

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting October 31-November 1, 1996

The meeting of the RSAC was convened at 8:35 a.m., in the Monticello Room of the Washington Vista Hotel, 1400 M Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Safety, Bruce M. Fine.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Three of the forty-eight voting RSAC members were absent: The National Conference of Firemen & Oilers (1 seat), The Hotel Employees & Restaurant Employees International Union (1 seat), and The International Association of Machinists and Aerospace Workers. One of three non-voting RSAC members was absent: Secretaria de Comunicaciones y Transporte (Mexico).

CHAIRPERSON FINE INTRODUCES DEPARTMENT OF
TRANSPORTATION SECRETARY FREDERICO PEÑA AND FRA
ADMINISTRATOR JOLENE M. MOLITORIS.

ADMINISTRATOR MOLITORIS WELCOMES SECRETARY PEÑA AND
THANKS RSAC MEMBERS FOR ALL THE WORK THAT HAS GONE ON TO
SUPPORT RAIL SAFETY.

Secretary Peña addresses RSAC explaining that four years ago, he came to DOT with a frustration of how rules were executed at the Federal level. This was not the case as Mayor of Denver, where rules were openly discussed among all the parties. The President asked us to change. The Vice President asked us to proceed and change the method for rulemaking. We measure what we do everyday with how we affect the lives of the public and our work force. This is the kind of rulemaking that will be important to achieving new levels of safety. Secretary Peña acknowledged that he knew that all of the parties are frustrated that the Trackside Worker Protection Safety Rules are not finalized. However, we are close to completing this process. The Office of Management and Budget (OMB) is finalizing its review of this rule. Secretary Peña requested that Administrator Molitoris have OMB give a presentation to RSAC on the "rule-approving process" at a future RSAC meeting.

AT THE CONCLUSION OF SECRETARY PEÑA'S REMARKS, ADMINISTRATOR MOLITORIS REQUESTS THAT ALL RSAC MEMBERS AND ALTERNATES INTRODUCE THEMSELVES AND THE ORGANIZATIONS THEY REPRESENT TO SECRETARY PEÑA.

James Brunkenhoefer (UTU) makes a statement that the UTU appreciates the accomplishments that have been produced by this process and hope for continued successes in the future.

FOLLOWING THE DEPARTURE OF SECRETARY PEÑA, ADMINISTRATOR MOLITORIS CONTINUES WITH OPENING REMARKS. EXCERPTS FOLLOW.

While many of our working groups, which are making presentations today, are not turning rules over for publishing in the Federal Register today, we are very close. I believe this will be accomplished within the next couple of weeks. Safety remains our number one goal. We are trying to change the culture of our business. Yesterday, I received the package on Track Safety Standards. It was the most complete of the Working Groups. I hope that the Notice of Proposed Rulemaking will be published in the Federal Register by November 20. The Power Brake package is moving forward. Its development has been very difficult, but progress is being made, thanks to Bruce Fine. The Railroad Communications Working Group is very close. We hope that by December 10, we will have a consensus and that a Notice of Proposed Rulemaking will be published by the end of 1996. The Tourist Museum Working Group is also very close on revisions to steam locomotive standards. We hope that we will have a consensus by the next RSAC meeting.

CHAIRPERSON FINE INTRODUCES FRA'S EDWARD R. ENGLISH TO MAKE A PROGRESS REPORT ON RSAC TASK NUMBER 96-2, REVISIONS TO TRACK SAFETY STANDARDS

The progress report and package of proposed revisions to Track Safety Standards are inserted at TAB 6 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. The discussion covered: early Working Group Meetings--meeting monthly May to October, the mandates/recommendations from Congress, National Transportation Safety Board (NTSB) and FRA Technical Resolution Committees recommendations guiding the rule changes, and the areas of existing rule changes including revisions covering track for speeds up to 200 mph, continuous welded rail, "excepted track," vegetation, defective rail, and requalification standards for employees.

Charles Dettman (AAR) says that the Railroad Industry feels the proposed revisions to Track Safety Standards are an excellent product. However, the industry does not believe it will be voted on today because of railroad labor's reluctance to move forward with the process.

Chairperson Fine relates that FRA does not view the letter from rail labor, requesting a delay, to be precedent setting. FRA expects the delay (perhaps, a couple of weeks) is necessary for everyone to have a chance to adjust to the process.

Mack Fleming (BMW) explains that labor is proposing that a formal ratification of Revised Track Safety Standards not occur today. At the same time, he does not view this proposal as delaying the process. He explains that many of the Sections of the Revised Track Safety Standards were still in draft form as of October 28 and 29. Under guidelines outlined at the last full RSAC Meeting in July, materials were suppose to be circulated to RSAC Members at least two weeks in advance of a vote.

Administrator Molitoris expresses her disappointment in the delay, but recognizes that if the labor membership has a 3-week period to review the materials, additional support and involvement will make for more consensus, and a better product.

Administrator Molitoris asks Mr. Fleming what the review process will entail.

Mr. Fleming responds that a ballot of about 50 chairmen will be taken and the process should be completed in about 3 weeks. He adds that labor's RSAC Members represent the membership. The membership needs to be informed of the actions, which labor's RSAC Members have taken on behalf of the membership.

