

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting January 27, 1998

The seventh meeting of the RSAC was convened at 9:40 a.m., in the Vista Ballroom of the Westin Hotel (City Center), 1400 M Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Acting Associate Administrator for Safety, George Gavalla.

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. Eight of the forty-eight voting RSAC members were absent: The American Association of Private Railroad Car Owners (1 seat), The Association of American Railroads (2 of 12 seats absent), 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), The National Railroad Construction and Maintenance Association (1 seat), and Safe Travel America (1 seat). Two of four non-voting RSAC members were absent: Secretaria de Comunicaciones y Transporte (Mexico) and Transport Canada. Total meeting attendance, including presenters, was approximately 90.

Chairperson Gavalla welcomes RSAC Members and attendees. The RSAC process began about two years ago to craft solutions to problems in the rail industry. As a new FRA employee with a rail labor background, Mr. Gavalla was skeptical that labor and management could work together. Nevertheless, he entered the process with an open mind. The past two years have proven to be a journey for most all of us because the process has worked. Despite differences, RSAC participants are concerned about safety--we all care deeply about protecting people in our industry and those our industry touches.

Chairperson Gavalla introduces the FRA Administrator, Jolene M. Molitoris.

Administrator Molitoris announces that 1998 is going to be an extraordinary year because RSAC has built a foundation for an extraordinary year. In explaining that she will be attending a senior staff retreat with Secretary of Transportation Rodney E. Slater on February 5-6, the required reading for participants is *Real Dream Teams* [Authors: Bob Fischer and Bo Thomas, St. Lucie Press, Delray Beach, FL, 1996]. This book is about change agents, leaders of real "dream teams," and how extraordinary gains can be achieved through synergistic group dynamics. But even before the Administrator participates in the senior staff retreat, she has already experienced the results of her

“dream team,”--The Railroad Safety Advisory Committee. Everywhere she travels in the country, the Administrator has an extraordinary sense of pride because of what she hears about the results from the accomplishments of RSAC. These include RSAC consensus proposals for track safety and railroad communications and working group efforts in locomotive engineer certification, steam locomotive standards, passenger train emergency preparedness, and passenger equipment safety standards.

In mentioning “revisions to steam locomotive standards,” Administrator Molitoris acknowledged the contributions of the Smithsonian Institution’s Bill Withuhn on steam locomotive standards.

Other accomplishments include the industry implementation of two-way end of train devices and locomotive alerting lights, both of which are paying-off in lives saved and injuries prevented. Further, FRA began collecting more meaningful data on collisions, derailments and injuries under the revisions to Accident/Incident Reporting Regulations. In addition, during 1997, FRA issued proposed rules for the Florida Overland Express (FOX) project and a proposed order for Amtrak’s Advanced Civil Speed Enforcement System (ACSES) [ACSES will support the operation of Amtrak’s new American Flyer trainsets at speeds up to 150 miles per hour beginning in 1999.], and finally, positive train control (PTC) Working Group discussions got underway.

On January 23, 1998, Secretary of Transportation Slater and Administrator Molitoris attended the Association of American Railroads’ (AAR) Board of Directors Meeting. At that meeting, the AAR announced that it will contribute \$20 million [over the next four years] to equip a rail corridor in Illinois with PTC. To this amount, the State of Illinois and FRA will add \$15 million. [The demonstration territory will be part of the former Southern Pacific Transportation Company’s Chicago-St. Louis line north from Springfield to Mazonia, Illinois. This is the former SPCSL line now owned by the Union Pacific.] This project provides a framework within which to resolve the technical issues with regard to interoperability.

PTC will be an important theme in 1998. The Administrator requests that all RSAC members analyze what their contributions to this process can be. Railroad suppliers should also take note. There are opportunities for everyone in the commercial arena to access the substantial resources which are becoming available as a result of this technology.

Safety is being described by Secretary Slater as the “North Star” of the Department of Transportation. For 1997, FRA is currently projecting impressive safety improvements. Based on available data [projected for 1997], we estimate that:

- ÷ Train incidents will decline about 4 percent, from 2,443 in 1996 to 2,338 in 1997. There is also a decline in the train incident rate, from 3.64 per million train miles in 1996 to 3.45 in 1997.

