

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting June 24, 1997

The fifth meeting of RSAC was convened at 9:35 a.m., in Salon F of the Baltimore Washington International (BWI) Airport Marriott Hotel, 1743 West Nursery Road, Baltimore, Maryland 21240, by the Federal Railroad Administration (FRA) Administrator, Jolene M. Molitoris.

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. Seven of the forty-eight voting RSAC members were absent: The Association of American Railroads (2 of 12 seats not present), The High-Speed Rail/Maglev Association (1 seat), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), The National Conference of Firemen & Oilers (1 seat), and Safe Travel America (1 seat). Two of four non-voting RSAC members were absent: Secretaria de Comunicaciones y Transporte (Mexico) (1 seat), and Transport Canada (1 seat).

Administrator Molitoris began the meeting on a somber theme. June 23, 1997, was the first day on the job for FRA's new Associate Administrator for Safety, James T. Schultz. This was also the day that he and FRA had to face the aftermath of the 10:50 p.m. (CDT) June 22, 1997, head-on collision between two Union Pacific Railroad freight trains at Devine, Texas. Two crew members, one from each train, and two unidentified persons, believed to be railroad trespassers, were killed. FRA's business is to make sure that people live and that they return home whole. FRA will issue a directive this week addressing safety redundancy so that this type of accident will not occur again. [Note: on June 25, 1997, FRA issued Safety Directive 97-1, which advised all railroads of steps needed to ensure the integrity of their operational tests and inspections and ensure that safety-critical information is accurately conveyed in Direct Train Control Territory.] The track segment where the Devine, Texas accident occurred has no signal system; train movements are authorized by Track Warrant Control, a type of Direct Traffic Control method of operation.

While the cause for the Devine, Texas accident is still under investigation by FRA and the National Transportation Safety Board, FRA believes that this type of accident could be prevented by Positive Train Control (PTC), a communications-based train control system under development. Reports on PTC rail corridor identification, and PTC cost-benefit determination efforts will be presented to RSAC at today's meeting. FRA has contracted the Volpe National Transportation Systems Center (Volpe) to assist the

Agency in identifying rail corridors, which might be candidates for the installation of PTC, and to develop "business" benefits associated with the installation of PTC. FRA's Deputy Administrator, Donald M. Itzkoff, will introduce the PTC presentation following the RSAC lunch break. RSAC is instructed by the Administrator that it would be naive not to recognize that members of Congress are planning to introduce legislation to make PTC mandatory. FRA intends to bring a PTC Task Statement before RSAC at the September 1997 Meeting.

Administrator Molitoris is pleased that the Railroad Communications Rules will be issued this week. These rules are the result of consensus; they are the result of the efforts of RSAC.

Administrator Molitoris reports that through the efforts of a dedicated Working Group, Track Safety Standards were approved by Mr. Itzkoff on June 19, 1997, and will be reported in the *Federal Register* shortly.

In addition, the efforts of the Steam Locomotive Working Group have been very detailed. FRA hopes that by the tentative September 1997 RSAC Meeting, these rules will be ready for approval.

Finally, the Administrator expresses disappointment that Power Brake Rules did not succeed under the RSAC process. However, FRA is prepared to withdraw this project from RSAC and proceed with its own rulemaking, probably as a Notice of Proposed Rulemaking (NPRM). It will be a better rule as a result of RSAC. The Administrator indicated that she very seriously considered going directly to a final rule on this matter, but will probably issue a new proposed rule.

Today, FRA will ask RSAC to undertake new projects. One of these will be Locomotive Crashworthiness. The Administrator looks forward to RSAC's continued success in these efforts.

Administrator Molitoris introduces the new RSAC Chairperson, James T. Schultz, FRA's Associate Administrator for Safety. Mr. Schultz is described as a person known for "building [communication and interpersonal relationship] bridges," but at the same time being a "tough [fair-minded] guy." For the past twelve months, Mr. Schultz has been the Regional Administrator in Sacramento, California, dealing with the difficult Cajon Pass issue. Before that, Mr. Schultz was the Staff Director of the Operating Practices Division at FRA Headquarters.

Administrator Molitoris, thanked the outgoing RSAC Chairperson, Bruce M. Fine, for the fine job he has done as Associate Administrator for Safety. The Administrator acknowledged the presence of Phillip Olekszyk, retired Deputy Associate Administrator for Safety Compliance and Program Implementation.

