



January 26, 2022

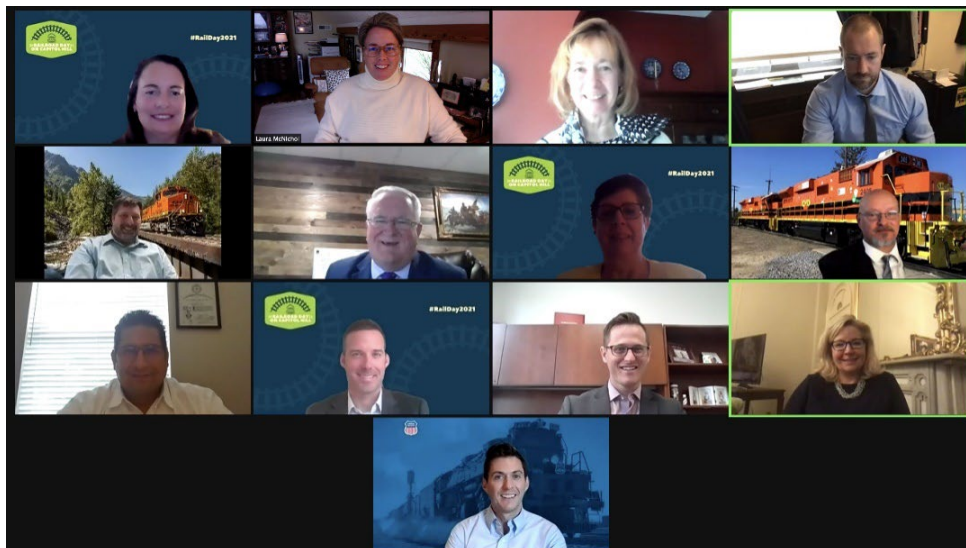


Virtual Railroad Days on Capitol Hill Scheduled for March 9-10 – Save the Date!

Mark your calendars; ASLRRRA will again join other railroad industry organizations and stakeholders in a two-day virtual Railroad Day on Capitol Hill event March 9 and 10.

Although this is historically an in-person event and making those personal connections with federal legislators and staffers has tremendous benefits, the realities of visiting Congressional office buildings at the moment dictate that this event must be virtual again. And virtual Railroad Day does have its benefits – it increases the range of possible participants; eliminates travel time and costs; allows participants to more easily integrate Railroad Day into their regular work schedule; and provides increased flexibility on the scheduling of specific meetings.

Railroad Day on Capitol Hill, whether in person or online, has grown into one of the most organized and comprehensive industry days “in Washington,” and it allows those in the freight rail industry to make connections with D.C. lawmakers who are responsible for formulating legislation that affects freight rail operations and business practices. Having these meetings sets the foundation for more and deeper discussions of freight rail interests, so ASLRRRA encourages its members and their employees to consider participating in this year’s events. Registration will open soon, so look for information via email and on ASLRRRA’s social media channels. There will be no cost for registration.



This screenshot from virtual Railroad Day in 2021 captures an image from a meeting with Representative Liz Cheney (R-Wyo.) (third row, right). Cheney was one of many federal legislators who personally joined Railroad Day Zoom meetings to speak with participants about the issues most important to the freight rail industry.

ASLRRRA Training Scholarships Help Individuals Further Their Career Goals and Improve Company Operations

Providing training directly to individuals is one way to ensure they have the knowledge they need to do their jobs properly. Another way is to make the path to training easier to navigate, which is what ASLRRRA achieves by awarding training scholarships funded using a generous donation from former Association board member Doug Golden.

Jonathan Marshall, a track maintenance manager at ASLRRRA member Iron Horse Terminals, attended the University of Tennessee-Knoxville's Tennessee Transportation Assistance Program (TTAP) Railroad Track Inspection and Safety Standards Course with the help of a scholarship from ASLRRRA. To ensure railroad employees have these opportunities, Association staff works diligently to support them and make obtaining funding as straightforward as possible.

"The overall process within [ASLRRRA] was very helpful," said Marshall "I was never in doubt throughout the whole process. [ASLRRRA's] team helped me through any questions I had and kept me very informed."

While Marshall is a licensed conductor, his duties at Iron Horse Terminals largely focus on managing track maintenance and overseeing other employees in the track maintenance department. Marshall's own drive to succeed in his railroad career encouraged him to attend the training course and apply for the scholarship, and the information he received will help him further improve his own job performance and the performance of his team.

