

American Short Line and
Regional Railroad Association

Outback Railroad Association Regulatory Update

Deadwood, SD

May 11, 2021

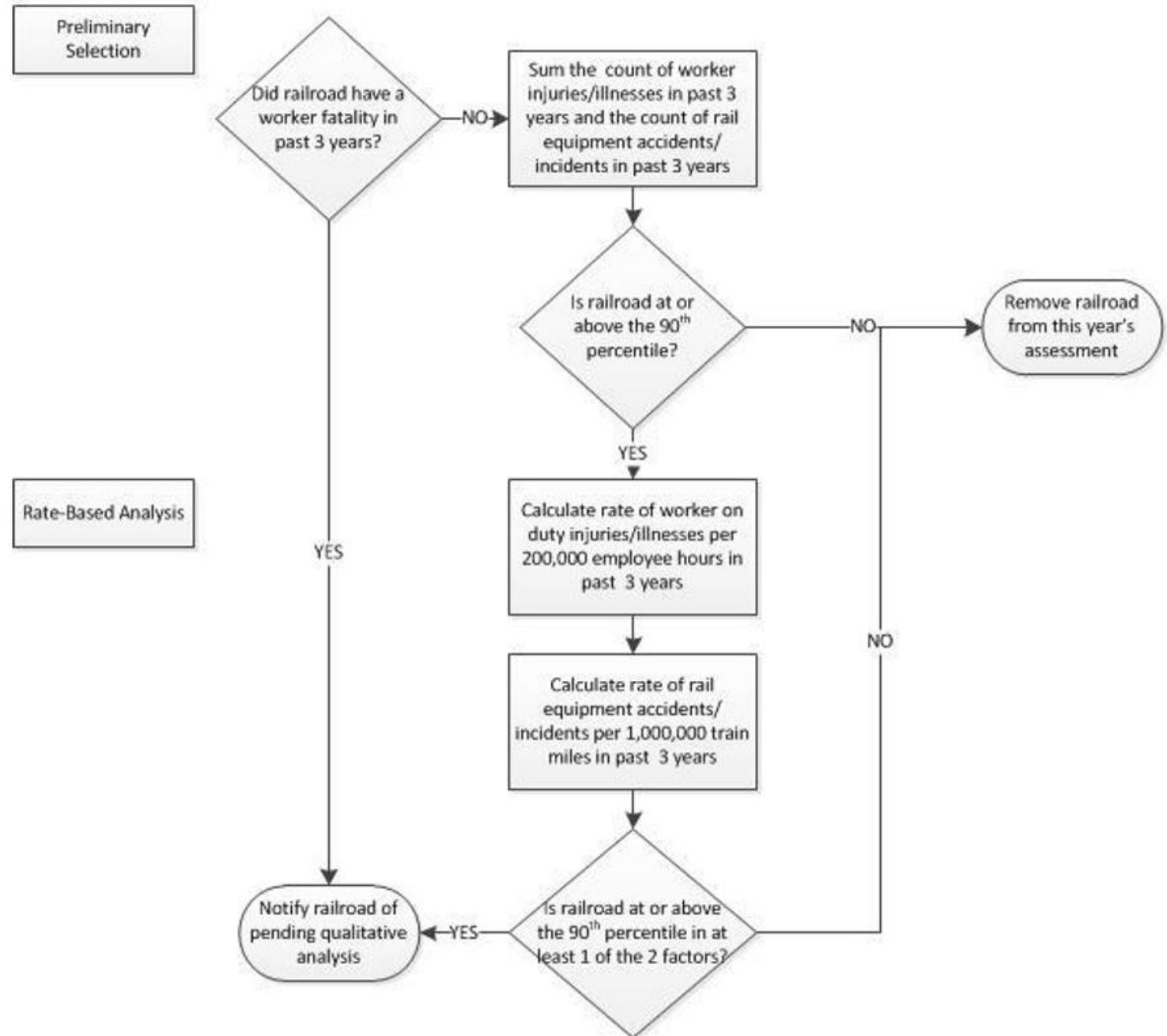
Jo Strang, Senior VP – Safety and Regulatory Policy, ASLRRA

JR Gelnar, Vice President Safety and Compliance, ASLRRA

Part 271 Risk Reduction Program

- February 18, 2020 – Final Rule issued
- Establishes a Preliminary Selection and a Rate-Based Analysis for Railroads with an Inadequate Safety Record
 - Worse 10%
- Appeal Process
- In for 5 years
- Included Contractors
- Reporting
- Training
- Amendments

