



NATIONAL CONFERENCE of STATE LEGISLATURES

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September 14, 2015

The Honorable Anthony Foxx
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

The Honorable Therese McMillan
Acting Administrator
Federal Transit Administration
1200 New Jersey Ave, SE
Washington, DC 20590

Re: NPRM Public Transportation Safety Program 49 CFR Part 670 - Docket No. FTA–2015–0009

Dear Secretary Foxx and Administrator McMillan,

The National Conference of State Legislatures (NCSL), a bi-partisan organization representing the legislatures of our nation's 50 states, its commonwealths and territories, appreciates the opportunity to comment on the Federal Transit Administration's (FTA) Proposed Rulemaking for the Public Transportation Safety Program. Given the recent tragic events involving train derailments and other safety issues, NCSL finds this rulemaking of particular importance.

As FTA moves forward in developing and finalizing the public transportation safety program, NCSL urges the agency to take into account the following concepts of vital importance to the states:

- Promote comprehensive safety programs in the states while respecting state sovereignty;
- Ensure federal regulations are developed in consultation with state, local and tribal governments;
- Avoid instituting any mandates that are enforced through the use of "reprogramming" sanctions, as is currently proposed in Sec. 670.23 of the rule. NCSL supports incentive-based regulations over federal sanctions.

Again, NCSL applauds the agency for engaging the public in the rulemaking process. We look forward to working with FTA to protect state sovereignty as the National Public Transportation Safety Program is developed and ensure that the final rule does not impose unnecessary or excessive burdens on the states.

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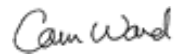
p. 2

Please contact Ben Husch (ben.husch@ncsl.org) or Melanie Condon (melanie.condon@ncsl.org) for any additional information.

Sincerely,



Delegate Sally Jameson
Maryland House of Delegates
Co-Chair, NCSL Natural Resources and
Infrastructure Committee



Senator Cam Ward
Alabama Senate
Co-Chair, NCSL Natural Resources and
Infrastructure Committee