

## ***Resolution on Rail Safety Regulatory Reform***

**WHEREAS**, Many States have experienced a significant increase in the number of railroad derailments and accidents, their communities have suffered injuries, death, and damage, and their citizens are gravely concerned by these trends; *and*

**WHEREAS**, Increasing urbanization and rapid economic growth are forcing greater use of railroad corridors, and more serious accidents can be expected, unless mitigated by swift action; *and*

**WHEREAS**, Existing regulatory controls and conventional industry efforts to reduce railroad accidents are not achieving satisfactory results; *and*

**WHEREAS**, The Federal Railroad Safety Act was intended to promote a national uniform scheme of railroad safety regulation in every area of railroad operations, not to sharply restrict the authority of States through the broad preemption of State laws, but to allow the States to regulate railroad safety in areas that are “essentially local safety hazards”; *and*

**WHEREAS**, Federal courts have consistently failed to uphold States’ identification and designation of “essentially local safety hazard sites”; *and*

**WHEREAS**, There now exists a clear need to amend 49 USC § 20106 by eliminating subparagraph (1), which change will empower State officials to regulate rail safety locally in ways that are not inconsistent with federal law, and do not unreasonably burden interstate commerce; *now therefore be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its February 2006 Winter Meetings in Washington, D.C., urges the President and the Congress of the United States to amend the Federal Railroad Safety Act by eliminating subparagraph (1) of 49 USC § 20106, thereby enabling State governments to enact railroad safety regulations that provide greater protection for their residents from railroad derailments, hazardous materials spills, and highway-rail grade crossing accidents, so long as the State enactments, rules, or regulations do not conflict with federal law and do not impose an unreasonable burden on interstate commerce; *and be it further*

**RESOLVED**, That the NARUC General Counsel transmit copies of this resolution to the President and Vice President of the United States, and to each Senator and Representative from each State in the Congress of the United States.

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***Sponsored by the NARUC Executive Committee***

***Adopted by the NARUC Board of Directors February 15, 2006***