



## In This Issue:

- **The Staggers Act Anniversary is Friday** – In 1980 passage of the Staggers Rail Act triggered the growth of the modern-day short line freight railroad industry. Read about this pivotal law in our [Legislative Update section](#) below.

## Headlines

### Seminole Gulf Faces Uphill Battle to Restore Service After Hurricane Ian

While much of the U.S. has put Hurricane Ian in the rearview mirror since the storm first made landfall in Southwest Florida on Sept. 28, many of those in the region, including the area's only short line freight railroad, face months of work to rebuild homes, roads and local infrastructure.

ASLRRRA member [Seminole Gulf Railway](#) (SGLR), a Class III railroad based in Fort Myers, Florida, [suffered significant](#) losses due to Hurricane Ian. In SGLR's Fort Myers Division four bridges were destroyed and two others left with major damage. SGLR also lost its locomotive barn, some storage trailers and equipment in its Fort Myers railyard.

The company's Arcadia railyard also flooded, causing further loss of motive power and heavy equipment. Meanwhile, tracks in some areas are still covered by debris, sand and water. SGLR expects it will take upwards of \$25 million and six months to repair and replace SGLR's bridges and track washouts and restore service to the area.

"It's going to be a long road to recovery," wrote SGLR Vice President Laura Fay in an email to ASLRRRA.

The SGLR's well-known [Murder Mystery Dinner Train](#), a combined dinner-and-a-show round trip from Fort Myers, has also, for now, canceled its excursions through October and into November. Fay hopes the dinner train can reopen soon, albeit likely with modifications.

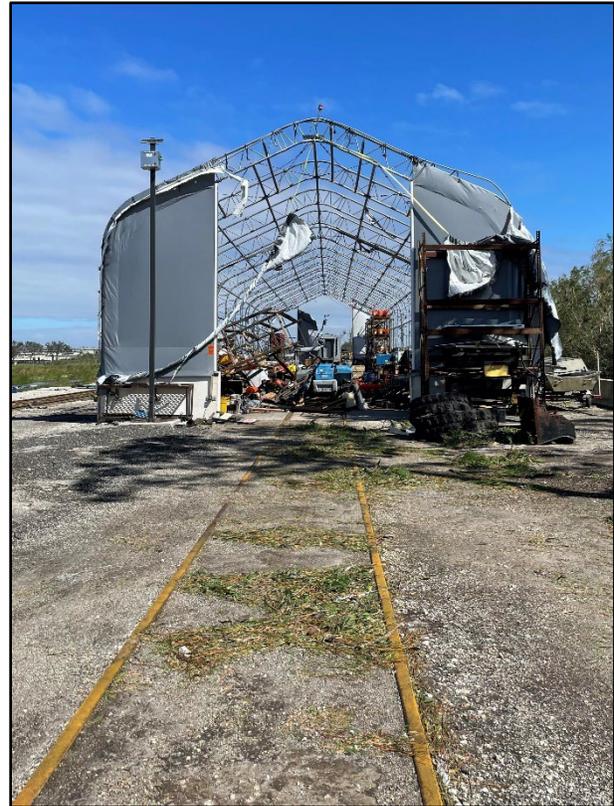
Losing freight rail service through SGLR further hampers local storm recovery efforts, as the railroad hauled a significant portion of the region's propane, lumber and building supplies, including drywall, plywood, rebar and materials for concrete. SGLR generally moves [roughly 2,500 carloads of freight](#) annually, which is equal to 10,000 truckloads. According to Fay, that amount can triple when restoration efforts, like those currently underway, are taking place.

Until SGLR can resume freight shipments to Fort Myers and Naples some of its customers will have to divert their goods to SGLR's Sarasota Division for final movement by trucks. The railroad is also working to increase capacity on its Sarasota line to accommodate diverted traffic.

Images of damage to SGLR's rail line have been featured heavily in media coverage of Hurricane Ian's aftermath. Florida Governor Ron DeSantis [held a press conference](#) in front of one of SGLR's flooded rail crossings, and NBC News' Sam Brock gave an [update on recovery efforts](#) with one of SGLR's washed-out bridges in the background. Representative Scott Franklin (R-Fla.) also posted aerial pictures of severe flooding, including portions of SGLR track, to his [Facebook](#) and [Twitter](#) pages.

ASLRRA has been working to connect SGLR with Florida's congressional offices to help with disaster relief efforts and is also trying to help affected members in other ways, including attempts to get short- and long-term relief passed in some kind of legislative bill once lawmakers return to Capitol Hill after midterm elections.

