ASLRRA COVID-19 Webpage Provides Guidance on Regulatory and Legislative Assistance Available to Short Lines

For more information regarding regulatory responses to COVID-19, including emergency waiver guidance and templates, please see the Regulatory Response tab on ASLRRA’s website. Also available are instructions and links to access benefits provided for in the Payroll Protection Program under the Legislative Response tab.

ASLRRA Webinars Help Explain COVID-19 Relief Benefits Provided for In Recent Legislation

ASLRRA is offering webinars that help explain recent legislation related to COVID-19 emergency relief and how that legislation affects short line railroads, employees and families.

On April 14, Paula Pitrak, a labor and employment attorney at Fletcher & Sippel, will offer guidance on Families First Coronavirus Response Act (FFCRA) compliance and the establishment of workplace policies related to COVID-19. The “CV2: A Railroad Employer’s Guide to the FFCRA Legislation” webinar further explains Congress’s second COVID-19 emergency response package (CV2), focusing on paid leave and unemployment benefits for employees and families. This webinar is $15 for ASLRRA members and $25 for non-members.

ASLRRA also held a related webinar on March 31 titled “CV2: Reviewing the Families First Coronavirus Response Act.” For this look at the second emergency response package, financial experts from Bowers & Company CPAs reviewed what the bill covers and its tax impacts on short line railroads.

Today, a team from Chambers, Conlon & Hartwell spoke about the third COVID-19 emergency response package (CV3), which was signed into law last Friday. This discussion of the Coronavirus Aid, Relief, and Economic Security (CARES) Act provided an overview of the law’s provisions that matter most to short line railroads.

Those who may have missed the Tuesday and Wednesday webinars can still view them online through ASLRRA’s On-Demand Webinars page. Viewing on-demand webinars is free for members. Non-members can purchase a subscription to access these and all other webinars in the on-demand webinar library.

FRA Responds to Petition from ASLRRA, AAR and APTA for Regulatory Relief Due to COVID-19

The Federal Railroad Administration has issued their response to a March 21 petition from ASLRRA, the Association of American Railroads (AAR) and the American Public Transportation Association (APTA) requesting temporary relief from certain rail safety regulations due to the COVID-19 pandemic.
FRA issued two new letters this week - one letter addresses a request for relief from certain Part 219 provisions concerning random alcohol and drug testing. The FRA denied the request for relief but offered guidance regarding how railroads have flexibility in implementing Part 219 programs, such as in situations similar to that presented by the current pandemic. For instance, the FRA explains that medical emergencies can supersede testing in certain cases.

In the second letter, the FRA grants a 60-day relief period from refresher/recurrent training contained in the federal railroad safety regulations. ASLRRA reminds its members that Part 243 requirements are not in effect for Class II and III railroads, passenger railroads with less than 400,000 employee hours or contractors.

Any questions regarding this information should be directed to Jo Strang at Jstrang@aslrra.org or JR Gelnar at JRGelnar@aslrra.org.

The FRA has also recently addressed a separate issue regarding railroads’ ability to communicate COVID-19-related information and updates to employees via personal e-mail addresses, which could violate certain hours-of-service requirements. However, due to flexibility allowed in emergency situations, the FRA said it would “exercise enforcement discretion related to this particular type of message, sent at reasonable intervals, to which the employee is not required to respond.” Still, to avoid conflict, the FRA encourages railroads to seek approval from labor organizations to send such messages.

For more information regarding regulatory responses to COVID-19, including emergency waiver guidance and templates, please see the Regulatory Response page on ASLRRA’s website. ASLRRA is also constantly updating its COVID-19 main page with industry links, legislative news, business resources and more.

**Railroad Retirement Board Explains Impact of CARES Act on Railroad Worker Benefits**

The Railroad Retirement Board’s newest press release talks about the Coronavirus Aid, Relief, and Economic Security (CARES) Act and how it affects unemployment and sickness benefits for railroad employees affected by the COVID-19 pandemic.

The CARES Act provides relief in several ways. For example, it temporarily eliminates the one-week waiting period required before employees can begin receiving unemployment or sickness benefits. Unemployment benefits also increased by $1,200 per two-week period, which is in addition to the current biweekly maximum received by most claimants.

Please note: The RRB is following CDC guidelines and has closed its field offices, so services are being provided as much as possible through the RRB website and the RRB’s toll-free number (877-772-5772).

Employees should file for unemployment benefits online by creating an account on myRRB. Otherwise, applications and benefits claims need to be submitted via regular mail. Sickness benefit applications must be submitted by mail or fax.

Presently, the RRB expects nearly all of RRB sickness and unemployment personnel to be able to work and continue to process claims. However, due to many RRB employees working from home and the potential volume of claims, the RRB may experience a delay with handling incoming mail and faxes and outgoing forms and letters, which in turn may cause some delays in processing and payments.

Further guidance regarding unemployment and sickness benefits under the Railroad Unemployment Insurance Act (RUIA), including for those diagnosed with COVID-19 or under quarantine orders, can be found here.
ASLRRA Submits Comments to EPA Concerning Emission Inventories

On March 30 ASLRRA and the Association of American Railroads (AAR) submitted comments to the Environmental Protection Agency (EPA) regarding its Draft Methodologies for Estimating Port-Related and Goods Movement Mobile Source Emission Inventories.

The comments make three main points. First, ASLRRA and AAR object to the EPA’s use of train counts as opposed to gross-ton miles for calculating fuel use and emissions, arguing that gross-ton miles more accurately depict emissions and fuel use.

Both associations also assert that using uncontrolled line-haul emission factors to estimate Class II and III railroad emissions leads to too-high results, as less than half of the current Class II and III locomotive fleet consists of pre-1973 locomotives with uncontrolled emission rates.

Last, the comments call on the Office of Transportation and Air Quality (OTAC) to update its 2009 emissions document and adjust its future year predictions to better match the reality of fleet changes in the past 11 years.

Federal Railroad Administration Issues NPRM for Performance and Service Quality Metrics and Standards

The Federal Railroad Administration (FRA) has issued a notice of proposed rulemaking (NPRM) establishing metrics and minimum standards for measuring the performance and service quality of intercity passenger train operations, developed in conjunction with Amtrak.

The NPRM indicates that Amtrak operates over eight switching railroads and four short lines, but the FRA asserts that these railroads are unlikely to be burdened by the proposed rule since Amtrak operates over those routes for short distances and with very few stops. As Amtrak already meets with these railroads on a periodic basis, any discussions regarding train schedules and adjustments could take place during those meetings.

ASLRRA will review the NPRM for its impact on short line members hosting Amtrak service, and will be in contact with them.

COVID-19

Click here for important updates, information, and resources for ASLRRA members or visit aslrra.org/covid-19
Associations’ Efforts Result in Increased Benefits to Rail Employees

An effort by ASLRA, the Association of American Railroads (AAR) and rail labor groups resulted in Congress including a clause in the recent Coronavirus Aid, Relief, and Economic Security (CARES) Act specifically including railroad employees in expanded unemployment and sickness benefits.

Railroad employees do not receive unemployment benefits from state agencies, but instead through the Railroad Retirement Board’s (RRB) Railroad Unemployment Insurance Program. The CARES Act’s railroad-specific provisions include a waiver of the usual seven-day waiting period for filing sickness or unemployment claims with the RRB, increased unemployment benefits and additional funding to the RRB for administrative costs.

“While short line railroads are working hard to avoid any layoffs or furloughs, this Railroad Unemployment Insurance improvement is an important safety net to provide,” said ASLRA President Chuck Baker in a press release on the AAR website. “We were pleased to work with our friends in rail labor and at the AAR to make this request, and we join them in thanking Congress for its quick action in the face of this unprecedented crisis.”

In other legislative efforts, ASLRA joined the OneRail Coalition in calling for legislators to increase funding for the RRB to enable it to quickly and effectively administer Railroad Unemployment Insurance Act applications.

ASLRA New Members

ASLRA is delighted to welcome two new members.

Heartwood Studios, Inc., based in San Mateo, Calif., helps railroads improve maintenance efficiency and streamline compliance training by leveraging virtual interactive simulations and guides. They report that customers can reduce workforce training time by up to 60 percent and see a return on investment (ROI) of up to seven times while employees such as conductors, mechanics and engineers perform complex procedures faster, safer and with less errors. Their simulations catalog includes air brake test (CFR 232), pre-departure inspection (CFR 215), and locomotive daily inspection (CFR 229). Our primary contact is Neil Wadhawan, chief revenue officer and co-founder. ASLRA thanks Mitch Harris from Rio Grande Pacific and our own JR Gelnar for their assistance with this new member.
West Memphis Base Railroad (WMBR), based in West Memphis, Ark., is a 2.25-mile branch line serving the Port of West Memphis. The short line was created in 2018 when the City of West Memphis partnered with Jaguar Transport Holdings, parent of WMBR, on a long-term operating agreement with the right to own the trackage. The line has been upgraded thanks to a multi-million-dollar TIGER grant. Current traffic includes steel, propane, non-hazardous and hazardous chemicals. West Memphis Transload has two terminals located on the line, mainly handling steel products and lumber. ASLRRA thanks our friends at Bowers & Company, CPAs for their help with this new member.

ASLRRA Announcements

More than Sew-Sew: ASLRRA’s Daigle Donates Face Masks, Instructions and Supplies for COVID-19 Efforts

Since last Thursday, Daigle has sewn over 150 face masks for first responders, producing, on average, over two dozen a day. But simply making masks is not enough for Daigle. She is using her experience as a prototype developer to help groups create face mask instructions and patterns. To top it off, Daigle is donating sewing machines, sergers, thread and 200 yards of hard-to-find 1/8-inch elastic to help eager volunteers make masks of their own. One group with which she is working is the Million Mask Challenge, which started on Facebook and has several pages dedicated to specific states or regions.

Fabric face masks in various stages of completion are stacked on the work table of ASLRRA’s Patricia Daigle. In less than a week Daigle has made over 150 masks for first responders, reflecting only a small portion of her efforts to offer help in the midst of the current COVID-19 pandemic.
With people throughout the country doing what they can for health workers, first responders and others in their community, ASLRRA is proud to recognize Daigle for her contributions in the midst of this global pandemic.

Annual Connections Convention Postponed Until Fall 2020

Following an executive order from Texas Governor Greg Abbott limiting social gatherings, ASLRRA has decided to postpone its annual Connections convention, which was originally scheduled for May 2-5 in Grapevine, Texas.

Mindful of the value ASLRRA members place on the education, training, best practices, networking and business development opportunities provided by the conference, the Association is determined to find a way to deliver those benefits this fall. The health and safety of our members, staff and the broader short line railroad community has been and will continue to be our top concern.

ASLRRA thanks its members for their support and patience as staff members work to shift our convention during this extraordinary time. We will be excited to welcome you to our rescheduled Annual Convention in the fall of 2020.

Please follow our convention web page for updates and more information.

Complete ASLRRA Survey to Help the Association Better Advocate for You

In an effort to understand the effect of COVID-19 on railroads, ASLRRA is asking its members to complete a survey describing information such as the pandemic’s effects on service, operations and the supply chain.

Results of the survey will help ASLRRA better understand the needs of its members, enabling the Association to better work with federal agencies like the Federal Railroad Administration, Surface Transportation Board and Railroad Retirement Board.

In addition, the survey provides ASLRRA with a clearer picture of the ways short lines keep the nation moving in extreme emergencies, which helps the Association work with policy makers and regulators on behalf of its members.

The link above is to an updated survey, different from the one released last week. Those who completed the previous survey are asked to fill out this one as well, since it clarifies some questions and adds others. ASLRRA is grateful to those who are able to help in this matter.

ASLRRA’s Member Discount Program Includes Grant Writing Services! Visit asrra.org to learn more.
ASLRRA Webinars

Information for Human Resources Employees – Available On Demand

ASLRRA makes an effort to reach all members of the railroad team with its educational opportunities, and webinars are no different. The Association’s on-demand webinar library includes several titles for those in the human resources department, such as:

- Eligibility for Leave Determinations (2017)
- End of Leave Considerations and Transition (2017)

Visit the On-Demand Webinars resource library on the ASLRRA website to access these and dozens of other relevant and timely webinar recordings. On-Demand Webinars are available FREE to ASLRRA members and by subscription to non-members.

In addition to on-demand webinars, ASLRRA is always working to provide its members with top-notch education, bringing industry and subject-matter experts right to your desk. Find out about our upcoming live webinars below, and use the links to learn more or register.

Upcoming Webinars

For information about webinars focused on COVID-19-related issues, please see the article at the top of this week’s newsletter.

Insights into the RRIF Express Loan Application Process - April 8, 2020

Experts from The Seneca Group and Bowers & Company, CPAs will offer insights and guidance on the RRIF Express loan application process. This session will also cover the audited financial statement requirement, including an overview of the process, what’s needed and how to prepare, and how to factor this into your timeline.

Service Excellence with Integrated Crew & Safety Management - April 9, 2020

Shannon Bloxom and Ashok Madhavan, senior railroad consultants at CloudMoyo, will outline how an integrated, technology-driven approach to duty assignments, safety testing, and crew training will help railroads optimize crew operations and meet safety requirements in a simplified and efficient manner. They will also discuss how railroads can leverage in-depth insights with latest analytics technologies to better optimize crew, meet FRA and regulatory requirements, and track operational metrics.

CV2: A Railroad Employer’s Guide to the FFRCA Legislation - April 14, 2020

Please see the article at the top of this week’s newsletter.

Employer Training Resources: Registered Apprenticeships - April 22, 2020

SPRING President Michele Malski and FASTPORT Executive Director of Military Engagement and Apprenticeships Dave Harrison will explain the benefits of establishing a federally registered apprenticeship program and how to start one.

Click here for more ASLRRA events.
Industry Events

Free TRB Webinar Examines Effect of Emergencies on Supply Chain and Logistics Industries

The Transportation Research Board (TRB) is offering a free webinar on April 8 titled “The supply chain and COVID-19,” which will look at the impact of COVID-19 on the supply chain and logistics industries.

According to the TRB website, presenters will also “discuss lessons learned from past freight transportation and supply chain disruptions, identify research that has been done to address resilience in the supply chain, describe how to mitigate the economic impacts of these disruptions, and provide commentary on current supply chain disruptions due to COVID-19.”

For more information or to register, please follow this link.

Click here for a listing of industry events. Cancellations due to COVID-19 restrictions will be noted as information becomes available.

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