

Scherer, Sandra

N2015.11.84

**From:** chuck hatler <gnhistory07@live.com>  
**Sent:** Friday, January 8, 2016 12:34 PM  
**To:** PSC\_UtilityComment  
**Subject:** Public Comment Submittal...

## File A Comment

This form is for electronic public comments which pertain specifically to a pending PSC proceeding, notice of which allows for public participation through written comments. This form is not to be used for inquiries, complaints, or other general communications not specifically pertaining to such proceeding. This form is not to be used by persons who have obtained party status in a PSC proceeding. If you are a party to a pending PSC proceeding, participation by you is available as provided in the procedural order governing that proceeding.

### Please Note:

The PSC has no jurisdiction over: rural electric and telephone co-operatives; cellular phone service; interstate phone service; telemarketing practices; cable TV; internet service; municipally-owned utilities; propane vendors; motor carriers (except carriers of passengers, household goods and garbage); and damage claims.

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Your Name: CHARLES HATLER

Docket: Do you know the Docket Number? [Yes   
Docket Number: N2015.11.84

Case Name or Utility/Carrier Affected:  
Rail Safety

Address: [        ]  
[        ]

City: [        ]

State: [[select state]

Zip Code: [        ]

### Contact Information

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Telephone #: 816-792-9620

### Comment information

Subject: Rail Safety Hearing, Jan. 20

Comments:

Thank you to the PSC for looking into the issue of Rail Safety in the great State of Montana.

As both a native Montanan and a retired (BNSF) rail manager, I bring pertinent and relevant information to you.

Your Press Release makes this particular statement of goals:

Doing rules on local safety concerns of blocked railroad crossings in accordance with state codes.

That goal can be interpreted widely and I currently am not sure which direction the State is considering going.

However, I would like to remind you that Federal Preemption, as covered by the Interstate Commerce Clause of the United States Constitution, as interpreted by the Supreme Court of the United States, and as covered by rules and laws defined by the Congress of the United States, the Federal Railroad Administration and other federal laws, rules, and findings prohibit cities, counties and states from attempting to interfere in the regulation of the railroad industry in any manner that would interfere with Interstate Commerce.

Specifically, if the State is considering rules, regulations and laws covering the "blocking of railroad crossings for XX amount of time" then I would request that you consult with your legal counsel before going in that direction, as the state has no say in this matter.

If you should need additional information on Federal Preemption, let me know and I will point your staff in the appropriate direction.

Thank you for all that you do in your daily duties for the citizens of the state of Montana.

Charles Hatler