



September 8, 2021



ASLRRRA Adds More Educational Opportunities for Railroad Professionals, In Person and Online

ASLRRRA continues to expand the training opportunities it offers to meet the needs of its members, and two new programs add to the ways railroad professionals can keep up to date with training and certification requirements through the Association.

Training Seminars

After a two-year delay, ASLRRRA is excited to finally be able to offer its [in-person training seminars](#), developed in partnership with member Iowa Northern Railway Company. These seminars will help members meet regulatory and compliance training needs.

ASLRRRA Vice President of Safety and Compliance JR Gelnar will be joined by Iowa Northern Assistant General Manager Mark Vaughn and others to offer instruction on labor relations, leadership development, the General Code of Operating Rules and more. All seminars will take place in September and October in Cedar Falls, Iowa.

Click on each link below for more information or to register for a course. The number of participants at each seminar is limited, so sign up today.

[Advanced DSLE and Labor Relations Training](#) – Sept. 28-30

This comprehensive Advanced Designated Supervisor of Locomotive Engineer (DSLE) and Labor Relations Training Seminar is intended to provide railroad managers with training on a complex designation that they address daily. Attendees will receive training on 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.

[ASLRRRA Leadership Development Training, Regulatory Module](#) – Oct. 5-6

This is the Regulatory Module of the Leadership Development Training program developed collaboratively with the Short Line Safety Institute (SLSI). This module covers critical information for railroad supervisors and managers to strengthen the understanding and application of certain regulations to enhance the railroads' overall safety practices and culture.

[General Code of Operating Rules \(GCOR\) Training](#) – Oct. 26-28

This training seminar is intended for railroads that have adopted the GCOR as their operating rules and may be used to meet operating rules training as required by 49 CFR Part 240, 242 and 214 Subpart C. The eighth edition of the GCOR will be released before the course, and attendees must bring their copy of the GCOR eighth edition for reference.

NEW OFFERING – Online Continuing Education Credits

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For the first time, ASLRRA is offering continuing legal education credits (CLEs) through its [live webinar program](#) thanks to a partnership with the Association of Transportation Law Professionals (ATLP). ASLRRA's new webinar series is based on popular topics addressed at its annual General Counsel Symposium in June, making these important issues accessible to a wider audience of railroad professionals.

Attendees can elect to receive CLEs for four webinars scheduled in September, and more opportunities will be added to ASLRRA's [Event Calendar](#) once they are confirmed. During each webinar, attendees will have the chance to hear from subject-matter experts, ask questions and receive valuable tips and takeaways.

ASLRRA thanks supplier member Stinson for sponsoring many of these new webinars. Follow each of the individual links below for more information or to register for the webinar.

[STB, Hot, Hot, Hot!!!](#) – Sept. 9, 2021 (Registration closes tonight at midnight EDT)

Stinson LLP Partner David Rifkind will cover new STB members, new dynamics, and old merger rules. This webinar will examine some of the Board's key decisions this past year and offer a look ahead at what is likely on the agenda for the coming year.

[National Transportation Safety Board \(NTSB\) Investigations](#) – Sept. 21, 2021

Tom Tobin and Dan Braude of the Wilson Elser Law Firm have represented railroads and other transportation providers in dozens of NTSB investigations and will take some of the mystery out of the process. Their presentation will provide insight to questions concerning which rail accidents the NTSB is most likely to investigate; what happens in the days the NTSB is on scene at an accident; how long NTSB investigations typically take; and more.

[Utility Crossings and Broadband Deployment](#) – Sept. 23, 2021

David Drach of Railroad Real Estate Consulting, LLC and Matthew Hammer of Daley Mohan Groble, PC will examine the FCC's Broadband Deployment Advisory Committee's State Model Code for Accelerating Broadband Deployment and existing state statutes governing utility crossings.


[Section 88g: Protecting the Security of the Railroad Supply Chain](#) – Sept. 28, 2021

Federal grant and acquisition regulations implementing NDAA FY 2019, Section 88g requirements now affect federal agencies' ability to enter into contracts or funding grants for certain entities. Just what equipment, systems and services are covered by this restriction? Susan Warshaw Ebner, Esq., of Stinson LLP, and Mark Sidman, general counsel and corporate secretary at Anacostia Rail Holdings Co., will explain the new requirements and discuss the challenges railroads face in implementing these Section 88g requirements.