Part 271 Risk Reduction Program (continued)



Part 271 Risk Reduction Program (continued)

- 271.103 Risk-based Hazard Management Program
- 271.105 Safety Performance Evaluation
- 271.107 Safety Outreach
- 271.109 Technology Analysis and Technology Implementation Plan
- 271.111 Implementation and Support Training
- 271.113 Involvement of Railroad Employees

Security Training (TSA)

- Effective September 21, 2020
- Notification that Rule Applies, October 21, 2020
- Update Security Coordinator Info, October 28, 2020
- Submit Training Program, June 21, 2021
 - Class 1s
 - Any Railroad Operating on the General System that Transports an RSSM in a HTUA
 - Serving as a Host to One of the Above or most Passenger Operation

Rail Integrity Final Rule

- Effective October 7, 2020
- Allowance of Continuous Rail Testing
- Reduction of Inspection Frequency for Excursion Operations
- Removal of the High-Density Commuter Line Exception
- Incorporation of Flange-Bearing Frog and Heavy-Point Frog Waivers
- Heavy-Point Frogs
- Flange-Bearing Frog Crossing Diamonds

MISCELLANEOUS AMENDMENTS TO BRAKE SYSTEM SAFETY STANDARDS AND CODIFICATION OF WAIVERS Final Rule

- Effective December 11, 2020
- Extend Off-air Time to 24 hours
- Increase Utility Employee Task
- Update EOT Section
- Inclusion of Existing Waivers
 - Extended Haul trains
 - Single Car Test
- Create a Subpart H for Tourist/Historic Railroads (Appendix B)

240/242 Harmonization Final Rule

- Effective January 14, 2021
- 50 Changes – 6 Major
 - Program Submission
 - Operating Crew Review Board (OCRB)
 - Revising Filing Requirements for Petitions
- Does Not Require Program Resubmission
- ASLRRRA 240/242 Programs Revised

Part 243 Training Standards

- Effective May 1, 2021
- Requires FRA Approval of Training Programs
- ASLRRA has 23 Approved Programs

Monetary Threshold for Accident Reporting

- Monetary reporting threshold increases to \$11,200 for property damage occurring in the calendar year 2021.

RSAC – Track Standards

- Combination of Manual and Automated Inspection
- ASLRRA/ARR – Three-tiered Approach
 - Standard Visual
 - Combination of Visual and Automated
 - Performance Standard
 - Track Management Program (Future RSAC)
- Combination of Geometry Conditions
- Review Run-off Requirements
- Narrow Gauge
- Other Geometry Parameters
- Eliminate Excepted Track

RSAC – Part 225 Accident/Incident Reporting

- Possible Official Reporting of Accountable Data
- Industry Supports Elimination of:
 - Reportable Incidents Outside of our Control
 - Insect Bites
 - 6180.150 Form
 - 6180.78 Form
 - 6180.81 Form
- Align with Other Agencies

Surface Transportation Security Advisory Committee (STSAC)

- New Committee Established by TSA
 - Based on RSAC
- Voting Members Consist of:
 - Passenger, Freight and Transit Railroads
 - Bus Companies
 - Trucking
 - Energy
 - Pipeline
 - Chemical
 - AASHTO
- Government Officials are Nonvoting Members
- Chair – Tom Farmer, AAR
- Vice Chair – Polly Hansson, APTA
- ASLRRA is a Voting Member

COVID-19

- FRA Waivers for Sections of Parts 213, 217, 228, 240, and 242
 - Weekly Reporting Requirement
 - Refresher Training Included
 - 243 not Included
- EO 32 – The Wearing of Mask

Comments Filed

- Automated Driving Systems
- Electronic Air Brake Slips
- Mechanical Employees Drug and Alcohol Testing
- Fatigue Management
- Positive Train Control
- Roadway Maintenance Machines
- Yard Moves
- California Air Resources Board's Locomotive NOP

Crew Size

9th Circuit Litigation

Court held that FRA withdrawal of the 2016 crew size rulemaking was improper. On May 6, 2021, AAR (intervenor) lost its petition for a rehearing.

Illinois/7th Circuit Litigation

Illinois issued a minimum crew size rule, ASLRRA/AAR/Indiana Railroad challenged the rule and won at federal district court; Illinois has appealed to 7th Circuit. Might be impacted by the 9th Circuit decision.

Questions?

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