Task Force Co-Leads Recommend Permanency for 45G

U.S. Senate Finance Committee Chairman Chuck Grassley (R-Iowa) and Ranking Member Ron Wyden (D-Ore.) have released reports from each task force created to examine temporary tax provisions that have expired or will expire by December 31, 2019. The Business Cost Recovery Task Force report included 45G, which was one of only two tax provisions singled out by task force co-leads Senator Mike Crapo (R-Id.) and Senator Benjamin Cardin (D-Md.) as worthy of being made permanent.

“As the Co-Chairs of this task force, we agree that two in particular have proven on their merits to receive a permanent extension – Section 45G and Section 179D,” wrote the senators in their report foreword.

ASLRA issued a statement in response to the task force report, applauding the senators’ assessment, and urging action now.

“We’re pleased with the recommendation of the Business Recovery Task Force and encouraged by Grassley and Wyden’s strong statements about the need for permanent solutions to provide certainty to families, businesses, and communities. Congress must act now, as continued delays only provide more reticence to invest as businesses await a decision,” said Chuck Baker, President of ASLRA. “Our small business railroads depend on the 45G tax credit to maximize their investment, and the benefits of these investments are far-reaching, including providing safe, cost-effective and environmentally friendly transportation for companies in rural and small-town America. The residual benefits of dollars spent on railroad infrastructure include employment and growth in the railroad supplier community and in the regional economies as more businesses locate because of rail options.”

ASLRA’s Strang Testifies at Small Business Administration Hearing on National Regulatory Fairness

ASLRA’s Senior Vice President of Safety and Regulatory Policy Jo Strang testified at a Small Business Administration (SBA) hearing regarding national regulatory fairness on Aug. 19.

The purpose of the hearing was to give small-business owners, community leaders and representatives of local economic development organizations and trade groups a chance to share concerns about unfair regulatory enforcement, excessive fines, retaliation and other regulatory burdens placed on them by federal agencies.

In her comments, Strang noted that agencies do not always consider small business needs when evaluating regulatory policy, which is required under the Small Business Regulatory Enforcement Fairness Act. Strang also insisted any new policy be reviewed based on sound data, and stakeholders given an adequate opportunity to respond to proposals prior to rulemaking.
Additionally, Strang highlighted several Federal Railroad Administration (FRA) rules and policies adversely affecting short line and regional railroads. These include the FRA's training standards rule, the risk reduction rule, and obsolete inspection, reporting and communication requirements.

“We would like to recognize the fact that some FRA regions are taking a collaborative approach to safety enforcement. While not soft on enforcement, they work with the railroad to identify problem areas and build relationships that foster a culture of safety and compliance. They provide training on the regulations and try to help small business railroads. Giving railroads the chance to fix the issue and adjust operations is the key to creating a safer working environment,” said Strang during oral testimony. “FRA working together with the railroad will have long-lasting positive safety impacts that move the industry forward.”

**ASLRRA Jake Award Updates – Seven New RRs Earn Jake with Distinction**

Seven new railroad members have qualified for Jake with Distinction Awards for safety performance above industry average in 2018. Check out our [list of 300 winners!](#) Jake Award Winners - publicize your amazing achievement! Please contact cgitchell@aslrra.org to order your pins and award certificates today.

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**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

**Federal Railroad Administration Issues Notice of Funding Opportunity for FY19 CRISI Grants**

On August 14 the Federal Railroad Administration [issued](#) a notice of funding opportunity (NOFO) for over $244 million in grants through the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program.

Some examples of projects eligible for funding include highway-rail grade crossing improvements, deployment of railroad safety technology, regional rail and corridor service development plans, and workforce development and training activities.

At least 25 percent of funds for fiscal year 2019 CRISI grants are reserved for rural projects. When evaluating applications, the FRA will consider in part how projects will support key objectives such as enhancing economic vitality, leveraging federal funding and using innovative approaches to improve safety. Projects where the proposed federal share of costs does not exceed 50 percent will receive preference.

Applications for FY19 CRISI grants are due Oct. 18. ASLRRA's [Member Discount Program](#) features grant writing services, with preferred providers able to help members navigate the application process.

*Save the date for an FRA CRISI webinar*
To further help eligible CRISI applicants, the FRA will host a webinar on Sept. 4 at to provide training and technical assistance. More information on the FRA’s webinar will be available from the administration soon.

**ASLRRA, AAR Submit Comments for FRA’s Draft Guidance Regarding Rail Properties in Rail Rights-of-Way Affected by NHPA Section 106**

ASLRRA has joined the Association of American Railroads (AAR) in submitting comments in response to the Federal Railroad Administration’s draft guidance for implementing the property-based approach to exempting consideration of effects to rail properties within rail rights of way.

