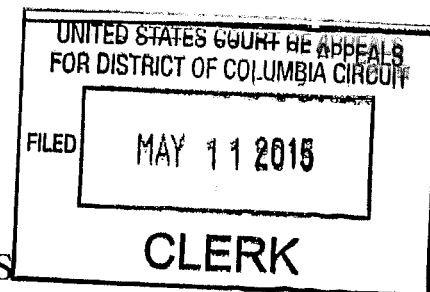


MAY 11 2015

RECEIVED

NO. 15-1131



UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN PETROLEUM INSTITUTE,
Petitioner,

v.

**UNITED STATES; UNITED STATES DEPARTMENT OF
TRANSPORTATION; PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION OF THE UNITED STATES DEPARTMENT
OF TRANSPORTATION,**
Respondents.

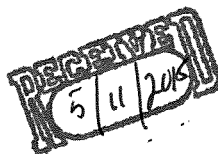
PETITION FOR REVIEW

Stacy R. Linden
Mara E. Zimmerman
American Petroleum Institute
1220 L Street, N.W.
Washington, D.C. 20005-4070

Of Counsel

Steven J. Rosenbaum
Bradley K. Ervin
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St., N.W.
Washington, D.C. 20001
Phone: (202) 662-5568
Fax: (202) 778-5568
srosenbaum@cov.com

Counsel for Petitioners



1. Pursuant to 49 U.S.C. §§ 20114(c) and 5127(a) and 28 U.S.C. § 2342(7), the American Petroleum Institute (“Petitioner”) hereby petitions the United States Court of Appeals for the District of Columbia Circuit for review of the Final Rule, “Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains,” issued on May 1, 2015, and published in the Federal Register on May 8, 2015, 80 Fed. Reg. 26644 *et seq.* (attached as Exhibit 1).

2. Jurisdiction lies in this Court pursuant to 49 U.S.C. § 20114(c) and 28 U.S.C. § 2342(7), which provide for review in the courts of appeals of final action of the Secretary of Transportation under Chapter 51 of Title 49, the statutory basis relied upon by the Secretary in adopting the Final Rule.

3. Venue is appropriate in this Circuit because venue for any proceeding under Chapter 158 of Title 28 is appropriate in this Circuit, and because Petitioner is incorporated and has its principal place of business in the District of Columbia, *see* 28 U.S.C. § 2343 (venue provision); 49 U.S.C. § 5127 (venue provision.)

4. Petitioner asks the Court to set aside and remand those provisions of the Final Rule that establish: a timetable for the retrofitting of rail cars used to transport certain flammable liquids in order to meet new tank car design standards; a requirement for, and a timetable for the installation of, certain braking systems with respect to trains transporting such liquids; and operational requirements and

limitations on rail cars and/or trains not meeting these retrofitting and/or braking system requirements. These provisions are, either individually or in conjunction with each other, challenged as arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and/or in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.



Steven J. Rosenbaum
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St., N.W.
Washington, D.C. 20001
Phone: (202) 662-5568
Fax: (202) 778-5568
srosenbaum@cov.com

Attorney for Petitioners

Dated: May 11, 2015

CORPORATE DISCLOSURE STATEMENT

API is a not for profit corporation, which has no parent corporation, nor does any corporation hold any stock in API. API is the primary trade association of the oil and gas industry. API's more than 600 members conduct much of the production, refining, marketing, and transportation of petroleum and petroleum products in the United States.



Steven J. Rosenbaum
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St., N.W.
Washington, D.C. 20001
Phone: (202) 662-5568
Fax: (202) 778-5568
srosenbaum@cov.com

Attorney for Petitioner

Dated: May 11, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of May, 2105, a true and correct copy of the foregoing, and all attachments, was filed with the Clerk's Office, and served by same-day messenger service upon the following:

Anthony Foxx
Secretary of Transportation
US Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Kathryn B. Thomson
General Counsel
Office of the General Counsel
1200 New Jersey Avenue, SE
Washington, DC 20590

Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Timothy P. Butters
Deputy Administrator
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety
Administration
East Building, 2nd Floor
Mail Stop: E27-300
1200 New Jersey Ave., SE
Washington, DC 20590
Email: phmsa.administrator@dot.gov
Tel: 202-366-4433
Fax: 202-366-3666

Vanessa Sutherland
Chief Counsel
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety
Administration
East Building, 2nd Floor
Mail Stop: E26-105
1200 New Jersey Ave., SE
Washington, DC 20590
Email: phmsachiefcounsel@dot.gov
Tel: 202-366-4400
Fax: 202-366-7041



Steven J. Rosenbaum

Dated: May 11, 2015