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July 16, 2008

Via e-mail and US Mail

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Re: City of Alexandria Haul Route Permit

Dear Mr. Bryant and Mr. Edwards:

This letter responds to your letters dated July 9, 2008 to Joan Wagner of the City of Alexandria's Department of Transportation and Environmental Services. Each of you, Mr. Bryant on behalf of RSI Leasing, Inc. and Mr. Edwards on behalf of Norfolk Southern Corporation, has asserted, among other things, that the City of Alexandria should not have issued the July 3, 2008 T&ES Hauling Permit to RSI. This permit regulates trucks hauling ethanol from the transloading facility located at 1000 S. Van Dorn Street in Alexandria. Specifically, each of you asserts that "RSI does not have control over any facility located at 1000 S. Van Dorn Street."

This assertion is contrary to the plain language set forth in the contract between RSI and Norfolk Southern. That document at Section I(A)(ii) specifically states that RSI is responsible at the site for checking in trucks, managing the traffic that passes through the gate, directing trucks, and completing paper work for truck drivers. Moreover, at Section I(A)(vi),

the agreement provides that RSI is responsible for determining the trucks that are allowed to enter and leave the facility. In addition, Appendix B, Paragraph L of the Agreement provides that RSI is responsible for ensuring that all outbound trucks are properly loaded in accordance with all "cutoffs, pull times and other service standards." Finally, Appendix B, Paragraph R of the Agreement provides that RSI is responsible for complying with all applicable federal, state and local laws, rules, regulations, and ordinances relating to transport of hazardous materials. This assertion is also contrary to any and all applicable versions of the referenced Tariff 9328.

Accordingly, it is evident that RSI is operating the facility and is the correct party to be subjected to the permit. The initial permit was issued to Norfolk Southern, not RSI, because of the inaccurate and incomplete information which Norfolk Southern had provided to the City. We expect RSI and the trucking companies to comply with all aspects of the permit.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ignacio B. Pessoa', with a long horizontal flourish extending to the right.

Ignacio B. Pessoa
City Attorney

cc: The Honorable Mayor and
Members of City Council

James K. Hartmann
City Manager

Michele Evans
Deputy City Manager

Steve Mason
Special Assistant to the City Manager

Richard Baier
Director, T&ES