



August 3, 2016

## Pokémon Go Needs to Stop Near Railroads

The phenomenon of Pokémon Go has received lots of play in the media, as businesses, parks and others are using the mobile app to attract players to their locations with “Pokegyms and Pokestops”. Even transit, such as the Los Angeles County Metro, is using Pokémon Go to attract customers and increase ridership on both buses and trains. This generally positive phenomenon has players out-doors and engaging in fun competition, but the game presents some challenges including distraction near roadways and train tracks.

“Unfortunately, illegal trespass on railroad tracks and property happens every day; even before the Pokémon Go craze hit,” wrote Operation Lifesaver Inc. spokeswoman Libby Rector Snipe in a [blog post](#), noting that the game may put people at risk if they end up near train tracks. Union Pacific Railroad and the Federal Railroad Administration, as well as the Association of American Railroads and the New York City’s MTA have posted messages urging caution, reminding players that “tracks are for trains”. We urge railroad employees to be extra alert for Pokémon players! For our excursion operators - urge your passengers to be cautious about game playing while on railroad property.

## Eastern Region Meeting - Early Bird Rates Expire August 8! Register Today and Save \$50

Register before August 8 to save \$50 on your registration fee and make your hotel reservations before the block expires on August 22. Eastern Region Meeting attendees will enjoy an action-packed agenda with educational offerings and takeaways in three core areas of focus: Safety and Training; Legislative and Regulatory; and Marketing and Business Development. Visit our website to learn more about the Eastern Region Meeting [agenda](#), [hotel and location](#), as well as the [special events](#). Online registration closes September 5th!

## New Sessions Added to General Counsel Symposium and Finance & Administration Seminar

[Visit our website](#) to view the full agenda and register today!

### General Counsel Symposium topics include:

- Railroads and Bankruptcy Law - What To Do When a Customer Is Insolvent
- Hot Topics in the Legal Human Resources Arena
- Federal Preemption Update
- Dealing with Utilities Crossing Your Railroad

### Finance & Administration Seminar topics include:

- Protecting Your Company's Assets from Fraud
- Interest Rate Update & Outlook
- Hot Topics: Car Storage and Insurance

- What to Do When Your Customer Declares Bankruptcy

## Legislative Update

### Congress Goes to Recess with Strong Numbers for BRACE Act

As of Monday afternoon, [H.R. 4626](#) has been cosponsored—formally endorsed—by [180 Representatives!](#) This is an accomplishment and shows tremendous support for extending the benefits of 45G indefinitely. In the Senate, [43 Senators](#) are on board with [S. 2595](#). These bills are collectively known as the “Building Rail Access for Customers and the Economy” or “BRACE” Act.

#### SOS Recap:

We currently have 473 customers, representing 1,357 facilities signed on to “[Saving Our Service](#)”. Help us reach our goal of 1,000 companies by asking your customers to sign on.

In case you missed the ASLRRRA webinar on “Saving Our Service” with tips on how to recruit customers to endorse the BRACE Act, the recording is available [here](#). We encourage you to share this [link](#) with your marketing and commercial folks as a primer on why 45G is important, and how to ask customers to support it!

## Regulatory Update

### PHMSA Requests Comments on Study of Small Railroad Liability Insurance Levels

On July 26, 2016 the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice and request for comment. Section 7310 of the FAST Act requires the Secretary of Transportation to initiate a study of the levels and structure of insurance for railroad carriers transporting hazardous materials. PHMSA initiated this insurance study in March 2016 and is on schedule to complete it by April 2017.

The ASLRRRA policy team is carefully evaluating the request and will present comments on behalf of its members. In support of the comments, our policy team may be reaching out to individual railroad and associate members with requests for input. Comments are due September 9, 2016. Please contact ASLRRRA’s [Jo Strang](#) with any comments or inputs.

