



American Short Line and Regional Railroad Association

February 8, 2023

Railroad Waiver Participant
Docket No. FRA-2009-0078
Hours of Service Waiver
Exhibit A

Dear Railroad Waiver Participant:

As you know, the above-referenced waiver provides railroads relief from the provisions of 49 U.S.C. 21103(a)(4), which, in part, requires a train employee to receive 48 hours off-duty after initiating an on-duty period, each day, for six consecutive days. The existing waiver allows employees, working for railroads that are subject to the waiver, to receive 24 hours off-duty after initiating an on-duty period, each day, for six consecutive days.

On July 5, 2022, ASLRRA petitioned the Federal Railroad Administration (FRA) to expand the regulatory relief granted in the docket to include thirteen additional railroads as parties to the waiver. On January 30, 2023, FRA concluded that granting ASLRRA's request is in the public interest and consistent with railroad safety.

FRA has requested that ASLRRA confirm with your railroad that you routinely utilize the relief provided in this docket and have a continued need for the relief. If you find that you no longer have a continuing need for the relief, please notify ASLRRA so that FRA can be advised that your railroad can be removed from Exhibit A

Further, FRA has stipulated the following conditions:

1. Employees working both 6-day scheduled assignments, and 5-day scheduled assignments followed by a 6-day unscheduled assignment resulting in 6 consecutive days of initiating on-duty periods that do not extend into the early morning hours (midnight to 6 a.m.), may receive 24, rather than 48, hours off duty.
2. The hours of service record of any employee working an assignment subject to this waiver must include a notation that this waiver applies to the assignment covered by that individual record (e.g., notation could read "Waiver Docket No. FRA-2009-0078 applies").
3. Nonunion railroads are required to present the terms of this waiver to train employees hired after the date of this letter and have them acknowledge either support or opposition to the waiver. This acknowledgment must be placed with the same documentation used to

fulfill the joint filing requirement and be made available to FRA upon request. If at any time, employee support for the waiver drops below 50 percent, the railroad will no longer be eligible to work under the conditions of the waiver.

4. Waiver participants must immediately report any accident/incident involving human factors to their appropriate FRA Safety Management Team (SMT), SMT 2 or 8.

Please contact Crystal Gitchell, AVP, Legislative & Regulatory, if you have any questions or concerns regarding this waiver. Ms. Gitchell may be reached at (202) 585-3442 or via email at cgitchell@aslrta.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Strang". The signature is written in a cursive style with a large initial "J" and "S".

Jo Strang
SVP, Safety Regulatory, and Environmental Policy

Attachments:

FRA January 30, 2023, Decision Letter

FRA October 15, 2010, Decision Letter

Exhibit A: List of Participating Railroads as of January 30, 2023



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA E-MAIL ONLY

January 30, 2023

Ms. Sarah G. Yurasko
General Counsel
American Short Line and Regional Railroad Association
SYurasko@aslrra.org

Re: Docket Number FRA-2009-0078

Dear Ms. Yurasko:

This letter is in response to the July 5, 2022, petition from the American Short Line and Regional Railroad Association (ASLRRRA) to the Federal Railroad Administration (FRA). In its petition, ASLRRRA requested that FRA expand the regulatory relief granted in Docket Number FRA-2009-0078 to include thirteen additional ASLRRRA member railroads as parties to the waiver. The ASLRRRA member railroads that seek to become parties to the subject waiver are:

- Elkhart and Western Railroad
- Fort Smith Railroad
- Garden City Western Railway
- Gettysburg and Northern Railway
- Georgia Southern Railway Company
- Huron and Eastern Railway¹
- Indiana Southwestern Railway
- Keokuk Junction Railway Company
- Kendallville Terminal Railway Company
- Merced County Central Valley Railroad
- Michigan Southern Railroad Company
- Mississippi Central Railroad
- Napoleon, Defiance, and Western Railway

¹ ASLRRRA noted that Huron and Eastern Railway has been operating under this waiver since 2010, but due to a clerical error, it was not included in the list of waiver participants.

The existing waiver provides railroads relief from the provisions of 49 U.S.C. 21103(a)(4), which, in part, requires a train employee to receive 48 hours off-duty after initiating an on-duty period, each day, for 6 consecutive days. The existing waiver allows employees, working for railroads that are subject to the waiver, to receive 24 hours off-duty after initiating an on-duty period, each day, for 6 consecutive days.

FRA notes that ASLRRA expressed in its request that the thirteen above-referenced railroads sought employee input concerning the waiver request, and that the affected employees at each railroad support the waiver. ASLRRA also expressed that employee input concerning the waiver had been documented and will be made available to FRA upon request. Accordingly, FRA has determined that the thirteen above-referenced railroads have met the joint filing requirement of the hours of service laws.