- ÷ Employee-on-duty injuries dropped about 10 percent, from 9,199 in 1996 to 8,292 in 1997. The drop in rate was from 3.66 per 200,000 hours worked in 1996 to 3.27 in 1997.
- ÷ We project that crossing collisions are down 11 percent in 1997, from 4,257 to 3,778; crossing fatalities are down 10 percent in 1997, from 488 to about 441; and crossing injuries are down 7 percent in 1997, from 1,610 to 1,492.

However, all news is not good. Employee fatalities continue at unacceptable levels. In 1996, there were 33 employee fatalities. Yet in 1997, FRA investigated 37 fatalities that resulted from other than natural causes, two of which were homicides. Although FRA will have difficulty addressing causes underlying the 7 fatalities to employees in motor vehicle incidents in 1997, the 12 employees killed in switching-related fatalities and 7 killed in train collisions present a real challenge, as do other fatalities to workers in maintenance of way (6) and maintenance of equipment (3).

Further, trespasser fatalities for the first time clearly eclipsed highway-rail crossing fatalities as the largest single component of fatalities in railroad operations, rising from 471 reported in 1996 to 539 in 1997, based on current projections. Trespasser injuries also rose from 474 in 1996 to a projected 510 in 1997.

These statistics increase the pressure to move FRA's safety program forward.

Chairperson Gavalla thanks Administrator Molitoris for her opening remarks and continues with administrative and housekeeping items.

Chairperson Gavalla asks Deputy Associate Administrator for Safety Standards and Program Development Grady C. Cothen, Jr. to brief RSAC members on FRA's rulemaking agenda.

FRA Deputy Administrator Donald M. Itzkoff announces that the presentation on FRA's rulemaking agenda was put together in response to a query at the last RSAC Meeting [September 30, 1997].

Mr. Cothen identifies Kathryn Waters (American Public Transit Association) as the RSAC Member who made the initial request for an overview of FRA's regulatory agenda. Using a series of overhead view graphs titled *Railroad Safety Priorities*, Mr. Cothen describes factors that influence the agency's safety priorities. Next, Mr. Cothen outlines how these factors are used in several examples. These include the regulatory review of rules for accidents involving human factors, track and signals, motive power and equipment, hazardous materials, passengers, highway-rail crossings, and employees. Photo copies of the 23 pages of overhead view graphs were distributed for

inclusion in each member's RSAC Notebook. In addition, *Overview of the Railroad Safety Regulatory Program and Standards-Related Partnership Efforts*, dated January 23, 1998 is part of the materials inserted at Tab 1 of notebooks given to each RSAC Member. This is a detailed account of current agency rulemakings. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

FRA, or any safety agency, must (1) identify safety needs, (2) consider alternative actions, (3) rank the safety needs in priority order, and (4) weigh trade-offs. Page 7 of Mr. Cothen's handout shows the continuum of FRA's role in addressing safety priorities ranging from "clear" to "questionable" authority. Examples in which FRA's role is clearly defined, i.e., the agency has primary or exclusive authority to address safety matters, involve transportation hazards. i.e., track, operating practices, motive power & equipment, signals and train control, hazardous materials, and roadway worker safety. This is the area where Congress has traditionally encouraged FRA action. Examples in which FRA's role is questionable, i.e., limited because other safety agencies may have primary, or exclusive authority, are in the areas of shop safety, office safety and construction safety. Between these extremes are safety areas where there is overlap with other agencies. These include passenger emergency preparedness, trespass prevention, and railroad noise emissions. Page 8 of Mr. Cothen's handout lists the "ranking" factors as readiness of effective countermeasures and customer needs. The "trade-offs" in selecting one safety priority over another involve the consideration of the resources needed by FRA--what comes "unfixed" if resources are diverted from one area to another--and the costs and benefits associated with a particular safety priority.

Once the safety priorities are established, FRA must determine whether a traditional approach, "the old way paradigm," is taken to make rules, or whether the collaborative approach, "the new way paradigm," is used. Page 9 of Mr. Cothen's handout outlines the principal differences between these two approaches.