"Track inspection is a critical thing to learn for any company," said Marshall. "One small detail can cause catastrophic events. So being able to prevent these such events will help me further my career and keep my fellow co-workers safe. Using what I have learned, I will be able to prevent serious accidents throughout my job facility."

Awarding scholarships to hard-working railroad employees like Marshall is akin to nudging a small snowball down a hill. Helping them attend important training courses like those provided by TTAP gets the snowball rolling, with individual drive adding to that momentum so that, in the end, employees have not only bettered themselves, they have the tools to make their workplace better, too.

Learn about ASLRRRA's Short Line Education Fund [here](#), or read more about the scholarships funded by the Doug Golden-Mary Cullen Charitable Fund in [this top article](#) in the Nov. 10 issue of our Views and News newsletter.



Photo Courtesy of Iron Horse Terminals

Jonathan Marshall takes track measurements during a rail inspection and safety course offered by the University of Tennessee-Knoxville. An ASLRRRA scholarship helped Marshall, who is a track maintenance manager at ASLRRRA member Iron Horse Terminals, pay for course registration fees and other related costs.

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U.S. District Court Ruling on Crew Size Stands

In December, the U.S. District Court for the Northern District of Illinois Eastern Division ruled in favor of The Indiana Rail Road Company, the Association of American Railroads (AAR) and ASLRRRA, saying that an Illinois crew size law is preempted by federal law.

The Attorney General of Illinois has decided not to appeal the ruling to the U.S. Court of Appeals for the 7th Circuit, ending the legal battle over the Illinois crew size law. ASLRRRA will continue to

advocate for its member railroads to operate without train crew staffing limitations at the state and federal levels as other challenges arise.

OSHA Withdraws Emergency Temporary Standard Concerning COVID Vaccines, Testing

On Jan. 25, the Occupational Safety and Health Administration (OSHA) [announced](#) it is withdrawing the November 2021, emergency temporary standard (ETS) on COVID-19 vaccination and testing. [This announcement](#) is in light of the Jan. 13 decision by the U.S. Supreme Court to stay the ETS, finding that challengers were likely to prevail on their claims.

The ETS would have compelled employers of 100 or more employees to develop, implement and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead adopt a policy requiring employees to either get vaccinated or elect to undergo regular COVID-19 testing and wear a face covering at work in lieu of vaccination.

OSHA noted that it is not, however, withdrawing the ETS to the extent that it serves as a proposed rule. OSHA strongly encourages vaccination of workers against the continuing dangers posed by COVID-19 in the workplace.

FRA Compliance Plans Updated to Reflect New MOW Employee Drug Testing Rate

The Federal Railroad Administration (FRA) annual random drug testing rate for maintenance-of-way (MOW) employees was reduced to 25 percent from 50 percent in 2022.

Full compliance model random plans for both railroads and contractors have been updated to reflect this change. Note that this is the only change from the previously issued plans. A railroad or railroad contractor choosing to reduce to the new minimum annual rate can use the new template(s) for submission to the FRA or may make the correction in their current plan for re-submission to the FRA. Either is acceptable. ASLRRRA members can [access the plans](#) by logging in to the Compliance

Templates page in the Safety & Compliance section of ASLRRRA's website. Find them under Part 219 – Control of Alcohol and Drug Use.

A railroad or railroad contractor choosing not to adjust the rate should simply continue to test at the rates currently listed on their approved or accepted random plan. In all cases, any other changes that are needed in a plan should be immediately updated and submitted with a brief description of the changes in the body of the email. A [memo](#) has been released detailing a change of Lead Medical Review Officer (MRO) for University Services for anyone needing to update this MRO information when resubmitting plans.

Those testing monthly should update and send their plans by the last week of the month. Those testing quarterly should wait until the first week of March to update and send plans. Please send all submissions to Sam Noe at Sam.Noe@dot.gov. Those with other questions can contact ASLRRRA's JR Gelnar at jrgelnar@aslrra.org.

Ohio Rail Commission Joins Other State Agencies Accepting Grant Funding Applications

The Ohio Rail Development Commission (ORDC) is accepting rail grant applications, which it does on a rolling basis throughout the year. The ORDC has awarded grants to [several ASLRRRA railroad and supplier members](#) for rail projects in the past few years.