FRA's Railroad Safety Board (Board) carefully reviewed and considered ASLRRA's petition, the findings of FRA's field investigation, and FRA's technical staff findings, and it has concluded that granting ASLRRA's request to add as parties to the existing waiver in Docket Number FRA-2009-0078 the thirteen ASLRRA member railroads identified in its July 5, 2022, petition is in the public interest and consistent with railroad safety.

Accordingly, the Board grants ASLRRA's request to amend Exhibit A of this waiver to reflect the additions of the following railroads as parties of this waiver:

- Elkhart and Western Railroad
- Fort Smith Railroad
- Garden City Western Railway
- Georgia Southern Railway Company
- Gettysburg and Northern Railway
- Huron and Eastern Railway
- Indiana Southwestern Railway
- Keokuk Junction Railway Company
- Kendallville Terminal Railway Company
- Merced County Central Valley Railroad
- Michigan Southern Railroad Company
- Mississippi Central Railroad
- Napoleon, Defiance, and Western Railway

This waiver is granted to all railroads listed in the enclosure to this letter (Exhibit "A" of Participating Railroads), subject to the following conditions:²

² These conditions are generally the same as those outlined in FRA's decision letter dated February 9, 2022, which can be found in Docket Number FRA-2009-0078 and is available on www.regulations.gov for viewing and download. In this letter, FRA has added Condition No. 4, regarding the required reporting of any human factor accident/incident.

1. Employees working both 6-day scheduled assignments, and 5-day scheduled assignments followed by a 6-day unscheduled assignment resulting in 6 consecutive days of initiating on-duty periods that do not extend into the early morning hours (midnight to 6 a.m.), may receive 24, rather than 48, hours off duty.
2. The hours of service record of any employee working an assignment subject to this waiver must include a notation that this waiver applies to the assignment covered by that individual record (e.g., notation could read “Waiver Docket No. FRA-2009-0078 applies”).
3. Nonunion railroads are required to present the terms of this waiver to train employees hired after the date of this letter and have them acknowledge either support or opposition to the waiver. This acknowledgment must be placed with the same documentation used to fulfill the joint filing requirement and be made available to FRA upon request. If at any time, employee support for the waiver drops below 50 percent, the railroad will no longer be eligible to work under the conditions of the waiver.
4. Waiver participants must immediately report any accident/incident involving human factors to their appropriate FRA Safety Management Team (SMT), SMT 2 or 8.

This letter does not authorize ASLRRRA to extend this waiver to member railroads that are not listed or to exceed the statutory limit of 276 hours per calendar month as provided by 49 U.S.C. 21103(a)(1).

The continuation of this waiver is also conditioned on ASLRRRA, no later than 90 days from the date of this letter, providing evidence to the docket that it has:

- (1) Confirmed with each of its member railroads listed on Exhibit A that they routinely utilize the relief provided in this docket and have a continued need for the relief. If any railroad is found not to have a continuing need for the relief, ASLRRRA will advise FRA so that the railroad can be removed from Exhibit A.
- (2) Reminded each of its member railroads listed on Exhibit A of the specific conditions applicable to this waiver.


Upon conclusion of this period, FRA reserves the right to extend the waiver if conditions warrant, and if ASLRRRA has made a written request for an extension at least 6 months prior to the expiration date. Extension of the waiver is also contingent on sufficient data and/or documentation being available to FRA to further analyze the safety implications of this waiver and any extension. Any request for extension must (1) demonstrate Petitioner’s compliance with the above-identified conditions; (2) comply with the requirements of § 211.7, *Filing requirements*, and § 211.9, *Content of rulemaking and waiver petitions*; and (3) be submitted via e-mail to FRAWaivers@dot.gov.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of noncompliance with any condition of this

waiver. Further, FRA reserves the right to take enforcement action under 49 U.S.C. 20111 for noncompliance with any condition of this waiver or applicable Federal regulations. In any future correspondence regarding this waiver, please refer to Docket Number FRA-2009-0078. If you have any questions, please contact Mr. William T. Smith, Railroad Safety Specialist, at 682-305-6709 or william.smith@dot.gov.