Statistical data plays an important role in guiding FRA's regulatory agenda. An overhead view graph for 1996 rail-related fatalities is displayed. A pie chart displays which fatalities are: highway-rail crossing (488), trespassers (471), non-trespassers and contractors (36), railroad employees (33), and passengers (12). This chart is part of the permanent RSAC Docket. Mr. Cothen's examples flow rail-related fatalities through potential rules under consideration to help prevent fatalities in accidents involving human factors, track and signals, motive power and equipment, hazardous materials, passengers, highway-rail crossings, and employees.

Mr. Cothen noted that in the Consolidated Rail Corporation acquisition by CSX Corporation and Norfolk Southern Corporation, human factor-caused accidents are receiving a significant amount of attention. In addition, the Cajon Pass (California) incident provided the first hazardous materials fatality since 1986. Finally, statistical data shows that 85 percent of non-fatal employee injuries are attributed to non-train

incidents. While Mr. Cothen notes that there are a lot of work practices which railroads are working hard to correct, non-fatal, non-train employee injuries is one area where the General Accounting Office says FRA should look at injuries.

Mr. Cothen concludes his presentation on safety priorities and FRA's rulemaking agenda by asking for a discussion of his remarks.

Chairperson Gavalla announces that an FRA Task Force, led by Operating Practices Division Staff Director, Douglas Taylor, will examine fatal accidents, where train and engine service employees are killed in yard and switching activities. A report on the Task Force's findings will be made at a future RSAC meeting.

Chairperson Gavalla introduces Robert C. Lauby, Director Office of Railroad Safety, National Transportation Safety Board (NTSB), to make a presentation of the NTSB's perspective of the RSAC process.

Representatives from the NTSB, the Federal Transit Administration, and transportation authorities in Canada and Mexico represent the four non-voting members of RSAC. The NTSB has responsibility for investigating all significant transportation accidents in the United States. Although the NTSB lacks authority to require regulatory changes, each accident investigation may result in recommendations, which are designed to prevent recurrence of that type of accident, to appropriate Federal or State transportation administrations.

Mr. Lauby outlines the presentation on "The NTSB Perspective" by saying he will give general thoughts on (1) the RSAC process, (2) consensus rulemaking, and (3) railroad safety.

RSAC is a method to address a particular rulemaking that is otherwise lingering. Its principal advantage is to get everyone's agenda on the table before issuing a final rule. However, from the NTSB's perspective, RSAC does not speed-up the rulemaking process. For example, Revisions to Power Brake Rules and Revisions to Track Safety Standards are overdue. Nevertheless, RSAC fosters communication and RSAC has all stakeholders involved and represented. In Mr. Lauby's opinion, one area that needs work is "consensus rulemaking."

Mr. Lauby spends lots of time at the NTSB trying to explain to Board members that consensus rulemaking under RSAC is nothing like the FAA counterpart, the Aviation Rulemaking Advisory Committee (ARAC). But he is then reminded by Board members that Revisions to Power Brake Rules and Revisions to Track Standards have eluded the process.

During an NTSB accident investigation, all parties are brought together in a similar fashion--as RSAC. So, the NTSB is very supportive of this process. Also, the NTSB does not count on 100 percent consensus for the process to work.

For RSAC to work, members must put all personal agendas aside. For railroad management, this means the financial “bottom line” of a railroad. For railroad labor, this means increasing the membership rolls of the labor unions. Mr. Lauby has observed in general Working Group meetings and in Full RSAC meetings that “safety” is sometimes put aside for personal agendas.

Right now, the “big game” in town for railroad safety is RSAC. Only a few items are still being handled in the traditional rulemaking fashion. Mr. Lauby concludes his remarks by suggesting that if consensus rulemaking is not working on some issues, perhaps RSAC should revert to an “advisory” role for those issues. Nevertheless, for the reasons cited above, the NTSB is very supportive of RSAC.

Chairperson Gavalla asks if there is any discussion of Mr. Lauby’s presentation.

