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American Short Line and Regional Railroad Association

VIEWS & NEWS

VOLUME 71

NUMBER 22

DECEMBER 1, 2004

**Mark Your
Calendars for
ASLRRA's 2005
Meetings!**

**Railroad Day on
Capitol Hill**
March 2, 2005
Washington Court
Hotel
Washington, DC

**2005 Annual
Convention**
April 3-4-5
Anaheim Marriott
Anaheim, CA

**Currently, Railroad
Security Alert Level
2 is in Effect**

IN THIS ISSUE

1. [STB Denies Adverse Abandonment Application Opposed by ASLRRA](#)
2. [First Ever Rail Industry Safety Conference A Hit](#)
3. [BNSF Award Emphasizes Importance of New Technologies to Industry](#)
4. [Effective Date of Proposed Rule Allowing for "Quiet Zones" Moved](#)
5. [STB Approves KCS Acquisition of Tex Mex](#)
6. [Jim Bowers Announces Formation of Bowers & Company CPAs](#)
7. [Railroad Traffic](#)
8. [Embargo Notices and Reroute Orders](#)

Questions?
Comments? E-Mail
Us.

STB DENIES ADVERSE ABANDONMENT APPLICATION OPPOSED BY ASLRRRA

On November 18, the Surface Transportation Board denied a Petition by Lee County, Florida to require the Seminole Gulf Railroad to abandon involuntary a 1.5 mile section of a spur line. ASLRRRA earlier filed a brief with the STB opposing the Petition as a dangerous threat to all short line and regional railroads.

Lee County sought the adverse abandonment because it wanted to widen a heavily traveled street in the county without the expense of constructing a new grade crossing where it crosses the Seminole Gulf spur. The County argued that the sole shipper on the line has indicated it will soon forego shipping on the line and that therefore public interest is best served by avoiding the cost the taxpayers would incur in building the upgraded crossing. Seminole Gulf responded with evidence that it has made sincere efforts to attract new business to the line and that it has reasonable prospects that in time it will be successful. Further, the line is in good condition and will contribute to the railroad's revenues even after the current shipper departs.

In denying the adverse abandonment application, the STB cited ASLRRRA's argument that to do otherwise would create a long-term threat to the viability of the nation's entire rail infrastructure as bits and pieces of viable right of way are pulled from the interstate rail network. This practice would be particularly harmful to short line railroads whose smaller systems cannot easily absorb the removal of pieces of viable and profitable right of way. The STB found that, consistent with its responsibility to protect the public from unnecessary disruption of rail service, it will preserve continued rail service where the railroad both demonstrates a desire to continue operations on the line and reasonable actions to attract new business. In this case, it found that Seminole Gulf has done both. ASLRRRA believes that is the correct standard and applauds the action of the Surface Transportation Board to protect our national rail infrastructure. Congratulations to our member Seminole Gulf and its counsel of record in the case, Eric Hocky.

[Click here](#) if you would like to see a copy of the STB's decision on its web site.

FIRST EVER RAIL INDUSTRY SAFETY CONFERENCE A HIT

On November 16-19, 2004 ASLRRRA and AAR teamed up for the first ever industry-wide safety conference. The 2004 Rail Industry Safety Conference, at the Renaissance Grand Hotel in St. Louis, Missouri, was declared a major success by conference attendees. The meeting began with a reception and table-top exhibition opening on the evening of the 16th and moved right into the program on the morning of the 17th.

Representatives from Class I's, short line and regional railroads, FRA and various industry groups presented on a wide range of safety issues. The program encompassed nearly twenty presentations and included an on-site tour the Terminal Railroad Association of St. Louis. Among the many topics covered were: accident investigations, railroad security, crossing closures, fire safety, risk mitigation, remote control operations and rail view cameras.

Attendees praised the depth of the program and enjoyed the combination of AAR's Safety Conference with ASLRRRA's Operating & Maintenance Meeting, noting that having a meeting that addressed both Class I and short line and regional railroad issues provided a broader spectrum of perspectives.

Thank you to our meeting sponsors for their generous support and assistance.

BNSF AWARD EMPHASIZES IMPORTANCE OF NEW TECHNOLOGIES TO INDUSTRY

The Burlington Northern and Santa Fe Railway Company (BNSF) has been recognized for its innovative use of new technologies by *InfoWorld* magazine. BNSF was sixth in the magazine's rankings of 100 technological advancements by leading companies.

The annual awards honor companies that demonstrate the most creative use of cutting-edge technologies to further their business goals. Companies were nominated by *InfoWorld* readers, technology partners, and end-user companies in late summer. Solutions that integrated multiple technologies in innovative ways to serve

well-defined business goals were given the highest rankings. BNSF was recognized for the creation of a voice train reporting system, which combines innovation, cost savings and efficiency.

"It is a real honor for BNSF to receive this award," says Jeff Campbell, BNSF's vice president Technology Services and chief information officer. "It recognizes the hard work done by Team BNSF and our technology partners, as well as our leadership in applying technology to meet our customers' expectations."

With help from voice software vendors ScanSoft and Intervoice, BNSF built the voice train reporting system, using engine cab radios and cell phones as an interface to a speech-enabled, interactive voice response (IVR) system. Conductors report train arrivals, departures, pickups and setouts, and the system automatically turns voice calls into data that can be stored in the company databases running on IBM mainframe computers in Topeka, Kansas.