Administrator Molitoris turned over the proceeding to former Chairperson Bruce M. Fine, now Executive Assistant to the FRA Administrator. Mr. Fine introduces the new Chairperson, James T. Schultz, FRA's Associate Administrator for Safety. Chairperson Schultz acknowledges RSAC's welcome to his new position. He describes his recent work experience in California and thanks Administrator Molitoris and Deputy Administrator Itzkoff for the opportunity to continue the RSAC process begun by those before him. He shares the vision of Administrator Molitoris and is pleased to be part of the professional team at FRA. Chairperson Schultz also acknowledged the contributions to today's RSAC Meeting by Deputy Associate Administrator for Safety Standards and Program Development, Grady C. Cothen, Jr., Assistant Chief Counsel, Safety Law Division, Daniel C. Smith, Francis (Vicky) McCully, and Patricia (Trish) Paolella.

Mr. Fine makes a presentation on the RSAC Task Number 96-1, Revision of Freight Power Brake Regulations. Because a consensus cannot be reach by RSAC, FRA will probably issue a NPRM shortly.

FRA WITHDRAWS TASK NUMBER 96-1, REVISION OF FREIGHT POWER BRAKE REGULATIONS, FROM RSAC. FRA WILL GO TO RULEMAKING FOR REVISIONS TO FREIGHT POWER BRAKE RULES.

Mr. Fine notes that the "safety equivalency" waiver petition, which the Consolidated Rail Corporation (Conrail) is considering filing with FRA is not a secret. If granted, Conrail would conduct a more thorough initial inspection of freight trains, in exchange for relief from certain inspections required under existing rules. Any railroad can file a similar petition.

Chairperson Schultz asks for a motion to approve the Minutes of the Fourth RSAC Meeting, held March 24, 1997.

Ray Lineweber (United Transportation Union) moves that the Minutes be approved. The motion is seconded.

THE MINUTES OF THE FOURTH RSAC MEETING, HELD MARCH 24, 1997, ARE APPROVED BY VOICE VOTE.

CHAIRPERSON SCHULTZ INTRODUCES MARK H. MCKEON, REGIONAL ADMINISTRATOR, FRA REGION 1, WHO PRESENTED A BRIEFING ON RSAC TASK, NUMBER 96-6, REVISION OF THE QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS REGULATIONS.

Mr. McKeon's remarks are excerpted as follows:

÷! The most recent Working Group meeting was held during the week of June 10.

÷!

The next meeting is scheduled for the week of October 6. The Working Group is unable to schedule a meeting in September due to schedule conflicts among members and a religious holiday.

÷! At the October meeting, the Working Group will review final draft language prepared by FRA's General Counsel's Office for both the regulatory text and the preamble.

÷! Within a week, proposed language on "hearing" and "vision" requirements will be mailed to Working Group members. The proposed changes are responsive to National Transportation Safety Board recommendations.

÷! Originally, there were 24 agenda items. Four additional agenda items were added, bringing the total agenda items to 28. To date, 25 agenda items have been resolved and 1 has been partially resolved. Two issues, which need to be resolved include: (1) whether certification period should be extended from the current 3-year maximum, to a 5-year maximum; and (2) whether the requirement for certified operators can be relaxed in blue signal protection areas.

Mr. McKeon concluded his presentation by stating that the Working Group had contacted the National Highway Traffic Safety Administration about checking locomotive engineers' Driver's Licenses as a part of the certification process.

M O R N I N G B R E A K (10:45 A.M.--11:05 A.M.)

Chairperson Schultz handles RSAC house keeping chores. Chairperson Schultz introduces Michael J. Logue, Acting Deputy Associate Administrator for Safety Compliance and Program Implementation. Mr. Logue replaces Mr. Olekszyk in that position. Chairperson Schultz also introduces Robert C. Land, the FRA Administrator's Chief of Staff.

CHAIRPERSON SCHULTZ INTRODUCES EDWARD R. ENGLISH, DIRECTOR, FRA'S OFFICE OF SAFETY ASSURANCE AND COMPLIANCE, WHO PRESENTED A BRIEFING ON REMAINING AGENDA ITEMS UNDER RSAC TASK NUMBER 96-2, REVISION OF TRACK SAFETY STANDARDS.

