



February 24, 2021



## Registration is Open for Railroad Day 2021, Held Virtually Via Zoom April 13 and 14

Not even a global pandemic can stop ASLRRRA and other rail industry associations from building networks with members of Congress and telling them the railroad story. This year, however, keeping all participants safe means hosting [Railroad Day](#) virtually, using Zoom meetings to connect federal lawmakers with their constituents.

This year's Railroad Day on Capitol Hill will take place over two days instead of one, April 13 and 14. Participants will be scheduled for meetings directly relevant to their businesses, and can engage Congressional members and staff without committing to 10 hours of meetings or incurring travel expenses.

To help participants prepare for their Zoom calls, and prevent any appearances by cat faces or inverted heads, ASLRRRA will hold informational Zoom meetings for registered attendees. These sessions offer an opportunity to test Zoom capabilities, review key messaging and understand how meetings will run.

Putting a name and face to those who work in or support the rail industry helps legislators in Washington see those affected by their policies and understand how their decisions have real-life repercussions.

Attendance is open to all Class I, II, and III railroad personnel, shippers, labor rail representatives, state and local government representatives, as well as members from the supplier community with an interest in furthering the political goals of the railroad industry

Railroad Day Sponsorships are available - please contact [Amy Westerman](#) for details.

### ASLRRRA Templates for TSA Training Program Requirements and Part 243 Now Online for Members

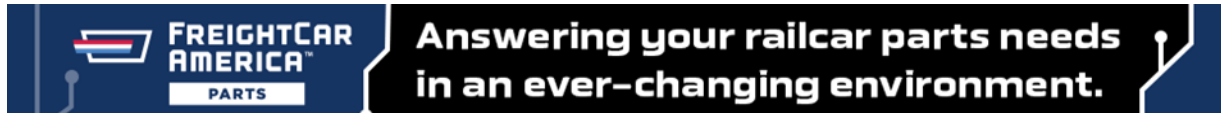
To help members fulfill federal regulatory requirements, ASLRRRA has developed a variety of [compliance templates](#) for different rules. The most recent additions are templates for the Transportation Security Administration's (TSA) security training requirements, and templates for the Federal Railroad Administration's (FRA) 49 CFR Part 243 governing training for safety-related railroad employees.

Currently, railroads transporting certain rail security sensitive materials (RSSM) within a high threat urban area (HTUA) are required to submit a [security training program](#) to the TSA by March 22.

ASLRRRA, with the assistance of various members, has developed a training program template, training PowerPoint presentation and exam, which a railroad can use to comply with TSA requirements. All components of the program may be modified to reflect railroad-specific security procedures and processes. Materials are available under [Part 172](#) in the Compliance Templates section of the [Safety & Compliance landing page](#). They are accessible only to railroad members.

Part 243 templates are also [available here](#), only to members. ASLRRRA members and staff have worked over the past two years to produce training templates that are compliant with the Part 243 training rule, and represent the realities of short line railroad administration and training needs. Questions about these templates or those for TSA training can be directed to ASLRRRA's [JR Gelnar](#).

ASLRRRA recently held a three-part webinar focused on the FRA's Part 243, discussing initial training requirements, requirements for compliance and general information. Recordings of these webinars are available through ASLRRRA's [On-Demand Webinar](#) library, and can be viewed for free by ASLRRRA members and by non-members through a paid subscription.



### INFRA Grant Applications for Fiscal Year 2021 Now Being Accepted

The U.S. Department of Transportation (DOT) has issued a [notice of funding opportunity](#) (NOFO) seeking applications for fiscal year 2021 [Infrastructure for Rebuilding America \(INFRA\) grants](#). Approximately \$889 million will be available for eligible projects.

This year's grant program adds two merit criteria, one concerning climate change and environmental justice and another concerning racial equity and reducing barriers to opportunity. When awarding grants, the DOT will also consider the role a potential project would play in economic development and job creation, and whether the project is located in a federally designated community development zone.

Of the available funding, at least 25 percent must be awarded to projects in rural areas, and 10 percent is reserved for small projects with an award size of at least \$5 million.