Nominations Due Today for ASLRRA Associate Business Member Board Seat

The nomination period closes Sept. 8th for individuals wishing to run for election to the board of directors representing Associate Business Members (suppliers).

Please contact Nominating Committee Co-Chairs Beth Garguilo or Steve Friedland with any questions, to nominate yourself or to suggest another candidate. They can be reached on Beth.Garguilo@lincolnins.com or (315) 768-6110 and sfriedland@sdsrocs.com or (973) 769-6505.



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ASLRRRA Submits Comments with EPA, Department of Energy, STB

ASLRRRA recently submitted joint comments with the Association of American Railroads (AAR) on a proceeding by the Environmental Protection Agency (EPA) and U.S. Corps of Engineers, as well as a proceeding by the Department of Energy. ASLRRRA also submitted a notice with the Surface Transportation Board (STB) regarding a petition recently filed with the agency.

With the AAR, ASLRRRA [responded](#) to the EPA and Corps of Engineers' Aug. 4 [request for recommendations to Waters of the United States \(WOTUS\)](#). The associations support a clear, common-sense approach to regulating features such as WOTUS, and support continuing the general exclusion for ditches as drafted in the Navigable Waters Protection Rule. As the EPA and Corps of Engineers consider new approaches, the associations request consideration for express exclusion of railroad ditches in any revised rule or implementing guidance.

ASLRRRA also joined the AAR in filing [comments](#) on the Department of Energy's July 26 [notice of inquiry](#) on preparation of report to Congress on the Price-Anderson Act. The associations and their members urge the department to continue the current Price-Anderson indemnification program without modification.

The primary purpose of the Price-Anderson Act was to encourage private industry to develop and support the nuclear industry by reducing the costs of liability associated with a nuclear or radiological incident. By limiting liability, the Act eliminates the significant risk associated with transporting radioactive materials that would otherwise be imposed on railroads while transporting nuclear materials. The act accomplishes this while still ensuring coverage to individuals who may be harmed in the unlikely event of a nuclear incident. In this way, the act is beneficial to both the public and to railroads performing the necessary task of safely transporting radioactive material.

The third filing concerns a July 26 [petition](#) from the North American Freight Car Association (NAFC), The National Grain and Feed Association (NGFA), The Chlorine Institute (CI), and The National Oilseed Processors Association (NOPA) to the STB for a rulemaking governing the use of privately owned freight railcars by Class I railroads.

The four organizations argue that an update to the rules governing the railroads' use of private railcars is long overdue. The railroad industry has evolved to the point that approximately 73 percent of the railcars in service today nationwide are no longer owned by railroads, but are private railcars which are purchased or leased, and maintained, by non-railroad entities at little or no cost to the railroads that use them, so the organizations propose that the board resolve the current imbalance by adopting a

regulatory mechanism that utilizes existing principles governing demurrage and accessorial charges to provide greater incentives for railroads to utilize the private railcars in their possession more efficiently.

While the petition does not extend to Class II or III railroads, ASLRRA believes that it is important that its members' interests are represented, and so the Association filed a [notice of intent](#) to participate (without comment) in this proceeding.

FRA Safety Advisory Discusses Issue with PTC System

The Federal Railroad Administration (FRA) issued a [notice of safety advisory](#) identifying a recently identified issue with positive train control (PTC) systems.

A design interface issue allows a train crewmember to disable a PTC system and render it unable to initiate the brakes to prevent an accident. However, the FRA has found that only some designs allow this disabling to occur, specifically certain older locomotives with mechanical braking systems.

The safety advisory offers five recommendations to railroads with PTC systems: remind crewmembers that interfering with PTC enforcement is subject to civil penalty; audit PTC system designs on all types of locomotives and cab cars; assess whether a PTC system allows circumvention by a crew member; develop and implement a plan to mitigate and/or correct the issue; and provide the FRA with a schedule for completion of the identified actions.

ASLRRA Encourages Members to Apply for CRISI Funding with Help from FRA Webinar, ASLRRA Providers

The [notice of funding opportunity](#) for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program has been published, and ASLRRA urges its members to consider applying for grants through this program.

