

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting May 14, 1998

The Eighth Meeting of the RSAC was convened at 9:45 a.m., in the Solarium Room of the Washington Dulles Airport Hilton Hotel, 13869 Park Center Road, Herndon, Virginia 22071, 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. Nine of the forty-eight voting RSAC members were absent: The American Association of State Highway & Transportation Officials (1 seat), The Association of American Railroads (2 of 12 seats absent), The Association of Railway Museums (1 seat), The Brotherhood of Locomotive engineers (1 of 2 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), and The Transportation Communications International Union (TCIU)/Brotherhood of Railway Carmen (BRC) (1 of 3 seats absent). All four non-voting RSAC members were present: Secretaria de Comunicaciones y Transporte (Mexico), Transport Canada, Federal Transit Administration, and the National Transportation Safety Board (NTSB). Total meeting attendance, including presenters, was approximately 70.

Chairperson Gavalla welcomes RSAC Members and attendees. Mr. Gavalla apologizes for the meeting location and the size of the meeting room, citing the month of May as a difficult time to schedule meetings in the Washington, D.C. area.

Mr. Gavalla acknowledged an act of heroism on May 13, 1998, in Lafayette, Indiana, in which Robert Mohr, a conductor on a slow-moving Norfolk Southern Railroad freight train spotted a toddler lying on the tracks in front of a freight train. Mr. Mohr dashed to the front of the locomotive and kicked nineteen-month-old Emily Marshall out of harm's way. Mr. Gavalla relates that while most RSAC members will never have the opportunity to repeat this act of heroism, RSAC deliberations and actions are striving for the same effect--to improve rail safety and prevent tragic accidents.

Chairperson Gavalla introduces Donald M. Itzkoff, FRA Deputy Administrator.

Mr. Itzkoff welcomes RSAC Members and attendees. He appreciates everyone's efforts to attend the meeting, including the non-voting RSAC Members, Ingeniero Lozada from Mexico, and Mr. Terry Burch from Canada.

Next week, Congressman Franks will hold a Hearing on FRA's accomplishments. These have been achieved because the members of RSAC have come together, set aside differences, and discussed the issues. This process is using attributes that are characteristic of all successful groups: showing respect, listening, openness, tolerating privacy, and having a shared goal, to name a few.

RSAC working groups are demonstrating a rising degree of trust among participants that is necessary for this process to produce results. Today, we will hear progress reports from many of these groups and how we are moving forward on many of these rules. These include reports from the Passenger Train Emergency Preparedness Working Group. A final rule was published on May 4, 1998. Mr. Itzkoff believes that FRA is very close to the publication of a final rule on Track Safety Standards. There will be a report on the resolutions of locomotive event recorder issues. FRA hopes to complete a Notice of Proposed Rulemaking (NPRM) in this area by the next RSAC meeting. Finally, there will be reports from the Positive Train Control Working Group, locomotive sanitation from the Cab Working Conditions Working Group, and from the Locomotive Crashworthiness Working Group.

Recently, one of FRA's economists, Jeffrey Horn, conducted a survey of RSAC participants in support of his independent academic studies. Jeffrey reports that the RSAC process continues to have the strong support of working participants. However, one of his findings was that everybody is tired, presumably including FRA staff. Mr. Itzkoff explains that eventually RSAC may be asked to help with fatigue issues. Maybe work underway in the North American Rail Alertness Partnership (NARAP) can help us.

The agenda today also includes a presentation this afternoon from Operation Lifesaver, Incorporated. And this morning, before lunch, Daniel C. Smith, FRA Safety Law Division Assistant Chief Counsel, will discuss the April 1, 1998, Senate Hearing on FRA's Safety Reauthorization.

In attendance today is Blane Workie from the Office of the Secretary's General Counsel's Office. If RSAC Members have any questions about cost/benefit, please direct them to her.

In concluding his remarks, Mr. Itzkoff looks forward to another successful meeting and the positive contributions these meetings are making towards improving rail safety.

