June 10, 2020

Lynch Joins ASLRRA As Vice President, Congressional Affairs

ASLRRA welcomes Tom Lynch as vice president, congressional affairs, completing ASLRRA’s new in-house legislative team. Lynch comes to ASLRRA after an extensive Washington, D.C.-based career in transportation and infrastructure legislative and policy work.

Lynch, along with recently hired Mara Stark-Alcalá, will lead ASLRRA’s efforts to pursue legislative support for issues facing short line railroads including tax policy, infrastructure grant programs and surface transportation policy.

“Tom brings substantial experience, including stints in the private sector, the association world, and on Capitol Hill, to our team,” said Chuck Baker, President of ASLRRA. “One of many highlights of his leadership that will serve our Association well was his role as a Senior Committee staffer ‘in the room’ as Congress hammered out several major transportation bills. I look forward to his partnership in addressing our members’ legislative priorities.”

Read more in today’s press release.

Virtual Connections Conference Gains Strong Early Support from Sponsors, Registered Attendees

ASLRRA is grateful for the way sponsors and exhibitors are supporting our virtual annual Connections convention, set for Oct. 5-9.

Approximately 30 companies have already stepped up to support the Association through this first-time event, which was announced two weeks ago. Their contributions will provide the backing needed for our planners to organize and execute a first-class dynamic, interactive virtual education and networking event. And a strong percentage of attendees that had registered for the in-person convention, originally scheduled for last month in Grapevine, Texas, have also transferred into the new virtual convention.

“I am extraordinarily grateful for the initial response from our member companies in this unusual business environment. I appreciate their unwavering support of our Association,” said ASLRRA President Chuck Baker. “The Association counts on the conference to be a profitable event which contributes significantly to the Association’s annual budget and funds many of the activities over the rest of the year that are so valuable to members - the advocacy on issues like the 45G tax credit, CRISI grants, truck size and weight issues, crew size mandates, the safety regulatory work at the FRA on issues like the Part 243 Training Standards, and the economic regulatory work at the STB on topics such as demurrage, reciprocal switching, and revenue adequacy.”

On-line registration for the virtual conference will be opening soon and more sponsorships are still available. Please contact ASLRRA VP Kathy Keeney for more information on the different sponsorship levels and benefits. More information about the convention can be found here.
“We’re honored to be here supporting short line railroads and their suppliers and contractors during such a tumultuous time, just as they’re supporting the country right now. A huge thank you to those companies that have agreed to continue supporting the annual conference as we’ve had to transition to virtual, and a thank you in advance to anybody else who is getting ready to join,” continued Baker.

ASLRRA would specifically like to acknowledge Genesee & Wyoming Railroad Services for their generous presenting sponsorship of our event. We also thank:

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**RRIF Express, CRISI Applications Due Next Week, and ASLRRA Resources Can Help Applicants**

Two important deadlines are looming for railroads seeking funding for railroad projects, and ASLRRA has resources to help members apply for both federal programs.

Less than a week away, the deadline for submitting a letter of interest for a Railroad Rehabilitation and Improvement Financing Express (RRIF Express) Program loan is June 15. RRIF Express offers low-cost, long-term financing to Class II and III railroads looking to modernize aging freight rail infrastructure. Cost assistance under this program will offset the cost of credit risk and advisory fees associated with borrowing.

Interested railroads needing help understanding RRIF loans and how to apply can access a recorded version of ASLRRA’s webinar titled “Insights into the RRIF Express Loan Application Process” presented by Richard Sherman and David Tennent of The Seneca Group. Find this recording in ASLRRA’s On-Demand Webinar library, which is free for members and available by subscription to non-members.

Applications for the U.S. Federal Railroad Administration’s Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants are due just four days later, on June 19. CRISI grants support safety enhancements and general improvements to railroad infrastructure. Short line and regional railroads generally fare well in CRISI grant selection. A certain percentage of CRISI funding is also reserved for projects in rural areas, and last year 11 of 15 winning rural projects benefitted ASLRRA members. For fiscal year 2020, at least 25 percent, or about $81 million, will be made available for rural projects.

ASLRRA’s Member Discount Program features industry experts to assist member railroads in the preparation and submission of grant applications for programs currently available from the U.S. Department of Transportation (DOT), and other sources. ASLRRA’s preferred providers for grant writing
services include R.L. Banks and Associates, Inc., Bergmann, HDR, Inc., and Global Train Services LLC. All four companies offer discounted rates, industry expertise, and exceptional service to ASLRRRA members.

Visit our Member Discount Program page to learn more and start saving today. Members interested in becoming preferred providers with ASLRRRA’s Member Discount Program can contact Senior Vice President of Education and Business Services Sabrina Waiss at swaiss@aslrra.org.

