ASLRRRA Mourns Passing of John Heffner, Senior Counsel, Clark Hill

ASLRRRA mourns the death of John Heffner, long-time short line railroad attorney, and active member of ASLRRRA’s General Counsel Committee. Heffner passed away July 28 at the age of 74, and a memorial service will be held July 31 in Virginia.

Heffner began his legal career over 45 years ago as a staff attorney with the former Interstate Commerce Commission before moving into private practice representing short lines and other railroad interests following passage of the Staggers Act. He practiced with various firms over the years, spending eight years with Strasburger and Price, and then with Clark Hill Strasburger after those firms merged in April 2018.

Heffner was an active associate member of ASLRRRA and participant in the General Counsel Committee - an omnipresent speaker at and contributor to Association events. He was only too happy to share his knowledge and was a mentor to many inside and outside ASLRRRA.

“While John and I were only colleagues for the past 15 months or so, I have known him for well over 20 years. His willingness to share his industry knowledge and experience has been invaluable to me and the firm, and particularly to his clients and the short line industry that he adored. I have been amazed how many of his long-time clients and other professionals with whom he worked, upon learning of John’s death, have commented on how much they valued not only their professional relationship with John, but also their friendship with him,” said Eric Hocky, member attorney at Clark Hill Strasburger.

In lieu of flowers, the family requests that donations be made to the following charities that were dear to Heffner:

- The Virginia Hospital Center Foundation
  1701 N. George Mason Drive | Arlington, VA 22205-3698;
  https://www.virginiahospitalcenter.com/supportthehospital/

- The WUVA Endowment, UVA Gift Processing Services Attn: WUVA Endowment
  PO Box 400331, Charlottesville, VA 22904-4331;
  https://aig.alumni.virginia.edu/wuva/campaign-for-wuva/endowment/
**Senators Unveil $287B Transportation Infrastructure Bill**

On July 29 Senators John Barrasso (R-Wyo.), Tom Carper (D-Del.), Shelley Moore Capito (R-W.Va.), and Ben Cardin (D-Md.) introduced America’s Transportation Infrastructure Act of 2019, the largest highway legislation in history.

The bill authorizes $287 billion over five years, including $259 billion to maintain and repair U.S. roads and bridges. Other provisions are meant to improve road safety, streamline project delivery, protect the environment and grow the economy.

In addition, the bill increases funding for Infrastructure for Rebuilding America (INFRA) grants to $5.5 billion over five years. It also increases the minimum amount of funding allocated for smaller projects, up to 15 percent from 10 percent.

In response to the transportation infrastructure act and other transportation bills likely to be proposed in the coming months, ASLRRA has created a white paper highlighting the Association’s priorities for any infrastructure and surface transportation reauthorization bills. The white paper discusses issues related to highways, railroads and finance, including key points like opposition to changes in truck length and weight restrictions and mandates on crew size staffing, support for more streamlined and less burdensome regulations, and a call for permanency for the Short Line Rehabilitation Tax Credit (45G).

**U.S. Department of Transportation Announces Infrastructure Grant Recipients**

The U.S. Department of Transportation plans to award over $855 million in grants through the Infrastructure for Rebuilding America (INFRA) discretionary grant program, of which 12 of the 20 are designated as rural grants, and two were awarded to short line railroads.

“I’m pleased to say that two short lines are part of an INFRA Grant awarded last week, Delta Southern Railroad Company, and Arkansas Short Line Railroads, Inc. Short lines continue to be successful in winning competitive merit-based discretionary grants from CRISI, BUILD and INFRA and we will continue to advocate to both robustly fund these programs and make the program requirements and processes more transparent and more achievable for our small business members,” said Chuck Baker, ASLRRA President.

The two short lines receiving funding are Arkansas Short Line Railroad and ASLRRA member Delta Southern Railroad. Delta Southern’s rural project, the Southeast Arkansas and Northeast Louisiana Multimodal Freight Corridor Improvement Project, will receive $10.5 million to improve a 91.3-mile short line corridor between McGehee, Ark. and Tallulah, La. This includes upgrading the track to Class 2 capacity, upgrading seven bridges and extending short line rail access to the Port of Lake Providence and Madison Parish Port in Louisiana.