Mr. Itzkoff responds that RSAC is not a substitute for FRA’s rulemaking responsibilities. FRA has worked hard to forge a partnership with the NTSB and other members of RSAC. FRA does not want RSAC to be like the Aviation Rulemaking Advisory Committee. However, FRA’s key goal for RSAC is not to speed-up the process. Instead, FRA wants to create a better product. Even though RSAC failed to reach consensus on the Revisions to Power Brake Rules task, FRA’s staff has benefited greatly from the Working Group discussions. Consequently, a better product will result. In the end, FRA wants the RSAC process to show results.

Chairperson Gavalla announces the Morning Break.

M O R N I N G B R E A K (11:10 A.M. - 11:30 A.M.)

Chairperson Gavalla reconvenes the meeting. He announces that Dean Hollingsworth (FRA’s Office of Safety) will make a progress report on the three tasks concerning positive train control (PTC). He adds that with a pilot project underway on PTC in partnership with the AAR, State of Illinois, and FRA, the work of the PTC Working Groups will be essential to this effort.

Mr. Hollingsworth’s progress report on RSAC Task No. 97-4, Positive Train Control Systems Technologies, Definitions, and Capabilities, Task No. 97-5, Positive Train Control Systems Implementation Issues, and Task No. 97-6, Standards for New Train Control Systems are part of the materials inserted at Tab 15 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. Hollingsworth explains that the PTC Working Group has divided into two Task Forces. The "implementation" Task Force is working on Tasks No. 97-4 and 97-5. The "standards" Task Force will work on Task No. 97-6. The "implementation" Task Force has developed a matrix for assigning task responsibilities to Task Force members. PTC "experts" have made presentations to the Working Group. These presentations have slowed the deliberative process down. However, the presentations are enabling all members to progress at the same pace. In addition, nine suppliers that are developing PTC equipment are participating in the process. So that the PTC deliberative process can be data-driven, FRA contracted the Volpe National Transportation Systems Center (Volpe Center) to develop a [rail] Corridor Risk Analytical Model (CRAM), in advance of asking RSAC to accept the PTC task. CRAM uses historical PTC-preventable accidents to identify the characteristics of rail corridors, i.e., type of signal & control system, amount of traffic, presence of passenger traffic, etc., where the risk of a PTC-preventable accident is above average. A small team of the "implementation" Task Force is re-evaluating all of the PTC-preventable accidents used in the Volpe Center's CRAM. A progress report of this process will be presented at the next Working Group meeting, scheduled in February. The PTC-preventable "accident review team" anticipates completion of the accident review by April.

Mr. Hollingsworth reminds RSAC members that throughout the early stages of the PTC tasks, the Working Group keeps reminding itself of the "P" word--being mindful of the need to include the presence of the rail "passenger industry" in all decisions affecting PTC.

With no questions of Mr. Hollingsworth's presentation on the PTC task, Chairperson Gavalla announces the scheduled break for lunch.

LUNCH BREAK (11:45 A.M. - 1:10 P.M.)

The meeting is re-convened by Chairperson Gavalla.

Mr. Cothen directs RSAC members' attention to the December 23, 1997, *Petition to Amend 49 CFR 214, Subpart B--Bridge Worker Safety Standards*, submitted by the Brotherhood of Maintenance of Way Employees. A copy of the petition was given to each RSAC member. The petition is part of the permanent RSAC Docket and is not excerpted in detail in the RSAC Minutes.

Mr. Cothen asks Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWE)) to comment on the petition.

Mr. Inclima explains that effective January 1, 1998, the Occupational Safety and Health Administration (OSHA) will not consider the use of "body belts" acceptable under its

regulations covering personal fall arrest systems. To keep FRA's statutes consistent with OSHA's statutes, the BMW requests that language be changed in 49 CFR Section 214.7 (k) to eliminate the reference to "body belt." In addition, the BMW requests a change to 49 CFR 214.107 (d) to require that 110 feet of line, instead of the current 90 feet, be attached to ring buoys. Ring buoys are emergency rescue devices for rail employees working over or adjacent to water. Their use is required if the nature of the work requires employees to wear life (flotation) vests. The current allowable maximum spacing between ring buoys is 200 feet. Under this maximum spacing circumstance, Mr. Inclima explains that ring buoys with 90-foot lines cannot reach employees who may have fallen into water at a point 100 feet from the placement of the ring buoy, assuming that one end of the ring buoy line is securely anchored.

