ASLRA Comments on House Passage of the Moving Forward Act (H.R. 2)

WASHINGTON, D.C. – July 1, 2020 – In response to today’s House passage of H.R. 2, the Moving Forward Act, the American Short Line and Regional Railroad Association (ASLRA), which represents the nation’s 600 small business freight railroads and hundreds of railroad suppliers, has identified both positive and concerning aspects of the surface transportation portion of the legislation for the short line industry going forward.

“As we said when the transportation portion of this bill passed out of committee, there are some pieces of this legislation that would help short lines serve our thousands of shippers in small towns and communities throughout the country, but unfortunately there are still numerous provisions that would hinder our ability to do that,” said Chuck Baker, President of ASLRA. “However, we understand that this is just a step in a lengthy process which will include more opportunities for stakeholder input and bipartisan agreement before the bill becomes public law.”

The ASLRA notes some beneficial aspects of the H.R. 2, including:

- The significant increase in the authorized funding levels for the Consolidated Rail Infrastructure Safety Improvements (CRISI) program. However, the inclusion of new eligible applicants and setting aside 50 percent of the program for mega-projects is of continued concern;
• Support of state freight investments through the National Highway Freight Program, which allows states to use that funding to invest in multi-modal projects if they so choose;

• The authorization of funding for short line safety culture assessments and training. ASLRRRA appreciates Congress reiterating its commitment to continuing the successful work of the Short Line Safety Institute, which has helped make our industry safer.

• No broad changes to the current truck size and weights standards on the nation’s highways, other than an unfortunate 2,000-pound exemption for zero-emission trucks. Maintaining consistency of truck size and weight laws avoids any further distortion of the market for freight services and artificially driving freight off the rail network and onto the highway network.

ASLRRRA continues to note several problematic provisions, and looks forward to working with Congress to address these issues satisfactorily before the legislation becomes public law:

• Requiring two-person crews on certain railroads and certain trips based on a variety of size, operating characteristics and traffic types. This mandate is unnecessary, would not enhance safety, is not based on any safety data, and would prove counterproductive by hindering safety technology advancements and making the rail industry less competitive over time, driving traffic from rail to road – a less safe and less environmentally-friendly freight transportation mode.

• Implementing a mandate regarding blocked crossings that would reduce rail network efficiency and is unnecessary given the ongoing willingness of short line railroads to work with their communities and customers to avoid blocked crossings whenever possible;

• Requiring Surface Transportation Board mediation for commuter rail requests for track and right-of-way access. These are additional mandates that are unnecessary given short line railroads’ demonstrated willingness to consider and work with credible commuter and passenger rail proposals;
• Transforming the freight focused INFRA program to a Projects of National and Regional Significance (PNRS) program that would discontinue aspects that allow short line railroads to participate. The new PNRS program is now exclusively for mega-projects, lacks a small project set-aside, and shifts away from addressing freight priorities and projects. ASLRRRA was disappointed that amendments offered by both Democrats and Republicans to reinstate a small project set-aside were prevented from being considered on the floor; and

• Banning the transportation of cheap and clean liquefied natural gas (LNG) by rail. The USDOT already properly regulates the movement of LNG by rail and railroads have already proven they can safely move similar products and would use similar safety procedures for LNG.

“We will continue to engage with Members of Congress on the surface transportation provisions of this legislation, which will impact short lines and their ability to function as a key link in our national economy,” said Chuck Baker, President, ASLRRRA. “We look forward to working with members of both houses of Congress to bring a bipartisan bill to the President’s desk for signature that allows short lines to keep our commitment to providing crucial, safe, and environmentally-friendly service to the thousands of agricultural, energy, and manufacturing shippers that depend on us in small towns and rural communities.”

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About ASLRRRA - The American Short Line and Regional Railroad Association (ASLRRRA) is a non-profit trade association representing the interests of the nation’s 600 short line and regional railroads and railroad supply company members in legislative and regulatory matters. Short lines operate 47,500 miles of track in 49 states, or approximately 29% of the national railroad network, touching in origination or termination one out of every five cars moving on the national railroad system, serving customers who otherwise would be cut off from the national railroad network. www.aslrra.org