Mr. English's remarks are excerpted as follows:

During the course of the Track Safety Standards Working Group meetings, two task groups were formed to continue discussion on issues raised, but not included in the Notice of Proposed Rulemaking (NPRM) for the revisions of Track Safety Standards. The issues are Maintenance of Way Equipment Safety Standards and the application of Gage Restraint Measurement System (GRMS) technology. The status of these two groups is as follows:

- ÷! On roadway equipment, a six-member task force held two conference calls in late 1996, and met three times in 1997, most recently on June 19. Considerable progress has been made in identifying categories of equipment, both existing on-line and those, which will be manufactured in the future, which must meet certain minimum safety requirements. The task force has set a deadline of September 30th to report back to the Working Group with a final product. Retrofitting existing equipment is the biggest issue.
- ÷! On GRMS, a 12 member task force met for the first time on June 23rd.

CHAIRPERSON SCHULTZ INTRODUCES LISA LEVINE (FRA'S OFFICE OF GENERAL COUNSEL) WHO PRESENTS A BRIEFING ON RSAC TASK NUMBER 96-5, STEAM-POWERED LOCOMOTIVES, REVISION OF INSPECTION STANDARDS

This task is nearing completion. The rule text will be sent to the Task Group, and then to the Tourist and Historic Working Group, which will vote on the proposed rule changes. It is anticipated that a full consensus product will be ready for distribution to the full RSAC before its next meeting, tentatively scheduled for the week of September 29. The Steam Standards Task Force is a subgroup of The Tourist and Historic Working Group. Task Statements for this activity are part of the materials inserted at TAB 8 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

CHAIRPERSON SCHULTZ REQUESTS MR. COTHEN TO PRESENT A BRIEFING ON NEW TASKS FOR RSAC CONSIDERATION.

At the fourth RSAC Meeting, held March 24, 1997, RSAC received a progress report on a "planning" group's review of *Locomotive Crashworthiness and Cab Working Conditions, A Report to Congress*. This report was distributed at the 3rd RSAC Meeting, held October 31-November 1, 1996. The planning group was to advise FRA and RSAC how to proceed in addressing locomotive crashworthiness and cab working conditions.

Also at the fourth RSAC Meeting, RSAC voted to establish a working group to examine all elements involving locomotive event recorders. The working group will examine: (1) what data should be recorded, (2) what are the crash survivability requirements under fire, water, and impact conditions, (3) what inspection, testing, maintenance of event recorders should be required by FRA, and (4) whether event recorders should be required in the lead versus trailing locomotives. In the interim, the National Transportation Safety Board (NTSB) announced that it would make recommendations concerning crash survivability of locomotive event recorders.

Mr. Cothen presented RSAC Task Statement Number 97-1, Locomotive Crashworthiness, RSAC Task Statement Number 97-2, Locomotive Cab Working Conditions, and RSAC Task Number 97-3, Revision of Event Recorder Requirements. The Task Statements are part of the materials inserted at TAB 10, TAB 10, and TAB 12, respectively, of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Because FRA responds to NTSB recommendations, usually within 90 days, FRA added a requirement for RSAC to advise FRA how to respond to the forthcoming NTSB recommendations to RSAC Task Number 97-3.

Chairperson Schultz asks if there is any discussion on RSAC Task Numbers 97-1, 97-2, or 97-3.

C. William Autro (National Railroad Passenger Corporation (Amtrak)) motions that RSAC accept RSAC Task Number 97-1, Locomotive Crashworthiness.

RSAC TASK NUMBER 97-1, LOCOMOTIVE CRASHWORTHINESS, IS ACCEPTED BY RSAC. A WORKING GROUP WILL BEGIN WORK.

Mr. Lineweber requests that since a date has not been established for "Sanitary Facilities" in RSAC Task Number 97-2, he suggests January 1, 1998.

Jeffery F. Moller (AAR) requests that the Working Group decide the date for "Sanitary Facilities" in RSAC Task Number 97-2.

Robert Harvey (BLE) states that lots of technical data is not needed for "sanitary Facilities." He hopes a decision can be made by January 1, 1998.

Mr. Moller responds that those facing the decisions of how to implement the Order, should also be involved in setting the time for reporting the rules.

Mr. Autro suggests July 1998 as the target date for "Sanitary Facilities." This date is consistent with targets dates for other parts of RSAC Task Number 97-2.

