

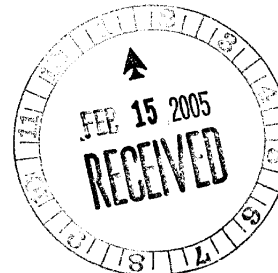


Railway Supply Institute, Inc.

February 15, 2004

Office of Proceedings
Surface Transportation Board
The Mercury Building
1925 K Street, N.W.
Washington, DC 20423

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On behalf of the Railway Supply Institute (RSI), the international trade association of the rail and rail rapid transit supply industry, I write in support of the Petition by CSX Transportation, Inc. for Declaratory Order (Finance Docket NO. 34662).

RSI believes that the recently enacted Washington, DC Ordinance titled the "Terrorism Prevention in Hazardous Materials Transportation Emergency Act of 2005" promulgated by the City Council of the District of Columbia on February 1, 2005 is preempted by Section 10501 of the ICC Termination Act of 1995 (ICCTA) and CSX should be able to continue to route cars to which the ordinance applies through the District of Columbia.

CSX has stated in its petition that, should it have to comply with the DC Ordinance, railroad tank cars carrying hazardous materials, hazardous materials shipments would have to be rerouted as much as 1,000 extra miles. Such a rerouting would subject the railroad tank cars to additional car handling as well as subject the cars to more highway rail grade crossings thus increasing the chances the cars will be involved in an incident leading to a release of hazardous materials.

ICCTA's preemption provision is clear and broad and precludes all state efforts to regulate rail transportation; therefore there can be no question that the DC ordinance is an impermissible attempt to regulate rail transportation. Furthermore, the federal government, which has jurisdiction over railroad safety and security, has reviewed rail safety and railroad operations in the aftermath of 9/11 and has concluded that rerouting of hazardous materials is unnecessary.

Members of the RSI Committee on Tank Cars manage and full service lease 180,000 tank cars or 70 percent of the nation's tank car fleet. Our tank cars meet all applicable federal and industry standards, and provide a safe and efficient means for shipping hazardous commodities. If the DC Ordinance is allowed to stand, other jurisdictions will certainly follow with similar ordinances. This will disrupt our nation's rail service and perhaps cause hazardous materials to be shipped by other modes that do not have the safety record of the railroads.

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For these reasons, RSI joins CSX and asks the Board to issue an order declaring that the DC Ordinance is preempted by Section 10501 of ICCTA and CSX be allowed to continue to route shipments of hazardous materials through the District of Columbia.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tom Simpson", with a long horizontal flourish extending to the right.

Thomas D. Simpson