### ASLRRRA Files Comments with Surface Transportation Board on EP 704

In Ex Parte 704 (Sub-No. 1) the STB issued a Notice of Proposed Rulemaking seeking public comment on its proposal to revoke the exemptions of the following commodities from regulation by the STB: (1) crushed or broken stone or rip rap; (2) hydraulic cement; (3) coke produced from coal; (4) primary iron or steel products; and (5) iron or steel scrap, wastes or tailings. The effect of this proposal if adopted would re-regulate these commodities, exposing small railroads that transport them to oversight and regulation by the STB.

In response, ASLRRRA filed Comments and a Verified Statement on July 26 opposing this proposal. ASLRRRA stated that the facts demonstrate that small railroads do not possess market power in any of these markets. Further, the STB’s conclusion that waybill rate data for these commodities shows a substantial increase in revenue from potentially captive traffic is not only wrong, but is clearly misplaced insofar as small railroads are concerned. Thus, ASLRRRA stated, the exemptions should not be revoked. Click [here](#) to read ASLRRRA’s comments.

### Surface Transportation Board Issues Decision on EP 711

The Surface Transportation Board (STB) has issued a decision on Ex Parte 711 in the form of a Notice of Proposed Rulemaking (NPRM). STB proposes to establish a rule to allow competitive access through mandated switching. The Association is studying the proposed rule. Please contact ASLRRRA’s [Keith Borman](#) with any questions or comments.

## PHMSA's Associate Administrator Announces His Retirement

Dr. Magdy El-Sibaie, PHMSA's Associate Administrator for Hazardous Materials Safety, has announced that he will retire after more than 20 years of federal government service. Dr. El-Sibaie joined PHMSA in 2009. Prior to that, he was Director of the Office of Research and Development at the Federal Railroad Administration (FRA). Among his accomplishments are the development of a number of track inspection technologies and the successful formulation of the first set of track and vehicle / track interaction safety standards for high-speed rail service in the U.S. Before joining FRA, he pioneered at the Association of American Railroads in new methods of modeling and measuring the dynamic behavior of railroad tracks, and his published work was recognized by the American Society of Mechanical Engineers in 1989 with a Rail Transportation award.

## Grass Roots Visits

### Educate Members of Congress During the Summer Recess - Plan a Grass Roots Visit!

It's effective to "show and tell" the short line story with a tour of your operations and facilities. These visits give members of Congress a first-hand look at the importance of the short line railroad industry to their district or state, and give our members the opportunity to demonstrate the positive effect of our industry on the local and national economy. Does your railroad have a project made possible by the 45G tax credit? ASLRRRA's Washington team supports and coordinates Congressional visits and follow up communications. Contact [Ashley Wieland](#) at 202-715-1247 to get the conversation started.

## Member News

### Reading & Northern Railroad Celebrates Takeover of Rail Service to Humboldt Industrial Park

Reading & Northern Railroad (R&N) and its Chairman & CEO, Andy Muller, Jr., welcomed over sixty guests on a passenger train trip through the Humboldt Industrial Park on July 26 to celebrate the successful start up of Reading and Northern's rail service in the park. Reading & Northern acquired the rights to provide rail service to Humboldt from CAN DO, the region's premier economic development organization, earlier this year.

R&N welcomed representatives from Humboldt Park's freight customers, CAN DO, Congressman Barletta's office, and other local and regional groups. The passenger cars included one of the famous Open Air cars that are so popular on the Lehigh Gorge Scenic Railroad, as well as private cars owned by Mr. Muller. Photo: (L- R) Kevin O'Donnell, President & CEO of CAN DO and Andy Muller, Jr. *Photo Credit: Crystal Arndt*



### PennDOT Opens 2016 Rail Freight Grant Program Application Window

PennDOT's Bureau of Rail Freight, Ports and Waterways, has opened the application period for the 2016 Rail Transportation Assistance Program (RTAP) and the 2016 Rail Freight Assistance Program (RFAP). "Rail freight continues to play a crucial role in offering connections that serve the business community and help build Pennsylvania's economy," said Secretary Leslie S. Richards. "Our grant programs reflect the commonwealth's commitment to keep this mode of transportation vibrant and effective." Applications for both programs will be available on the Bureau's [website](#) until August 30, 2016. Any questions should be directed to [Tom Stettler](#) at 717-772-2637 or [Steve Panko](#) at 717-787-1202.