Mr. Lineweber believes that progress can be made by January 1, 1998.

A MOTION IS PASSED TO ESTABLISH JANUARY 1, 1998 AS THE TARGET DATE FOR THE "SANITARY FACILITIES" PORTION OF RSAC TASK NUMBER 97-2.

A MOTION IS REQUESTED FOR RSAC TO ACCEPT RSAC TASK NUMBER 97-2. JOSEPH MATTINGLY (BRS) MOVES, MR. LINEWEBER SECONDS. RSAC TASK NUMBER 97-2, LOCOMOTIVE CAB WORKING CONDITIONS IS ACCEPTED BY RSAC. A WORKING GROUP WILL BEGIN WORK.

Mr. Cothen continues with his presentation of proposed RSAC Task Number 97-3, Revision of Event Recorder Requirements. FRA wants this task to respond to a forthcoming National Transportation Safety Board (NTSB) recommendations for locomotive event recorders. FRA is anticipating a recommendation concerning the installation of locomotive cab voice recorders. The FRA Administrator is asking that RSAC provide a response to the NTSB recommendations in the form of advice on this topic.

Mr. Cothen asks if NTSB RSAC Non-Voting Member James S. Dunn wishes to comment on the forthcoming NTSB recommendations.

Mr. Dunn declines.

Mr. Lineweber asks for the time frame for the 1st Working Group Meeting for each of the newly accepted RSAC Tasks, 97-1, 97-2, and 97-3, if accepted.

Mr. Cothen responds that the 1st meeting for 97-3 would be sometime this summer. For 97-1 and 97-2, FRA needs to know expressions of interest from each RSAC Member within two weeks--whether to join the Working Group of 97-1 or 97-2.

Mr. Lineweber suggests that the Working Group Meetings for all 3 Tasks, 97-1, 97-2, and 97-3 should be back-to-back.

William Clifford (BLE/ATDD) quotes from the June 17 Public Meeting of the NTSB concerning the recommendation of "voice data" recorders. Mr. Clifford asks what protection is there on the release of voice data recordings?

Mr. Cothen responds that "special use" legislation may be required to restrict the release of voice data recordings to accident investigators only (NTSB and FRA).

Mr. Clifford asks if the "special use" legislation will hold up in court. He believes that lawyers will be calling for release of the [voice] data.

Mr. Smith (FRA) offers to contact the NTSB for guidance on how it deals with issues related to protection of voice data.

Mr Clifford asks about the use of certain words that might appear in voice recordings.

William E. Loftus (ASLRA) responds that it seems to be inappropriate to put “voice recorders” into the physical protection of the locomotive event recorder, which is the purpose of this task. There are intense labor-management relations here. It seems inappropriate to tie “voice recording” to “crash worthiness.”

Henry B. Lewin (TCIU/BRC) responds that the issue of Railway Labor Act moratorium violations is hanging over RSAC. Until it is eventually resolved, how does RSAC address any issues?

Mr. Fine says the moratorium issue is a separate matter. It will be addressed as a separate discussion later in the day.

Mr. Harvey believes that RSAC needs to decide how useful “voice recording” is. RSAC needs to keep event recorder survivability separate from crash worthiness.

Mattie C. Condray (APTA) believes the issues are separate, but that the “right” experts could decide each issue.

Francis G. McKenna (Tourist Railway Association, Inc.) stated that in no [railroad] event cited by the NTSB was survivability of an event recorder a factor in determining the cause of an accident.

Mr. Cothen responds that the NTSB wants our rules to ensure that data survives. He asks if there are any objections to separating out the two issues, as suggested by Mr. Loftus?

Mr. Itzkoff addresses RSAC: The Task Statement says that we can **add** or subtract items, which can include “**voice**.”

Bennett Levin (American Association of Private Railroad Car Owners) believes that separating out the voice issue will move the process on. There are 1st Amendment Rights issues involved with voice recording.

Mr. Cothen asks for further discussions. He asks if there are any strong objections to taking on the task of responding to the NTSB?

Dr. Albert J. Reinschmidt (AAR) requests clarification.

Mr. Itzkoff responds that FRA needs to respond to the NTSB. FRA wants input from RSAC.

Mr. Levin asks to take a vote at the end of the day on whether voice recording will be considered by RSAC.