The guidance offers instruction and examples for project sponsors working with the U.S. Department of Transportation Operating Administrations to designate excluded historic rail properties subject to Section 106 of the National Historic Preservation Act.

In their comments, ASLRRA and AAR identify several areas of the draft guidance that are of concern to the industry. One overarching problem is that the guidance ignores the congressional intent of Section 11504 of the Fixing America’s Surface Transportation (FAST) Act of 2015, which is meant to provide railroads relief from Section 106 requirements similar to that afforded to interstate highways.

ASLRRA and AAR also argue that the draft unlawfully imposes a new process and paperwork requirement, and generally does not offer solutions for potential problems or conflicts within the system. The railroad industry encourages the DOT to develop final guidance that limits Section 106 consultation to exceptional historic properties that uniquely “illustrate the history of the development of the nation’s railroads or rail transit systems,” in accordance with the FAST Act.

**Coleman, Cameron Appointed to New Roles at RRB**

The Railroad Retirement Board (RRB) announced two new appointments - Crystal Coleman is the board’s director of programs, and Kimberley Cameron is the assistant to RRB chairman, Erhard R. Chorlè.

Coleman will oversee all operations to process and pay RRB benefits. She will also be a member of the RRB’s Executive Committee. Coleman previously served as the Deputy Director of Programs at the board, a position she has held since 2015.

As assistant to the chairman, Cameron will help review fiscal and policy matters related to the functions and organization of the RRB. She joined the RRB in 1992 and, prior to her appointment, was the executive assistant to the senior executive officer and director of field service.

**PHMSA Issues Proposed Rulemaking for Amendments to HMR**

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued a notice of proposed rulemaking (NPRM) addressing a variety of provisions. The NRPM proposes amendments to the Hazardous Materials Regulations that are intended to reduce regulatory burdens while maintaining or enhancing existing safety levels.

In the NRPM, PHMSA identifies and explains 19 proposed changes. A noteworthy recommendation includes an update to the January 1, 2018 version of the APA Standard 87-1, “Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics,” which was deemed necessary because of advances in the fireworks industry. Other proposed amendments include adopting a phase-out schedule for certain railroad tank cars used to transport poisonous-by-inhalation (PIH) materials, and allowing the continued use of certain portable and mobile refrigerator systems commonly used in the produce industry.
Comments on PHMSA’s proposed rulemaking must be submitted by Oct. 15. ASLRRA is reviewing the NPRM and will submit comments.

**Federal Motor Carrier Safety Administration Proposes Rule Changes to HOS Requirements, ASLRRA to Monitor Impact**

In a notice of proposed rulemaking, the Federal Motor Carrier Safety Administration (FMCSA) has suggested changes to its hours-of-service (HOS) requirements for drivers subject to HOS rules. The changes are meant to increase flexibility for drivers while maintaining current safety levels.

Among others, the proposals include modifying the adverse driving conditions exemption and the sleeper-berth exception, and increasing flexibility for the 30-minute break.

ASLRRA’s policy team is monitoring the rulemaking and its potential impact on small business railroads.

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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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**Illinois Governor Signs Bill Requiring Two-Person Crews on Freight Trains**

On August 9 Illinois Governor J.B. Pritzker signed a bill requiring a two-person crew for freight trains operating in the state.

The law, which goes into effect Jan. 1, 2020, comes after the Federal Railroad Administration withdrew a proposed rule that would have implemented mandatory two-person train crews. The FRA’s withdrawal was due to a lack of evidence showing any increased safety benefits of mandated crew sizes.

ASLRRA has long argued against crew size rules, calling such legislation overly burdensome to short lines, with no proven positive impact on train safety.

**Minnesota Representative Visits ASLRRA Members in Lakeville, Minn.**

Congresswoman Angie Craig (D-Minn.) visited the project office of ASLRRA member RailWorks on August 14. She also toured to the offices of fellow ASLRRA member Progressive Rail that same day.
During the RailWorks visit, Craig learned about the company’s business operations and Minnesota rail projects, which include an $85 million contract to construct 14.5 miles of light rail double track in Minneapolis, and a $2.9 million contract to repair light rail tracks near the Mall of America.

At Progressive Rail, company owner Dave Fellon told Craig about some of PGR’s services, including its transload operations. Craig also had the opportunity to view one of the company’s locomotives. A policy discussion also emphasized the importance of the 45G tax credit, and representatives advocated for increased funding for BUILD and CRISI grant programs.

Craig, who serves on the House Transportation and Infrastructure Committee and sits on the Subcommittee on Railroads, is a co-sponsor of H.R. 510, the House bill to make the 45G tax credit permanent.

ASLERRA’s Assistant Vice President of Legislative and Regulatory Policy Crystal Gitchell and Chambers, Conlon and Hartwell associate Will Resch participated in both tours.

