



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

FAX COVER SHEET

TO: Fax User

FROM: Fax Sender

COMPANY:

DATE: 10/6/2015 9:23:26 AM

FAX NUMBER: 92022241259

TOTAL NO. OF PAGES (INCLUDING COVER): 17

PHONE NUMBER

SENDER'S FAX NUMBER:

RE:

SENDER'S PHONE NUMBER:



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

FAX COVER SHEET

TO: **Adrian Arnakis**

FROM: **Patrick Dudley**

COMPANY: **Senate Committee on Commerce, Science and Transportation**

DATE: **10/05/2015**

FAX NUMBER: **(202) 224-1259**

TOTAL NO. OF PAGES (INCLUDING COVER): **16**

PHONE NUMBER: **(202) 224-1251**

SENDER'S FAX NUMBER: **(800) 831-3884**

RE: **cc: Positive Train Control Extension Letter**

SENDER'S PHONE NUMBER: **(512) 475-1840**

Good evening Adrian:

The following is a courtesy copy of the letter Commissioner Miller sent to the House and Senate Leadership and Chairman Shuster. Extending the deadline to PTC is an important issue and we appreciate Chairman Thune's leadership in this matter.

Thank you,

Patrick Dudley
Policy Specialist



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

October 5, 2015

The Honorable Bill Shuster
Chairman
Committee on Transportation and Infrastructure
2268 Rayburn House Office Building
Washington, DC 20515-3809

Subject: Extension of Positive Train Control Deadline

Dear Chairman Shuster:

I am writing in regards to the 2008 congressional mandate for railroads to install Positive Train Control (PTC) on all passenger and commuter rails, along with rails carrying toxic by inhalation gas (TIH). The deadline contained in the Rail Safety Improvement Act of 2008 for PTC implementation is December 31, 2015. The Texas Department of Agriculture has been notified by our rail carriers in Texas that despite tremendous efforts and billions of dollars spent, they are unable to meet this deadline.

I believe it is crucial Congress extend this deadline to the end of 2018 and allow additional time, if needed, for all railroads to ensure testing of equipment and interoperability between rail lines before PTC is fully operational. Not granting an extension would create an example of unintended consequences at its finest. In the attempt to improve rail safety standards, a devastating blow will be delivered to the United States economy and its food and fiber system if the deadline is not extended. Additionally, it would cause increased safety concerns on the nation's already congested roadways.

Union Pacific is the largest rail carrier in Texas with more than 6,000 miles of track. The company has made clear their intention to embargo all TIH shipments and cease all passenger rail services until full compliance with the PTC mandate is met. BNSF and others have expressed concern whether *any* trains should operate, not just TIH and passenger services, until all are in full compliance.

In a letter to Chairman Thune, BNSF states, "*BNSF has evaluated the competing statutory and regulatory requirements regarding operations on mandated lines where PTC has not been installed and operational as of January 1, 2016, and our legal analysis calls into question whether we legally may operate any freight or passenger service on such lines.*"

In Union Pacific's letter to Chairman Thune, they state their intention to embargo just TIH materials and passenger services. However, the company does not rule out further embargos and said, *"Our decision to stop only the traffic that led to the requirement to install PTC will be revisited if the Federal Railroad Administration (FRA) imposes fines on freight trains without TIH, as they are authorized to do. Should the FRA take such a broad action, we will have to consider an embargo on virtually all rail freight that we handle on lines that are to be equipped with PTC despite its untold consequences for the U.S. economy."*

An embargo of TIH materials or any potentially larger rail shutdowns would negatively affect all food and fiber industries in an immense way. Delayed or reduced crop production, increased shipping costs, increased food and fiber costs, and a reduced food supply for our nation would be the result of any rail shutdown.

One form of TIH is anhydrous ammonia. Anhydrous ammonia is a nitrogen fertilizer and one of the most widely used crop nutrients. It is applied directly to crops, used in the production of phosphate fertilizers, and is the building block of all nitrogen fertilizers. Approximately 80 percent of all fertilizer used in the U.S. would be affected. A lack of availability of this necessary fertilizer would lower crop yields and reduce the nation's food and fiber supply. That would translate into much higher price tags for consumers at the grocery store.

