



ASSOCIATION OF AMERICAN RAILROADS
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Michael Rush
Associate General Counsel

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April 3, 2009

Paul Stancil
Hazardous Materials Investigator
National Transportation Safety Board
490 L'Enfant Plaza, S.W.
Washington, D.C. 20594

Re: Investigation of Chatsworth, California Incident on September 12, 2008

Dear Mr. Stancil:

At the March 4, 2009, hearing on the Chatsworth, California, accident, the Board requested information on preemption of state and local railroad safety laws. The Union Pacific Railroad Company (UP) filed comments providing information on the extent of federal safety regulation and the significance of federal preemption of state safety legislation. The Association of American Railroads (AAR), on behalf of itself and its member railroads, supports the position that preemption is essential for fostering the safety of railroad operations. AAR is a trade association whose membership includes freight railroads that operate 72 percent of the line-haul mileage, employ 92 percent of the workers, and account for 95 percent of the freight revenue of all railroads in the United States; and passenger railroads that operate intercity passenger trains and provide commuter rail service.

Preemption of state and local railroad safety laws is no accident. As UP noted in its written comments, state and local railroad safety laws are subject to preemption under numerous federal railroad safety laws, dating back a century. Congress has carefully considered how best to achieve railroad safety. Recognizing the interstate nature of the railroad industry and the counterproductive effect that would result from a balkanization of railroad safety jurisdiction, Congress has established a system of uniform regulation of railroad safety, with a very limited exceptions for state regulation. Indeed, the philosophy of regulating railroad safety was affirmed by Congress in 2007(?), when 49 U.S.C. section 20106 was amended.



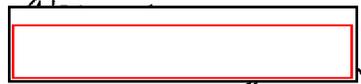
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Safety statistics show that the system works well. In recent years, the industry's safety record has shown continuous improvement.

Furthermore, no state or local agency comes close to matching FRA's expertise on railroad safety matters. Given the interstate nature of the railroad industry and FRA's unique regulatory expertise, regulation at the federal level makes sense.

Should the Board decide to have further proceedings on this subject, AAR would appreciate being notified so that it can provide the Board with additional information as the Board may deem appropriate or necessary.

Sincerely,

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