Chairperson Gavalla announces some housekeeping items. Mr. Gavalla introduces Gene Cox (FRA's Office of Safety), Dennis Yachechak (FRA's Office of Safety) and David Kasminoff (FRA's Office of Chief Counsel) for a presentation Passenger Train Emergency Preparedness.

Mr. Cox's overview explains that on May 4, 1998, FRA issued a Final Rule on Passenger Train Emergency Preparedness (63 FR 24630). This rule amends 49 CFR

223, Safety Glazing Standards--Locomotives, Passenger Cars and Cabooses, and adds a new "Part 239," Passenger Train Emergency Preparedness. A reprint of the *Federal Register* Notice containing the Final Rule on Passenger Train Emergency Preparedness is part of the materials that were distributed to each RSAC Member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

While the overall safety record of intercity and commuter passenger train operations in the United States has been exemplary, accidents continue to occur, often as a result of factors beyond the control of the passenger railroad. In addition, a more complex operating environment is evolving--technology is advancing and equipment is being designed for higher speeds--such that FRA must become more proactive to ensure that the consequences of emergencies that occur will be minimized.

Mr. Yachechak continues the presentation by explaining that the Final Rule on Passenger Train Emergency Preparedness is not an RSAC-developed rule. However, some of the RSAC Members present at today's meeting provided expertise to help write the rule. The deliberations for this rule took 1½ years. A series of tragic accidents pointed to the need to improve the existing regulations. Included was Amtrak's "Sunset Limited" passenger train derailment near Mobile, Alabama on September 22, 1993. A barge being pushed by a towboat struck a railroad bridge displacing the railroad track, leading to the derailment. In the aftermath of this accident, the National Transportation Safety Board concluded that Amtrak did not have an effective system in place to apprise passengers of train safety features, passengers were slowed during evacuation by the absence of emergency lighting on the passenger cars, and emergency responders were hindered by their inability to obtain an adequate passenger and crew list from Amtrak. Mr. Yachechak discusses the provisions in the Final Rule regarding the requirement for each passenger railroad to prepare a written emergency preparedness plan and to conduct passenger train emergency simulations. He concludes his remarks by outlining the requirements, for marking emergency window and door exits, informing passengers about safety procedures and emergency equipment, and specifying the types of safety equipment that should be required in each passenger car.

Mr. Yachechak presents a "time line" for implementing provisions of the Final Rule on Passenger Train Emergency Preparedness.

Mr. Yachechak and Mr. Cox conclude their presentation by saying they hope that the emergency preparedness plans developed by railroads under the Final Rule are something that will not have to be used. However, passenger railroads need to be prepared for random acts of vandalism and weather-related track wash-outs. RSAC Members are asked to direct questions to Mr. Yachechak and Mr. Cox. With no questions, Chairperson Gavalla requests Edward R. English, Director, Office of Safety

Assurance and Compliance, to report on the progress of the Locomotive Event Recorder Working Group.

Mr. English's progress report on RSAC Task No. 97-3, Revision of Event Recorder Requirements, is 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 indicates that the Working Group does not anticipate a "black box"-type of locomotive event recorder. Modern technology has reduced the required size of an event recorder to that of a microchip.

The Working Group has created four task forces as follows: (1) Testing Sequence, (2) Testing Criteria, (3) Data Element & Location, and (4) Maintenance, Inspection & Testing. The Testing Sequence Task Force has reached consensus on the six measures that will be used. The Testing Criteria Task force has reached consensus on the limits of four of the six measures. Consensus is pending on limits for two of the six measures. The Data Element & Location Task Force has the most difficult task. Each member was asked to submit a list of desired data elements to be collected. In aggregate, there are between 40-50 data elements under consideration for inclusion in the event recorder. The Task Force is looking at costs and other ways of collecting the requested data elements. Finally, the Maintenance, Inspection & Testing Task Force is looking at "next generation" event recording modules that are both "self-testing" and "self-maintaining."

Mr. English concludes his remarks on Locomotive Event Recorders by asking for questions from RSAC Members.

