Please Note: ASLRRA’s office is closed this Friday in observation of Good Friday.

Members Must Document, Submit Information for FRA Relief Waiver

ASLRRA reminds its members that those wanting to operate under the terms of the Federal Railroad Administration’s (FRA) emergency relief waivers must document the basis on which they concluded that availing themselves of the relief was necessary and must report required information weekly to ASLRRA to provide to FRA.

The original FRA waiver letter explains the conditions of relief for railroads, and ASLRRA has developed a record-keeping guide summarizing reporting requirements. ASLRRA also created a weekly waiver utilization summary form railroads must fill out and submit to covid19waivers@aslrra.org by 2:00 pm EDT on the Monday immediately following the report end date.

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.

New ASLRRA Webinar Discusses CDC Guidelines for COVID-19 Workplace Safety

ASLRRA has scheduled another COVID-19-related webinar on April 16 to help employers keep workplaces safe for essential railroad employees. Titled “COVID-19: CDC Guidance and Strategies for Employers,” the president and vice president of Transportation Occupational Medicine Consultants, Dr. Timothy McCormick and Dr. Randy Soo Hoo, will provide an overview of CDC guidelines and mitigation strategies and answer attendees’ questions during a question and answer segment.
Another ASLRRA webinar, on April 14, will offer guidance on the Families First Coronavirus Response Act (FFCRA). Paula Pitrak, a labor and employment attorney at Fletcher & Sippel, will explain Congress’s second COVID-19 emergency response package (CV2), with a focus on paid leave and unemployment benefits for employees and families.

Registered participants for both webinars are asked to submit questions in advance to allow the speakers to provide the most accurate, comprehensive answers possible. Questions can be submitted here for the April 14 webinar and here for the April 16 webinar.

ASLRRA also offered two previous webinars discussing COVID-19 legislation: “CV2: Reviewing the Families First Coronavirus Response Act” and “CV3: Reviewing the CARES Stimulus Package.”

Those who may have missed the earlier 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.

ASLRRA, AAR and APTA Request Regulatory Relief for Locomotive Engineer Recertification Assessments

On April 3, ASLRRA, the Association of American Railroads (AAR) and the American Public Transportation Association (APTA) submitted another request for emergency relief of engineering recertification requirements to the Federal Railroad Administration (FRA). The Association is awaiting a response.

The letter requests relief from regulations covered in 49 CFR 240.127, which requires an in-person assessment of locomotive engineer skill performance for engineer recertification. ASLRRA, AAR and APTA say relief is necessary to facilitate CDC-recommended social distancing during the COVID-19 pandemic.

The associations ask that, under the requested waiver, railroads be allowed to use available electronic information sources, like locomotive event recorders, to remotely evaluate the performance of engineer recertification candidates.

RRB’s Interim Final Rule Amends the “Available for Work” Definition

The Railroad Retirement Board has issued an interim final rule amending the definition of the term “available for work” in its regulations. The rule will help facilitate payment of unemployment benefits to railroad employees out of work due to the COVID-19 outbreak.

A paragraph has been added to 20 CFR Part 327.5 stating that from March 1 to Dec. 31, a claimant will be considered available for work “during any period for which he or she is subject to a state or local order related to the public health emergency declared effective March 1, 2020 preventing him or her from reporting to work.”
FRA Responds to ASLRRA Request Re: Risk Reduction Program Final Rule

The Federal Railroad Administration (FRA) responded to a petition from ASLRRA to stay the effective date of the Risk Reduction Program (RRP) final rule and extend by 90 days the regulatory deadline for submitting a petition for reconsideration of the RRP rule.

ASLRRA argued that section 271.13 of the final rule was significantly different from what was stated in the proposed rule, but efforts to deal with the effects of the COVID-19 pandemic hinder the Association’s ability to analyze the provision and potentially submit a petition for reconsideration within the currently allotted time frame.

The FRA agreed with ASLRRA’s assessment and allowed for an extension of the petition submission deadline. The FRA will now accept a petition for reconsideration from ASLRRA on behalf of its member railroads until July 10.

However, the FRA denied ASLRRA’s request for a stay of the rule’s effective date, noting that the rule does not require specific action from any short line railroad until after the end of calendar year 2020, which the administration says should provide short lines enough time to return to normal operations before any rule provisions apply to them.

For more information about regulatory issues related to COVID-19, please see the Regulatory Response section of ASLRRA’s COVID-19 update web page. The section includes information regarding emergency waivers issued by various federal agencies, and other links.

TSA Grants Temporary Exemption from STA Requirements Due to COVID-19

The Transportation Security Administration has granted a temporary exemption from requirements in 49 CFR Part 1572 regarding expiration of TSA security threat assessments (STAs) for Hazardous Material Endorsement (HME).

According to the notice released today in the Federal Register, a state can grant an extension of up to 180 days for an HME that expired or would expire between March 1 and the end of the exemption. Individuals granted an extension must initiate the renewal process no later than 60 days before the end of the state-granted extension.

The TSA noted it can extend the exemption depending on the status of the COVID-19 emergency.
Small Business Administration Implements Paycheck Protection Program

An interim final rule issued by the Small Business Administration (SBA) allows the agency to implement a new 7(a) loan program meant to provide immediate assistance to small businesses affected by the COVID-19 pandemic.

The Paycheck Protection Program (PPP) offers loans 100 percent guaranteed by the SBA, with the full principal loan amount possibly qualifying for loan forgiveness. The intent is to provide small businesses with a direct incentive to keep their workers on the payroll.