Mr. Loftus reminds the forum that it is important to stay within rules established for RSAC. A "working group" works towards a consensus recommendation. The issue of "voice recording" has a 90 day response deadline to the NTSB. He does not believe this issue can be handled within 90 days.

After conferring with Mr. Smith, Mr. Cothen takes out references relating to "voice recorders" in RSAC Task Number 97-3, Revision of Event Recorder Requirements. Under "Purposes:", remove the final sentence in the paragraph: "To consider, and as appropriate act upon, National Transportation Safety Board recommendation for locomotive cab voice recorders." Under "Description:", remove the second paragraph: "Examine the need for and feasibility of requirements governing the design, implementation, functionality, test, maintenance, and associated parameters relating to the installation of voice recorders in locomotive cabs. Advise FRA regarding response to the related recommendation of the National Transportation Safety Board and follow through, as needed, based upon the response."

Mr. Cothen requests that comments be given by RSAC to FRA on the NTSB recommendations on locomotive voice recorders.

Mr. Moller responds that he believes that the goal of a 90 day response to the NTSB can be that "RSAC has the issue under consideration."

Chairperson Schultz requests a motion to accept RSAC Task Number 97-3, as modified.

Mr. Loftus presents a motion that RSAC accept Task Number 97-3, as modified. The motion is seconded, and carried by majority voice vote.

RSAC ACCEPTS TASK NUMBER 97-3, AS MODIFIED, REVISION TO EVENT RECORDER REQUIREMENTS

Mr. Cothen states that FRA will gather an informal group to study the issues of voice recording. The group's purpose will be to develop issues, not to reach consensus on recommendations. FRA will announce a meeting within the next few weeks involving "scoping" work on voice recording. FRA asks RSAC members to indicate their decision to participate by contacting Ronald Newman, (202) 632-3365, who is the FRA Headquarters contact to receive RSAC input on voice recorder information.

LUNCH BREAK (12:10 P.M.- 1:20 P.M.)

Chairperson Schultz introduces Robert L. Finkelstein, FRA Staff Director, Systems Support Division.

Mr. Finkelstein makes a presentation on the accident damage threshold for reporting railroad "accidents" and railroad "incidents." New accident/incident reporting requirements became effective January 1, 1997, following the issuance of a Notice of Proposed Rulemaking (NPRM). At the fourth RSAC Meeting, a request was made by the Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC) to have RSAC consider setting the monetary threshold. Mr. Finkelstein explained the NPRM--at monetary damages of \$6,500 and above, it becomes an "accident." Below \$6,500 in monetary damages, railroads report "incidents." Mr Finkelstein's remarks are part of the materials inserted at TAB 14 of Notebooks 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. Cothen asks if there is continued interest by TCIU/BRC in having RSAC raise the issue of monetary threshold definitions for "accident" and "incident?"

Mr. Lewin responds that TCIU/BRC believes that it should be addressed. However, if RSAC does not want to take up the issue, then FRA can.

Rick Inclima (BMW) also believes that this issue should be addressed by RSAC.

Mr. Lewin motions that the issue of monetary threshold for "accident" and "incident" be accepted by RSAC. The motion is seconded by Mr. Lineweber.

Dr. Reinschmidt requests time for a caucus for rail management.

Chairperson Schultz proposes that a task statement be prepared and presented at the next RSAC Meeting. In the interim, all RSAC members are encouraged to submit materials to Vicky McCully on expressions of input to the proposed task statement on train accident definitions.

FRA WILL PREPARE A TASK STATEMENT ON TRAIN ACCIDENT DEFINITIONS FOR SUBMISSION TO THE SEPTEMBER 1997 RSAC MEETING.

Mr. Cothen makes a presentation on railroad passenger safety efforts. No materials are handed-out at today's meeting because a Notice of Proposed Rulemaking on "phase I" of passenger safety efforts will be circulated to RSAC Members shortly. "Phase I" will include rules for (1) passenger equipment, and (2) passenger emergency preparedness. Mr. Cothen added that the American Public Transit Association (APTA) is active in producing rules, which will be incorporated into "phase II" of this project. FRA is encouraged by the voluntary efforts already underway in railroad passenger safety.

Chairperson Schultz introduces Mr. Itzkoff for a presentation of Positive Train Control (PTC).