With no questions, Chairperson Gavalla announces that the "time line" of implementing provisions of the Final Rule on Passenger Train Emergency Preparedness, presented by Mr. Cox and Mr. Yachechak, will be reproduced and distributed to RSAC Members. It is part of the permanent RSAC recorded and is not excerpted in detail in the RSAC minutes.

Chairman Gavalla entertained and received a motion [from Mr. Leroy Jones, Brotherhood of Locomotive Engineers] and second to motion [from Mr. Chuck Dettmann, Association of American Railroads] to the following effect: that RSAC adopt the consensus report of the Working Group as its recommendation to the Administrator for issuance of a Notice of Proposed Rulemaking (NPRM) to revise 49 CFR Part 240, Qualifications and Certification of Locomotive Engineers, provided that following publication of the NPRM and receipt of public comments, the working group shall be reconvened to consider the comments and make any appropriate recommendations for resolution of issues presented in those comments.

The motion is carried by voice vote.

Ray Lineweber (United Transportation Union) asks to let the Record show that with the approval of the motion just carried, he withdraws his “non-concurring” vote on the ballot just submitted in the matter of Qualifications and Certification of Locomotive Engineers.

Chairperson Gavalla responds that the Record so reflects.

Chairperson Gavalla announces the Morning Break.

M O R N I N G B R E A K (10:50 A.M. - 11:10 A.M.)

Chairperson Gavalla reconvenes the meeting. He introduces Daniel C. Smith, FRA Safety Law Division Assistant Chief Counsel, who discusses the railroad safety reauthorization legislation before the U.S. Congress and the rationale behind it.

On May 7, 1998, Representatives Shuster, Oberstar, Franks, and Wise introduced H.R. 3805, the Federal Railroad Safety Authorization Act of 1998, in the U.S. House of Representatives. Although this introduction of the Administration’s safety bill was by request and does not indicate full support for the bill, it was a bipartisan gesture that bodes well for reaching a legislative solution all can live with. Senator Hollings will introduce similar legislation in the U.S. Senate. A copy of the proposed legislation and an FRA summary of the legislation was 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. Smith explains that FRA’s Safety Reauthorization Legislation places emphasis on “Safety Culture” and “Fatigue,” which FRA considers to be very important human factors issues. He adds that there was reaction when the legislation was sent to Congress. The legislation begins with findings in support of partnership efforts on which FRA has embarked during the past few years. The legislation seeks Congressional recognition and support for the Safety Assurance and Compliance Program (SACP) and the RSAC, as partnership efforts that seek to identify rail problems and seek collaborative solutions. Approval of the legislation will give impetus to go forward in these areas.

Under fatigue management, FRA intends to follow the pattern established by NARAP. Composed of rail labor organizations, railroads, and representatives from FRA, NTSB, and the Volpe National Transportation Systems Center, NARAP will examine and serve as a clearinghouse on innovative ways to address fatigue issues. Mr. Smith notes that FRA consulted representatives of rail labor and management in January about possible legislative proposals and concluded that fatigue management plans made more sense

than the specific changes to the hours of service laws FRA had been contemplating. FRA's safety reauthorization legislation will require each Class I and Class II rail carrier, each railroad carrier providing intercity rail passenger service, and each railroad carrier providing commuter passenger service to submit a fatigue management plan that is designed to reduce the fatigue experienced by railroad employees covered by the hours of service laws and to reduce the likelihood of accidents and injuries caused by fatigue. This provision has provoked strong reactions, positive and negative. However, he hopes that the affected parties will participate in meaningful dialogue on this critical issue.

Mr. Smith adds that it is FRA's intent to allow flexibility so that all railroads can address this issue as they see fit. Critics of the legislation believe that the Bill's language is too inflexible. Mr. Smith declares that is not FRA's intent--FRA wants to be flexible. FRA's hope is to have plans that build on and support the voluntary efforts of NARAP.