Loan applications for the PPP are due June 30, and businesses can apply immediately. In addition to the PPP, the SBA's website describes several other temporary programs established by the Coronavirus Aid, Relief and Economic Security (CARES) Act.

Follow the links above to learn more, or view the Legislative Response section of ASLRA’s COVID-19 update page on the Association’s website. The Legislative Response section describes the three different COVID-19-related laws and provides links to sites explaining how the laws affect small businesses and individuals.

Families First Coronavirus Response Act Provides Tax Credits for Small, Midsize Businesses

Small and midsize employers can now receive dollar-for-dollar reimbursements for the cost of providing paid sick and family leave wages to employees for leave related to COVID-19. The tax credits are part of the Families First Coronavirus Response Act, which was signed into law on March 18.

Eligible businesses can claim the tax credits from April 1 through Dec. 31. Follow the link to the IRS website to learn about what qualifies for the tax credit, eligibility and documentation requirements and more.

In addition to the IRS website, ASLRA presented a webinar on this topic on March 31. View it through the On-Demand Webinar library, which is free for members.

ASLRA Announcements

Survey, Stories Can Help ASLRA Communicate the Importance of Short Lines and Advocate for Members

As our industry adapts its response to COVID-19 outbreak, ASLRA is surveying its railroad members for detailed information regarding impacts to their operations and resources to enable the Association to better work with federal agencies like the Federal Railroad Administration, Surface Transportation Board and Railroad Retirement Board, and Congressional leadership.

Our main survey on COVID-19 is going out to railroads with updated questions on a weekly basis. For any questions regarding our survey efforts, please reach out to Fred Oelsner at foelsner@aslrra.org.

In addition to soliciting responses to surveys, ASLRA would like to hear stories detailing how short line railroads are keeping business and the American economy going through the COVID-19 outbreak.
These stories help ASLRRA paint a clearer picture of the crucial role short lines play in helping the nation cope with extreme emergencies, which allows the Association to work more effectively with policy makers and regulators, and Congress on behalf of its members.

Please contact Amy Krouse at akrouse@aslrra.org to tell her how your railroad or company is working hard in the midst of this national crisis.

In the Midst of a Pandemic, U.S. Freight Rail Brings Necessities to All Those in Need – Human or Not

To further tell the short line story, ASLRRA profiles some of the movers and shakers in the railroad industry.

While the COVID-19 pandemic has resulted in empty shelves in grocery stores across the country, those in the supply chain continue to work hard to restock provisions as quickly as possible. A key part of that supply chain includes America’s freight rail network, which was identified by the U.S. Cybersecurity and Infrastructure Security Agency (CISA) as part of one of 16 critical infrastructure sectors during this outbreak.

Keeping stores well-stocked is an important component of freight rail’s current responsibilities, but that’s not the only industry relying on rail to move goods reliably. One example is the service provided by ASLRRA member R. J. Corman’s Central Kentucky Line to companies in Lexington, Ky., the “Horse Capital of the World.”

Even though the COVID-19 pandemic has postponed iconic sporting events like the Kentucky Derby, the horses that compete in such races still need food and care. The Central Kentucky Line helps in that area, supporting the equine industry by delivering agricultural goods to companies providing premium horse feed and grasses to stables throughout the region.

Keeping America’s supply chain moving is not only important to humans. As R. J. Corman’s Central Kentucky Line shows, freight rail keeps a variety of industries alive during this unusual time.

ASLRRA Out and About

ASLRRA’s Ogborn Uses Technology to Teach Military Members About Short Line Railroads

Even with COVID-19 necessitating social-distancing restrictions, ASLRRA consultant Mike Ogborn was still able to teach others about the short line industry by going online instead of into a classroom.

On April 2 Ogborn used the interactive program Blackboard Collaborate to speak to 25 military servicemembers at the Dwight D. Eisenhower School for National Security and Resource Strategy in Washington, D.C.

Ogborn’s presentation was titled “Short Line and Regional Railroads - What are They?” and his audience comprised logistics personnel from the Army, Navy, Air Force, Marines and four foreign military students.
ASLRA Webinars

Access the On-Demand Webinars Library to Learn About Cybersecurity

The COVID-19 pandemic is revealing the growing role the internet plays in business operations, whether it means working from home or completing paperwork and business transactions entirely online. Working online is not without risk - in 2018 ASLRA and Collins Aerospace (formerly Rockwell Collins) offered a three-part cybersecurity webinar series, which members can view for free through ASLRA’s On-Demand Webinars resource library.

The On-Demand Webinars library on the ASLRA website features these and dozens of other relevant and timely webinar recordings. On-Demand Webinars are available FREE to ASLRA members and by subscription to non-members.

In addition to on-demand webinars, ASLRA 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 - 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.

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.

COVID-19: CDC Guidance and Strategies for Employers - April 16, 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 ASLRA events.

Industry Events

FRA Webinar to Offer Insight Into Section 106 of the National Historic Preservation Act

The Federal Railroad Administration (FRA) will offer an overview of Section 106 of the National Historic Preservation Act in a webinar on April 23.

The webinar will describe the FRA’s Section 106 process, including required information and documentation for Section 106 reviews. Attendees will also learn about potential ways to streamline the process depending on their particular project. Follow the link to learn more or register.

Norfolk Southern Cancels Short Line Meeting

Norfolk Southern has canceled its 2020 short line meeting scheduled for June 7-9.

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.