Grant applications must be submitted through [grants.gov](#) and are due March 19. ASLRRRA members can get help with grant applications for the INFRA program through ASLRRRA's [Member Discount Program](#), which features preferred providers able to offer grant writing assistance at competitive pricing.

### ASLRRRA Files Comments on STB Exemptions Proceeding and FRA Fatigue Risk Management Proposed Rule

ASLRRRA has filed a [reply to comments](#) regarding a rulemaking proceeding from the Surface Transportation Board (STB) and [comments](#) on a notice of proposed rulemaking (NPRM) from the Federal Railroad Administration (FRA).

The STB is [seeking comment](#) on a new approach developed by its Office of Economics for considering class exemption and revocation issues. A group of five shippers and shipper associations submitted comments that, while generally opposed to the STB's approach, made points that necessitated a further reply from ASLRRRA.

ASLRRRA's reply focused on clarifying the shippers' comments as they related to short line railroads, such as why there is insufficient evidence to support revoking a hydraulic cement exemption. ASLRRRA originally [submitted its own comments](#) on the STB's proposal in late January, opposing the adoption of the new methodology.

This week ASLRRA also responded to an [FRA NPRM](#) that would require certain railroads to develop and implement a Fatigue Risk Management Program as part of the railroads' risk reduction programs.

While ASLRRA generally supports the proposed rulemaking, the Association provided feedback on four items, namely more time is required for development and submission of fatigue management plans; workers not employed by railroad carriers should not be included in the plan requirements; the FRA's statement regarding widespread napping policies is overbroad; and more time is required to develop and conduct fatigue plans and training.

It is important to note that only short line railroads deemed to be "inadequate safety performers" by the FRA would be required to submit a fatigue management plan as part of a risk reduction program.

## **New AAR Railway Alert Network Notices Published on ASLRRA Website**

ASLRRA members can now access a new Railway Alert Network (RAN) Cyber Advisory and RAN Security Awareness Notes from the Association of American Railroads (AAR) on [ASLRRA's website](#).

The cyber advisory explains the cybersecurity incident, which involved phishing attempts. It also describes the mitigation measures taken and provides recommendations from the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) explaining how companies can strengthen their security posture and reduce risk.

The Security Awareness Notes describe the recent escalation in frequency of "ambush attacks" targeting law enforcement officers, offering considerations for standing railroad safety measures and security plans. Another looks at weapons-related incidents on railroad property in 2020 and highlights incident response considerations and the importance of safety measures.

## **ASLRRA SAFETY & TRAINING**

### **Post-Accident Toxicological Testing Video**

Visit [www.aslrra.org/safety](http://www.aslrra.org/safety) for more info



### **Legislative Updates: Congress Moves Forward with New COVID-Relief Package; Tanden's Confirmation for OMB Head in Jeopardy; Senate Appropriations Subcommittee Rosters Announced**

Democratic leadership in Congress and the Biden Administration continue to pursue a \$1.9 trillion COVID-relief package with little-to-no Republican support. They aim to pass the bill through the partisan budget reconciliation process where only 51 votes are required for passage in the Senate. Vice President Kamala Harris in

her role as president of the Senate can break any ties in the 50-50 chamber. Democrats in Congress plan to pass the COVID-relief bill through both chambers by March 14.

Meanwhile, President Biden's nominee to head the Office of Management and Budget is increasingly unlikely to win Senate confirmation. Neera Tanden, former head of the Center for American Progress and a senior campaign official in Hillary Clinton's 2016 presidential bid, has come under fire from

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Senators Joe Manchin (D-W.Va.), Mitt Romney (R-Utah) and Susan Collins (R-Maine) for recently deleted tweets some have called divisive.

In other news, Senate Appropriations Committee Chairman Patrick Leahy (D-Vt.) and Vice Chairman Richard Shelby (R-Ala.) announced [rosters](#) for appropriations subcommittees, including chairmen and ranking members. Senator Brian Schatz (D-Hawaii) is chairman of the Transportation, Housing and Urban Development Subcommittee (THUD), and Susan Collins (R-Maine) is the ranking member. The THUD subcommittee handles funding for the Federal Railroad Administration, as well as programs like BUILD and CRISI grants.