Affected railroads will have one year to submit Fatigue Management Plans. The legislation provides for penalties for the failure to submit an acceptable plan. Without this incentive, there would be no reason for all railroads to address these issues.

FRA's safety reauthorization legislation also provides for protection of railroad employees from harassment and intimidation for raising safety issues. When properly handled, FRA recognizes that the railroad disciplinary process enhances safety. However, FRA recognizes that within some railroads harassment and intimidation may prevent reporting of injuries, inhibit cooperation with FRA or NTSB investigations, or encourage the use of defective equipment. The bill would expand the current statutory protection of employees because the administration believes that employees that raise these safety issues need to be protected. The bill also has a criminal provision intended to send a message that interfering with the investigation of serious accidents will not be tolerated.

Other provisions of the legislation include defining what is covered service under the Hours of Service Act--and clarifying that contractors and subcontractors are included when they perform such service; encouraging all carriers to use electronic record keeping; some technical amendments; a 4-year Reauthorization of FRA's safety program; provisions for FRA to consult with the Federal Transit Administration; provisions to regulate rail-related noise in the high speed context; expansion of "emergency order" authority to include environmental hazards; and changes in the required frequency of accident reporting.

Mr. Smith concludes his presentation by asking for questions from RSAC members.

Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWEE)) states that the BMWEE has a representative on NARAP in the hope that the fatigue issue as it relates

to maintenance-of-way employees will be addressed. They didn't see why the bill does not cover such employees.

Mr. Smith responds that, as the proposed Fatigue Management provision was drafted to become part of the existing statutes, the idea of expanding it to cover categories of employees not covered by current law did not occur to FRA, but can be part of the legislative dialogue.

Mr. Inclima queries Mr. Smith's reference about a dialogue on the fatigue issue. He asks who is invited to the dialogue process and how can the process be influenced?

Mr. Smith responds that the Administration has already submitted FRA's safety reauthorization legislation. However, there is nothing to preclude some subset of FRA/Labor/Management representatives from talking to the Capitol Hill Staff about how the bill might be improved. The Hearings on the legislative package are semi-formal. The dialogue on fatigue issues to which Mr. Smith is referring consists of FRA talking to union representatives, whether in person or on the telephone, and the union representatives talking to railroad representatives, and so forth. FRA knows that other Congressmen have or will have their own legislative packages. This means there are opportunities to amend Bills in Committee mark-ups. Mr. Smith declares that the FRA Administrator and Deputy Administrator would welcome anyone to come in and talk to them about fatigue issues or other issues addressed by the bill. FRA also knows that railroad suppliers need to be brought into the dialogue. The dialogue is open.

Chuck Dettmann (Association of American Railroads (AAR)) asserts that he will not bore the RSAC with a debate on the merits or demerits of the Administration's Bill on FRA's Safety Reauthorization. The AAR will be discussing the Bill before the Committee next week [May 20, 1998]. However, Mr. Dettmann believes that RSAC does need to consider the process which led to the Administration's inclusion of fatigue issues in the legislative package. Mr. Dettmann declares that the Brotherhood of Locomotive Engineers and the United Transportation Union have come forward to discuss fatigue issues with railroad management for the past six years. Together, this partnership has collected the largest data base on fatigue issues in existence. This partnership is doing the most of any transportation system in the world to address fatigue issues. In addition, operating and now non-operating crafts under NARAP are addressing fatigue issues. This partnership is dealing with seniority issues. This partnership is dealing with Hours of Service Act issues. In Mr. Dettmann's opinion, he believes that the Administration's Bill simply says that within two years, you will adopt what you are collaborating-on now.

Mr. Dettmann believes that the RSAC process is working. However, the proposed legislation may impair remove the collaborative efforts.

Mr. Dettmann believes that the participants in the railroad industry are the ones most responsible to address the fatigue issues. However, the veracity of the collaborative

process is being called into question when a “legislative hammer” is being leveled against the efforts already underway.