Mr. Dettman responds that he understands labor's concern.

Jack Stanford (UPRR) concurs with Mr. Dettman.

Administrator Molitoris adds that there is a lesson for us to learn. How can we design the message and get it out sooner.

William Loftus (ASLRA) states that he can support Mr. Stanford and Mr. Flemming, but we are looking for closure.

George McDonald (TWUA) says that he has seen a number of letters from Administrator Molitoris, which assures us that the process will not over whelm us. Labor has limited resources and we need more time.

Administrator acknowledges that the RSAC process is uncomfortable for a number of people.

Joseph Mattingly (BRS) understands that there would be a 30-day period for considering the product. Unfortunately, things were not finalized until just last Friday [October 25].

Ronald McDaniel (RPI) explains that extra time labor is requesting if for reviewing the package, not to change the agreement.

Mr. English asks if there is a motion from Mr. Loftus.

Mr. Loftus replies that the Working Group will submit to the members of RSAC a ballot on, or after November 21.

Kimberly Madigan (NRCMA) does not care when the ballots are mailed out. She wants to know when the end results are known.

Mr. English replies that FRA will send results by facsimile to RSAC Members on November 21.

Mr. Loftus asks for time to return ballots to FRA. He suggests December 2.

Robert Matthews (RPI) asks how RSAC Members will know if there are any comments coming back from BMW?

Mr. English replies that if comments come back, the Working Group will have to review.

William Clifford (ATD/BLE) asks (1) how will the vote be held; and (2) if the ballots are sent to the members by facsimile, who are the "members?"

Mr. English replies that "members" are the designated 48 voting members of RSAC.

Daniel C. Smith (FRA) clarifies that (1) recommendations from the Working Group must be full consensus; (2) when full RSAC casts ballots, a voting member can vote to accept, or to reject; and (3) acceptance is of full package only.

Mr. Clifford asks if RSAC votes it down, what happens?

Mr. Smith replies that the rejected task can be sent back to the Working Group for reconsideration once. After that, FRA can either abandon the task, or issue its own rule.

Mr. English recaps the task process. Working Groups give unanimous approval and report to the full RSAC. If RSAC approves, recommendations go to the FRA Administrator. If RSAC rejects, and by unanimous vote so determines, the task is referred back to the Working Group.

Henry B. Lewin (TCIU/BRC) asks for an explanation of "minority" opinion.

Mr. English explains that if an organization was not represented on the Working Group, the organization can voice an opinion. This is a minority opinion. However, if your organization is on the Working Group, it will join with the “consensus” opinion.

Paul Worley (AASHTO) understands that a vote on the entire package has not been taken. He believes that just an item by item vote has occurred.

Mr. English assures that an entire-package vote has occurred on the track package.

James Johnson (Assoc. RR Museums) requests clarification on what the proposed ballot will cover.

Mr. English replies that the package accompanying the ballot are the proposed changes to the track rules that are covered by the ballot.

Mr. Dettman questions the need for a 3-week review period.

Mr. English proposes that RSAC approve the following motion:

THE TRACK SAFETY WORKING GROUP WILL MAIL/FACSIMILE A “FINAL” COPY OF THE PROPOSED RULE AND A BALLOT TO MEMBERS OF THE FULL RSAC WITHIN THE NEXT 5 DAYS. RECOMMENDATIONS WILL BE IN THE FORM OF A NOTICE OF PROPOSED RULEMAKING. THE BALLOT IS DUE BACK NOT LATER THAN NOVEMBER 21 (A “POST MARK” BY THE 21ST IS SUFFICIENT). RETURN OF THE BALLOT BY FACSIMILE IS PREFERRED.

THE MOTION IS APPROVED AND SECONDED BY RSAC MEMBERS. THE MOTION IS unanimously CARRIED BY THE FULL RSAC.

Ross Capon (NARP) questions the cost-benefit analysis of the track curvature standards. He wants clarification that these requirements will not impact Amtrak.

Mr. English assures that Amtrak is not impacted.

Robert C. Lauby (NTSB) asks if there are items on which the Track Working Group could not reach consensus and which are, therefore, not in the document to be circulated.

Mr. English replies that everything was done by full consensus of the Working Group.

Mr. Lauby again queries if there items that the Working Group eliminated from the document because the Working Group could not reach consensus?

Mr. English responds that everything, all NTSB and Congressional recommendations were disposed of by full Working Group consensus.

Mr. Lauby asks how Non-Voting RSAC Members should submit comments.

Mr. English and Mr. Smith respond that comments from non-voting members will be included along with the Notice of Proposed Rulemaking in the Federal Register.

M O R N I N G B R E A K (10:05 A.M.--10:27 A.M.)

Mr. Itzkoff introduces Jack Wells, staff member of the U.S. House of Representatives Committee on Transportation and Infrastructure.

Mr. Wells explains that he is present to observe the RSAC process and that Congress will continue to push on a number of issues that affect all the members of RSAC. However, the Congressional Committee recognizes the work that RSAC is expending and the resulting accomplishments. The Congressional Committee was concerned by the delay that the set-up of RSAC initially caused. That has now changed and progress on the large number of rulemakings is being accomplished.

