ASLRRA Comments on House T&I Committee Approval of INVEST in America Act (H.R. 2)

WASHINGTON, D.C. - June 18, 2020 – Upon this evening’s House Transportation and Infrastructure Committee’s approval of H.R. 2, the INVEST in America Act, the American Short Line and Regional Railroad Association (ASLRRA), which represents the nation’s 600 small business freight railroads and hundreds of railroad suppliers, notes both positive advancements and opportunities to improve this legislation for the short line industry going forward.

“We congratulate the committee, led by Chairman DeFazio, for moving ahead with a broad reauthorization of federal highway, transit and rail programs in the INVEST in America Act,” said Chuck Baker, President, ASLRRA. “There are pieces of this bill that would help short lines serve our thousands of shippers in small towns and rural communities throughout the country, but there are also unfortunately pieces that would hinder our ability to bring their products to bigger domestic markets at urban centers and global markets through our port connections. We understand that this is a lengthy process with many opportunities for stakeholder input between now and when a surface transportation bill becomes public law. We look forward to working with the House to improve the bill as it progresses to the House floor, working with the Senate on their rail title, and then working with all of Congress and the Administration as a bipartisan bill is finalized and eventually sent to the President’s desk for signature.”

The ASLRRA is pleased to highlight some beneficial aspects of H.R. 2, including:
• The significant increase in the authorized funding levels for the Consolidated Rail Infrastructure Safety Improvements (CRISI) program, a competitive grant program that the short line industry relies upon for significant safety and service upgrades to old, inherited track infrastructure, while maintaining the rural set-aside. We are also pleased to see the bill would remove preferential treatment for applications that over-match by providing more than 50 percent in non-federal funding for the project. We remain concerned about the inclusion of additional non-freight rail applicants and setting aside much of the program for mega-projects, especially in the event the appropriators do not provide full funding at the authorized levels;

• Support of state freight investments through the National Highway Freight Program, which allows states to use that funding to invest in rail projects if they so choose;

• No changes to the current truck size and weights standards on the nation’s highways, other than a small, unfortunate 2,000-pound exemption for electric trucks. This largely avoids further distorting the market for freight services and artificially driving freight off the rail network and onto the highway network; and

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

ASLRA also notes several problematic provisions, and looks forward to working with Congress to ameliorate these issues 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 data, and would prove counterproductive by making the rail industry less competitive over time and thus driving traffic onto highways which is naturally less safe and less environmentally sustainable.
Implementing a mandate regarding blocked crossings that would reduce rail network efficiency and is unnecessary given 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 rights 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 of the program 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; 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.

“This is important legislation that will have significant effects on short lines and our ability to perform the crucial work we do every day for the country,” said Chuck Baker, President, ASLRAA. “For that reason, we are committed to engaging with Members of Congress on both sides of the aisle, on both sides of the dome, and on Zoom screens everywhere, to improve this bill as it moves forward. Short lines are committed to being good partners to the thousands of agricultural, energy, and manufacturing shippers we serve in thousands of small towns and communities across the country, and we will work with Congress to make sure that this legislation allows us keep that commitment.”

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About ASLRAA - The American Short Line and Regional Railroad Association (ASLRAA) 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.aslraa.org](http://www.aslraa.org)