Further emphasizing the innovative use of technology in the railroad industry, BP was fifth in the ratings for its creation of a wireless system for railcar monitoring. The complete *InfoWorld* 100 rankings are available by [clicking here](#).

EFFECTIVE DATE OF PROPOSED RULE ALLOWING FOR "QUIET ZONES" MOVED

The Federal Railroad Administration (FRA) has announced that the effective date of the proposed rule that allows communities to establish train horn 'quiet zones' will be moved to April 1 from the previously published date of December 18.

"We are firmly committed to providing communities nationwide with a fair, flexible, and workable rule that will address concerns over noise created by train horns," said FRA Acting Administrator Betty Monro. "We are especially sensitive to the concerns of communities with pre-existing whistle bans who want to maintain the quality of life to which they have become accustomed."

The Interim Final Rule (IFR) on Use of Locomotive Horns at Highway-Rail Grade Crossings was issued late last year. It requires trains to sound their horns on approach to, and while traveling across, public highway-rail crossings. However, the train horn can be silenced within a 'quiet zone' provided safety measures are in place at the affected crossings.

Because the IFR generated significant interest from communities across the country, the FRA extended the public comment period by two months. Approximately 1,400 comments were submitted for review.

FRA had planned to issue the Final Rule last month, but the analysis and consideration required of each comment made meeting that schedule difficult. The Final Rule will now be issued in January and becomes effective on April 1.

The comments received can be grouped into several broad categories, including, but not limited to: states and railroads seeking a greater role in the quiet zone development process, communities seeking recognition of existing partial whistle bans, and communities seeking recognition of whistle bans created after October 1996.

More information about the interim final rule is available at www.fra.dot.gov.

STB APPROVES KCS ACQUISITION OF TEX MEX

The Surface Transportation Board announced that it has issued a decision approving Kansas City Southern's acquisition of control of the Texas Mexican Railway, subject to conditions.

In approving the transaction, the STB is:

1. Requiring Kansas City Southern to comply with the terms of a Safety Integration Plan, developed with the Federal Railroad Administration;
2. Providing affected employees "*New York Dock*" labor-protective conditions augmented for this transaction so that employees choosing not to follow their work to Mexico will not be deemed to have forfeited their labor protections;
3. Providing for STB monitoring of operations at the Laredo Bridge; and
4. Requiring Kansas City Southern to comply with its representations enumerated in the decision, including its commitment to keep the Laredo gateway open on commercially reasonable terms.

In the event Kansas City Southern acquires control of TFM, S.A. de C.V. (formerly known as Transportación Ferroviaria Mexicana), a Mexican railroad, the STB reserved the right to conduct oversight to examine the operational effects of that control on transportation with the United States.

The STB's decision is available by [clicking here](#).

JIM BOWERS ANNOUNCES FORMATION OF BOWERS & COMPANY CPAs

Jim Bowers has announced the formation of Bowers & Company CPAs, PLLC. Jim has been active in the short line railroad industry for many years and the new firm will continue this railroad niche, which currently makes up 25 percent of its client base. The firm consists of eight partners and 25 staff. Jim can be contacted at (315) 234-1173 or via e-mail at jab@bcpllc.com. The firm's fax number is (315) 234-1111.

RAILROAD TRAFFIC

According to the AAR, U.S. carloads were up 2.5 percent in the week ending November 20, 2004. For the year to date, carloadings are up 2.8 percent compared to 2003. Carloads for U.S. Non-Class I's that submit data to the AAR were up 19.6 percent for the week, and are up 4.9 percent for the year. Carloads for Week 46 were up 3.5 percent in the East and up 1.6 percent in the West compared to the same week in 2003. U.S. intermodal traffic was up 13.1 percent for the week and is up 9.8 percent for the year. U.S. and Canadian intermodal traffic was up 11.0 percent for the week and is up 8.1 percent for the year. Total volume was up 2.8 percent for the week and is up 5.1 percent through the 46th week of 2004.

For just the week ending November 15, 2004, U.S. carloads were up 0.9 percent and carloads for U.S. Non-Class I railroads that submit data to the AAR were up 21.5 percent. Carloads were up 1.2 percent in the East and up 0.7 percent in the West. U.S. intermodal traffic was up 11.7 percent for the week and U.S. and Canadian intermodal traffic was up 9.7 percent from the prior year.

According to RMI's RailConnect Index, which includes traffic summaries for 167 short line and regional railroads, short line carloads were up 11.87 percent for the week ending November 13, 2004. Short lines reporting to RMI moved 77,887 cars for the week, compared with 69,621 for the same week in 2003. For the year-to-date, short line traffic is up 10.54 percent, with 3,359,452 cars handled in 2004, compared to 3,039,168 cars handled at the same point in 2003. For the week ending November 6, 2004, short line traffic was up 8.69 percent. Short lines reporting to RMI moved 74,290 cars for the week, compared with 68,353 for the same week in 2003.

EMBARGO NOTICES & REROUTE ORDERS

A complete listing of embargo notices is available at embargo.railinc.com.