James Phelan (FRA) presents a progress report on the Railroad Communications Working Group. Mr. Phelan reads from a Summary Report. The Summary Report and list of Working Group members are inserted at TAB 7 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. The discussion covered: Working Group Meetings, the failure to reach consensus on exempting small railroads, and progress in reaching consensus on: requiring working radios on occupied locomotives of every train; redundant communications; and radio communications equipment for maintenance of way employees.

Rick Inclima (BMWE) asks if the Working Group has selected a location for the meeting on November 14.

Mr. Phelan responds in Washington, D.C.

Mr. Inclima complements the Railroad Communications Working Group and Track Safety Standards Working Group facilitators, (Mr. Phelan and Dean Hollingsworth (FRA)), on doing a very good job. The Working Group has beat up on them frequently. Daniel D. Foth (APTA) asks if the Working Group is asking RSAC for an extension of its mandated delivery date from September 1 to November 14. Mr. Phelan responds "yes."

A MOTION IS PROPOSED AND SECONDED TO EXTEND THE DUE DATE OF THE RADIO COMMUNICATION WORKING GROUP'S NOTICE OF PROPOSED RULEMAKING FROM SEPTEMBER 1 TO NOVEMBER 14. THE MOTION CARRIES BY UNANIMOUSLY RSAC VOICE VOTE.

Administrator Molitoris introduces Rosalind A. Knapp, DOT's Deputy General Counsel as an observer of the RSAC Meeting.

Grady C. Cothen, Jr. (FRA) presents a progress report on the Tourist and Historic Railroads Working Group. The Summary Report and list of Working Group members are inserted at TAB 8 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. The discussion covered: Working Group Meetings, and progress in revising 49 C.F.R. 230, Subpart A, including problems reaching consensus on: safety valves, testing safety valves, and pressure testing boilers.

Mr. Cothen queries RSAC whether February 1 would be the first opportunity that the full RSAC would be able to meet next.

Leroy Jones (BLE) indicates that the month of February is bad for labor.

Mr. Cothen suggests that perhaps February would be the earliest date. Mr. Cothen queries whether, to move the process on, a letter ballot could be used to vote on the Museum and Tourist Railroad Working Group Report, now expected on December 10, 1996. If RSAC approves the letter ballot approach, turnaround could be achieved in advance of the next full RSAC meeting.

Mr. Dettman replies so moved.

Mr. Loftus believes a letter ballot is OK. However, a "consensus report" from the Railroad Communications Working Group is being followed by a letter ballot that permits comments. How will the "comments" be handled with the Tourist and Historic Railroad Working Group ballot? Also, with the holidays upon us, will the ballots be expected by January 1?

Mr. Cothen responds that RSAC will not be asked to send in ballots by January 1.

Mr. Loftus does not object if the consensus report is being submitted to RSAC, as opposed to a "status report." Mr. Inclima, Mr. Dettman and I will argue that we must have consensus reports--not tentative reports.

Mr. Jones explains that the Working Group has worked very hard for consensus. The Working Group wants to hold a final meeting to secure loose ends.

Mr. Inclima adds that the Working Group needs extra time to reach the consensus report that will be submitted to RSAC.

Mr. Cothen motions: If by December 10, 1996, the Museum and Tourist Railroad Working Group has a consensus report, we request permission for the full RSAC to consider by letter ballot with a return response by January 1.

Lisa Levine (FRA) requests clarification of motion for FRA staff.

Mr. Clifford asks if the economic analysis will be completed by December 10.

Mr. Loftus asserts that January 1 is not realistic. He asks about January 15.

Mr. Cothen clarifies the motion before RSAC:

BY DECEMBER 10, 1996, THE MUSEUM AND TOURIST RAILROAD WORKING GROUP WILL COMPLETE A CONSENSUS REPORT WITH ECONOMIC ANALYSIS. THE REPORT AND BALLOT WILL BE SUBMITTED TO RSAC MEMBERS. OTHER MEMBERS NOT HAVING REPRESENTATIVES ON THE WORKING GROUP CAN BE BRIEFED BY EITHER MR. PHELAN OR JAMES MCCORD (FRA). BY JANUARY 15, 1997, THE BALLOT WILL BE RETURNED TO FRA.

Chairperson Fine presents the Power Brake Working Group progress report. The progress report and list of Working Group members are inserted at TAB 5 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. The discussion revealed: management outlined cost assumptions for facilities, equipment & labor costs; the Working Group is going over this data and by November 15, all sides will have the ability to comment on data from the AAR; In Omaha, the Working Group developed a proposal that could serve as a starting point; we do not know how all the data fits together; We meet in Chicago on December 4 to put something together; by the middle of January, we are looking for some sort of output; with everybody looking at cost benefits, we hope to develop a consensus; this is a very hard task; everyone is working diligently; we have good data; FRA is prepared to put out a quality rule on its own, if consensus cannot be reached; dynamic braking is part of the statutory requirement; something needs to be put in the Notice of Proposed Rulemaking regarding dynamic braking.

Richard A. Johnson (TCIU/BRC) reminds RSAC that in April, the Committee was told that if consensus was not reached by October, FRA would step up and issue a rule.