This month, ORDC announced it had [approved a grant of up to \\$525,768](#) for ASLRRRA railroad member Indiana and Ohio Railway's siding improvement project. In the same round of awards, ORDC also [approved \\$100,000](#) to packaging products manufacturer APackaging Group, which is building its first U.S. manufacturing facility on the line of ASLRRRA member Napoleon Defiance and Western Railway and using the money for rail infrastructure.

ORDC accepts [grant and loan applications](#) any time during the year, and they can be submitted before or after the applicant speaks with ORDC Project Development staff about the proposed project. The application itself is a single page, which applicants send in with a short project narrative.

Virginia and Minnesota are also accepting grant applications for their respective rail funding programs, but those have finite due dates that are quickly approaching. Applications for [Virginia Department of Rail and Public Transportation \(DRPT\) grants](#) are due Feb. 1, and [applications](#) for the [Minnesota Rail Service Improvement Program](#) (MRSI) grant program are due by March 1. To help prospective MRSI grant applicants, program representatives will hold an [informational meeting](#) tomorrow, Jan. 27.

In addition to all these grant opportunities, ASLRRRA expects the DOT to issue notices of funding opportunity for [Infrastructure for Rebuilding America](#) (INFRA) and [Port Infrastructure Development Program](#) (PIDP) grants by the end of February.

ASLRRRA encourages its short line members to explore these funding options. To help members navigate the grant process, ASLRRRA's [Member Discount Program](#) Preferred Providers [Bergmann, HDR, Inc.](#) and [Global Train Services](#) (GTS) offer grant-writing services at special pricing to Association members.

FRA Releases Updated NEPA Categorical Exclusion Guidance

The Federal Railroad Administration (FRA) has released an update of its [Categorical Exclusion Companion Guide](#).

A categorical exclusion (CatEx) is the lowest level of "class of action" for compliance with the assortment of environmental laws and permitting requirements under the [National Environmental Policy Act \(NEPA\)](#). It is a designation reserved for federally funded projects that are not expected to have a significant impact on the environment, defining project types and scopes that are "categorically

excluded" from greater NEPA action and due diligence, such as rehabilitation of existing track or minor additions to track. The guide accompanies the FRA's [Categorical Exclusion Worksheet](#).

NEPA due diligence does not have to be complete in order to apply for federal grant funds, and the FRA will not formally review NEPA documentation for applications for funding that have not yet received an award. But NEPA clearance is a precedent to execution of a grant agreement from the federal government, after an award is announced.

Applicants for funding should understand the NEPA class of action that their proposed project is likely to fall under – CatEx, Environmental Assessment (EA), or Environmental Impact Statement (EIS) – and be able to communicate the rationale for this as best possible at the time of grant funding application. It is an important component of application competitiveness in the areas of readiness and risk mitigation.

Numerous grant opportunities that short lines may apply for, directly or with public partners, will be available in 2022. Rebuilding American Infrastructure with Sustainability and Equity ([RAISE](#)) should open by the end of this month, with the notice of funding opportunity to be posted [here](#), while Infrastructure for Rebuilding America ([INFRA](#)) and Port Infrastructure Development Program ([PIDP](#)) grants are expected to open in February.

There will be \$500 million for a new FRA-run grade crossing grant program, and Consolidated Rail Infrastructure and Safety Improvements ([CRISI](#)) 2022, where short lines can apply directly, is expected to open promptly once fiscal year 2021 CRISI awards are announced, with an expected unprecedented \$1 billion in funding. Thanks to the [Bipartisan Infrastructure Law](#), all these programs should be consistently well-funded through 2026, creating many opportunities for railroad project sponsors to pursue grants.



Pressure Increases on Congress to Pass a Full-Year Spending Bill

With both the House and Senate out of session this week, the U.S. Department of Transportation (DOT) and outside groups are ramping up pressure on Congress to pass a full-year transportation appropriations bill through the rest of the fiscal year.

Federal spending is still governed by a short-term continuing resolution that expires on Feb. 18, including many transportation programs. Without a long-term bill, the DOT and many states and local governments will be hamstrung in carrying out the ambitious policy and funding measures in the new Infrastructure Investment and Jobs Act (IIJA). Implementation of new programs authorized in the IIJA would be delayed, as would increases to spending levels for transportation programs, including those that would benefit short lines.

A letter recently sent from a coalition of highway-focused transportation-industry organizations to House and Senate leadership urges them to pass a fiscal year 2022 transportation appropriations bill as soon as possible. ASLRRRA staff has engaged in similar advocacy, urging Congress to pass a full-year transportation bill that provides robust funding to programs important to the short line freight rail industry.

