



In This Issue:

- **New Drug and Alcohol Educational Resources Available** – Members can now access new resources, including downloadable posters, meant to help railroads, contractors and employees understand FRA Part 219 requirements. Learn more in our [ASLRRRA Announcements section](#) below.
- **ASLRRRA member Lancaster & Chester Railroad Celebrates Milestone** – Lancaster & Chester Railroad celebrated completion of its South Carolina Piedmont Freight Rail Service Improvement Program, funded in part by a CRISI grant. Learn more in our [Industry Events & Announcements](#) section below.

Headlines

ASLRRRA Backs Congressional Action on Potential Rail Strike

With the rejection of a proposed five-year contract by members of SMART Transportation Division (SMART-TD) on Nov. 21, the U.S. is again looking at a potential rail strike that would cost the country an estimated \$2 billion a day. While most of the nation's 600 short line railroads do not participate in national bargaining agreements, a strike would significantly and immediately affect these railroads' ability to serve their customers.

President Biden and members of Congress have expressed support for averting a strike by [imposing a settlement on unions and the Class I railroads](#) involved in negotiations. ASLRRRA [has issued its own statement](#) supporting this move, given the significant impact a strike would have on its members.

"While a voluntary agreement between the Class I railroads and all 12 of the labor unions involved in the negotiations would have been preferable, it has become clear over the past few weeks that it is not likely, and Congressional intervention is now necessary," said ASLRRRA President Chuck Baker.

"Short lines are 100 percent committed to doing our part and more to provide excellent freight rail service, enable the success of our customers, and get the American freight transportation network back to peak reliability and efficiency, but any rail work stoppage or any further delay in getting a labor agreement completed helps no one: it would greatly exacerbate the ongoing supply chain challenges, increase uncertainty, and needlessly upend the U.S. economy," said Baker.

Eight of the 12 rail labor unions involved have approved the proposed contract, which came about back in September after lengthy talks involving U.S. Labor Secretary Marty Walsh. Still, the four groups opposing the contract have the option to strike starting Dec. 9, and it is expected that other union members will respect the picket lines.

House passes measure to avert rail strike; Senate likely to pass measure tomorrow or early next week

Today, Wednesday, the U.S. House of Representatives [passed legislation](#), H. J. RES. 100, by a vote of 290-137 that would implement the tentative agreement the unions and Class I carriers reached in September which the Biden administration helped to broker. In addition, the House today also passed a [second, independent measure](#), H. CON. RES. 119, by a closer vote of 221-207 that would modify the tentative agreement by providing for seven days of paid sick leave.

Both measures will now be considered by the U.S. Senate. While it is uncertain whether the Senate will vote to provide seven days of paid sick leave, it is anticipated that the Senate will in fact pass the measure implementing the tentative agreement and thus avert a strike, which is the crucial and necessary outcome.

Member Input Urgently Needed to Aid ASLRRRA Response to Proposed Mandatory Crew Size Rule

ASLRRRA is engaging in a multi-pronged effort to respond to the Federal Railroad Administration's (FRA) [notice of proposed rulemaking](#) (NPRM) establishing a mandatory crew size and asks its members to bolster the Association's efforts to this end.

ASLRRRA believes implementing a mandatory two-person crew size rule would have significant negative impact on many short line railroads. The Association argues the FRA does not have statutory authority to issue this NPRM as it presents no safety justification to regulate crew size, In addition, the FRA failed to account for the NPRM's impact on small businesses, the NPRM institutes onerous compliance options, and the NPRM ignores short line railroads' actual, real-world operating practices. ASLRRRA calls on the FRA to either withdraw the NPRM or categorically exclude short line railroads.

The FRA will hold a [public hearing on Dec. 14](#) in Washington, D.C. on the proposed rule. The hearing will also be available virtually. ASLRRRA plans to submit testimony for the hearing and is also working to submit comments on the NPRM.