Mr. Itzkoff responds by emphasizing that the “voluntary” efforts and partnerships are strongly supported. These are the foundation of all of FRA’s efforts. In addition, FRA is very open to discussion. Mr. Itzkoff continues that the Administration’s efforts follow this pattern. FRA’s sense is that “Fatigue Management Plans” are a collaborative effort. In the end, if the plan does not move forward, there will be a mechanism to insure that the process will move forward. FRA’s perspective is that the Agency needs to insure the public that there will be a way to address fatigue issues if collaborative efforts fail--like the RSAC effort on Revisions of Freight Power Brake Rules.

William Clifford (Brotherhood of Locomotives Engineers/Train Dispatchers Department) declares that he has contacted different FRA officials on fatigue issues at different times. He has received different answers to his questions. Mr. Clifford wants to know who is FRA’s designated person to answer his questions on fatigue issues?

Mr. Smith asks Mr. Itzkoff to respond.

William Loftus (American Short Line and Regional Railroad Association (ASLRRA)) declares that the question everyone is asking is one of dialogue. Mr. Loftus believes that the dialogue has shifted because of fatigue issues being placed in FRA’s Safety Reauthorization legislation. He believes that FRA owes more of an explanation to RSAC on why fatigue issues were placed in the Safety Reauthorization Legislation. Mr. Loftus declares that RSAC has accepted many tasks. He asks if it is a “meaningful process” or simply a “pick and choose process?” The only explanation Mr. Loftus is hearing from FRA about giving fatigue issues a higher priority is that the “public” needs to know. Mr. Loftus believes that provisions of FRA’s Safety Reauthorization legislation will put the partnership and collaborative efforts of labor/management/FRA in direct opposition to one or another.

Mr. Itzkoff shares the frustration about the process of receiving input from RSAC. He recognizes that the way in which the Safety Reauthorization legislation was introduced was not the way FRA would like. However, there are two views in the Executive Branch about how to conduct dialogue. Full dialogue requires lots of compromises, but can result in a product that has greater acceptance. Unfortunately, the flexibility of the President to influence policy issues becomes limited when the “full dialogue” option has already limited the available options. Mr. Itzkoff notes that FRA’s Safety Reauthorization legislation is out. Regardless of the Administration’s position on the issues in this legislative package, Congress decides the outcome anyway.

Mr. Loftus asks if Mr. Itzkoff thinks that the RSAC process should continue, and why?

Mr. Itzkoff responds yes. The output from RSAC--the new rules--are good ones. RSAC is a vital process. But the answer of whether RSAC should continue is up to RSAC Members, not FRA.

Mr. Loftus explains that RSAC Members need to review the process. RSAC Members need to know if FRA is going to move in a different direction. Next Wednesday [May 20, 1998], the ASLRRRA will be in an adversarial position at FRA's Safety Reauthorization Hearing.

Chairperson Gavalla responds that there are two ways to get rules for the railroad industry. Congress can mandate rules. FRA can make rules. Because there are so many stakeholders and viewpoints, the RSAC process is the best approach to receive the many viewpoints and to achieve compromise.

Mr. Loftus counters that the issue is what RSAC is, and what RSAC is not? The efforts of NARAP on fatigue issues is outside of RSAC. Also, it is voluntary. Mr. Loftus asserts that RSAC Members need to know what role RSAC will play in addressing fatigue issues.

Mr. Itzkoff answers that at the last RSAC Meeting, there was a presentation on regulatory initiatives. Part of this discussion addressed the regulatory issues that appear to be best suited for RSAC resolution. FRA will isolate the portion of its regulatory agenda, which it believes can be effectively handled by RSAC and will distribute this to RSAC Members.

Chairperson Gavalla announces that there are three vacancies at FRA, which FRA is actively recruiting to fill. The vacancies are Assistant Chief Counsel, Associate Administrator for Safety, and Deputy Associate Administrator for Safety. RSAC Members and their associates are encouraged to apply for these positions.

Chairperson Gavalla announces the Lunch Break.

L U N C H B R E A K (12:20 P.M. - 1:25 P.M.)