MR. COTHEN ASKS RSAC MEMBERS TO REVIEW THE BMW PETITION. RSAC MEMBERS ARE REQUESTED TO CONTACT EDWARD R. ENGLISH (FRA'S OFFICE OF SAFETY DIRECTOR OF SAFETY ASSURANCE AND COMPLIANCE) ON HOW FRA SHOULD RESOLVE THE PETITION.

As a "housekeeping" item, RSAC Members are advised that a revised task statement for RSAC Task No. 97-7, Definition of Reportable "Train Accident," has been inserted at Tab 14 of notebooks given to each RSAC Member. RSAC voted for this revision at the meeting held September 30, 1997. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Cothen announces that it is FRA's intention to advise RSAC Members of any NTSB recommendations. FRA has received NTSB recommendations following the completion of its investigation of the Secaucus, New Jersey accident. This accident involved a collision between two New Jersey Transit commuter trains. FRA will transmit the NTSB recommendations concerning this accident to RSAC Members at the next scheduled RSAC meeting.

Chairperson Gavalla asks Jay F. Sorah (FRA Office of Safety, Region 5, Hurst, Texas) to make a presentation on Fatigue Countermeasures.

Using a series of overhead view graphs titled *Fatigue Countermeasures Program*, Mr. Sorah begins his presentation by defining cognitive fatigue and factors of fatigue. The overhead view graphs are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Cognitive fatigue is the degradation of mental capacities regarding decision-making, reason and judgment, and the ability to remember and process contextual information. This degradation can be caused by either acute or cumulative loss of meaningful sleep. Factors affecting fatigue include acute sleep loss, cumulative sleep debt, continuous hours of wakefulness, time of day/circadian affects, sleep disorders, environment, and nutrition. Next, Mr. Sorah describes fatigue signs and symptoms that affect

performance. Fatigue signs may include forgetfulness, poor decision-making, slowed reaction time, reduced vigilance, and poor communication. Impairments caused by fatigue are not unlike those caused by the use of alcohol or other controlled substances. In "Facts about Fatigue," Mr. Sorah discusses the role of fatigue in producing greater incidences of stomach disorders, mood swings, stress and depression, drug and alcohol abuse rates, divorce and spousal abuse rates, and chronic sleep problems. The cost of fatigue is high. According to NTSB reports, fatigue has been the root cause of over 100 transportation accidents since 1985. In addition, fatigue was a factor in nearly one-third of human factor rail accidents since 1985. Next, Mr. Sorah outlines the requirements for a successful fatigue countermeasures program. At a minimum, an effective program should address education, work/rest cycles, work schedules, shift work, on-call employees, emergency responders, lodging considerations, napping strategies, and alertness strategies. There is no quick fix or "magic bullet" to fatigue issues. To help address fatigue issues in the railroad industry, the North American Rail Alertness Partnership (NARAP) has been formed. Composed of rail labor organizations, railroads, and representatives from FRA, NTSB, and the Volpe Center, NARAP has established an agenda that will examine, and make recommendations on fatigue issues. Several large railroads have pilot fatigue countermeasure programs in place. These include Burlington Northern Santa Fe Railroad Company (BNSF), Consolidated Rail Corporation, CSX Transportation, Inc., Norfolk Southern Railroad, Union Pacific Railroad (UP), Canadian Pacific, and Canadian National. The BNSF is instituting a system-wide educational program and pilot "napping" strategy. The UP has appointed a Director of Alertness Management. An outside consultant is finalizing a long-term fatigue management plan, and a subgroup of an FRA Safety Assurance and Compliance Program (SACP) audit has been formed to address fatigue issues.

At the conclusion of his presentation, Mr. Sorah asks for questions.

Ross Capon (National Association of Railroad Passengers) asks for an explanation of "down time."

Mr. Sorah responds that there are a lot of variants of the expression, "down time." There is no single meaning for the term.

William Loftus (American Short Line and Regional Railroad Association) asks where fatigue countermeasures are going?