ASLERRA’s Member Discount Program Now Includes Grant Writing Services! Click to learn more about these Preferred Providers:

ASLERRA Out and About

Gelnar Represents ASLERRA at FAMES Committee Meeting in D.C.

JR Gelnar, ASLERRA’s vice president of safety and compliance, attended the Fatality Analysis of Maintenance-of-Way Employees and Signalmen (FAMES) Committee meeting August 6-7 in Washington, D.C. The Association of American Railroads hosted the event.
The committee completed a review of past cases regarding situational awareness and adjacent track to ensure consistency with the data system. Participants also discussed incidents involving roadway maintenance machines equipped with a boom and how FAMES could assist in the prevention of these incidents.

**Strang Advocates for Short Lines at FRA Committee Meeting**

ASLRRA’s Senior Vice President of Safety and Regulatory Policy Jo Strang represented the Association at the Federal Railroad Administration’s Railroad Safety Advisory Committee (RSAC) meeting on Aug. 12.

In a discussion with the Track Safety Standards Working Group, Strang noted that the FRA’s proposal to eliminate excepted track would be a very costly regulatory requirement primarily affecting short lines, and could not pass a cost and benefit requirement.

The group suggested removing the proposed requirement, and the idea was tabled after a request was made for more time to consider all information before voting on the matter.

**ASLRRA New Members**

ASLRRA is pleased to welcome two new short line members.

Spokane, Spangle & Palouse Railway, LLC, based in Rosalia, Washington, is leasing/operating from the Washington State Department of Transportation about 114 miles of track within Spokane and Whitman Counties, WA. The short line, which launched operations on Aug. 5, is an affiliate of ASLRRA supplier member Omaha Track. Our contact is Director of Commercial Services Frank Forlini.

The Foxville & Northern Railroad Company, LLC, based in Pelion, SC, operates about 11 miles of track in Stanly County, N.C. The railroad is veteran-owned and connects with CSX Transportation and Norfolk Southern. Our contact is President John Elkin.

**ASLRRA Announcements**

To further tell the short line story, ASLRRA will profile some of its members who are noteworthy movers and shakers in the railroad industry. These railroads’ savvy decision-making and ingenuity make their business achievements worth sharing.
DGNO Reopens Rail Service for Corn Shipments to New Customer, Replacing Trucks

Gaining a new customer is always good news for any railroad, and when that customer is making the switch from truck to rail, there are twice as many reasons to celebrate. On August 8, ASLRRA member Dallas, Garland and Northeastern Railroad (DGNO) reopened rail service to the International Grains and Cereal facility in a deal that is doubly beneficial.

International Grains and Cereal (IGC) mills and packages corn flour at the Greenville, Texas facility it bought six years ago. For all of those years, IGC had been shipping corn in by truck. Now, this agreement with DGNO will bring a shift from truck to rail that should be completed over the next few years.

“This project was six years in the making,” said DGNO Marketing Manager Brian Butterworth in an email. “We are excited for the opportunity to work with IGC. Prior to the first cars moving, the DGNO had not placed cars to this track in over 20 years.”

By adding IGC to its clientele and facilitating the company’s modal shift, DGNO breathes new life into this particular stretch of track while also easing the burden on Texas roads, both of which show the vital role railroads play in many aspects of American society.

ASLRRA Member Benefits Include a Number of Free Online Resources

ASLRRA members can benefit from a variety of free resources available through the Association website.

By logging in, member companies can download more than a dozen compliance template programs for parts of 49 CFR, as well as others concerning alertness and fatigue, program and record-keeping requirements and a contractor safety program.

Also available are training videos that address drug and alcohol signs and symptoms and post-accident toxicological testing, all of which is in addition to live webinars and the nearly 80 recorded webinars in the On-Demand Resource Library.

All member company employees who set up an online profile and include an email address will also receive ASLRRA’s weekly newsletter, Views & News, which provides breaking news, updates, and information about member programs and benefits.
ASLRRRA Webinars

9/17/2019 - Leveraging Analytics & Automation for Effective Crew Mgmt. Sr. Railroad Consultant and Program Manager Shannon Bloxom will outline the challenges that crew managers face in their day-to-day jobs and look at how to automate processes for crew managers, streamlining workflows and leveraging the power of crew analytics to drive efficiencies in crew management functions.

Click here for more ASLRRRA events.

Industry Events

FRA to Hold Webinar for CRISI Grant Applicants

The Federal Railroad Administration has made a call for applications for fiscal year 2019 Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants due October 18. The FRA will host a webinar on Sept. 4 (more details to come).

ASLRRRA members can receive application assistance through preferred providers who offer grant writing services.

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.