Sincerely,

**JOHN KARL
ALEXY**

 Digitally signed by JOHN
KARL ALEXY
Date: 2023.01.30 11:59:38
-05'00'

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer

Enclosure

Enclosure

**Amended Exhibit “A” of Participating
Railroads January 30, 2023**
(Railroads in **bold** type added in this revision)

Acadiana Railway Company, Inc.
Adrian & Blissfield Railroad
Alexander Railroad
Aliquippa & Ohio River Railroad Co.
AN Railway LLC
Ann Arbor Railroad
Arizona Eastern Railway
Arkansas Louisiana & Mississippi Railroad Co.
Arkansas Midland Railroad Co., Inc.
Arkansas & Missouri Railroad
Arkansas-Oklahoma Railroad Inc.
Ashland Railway Inc.
Atlantic & Western Railway, L.P.
Austin, Todd & Ladd Railroad Company
B&H Rail Corp.
Bay Coast Railroad
Bay Colony Railroad
Bay Line Railroad, L.L.C., The
Belvidere and Delaware River Railway
Black River & Western*
Bloomer Shippers Connecting Railroad Co.
Boone Scenic Valley
Brandywine Valley Railroad
Brownsville & Rio Grande International Railroad
Buckingham Branch Railroad
Buffalo & Pittsburgh Railroad, Inc.
Burlington Junction Railway
Butte, Anaconda & Pacific Railway Co.
Camp Chase Railway, LLC.
Caney Fork & Western Railroad
Canton Railroad Company
Cedar Rapids & Iowa City Railway Co.
Central California Traction Co.
Central Railroad Company of Indianapolis
Charlotte Southern Railroad Company
Chattahoochee Bay Railroad
Chattahoochee Industrial Railroad
Chattooga & Chickamauga Railroad
Chesapeake and Indiana Railroad Company
Clarendon & Pittsford Railroad Co.

Cleveland Works Railway, Inc.
Cloquet Term. RR Co., Inc.
Columbia Terminal Railroad Co.
Columbus & Greenville Railway Co.
Columbus & Ohio River Railroad
Commonwealth Railway, Inc.
Conecuh Valley Railway, Inc.
Copper Basin Railway, Inc.
Corpus Christi Terminal Railroad Inc.
D & I Railroad
Dakota, Missouri Valley & Western Railroad
Delta Southern Railroad Company
Depew, Lancaster & Western Railroad Co., Inc.
Detroit Connecting Railroad
Dover and Delaware River Railroad*
Dover and Rockaway River Railroad
Durbin & Greenbrier Valley Railroad
Elkhart and Western Railroad
East Erie Commercial Railroad
East Jersey Railroad & Terminal Co.
East Tennessee Railway, L.P.
Eastern Alabama Railway
Eastern and Ellis Company (EE)
Eastern Illinois Railroad Co.
Everett Railroad Co.
Farmrail System
Finger Lakes Railway Co.
First Coast Railroad Inc.
Flats Industrial Railroad
Florida Central Railroad Co.
Florida Gulf & Atlantic, LLC
Florida Midland Railroad Co., Inc.
Florida Northern Railroad Co., Inc.
Fordyce & Princeton Railroad Co.
Fort Smith Railroad
Foster Townsend Rail Logistics (FTRL)
Galveston Railroad, L.P.
Garden City Western Railway
Gardendale Railroad
Georgia Central Railway, L.P.
Georgia Northeastern Railroad Co.
Georgia Southern Railway Company
Georgia Southwestern Railroad Inc.
Gettysburg and Northern Railway
Golden Isles Terminal Railroad, Inc.
Golden Isles Terminal Railroad, Inc. – Savannah Intermodal Yard

Golden Isles Terminal Railroad, Inc. – Savannah Wharf
Grafton & Upton Railroad Company
Grainbelt System
Great Lakes Central Railroad
Great Smoky Mountains Railroad
Great Western Railway of Colorado, LLC
Green Mountain Railroad Corp.
Greenville & Western Railway Co. LLC
Heart of Georgia Railroad, Inc.
Hilton and Albany Railroad
Huron & Eastern Railway
Illinois & Midland Railroad Inc.
Indiana Rail Road Company
Indiana Northeastern Railroad Co., Incorporated
Indiana Southern Railroad, Incorporated
Indiana Southwestern Railway
Ineos Olefins Polymers Battleground*
Iron Horse Terminals, LLC
Jackson & Lansing Railroad Company
Kankakee, Beaverville & Southern Railroad
Kaskaskia River Railroad Company
Kaw River Railroad
Kendallville Terminal Railway Company
Kentucky West Tennessee Railway
Keokuk Junction Railway Company
Knoxville & Holston River Railroad
Lake Michigan & Indiana Railroad
Lancaster & Chester Railway Co.
Lapeer Industrial Railroad
Laurinburg & Southern Railroad
Lehigh Valley Rail Management
Little Kanawha River Rail
Little Rock & Western Railway, L.P.
Livonia, Avon & Lakeville Railroad Corp.
Louisiana & Delta Railroad
Louisiana & North West Railroad
Luxapalila Valley Railroad Inc.
Lycoming Valley Railroad Co.
Madison Railroad Division
Mahoning Valley Railroad Co.
Maryland & Delaware Railroad Co.
Maryland Midland Railway, Inc.
Merced County Central Valley Railroad
Meridian & Bigbee Railroad Co.
M.G. Rail, Inc.
Michigan Southern Railroad Company