Administrator Molitoris explains that her attitude towards people's motivation is that something will work out. The longer it goes, we will have more data to base the

discussion. She would prefer a consensus. She respects the human element. However, she believes that by January, the group will reach consensus.

Chairperson Fine announces that by December 4, the Power Brake Working Group will know if consensus will be possible and FRA will act accordingly if January 15 is not possible for final agreement.

Mr. Cothen presents a progress report on the activities of the Steam Task Group. Since its July meeting, the Steam Task Force is well underway. Significant revisions to the steam standards are underway. A draft Notice of Proposed Rulemaking will be ready in December. It will be circulated to the full RSAC for its consideration. The Tourist and Historic Railroad Working Group is also tackling other issues such as "trolley" versus "light rail" issues.

Mr. Lauby advises that the NTSB staff has put out a notation package to the NTSB Board on recommendations for steam engines. He wishes to address the Steam Task Force after November 13 on the NTSB recommendations.

Mr. Cothen encourages the NTSB briefing of the Steam Task Force.

Mark McKeon (FRA) briefs RSAC on a proposed new RSAC Task, Number 96-6, Revision of the Qualification and Certification of Locomotive Engineers Regulations. A briefing paper and task statement are inserted at TAB 9 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Mr. McKeon envisions four separate task forces reporting to the Working Group. The four areas are (1) equipment and service vehicles; (2) engineer decertification; (3) training; and (4) procedural issues. Mr. McKeon does not believe that RSAC concern itself with changes to provisions relating to alcohol and drug use, since these are closely related to Part 219 matters that must be handled as part of an intermodal effort managed by the Office of The Secretary.

Mr. McKeon believes that January would be an appropriate starting point for the new RSAC task, due to the number of delays in other RSAC work.

Ray Lineweber (UTU) concurs that January would be the better starting point. He questions whether the proposed four task forces are too many. He believes that once the Working Group is established, the Working Group can decide how many task forces to create.

Mr. Jones (BLE) also believes that four task forces are too many.

Mr. Dettman supports Mr. Lineweber's and Mr. Jones' concerns, from a railroad prospective. He believes there is a minefield of where collective bargaining and safety issues cross.

Mr. McKeon reiterates that the Task Statement opens-up 49 C.F.R. 240, but does not go beyond 49 C.F.R. 240.

Mr. Inclima asks for a clarification of what "service vehicles" are.

Mr. McKeon responds that it remains to be resolved whether some vehicles, like the T-10, Sperry cars, maintenance-of-way-equipment, cranes, and car moving equipment should be operated by a person certified as a locomotive engineer.

A MOTION IS MADE FOR RSAC TO ACCEPT REVISION OF THE QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS REGULATIONS, TASK STATEMENT NUMBER 96-6. THE MOTION IS SECONDED AND CARRIED UNANIMOUSLY BY THE FULL RSAC.

L U N C H B R E A K (11:44 A.M.- 1:11 P.M.)

Mr. Phelan re-convenes meeting on behalf of Chairperson Fine.

Mr. English makes presentation leading up to a formal request that RSAC accept a new task to develop rules for maintenance of way equipment, and self-propelled motor vehicle equipment, Task Number 96-7.

MOTION IS ENTERED TO EITHER EXPAND THE DUTIES OF THE CURRENT WORKING GROUP, OR TO CREATE A NEW WORKING GROUP TO ACCEPT TASK NUMBER 96-7, SAFETY STANDARDS FOR TRACK MOTOR VEHICLES AND SELF PROPELLED ROADWAY EQUIPMENT.

Mr. Inclima states that in the 49 C.F.R. 213 negotiations, the Working Group broke out this track car issue.

Mr. English replies that there is a survey out to assess the problem. By November 15, FRA should have a real good idea how this task should proceed.

Mr. Loftus queries if RSAC accepts this task, should there be a new Working Group, or use the existing Track Working Group?

Mr. Inclima responds that the Track Working Group did learn to work together. We decided that the original 213 group would address this issue. My preference is to keep this new task with the existing Working Group.

Mr. Foth concurs that the task should be left with the existing Working Group.

Mr. English motions that Task Number 96-7 be referred to the 213 Working Group.

Mr. Johnson (RR Museums) wants to limit Task Number 96-7 to General System Railroads, i.e., to exclude Museum Railroads.

Mr. Matthews (RPI) hopes that a RSAC representative from the equipment manufacturers will be on the Working Group.

Mr. English queries RSAC if November 15 is a good date.

Mr. Dettman replies that from what he understands, he supports this item. However, two weeks, i.e., November 15 is not enough time. The facts cannot be collected to drive a rule by November 15.

MOTION THAT RSAC ACCEPT TASK NUMBER 96-7; THAT THE PROJECT BE RETURNED TO THE EXISTING WORKING GROUP; THAT DRAFT RULE TEXT BY PREPARED BY NOVEMBER 15 IS SECONDED AND CARRIED UNANIMOUSLY BY THE FULL RSAC.