INFRA grants support improvements to U.S. infrastructure by creating opportunities for all levels of government and the private sector to fund infrastructure projects. This year the DOT proposed awards to 10 large and 10 small projects; large projects receive a minimum grant award of $25 million, while the minimum for small projects is $5 million. Each year, 10 percent of INFRA grant funding is reserved for small projects, and at least 25 percent goes to rural projects.
July 31, 2019

Position Available: Director, Office of Safety Analysis
The FRA is looking for an executive to serve as the Director, Office of Safety Analysis for the Office of Railroad Safety. The Director is the principal program advisor to both the Deputy Associate Administrator and the Associate Administrator in advancing the mission of FRA railroad safety. More info:
https://www.usajobs.gov/GetJob/ViewDetails/538902000

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Position Available: Deputy Associate Administrator, Office of Railroad Safety
The FRA is looking for an executive to serve as the Deputy Associate Administrator (DAA) for the Office of Railroad Safety. The DAA is the principal advisor to the Associate Administrator in advancing the mission of FRA railroad safety. More info:
https://www.usajobs.gov/GetJob/ViewDetails/538901700

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**RRB Discusses Employee Unemployment and Sickness Benefits**

The newest edition of the Railroad Retirement Board’s question and answer series covers unemployment and sickness benefits for railroad employees under the Railroad Unemployment Insurance Act, which is administered by the board.

The Railroad Unemployment Insurance Act provides unemployment benefits for those who become unemployed but are ready, willing, and able to work; and sickness benefits for those who are unable to work because of sickness or injury. Sickness benefits also apply to female employees unable to work due to health conditions related to pregnancy, miscarriage or childbirth.

In the document, the RRB explains eligibility requirements for unemployment and sickness benefits for the 2019 benefit year, which started July 1. Other information covers the daily benefit rate payable, waiting-period requirements, and how to apply for and claim each type of benefit.
Support for 45G Reaches High Point in Senate

With 59 senators having co-sponsored S.203, the U.S. Senate bill to make the short line railroad infrastructure tax credit, or 45G, permanent, the bill is only one co-sponsor away from 60. Having 60 co-sponsors means it would be possible to invoke cloture and pass the bill, which, though not guaranteed to happen, does indicate strong support for the measure on both sides of the aisle. This is the highest number of Senate co-sponsors on any 45G bill.

Having strong support for the bill provides more negotiating power, and the fact that co-sponsors in both the House and Senate are almost equally split between Democrats and Republicans puts the legislation on surer footing. The House version of the bill, H.R. 510, also continues to gain co-sponsors, with 248 representatives currently signed on.

Kentucky Congressman Applauds Short Lines and Advocates for 45G at Visit to Contech

Congressman Andy Barr (R-Ky.) visited Contech Engineered Solutions in Winchester, Ky. on July 30, touring the company’s manufacturing facility and talking with a group of local government officials, company leaders and rail industry representatives about transportation infrastructure and the 45G tax credit.

During a policy discussion, Barr emphasized the importance of America’s short line rail systems to national and local economies and talked about his own efforts to support the 45G tax credit. Barr has been a long-time supporter of H.R. 510, the U.S. House of Representatives bill to make the 45G tax credit permanent.

In addition to Kentucky state lawmakers and the major of Winchester, attendees included William Downey from ASLRRA member R.J. Corman Railroad Group and Will Resch from lobbying firm Chambers, Conlon and Hartwell.

"Congressman Barr is a champion of the short line tax credit, which is integral to railroad infrastructure investments all across the country,” said Downey in a press release. “We thank him for his ongoing support on this key issue.”

ASLRRRA Welcomes New Members

ASLRRRA is pleased to welcome two new members.
Regional Transportation District (RTD), based in Denver, Colorado, provides rail and bus services in the Denver metro area. A special thanks to Randall Duty with TexRail for recommending RTD join ASLRA. Our contact is Senior Manager of Safety, Security and Compliance Martha Bembry.

Virginia Railway Express (VRE), based in Alexandria, Virginia, provides commuter rail service from the Northern Virginia suburbs to Alexandria, Crystal City and downtown Washington, D.C. A special thanks to ASLRA’s JR Gelnar and Crystal Gitchell for their help in VRE joining ASLRA. Our contact is Chief Safety, Security & Corporate Compliance Officer Greg Deibler.

ASLRA Announcements

Sponsorships Still Available for This Year’s ASLRA Regional Meetings

Sponsorships are still available for ASLRA’s regional meetings this fall. ASLRA has improved its educational offerings and networking opportunities for attendees, and meeting sponsors receive added benefits, including a complimentary registration with platinum and gold packages.

Follow this link to learn more about the types of sponsorships and the benefits of each, or go directly to the regional meetings page to find out more about the events featured and other companies that have already signed up as sponsors. Those with questions can also contact Vice President of Meetings Amy Westerman at awesterman@aslrra.org.
Many state laws legalizing marijuana and cannabidiol (CBD) use have created confusion, and states' laws are now impacting non-DOT testing programs. Dr. Timothy J. McCormick, president of Transportation Occupational Medicine Consultants, will review the federal regulations, current issues around marijuana and CBD, and address evolving state measures.

Click here for more ASLRA events.

Industry Events

Click here for a listing of industry events.

Views & News is published by American Short Line and Regional Railroad Association. Please contact Amy Krouse, editor, with questions or comments.