Middletown and New Jersey Railroad
 Mid-Michigan Railroad Inc.
 Minnesota Commercial Railroad
 Minnesota, Dakota & Western Railroad
 Mission Mountain Railroad
Mississippi Central Railroad
 Mississippi Southern Railroad
 Missouri and Northern Arkansas Railroad
 Modesto and Empire Traction Company
Napoleon, Defiance, and Western Railway
 New York & Atlantic Railway Co.
 New York & Ogdensburg Railway Co.
 New York New Jersey Rail, LLC
 Nittany & Bald Eagle Railroad
 North Shore Railroad
 Northeast Texas Connector, LLC
 Northern Lines Railway LLC
 Ohio Central Railroad Co.
 Ohio River Scenic Railway
 Ohio Southern Railroad Co.
 Panhandle Northern Railroad Co.
 Pickens Railway Co.
 Pioneer Valley Railroad Co., Inc.
 Pittsburgh & Ohio Central Railroad Co., The
 Plainsman Switching Company
 Port of Greater Baton Rouge
 Port of Palm Beach Terminal
 Port of Shreveport-Bossier
 Portland & Western Railroad, Inc.
 Portland Vancouver Junction Railroad
 Rail Link Inc. – Lathrop Intermodal Yard
 Rail Link – Livonia
 Rail Link – Stuttgart
 Railserve Inc. –
 Indianapolis, Indiana; Sulphur, Louisiana; Cincinnati, Ohio; Bayport, Texas; Freeport,
 Texas; Port Arthur, Texas; Memphis, Tennessee; and Sturtevant, Wisconsin operations
 only
 Regional Rail - Tyburn Railroad L.L.C
 Riceboro Southern Railway LLC
 Richmond Pacific Railroad Corp.
 Rio Valley Switching Co.
 Ripley & New Albany Railroad (formerly Tennessee Railroad)
 Rochester Southern Railroad, Inc.
 Sabine River & Northern Railroad Co.
 Sacramento Valley Railroad
 Salt Lake Garfield & Western Railway

Sandersville RR Co.
San Luis Central Railroad Company
San Pedro Valley Railroad
Santa Teresa Southern Railroad, LLC
Savannah Port Terminal Railroad, Inc.
Sequatchie Valley Switching Company
Sierra Northern Railway
SMS Rail Lines of New York, LLC
SMS Rail Service, Inc.
South Branch Valley Railroad
South Buffalo Railway Co.
South Chicago & Indiana Harbor Railroad
South Kansas and Oklahoma Railroad Company
South Plains Lamesa Railroad, Ltd.
Southern Switching Co.
Southwestern Railroad
St. Lawrence & Atlantic Railroad Co.
St. Maries River Railroad
St. Mary's Railway LLC
Steelton and Highspire Railroad
Stillwater Central Railroad Co., Inc.
Strasburg Railroad Company
Talley Rand Terminal Railroad
Tazewell & Peoria Railroad, Inc.
Temple & Central Texas Railway, Inc.
Tennessee Valley Railroad
Three Notch Railway, LLC
Tomahawk Railway, L.P.
Tradepoint Rail LLC
Trans Global Solutions – Cedar Port Industrial Park
Trans Global Solutions – Chevron – Port Arthur, Texas
Trans Global Solutions – Port of Beaumont
Trans Kentucky Railroad
Tyner Terminal Railway Company
Union City Terminal Railroad
Upper Merion & Plymouth Railroad
Utah Central Railway
Utah Railway Co.
Valdosta Railway, L.P.
Ventura County Railroad
Vermilion Valley Railroad Company, Inc.
Vermont Railway, Inc.
Vicksburg Southern Railroad
Walking Horse Railroad
Warren & Trumbull River Railroad Co., The
Washington County Railroad Corp.

Western New York and Pennsylvania Railroad
Willamette & Pacific Railroad, Inc.
Wilmington Terminal Railroad Inc.
Winchester & Western Railroad Co.
Wiregrass Central Railway, LLC
Wisconsin & Southern Railroad Co.
Yadkin Valley Railroad
York Railway Co.
Youngstown & Austintown Railroad
Youngstown Belt Railroad
Youngstown & Southeastern Railroad Co., Inc.