Legislative Team Connects with More Legislative Offices

ASLRRRA's legislative team continues to meet with Capitol Hill offices to educate staff on issues critical to short line railroading. This week, the team is focusing on members of the House who sit on both the Transportation and Infrastructure Committee and the Agriculture Committee.

The team is educating new House staff members about railroad operations and explaining top priorities like crew-size mandates and funding for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program, while discussions with Agriculture Committee staffers are exploring possible partnerships when legislators begin drafting farm bills.

These offices include:

- Rep. Tim Burchett (R-Tenn.)
- Rep. Sean Patrick Maloney (D-N.Y.)
- Rep. Antonio Delgado (D-N.Y.)
- Rep. David Rouzer (R-N.C.)
- Rep. Doug LaMalfa (R-Calif.)
- Rep. Rodney Davis (R-Ill.)

A yellow banner with white and black text. On the right side, there is an illustration of a laptop computer. The laptop screen shows a person's head and shoulders in a circular frame, with a red bar below it and a white mouse cursor pointing at it. To the right of the laptop is a clock icon and a coffee cup icon with steam rising from it.

ASLRRRA SAFETY & TRAINING
Reasonable Suspicion Drug & Alcohol Signs
and Symptoms Training Video
Visit www.aslrra.org/safety for more info

ASLRRRA New Members

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

ASLRRRA Welcomes New Member TexAmericas Center



[TexAmericas Center](#), based on the Texas side of Texarkana, is a new associate switching member of ASLRRRA. It provides value-added supply chain services that support companies' rail, warehouse, distribution, BTS, and logistics needs by providing third-party logistics, transload, and railcar storage, switching, and movement services. Its 12,000-acre industrial park is centrally located to serve the mid-south market of Texas, Arkansas, Louisiana, Oklahoma, and beyond. General Manager of Rail and Transload Operations [Darrell Thompson](#) is our primary contact and can also be reached on (430) 610-8222.

ASLRRRA Members of Note

Fast Trackers Award Winners Include ASLRRRA Members

Railway Age magazine [announced the winners](#) of its Fast Trackers 25 Under 40 awards, recognizing those who are "making an impact in their respective fields or within their company." Of the 25 award winners, 10 are employees at ASLRRRA-member companies.

This year, *Railway Age* chose 25 winners, up from 20, in response to a larger pool of top-notch nominees. The 2022 honorees represent all facets of the railroad industry, including freight and passenger railroads, government agencies and supplier companies.

Profiles recognizing each Fast Tracker will be published in the February issue of *Railway Age*. ASLRRRA congratulates all these exceptional industry professionals.

- Zachary Boehme, Assistant Vice President-Industrial Development, Genesee & Wyoming Railroad Services, Inc.
 - Damien Cantrell, Assistant Vice President-Rail and Liquids, Watco
 - Ben Dobernecker, Project Director-Trainsets, Siemens Mobility
 - Shanda Durbin, Vice President-Human Resources, Herzog
 - Cait Hicok, Product Team Lead, The Greenbrier Companies
 - Milan Karunaratne, Director-Digital Advanced Technologies and Applied Innovation, Wabtec
 - Clayton Miller, Product Manager-Asset Characteristics, Railinc
 - Jason Murray, Director-Construction Observation, RailPros
 - Christina Roberts, Treasurer, Patriot Rail Company
 - Lionel Thompson, Assistant Roadmaster, Florida Central Railroad Company
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ASLRRRA Announcements

New Intern to Work with Regulatory, Legislative Teams



ASLRRRA welcomes new intern Ava Donath. Donath will work in the Association's D.C. office with its regulatory and legislative teams, helping organize Railroad Day on Capitol Hill events and learning more about the nuances of railroad policy.

Donath's desire to intern with ASLRRRA was driven by the Association's work with rural communities and the railroads she knew in her hometown of Central, Illinois.

"Growing up in a small town being surrounded by family-owned short lines, I saw firsthand the implications policy has on them whether it be positive or negative," said Donath. "Interning with ASLRRRA will allow me to explore my curiosity and show me the ways that the rail industry can be positively advocated for."

Donath recently earned her associate degree in political science. Prior to joining ASLRRRA she was an assistant preschool teacher. Donath has also been an intern at the office of Senator Tammy Duckworth (D-ILL.), and worked for the campaigns of Betsy Londrigan, Senator Jon Ossoff (D-Ga.) and Senator Raphael Warnock (D-Ga.)