To help, the Association is asking its members to provide feedback regarding the ways their railroads could be affected by a crew-size rule. ASLRRRA has sent surveys to members and encourages their completion if railroads have not already done so. Completing the surveys provides valuable industry data to help support ASLRRRA's arguments.

ASLRRRA also asks its members to consider submitting comments directly to the FRA using [ASLRRRA's template letter](#). After adding the railroad's information and removing all bracketed, highlighted notes, railroads should save their letters as a PDF before uploading them directly to the docket [here](#). Please contact ASLRRRA's [Crystal Gitchell](#) for help submitting a comment. All comments should be submitted by Dec. 21 and those who submit a comment are asked to inform [Jo Strang](#) so it can be noted in the Association's records.

Lastly, railroads willing to serve as examples in ASLRRRA's comments and/or are interested in participating in the public hearing as part of a short line panel should reach out to [Jo Strang](#) as soon as possible if they have not already been in communication with ASLRRRA staff on this issue.

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AVAILABLE FOR EMPLOYEES OF
SMALL RAILROADS**

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Regulatory Update

RRB Q&A Explains How Railroad Employees Can Receive Credit for Military Service

In the most recent installment of their [Question and Answer \(Q&A\) series](#), the Railroad Retirement Board (RRB) discusses whether railroad employees can receive credit for military service under the Railroad Retirement Act (RRA).

According to the RRB, the purpose of giving railroad credit for military service is to prevent railroad employees from losing retirement credits while performing active-duty military service. Therefore, to be eligible for credit a railroad employee's service in the U.S. Armed Forces must be preceded by railroad service in the same or preceding calendar year.

The Q&A describes several situations during which a railroad employee's military service can be credited as railroad service, including for reservists who are called to active duty or must complete annual training. Those who serve with the United States Merchant Marine or who are civilian employees of the Department of Defense are not eligible to receive these credits even if serving during wartime.

ASLRRRA, NRC Comments Address Proposed Rule to Amend Certain Training Regulations

On Nov. 29, ASLRRRA and the National Railroad Construction and Maintenance Association (NRC) [submitted comments](#) to the Federal Railroad Administration (FRA) concerning a [notice of proposed rulemaking \(NPRM\)](#) to amend regulations concerning training, qualification and oversight for safety-related railroad employees (Training Rule).

The proposed rule would codify FRA guidance and clarify existing requirements. The FRA announced these changes in 2014 and since then ASLRRRA has consistently petitioned for regulatory relief from the rule, which would put a significant financial burden on small railroads.

In conjunction with settlement of litigation with ASLRRRA over the rule, FRA issued compliance guidance. Although the guidance provided some regulatory flexibility for small entities, it did not provide certainty as to how FRA would apply the Training Rule in the future, and as guidance, it is subject to change without formal rulemaking. While the NPRM is consistent with current FRA regulatory guidance to small entities, the associations urge FRA to consider additional revisions regarding the requirement for refresher training, which FRA rejected in the NPRM without explanation.

FRA Issues Notice of Final Guidance Concerning Equivalent Labor Protections for Federally Funded Projects

The Federal Railroad Administration (FRA) issued a [notice of final guidance](#) in connection with required [protective arrangements](#) for employees impacted by certain projects financed by the federal government. This guidance is effective Dec. 28.

The guidance discusses both procedural and substantive employment protections for employees working on projects receiving federal funding. According to the final guidance, the FRA intends to include this information as an appendix to all new grant and cooperative agreements subject to 49 U.S.C. § 22905(c)(2)(B). Grantees will also be required to include this guidance, as applicable, in contracts for FRA-funded projects.

FRA Adjustments to Safety Data Site Security Requirements Needs Updated User Authentication

The Federal Railroad Administration (FRA) is adjusting security requirements for all systems that support the collection of safety data. This change comes as a result of the Department of Transportation (DOT) zero-trust architecture and Executive Order (EO) 14028, titled "Improving the Nation's Cybersecurity."