*Indicates participating railroad is not a member of ASLRRRA.



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 15 2010

Mr. Keith T. Borman
Vice President and General Counsel
American Short Line and Regional Railroad Association
50 F Street NW, Suite 7020
Washington, DC 20001

Re: Docket Numbers FRA-2009-0078 and FRA-2010-131

Dear Mr. Borman:

In response to the American Short Line and Regional Railroad Association's (ASLRRA) July 16, 2009, petition for a waiver of specific requirements of the Federal hours of service law (HSL; 49 U.S.C. Chapter 211) as amended by the Rail Safety Improvement Act of 2008 (RSIA) in a letter dated March 5, 2010 (Decision Letter), the Federal Railroad Administration (FRA) granted identified ASLRRA member railroads limited conditional relief from 49 U.S.C. § 21103(a)(4)(A), but reserved decision on the remaining aspects of ASLRRA's waiver petition. This letter provides FRA's response to the remaining aspects of ASLRRA's petition and also provides FRA's response to ASLRRA's subsequent request for FRA approval to establish a pilot project under 49 U.S.C. § 21108 to implement staggered measuring periods for the 276-hour-per-calendar-month limitation of 49 U.S.C. § 21103(a)(1).¹ Finally, this letter responds, in part, to ASLRRA's September 1, 2010, filing in this docket titled, "Motion to Amend Petition for a Waiver of 49 U.S.C. 21103(a)(1) and to Amend the Initial Decision Published March 5, 2010."

In the Decision Letter, FRA's Railroad Safety Board (Board) reserved decision on ASLRRA's request for "a waiver of the statutory rest requirements contained in 49 U.S.C. § 21103(a)(1) for certain management employees who engage in limited train service no more than 25% of their monthly hours in service to the railroad." After careful review of this request and analysis of the work/rest documentation furnished by Watco Companies and the Genesee and Wyoming Railroad in support of this request, the Board has concluded that granting the requested relief would not be in the public interest or consistent with railroad safety. Accordingly, the Board denies this element of ASLRRA's request for relief.

The Board notes, however, that the relief denied above also relates to ASLRRA's subsequent request in Docket No. FRA-2010-0131 to implement staggered measuring periods for the

¹ FRA assigned this petition Docket Number FRA-2010-0131.

276-hour-per-calendar-month limitation of 49 U.S.C. § 21103(a)(1) on time on duty, awaiting, or in deadhead transportation to the point of final release or in any other mandatory service for the carrier. The Board notes that this subsequent request was made solely by ASLRRA and its member railroads and did not comply with the joint filing requirement of 49 U.S.C. § 21108 (requiring requests for waivers of the HSL to be filed jointly by railroad carriers and relevant labor organizations). As such, the Board is without authority to grant the requested relief, and dismisses—without prejudice—ASLRRA’s request in Docket No. FRA-2010-0131. In the context of the pilot project discussed below, however, the Board encourages ASLRRA to re-file this waiver request jointly with the applicable labor organizations of member railroads, or if a railroad is not unionized, with evidence demonstrating that (1) the carrier has sought employee input for the waiver request, (2) the covered employees concur with the request for relief, and (3) each covered employee affected by the request has been provided with a copy of the waiver petition and information on how to submit comments on the request to FRA.

In the Decision Letter, FRA also reserved decision on ASLRRA’s request for “approval of a pilot program to demonstrate the safety of adopting fatigue mitigation plans on Class II and Class III railroads in lieu of strict compliance with the requirements” of the HSL. Citing several unique characteristics of shortline railroads as compared to Class I railroads, and noting that specific work schedules and practices that have been used in the past by shortline railroads are now prohibited by the RSIA’s amendments to the HSL (including initiating an on-duty period on 6 or 7 consecutive days without at least 2 or 3 consecutive days off before next initiating an on-duty period, and train employee service exceeding the limitation of 276 hours per calendar month), in its July 2009 petition, ASLRRA requested that FRA approve a pilot project designed to assess two main issues:

- (1) The extent to which fatigue issues arise in the short-line and small railroad operating environment.
- (2) To develop and identify alternative methods to mitigate the risk of fatigue without the strict application of the statutory prohibitions [of the HSL].

Although FRA believes that, as proposed, ASLRRA’s pilot project includes a number of salient features that may help to minimize the effect of fatigue on railroad employees, the Board cannot approve such a project and provide additional relief from the HSL, without a more thorough understanding of (1) what additional relief from the HSL ASLRRA believes is necessary to implement the pilot project, and (2) the conditions and controls under which the pilot project will be operated to ensure the safety of railroad operations and participating employees. For example, at least initially, ASLRRA might consider limiting the pilot project to certain railroads, based on the operational needs of those railroads and the railroads’ ability to devote resources to fully participating in the project. Accordingly, FRA encourages ASLRRA and its member railroads to more fully develop the scope and confines of its proposed pilot project and submit such proposal to FRA for the Board’s consideration.