Mr. Cothen presents Task Number 96-8, Locomotive Crashworthiness and Cab Working Conditions. A briefing paper and task statement are inserted at TAB 10 of RSAC materials given to each RSAC member. Also included, is a copy of FRA's September 1996 Report to Congress, *Locomotive Crashworthiness and Cab Working Conditions*. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Mr. Cothen explains that Task Number 96-8 is a "planning task." The Working Group will not be asked initially to write a rule. The Working Group will be asked to review the research and data collected thus far and to present, by January 15, a report to RSAC.

Mr. Lewin asks if this task will cover issues other than crashworthiness and cab working conditions.

Mr. Cothen responds no.

Michael R. Huntley (FRA) makes presentation on locomotive crashworthiness. The presentation is based on FRA's September 1996 Report to Congress, *Locomotive Crashworthiness and Cab Working Conditions*. Overhead viewgraphs accompany the presentation. Photocopies of the overhead viewgraphs will be given to each RSAC member present on November 1. The locomotive crashworthiness presentation materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Cothen asks for questions.

Mr. Jones (BLE) responds that there are concerns about the Report to Congress. These concerns will be addressed in the proper forum.

Mr. Cothen makes presentation on cab working conditions. The presentation is based on FRA's September 1996 Report to Congress, *Locomotive Crashworthiness and Cab Working Conditions*. Overhead viewgraphs accompany the presentation. Photocopies of the overhead viewgraphs will be given to each RSAC member present on November 1. The cab working conditions presentation materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Inclima requests photocopies of the overhead viewgraphs used in the presentation.

Mr. Cothen replies that these will be handed-out to RSAC members present on November 1.

Mr Jones states that many of the identified cab working conditions are just common sense. For too many years, these conditions have been ignored. Our membership went to Congress because these issues have not been settled.

Mr. Itzkoff apologizes for the delay in issuing the report, but felt that these issues should be data-driven. RSAC should have the benefit of a preliminary Working Group to explore and report back to the full RSAC on these issues.

Mr. Cothen replies that FRA is ready to proceed.

MOTION THAT RSAC ACCEPT TASK NUMBER 96-8, (PLANNING TASK ONLY) LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS.

Thomas P. McDermott (TCIU/BRC) asks if passenger equipment Working Group efforts have been considered in conjunction with this task.

Mr. Cothen responds there is overlap between passenger cars, passenger locomotives, and freight equipment.

Gene Plourd (UTU) states it is a good report.

Mr. Dettman suggests that RSAC should deal with these issues following completion of the Power Brake issue. The same skills are required in Power Brake as in Locomotive Crashworthiness and Cab Working Conditions.

Mr. Jones asks if Mr. Dettman is looking at a 30-day delay?

Mr. Dettman replies that he wants Power Brake behind us.

Mr. Lewin responds that Power Brake should be decided by December 4.

Mr. Itzkoff reminds RSAC that this is just a “planning task.” He asks how much effort is necessary for a planning task?

Mr. Cothen outlines his ideas for convening a group, requiring one day, and then outlining a plan of action, requiring perhaps another day and a half.

Ira P. Baldwin (NARUC) asks if locomotive crashworthiness and cab working conditions can be separated?

Mr. Cothen replies that is one way, one option available to the group. A task force could take cab working conditions and report back to the Group in February.

Mr. Dettman reiterates that railroad management is burdened. Their preeminent locomotive people are tied up with Power Brake.

Mr. Capon states that the report shows that many cab working conditions could be handled by labor-management negotiations.

A MOTION IS MADE TO AMEND THE START DATE FOR RSAC TASK NUMBER 96-8 TO COINCIDE WITH THE COMPLETION OF THE FREIGHT POWER BRAKE TASK, OR JANUARY 15, 1997. THE MOTION IS SECONDED AND CARRIED UNANIMOUSLY BY THE FULL RSAC.

Douglas H. Taylor (FRA) makes presentation of possible future task for RSAC, Revisions to Blue Signal Protection of Workmen Rules. A briefing paper is inserted at TAB 10 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. The discussion covered: inclusion of contractors, visibility, one-person crews, locomotive servicing area, remote control derails, and rear-end markers. Mr. Taylor would like to submit a briefing paper on proposed Blue Signal Protection rule changes to RSAC. But first, he solicits input from RSAC members on the Blue Signal Protection materials found in TAB 10.

Mr. Lewin asks what kind of time line is contemplated?

Mr. Taylor responds by the next RSAC meeting.

Mr. Lewin states if FRA is looking for comments between now and the next RSAC meeting, there is neither time nor resources. The issue should not be brought up until the next RSAC meeting.

Mr. Mattingly queries if FRA is looking for any formal action, or if RSAC members happen to have any time, then they can submit comments.

Mr. Taylor responds yes.

Mr. Clifford states that RSAC should not take on this task until the next RSAC meeting.

MOTION TO TABLE ANY WORK ON REVISIONS TO THE BLUE SIGNAL PROTECTION OF WORKERS RULE UNTIL THE NEXT RSAC MEETING IS SECONDED AND CARRIED UNANIMOUSLY BY THE FULL RSAC.

A F T E R N O O N B R E A K 2:45 P.M. - 3:08 P.M.

