

185

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# National Association of Regulatory Utility Commissioners

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December 24, 1969

Dr. Joshua Lederberg  
Stanford University  
Palo Alto, California

Dear Dr. Lederberg:

I read with great interest your column on rail safety legislation, "Dangerous Rail Shipments Burden Innocent Bystander," appearing December 20 in The Washington Post.

The record, as you say, demonstrates that Congress "has rarely been lavish in showering such agencies" with the resources demanded by rigorous enforcement, and the real problem has been implementation of whatever standards were set.

State transportation regulatory officials expressed their genuine concern for effective rail safety standards when the National Association of Regulatory Utility Commissioners (NARUC) testified October 29 before a hearing of the Subcommittee on Surface Transportation of the Senate Committee on Commerce in opposition to provisions of the Administration's rail safety bill (S. 3061) which would permit total Federal preemption of State standards regardless of whether State regulation afforded the public greater protection.

At that time, the NARUC noted that the Federal Railroad Administration's Bureau of Safety had only 123 inspectors to police 1.8 million units of rolling stock and 340 thousand miles of track. The Interstate Commerce Commission, the Nation's oldest Federal regulatory agency, had but 242 field officers to enforce regulations applying to the world's largest and most diverse array of common carrier industries. The Department of Transportation's Office of Pipeline Safety, established over a year ago, had a staff of only 21 and no

Dr. Joshua Lederberg  
December 24, 1969  
Page 2

field enforcement manpower. Enforcement is now provided almost exclusively by State personnel.

Accordingly, the NARUC recommended that new rail safety legislation permit States to continue enforcing standards equal or superior to those adopted by the Federal Government under programs certified annually to the Secretary of Transportation. This would guarantee that, at a minimum, the public would be protected by Federal standards while leaving the States free to apply their expertise to local problems far beyond the resources of Federal authorities. This "certification" concept is found in the Natural Gas Pipeline Safety Act of 1968 and was recommended this year by the combined government-industry-labor Task Force on Rail Safety in its report to Transportation Secretary John A. Volpe.

The Senate Committee on Commerce subsequently adopted legislation (S. 1933) amended to include NARUC recommendations. The Senate, acting over the railroad industry's strong opposition to the certification concept, passed the bill December 19th. The legislation now goes to the House Committee on Interstate and Foreign Commerce where the industry is expected to renew its opposition to continued State enforcement authority.

I am enclosing a copy of the NARUC's October 29th testimony and an article from Traffic World, a nationally circulated transportation trade publication. The latter, I feel, offers a telling technological argument by the industry itself against any weakening of rail safety standards or reduction in enforcement personnel.

With warm personal regards and best wishes for the Holiday Season, I am

Sincerely yours,



Paul Rodgers  
General Counsel

PR/ct

cc: The Honorable Francis Pearson  
NARUC President

The Honorable George I. Bloom  
NARUC First Vice President

The Honorable Walter R. McDonald, Chairman  
NARUC Committee on Railroads  
Georgia Public Service Commission