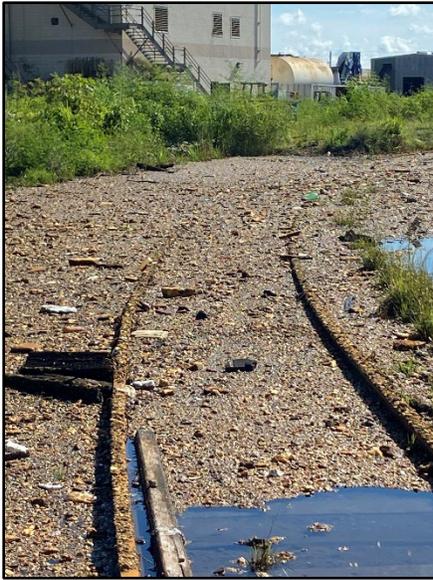
ASLRRA currently offers some emergency information online through its [Disaster Preparedness and Response Resources](#) website. These resources include downloadable templates for disaster planning and recovery, as well as links to ASLRRA's relevant on-demand webinars and federal agencies offering more details.



*These photos courtesy of Seminole Gulf Railway show the extent of the damage the railroad suffered due to Hurricane Ian. The image to the right was taken just yesterday.*

*Other examples of Hurricane Ian's effect on SGLR infrastructure include (clockwise from top left) flooded tracks, the exposed frame of a locomotive barn, damage to the Peace River Bridge, a washed-out bridge over the Caloosahatchee River and more debris-covered rail lines.*





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

Click to learn more!



## Regulatory Update

### Post-Accident Testing Criteria Flowchart Available on FRA Website

On Oct. 5, the Federal Railroad Administration (FRA) [posted a copy](#) of its post-accident testing criteria flowchart online.

The flowchart helps companies determine whether an incident necessitates an FRA post-accident drug or alcohol test. The chart, which was effective Jan. 1, 2022, expires on Dec. 31.

### FRA NPRM Amends Training Rules for Certain Railroad Employees

A [notice of proposed rulemaking](#) (NPRM) issued by the Federal Railroad Administration (FRA) would amend regulations on Training, Qualification, and Oversight for Safety-Related Railroad Employees to codify agency guidance and clarify current requirements. The FRA issued the NPRM in response to petitions for rulemaking filed by various associations including ASLRRRA.

According to the FRA, by clarifying existing regulations the proposed rule will help improve compliance and make it easier for the FRA to administer rule requirements. The rule also removes obsolete regulatory provisions.

ASLRRA is reviewing this NPRM and will comment on the proposed rule. The comment period ends Dec. 2.

### **Letter from FRA Reminds Railroads of Speed Limit Action Plan Requirements**

The Federal Railroad Administration's (FRA) Associate Administrator for Railroad Safety Karl Alexy [sent a letter](#) to ASLRRA President Chuck Baker, Association of American Railroads President and CEO Ian Jefferies and leaders of transit rail organizations asking them to remind their railroad members about the Speed Limit Action Plans codified in the Fixing America's Surface Transportation Act (FAST Act) and updated by the Infrastructure Investment and Jobs Act (IIJA).

By Nov. 15, railroads providing intercity and commuter rail passenger service must review and update their Speed Limit Action Plan to ensure the effectiveness of actions meant to "enable warning and enforcement of the maximum authorized speed for passenger trains." The letter goes on to outline other key aspects of the law's requirements including possible exemptions for segments of track governed by positive train control (PTC).

### **Reports Discuss Results of Different Freight Rail Studies**

Two reports from the Federal Railroad Administration (FRA) discuss very different rail-industry topics.

A [trackwork inspection study](#) cosponsored by the Transportation Technology Center, Inc., examines the feasibility of using a low-frequency ultrasonic testing nondestructive evaluation model to identify internal flaws in special trackwork material. The study showed that ultrasonic testing could identify such flaws, an improvement over current best practices that involve repairing visual cracks using grinding materials.

The second report discusses [rail suicide data](#) and its many forms in an effort to understand how existing data can be used to develop effective rail suicide mitigation and prevention strategies. To conduct this study researchers evaluated 49 peer-reviewed journal articles from 16 countries, all published between 1985 and 2021. Findings show that multiple data sources are needed to best understand rail suicide, and understanding such data is key to developing mitigation strategies that work.

## **Legislative Update**

### **Staggers Rail Act, Which Sparked the Growth of the Short Line Freight Rail Industry, Turns 42 This Friday**

October 14 marks 42 years since the passage of the Staggers Rail Act, a bill that deregulated railroads and created the modern short line freight rail industry.

Although freight rail has played a crucial role in the building of America's industry and economy since the first U.S. railroad was chartered by Baltimore merchants in 1827, by the 1970s strict government regulation had brought the rail industry to its knees. Many railroads went bankrupt, unsafe conditions were rampant and companies often put off important infrastructure maintenance because they could not afford it.