To comply with this mandate, all applications must implement Login.gov as their authentication mechanism. As such, non-DOT users of the Part243 web application will need to authenticate using Login.gov, instead of their existing user names and passwords.

The change will be effective starting Dec. 19 when users will see a new login for the application home page. At that point, users without a login.gov account will need to create one. When creating a new account, users are reminded to use the same email address they are currently using to access the Part243 application.

Legislative Update

Congress Works Against the Clock to Address Long To-Do List

The current lame duck session of Congress is shaping up to be a busy one as lawmakers work to address a number of legislative priorities before the Republicans take control of the House of Representatives in January. A high priority is the looming railroad strike (see our lead article for more details), but another task is passage of a spending bill before the existing continuing resolution that funds federal government operations expires Dec. 16.

Congressional leaders are [expected to meet as early as today](#) to further negotiate a long-term omnibus spending agreement, but their ability to make a deal by the deadline is uncertain. It is possible lawmakers could instead extend the Dec. 16 deadline for a week to find a resolution and avoid a government shutdown.

The logo for SPARK TS features the word "SPARK" in a bold, black, sans-serif font, with a stylized orange sunburst above the letter "A". To the right of "SPARK" is "TS" in a smaller, black, sans-serif font.

As an ASLRRR Preferred Provider, Spark offers Discounts on Drug & Alcohol Testing Services to ASLRRR Members.

[Click to learn more!](#)



Announcements

New Drug and Alcohol Education Materials Include Downloadable Posters

ASLRRR announces the launch of its new [Drug and Alcohol Educational Materials](#) page, which includes posters available for download, a Part 219 educational brochure, affidavit templates and employer review documents.

Developed with experts on ASLRRR's Safety and Training Committee, the materials are available to ASLRRR members under the [Safety Training Resources](#) section of ASLRRR's [Safety & Compliance](#)

[page](#). Each of the posters can be printed for use on railroad property and are meant to help ensure employees are aware of some of the rules and regulations concerning drug and alcohol use. Other resources help railroads, contractors and employees learn more about required compliance practices and drug and alcohol testing.

The educational materials page also features links to webinar recordings discussing Part 219. Find "Part 210 Education Materials and Correction Affidavits," "Overview on the Expanded Scope of Part 219," and "Drug & Alcohol Rules & Regulations" in ASLRRRA's [On-Demand Webinar library](#).

To further education members on the FRA's drug and alcohol regulations, ASLRRRA is offering [an in-person training event](#) in Phoenix, Arizona Jan. 31 to Feb. 1. FRA Drug and Alcohol Program Specialist Sam Noe and ASLRRRA Vice President Safety and Compliance JR Gelnar will discuss Part 219, covering all sections of the rule and requirements for all railroads and contractors and including interactive discussion of rule requirements and practices. Click [here](#) to register for the seminar.



ASLRRRA and members of the Association's Safety and Training Committee put together these posters as part of several drug and alcohol educational resources available to members online.

Save the Date for ASLRRRA's Annual Conference in New Orleans



ASLRRRA is full steam ahead planning its 2023 Annual Conference and Exhibition, which will take place April 2 - 4 in New Orleans, Louisiana.

In addition to its customary slate of engaging educational sessions, the Association has partnered with member New Orleans Public Belt Railroad to offer a port tour to conference attendees. There will also be a golf tournament and an expo hall full of vendors.

More than 150 booths have already been reserved for the expo hall. Booth sales are now open to all ASLRRRA members. For more details, please contact Senior Vice President Membership and Business Development [Kathy Keeney](#).

Sponsorship sales for New Orleans will officially start shortly, with right of first refusal to those companies that sponsored specific events or items at our 2022 annual conference. Hotel room block and attendee registration will open in early December.

Members Receive Preferred Pricing on Drug and Alcohol Testing Services with Spark TS

Spark TS is the exclusive Preferred Provider of drug and alcohol testing services in the Association's Member Discount Program. Spark is passionate about helping railroads and contractors meet FRA drug & alcohol testing requirements, delivering key differentiators for drug and alcohol testing services including railroad industry-specific DAT expertise, online tools and key national partnerships.

