0436			

EXHIBIT C-MAP

Alabama Gulf Coast Railway

LEGEND

- | | | | |
|----------------------|--|-------|--|
| AGR | | CSXT | |
| KCS | | NS | |
| Trackage Rights | | CN | |
| Water | | BNSF | |
| Interchange Stations | | Roads | |