CRISI grant applications are due Nov. 29, and the FRA is hosting a webinar on Sept. 21 to provide grant applicants with more information about the CRISI program and tips for creating strong applications. Click [here](#) for more information or to register.

ASLRRA's Member Discount Program also features Preferred Providers Bergmann, HDR, Inc. and Global Train Services (GTS) that can help railroads with the application process. All three companies have extensive expertise and offer discounted rates and exceptional service to ASLRRA members. Log in to the [ASLRRA website](#) for more information.

Lestingi Appointed as Executive Director of Federal Railroad Administration



Michael Lestingi is the new executive director of the Federal Railroad Administration (FRA). He has held the position in an acting role since March 2021, and prior to that was the director of the Office of Planning and Policy Analysis.

"Michael has great experience in both the Office of Railroad Safety and the Office of Railroad Policy and Development," said ASLRRA Senior Vice President of Safety and Regulatory Policy Jo Strang. "He will bring his experience and problem-solving demeanor to a critical role as infrastructure and technology improvements are rolled out. I look forward to working with him in his new role."

In his previous role, Lestingi was responsible for oversight of over \$7 billion in federal grants and loans to Amtrak. He also oversaw program development and the award selection processes for the FRA's discretionary grant programs.

Lestingi first joined the FRA in 2005 and has held several positions in the Office of Railroad Safety.



House Democrats Send Letter to STB Supporting Freight Rail

Thirty-nine Democrats from the U.S. House of Representatives [sent a letter](#) to members of the Surface Transportation Board (STB) calling on them to avoid actions that would hamper the ability of railroads to make investments needed to grow business.

The letter points out the contributions freight rail makes to the national economy, including providing an environmentally friendly shipping option, and urges the STB to consider any effects of regulatory action on the ability of railroads to meet the current and

projected demand for freight transportation.

Eighteen of the letter's 39 signatories are members of the House Transportation and Infrastructure Committee, which has jurisdiction over railroads and other modes of transportation, as well as other aspects of national infrastructure.

Connect with State, Local Governments for Potential Opportunities for COVID Relief Funding

Over the past sixteen months, Congress has passed several sizeable pieces of legislation aimed at helping states and localities address public health and economic challenges brought by the COVID pandemic. For example, the American Rescue Plan, which became law in March 2021, provides nearly \$362 billion in direct COVID-related relief.

Although chances of obtaining COVID-19 relief funds for projects may be limited, ASLRRRA encourages members to connect with state and local governments where they operate to explore what freight rail projects, or projects tangential to freight rail, if any, could be aided through these funds. ASLRRRA has closely tracked these measures, and while Congress decided to keep freight rail-related projects generally outside the purview of these pieces of legislation, some states are exploring ways of using certain funds to benefit transportation efforts impacted by COVID-19.

The state of Georgia, for example, has provided preliminary information on its planned use of these funds [here](#).

Note: these measures are different from the major infrastructure bill now moving through Congress, which portends significant and direct funding opportunities for short line freight rail when it is passed, as expected, in the coming weeks.



Advanced DSLE & Labor Relations: September 28-30
Regulatory Module of Leadership Development: October 5-7
General Code of Operating Rules: October 26-28
Fall 2021 Training Seminars
Visit aslrra.org/training to learn more

ASLRRRA New Members

Know a company that would benefit from joining and participating in ASLRRRA? Please contact ASLRRRA's Vice President of Membership and Business Development [Kathy Keeney](#) via email or on (202) 585-3439.

ASLRRRA Welcomes Two Companies to Its Membership Rolls



[STANLEY Infrastructure](#), based in Portland, Ore., is a division of Stanley Black & Decker. Stanley is a global leading manufacturer of maintenance-of-way tools and signal bonding solutions for railroads. Stanley has recently partnered with RailPod to combine Stanley's products and service with RailPod's track, enterprise software and hardware technologies. Our primary contact is [Michael Moriarty](#), director, business development, who can be reached on (971) 272-7203.