Chairperson Gavalla explains that as an agency, FRA is exploring all the options. FRA is committed to working through NARAP to provide leadership in this area

With no further questions, Chairperson Gavalla asks Lisa Levine (FRA Office of Chief Counsel) for a presentation on the Steam Locomotive Working Group, RSAC Task No. 96-5, Revision of Steam-Powered Locomotive Inspection Standards. Task Statements,

Working Group membership composition, and prior synopses of Working Group activities 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.

Using overhead view graphs, Ms. Levine highlights the Working Group's progress since the last report before RSAC on September 30, 1997. The overhead view graphs are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Working Group discussions have concluded in a proposed Notice of Proposed Rulemaking for Steam-Powered Locomotive Inspection Standards. Under "Implementation of Part 230," the Working Group made decisions on whether to "grandfather" certain operations from the regulations. Under "Service Day," the Working Group reached consensus on definitions and when inspections are initiated in relation to the "service day." Finally, the "Inspection Scheme" is outlined. Ms. Levine concludes her remarks by showing "Changes to Old Rule In Areas Other Than Inspections," and summarizes the major changes to Part 230. A copy of the Notice of Proposed Rulemaking text and an accompanying page of technical corrections was distributed to RSAC Members.

Ms. Levine announces that ballots have been submitted to RSAC Members to vote on acceptance of the proposed Final Rules. These should be returned to FRA (Vicky McCully) no later than February 17, 1998.

Ms. Levine asks if there are any questions?

William Withuhn (Smithsonian Institution/Citizen Co-Chairman of Working Group) asks if he can address RSAC. Mr. Withuhn explains that with an exposure of 5 million passengers a year, revisions to these regulations are long over due. He thanks John Megary (FRA Regional Administrator, Region 5), Lisa Levine, and George Scerbo (FRA Office of Safety) for their attention to all the details in the proposed Final Rule. The negotiations that took place were a true test of "consensus rulemaking." Mr. Withuhn hopes to be able to continue working with FRA in the future to help further perfect these rules.

Mr. Itzkoff responds by thanking Mr. Withuhn for his contribution to this process. He adds that Revisions to Steam-Powered Locomotive Inspection Standards is a major safety issue.

CHAIRPERSON GAVALLA REMINDS RSAC MEMBERS THAT BALLOTS ON ACCEPTANCE OF THE PROPOSED NOTICE OF PROPOSED RULEMAKING ON REVISIONS TO STEAM-POWERED LOCOMOTIVE INSPECTION STANDARDS SHOULD BE RETURNED TO FRA TO VICKY MCCULLY, BY FACSIMILE OR MAIL, BY FEBRUARY 17, 1998.

Ray Lineweber (United Transportation Union) asks if RSAC Members could vote on acceptance of the proposed rules now--does anyone object?

Chairperson Gavalla recommends that RSAC Members stick to the February 17 schedule. In doing so, all Members and their organizations will have an opportunity to review the rules.

With no further discussion, Chairperson Gavalla asks Brenda Hattery (FRA Office of Safety) to brief RSAC on the status of Locomotive Cab Working Conditions, Task No. 97-2. Task Statements, Working Group membership composition, and a brief synopsis of Working Group activities related to locomotive crashworthiness are part of the materials inserted at TAB 10 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.

Ms. Hattery explains that following the initial meeting of the full Working Group, two Task Forces were formed, the Noise Task Force and the Temperature Task Force. Both Task Forces have met three times. Data is still being collected for use by the Noise Task Force. Data is still being collected for the Temperature Task Force; various heating and cooling systems options are also being considered. There has been no action on vibration and ergonomic factors in locomotive cab working conditions. As of October 29, 1997, consideration of sanitary facilities was removed from Working Group discussions. FRA opened a docket on sanitary facilities in November 1997.

Mr. Lineweber asks when the sanitary issue will be addressed?

Ms. Hattery responds that the agency is addressing the matter directly by rulemaking, but is looking for an opportunity to bring this issue back before RSAC. She asks for confirmation from Mr. Cothen.

Mr. Cothen announces that a Notice of Proposed Rulemaking is being prepared. However, if FRA can bring this issue back before RSAC, it will do so.

Mr. Lineweber asks about a probable time frame.