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## ASLRRA New Members

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

### ASLRRA Welcomes Gravity Rail



We are pleased to add to our membership rolls [Gravity Rail](#), based in Houston, Texas, which provides industrial rail switching and terminal operations services. Formed in 2018, the company operates over 1,400 railcar storage spots and provides transload

capabilities over all of its operations. Gravity Rail provides transloading and terminal operations, and consulting for railcar storage, rail operations, industrial rail operations, and terminal development. Our primary contact is President [Matthew Norwood](#), who can be reached on (713) 714-3625.

## Virtual Meeting Content Available

Access hours of General Session keynotes, panel discussions & Breakout Education Sessions from ASLRRA's Virtual Convention and General Counsel Symposium.

**On-Demand** 

*Click to learn more...*

## ASLRRRA Announcements

**REMINDER:** ASLRRRA does not work with third-party organizations to provide participation lists for our events, including the annual convention, regional meetings and special training sessions. We do not authorize third-party organizations to contact you directly via phone or email. If you are contacted by a third-party offering to sell you an ASLRRRA participation list, we urge you to end the phone call or not respond to the email message and not provide any credit card or other secure information. Please report those contacts to ASLRRRA General Counsel Sarah Yurasko at [syurasko@aslrra.org](mailto:syurasko@aslrra.org), who will review for further action.

### Bowers and Company CPAs Offers Tips on Railroad Retirement Tax Form CT-1, Due March 1

ASLRRRA member [Bowers and Company CPAs](#) offers railroad employers advice on filing this year's Form CT-1, the Employer's Annual Railroad Retirement Tax Return. The form is due March 1.

According to Chelsea Sweet of Bowers and Company, the CT-1 is the correct place for railroads to take COVID-19 credits, as opposed to other Federal Insurance Contributions Act (FICA) companies who reported theirs on Form 941.

The Internal Revenue Service (IRS) has released [official CT-1 instructions](#), which also explains changes due to COVID-19-related employment tax credits and other tax relief. There is a worksheet portion to help companies calculate their credit, including any applicable health insurance costs, if a company has deferred any taxes, as well as a spot for anyone who was eligible for the employee retention credit.

Sweet makes it a point to note that COVID-19 wages are taxable under Tier II, which is the recently stated official stance of the IRS.

Railroads with questions about Form CT-1 can contact Sweet on (315) 234-1166 or via email at [cms@bcpllc.com](mailto:cms@bcpllc.com).

### ASLRRRA Members Can Increase Their Company's Exposure Through a Webinar Sponsorship

ASLRRRA has launched a new marketing and sponsorship opportunity for its members. Members who are looking for a unique way to get their company name and information in front of potential customers can now sponsor ASLRRRA's webinars.

Sponsors receive recognition and logo visibility across all marketing platforms including ASLRRRA's website, the weekly Views & News newsletter and email blasts, and webinar presentation materials. Webinar attendees also view a brief sponsor promotional video at the beginning of the presentation.

Webinar sponsorships offset webinar platform and hosting costs and cover member registration fees for popular topics presented by important agency partners such as the Federal Railroad Administration, Environmental Protection Agency, Centers for Disease Control and Prevention and the Association of American Railroads, to name a few.

A limited number of sponsorships are available throughout the year. Please contact ASLRRRA's [Sabrina Waiss](#) for more information.

### Find Disaster Response Resources on ASLRRRA's Website

On Feb. 12, the FRA Administrator issued a [Declaration of Emergency Event](#) regarding the severe winter weather that hit Texas and much of the central U.S. Though temperatures have warmed, damage



caused by power outages, frozen pipes and subsequent flooding still poses a significant problem for many families and businesses.