Chairperson Gavalla reconvenes the meeting. He asks Ross Capon (National Association of Railroad Passengers) to make an announcement to RSAC. Mr. Capon explains that in honor of the memory of a victim of a 1991 passenger train derailment in South Carolina, the Dr. Gary Burch Memorial Safety Award was established to reward the individual judged to have done the most to enhance rail passenger safety each year. For 1997, the award was given to Patrick Corcoran, a Chicago-area locomotive engineer with the Union Pacific Railroad. Mr. Corcoran's varied safety efforts included 11 years teaching a local Operation Lifesaver grade

crossing safety program, working with the Illinois State board of Education to re-train school bus drivers on crossing safety and to create a safety curriculum for them, teaching safe methods of evacuating passenger trains to local police and fire departments, speaking to local schools about safety, and helping to educate newly hired locomotive engineers about specific safety rules involving stopped passenger trains. In 1996, the award was given to FRA Administrator Molitoris.

Mr. Capon requests that there be more nominees for the Dr. Gary Burch Memorial Safety Award from the organizations represented at RSAC.

Chairperson Gavalla announces that Dean Hollingsworth (FRA's Office of Safety) will make a progress report on the three tasks concerning positive train control (PTC).

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 "Data and 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 Data and Implementation Task Force continues to refine matrix elements used in the Volpe National Transportation Systems Center's Corridor Risk Analytical Model (CRAM). 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. The refinements made by the task force have evolved the original CRAM into what is now called CRAM II. The Data and Implementation Task Force hopes to have all of its work completed by Summer. The Standards Task Force has agreed to develop PTC performance standards based on "Mean Time Between Hazardous Events." Existing standards governing the installation, inspection, maintenance, and repair of signal and train control systems, i.e., 49 CFR 236, would be retained for traditional systems still in use. Assisting the Standards Task Force on developing a methodology for proof of safety of PTC and processor-based systems is Dr. Ted C. Giras, an expert in this field. Dr. Giras is merging the separate positions of railroad labor and management into a single report that will be used for development of regulations. The Standards Task Force is following a tight schedule that will lead to an NPRM on PTC Standards by the end of 1998.

At the conclusion of his remarks, Mr. Hollingsworth asks RSAC members for questions concerning his presentation.

Mr. Dettmann states that a proposed PTC Advanced Notice of Proposed Rulemaking (ANPRM) has been circulated to the PTC Working Groups. Through the ANPRM, FRA seeks to have input, specifically not from the PTC Working Group's members. Mr. Dettmann asks why is FRA proposing an ANPRM? Why were the Working Groups not consulted about the ANPRM? Like the FRA Safety Reauthorization legislation, why was RSAC not consulted first?

Cindy Walters (FRA Office of Chief Counsel) responds that FRA requested input from the PTC Working Group. FRA intended to incorporate input from the PTC Working Group. However, the PTC Working Group did not provide input within the short 2-week time period available before the draft ANPRM was circulated.

Mr. Dettmann asks why was the ANPRM issued at this time?

Grady Cothen (FRA Deputy Associate Administrator for Safety Standards and Program Development) explains that FRA had intended all along to put out an ANPRM on PTC. The ideal timing of the ANPRM would be in advance of acceptance of the PTC Tasks by RSAC and in advance of the formation of the PTC Working Groups. The ANPRM would put the "world" on notice that PTC was being considered by FRA. Information received in response to the ANPRM would then be provided to the PTC Working Group for its consideration. In the present circumstance--issuing the ANPRM after the formation of PTC Working Groups--FRA did not want members of the PTC Working Groups to comment separately because this could polarize the parties. PTC issues are being discussed actively in the Working Groups. Mr. Cothen explains that there is nothing sinister in this process.

Mr. Dettmann asks if the PTC Working Groups said that they needed more information from others? He continues: when RSAC was established, all the stakeholders to this process were represented. Why would it be necessary for an ANPRM to go out on this topic?