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

FMCSA Issues Waiver to Relieve Employers of Commercial Drivers from Some Testing Requirements

The Federal Motor Carrier Safety Administration (FMCSA) has issued a three-month waiver from certain pre-employment testing requirements to employers of drivers subject to 49 CFR part 382, enable commercial motor vehicle drivers, some of whom are employed by railroad companies, to return to work more quickly and efficiently. The waiver remains in effect until Sept. 30.

Until the waiver expires, employers will not be required to test eligible drivers for controlled substances when the driver returns to work from a furlough, lay-off or other period of unemployment, subject to certain conditions. According to the FMCSA, as companies return to normal operations and recall workers, requiring controlled-substance testing would result in administrative and cost burdens that could hinder economic recovery.

Emergency Relief Docket Opened for Tropical Storm Cristobal

In accordance with 49 CFR § 211.45, Federal Railroad Administrator Ronald Batory has decided that Tropical Storm Cristobal “constitutes an ‘emergency event’ as related to railroad operations.”

With this determination, “the Administrator has activated the Emergency Relief Docket (FRA-2020-0002) as of June 5, 2020, and
the emergency relief provisions of 49 CFR § 211.45 are in effect.” The full declaration may be accessed here.

Those with questions about the docket can contact ASLRRA’s Senior Vice President of Safety and Regulatory Policy Jo Strang at jstrang@aslrra.org or Vice President of Safety and Compliance JR Gelnar at jrgelnar@aslrra.org.

**FRA Announces Restructuring to Better Serve Railroad Industry**

In September, ASLRRA’s Gelnar will present the Association’s regulatory module of the Leadership Development Training program. This module covers critical regulatory information for short line and regional railroad managers to strengthen the understanding and application of certain regulations to enhance railroads’ overall safety practices and culture. The Sept. 23-24 seminar will also take place in Waterloo.

A third event will take place Oct. 27-29 in Waterloo, with Gelnar and Iowa Northern’s Vaughn presenting the Comprehensive General Code of Operating Rules (GCOR) Training Seminar. The three-day training seminar is intended for railroads who have adopted the GCOR as their operating rules with an emphasis on the revised rules and transition guide. This training may be used to meet operating rules training as required by 49 CFR Part 240, 242 and 214 Subpart C.

The Federal Railroad Administration (FRA) has restructured its Office of Railroad Safety with an eye toward improving consistence of enforcement and support for railroads, including short line, commuter and Class I lines.

Under the Office of Railroad Operations and Outreach, a short line railroad will be assigned to a safety management team administrator, who will serve as the point person for any FRA activity being conducted on a railroad and will handle any follow up necessary. These administrative teams will include staff support, inspectors, and key discipline support including specialists for drug and alcohol, risk reduction, passenger, and audit/investigations.

[Linked here](#) is an outline of the new structure. Please contact JR Gelnar with questions at jrgelnar@aslrra.org or 202-585-3436.

**EPA Issues Final Rule Concerning Clean Water Act Section 401**

The Environmental Protection Agency (EPA) has issued a final rule regarding Section 401 of the Clean Water Act, which the agency says will “help accelerate and promote the construction of important energy infrastructure across the United States, while ensuring the nation’s waterways are protected.”

The rule was made under the direction of Executive Order 13868, which called for the EPA to review Section 401 and related regulations and guidance to discern whether changes were necessary.

The rule provides specific timelines for Section 401 certification review and action. It also clarifies the scope of Section 401, explains the agency’s roles under that section, and more. ASLRRA supports the final rule and efforts to streamline permitting and licensing processes.
Paycheck Protection Program Flexibility Act Signed into Law

President Trump has signed the Paycheck Protection Program Flexibility Act (H.R. 7010) into law, giving more flexibility to small businesses receiving a Paycheck Protection Program (PPP) loan.

Among other provisions, it extends the period during which a loan recipient can use funds for certain expenses while remaining eligible for forgiveness. It also increases the non-payroll portion of a forgivable covered loan from 25 percent to 40 percent.

Executive Order to Help Speed Infrastructure Investments to Boost Economy

On June 4, President Trump issued an executive order calling for, among other things, expediting infrastructure investments to hasten the nation’s economic recovery from the COVID-19 pandemic.

In sections regarding infrastructure projects, the executive order generally calls for projects to be expedited when possible. For instance, section three requires the Secretary of Transportation to accelerate work on and ultimately finish tasks within his authority. The same requirement is made of the Secretaries of Defense, Interior and Agriculture regarding infrastructure, energy, environmental and natural resources projects on federal lands.

ASLRRA supports the call to eliminate unnecessary regulatory delays, particularly as it concerns the completion of infrastructure projects. Follow the link to read the full executive order.