Mr. Itzkoff envisions railroads as having an opportunity to be leaders in communications-based train control. These systems can prevent overspeed derailments and collisions. Recent accidents in the East and West are examples that FRA believes can be prevented by PTC.

In the July 1994 Report to Congress, *Railroad Communications and Train Control*, FRA looked at PTC. At that time, FRA stated that on the basis of safety costs and benefits, the PTC system would probably not be required to be installed nationwide. Meanwhile, FRA is supporting a number of demonstration projects in hopes that this technology will be deployed.

Mr. Itzkoff announces that today's presentation will include a briefing on one of FRA's core projects: Can segments or corridors be identified as candidates for installing this technology? The presentation will be made by the Volpe National Transportation Systems Center's Robert Dorer and Dr. Sherry Borener, and Parsons Brinckerhoff Consultants' Kenneth Ullman.

MR. ITZKOFF INFORMS RSAC THAT FRA WILL PRESENT A TASK STATEMENT ON POSITIVE TRAIN CONTROL FOR RSAC CONSIDERATION AT THE SEPTEMBER MEETING

Robert M. Dorer (Volpe National Transportation Systems Center, Acting Chief Infrastructure Systems and Technology Division) makes introductory remarks on the Corridor Risk Analytical Model (CRAM) project background. These efforts include: (1) develop database; (2) develop model; (3) analyze historical data; and (4) produce list of preliminary rail corridors, which might be candidates for PTC.

Dr. Sherry Borener (Volpe National Transportation systems Center) presents an overhead projector slide presentation covering the following topics: PTC Study Background, Corridor Risk Assessment, PTC Study Methodology, PTC Preventable Accidents (high level causes and base causes), PTC Study Definition, Selection of Preventable Accident "Cause Codes," Assignment [of rail accidents] to the Rail Network, Geographical Information System (GIS) Platform Development, Corridor

Assignments, Corridor Rankings, Corridor Based Risk Assessment, Historical rankings Method, Benefit Assignment Method, Predictive Model, Discussion of Regression Model, and Results. These materials, as well as overhead projector slides showing historical and predictive rail corridors, which may be candidates for PTC are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Kenneth Ullman (Parsons Brinckerhoff Consultants) made a presentation on the study of “business benefits,” which may arise from the installation of PTC on rail lines. Using an overhead projector slide presentation, Mr. Ullman described: Project Tasks, PTC Study Definition, the five corridors selected for Corridor Focus, Benefit Areas, Data Requirements, and the Project Status and Schedule. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Following the PTC presentation, Mr. Itzkoff asks if there are any questions for the presenters, Mr. Dorer, Dr. Borener, and Mr. Ullman?

Lawrence Mann (UTU) asks where do equipment-related accidents appear in the Corridor Risk Analytical Model (CRAM)?

Dr. Borener responds that CRAM began with human-factor related accidents, and added some signal-related accidents. The study does not include equipment-related accidents.

Mr. Mann asks of the actual number of 17,000 possible accidents, how many are in “Dark Territory” (i.e., rail track with no signal system)?

Dr. Borener offers to identify the exact number if Mr. Mann will contact her.

Mr. Mann asks of the “top 20 corridors,” how many are in dark territory?

Dr. Borener responds that it depends on how the corridors are sorted. If Mr. Mann will contact her, she will provide the data.

Mike Darby (AAR) asks for a description of the qualifications of the “expert” used by the Volpe National Transportation Systems Center to identify PTC-preventable accidents.

Mr. Cothen responds that under a subcontract with ENSCO, Incorporated, the Volpe National Transportation Systems Center had access to a former FRA employee, who is highly qualified to identify PTC-preventable accidents.

Dr. Reinschmidt asks how “benefits” were determined.

Steven R. Ditmeyer (FRA, Director Office of Research and Development) responds that this issue is still under examination. FRA concedes that there may be one or two ways of achieving a “cheaper” benefit.

Dr. Reinschmidt asks if someone will describe the “costs” being used in the PTC business benefit study.

Mr. Ullman explains that a detailed specification for cost has not been developed. A number of factors will be blended in the study.

Mr. Ditmeyer adds that the business benefits contractor will revisit the costs used in FRA’s 1994 Report to Congress, concerning cost-benefits of PTC.

Mr. Loftus asks if any highway-rail crossing accidents are included in the accident dataset used in the Corridor Risk Analytical Model

Dr. Borener responds no.