ASLRRRA's website offers a number of [disaster preparedness and response resources](#), including emergency docket filing instructions and an emergency docket waiver template. There are also [on-demand webinar recordings](#) to help members respond to emergency situations, and links to the [U.S. Department of Homeland Security's Disaster Preparedness](#) website.

Members with specific questions or concerns about the recent severe weather and the FRA Declaration can contact ASLRRRA's Vice President of Safety and Compliance, [JR Gelnar](#).

## **Complete Accident/Incident Reports by Feb. 28 to be Eligible for ASLRRRA Safety Awards**

ASLRRRA's President's and Jake Awards recognize member railroads with exemplary safety records, but railroads are only eligible for the awards if they have submitted all their Federal Railroad Administration (FRA) accident/incident reports for 2020.

Railroad and switching members that complete the required FRA accident/incident reports for every month of 2020 are eligible for the awards. Any reports submitted after Feb. 28 will not be considered.

For more information, please see visit our [safety awards page](#) or contact ASLRRRA's [Fred Oelsner](#).

## **Nominate Deserving Companies and Employees for ASLRRRA's Annual Industry Awards**

ASLRRRA members and employees who win an ASLRRRA industry award receive more than accolades and a sense of accomplishment. Award winners, and finalists in some cases, receive increased exposure through profiles in ASLRRRA's publications and mentions on the Association's social media accounts.

ASLRRRA is happy to share the stories of its members, and eager to recognize their achievements, and nominating a company or individual for an award is one way to enter the conversation. Less than a month is left to submit nominations for ASLRRRA's industry awards, including the [Business Development Award](#), [Veterans Engagement Award](#), and [Safety Person of the Year](#) and [Safety Professional of the Year Awards](#).

Follow each link to learn about last year's honorees, read award criteria and find out how to submit a nomination. Nominations for all awards are due March 5.

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## **ASLRRRA Out and About**

### **Crystal Gitchell Joins Women in Government Relations to Discuss Regulatory Fairness Act**

ASLRRRA's Assistant Vice President of Legislative and Regulatory Policy Crystal Gitchell hosted an event with the Women in Government Relations organization focusing on the Regulatory Fairness Act and the Small Business Regulatory Fairness Act.

Staff from the Small Business Administration Office of Advocacy participated and gave valuable insight on resources small business can use when working with the federal government.

## ASLRRA Industry Award Nominations Open!



Nominations being accepted for 2021 Safety Person, Safety Professional, Business Development, and Veterans Engagement Awards. **Nominations due by March 5!** *Click to learn more...*



## ASLRRA Webinars

### Upcoming Webinars

[Q&A Session with NTSB Investigative Team: Granite Canyon, WY - February 25, 2021](#)

**Note: Registration for this webinar closes at midnight tonight.** Representatives from the NTSB Investigative Team will discuss the Granite Canyon, Wyo. accident that took place on Oct. 4, 2018.

Presenters will also answer questions related to the recommendation to the ASLRRA.

[Part 240/242: Harmonization of Certification](#) - March 10, 2021

The Federal Railroad Administration's Kevin Lewis discusses the FRA's work on revising its regulation governing the qualification and certification of locomotive engineers to make it consistent with its regulation for the qualification and certification of conductors. At the end of the presentation, Lewis will be joined by ASLRRA's JR Gelnar to help field audience questions. Registration is free for ASLRRA members.

[Part 225 Back to Basics, Part 3: Highway-Rail Grade Crossing](#) - March 11, 2021

In the last of this three-part series, representatives from the Federal Railroad Administration (FRA) will discuss Reporting/Recordkeeping Highway-Rail Grade Crossing Accident/Incidents - FRA F 6180.57 & FRA F 6180.150. Part 1 and Part 2 are available in ASLRRA's On-Demand library.

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

## Industry Events and Announcements

### NARS Moves 2021 Annual Meeting to September

The North American Rail Shippers Association (NARS) has postponed its annual meeting. The 2021 event is now scheduled for Sept. 7-9 in Chicago.

With the new date, NARS hopes to be able to hold an in-person event. Last year's meeting was canceled due to COVID-19 concerns.

[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.