Mr. Cothen responds that FRA would be very fortunate to have the Notice issued by the summer of 1998.

Chairperson Gavalla asks if there are any additional remarks regarding locomotive cab working conditions.

Chairperson Gavalla asks Sean Mehrvazi (FRA Office of Safety) to brief RSAC on the status of Locomotive Crashworthiness, Task No. 97-1. Task Statements, Working Group membership composition, and a synopsis of Working Group activities are part of

the materials inserted at TAB 10 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.

Using overhead view graphs, Mr. Mehrvazi explains that the Working Group held its initial meeting on September 8, 1997, during which it created an Engineering Task Force. The Engineering Task Force is studying AAR specification S-580. After reviewing relevant accident data and available research on locomotive crashworthiness, the task force is leaning towards recommending changes that will strengthen S-580. Under consideration is requiring anti-climbers at both ends of the locomotive, and higher, stronger corner posts to enhance the safety of locomotive cab occupants. While no formal recommendations have been made to the Working Group, the task force is continuing with data collection efforts by requesting locomotive manufacturers to provide information about existing locomotive capabilities and performance in different collision scenarios, and to estimate the strength of current corner posts. In concluding the presentation, Mr. Mehrvazi uses a slide projector to display post-accident photographs involving locomotives. For these selected accidents, the photographs demonstrate the ineffectiveness of existing anti-climbers and corner posts to protect locomotive cab occupants.

Mr. Mehrvazi asks if there are any questions.

Mr. Capon states that he knows that CSX Transportation has posted signs bearing "1-800" telephone numbers at its highway-rail grade crossings. He asks if all railroads are installing emergency telephone numbers at crossings?

Chairperson Gavalla responds that most of the major railroads are posting signs with "1-800" telephone numbers at highway-rail grade crossings.

Frank E. Pursley (AAR, CSX Transportation) announces that CSX Transportation is experiencing problems with some of its "1-800" highway-rail grade crossing location identification call boxes. However, the problems should be resolved shortly.

With no further discussion, Chairperson Gavalla asks Edward R. English (FRA Office of Safety, Director of Safety Assurance and Compliance) to brief RSAC on the status of Revision of Event Recorder Requirements, Task No. 97-3. Task Statements, Working Group membership composition, and a brief synopsis of Working Group activities related to locomotive event recorders are part of the materials inserted at TAB 12 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. English explains that since RSAC accepted this task, attention has been focused in four major areas. These are whether the event recorder should be required in just the lead locomotive, inspection testing & data requirements, fire, water, & impact

resistance, and specific data elements to be captured. To date, there is agreement on fluid emersion requirements. Fire-resistance requirements are under consideration. The NTSB will present a discussion on its data needs at the next Working Group meeting. Mr. English concludes his remarks by saying an event recorder manufacturer is advising the Working Group as this task progresses.

With no questions of Mr. English, Chairperson Gavalla announces the afternoon break.

A F T E R N O O N B R E A K (2:30 P.M. - 2:50 P.M.)

Chairperson Gavalla asks Mark H. McKeon (FRA Regional Administrator, Region 1) to brief RSAC on the status of Revision of the Qualification and Certification of Locomotive Engineer Regulations, Task No. 96-6. Task Statements, Working Group membership composition, and prior synopses of Working Group activities are part of the materials inserted at TAB 9 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. McKeon reports that the Working Group met in October 1997 and that a Task Force was established to investigate and propose hearing and visual acuity standards. A draft of the proposed Final Rule is being prepared for circulation to Working Group Members on or about February 13, 1998. A ballot will be included with the draft. Upon approval by the Working Group, there are two options for presenting the draft of the proposed Final Rule before the full RSAC Membership. FRA recommends a mail ballot.

Leroy Jones (Brotherhood of Locomotive Engineers (BLE)) responds that if it is quicker, the BLE favors a mail ballot.

Mr. Capon asks if "bullets" or other method of summarizing the key points of the proposed Final Rule could accompany the mail ballot?

Mr. McKeon responds to these two questions by saying FRA will send out a mail ballot and allow a sufficient amount of time for all members to review the draft proposed Final Rule.