ASLRRRA Training Videos Enable Members to Meet FRA Requirements

ASLRRRA is dedicated to railroad safety and compliance and strives to assist members with industry best practices and compliance throughout their operations by offering essential resources, including [training videos](#) that are available as a direct download from the association website.

The [Reasonable Suspicion Drug & Alcohol Signs and Symptoms Video](#) provides detailed direction on drug and alcohol testing guidelines. This video teaches railroad workers how to recognize possible impairment, what substances to test for, how to conduct a proper test, and steps to take in case of a positive test, among many other components. Part 219.11(g) requires signs and symptoms training for supervisors of regulated employees. Training with this video will ensure compliance.

This video, as well as a [Post-Accident Toxicological Testing Video](#), are available at no cost to ASLRRRA members and to non-members for a fee. Visit www.aslrra.org/safety to access the full complement of safety and compliance tools, resources and information available from ASLRRRA.

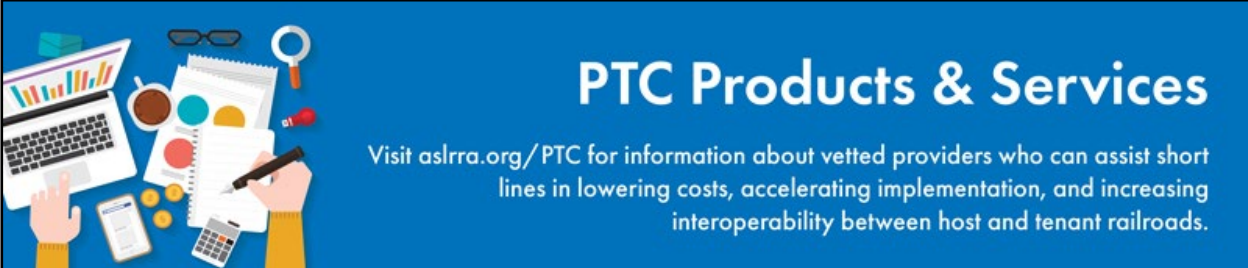
Meet Positive Train Control Requirements with Help from ASLRRRA's Preferred Providers

Positive Train Control (PTC) is one of the most complex technologies mandated for freight railroads to date and its implementation has been an unprecedented challenge, particularly for short line railroads.

ASLRRRA has secured grant funding and leveraged capabilities under its own Member Discount Program to qualify sources, develop products and services, and secure agreements to aid Class II and III railroads in PTC implementation. These vetted companies are able to provide solutions that will assist short lines in lowering costs, accelerating implementation, and increasing interoperability between host and tenant operations.

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Visit our [Member Discount Program page](#) and select PTC Products & Services to learn more and start saving today.

A blue banner with white text and illustrations of business tools like a laptop, calendar, and calculator. The text reads: "PTC Products & Services" and "Visit aslrra.org/PTC for information about vetted providers who can assist short lines in lowering costs, accelerating implementation, and increasing interoperability between host and tenant railroads."

PTC Products & Services

Visit aslrra.org/PTC for information about vetted providers who can assist short lines in lowering costs, accelerating implementation, and increasing interoperability between host and tenant railroads.



ASLRRRA Webinars – Live or On-Demand

Upcoming Webinars

[TSA Security Directive 1582-21-01 Compliance](#) – Feb. 8, 2022

Rick Holmes of Union Pacific Railroad and Seenu Chundru of PS Technology will talk about approaches short lines can take toward fulfilling the Transportation Security Administration's Directive 1580/1582-21-01. The deadline for compliance is March 31. Holmes will explain what short lines can do to meet this new requirement and prepare for probable legislation surrounding this directive.

This webinar is free for ASLRRRA members.

Thank you to sponsor

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[Freight Emissions, Carbon Accounting and Sustainability](#) – Feb. 9, 2022

In this webinar, EPA's SmartWay program will give an overview of the accounting tools and metrics it provides freight carriers, including railroads, to measure and track their greenhouse gas (GHG) emissions. SmartWay's metrics and reports are used and accepted by several leading climate reporting platforms, including the World Resources Institute's GHG protocol, CDP, and the Global Logistics Council. Railroads can use these tools to help support and develop their sustainability plans, as well as the plans of their shipper partners, suppliers, and other stakeholders.

This webinar is free for ASLRRRA members.

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

Industry Events and Announcements

[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.