Mr. Clifford asks if he is correct in assuming that the “Predictive Model” is a “living” document, like the “Historical Model.”

Dr. Borener views both models as “living documents.”

Mr. Clifford asks if “human-factor” caused accidents, are those caused by employees working for a railroad, are vandalism-caused accidents are included in the dataset.

Dr. Borener responds that human-factor cause codes were used to select accidents for the dataset. Certain “Acts of God” may be included in the dataset because it was determined by examination of the accident by an “expert” that the accident could have been prevented by PTC.

Mr. Clifford states that many rail corridor candidates shown in the presentation are also candidates for high-speed rail service. If high-speed rail operations are added to the dataset will the Model change?

Dr. Borener answers that the Model will change as there are changes in corridor characteristics. The addition of high-speed to a rail corridor may require a change in the signal system deployed in the corridor. Signal systems are one of the corridor characteristics found in the dataset.

Mr. Mattingly states that the Federal Communications Commission (FCC) allocated radio frequencies are better utilized in a PTC system. He asks if that feature was factored into the business benefit analysis?

Mr. Ditmeyer responds that the FCC has decided that the radio frequency bandwidth allocated to railroads will be split-up so that 91 channels will become 182.

Mr. Mattingly asks if the savings has been factored into the business benefit analysis.

Mr. Ditmeyer responds no.

Thomas P. McDermott (TCIU/BRC) asks if the Volpe National Transportation Systems Center has compared actual occurrences in the Model with Predicted occurrences?

Dr. Borener responds that in about 50 percent of the corridors, the predicted and historical PTC-preventable accidents matched.

Mr. McDermott asks if environmental considerations have been factored into the business benefits analysis?

Mr. Cothen responds that FRA narrowed the scope of the Model analysis to be able to come up with a relative ranking.

Mr. Inclima asks if each locomotive, or Maintenance of Way equipment be outfitted with a transponder to be located by a satellite?

Mr. Ditmeyer responds that PTC takes on two forms. The first is communications and Global Positioning Satellite System-based. The second involves ground transponders along the tracks. Both systems use an onboard computer, which processes information.

Mr. Inclima asks about the power mode of locomotive and Maintenance of Way equipment. Is it 12 volt? Can Maintenance of Way equipment have PTC location equipment installed on it?

Mr. Ditmeyer responds that FRA has not established equipment specifications.

Mr. Inclima asks if the PTC equipment causes the train, or Maintenance of Way equipment to stop?

Mr. Ditmeyer responds that if the operator does not apply brakes, an On Board Computer (in the case of a locomotive) will apply the train's brakes.

Mr. Inclima asks if the business benefits study is considering what happens at highway-rail grade crossings during PTC train pacing?

Mr Ullman responds no, but that this concern will be noted as the study progresses.

Mr. Itzkoff concludes the PTC presentation by stating that FRA will to provide RSAC with all the underlying data and technology that the Agency has so that consideration of implementing PTC on rail corridors can begin.

FRA WILL FRAME A TASK ORDER FOR RSAC INVOLVEMENT IN PTC BY THE SEPTEMBER 1997 MEETING.

AFTERNOON BREAK (3:00 P.M.--3:30 P.M.)

Chairperson Schultz begins with housekeep chores. RSAC is requested to consider a date for the next meeting. The week of September 29, 1997 is suggested. RSAC Members are queried if a "Working Lunch" would be agreeable.

RSAC AGREES BY VOICE VOTE TO HOLD ITS NEXT MEETING DURING THE WEEK OF SEPTEMBER 29, 1997. RSAC COORDINATOR, Vicky MCCULLY WILL INFORM MEMBERS OF TIME, DATE AND PLACE OF THE NEXT MEETING WHEN ARRANGEMENTS ARE COMPLETE.

Chairperson Schultz asks Mr. Fine to outline a discussion of the "moratorium" issue that is about to be discussed. After introductory remarks, Mr. Fine asks Mr. Smith to outline the issue.

