

UNITED STATES DEPARTMENT OF
COMMERCE

John T. Connor, Secretary

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AN ADDRESS BY ALAN S. BOYD, UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION, PREPARED FOR DELIVERY AT THE 78TH ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF RAILROAD AND UTILITIES COMMISSIONERS, FLAMINGO HOTEL, LAS VEGAS, NEVADA, NOVEMBER 16, 1966.

Relation of State Regulatory Agencies to
the Department of Transportation: A Federal View

The Department of Transportation is an agency to bring under one roof for the first time the majority of the Federal transportation programs and operations. It is a promotional agency; the Department of Transportation is not invading the traditional independence of the economic regulatory agencies. The Department will be concerned with public capital investment, with transportation safety, with operation of the aviation and maritime navigation systems, and with emergency planning. On a broader scale, we will seek to relate transportation to our growing and urban society.

The Department will have a relationship with the economic regulatory agencies since it may appear as a party in major proceedings. It may recommend legislation affecting regulatory policies; and it will certainly be required to comment on legislation in this area submitted to the Congress by any other person or agency.

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However, the primary purpose of the Department is promoting transportation. A major promotional function is transportation safety. It is here that I expect the first development of a relationship with the State regulatory commissions. The NARUC and its individual members labored successfully for the passage of what became P.L. 89-170. This law provides for State-Federal cooperation in the field of enforcement of the safety and economic laws and regulations of the States and the Federal Government concerning highway transportation. The safety provisions of P.L. 89-170 will apply to the Department of Transportation. These provisions will be put to work!

It is too early to state exactly how arrangements can be made to execute the law. Of course, execution can be effected only on the basis of cooperative agreements which have yet to be worked out. There are probably numerous ways to accomplish our joint purposes. Putting this law into effect will have high priority when the Department of Transportation goes into operation.

Another area of importance is the movement of hazardous materials. The regulations governing these movements have a long and honorable history. Yet many of them are outdated and have little utility in the light of developments in science and technology. These regulations will be reviewed for all commodities and for all modes of transportation. I would expect that a complete new set of regulations governing the movement of hazardous materials will be issued. Your assistance is important and your advice will be welcome.

For years the traveling public, the railroad industry and motor carriers have been concerned with death, damage and destruction caused by accidents at rail/highway grade crossings. The Interstate Commerce Commission reported its findings and recommendations in a study completed in 1964. People are still being killed and nothing approaching a remedy has been put into effect. This is another area of major joint interest which the Department of Transportation will pursue. Again, it is too early to state how or when, but I hope NARUC will assist us with its advice.

Another area which should be of mutual interest is in the training of accident investigators. Accident investigation will always be difficult, painstaking work, but there are a number of scientific techniques which can hasten the conclusion of the investigations and upgrade the quality of work. Some of these techniques are not well known or understood. Moreover, there is a deplorable lack of uniformity in the manner in which transportation accidents are investigated and in the way reports are written.

From a safety viewpoint, the whole purpose of accident investigation and reporting is to learn how to prevent future accidents. To do this well there must be available statistics to analyze for trends as to equipment, drivers, highway conditions, weather, etc., so that remedial action can be taken and so that the unique accident is properly classified and does not occasion unnecessary public outcry. For purposes of future accident prevention, statistics are of little utility if they are not compatible, and for that reason we must seek uniformity.

The Department of Transportation, in cooperation with State agencies and educational institutions, expects to establish accident investigation programs throughout the country to expand the availability of trained accident investigators and to achieve the required uniformity of information. It is our fervent hope that those State commissions having safety responsibilities will cooperate.

A moment ago I spoke of statistics and statistical analysis in connection with safety. These are of great importance in fields not related to safety. To date, we know very little about our transportation system. Everyone knows the system is composed of trucks and trains, buses and planes, cars and barges with pipelines under all. However, we don't know what moves where. The Department of Transportation plans to establish a data bank in an effort to develop this knowledge at a central source. The information in the data bank will be readily available. It should be especially useful in merger, discrimination, and preferential rate cases.

As you may know, the Administration sought a transfer of railroad car service functions from the Interstate Commerce Commission to the Department of Transportation. The effort was unsuccessful but I still think that the Executive Branch of the Government has a legitimate interest in the freight car shortage. I believe the shortage is a primary responsibility of the railroads and their shippers, and they are the ones who should solve it. The Administration has, however, offered to underwrite studies or research to assist if such assistance is requested and if the subject and approach seem to make sense.

The Executive Branch of the Federal Government utilizes the Bureau of the Budget as its coordinating agency. It is also a normal channel of communication between what we in Washington call the White House and the several departments and agencies. Often a Department will be instructed to draft legislation on a certain subject. At each session of Congress many bills are introduced by members for themselves or for groups seeking to accomplish some purpose. The Bureau of the Budget sends copies of all legislation to the departments and agencies for evaluation and comment.

Transportation proposals will invariably be sent to the Attorney General and to the Department of Transportation. Often they will be sent to the Treasury. Each of these agencies comments on the proposal and recommends an Administration position. Where there is conflict the Bureau prepares a memorandum setting forth the pros and cons with each agency's views and transmits it to the White House where the Administration position is set. The Department of Transportation will have a major role in preparing and commenting on transportation legislative proposals. It is my hope that Department of Transportation views will generally agree with those of the membership of NARUC.