

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Review of Existing Railroad
Transportation Regulations
52 PA Code Chapter 33**

**PUBLIC MEETING
November 6, 2009
C-0018
Docket No. M-2009-2104026**

MOTION OF COMMISSIONER KIM PIZZINGRILLI

Today on a related matter, the Commission is reconsidering a 1973 Order relating to the rail industry (Docket No. C-00019522). In that case, it was noted that the Federal Railroad Administration issued a new regulation on June 16, 2008 regarding shoving operations. As the Commission continues to seek more efficient and effective means to regulate the rail industry, it is important that we undertake a review of the existing railroad transportation regulations contained in Chapter 33 of the Pennsylvania Code (52 Pa. Code §§33.1-33.129). These regulations originally adopted in 1945, have not undergone a comprehensive revision since 1975. Many of these regulations appear to be obsolete, unenforceable or superseded by federal law or regulations.

It is critical that our regulations reflect the technological and operational changes of the railroad industry that have occurred over the last thirty years and to reflect current federal standards. Among other considerations, Commission staff should ensure that the regulations: address a compelling public interest; ensure that the costs of the regulation do not outweigh the benefits; are written in a clear and concise manner; and, where federal regulations exist, the Commission's regulations should not exceed federal standards unless justified by a compelling Pennsylvania interest or required by state law. By revising and streamlining these regulations, the Commission will be well prepared to continue to efficiently and effectively regulate this industry to ensure safe and reliable service.

THEREFORE, I MOVE THAT:

1. The Law Bureau, in conjunction with the Bureau of Transportation and Safety's Rail Division, undertake a review of the Commission's existing regulations and solicit input from affected stakeholders.
2. A staff recommendation and proposed rulemaking regarding an update to the Commission's regulations be provided for Commission consideration within six months of the entry date of this Order so that the Commission may formally initiate the rulemaking process.

November 6, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER