ASLRRA Announces Annual Jake Award Recipients

Nearly 300 member railroads will be recognized for exemplary safety performance in 2019, receiving Jake Awards and Jake Awards with Distinction from ASLRRA.

ASLRRA member railroads that perform better than the Class II and III industry average injury frequency rate as reported by the Federal Railroad Administration (FRA) during the calendar year, and that have completed all FRA-required employee-on-duty reporting for 2019 can be honored with a Jake Award. This year, 295 ASLRRA-member railroads received the awards.

Of the 295 honorees, 278 earned a Jake Award with Distinction, recognizing an FRA-reportable injury-free year in 2019.

“Safety is at the forefront of our members’ operations, even more so during these turbulent times caused by the COVID-19 pandemic. The short line industry is continuing to make significant strides towards zero injuries, with ASLRRA members rapidly closing the gap as measured against the entire railroad community,” said Chuck Baker, President of ASLRRA. “Our member railroads hold themselves accountable, focused not only on compliance, but on a strong safety culture. The declining injury rate in our industry is due in part to this constant focus, to continued strong investment into our infrastructure, supported by the Short Line 45G Tax Credit which enables our railroads to invest more of their revenue into newer, safer, upgraded infrastructure, and also to the Short Line Safety Institute, which has provided significant leadership in the area of safety culture to short line railroads.”

ASLRRA Welcomes New Legislative Team Member Mara Stark-Alcalá

ASLRRA has hired Mara Stark-Alcalá as the Association’s newest member of its in-house legislative team. She is the assistant vice president of congressional affairs, a newly created role.

Stark-Alcalá has ten years of transportation legislative experience at Chambers, Conlon & Hartwell (CC&H), the American Public Transportation Association, and on the staff of the U.S. Senate Committees on Appropriations and Environment and Public Works.

“I couldn’t be more pleased to hire Mara, so much so that it’s for the second time - once during my tenure at CC&H, and now at ASLRRA. Her transportation industry experience, detailed knowledge of the legislative and regulatory process, and her positive relationships with our short line industry members will enable her to make an immediate impact,” said ASLRRA President Chuck Baker. “We look forward to having her continue to put her expertise and intellect to work for short line railroads and the thousands of customers and communities that we serve.”

At ASLRRA, Stark-Alcalá will be responsible for focusing full-time on the varied congressional affairs issues facing short line railroads, including tax policy, infrastructure grant programs and surface transportation policy.
Important Upcoming Webinars: RRB Benefits Under COVID-19 and FRA CRISI Grant Applications

Another joint ASLRRA and Railroad Retirement Board (RRB) webinar will discuss RRB unemployment and sickness benefits available to employees during the COVID-19 pandemic. On May 7, representatives from the RRB will review the basic eligibility for sickness and unemployment, COVID-19 benefit guidelines and benefit amount, and application process.

Panelists will also discuss how employees’ benefit claims affect the employers’ contribution rate, which is calculated annually. This webinar is free for both ASLRRA members and non-members.

Also on May 7, the Federal Railroad Administration (FRA) will host a webinar discussing Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants program for fiscal year 2020. The webinar will provide an overview of the program and application requirements and offer hints and tips to potential applicants.

This year, $311.8 million is available through CRISI grants for freight and intercity passenger rail projects that improve transportation safety, efficiency, and reliability. At least 25 percent of funding is reserved for rural projects.

According to the FRA website, this webinar will “explore best practices for constructing the project narrative, statement of work, and benefit-cost analysis, and for complying with environmental requirements.” In addition, participants will “learn how FRA evaluates applications and about grant lifecycle time frames.”

Follow the links above to register for the webinar or to learn more about CRISI grants. ASLRRA members may also want to consult one of the preferred providers in the Grant Writing Partner program.

Please continue to check www.aslrra.org/COVID-19 for up-to-date information on legislative, regulatory, small business, and railroad-specific issues.

STB Issues Statement in Support of Freight Railroads and Freight Operations During the COVID-19 Crisis

The Surface Transportation Board (STB) emphasized its support for railroad operations in a recent public statement.

The statement notes the crucial role freight railroads play in the nation’s supply chain, making them an important contributor to national efforts to respond to, and ultimately recover from, the effects of the COVID-19 pandemic.

The STB appreciates efforts by state and local authorities to safeguard public health, but also urges them to continue to recognize the value of railroad operations and support the ability of railroads to best provide services to communities nationwide.
State-By-State Information Summarizes COVID-19 Restrictions Across the U.S.

With some states starting to loosen various COVID-19 restrictions, ASLRRA has made available a state-by-state tracker updated with the most current information for workers, particularly rail workers and contractors, and residents.

The tracker summarizes executive actions implemented in each state. Information is further broken down by county, region or city, where applicable. The tracker’s most recent updates explain how states plan to reopen businesses.

FRA Explains General Requirements for Crude Oil Storage in Tank Cars

Due to an increased demand for crude oil storage in rail tank cars, the Federal Railroad Administration (FRA) has issued a summary of general requirements focused on three main questions regarding crude oil storage.

The document defines key terms and explains what a railroad needs to do in order to store tank cars loaded with crude oil on its right-of-way, including using an authorized tank car and having crude oil shipments consigned to a customer with a private track or siding for delivery.

The document also lists requirements for a third party to store crude-oil tank cars, as well as requirements for crude-oil tank car storage on government-owned property.

Support Our Industry in Social Media and Through Our Website

Use our new Facebook Frame - search “thank a railroader”

Use our Twitter hashtag #shortlinesRfrontlines to get the good news out!

Send an email to our Vice President of Communications Amy Krouse at akrouse@aslrra.org and let her know what your railroad is doing to keep America moving. Adding a photo, even if you took it on your phone, would be icing on the cake.

ASLRRA Letter Supports AAR’s Petition to Surface Transportation Board

ASLRRA has filed a supplemental letter with the Surface Transportation Board (STB) supporting the Association of American Railroads’ petition regarding 49 U.S.C. Section 10501(b) and the Clean Water Act and National Pollutant Discharge Elimination System.

In the letter, ASLRRA emphasizes its support for the Association of American Railroads (AAR), which asked the STB to issue a declaratory order finding that 49 U.S.C. § 10501(b) preempts the Clean Water Act’s discharge prohibition and National Pollutant Discharge Elimination System permitting regime as applied to incidental discharge occurring during normal operation of rail cars in transit.

Without a declaratory order from the STB, ASLRRA argues its Class II and III members would need to comply with a number of different state permitting laws. As many of these railroads operate across multiple states, such a requirement would put an undue burden on them.
ASLRRA urged the STB to issue the order, and noted support from other organizations, including the American Farm Bureau Federation, the North American Freight Car Association, and the American Coal Council.

**ASLRRA Reiterates Support for Final Rule Defining Scope of Waters Under the Clean Water Act**

On April 21, the Environmental Protection Agency and the Department of the Army published a [final rule](https://www.epa.gov/press-release/environmental-protection-agency-and-department-army-publish-final-rule-defining-scope) defining the scope of waters federally regulated under the Clean Water Act. ASLRRA and the Association of American Railroads (AAR), having submitted joint comments on [April 14, 2019](https://www.aslrra.org/app/uploads/2019/04/April-2019-Joint-Comments_FINAL.pdf) in support of the rule when it was first proposed last year, have issued a second [letter of support](https://www.aslrra.org/app/uploads/2020/04/Final-WOTUS-Letter_FINAL.pdf) for agencies’ revised definition of waters of the United States (WOTUS), which reflects a clear, common-sense approach regarding the features regulated under the Clean Water Act.

The revised definition follows the statutory language, is consistent with relevant Supreme Court precedent, and codifies much of the agencies’ existing practice so as to provide national uniformity, predictability and regulatory certainty. In particular, ASLRRA supports the exemption of railroad ditches from the definition of WOTUS. This change makes clear that railroad ditches, safety features that move rain and other stormwater away from the rails, are outside of federal jurisdiction for purposes of the Clean Water Act.

---

**COMPLIANCE TEMPLATES**

Click here for member-exclusive templates and additional resources.

---

**Act Quickly to Secure Funding Through the Paycheck Protection Program**

Now that the newest COVID-19 relief act has been passed, ASLRRA urges members to act now to secure funding through the Paycheck Protection Program.

Over one million loans were approved through the Paycheck Protection Program (PPP) as of April 13, quickly depleting available funding. The new law, H.R. 266, which is also referred to as CARES Act 2.0, provides an additional $321 billion for the PPP.

Of that $321 billion, $60 billion is set aside for small and mid-sized banks and credit unions, as well as community-based lending institutions. This is meant to help unbanked and underserved businesses access PPP funding.

There is also $50 billion for the Small Business Administration’s Economic Injury Disaster Loan (EIDL) program and $10 billion for Emergency Economic Injury Disaster Grants, which provide flexible assistance to small businesses to cover operating expenses. Additionally, the law now makes agricultural enterprises with less than 500 employees eligible for the EIDL program.
Helpful webinars regarding these programs are available in our On-Demand Library, free to members, and by subscription to non-members.

ASLRRA member Bowers & Company is available to assist members calculate, apply and obtain their PPP loan. They have contacts at many institutions if you do not have a bank or your bank cannot meet your needs. Please contact them for more information at info@bcpllc.com

ASLRRA Webinars

Get Up to Speed Quickly on COVID-19 Legislation and the Impact on Railroads Through Our On-Demand Webinars

As the COVID-19 crisis continues to affect both business operations and daily life, ASLRRA’s On-Demand Webinar library offers several recordings focused on helping railroad employers and employees understand COVID-19 legislation and other issues related to the pandemic.

The COVID-19-related on-demand webinars are:

- CDC Guidance and Strategies for Employers
- Railroad Employer’s Guide to the FFCRA Legislation
- CV3: Reviewing the CARES Stimulus Package
- CV2: Reviewing the Families First Coronavirus Response Act

Note: “Reviewing the Tax Provisions from the CARES Act”, previously scheduled for today, will be added to the On-Demand Webinars resource library following its presentation on May 21, 2020.

View these popular recordings and dozens more covering finance, communications, human resources and technology by visiting ASLRRA’s On-Demand Webinars resource library. Access is 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, using the links to learn more or register.

Upcoming Webinars

Performance Management: Employee Counseling and Discipline - May 5, 2020

This webinar, led by F&H Solutions Group Senior Labor Relations Consultant Charlie Woodcock, will give managers and supervisors an overview of how to deal with this situation and address performance
problems, with emphasis on unionized settings. Subjects covered include setting performance expectations, counseling employees and, where required, assessing discipline.

**RRB Unemployment and Sickness Benefits** - May 7, 2020

Information for this webinar is featured in this week’s top stories.

**Reviewing the Tax Provisions from the CARES Act** - May 21, 2020 - NOTE NEW DATE!

Join Bowers & Company’s David Ayoub, CPA and Partner-in-Charge: Tax Department, for a review and discussion of the tax provisions included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and implications for both individuals and businesses. Attendees will have an opportunity to participate in Q&A at the end of the presentation.

**45G - What to Do Now That It’s Renewed** - June 2, 2020

45G has been renewed for five years, and the renewal comes with some special rules relating to retroactivity, accrual versus cash-basis taxpayers, 45G expenditures versus income tax expenditures, and more. In this webinar, David Ayoub and Rick Tidd, partners-in-charge at Bowers & Company, CPAs, will explain these rules and discuss how short lines can take advantage of this important credit.

[Click here](#) for more ASLRAA events.

**Industry Events**

[Click here](#) for a listing of industry events. Changes 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.