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ASLRRRA Committees to Meet at Annual Conference

Several ASLRRRA committees will [hold meetings](#) during the 2021 ASLRRRA Annual Conference and Exhibition, with most taking place on Nov. 17. These gatherings provide participants with a way to advance and support the work of the Association, demonstrating that the annual conference is truly a one-stop shop for short line industry professionals.

Committee meetings allow members to gather and work on initiatives important to ASLRRRA, supplementing the already full

schedule of quality educational sessions, multiple networking opportunities and industry award ceremony planned for Nov. 17-19.

[Register](#) today to attend his year's [ASLRRA Annual Conference and Exhibition](#) in Phoenix, Ariz. Participants can also interact with industry suppliers in the [Exhibit Hall](#), and compete in the [golf tournament](#) at the JW Marriott Camelback Golf Club.

A [conference hotel block](#) is open with special rates at both the Sheraton Phoenix Downtown and the Hyatt Regency Phoenix. The discounted room rate is only available until Oct. 11. As a reminder, ASLRRA does not work with or endorse any third-party companies to make room reservations. Reservations should be made directly with the hotel using information provided in the link above.

ASLRRA Announcements

Updated Links and Other Resources Help Members Prepare for and Recover from Disasters

As railroads in the Northeast and on the Gulf Coast work to return to full operation after Hurricane Ida, ASLRRA reminds its members of its [disaster preparedness website](#), which features numerous resources to help railroads plan for adverse events and recover from them when they occur.

The Association has updated its disaster preparedness site to include some financial assistance resources for small business owners and individuals living within a designated natural disaster area. This [new link](#) identifies different types of financial disaster relief for which some companies and their employees may be eligible.

Other resources on ASLRRA's page include templates and checklists members can use to develop emergency plans, which can also be utilized as training tools. There are also instructions for filing emergency dockets, direct links to [ready.gov](#), the U.S. Department of Homeland Security's disaster preparedness website, and links to ASLRRA's [On-Demand Webinar library](#) featuring recordings that discuss topics such as crisis communications and hazardous materials incident reporting.

Having a plan for dealing with severe weather events, derailments and other emergencies is crucial for railroads. ASLRRA worked with railroad and supplier members to develop this disaster preparedness and response resource page, because it should not be a challenge to gather the tools needed to cope with adversity.

ASLRRA Out and About

Chuck Baker Talks Regulation, Legislation at NARS Annual Meeting

ASLRRA President Chuck Baker traveled to Chicago to speak on transportation regulation and legislation at the North American Rail Shippers Association (NARS) 2021 Annual Meeting.

Baker gave an overview of the current legislative landscape for railroads, discussing the Infrastructure Investment and Jobs Act (IIJA) and its benefits for short lines, shippers and the rail industry in general. He also gave a brief look at happenings in the Federal Railroad Administration (FRA) and Surface Transportation Board (STB) and touched on jobs and the national labor shortage.

The NARS meeting brings together those in the North American rail-shipping community to discuss current rail issues. This year's speakers offered updates on federal agencies and Class I railroads, and the event included a "Women with Vision" panel, with participants from ASLRRA-member railroads.

Save Money with ASLRRA's Member Discount Program Partners



ASLRRA Webinars – Live or On-Demand

Upcoming Webinars

This week's top story offers descriptions of some of the webinars below. Please see the above article or follow each of the individual links below for more information or to register.

[STB, Hot, Hot, Hot!!!](#) – Sept. 9, 2021 (Registration closes tonight at midnight EDT)

Sponsored by:



[Small Business Administration – National Ombudsman Overview](#) – Sept. 16, 2021

This webinar, targeted for companies with 500 employees or less, will provide an overview of the Small Business Administration's (SBA) Office of the National Ombudsman. An SBA representative will provide an overview of their office and how to file comments with their office, as well as answer questions about the process. Please note, individual issues and

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regulation issues will not be addressed during this webinar. Registration is free for both ASLRRA members and non-members.

[National Transportation Safety Board \(NTSB\) Investigations](#) – Sept. 21, 2021

Sponsored by:

The logo for STINSON features the word in a bold, sans-serif font. The letters 'I' and 'N' are stylized with a red diagonal slash through them. The entire logo is set against a light yellow rectangular background.

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

Industry Events and Announcements

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

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