



## AMERICAN SHORT LINE AND REGIONAL RAILROADS

Connecting America's Communities  
Strengthening America's Economy  
Protecting America's Environment

# Where We Are Today – Short Lines' New Rules

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# Short Line Industry Carloads 2008 - 2009

## Class I's – Short Line Traffic Only

| <u>RR</u> | <u>1<sup>st</sup> Half 2008</u> | <u>1<sup>st</sup> Half 2009</u> | <u>Variance</u> |
|-----------|---------------------------------|---------------------------------|-----------------|
| BNSF      | 526,280                         | 435,795                         | - 17.1%         |
| CN        | 136,277                         | 100,279                         | - 26.4%         |
| CP        | 132,781                         | 112,229                         | - 15.5%         |
| CSX       | 481,000                         | 398,300                         | - 17.2%         |
| KCS       | 104,466                         | 74,334                          | - 28.8%         |
| NS        | 489,128                         | 358,441                         | - 26.7%         |
| UP        | 675,000                         | 540,000                         | - 20.0%         |



# Rail Safety Improvement Act of 2008

- **Positive Train Control** – Implement 2015; RSAC Completed: NPRM 06/09 with Short Line Exemptions; Final Rule '09
- **Hours of Service** – RSAC Completed: Final Rule 07/09; In Effect 07/16/09
- **Bridge Safety Requirements** – RSAC Completed; NPRM 08/17/09
- **Tunnel Requirements** – Implement
- **Grade Crossing Inventory** – Implement 10/16/09
- **1 – 800 ENS** – Implement Within 18 months
- **Risk Reduction Program** – Implement
- **Top 10 States Require Xing Action Plan** – Implement



## Rail Safety Improvement Act of 2008 (Cont'd)

- **Dark Territory Switch Technology** – Future RSAC
- **Broken Rail Service Failure Rate** – Study
- **Certify Conductors** – RSAC 07/09 – 12/09; NPRM 03/10
- **Certify Carmen** – Study
- **Sight Distance Law & Regulations at Xings** – Implement
- **Radio Monitoring Authority** – In Effect
- **Civil Penalties \$25K-\$100K** – In Effect
- **800 New FRA Inspectors** – Implement Hiring 2009



# “The Big 6” This Year

## ■ Positive Train Control (PTC)

- Final Rule Will be out This Year – November ( ? )
- Short Line Exemptions:
  - + SL's can Operate on PTC Equipped Territory Up to and Beyond 20 Miles But Not More than 4X Day
  - + Non PTC Loco can Cross PTC Equipped Territory at Diamonds But Requires Interlocked Split Point Derails
  - + 2020 Requirements – SL Operations Beyond 20 Miles must have PTC Equipped Locomotives
- Short Lines with Passenger and TIH Moves Have Other Considerations

## ■ Hours of Service (HOS)

- 2 FRA Requests Submitted by ASLRRA:
  - + **Petition for Waiver** – 280 Short Lines Approximately 5,000 Covered Employees (T & E)
    - FRA Response Anticipated Sept. / Oct. 2009
  - + **Petition for Exemption** – 155 Short Lines (974 T & E) With Fewer than 16 Employees
    - FRA Response Oct. / Nov. 2009
- Until FRA Approves Requests New HOS Rules are in Effect



# “The Big 6” This Year (Cont’d)

## ■ Reregulation

- Bottle Neck, Terminal Access, Paper Barriers are Central Components of Reregulation
- Rockefeller Rereg Legislation is Uncertain This Year
- Short Line and Class I Positions were Consistent and Mutually Supportive

## ■ Antitrust Legislation

- Kohl / Baldwin Legislation (S. 146 / H.R. 233) May be Incorporated into any Senate Reregulation Legislation

## ■ Short Line Tax Credit

- Expires December 31, 2009
- Extension Efforts Proceeding Well:
  - + 196 House Members are Sponsors of H.R. 1132
  - + 43 Senate Members are Sponsors of S. 461
  - + Short Line Members Engaged in State Delegation “Fly-In” All Summer to Lobby Members
- “Extenders Bill” in Nov. / Dec. Looks To Be a Potential Option This Year for our Tax Credit



# “The Big 6” This Year (Cont’d)

## ■ Truck Size and Weights

- Safe Highways and Infrastructure Preservation Act (SHIPA) Bill H.R. 1618 – Rep. James McGovern (MA)
- Safe Highways and Infrastructure Preservation Act (SHIPA) Bill S. 779 – Sen. Frank Lautenberg (NJ)
- **Both Bills:**
  - + Freeze Truck Size and Weights on National Highway System to 80K lb Trucks
  - + Freeze Longer Combination Vehicles (LCV)
- **Co-Sponsors:**
  - + 120 in the House Bill (H.R. 1618)
  - + 7 in the Senate Bill (S. 779)
- **State TSW Initiatives:**
  - + FL – Weight Increase for Cattle Trucks
  - + ME – Pilot Project for 100K lbs in Appropriations Bill Now
- A Truck Size and Weights Bill is **Not Expected** to Move this Year ( ? )



# Ongoing and Significant

## **FRA Rail Safety Advisory Committee (RSAC)**

1. Railroad Operating Rules
2. Medical Standards for Train Crews
3. Occupational Noise Standards and Requirements
4. Accident / Incident Reporting Requirements
5. Private Crossings
6. Roadway Worker Protection Rules and Requirements
7. Passenger Safety
8. Rail Integrity
9. Concrete Ties Utilization
10. **Bridge Inspection and Maintenance**
11. Tunnel Standards
12. Locomotive Standards



## Ongoing and Significant (Cont'd)

13. ECP Brake Specifications and Requirements
14. Pressure Tank Car Specifications
15. Positive Train Control Implementation, Standards, Rules
16. Conductor Certification

### **Other**

- \*17. **HazMat Risk Assessment / Routing Rules**
- \*18. Emergency Escape Breathing Apparatus Requirements
- \*19. Emergency Call Numbers at Grade Crossings
- \*20. **At Grade Crossing Inventory**
- \*21. **Continuous Welded Rail Standards**
- \*22. **Narrow Band Radio Frequency Change and Equipment**

\* Not RSAC



# 2009 BNSF Survey Results

- 3 of 12 Service Areas Improved Over 2008
  
- **Highs**
  - \* Car Supply
  - \* Interchange Track Designations and Conditions
  - \* Technological Offerings
  
- **Needs Attention**
  - \* Rate Competitiveness
  - \* Response Time to Rate Requests
  - \* Quality of Cars

\*105 Responses at 62%



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