Thomas Keane (FRA) makes presentation of possible future task for RSAC, Train Dispatcher Training Standards. A briefing paper is inserted at TAB 10 of RSAC materials given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. The discussion covered: dispatcher responsibilities, current dispatcher training activities, and train dispatcher training elements. The briefing paper represented the preliminary efforts of a task force having representatives from American Train Dispatchers Department, Burlington Northern Railroad, Amtrak, and FRA. FRA conducted a survey on dispatcher training. FRA has made a commitment to Congress to study dispatcher training.

Mr. Inclima notes that a bunch of rule citations are listed. However 49 C.F.R. 214 rules are missing.

Mr. Keane responds that a 214 Section will be added.

C. William Autro (Amtrak) states that this document has never been reviewed by Burlington Northern-Santa Fe Railroad or Amtrak. He believe it is premature to refer this issue to RSAC.

Mr. Clifford adds that he did not receive this document until nine days ago. Other members have not received the materials until 2 or 3 days ago. He would like another meeting of the task force before it is referred to RSAC.

Mr. Autro agrees that another meeting of the task force is needed and that the materials will be presented to the full RSAC at its next meeting.

Mr. Stanford assumes that the training package is for Amtrak. He queries whether it applies to freight railroads.

Mr. Keane replies that the proposed rules might require each railroad to develop its own training program.

Mr. Clifford explains that the task force envisions drawing-up standards and the railroads would then compare their training program with the standards.

NOTE: It was agreed that the informal task force on Dispatcher Training would meet again and respond back by the next meeting of the full RSAC.

Albert J. Reinschmidt (AAR) reports to RSAC on the technology elements involved in Event Recorder Data Survivability. This is an informational presentation--no formal referral to RSAC is being made at this time. The presentation utilized overhead viewgraphs. Photocopies of the overhead viewgraphs will be given to each RSAC member present on November 1. The presentation materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Topics covered included: frequency of "lost data;" use of electronic memory in event recorders; redundancy in multiple-locomotive-equipped trains; fire protection; impact shock protection; hydrostatic pressure protection; fluid emersion protection; and event recorder location.

Mr. Lauby states that from the NTSB perspective, "inadequate," rather than "lost" is a major concern. The NTSB has had inadequate data from many accidents. As an advisor to RSAC, the NTSB is very interested in Event Recorders in signal systems, as well as locomotives from an efficiency point.

Mr. Mattingly asks if event recorders will be capable of collecting other types of data.

Mr. Jones responds that many event recorders show 16 functions.

Dr. Reinschmidt acknowledges that event recorder functions can be shown.

MEETING ADJOURNED 3:50 P.M.

NOVEMBER 1, 1996 CONTINUATION

The RSAC meeting was reconvened at 8:40 a.m. on November 1, 1996, in the Monticello Room of the Washington Vista Hotel, 1400 M Street, N.W., Washington D.C. 20005 by RSAC Chairperson Bruce M. Fine. Control of the meeting was immediately turned over to FRA Deputy Administrator Donald M. Itzkoff. After housekeeping chores, Mr. Itzkoff introduces FRA Administrator Jolene Molitoris.

Administrator Molitoris announces that Congressman James Oberstar will visit the morning session of RSAC around 10:00 a.m. RSAC members are requested to be prepared to ask questions.

Chairperson Bruce M. Fine recaps the business of 10-31-96 as follows:

- ÷! Track Standards: reviewed the working group's proposed NPRM and authorized the Chairperson to poll the Committee by letter ballot (facsimile) regarding acceptance of the report as the recommendation of the Committee. Ballots to be returned not later than November 21.
- ÷! Railroad Communications: heard progress report on working group efforts and extended the charter of the group to complete an NPRM by December 10. NPRM to be circulated immediately to RSAC members, who will be asked to return letter ballots by January 15.
- ÷! Power Brakes: received report on working group efforts and agreed to a limited extension of the group's charter. Group will meet again on December 4 and report NPRM to the full Committee not later than January 15.
- ÷! Tourist & Historic: received report on group activities; anticipate receipt of NPRM on revision of steam locomotive inspection standards prior to next RSAC meeting.
- ÷! Locomotive Engineer Certification: the committee accepted a new task (96-6). The working group will have a first meeting target in the first full week in January. Achievement of a July 1 NPRM is an interim target; the working group will report at the next RSAC meeting regarding proposed milestones and deadlines.
- ÷! Track Motor Vehicle and Roadway Equipment Safety: the committee accepted a new task (96-7), which was referred to the Track Safety Standards Working Group. An initial draft of rule text is planned by November 15.
- ÷! Locomotive Crashworthiness and Working Conditions: the committee accepted a new planning task (96-8). Work will commence on or before January 15, 1996, so as not to overlap work on the Power Brake NPRM.

- ÷! Blue Signal Protection: the committee received a briefing on blue signal issues and determined that further action on these issues should be deferred given the pendency of existing tasks drawing on the same resources.
- ÷! Dispatcher Training: the committee received a briefing on issues related to dispatcher training. An existing informal group that has been assisting Amtrak in developing a new dispatcher training program will do additional work on its suggestions for possible elements that might be considered for inclusion in dispatcher training standards. When that group has completed its work, a further briefing will be provided to the RSAC.
- ÷! Event Recorder Data Survivability. Al Reinschmidt of the AAR reported on concepts for industry standards to improve survival of data. AAR will continue its efforts with suppliers to perfect possible standards and will also discuss data elements being captured by new designs. APTA will brief its members on the AAR process. Bob Lauby of NTSB indicated that recent accidents may result in further recommendations from the Board on event recorders. The Committee will return to this issue as a briefing item at the next meeting.