Spark TS's expert team has built a program to offer drug and alcohol testing services and programs to support railroads and contractors in finding the most effective strategies to manage their company, Part 219, and other DOT-regulated programs. Spark's drug and alcohol program services include clinic and mobile and onsite testing services; laboratory and medical review officer (MRO) services; electronic chain of custody forms; and third-party administrator (TPA) - random testing and consortium.

Visit www.aslrra.org/discounts and click on the [Spark Training Solutions](#) logo to learn more!

Register to Attend FRA Drug and Alcohol Training (Part 219)

Jan 31-Feb 1, 2023 | Phoenix, Arizona

Space is Limited - Register Today!



ASLRRRA Webinars

Upcoming Webinars

[FMCSA Drug and Alcohol Clearinghouse Requirements for CDL Drivers](#) – Jan. 10, 2023

Spark TS's Holly Rainwater and Rio Grande Pacific's Mitch Harris will join ASLRRRA's JR Gelnar to discuss the responsibilities for railroads with regards to the Federal Motor Carriers Safety Administration (FMCSA) Clearinghouse for CDL drivers. This webinar is free for ASLRRRA members.

[Update on Part 240/242 Audits and FRA Findings](#) – Jan. 12, 2023

Join FRA's Kevin Lewis and ASLRRRA's JR Gelnar for an update on Part 240/242 audits and learn what FRA has discovered during their first year of focused audits on short lines. Lewis will provide information and insight into findings and discuss what FRA will be doing in future audits. This webinar is free for ASLRRRA members.

Click [here](#) to learn more about ASLRRRA's education offerings.

Industry Events and Announcements

CRISI Grants: Key for Short Lines and Their Customers, the Local Economy and the Environment



ASLRRRA member L&C Railroad used funding from a CRISI grant to upgrade the Catawba River Bridge (above) to handle 286,000-pound cars at Class II train speeds. L&C was also able to purchase three new locomotives (below) with CRISI funding.



locomotives, which will reduce emissions by over 95% on a gallon-of-fuel consumed basis. The benefits of this project extend to the local community as the railroad supports the jobs of more than 2,000 employees of 36 customers of the Lancaster & Chester Railroad.

December 1, 2022 – is a key day for short lines as it is the deadline to apply for a fiscal year 2022 Consolidated Rail Infrastructure Safety Improvements (CRISI) grant. We are hoping many of our member railroads have applied to fund at least one project.

This week, the Lancaster & Chester (L&C) Railroad participated in a ribbon cutting, formally marking the completion of a \$13,464,900 investment. The South Carolina Piedmont Freight Rail Service Improvement Program, made possible with a CRISI grant. The 24-month-long project has upgraded 49 miles of track from Class 1 to Class 2 rail and will allow the Catawba River Bridge to handle 286,000-pound cars at Class 2 train speeds.

This significant upgrade included 33,750 crossties, 14,500 tons of ballast, and the replacement of 1916-era iron rivets with 7/8" hardened steel bolts and additional gusset plates on the bridge. The project also funded the purchase of three K&LW NZE SE32C

November 30, 2022

Best of all, the project will allow for economic growth in the area, as customers consider locating to take advantage of rail service.

The ribbon cutting was attended by representatives of the many constituents who supported and will benefit from the newly enhanced rail service including representatives from the offices of U.S. Senator Tim Scott, U.S. Senator Lindsey Graham, U.S. Congressman Ralph Norman, South Carolina State Representative Randy Ligon, the Lancaster County Council, as well as Executives from L & C customers.

The L&C Railroad is a 120-year-old short line railroad based in Lancaster, South Carolina, 35 miles south of Charlotte, North Carolina, owned by the Gulf & Ohio Railways, Inc. The railroad serves South Carolina and the Charlotte region providing dual-rail access to over 3,000 acres of industrially zoned property.

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

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