ASLRRA Announcements

Upcoming Training Seminars Focus on DSLE and Labor Relations, Regulations and GCOR

ASLRRA has partnered with Iowa Northern Railway to offer several training seminars in August, September, and October on regulatory and compliance topics. These training opportunities are being conducted within the local area COVID-19 and CDC recommendations for safe in-person events. If the
regulations change, we will adjust our plans accordingly. At this time, we are confident that we will be able to run compliant and safe meetings.

The Advanced Designated Supervisor of Locomotive Engineer (DSLE) and Labor Relations Training Seminar, developed by ASLRRRA and Iowa Northern Railway, will be held Aug. 11-13 in Waterloo, Iowa. The three-day seminar is presented by JR Gelnar, vice president of safety and compliance at ASLRRRA; Mark Vaughn, assistant general manager at Iowa Northern Railway; Larry Hicks, president of Mid-America Rail Consultants; and a representative from Wabtec Railway Electronics.

Training will cover DSLE responsibilities, including application and administration of 49 CFR Part 240 and Part 242 similarities and differences; locomotive event recorder operation and data analysis; and labor relations and human resources topics, including the Railway Labor Act.

Railroads, Whether DOD Owned or Private Companies, Still Play an Important Part in U.S. Military Readiness

America's railroads play an integral role in the U.S. war effort and have been supporting combat operations since the Civil War, moving everything from troops to heavy artillery and supplies. And, even after two centuries, the relationship between railroads and the U.S. military remains strong.

Billy Grimes, rail operations manager for the Fort Eustis Military Railway at Joint Base Langley Eustis in Virginia, provided some insight into railroad operations on military bases, which are more common than one might expect.

According to Grimes, the Department of Defense still uses trains to transport cargo across the U.S., which can be cheaper than using trucks. Although military bases have a varying degree of access to rail, with some having no railhead and others having whole railroad systems, the Surface Deployment and Distribution Command owns a fleet of cars “specifically for the purpose of transporting military loads by rail.”

All military crew members receive comprehensive training in rail operations at the U.S. Army Transportation School at Fort Eustis. After receiving their certification, crews continue more focused training at the particular railroad to which they are assigned. Fun fact: the U.S. Army uses the General Code of Operating Rules (GCOR).

The continued need for the military to use rail in its operations has also created opportunities for ASLRRRA’s members. One example is the Louisville and Indiana Railroad’s partnership with the Indiana National Guard at Camp Atterbury in Indiana, which earned the LIRC a 2018 ASLRRRA Marketing Award (now called the Business Development Awards).

The LIRC worked with the Indiana National Guard to design a new rail-loading facility and, once the facility was operational, plan and execute a brigade-scale movement of home units to Fort Polk, La. The operation meant loading three-unit trains in a week which, thanks to months of extensive planning, took place without incident.

Whether working alongside veterans or directly with the Department of Defense, ASLRRRA is proud of the ways small railroads engage and support the U.S. military, its members, and their families.
ASLRAA New Members

ASLRA Welcomes Returning Railroad Member

ASLRA is pleased to welcome back to our membership rolls Ontario Midland Railroad Corp (OMID). The short line, based in Sodus, N.Y., operates over 47 miles of track in Wayne and Monroe counties. OMID hauls bulk food products, fertilizers, chemicals, and other commodities. The railroad offers transload sites as well as freezer and climate-controlled warehouses. Our primary contact is Executive Vice President and General Manager Sandra Saracen.

ASLRA’s Member Discount Program Includes Grant Writing Services!

Visit aslra.org to learn more!

ASLRA Webinars

Learn About PTC-220 at Any Time with On-Demand Webinars

PTC-220 is a company that owns and manages the spectrum that is a key component necessary to support interoperable positive train control (PTC) in the U.S. ASLRA’s recent webinar provided an overview of PTC-220 and explained how Class II and III railroads interact with PTC-220 to support PTC operations.

While the event itself has passed, those who want to know more about the company and PTC operations can view a recording of the webinar online through ASLRA’s On-Demand Webinars library. Access is free to ASLRA members and available by subscription to non-members.

Upcoming Webinars

Effects of COVID-19 on Railroad Industry and Shipping - June 11, 2020

Joseph Bryan, vice president of freight and logistics advisory services at ASLRA member WSP USA will explore the lasting effects of the Covid-19 pandemic on the railroad industry, looking at the acceleration of existing trends as well as new developments.
Returning to the Workplace Safely - June 16, 2020

The Centers for Disease Control and Prevention, Occupational Safety and Health Administration, and various other federal and state agencies have issued expansive guidance related to COVID-19. Paula Pitrak, a labor and employment attorney at Fletcher & Sippel, will lead a discussion on safe ways to reopen workplaces and return to work.

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.