With no further questions, Chairperson Gavalla announces that the scheduled presentation on passenger safety rules by Mr. Cothen will be postponed until a later date. This issue is not an item under current review.

CHAIRPERSON GAVALLA REQUESTS THAT RSAC MEMBERS INFORM FRA'S VICKY MCCULLY OF MEMBERS' INTENT TO ATTEND A DISCUSSION GROUP IN MARCH 1998 TO ADDRESS THE NTSB'S RECOMMENDATION

CONCERNING VOICE RECORDERS. THIS IS NOT BEING CONDUCTED AS AN OFFICIAL RSAC ACTIVITY.

Chairperson Gavalla requests approval of the Minutes of the 6th RSAC Meeting, held September 30, 1997.

Mr. Lineweber motions that the Minutes of the 6th RSAC Meeting be approved.

Charles Dettmann (Association of American Railroads) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 6TH RSAC MEETING, HELD SEPTEMBER 30, 1997 ARE APPROVED.

Chairperson Gavalla informs RSAC that several Members have requested that the Minutes of RSAC Meetings be circulated earlier. Typically, the Minutes are included with materials sent to RSAC Members in advance of a scheduled meeting. This can be a week to 10 days in advance of the meeting. Mr. Gavalla asks for a discussion of when RSAC Meeting Minutes should be circulated.

Henry B. Lewin (Transportation Communications International Union/BRC) would like the Minutes circulated as soon as possible after the meeting.

Chairperson Gavalla and Mr. Cothen agree to review RSAC Minutes more quickly so that the Minutes can be circulated well in advance of the next scheduled meeting.

Chairperson Gavalla requests suggestions for an agreeable date for the next RSAC Meeting. He suggests Tuesday, May 12, 1998.

Dan Pickett (Brotherhood of Railroad Signalmen) announces that date conflicts with a previously scheduled meeting.

AFTER A BRIEF DISCUSSION, THE NEXT RSAC MEETING IS TENTATIVELY SCHEDULED FOR THURSDAY, MAY 14, 1998 IN WASHINGTON, D.C. IF FRA ENCOUNTERS DIFFICULTY IN RESERVING SPACE FOR THAT DATE, MAY 13 WILL BE CONSIDERED AND VENUES OTHER THAN WASHINGTON, D.C. WILL ALSO BE CONSIDERED. MEMBERS WILL BE INFORMED OF ARRANGEMENTS AS SOON AS THEY ARE KNOWN.

Chairperson Gavalla asks if there is any additional business.

Mr. Inclima responds that at the last RSAC Meeting, FRA suggested that RSAC may be asked to look at revisions to 49 CFR 215, Railroad Freight Car Safety Standards. Mr. Inclima asks if FRA has made a decision on how this will be addressed?

Mr. Cothen responds that FRA is planning to close the Docket and issue a Final Rule.

Mr. Inclima requests confirmation that this topic will not be returned to RSAC.

Mr. Cothen confirms.

Mr. Inclima asks how long the Docket will remain open? The BMW E has a position, which needs to be placed into the Docket.

Mr. Cothen responds that the BMW E should file the document. FRA will place the item in the Docket and allow all parties to comment on BMW E's position.

Mr. Dettmann asks that materials for all the presentations made at today's RSAC Meeting be made available to RSAC Members. Administratively, Mr. Dettmann would like a summary, or the actual text used.

Mr. Cothen responds that summaries of Working Group activities are included with updated RSAC Member Notebook materials distributed at the start of each RSAC Meeting. FRA tries to make certain that all other materials including overhead view graphs are available in the RSAC Docket. FRA will try to get these materials reproduced and distributed at future RSAC Meetings.

Joseph Mattingly (Brotherhood of Railroad Signalmen) requests further clarification on the start/stop time and location of the tentative May 14 RSAC Meeting.

Chairperson Gavalla confirms 9:30 a.m. to 4:00 p.m., and Washington, D.C.

With no additional business, Chairperson Gavalla adjourns the 7th RSAC Meeting at 3:10 p.m.

MEETING ADJOURNED 3:10 P.M.

These minutes are not a verbatim transcript of the proceedings. Also, overhead view graphs 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.