Mr. Itzkoff responds that even where RSAC can agree on an appropriate course of action, there may be others who are left out. The ANPRM is a way for FRA to be assured that if there are other parties, they could comment and this information could be turned over to the working group.

Mr. Dettmann counters that the most intelligence we have on the PTC topic is already involved in the process.

Dan Pickett (Brotherhood of Railroad Signalmen) expresses a concern that someone else out there might have an idea. He believes that this is an appropriate time to seek further comment.

Mr. Dettmann asks why RSAC needs the ANPRM now--when all the people who are knowledgeable are already involved with the process?

Mr. Itzkoff responds that the draft ANPRM is analogous to a "Notice of Inquiry." Perhaps FRA did not artfully put the language together. FRA did not think the ANPRM would be a problem. It is just a Notice of Inquiry.

Mr. Dettmann states that issuing the "Notice" should be left to the discretion of the PTC Working Groups.

Mr. Pickett declares that it is still FRA's "rule." He does not see anything wrong with FRA issuing an ANPRM.

Mr. Hollingsworth concludes the discussion by announcing that the next meeting of both PTC Working Groups will be in Portland, Oregon on July 28-30, 1998.

Chairperson Gavalla introduces Gerri Hall, President, Operation Lifesaver, Incorporated (OLI), for a presentation on her organization's activities.

Ms. Hall acknowledges that the members of RSAC is like a who's who of supporters of OLI. Some printed materials about OLI and a listing of OLI partners are distributed to RSAC members. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. In 1997 more than 93 percent of rail-related fatalities occurred at highway-rail grade crossings or involved railroad trespassers. People don't understand that walking, hiking, snow mobiling, and fishing along railroad rights-of-way is illegal. Last year, OLI safety talks were delivered to nearly 2 million people. Most people view railroads as "faceless." OLI is credited by the Federal Highway Administration with helping to save 10,000 lives and preventing 40,000 injuries at highway-rail grade crossings since it began in 1972. Much of the success of this program is through its public outreach efforts, through trained presenters, and through media campaigns. In 1997, the "Highways or Dieways" campaign reached 47 million people in the first day, and 100 million people by years end through television, radio and print media. Next year, OLI will roll-out a new 5-year campaign. OLI will be contacting many of the organizations represented at RSAC for ideas for the new campaign.

Ms. Hall asks for questions from RSAC Members.

With no questions, Chairperson Gavalla asks for representatives from the Brotherhood of Maintenance of Way Employees and the Brotherhood of Locomotive Engineers to make presentations about petitions, which have been filed with FRA.

Leroy Jones (Brotherhood of Locomotive Engineers (BLE)) begins by saying that there are several issues, which the BLE would like FRA to resolve. The first involves a

petition dated April 14, 1998, asking for a rulemaking which establishes a prohibition to the practice of the operation of a locomotive, as a lead locomotive, when it requires locomotive engineers to position themselves in a direction opposite their normal position in the cab. The BLE is concerned with the accidents and safety concerns of operating locomotives with the "long-nose" forward. The BLE believes that now is the time to deal with this issue and that RSAC is the proper forum. The petition was distributed to RSAC Members. It is part of the permanent RSAC Docket and is not excerpted in detail in the RSAC Minutes.

Chairperson Gavalla asks RSAC Members to review this petition and to be prepared to decide whether this issue should be put before RSAC.

Mr. Dettmann asks how RSAC should decide whether an issue should be put before a Working Group?

Mr. Pickett adds that there are many outstanding issues.

Mr. Dettmann responds that he is looking for a solution to what is a procedural issue.

Mr. Jones defends the petition by believing that certain issues could go to a forum like RSAC to finally do something.

Mr. Inclima describes the March 25, 1998 BMW petition as straight forward. As accident data was being reviewed in the PTC "Accident Review Team," there were numerous incidents involving crane safety. The Occupational Safety and Health Administration (OSHA) has primary authority over crane safety. After a crane operator is killed, OSHA will visit the job site. However, the BMW petition asks FRA for a rulemaking to develop rules governing crane safety and the training of crane operators, an area where the BMW believes OSHA and FRA have shared safety responsibilities.