Finally, ASLRRRA's September 1, 2010, filing in this docket requests, in part, that FRA amend its Decision Letter to expand the scope of the relief provided.² As noted in FRA's Decision Letter, "results [of the Fatigue Avoidance Scheduling Tool (FAST)] support, without apparent exception, relief for a 6/1 work pattern for scheduled assignments that do not extend into the early morning hours"(emphasis added). As such, the relief provided in that letter extends only to regularly-scheduled assignments in which employees initiate an on-duty period on 6 consecutive days, not 5 scheduled duty days with an occasional, unscheduled 6th day. As also noted in the Decision Letter, the Board's decision was based on an analysis of fatigue or effectiveness, as measured by FAST, and general principles of sleep science, as well as practical issues arising in railroad operations. Although the Board believes that there may be some situations in which working an unscheduled 6th day presents no more fatigue issues than working a scheduled 6th day, the Board does not believe that general conclusion can be reasonably applied in all shortline railroad operating environments. Accordingly, the Board cannot conclude that granting this aspect of ASLRRRA's request for relief across the board for ASLRRRA member railroads would be in the public interest and consistent with railroad safety. The Board therefore denies this aspect of ASLRRRA's request to modify the existing relief granted in this docket. The Board would consider granting this type of relief if data and analysis is presented demonstrating that it is justified in certain situations. FRA encourages ASLRRRA and its member railroads that may desire this relief to petition FRA with information and data (perhaps in the context of the pilot project discussed above) that would support the granting of the requested relief in certain instances or under certain conditions.

Accordingly, the relief granted in FRA's March 5, 2010, letter remains unchanged. ASLRRRA member railroads listed in ASLRRRA's Seconded Amended Exhibit A to its petition in this docket are granted relief so that an employee working a regularly scheduled assignment, including covered service on 6 consecutive calendar days and provided such service does not extend into the early morning hours (i.e., midnight to 6:00 am), may receive 24, rather than 48, hours off, subject to the following conditions:

1. The joint filing requirement of 49 U.S.C. § 21108 has been met by the carriers' employees by either:
 - (a) submitting evidence of employee input to Docket No. FRA-2009-0078 in accordance with FRA's March 5, 2010 letter, or
 - (b) by virtue of the carrier employees being represented by the Brotherhood of Locomotive Engineers and Trainmen or the United Steelworkers Union, both of whom joined in ASLRRRA's July 16, 2009, waiver petition.
2. The hours of service record of any employee working an assignment subject to this waiver must include a notation that this waiver applies to the assignment covered by

² ASLRRRA's September 1, 2010, filing also requests that additional member railroads be made party to the waiver. Because of the need to solicit public comment on this aspect of ASLRRRA's request, FRA is reserving decision on that issue until a public notice has been published and any relevant comments considered. FRA will communicate its decision in this regard in separate correspondence once the public comment period has expired.

that particular record (e.g., notation should read “Waiver Docket Number FRA-2009-0078 applies”).

3. This waiver expires 2 years from the date of this letter. At the conclusion of the 2-year period, FRA reserves the right to extend the relief if conditions warrant and if a written request for an extension is filed with FRA’s Office of Safety Assurance and Compliance at least 3 months prior to the expiration date.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of a noncompliance with any condition of this waiver.

In conclusion, although the Board appreciates ASLRRRA’s and its member railroads’ desire for flexibility in adhering to certain aspects of the HSL, the Board cannot grant additional relief from the statutory requirements of the HSL without compliance with the procedural requirements of the HSL and without a rational basis on which to grant such relief. FRA remains willing, however, to work with ASLRRRA to design an appropriate pilot project to examine the fatigue implications of employee work schedules on shortline railroads. I invite ASLRRRA to contact me to schedule a meeting of our respective staffs to discuss how FRA may be of assistance to ASLRRRA in this endeavor.

In any future correspondence regarding the waiver requests discussed in this letter, please refer to the appropriate Docket Number (either FRA-2009-0078 or FRA-2010-0131).