Finally, in 1980, Congress took steps to rectify the situation by passing the Staggers Rail Act, addressing many of the most restrictive regulations that had been hamstringing railroads. Thanks to the Staggers Act, railroads could now control pricing, enter into confidential contracts with shippers and, importantly, sell rail lines, often under- or low-performing segments in smaller towns, to entrepreneurial individuals who built thriving short line railroad companies.

Since then, these [short line railroads](#) have come to total 603 companies, moving one in five railcars annually and operating 47,500 route miles in 49 states. Thanks to the Staggers Act, the short line freight rail industry provides the first- and last-mile service necessary to keep America's small towns and rural farmers connected to the national and global markets. Short lines also service big U.S. cities, helping keep large, heavy trucks from adding to congestion and increasing wear-and-tear on local roads.

These days, ASLRRA member railroads continue to [pursue excellence](#) in freight shipping, working hard to balance the [needs of their customers](#) with [environmental considerations](#) and an eye toward pursuit of cutting-edge technology to continuously increase operational [safety](#) and efficiency



## Announcements

### Time is Running Out to Register for ASLRRA's Central and Pacific Regional Meeting

ASLRRA's [Central and Pacific Region Meeting](#) will kick off in less than two weeks, leaving little time for interested participants to reserve their seat at this important event.

The scope of this year's education sessions is wide, covering topics such as cyber security and hazardous materials response and featuring representatives from federal agencies, Class I railroads and shipping companies.

Participants also have the opportunity to network with their fellow short line railroaders, session speakers, meeting sponsors and ASLRRA staff during networking breaks, the Young Professionals Social Hour and an opening reception.

[Register today](#) to join ASLRRA Oct. 25-27 in Milwaukee, Wisconsin.

### Finance and Administration Seminar, General Counsel Symposium Offer Industry- and Profession-Related Information

Also taking place Oct. 25-27 in Milwaukee, Wisconsin, are ASLRRA's [Finance and Administration Seminar](#) and [General Counsel Symposium](#). These targeted events allow attendees to learn more about short line freight rail industry issues as they relate to the legal, financial and human resources fields.

Continuing legal education credits (CLEs) are also available to General Counsel Symposium participants. ASLRRA is also still welcoming sponsors for these two events as well as the regional meeting. Click [here](#) to learn more about sponsorship opportunities.

## ASLRRA Members Receive Preferred Pricing on Drug and Alcohol Testing Services Through Spark TS

Spark TS is the exclusive Preferred Provider of drug and alcohol testing services in ASLRRA's Member Discount Program. Spark is passionate about helping railroads and contractors meet Federal Railroad Administration (FRA) drug and 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'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 or 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](http://www.aslrra.org/discounts) and click on the [Spark TS](#) logo to learn more!

## Registration is Open and Scholarships are Available for the 2023 FRA Drug and Alcohol Training Seminar

Register today for ASLRRA's first training seminar of 2023!

Presented by the Federal Railroad Administration's (FRA) Drug and Alcohol Program Specialist Sam Noe, the FRA Drug and Alcohol (Part 219) Training Seminar will be held Jan. 31 to Feb. 1 in Phoenix, Arizona.

This essential two-day seminar will provide an in-depth review of Part 219, covering all sections of the rule and requirements for all railroads and contractors and including interactive discussion of rule requirements and practices. Don't delay - ASLRRA's 2022 Part 219 seminar filled up quickly! View complete details and [register online](#).

Training scholarships are available to employees of small railroads and awards cover up to \$1,200 in expenses for registration, travel and lodging. View [scholarship criteria](#) and apply online!

## Resources Help Members Comply with Federal Training Requirements

ASLRRA strives to assist members with industry best practices and compliance throughout their operations by offering a wealth of [safety and compliance resources](#). Training videos are a popular and important safety resource available as a direct download from the Association website.

The "[Post-Accident Toxicological Testing Video](#)" is an interactive training video that provides instruction on when and how to administer post-accident drug and alcohol tests. ASLRRA also offers a "[Reasonable Suspicion Drug & Alcohol Signs and Symptoms Video](#)" that provides detailed direction on drug and alcohol testing guidelines.

Visit [www.aslrra.org/safety](http://www.aslrra.org/safety) to access the full complement of safety and compliance tools, resources and information available from the ASLRRA.

## Don't Forget - Send Your Railroad's Holiday Information to ASLRRA

In anticipation of the upcoming holiday season, ASLRRA is collecting information regarding events its members may be holding, such as themed train rides and charity events.