Mr. Lineweber (UTU) volunteers that the United Transportation Union supports this petition.

Chairperson Gavalla requests that RSAC Members review the BLE and BMW petitions and provide members' thoughts at the next meeting on how FRA should handle these petitions.

Mr. Loftus (ASLRRA) requests that FRA prepare a list of regulatory issues not before RSAC, but are waiting in the background.

Chairperson Gavalla asks Mr. Cothen to prepare a priority list, based on his regulatory agenda presentation made at the last RSAC meeting.

Chairperson Gavalla announces that on the basis of 35 concurring ballots (13 not received), Working Group recommendations for RSAC Task No. 96-5, consisting of the NPRM entitled *Revisions to Steam-Powered Locomotive Inspection Standards*, have been forwarded to the FRA Administrator.

A F T E R N O O N B R E A K (2:20 P.M. - 2:40 P.M.)

Chairperson Gavalla reconvenes the meeting. He announces that OLI's Jerri Hall would like to address RSAC again.

Ms. Hall reminds RSAC Members that in July, OLI will hold its 10th International Conference. She invites everyone to attend and reminds members of the three "E's" of OLI--education, enforcement, and engineering.

Chairperson Gavalla acknowledges the work being undertaken by the American Public Transit Association's (APTA) Passenger Rail Equipment Safety Standards (PRESS) Task Force, which is working towards voluntary passenger safety standards.

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 progress is being made by the Noise Task Force. The Temperature Task Force has been stumped. FRA is drafting a "strawman" low-end temperature standard for the Task Force consideration and discussion at the June 30-July 1, 1998, Task Force meeting. The sanitary facilities issue has been brought back to the Working Group. There have been no actions yet on "vibration" and "ergonomics" issues.

With there being no questions of Ms. Hattery, 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.

Mr. Mehrvazi explains that the Working Group has selected five different collision scenarios, each consisting of a collision scenario and collision mode, to examine. The Volpe National Transportation Systems Center and the consultant, Arthur D. Little are developing technical information for use by the Working Group, under contracts issued

by FRA's Office of Research and Development. The areas under consideration for modification or design changes include shelf couplers, collision posts, corner posts, and interlocking anticlimbers.

With there being no questions of Mr. Mehrvazi, Chairperson Gavalla asks for approval of the Minutes of the 7th RSAC Meeting, held January 27, 1998.

Mr. Lineweber motions that the Minutes of the 7th RSAC Meeting be approved.

The motion is seconded.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 7TH RSAC MEETING, HELD JANUARY 27, 1998 ARE APPROVED.

Chairperson Gavalla requests suggestions for an agreeable date for the next RSAC Meeting. He suggests a day following Labor Day, but within this fiscal year, perhaps Wednesday, September 9, or Thursday, September 10, 1998.

AFTER A BRIEF DISCUSSION, THE NEXT RSAC MEETING IS TENTATIVELY SCHEDULED FOR WEDNESDAY, SEPTEMBER 9, 1998 IN WASHINGTON, D.C. IF FRA ENCOUNTERS DIFFICULTY IN RESERVING SPACE FOR THAT DATE, THURSDAY, SEPTEMBER 10, 1998 AND TUESDAY, SEPTEMBER 29, 1998 WILL BE CONSIDERED. 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.

Richard A. Johnson (TCIU/BRC) asks when FRA will move forward on Blue Signal Protection?

Mr. Cothen responds that this is one of many items waiting for the availability of resources to address this issue. Does Mr. Johnson want RSAC to take this up specifically in September?

Mr. Johnson responds yes.

Mr. Dettmann asks that now that RSAC has experience with completing a number of items that have been place before it, is there a resource definition of all the jobs in the "cue?"

Chairperson Gavalla responds that a list of the regulatory agenda items that FRA would like to put before RSAC will be distributed to members at the next meeting.

With no additional business, Chairperson Gavalla adjourns the 8th 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.