Leroy Jones (BLE) announces that he now has all the people necessary to participate as scheduled in RSAC Task 96-6, Locomotive Engineer Certification.

William Clifford (ATDD/BLE) announces that for Dispatcher Training, labor is assisting Amtrak only.

Chairperson Fine so notes.

Robert C. Lauby (NTSB) requests that photocopies of Dr. Reinschmidt's overhead viewgraphs on Event Recorder Survivability be provided.

Albert J. Reinschmidt (AAR) acknowledges the request.
Chairperson Fine requests suggestions for the date and time of next meeting, suggesting a one-day session if members prefer.

Charles Dettman (AAR) begins discussion with suggestion for a one-day meeting with a 7:30 a.m. start time.

FOLLOWING DISCUSSION, THE FOURTH MEETING OF THE FULL RSAC IS
A ONE-DAY MEETING SET FOR THURSDAY, JANUARY 23, 1997 IN
WASHINGTON, D.C. THE START TIME WILL BE ANNOUNCED LATER.

Chairperson solicits a tentative meeting time for the fifth RSAC meeting.

FOLLOWING DISCUSSION, A TENTATIVE ONE-DAY MEETING OF THE FULL RSAC IS SET FOR WEDNESDAY, APRIL 9, 1997, ALSO IN WASHINGTON, D.C.

James T. McQueen (FRA) makes an informational presentation on the technology development for Positive Train Control (PTC). No formal referral to RSAC is being made at this time. The presentation utilized overhead viewgraphs. Photocopies of the overhead viewgraphs were given to each RSAC member. The presentation materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Topics covered included: a Corridor Risk Assessment Study being undertaken by the Volpe National Transportation Systems Center; a Business Benefits Analysis, which will be added to the Corridor Risk Assessment Study by mid-1997; and a discussion of current and prior PTC projects. The Agency's goal is to explore and express the implementation of PTC. FRA will restructure its programs to assist parties that want to implement PTC. The Corridor Risk Assessment Study is behind schedule, but it is a complicated project. The BN-UP demonstration project in the Pacific Northwest is progressing. Through a cooperative agreement with the State of Washington, FRA is putting some money to promote consideration of passenger rail implications and migration toward support of high-speed service. So far, FRA is not overwhelmed by the advances afforded by PTC. FRA is sponsoring a Symposium on Global Positioning Systems applicable to railroad operations. The Symposium will be held at the FAA building on November 14 and 15. All RSAC members are invited to attend.

Mr. Dettman states that for six years, the AAR has contracted with Arthur D. Little on the subject of risk assessment. He requests that FRA share its study before it reaches the pages of the *Washington Post* newspaper. The AAR wants to work with FRA. Furthermore, "business benefits" deal with labor agreements, which are not part of FRA's mantra. FRA should only deal with safety, not crew scheduling.

Administrator Molitoris responds that the 1994 *Railroad Communications and Train Control Report* was criticized for lacking "business benefits." The Volpe study is very complete and you will be pleased. FRA has been sticking to the time line in its 1994 Report. Furthermore, anything we do in 1997 will be fact based. We are developing facts with studies and PTC demonstration projects underway. In early 1997, I want to hold a Roundtable with suppliers to see if we can make a quantum leap. I would appreciate RSAC's feedback on how FRA can move this issue forward. PTC will be a high priority item in 1997.

Daniel D. Foth (APTA) asks if the Florida [East Coast Railroad] System applies only to where there are no cab signals?

Steve Ditmeyer (FRA) responds where there are no cab signals.

Rick Inclima (BMW) is pleased that maintenance-of-way (MOW) equipment will be covered. He asks how PTS technology be applied to a signal system for MOW equipment, which is now virtually invisible?

Mr. McQueen agrees. However, he explains that FRA is approaching PTC from a technology viewpoint. FRA wants to know what works? How well does it work? The protection of MOW workers will be included in what FRA does.

Mr. Inclima states that MOW workers are invisible to dispatchers and to the signal system.

Mr. Ditmeyer explains that under certain systems being developed, MOW equipment is being handled the same way as a train.

Mr. Inclima asks what redundancy is being built into the system if there is a communications failure?

Mr. Ditmeyer states there is redundancy. If there is a failure, the train can not move forward without new authority.

Mr. Mattingly states that PTC is a big, complex issue that needs to be addressed. We, the signalmen, look forward to working with FRA.

Mr. Lauby states that unless there is back-up to existing control systems, there will be system failures. The NTSB encourages the development of information that presents all the options before the parties. FRA is taking an approach that is presenting the technical, business, safety, and other issues that will be involved in implementing this technology.

M O R N I N G B R E A K 9:20 A.M. - 10:08 A.M.

Administrator Molitoris introduces Congressman James Oberstar.