### North Shore Railroad Announces Promotions

ASLRRRA Board Member **Todd A. Hunter** has been promoted from his current position of Director of Marketing to Chief Marketing Officer. He has 20 years experience with the North Shore. **Joseph Kantz** has been promoted to Business & Development Manager. Joe's dedication and tenacity has been instrumental in developing new business

on the North Shore, Shamokin Valley, and Union County Industrial Railroads. **Loni Martz Briner** has been promoted to Public Relations & Media Manager. Loni continues to lead efforts to modernize and coordinate electronic media and the public face of the company through internet, social media, pamphlets, newsletter, and calendar.

### **Central Maine & Quebec Railway Unveils New Locomotive Corporate Paint Scheme**

Central Maine & Quebec Railway (CMQ) took delivery of its first of eight rebuilt Electro-Motive Division (EMD) GP38-3 locomotives, #3812, in the company's new corporate paint scheme. The locomotive, originally built as Penn Central GP38 #7791 in 1969, was completely rebuilt and overhauled at the CAD Railway Industries facility, located in Lachine on the periphery of Montreal, Quebec.



John Giles, President and CEO of CMQ noted, "these 'new' GP38-3 locomotives have recently undergone a fundamental rebuild and rehabilitation with new but proven, technological and mechanical upgrades. CMQ and FTIA (Fortress Transportation & Infrastructures Investors) will continue to invest and improve our infrastructure and equipment so that we can serve our shippers and customers more effectively and efficiently. These new GP38-3's will provide dependable, economic service to CMQ and its clients for years to come. And, they look pretty darn sharp too!" *Photo Credit: Kevin Burkholder.*

### **Mott Macdonald Announces New Ports and Marine Practice Leader**

Mott MacDonald has bolstered its ports and marine practice in North America with the appointment of Andrew Cairns as vice president and North American ports practice leader. Cairns will be based at Mott MacDonald's corporate headquarters in Iselin, New Jersey, and will work closely with other regional offices throughout North America. "We will continue to invest in the growing ports and marine engineering market," stated Nick DeNichilo, President and CEO of Mott MacDonald in North America.

### **ASLRRA Congratulates Members on "Rising Stars"**

ASLRRA Railroad and Associate Business Members were well represented by Progressive Railroading's "[Rising Stars](#)" Awards winners in July, 2016. ASLRRA Associate Business Members represented include **HDR Inc.** - Michael Keller, Rail Section Manager; **Holland LP** - Andrea Berry-Morris, Director of New Product Development; **Railinc Corp.** - Jerry Vaughn, Director of Interline Services, Umler Product Manager; and **STV** - Amanda Jones, Engineering director, Rail Division. ASLRRA Railroad Members are **Escanaba & Lake Superior Railroad** - Mike Logan, Vice President-Mechanical, Car Fleet Operations; **Louisville & Indiana Railroad Co.** - Jeremy Kramer, Director of Transportation; and **Western New York and Pennsylvania Railroad LLC** - Kylie McLaughlin, General Manager.

## **ASLRRA's Upcoming Webinars and Events**

### [Eastern Region Meeting](#)

[Sheraton Indianapolis City Centre Hotel](#)

Indianapolis, IN

September 12-14, 2016

### [Southern Region Meeting](#)

[Louisville Marriott Downtown](#)

Louisville, KY

October 24-26, 2016

[Operating Practices Training Seminar](#)

Sheraton Baltimore Washington Airport

Baltimore, MD

November 1-3, 2016

[Central/Pacific Region Meeting](#)

[Renaissance Oklahoma City Convention Center](#)

Oklahoma City, OK

November 14-16, 2016

[General Counsel Symposium/Finance & Administration Seminar](#)

[Renaissance Oklahoma City Convention Center](#)

Oklahoma City, OK

November 16-18, 2016

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