



ASSOCIATION OF
AMERICAN RAILROADS

Office of the President
Edward R. Hamberger
President and Chief Executive Officer

April 20, 2015

The Honorable Bill Shuster
Chairman
House Committee on Transportation and Infrastructure
2165 RHOB
Washington, DC 20515

Dear Chairman Shuster:

I am writing today in strong support of H.R. 1732 the "Regulatory Integrity Protection Act". This bipartisan legislation would require the withdrawal of the Environmental Protection Agency's (EPA) and Army Corps of Engineers' (ACE) proposal to define "Waters of the United States" under the Clean Water Act (CWA).

Railroads are a critical part of our Nation's transportation system, providing for the safe movement of freight and passengers throughout the continental United States and Alaska. Railroads operate more than 140,000 miles of right-of-way. In the nearly 200-year history of railroad activity in the United States, rail has become established as one of the most efficient and environmentally friendly forms of transportation. Since a train can move one ton of freight almost 500 miles on a single gallon of fuel, railroads substantially reduce greenhouse gas emissions by lowering fuel consumption. As the economy grows, railroads will continue to provide a foundation on which U.S. industry relies.

The adverse effects of the proposed rule on railroad operations and rail construction – and, as a result, on both the economy and our environment – could be substantial. In particular, the proposed rule defines ditches with any "presence" of water, even during above-normal rain years, as "perennial tributaries." This definition of ditches is so broad, it could implicate thousands of miles of railroad rights-of-way – an extraordinary and, hopefully, an unintended result. The proposed rule also uses other terms it does not define, such as "upland," "waters," "floodplain" and "riparian." While

The Honorable Bill Shuster
April 20, 2015
Page 2

those terms are not defined, it appears that the proposed rule would make ditches "waters of the US," expanding the scope of CWA in an extraordinary way. This dramatic expansion of the scope of the CWA would adversely impact the railroad industry very directly by making those areas subject to CWA permitting, mitigation and enforcement requirements.

By requiring the EPA and ACE to withdraw the proposed rule, the "Regulatory Integrity Protection Act of 2015" stops EPA from creating this significant regulatory hurdle that could burden the industry, potentially leading to less safe rail transportation by disrupting and interfering with railroads ability to conduct required maintenance. We urge all members of the full House of Representatives to vote for passage of this critical bill.

Sincerely,

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

Edward R. Hamberger
President & CEO