Congressman Oberstar addresses RSAC. Congressman Oberstar reminds RSAC that if anybody lost sight of the significance of railroads to the economy, then they just needed to look to last summer, when a strike by the rail industry threatened to cost the economy \$2 billion a day, affecting 1 million jobs. The automobile, lumber & wood, coal mining, building and manufacturing industries would all be affected by a shut-down. Congressman Oberstar acknowledged that the gathering of RSAC shows the importance of rails and rail safety. In taking the issue of "railroad safety" seriously, Congressman Oberstar related his own background. He came from a mining family where his father was on the mining safety committee. Because people's lives are very

important to Congressman Oberstar, he has chaired oversight hearings on aviation safety, pipeline safety, and railroad safety. There is some crossover between modes. Congressman Oberstar acknowledged that RSAC has made progress in the issues before it. However, regarding Track Safety Standards, he reminds RSAC that several city and town evacuations occurred during the past year because these rules were not in place. If RSAC cannot reach agreement by the end of the year, Congressman Oberstar will urge the FRA Administrator to issue a rule by January 15, 1997. Regarding Power Brake Rules, Congressman Oberstar reminded RSAC and FRA that December 1, 1993 was the statutory deadline for issuing these rules. Other topics of concern to Congressman Oberstar and the Congressional Committee include the requirement to have working radios in each locomotive cab, freight and passenger rail car safety standards, bridge displacement detection systems, rules covering Tourist and Historic Railroads, rules for locomotive event recorders, and PTC. Congressman Oberstar's aide, Jack Wells, has reported considerable progress in these areas. But if decisions cannot be made by RSAC, then Congress will mandate these safety issue rulemakings.

Administrator Molitoris outlines the accomplishments of this RSAC session including successes in Track Safety Standards and Power Brake Rules.

Mr. Foth adds to the accomplishment list that Passenger Car Safety Standards are in final review.

Mr. Inclima thanks Congressman Oberstar for leadership in interest in rail safety. There has been a lot of good quality work through prodding from Administrator Molitoris.

Pat A. Pender (SOO/CP) echoes comment of Mr. Inclima. Also pays tribute to FRA staff and Administrator Molitoris. He invites Congressman Oberstar to visit a new Soo Line Dispatching Center in Minneapolis.

Congressman Oberstar responds that he will try to visit the Dispatching Center.

Mr. Loftus agrees with the progress mentioned by Mr. Pender. He cites that available funding for highway-rail grade crossings has been good. He hopes that more funding will be available.

Congressman Oberstar hopes there can be better signals, more highway-rail crossing closures and more efforts to gain funding for the Intermodal Surface Transportation Efficiency Act.

Administrator Molitoris cites 55 initiatives in DOT's Action Plan for highway-rail grade crossings. So far in 1996, fatalities at grade crossings are down 30 percent.

Frederic W. Yocum (ASLRA) supports the RSAC process because it can speed the process up and because it can yield a higher quality product.

Administrator Molitoris asks James Phelan to comment on his experience as facilitator for the Railroad Communication Working Group.

Mr. Phelan relates his Working Group experience.

Mr. Mattingly observes that earlier in the day, FRA gave a presentation on PTC and that this item is moving forward.

Congressman Oberstar asks what are the technological concerns of PTC?

Administrator Molitoris responds that FRA is moving ahead on a Risk Study and other initiatives that will move the process forward. She notes that some American Public Transit Association members, such as New Jersey Transit, will implement PTC on their lines soon.

Mr. Dettman comments that the collaborative efforts of labor, management, and FRA are allowing this process to move forward. But without the leadership of Administrative Molitoris, we would not be here today.

Mr. Lewin replies that the Administrator said she would shoot us if we were not here today.

Congressman Oberstar asks what is the problem with radios on trains?

Mr. Phelan replies that the Working Group has general agreement. There are just some minor points to be decided.

Mr. Jones appreciates the Congressman for being a catalyst for moving industry. He believes the Congressman has been instrumental in that process.

Congressman Oberstar replies that all of RSAC's work will be rewarded with the lives you save. Safety is a thankless task. Accidents that do not happen do not receive any thanks. In the airline industry, safety is no longer taking the back seat to economics. Safety is good business for the airlines and the same applies to the railroad industry. You are all a part of this important economic system. I will work with you to make it as safe as possible.

Mr. Itzkoff makes closing remarks. He also briefly describes and hands out FRA's report on the Safety Assurance and Compliance Program (SACP). The October 1996 Report to Congress is titled, *Enhancing Rail Safety Now And Into The 21st Century: The Federal Railroad Administration's Safety Programs and Initiatives*. This report is part of the RSAC Docket and is not excerpted in the RSAC Minutes.

Chairperson Fine conducts housekeeping chores. Forms are passed out to RSAC members to express interest in participating in Working Groups of the newly accepted RSAC tasks. These forms should be returned to FRA within two weeks.

Mr. Inclima reminds Chairperson Fine that the parity representation issue on Working Group composition is important to labor. There should be the same number of labor and management members on Working Groups.

Chairperson Fine requests that RSAC members examine and approve the "Minutes" from the Second RSAC Meeting and return the approved/corrected minutes within two weeks.

Administrator Molitoris concludes the meeting by requesting feedback on the SACP Report.

M E E T I N G A D J O U R N E D 11:10 A.M.

Respectively submitted by John F. Sneed, Secretary.