Many ASLRRA members make special plans for the winter season. The Association will share the information it collects about these events through various communication channels, which may include future issues of *Views & News* and social media. Please email ASLRRA's [Communications Team](#) with all your holiday happenings.

## ASLRRA Out and About

### Gitchell Travels to New Orleans to Attend AAR Committee Meeting

A new week means a new work trip for ASLRRA's Assistant Vice President, Legislative and Regulatory Crystal Gitchell. This week, Gitchell traveled to New Orleans for the Association of American Railroads (AAR) State Relations Policy Committee meeting. It was held Oct. 12 to 14.

Gitchell represents ASLRRA on the committee, which works on state legislation affecting the entire rail industry. Topics covered include utility access, truck size and weight and environmental issues.

### Baker's *Railway Age* Column Looks at Current Events in the Railroad Industry

In the [October issue](#) of *Railway Age* magazine, ASLRRA President Chuck Baker discusses the recent rail labor negotiations, the Freight Rail Shipping Fair Market Act, the Association's legislative advocacy efforts and its upcoming regional meeting.

Baker noted that the threat of a nationwide freight rail shutdown brought to the fore the crucial role railroads play in the U.S. economy. He pointed out that a shutdown would have coincided with the fall harvest season, with devastating effects on the nation's farmers, food processors and others.

Short line railroads, Baker goes on to write, are intimately connected with America's agricultural industry and especially its rural farmers. He voices concern over some of the provisions in the Freight Rail Shipping Fair Market Act and talks about how ASLRRA is working to develop a legislative proposal for the 2023 Farm Bill reauthorization that would provide federal assistance for infrastructure projects that improve rail service to agricultural customers.

Short line freight rail representatives and stakeholders will discuss rural rail service and other important industry topics at ASLRRA's Central and Pacific Region Meeting, writes Baker, emphasizing the diverse educational opportunities the meeting will offer. ASLRRA's [Central and Pacific Region Meeting](#) takes place Oct. 25-27 in Milwaukee, Wisconsin, in conjunction with the Association's Finance and Administration Seminar and General Counsel Symposium.

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

Jan 31-Feb 1, 2023 | Phoenix, Arizona

**Space is Limited - Register Today!**



## ASLRRA Webinars

### Upcoming Live Webinars

[FRA CRISI Funding: Locomotive Replacement Provision](#) – Oct. 20, 2022

The Federal Railroad Administration's Senior Advisor for Climate and Sustainability Mike Johnsen will provide a review of the Locomotive Replacement Provision of the Consolidated Rail Infrastructure and Safety Improvement (CRISI) grant program, which provides funding for rehabilitation or replacement of locomotives resulting in "significant" emissions reductions.

[ASLRRRA Part 219 Education Materials and Correction Affidavits](#) – Nov. 10, 2022

Join Holly Rainwater, vice president of drug and alcohol programs at Spark TS, Mitch Harris, director of safety, training and regulatory compliance at Rio Grande Pacific, and JR Gelnar, vice president of safety and compliance at ASLRRRA to discuss the recently developed Part 219 drug and alcohol educational materials and multiple Correction Affidavits. A working group was established by the Safety and Training Committee to develop these materials to better assist the membership in the requirements of Part 219.

## **On-Demand Webinars**

### **Learn About Railroad Retirement Eligibility and Benefits With ASLRRRA's Recorded Webinars**

Information from the Railroad Retirement Board (RRB) is important to our members. Those looking to better understand eligibility requirements and retirement and disability benefits can find recordings of a three-part series presented by RRB District Manager Jodi Huskey discussing these and other related topics.

Log in to [ASLRRRA's On-Demand Webinar page](#) to view the following recordings:

- RRB General Eligibility and Employee Benefits
- RRB Spouse Benefits and Working After Retirement
- RRB Survivor Benefits and General Information

Visit ASLRRRA's [webinar homepage](#) and log in to view all the titles in the Association's webinar library. Most of the recordings also have a copy of the accompanying PDF presentation available for download. ASLRRRA members can access all the recordings any time for free, while non-members can purchase a subscription.

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

## **Industry Events and Announcements**

### **Nov. 17: FRA's Virtual Workshop Will Discuss Clean Energy Technologies**

The Federal Railroad Administration (FRA) will hold a virtual workshop on Nov. 17 titled "[Emerging Technologies and Safety in Rail](#)." The workshop's focus will be on how to use clean energy technology to improve safety, efficiency and sustainability in the rail industry.

The workshop is a precursor to an in-person event scheduled for May 2023 in Denver, Colorado, which will also discuss ways to use technology to decarbonize the rail industry without compromising performance. Click here to view the [virtual workshop portal](#) and register to participate.

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.