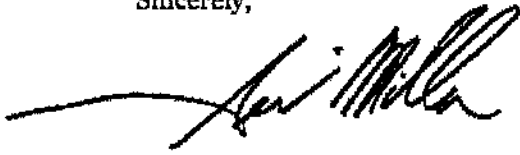
Thousands of carloads of food and farm products are shipped weekly by rail. According to the Association of American Railroads (AAR), roughly 17,500 carloads of food and farm products were delivered by rail in the U.S. during March 2015 alone. To expand on this point, in 2014, 100 million tons of food products were shipped by rail. That same year, a little more than 3 million tons of wheat, 140 million tons of grain, nearly 70 million tons of corn and more than 25 million tons of soy beans were shipped all by rail. If the deadline for compliance is not extended, these products and many others will be forced on the nation's roadways.

As reported by AAR, in 2014, 160 million tons of chemicals were shipped by rail. These chemicals and other products previously shipped by rail would move to our roadways, if the deadline is not extended. This would increase traffic and create additional safety risks to motorists.

When PTC was mandated, these technologies did not exist and had to be developed over time. In the face of the complexity and scale of the PTC project, as well as government and regulatory setbacks, the railroads have made tremendous efforts and spent billions of dollars to meet the mandated deadline. Not granting an extension will threaten our nation's citizenry by taxing the already congested highways with an influx of commuters and truck traffic, will jeopardize our nation's food and fiber supply system, and create an economic catastrophe. I encourage Congress to extend the PTC deadline to the end of 2018 and allow additional time, if needed, to ensure PTC interoperability and all PTC equipment is functioning properly and effectively.

Thank you for allowing me to encourage the extension of the Positive Train Control deadline.

Sincerely,

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Sid Miller
Commissioner

Cc: The Honorable John Thune, Chairman, Committee on Commerce, Science and
Transportation
The Honorable Anthony Foxx, U.S. Secretary of Transportation
Texas Congressional Delegation



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

October 5, 2015

The Honorable John Boehner
Speaker of the House
1011 Longworth House Office Building
Washington, DC 20515-3508

Subject: Extension of Positive Train Control Deadline

Dear Speaker Boehner:

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One form of TIH is anhydrous ammonia. Anhydrous ammonia is a nitrogen fertilizer and one of the most widely used crop nutrients. It is applied directly to crops, used in the production of phosphate fertilizers, and is the building block of all nitrogen fertilizers. Approximately 80 percent of all fertilizer used in the U.S. would be affected. A lack of availability of this necessary fertilizer would lower crop yields and reduce the nation's food and fiber supply. That would translate into much higher price tags for consumers at the grocery store.

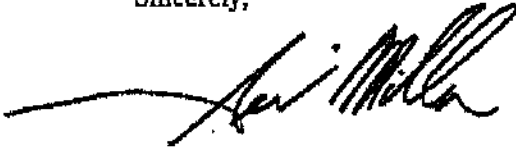
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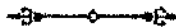
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Commissioner

Cc: The Honorable John Thune, Chairman, Committee on Commerce, Science and
Transportation
The Honorable Anthony Foxx, U.S. Secretary of Transportation
Texas Congressional Delegation



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

October 5, 2015

The Honorable Mitch McConnell
Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

Subject: Extension of Positive Train Control Deadline

Dear Senator McConnell:

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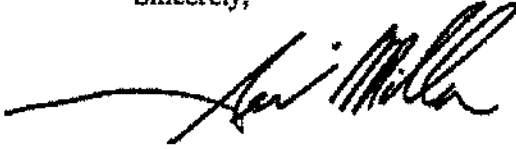
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The Honorable Anthony Foxx, U.S. Secretary of Transportation
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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

October 5, 2015

The Honorable Nancy Pelosi
Democratic Leader
233 Cannon House Office Building
Washington, DC 20515-0512

Subject: Extension of Positive Train Control Deadline

Dear Representative Pelosi:

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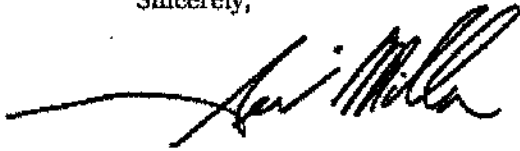
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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

October 5, 2015

The Honorable Harry Reid
Democratic Leader
522 Hart Senate Office Building
Washington, DC 20510

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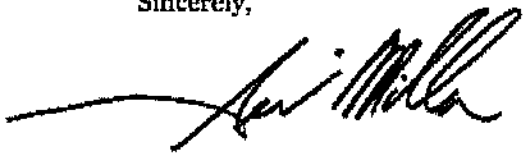
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