Sincerely,



Robert C. Lauby
Deputy Associate Administrator
for Regulatory and Legislative Operations

Docket No. FRA-2009-0078: Waiver OF 49 U.S.C. 49 U.S.C. 21103 (a)(4)(A)

Exhibit A

Participating Railroads as of January 30, 2022

Acadiana Railway Company, Inc.
Adrian & Blissfield Railroad
Alexander Railroad
Aliquippa & Ohio River Railroad Co.
AN Railway LLC
Ann Arbor Railroad
Arizona Eastern Railway
Arkansas Louisiana & Mississippi Railroad Co.
Arkansas Midland Railroad Co., Inc.
Arkansas & Missouri Railroad
Arkansas-Oklahoma Railroad Inc.
Ashland Railway Inc.
Atlantic & Western Railway, L.P.
Austin, Todd & Ladd Railroad Company
B&H Rail Corp.
Bay Coast Railroad
Bay Colony Railroad*
Bay Line Railroad, L.L.C.
The Belvidere and Delaware River Railway
Black River & Western*
Bloomer Shippers Connecting Railroad Co.
Boone Scenic Valley
Brandywine Valley Railroad
Brownsville & Rio Grande International Railroad
Buckingham Branch Railroad
Buffalo & Pittsburgh Railroad, Inc.
Burlington Junction Railway
Butte, Anaconda & Pacific Railway Co.
Camp Chase Railway, LLC.
Caney Fork & Western Railroad
Canton Railroad Company
Cedar Rapids & Iowa City Railway Co.
Central California Traction Co.
Central Railroad Company of Indianapolis
Charlotte Southern Railroad Company
Chattahoochee Bay Railroad
Chattahoochee Industrial Railroad
Chattooga & Chickamauga Railroad
Chesapeake and Indiana Railroad Company
Clarendon & Pittsford Railroad Co.
Cleveland Works Railway, Inc.

Cloquet Term. RR Co., Inc.
Columbia Terminal Railroad Co.
Columbus & Greenville Railway Co.
Columbus & Ohio River Railroad Commonwealth Railway, Inc.
Conecuh Valley Railway, Inc.
Copper Basin Railway, Inc.
Corpus Christi Terminal Railroad Inc.
D & I Railroad
Dakota, Missouri Valley & Western Railroad
Delta Southern Railroad Company
Depew, Lancaster & Western Railroad Co., Inc.
Detroit Connecting Railroad
Dover and Delaware River Railroad*
Dover and Rockaway River Railroad
Durbin & Greenbrier Valley Railroad
East Erie Commercial Railroad
East Jersey Railroad & Terminal Co.
East Tennessee Railway, L.P.
Eastern Alabama Railway
Eastern and Ellis Company (EE)
Eastern Illinois Railroad Co.*
Elkhart and Western Railroad
Everett Railroad Co.
Farmrail System
Finger Lakes Railway Co.
First Coast Railroad Inc.
Fort Smith Railroad
Flats Industrial Railroad*
Florida Central Railroad Co.
Florida Gulf & Atlantic, LLC
Florida Midland Railroad Co., Inc.
Florida Northern Railroad Co., Inc.
Fordyce & Princeton Railroad Co.
Foster Townsend Rail Logistics (FTRL)*
Galveston Railroad, L.P.
Garden City Western Railway
Gardendale Railroad
Georgia Central Railway, L.P.
Georgia Northeastern Railroad Co.
Georgia Southern Railway Company
Georgia Southwestern Railroad Inc.
Gettysburg and Northern Railway
Golden Isles Terminal Railroad, Inc.
– Savannah Intermodal Yard Golden Isles Terminal Railroad, Inc.
– Savannah Wharf
Grafton & Upton Railroad Company

Grainbelt System
Great Lakes Central Railroad
Great Smoky Mountains Railroad
Great Western Railway of Colorado, LLC
Green Mountain Railroad Corp.
Greenville & Western Railway Co. LLC
Heart of Georgia Railroad, Inc.
Hilton and Albany Railroad
Huron & Eastern Railway
Illinois & Midland Railroad Inc.
Indiana Rail Road Company
Indiana Northeastern Railroad Co.
Incorporated Indiana Southern Railroad, Incorporated
Indiana Southwestern Railway
Ineos Olefins Polymers Battleground*
Iron Horse Terminals, LLC
Jackson & Lansing Railroad Company
Kankakee, Beaverville & Southern Railroad
Kaskaskia River Railroad Company
Kaw River Railroad
Kendallville Terminal Railway Company
Kentucky West Tennessee Railway
Keokuk Junction Railway Company
Knoxville & Holston River Railroad
Lake Michigan & Indiana Railroad
Lancaster & Chester Railway Co.
Lapeer Industrial Railroad
Laurinburg & Southern Railroad
Lehigh Valley Rail Management
Little Kanawha River Rail
Little Rock & Western Railway, L.P.
Livonia, Avon & Lakeville Railroad Corp.
Louisiana & Delta Railroad
Louisiana & North West Railroad
Luxapalila Valley Railroad Inc.
Lycoming Valley Railroad Co.
Madison Railroad Division
Mahoning Valley Railroad Co.
Maryland & Delaware Railroad Co.
Maryland Midland Railway, Inc.
Merced County Central Valley Railroad
Meridian & Bigbee Railroad Co.
M.G. Rail, Inc.
Michigan Southern Railroad Company
Middletown and New Jersey Railroad
Mid-Michigan Railroad Inc.

