

BEFORE THE
FEDERAL RAILROAD ADMINISTRATION

DOCKET NO. FRA-2023-0011:
REQUEST FOR INFORMATION: USES FOR CREOSOTE-TREATED RAILROAD TIES

COMMENTS OF
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

The American Short Line and Regional Railroad Association (“ASLRRA”), on behalf of itself and its member railroads, submits the following comments in response to the Federal Railroad Administration (“FRA”)’s Request for Information (“RFI”) on potential uses and options for disposal or repurposing used creosote-treated railroad ties (“CTRT”s), which are the wooden rail cross-ties that support the rail track.¹

ASLRRA is a non-profit trade association representing the interests of the nation’s approximately 600 Class II and Class III (short line) railroads. Short lines operate nearly 50,000 miles of track, or approximately 30% of the national freight network, and employ approximately 18,000 people, thereby playing a vital role in the railroad industry’s strong safety record. The overwhelming majority of short line railroads are considered small businesses by FRA’s Policy Statement Concerning Small Entities.² These small businesses succeed in a competitive environment because of their flexibility, cost control, and customer-driven service.

¹ 88 Fed. Reg. 25,054 (April 25, 2023).

² See 49 CFR Part 209, Appendix C.

ASLRRA and its member railroads are also aware of the recent research mentioned in the RFI regarding a pyrolysis process than can recover creosote and produce a material called biochar from CTRTs.³ ASLRRA supports FRA’s efforts in this matter is therefore seeking feedback, including information about initiatives and pilot studies, on how CTRTs could be reused or repurposed as an alternative to landfilling, including information regarding the biochar process.

ASLRRA and its member railroads support sustainable efforts to repurpose CTRTs. Since 2018, ASLRRA has been engaged in an effort petitioning the Environmental Protection Agency (“EPA”) to amend the legitimacy criteria in 40 C.F.R. Part 241, the conditions applicable to units combusting CTRTs and other wood preservatives and other materials as Non-Hazardous Secondary Materials (“NHSM”) fuels, and the definition of “Paper Recycling Residuals” (“PRR”). The various regulatory changes requested include:

1. Changing the legitimacy criterion for comparison of contaminants in the NHSM to the traditional fuel the unit is designed to burn from “must,” a mandatory requirement, to “should consider.”
2. Removing associated design-to-burn and other limitations for CTRTs.
3. Revising the definition of paper recycling residuals (“PRR”) to remove the limit on non-fiber materials in PRR that can be burned as a non-waste fuel.

In response to EPA’s proposed denial of the petition, ASLRRA and its coalition partners shared that, using CTRTs for energy production (and keeping them out of landfills) supports the Biden Administration’s and EPA’s stated climate change goals and offers better overall

³ Id.

protection of human health and the environment.⁴ As has been demonstrated and generally recognized by EPA, using CTRTs for combustion reduces use of landfill capacity, reduces release of methane from landfills, and offsets fossil fuel use and GHG emissions with renewable biogenic fuel use.⁵

ASLRRA supports efforts to find alternative options to keep CTRTs out of landfills. We welcome further collaboration with FRA on this important initiative. We encourage FRA to further its efforts into repurposing CTRTs into biochar and suggest the agency partner with a CRISI grant recipient to use a portable pyrolysis machine as part of a tie replacement program or potentially a project out of the Office of Research, Development and Technology.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sarah Yurasko".

Sarah Yurasko
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June 26, 2023

⁴ See EPA-HQ-OLEM-2020-0550-0011.

⁵ See C. Bolin and S. Smith, "Life Cycle Assessment of Creosote-Treated Wooden Railroad Crossties in the US with Comparisons to Concrete and Plastic Composite Railroad Crossties," *Journal of Transportation Technologies*, Vol. 3 No. 2, 2013, pp. 149-161. doi: 10.4236/jtts.2013.32015.