Mr. Smith begins by explaining that the "moratorium" issue is not an RSAC issue. However, the outcome of the "moratorium" issue can impact RSAC. Briefly, Collective Bargaining Agreements have a moratorium provision that prevents further negotiation of those issues covered by the Collective Bargaining Agreements. Therefore, some have argued that discussing any law or rule that pertains to employee tasks in carrying out safety rules could violate the moratorium provisions of Collective Bargaining Agreements. FRA has authority to specify employee qualifications as they deal with safety. At the same time, FRA has no interest in Collective Bargaining Agreements. However, if the "moratorium" issue cannot be resolved, it could affect the RSAC process because people will be discouraged from freely giving their advice. FRA needs all participating parties to be able to speak freely in the RSAC forum.

Mr. Lewin responds that TCIU/BRC does not believe that the RSAC process interferes with Section 6 Agreements under the Railway Labor Act. But someone could argue that it does, under today's legal climate. Mr. Lewin suggests that the parties agree that anything occurring under RSAC is not violating any labor agreement.

James Schultz (AAR) states that railroad management agrees with Mr. Lewin and offers to sit down with labor and come to an agreement without FRA involvement. He states that there is also a need to develop a process whereby issues that are properly collective bargaining issues, not safety issues, are excluded from RSAC discussions.

Mr. Fine articulates FRA's position that the Agency needs assurance that anything before RSAC is not in conflict with the "moratorium."

Mr. Lewin responds that there is nothing before RSAC that affects current agreements.

Mr. Schultz (AAR) agrees saying that when the issue was examined in late April, there was no RSAC task affecting Railway Labor Act provisions.

Mr. Fine reiterates that labor and management must resolve this issue so that RSAC Working Groups do not remain in limbo. It is important that any party who believes an issue is not one to be deliberated in RSAC identify such issues at the outset, rather than waiting for many months and then raising this objection at the last minute.

Mr. Smith restates that this issue is important to RSAC. In his view, there are two distinct issues: (1) can labor and management agree that folks can discuss whatever they want to discuss at RSAC-related meetings without fear of actions being brought against them for alleged violations of the moratorium provisions? (2) It is a different issue for RSAC Working Groups to decide what might be a collective bargaining issue and take that off the table. Of course, FRA would not be bound by any decision by a working Group or a party's refusal to discuss a matter. If FRA thinks it's a safety matter requiring a solution, it will issue a rule.

Mr. Schultz (AAR) offers to meet with labor organizations and to decide the issue among themselves.

Mr. Smith stated his intention to contact the parties by June 30 to offer FRA's assistance in achieving a resolution.

Dan Pickett (BRS) believes that there is nothing that can be done by RSAC, which FRA cannot do on its own. He asks what is the problem with the "moratorium" issue? He thinks it is trifling and needs to be put behind us.

Mr. Fine responds that the "moratorium" issue will not be solved today. However, FRA needs to have it resolved very soon. Mr. Fine asks who wants to participate and provides a sign-up sheet for interested parties.

Mr. Clifford states that anybody can raise an issue about what constitutes a collective bargaining agreement issue.

Mr. Smith responds that FRA needs to find a quick way of resolving this issue.

Mr. Lineweber suggests that labor and management each pick 4 people to decide the issue.

Mr. Inclima responds that labor and management are either going to continue to work together, or the process will fall apart.

Mr. Cothen reminds RSAC Members to sign the attendance roster.

Mr. Smith announces that FRA intends to issue a *Federal Register* Notice to summarize RSAC Working Group Tasks that are in progress, following each Full RSAC Meeting.

Mr. Cothen informs RSAC Members that there are sign-up sheets available for members to express interest in participating in any of the three new RSAC Tasks, 97-1, 97-2, or 97-3. If unable to indicate a preference today, members are requested to send preferences to FRA within the next two weeks. The preferences can be sent to the RSAC coordinator, Vicky McCully.

RSAC MEMBERS WISHING TO PARTICIPATE IN THE FOCUS GROUP THAT WILL CONSIDER THE ADDITION OF "VOICE RECORDING" TO LOCOMOTIVE EVENT RECORDERS ARE ASKED TO GIVE THEIR BUSINESS CARDS TO VICKY MCCULLY TODAY.

With no other business, Chairperson Schultz requests a motion to adjourn the meeting.

M E E T I N G A D J O U R N E D (4:10 P.M.)

These minutes are not a verbatim transcript of the proceedings. Also, overhead viewgraphs and handout materials distributed during presentations by RSAC Working Group Members, FRA employees, and consultants, become part of the official record of these proceedings and are not excerpted in detail in the minutes.

Respectively submitted by John F. Sneed, Secretary.