Minnesota Commercial Railroad
Minnesota, Dakota & Western Railroad
Mission Mountain Railroad
Mississippi Central Railroad
Mississippi Southern Railroad
Missouri and Northern Arkansas Railroad
Modesto and Empire Traction Company
Napoleon, Defiance, and Western Railway
New York & Atlantic Railway Co.
New York & Ogdensburg Railway Co.
New York New Jersey Rail, LLC
Nittany & Bald Eagle Railroad
North Shore Railroad
Northeast Texas Connector, LLC
Northern Lines Railway LLC
Northern Plains Railroad
Ohio Central Railroad Co.
Ohio River Scenic Railway Ohio Southern Railroad Co.*
Panhandle Northern Railroad Co. Pickens Railway Co.
Pioneer Valley Railroad Co., Inc.
Pittsburgh & Ohio Central Railroad Co.,
The Plainsman Switching Company
Port of Greater Baton Rouge*
Port of Palm Beach Terminal
Port of Shreveport-Bossier*
Portland & Western Railroad, Inc.
Portland Vancouver Junction Railroad Rail Link Inc.
– Lathrop Intermodal Yard Rail Link
– Livonia Rail Link
– Stuttgart
Railserve Inc.
–Indianapolis, Indiana; Sulphur, Louisiana; Cincinnati, Ohio; Bayport, Texas; Freeport,
Texas; Port Arthur, Texas; Memphis, Tennessee; and Sturtevant, Wisconsin operations only
Regional Rail - Tyburn Railroad L.L.C
Riceboro Southern Railway LLC
Richmond Pacific Railroad Corp.
Rio Valley Switching Co.
Ripley & New Albany Railroad (formerly Tennessee Railroad)
Rochester Southern Railroad, Inc.
Sabine River & Northern Railroad Co.
Sacramento Valley Railroad
Salt Lake Garfield & Western Railway
Sandersville RR Co.
San Luis Central Railroad Company
San Pedro Valley Railroad
Santa Teresa Southern Railroad, LLC

Savannah Port Terminal Railroad, Inc.
Sequatchie Valley Switching Company
Sierra Northern Railway
SMS Rail Lines of New York, LLC
SMS Rail Service, Inc.
South Branch Valley Railroad
South Buffalo Railway Co.
South Chicago & Indiana Harbor Railroad
South Kansas and Oklahoma Railroad Company
South Plains Lamesa Railroad, Ltd.
Southern Switching Co.
Southwestern Railroad
St. Lawrence & Atlantic Railroad Co.
St. Maries River Railroad
St. Mary's Railway LLC
Steelton and Highspire Railroad
Stillwater Central Railroad Co., Inc.
Strasburg Railroad Company
Talley Rand Terminal Railroad*
Tazewell & Peoria Railroad, Inc.
Temple & Central Texas Railway, Inc.
Tennessee Valley Railroad
Three Notch Railway, LLC
Tomahawk Railway, L.P.
Tradepoint Rail LLC
Trans Global Solutions – Cedar Port Industrial Park
Trans Global Solutions – Chevron – Port Arthur, Texas
Trans Global Solutions – Port of Beaumont
Trans Kentucky Railroad
Tyner Terminal Railway Company
Union City Terminal Railroad
Upper Merion & Plymouth Railroad
Utah Central Railway
Utah Railway Co.
Valdosta Railway, L.P.
Ventura County Railroad
Vermilion Valley Railroad Company, Inc.
Vermont Railway, Inc.
Vicksburg Southern Railroad
Walking Horse Railroad
Warren & Trumbull River Railroad Co.,
Washington County Railroad Corp.
Western New York and Pennsylvania Railroad
Willamette & Pacific Railroad, Inc.
Wilmington Terminal Railroad Inc.
Winchester & Western Railroad Co.

Wiregrass Central Railway, LLC
Wisconsin & Southern Railroad Co.
Yadkin Valley Railroad
York Railway Co.
Youngstown & Austintown Railroad
Youngstown Belt Railroad
Youngstown & Southeastern Railroad Co., Inc.

*Indicates participating railroad is not a member of ASLRRA