

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting April 15, 1999

The eleventh meeting of the RSAC was convened at 9:45 a.m., in the Monticello West Ballroom of the Wyndham Hotel (Washington, D.C.), 1400 M Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) 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. Ten of the forty-eight voting RSAC members were absent: The American Association of State Highway & Transportation Officials (1 seat), The American Short Line and Regional Railroad Association (1 of 3 seats absent), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), The International Brotherhood of Electrical Workers (1 seat), The National Conference of Firemen & Oilers (1 seat), Safe Travel America (1 seat), Transport Workers Union of America (1 of 2 seats absent), and Transportation Communications International Union/Brotherhood of Railway Clerks (1 of 3 seats absent). One of four non-voting RSAC members were absent: Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 80.

Chairperson Gavalla welcomes RSAC Members and attendees. This is the third anniversary of RSAC, which had its initial meeting April 1, 1996. Much has happened in the past three years. Today, there will be reflections on the past progress, the current progress, and the future progress of RSAC. However, the recent Amtrak collision with a tractor trailer at the McKnight Road highway-rail grade crossing at Bourbonnais, Illinois is a tragic reminder of why we are here. Today, the National Transportation Safety Board's (NTSB) Robert Lauby will explain to us what is known about the Bourbonnais accident. I think this briefing will demonstrate that RSAC's past accomplishments helped to keep this accident from becoming worse. However, it is essential for our work to move forward to keep future accidents of this type from happening at all.

Chairperson Gavalla introduces FRA Administrator Jolene M. Molitoris.

Administrator Molitoris thanks Chairperson Gavalla and announces that Mr. Gavalla is now officially the "Associate FRA Administrator for Safety." Mr. Gavalla had been serving in that position temporarily, while awaiting required government clearances. Administrator Molitoris also acknowledges other members of her immediate staff, who

are in attendance at today's meeting. These include Pam Barry, Director, Office of Public Affairs, and Norma Krayem, Chief of Staff.

Administrator Molitoris remarks that RSAC is three years old, but the time has past quickly. She reflects on 1998 achievements. First, 1998 was the safest year in railroad history. Employee fatalities are down 27 percent from the prior year and is the lowest number ever recorded (27 employee fatalities versus 37 the year before). In addition, total railroad-related fatalities are down 7 percent from 1997 levels. Even in the difficult area of highway-rail grade crossing safety, highway-rail grade crossing incidents were down 10 percent, highway-rail grade crossing fatalities were down nearly 8 percent, and highway-rail grade crossing injuries were down 16 percent in 1998 compared to 1997.

Second, 1998 was the most productive rulemaking year.

Administrator Molitoris does not think that the RSAC story is told enough. RSAC has made a difference. She hopes that RSAC members will help to communicate this story in employee, company and association newsletters, and in members' dealings with Congress, other government agencies and the public. Following the National Transportation Safety Conference, many of RSAC members told Administrator Molitoris how important this conference was. The theme of the Conference was: "Safety is a Promise We Keep Together." Over 600 leaders were brought together to focus on transportation priorities in a 1½-day discussion. The conference produces a list of transportation safety priorities, which the U.S. Department of Transportation (DOT) is now trying to integrate into its "Flagship Initiatives."

RSAC is very close to upgrading standards on locomotive crashworthiness. Today, the NTSB's Robert Lauby will show pictures of the Amtrak locomotives from the Bourbonnais, Illinois accident. The work that RSAC is doing will help to save lives in real circumstances.

Positive Train Control (PTC) has a unique challenge. Administrator Molitoris has a request of RSAC today. FRA has a requirement to go forward with a PTC Report to Congress. FRA and RSAC know a great deal more today about PTC technologies than we did several years ago. Administrator Molitoris requests that the PTC Working Group meet and put together consensus findings so that FRA can go forward with a consensus PTC Report to Congress. She needs RSAC's help to meet this overdue Congressional requirement.

Administrator Molitoris reminds RSAC that the NTSB's Robert Lauby will make a presentation shortly on the Bourbonnais, Illinois highway-rail grade crossing accident. Administrator Molitoris and U.S. Secretary of Transportation Rodney Slater met with Congressmen Thompson and Shores, and Amtrak passenger survivors in Mississippi following the Bourbonnais, Illinois accident. All who attended this meeting were moved by the testimonials of the survivors of this tragic accident. In the aftermath of the Bourbonnais, Illinois accident, DOT is undertaking a "safety blitz." Administrator

Molitoris has also met with the American Trucking Associations President, Walter McCormick. FRA will start with a corridor review of the Amtrak System. FRA will ask for cooperation in this review from the host railroads over which Amtrak has trackage rights. FRA believes that "Photo Enforcement" (camera surveillance at highway-rail grade crossings) is essential to help law enforcement officers identify offenders trying to "beat trains" at highway-rail grade crossings. FRA will also promote non-conventional methods of highway-rail grade crossing protection. These include "Stop" signs in addition to traditional railroad "crossbucks," and more highway-rail grade crossings equipped with median barriers. Highway-rail grade crossing safety violations are killing people—422 in 1998. DOT surface modes will undertake a top-bottom review to develop risk-based standards for highway-rail grade crossing issues.

At the same time, FRA will "reach out" to State Departments of Transportation to flex more money to highway-rail grade crossing safety from Section 130 funds of the Intermodal Surface Transportation Efficiency Act (ISTEA). The State of Texas received a 30 percent improvement in crossing safety by "flexing" additional Section 130 funds in 1998.

In conclusion, Administrator Molitoris urges the members of RSAC to push forward on all the different rulemaking elements that are underway. FRA is internally and externally committed to increasing safety on all the issues before RSAC—it is about saving lives. Administrator Molitoris hopes that when RSAC reaches its 5-year anniversary, "zero" accidents is a number that everyone will cheer about.

Chairperson Gavalla thanks Administrator Molitoris for her opening remarks. He recognizes the efforts necessary for RSAC's non-voting member Ingeniero Antonio Lozada (Mexico) to attend and acknowledges the attendance of George Lavanco (DOT's Office of Inspector General), Jack Wells (House Committee on Transportation and Infrastructure), and Shannon Watson (DOT's Office of Congressional Affairs).

Chairperson Gavalla introduces Robert C. Lauby, the RSAC non-voting/advisory member from the NTSB, to address RSAC on recent accident investigations. He reminds RSAC members that the NTSB is one "movers and shakers" of rail safety to help move the "ball down the field." Many of FRA's rules and regulations have their origins as "seeds" from the NTSB.

Mr. Lauby acknowledges that the NTSB is a partner with FRA on many of their safety issues. Highway-rail grade crossing accidents is a very serious issue that needs to be handled well.

Mr. Lauby's presentation consists of two accident summary handouts and an accompanying 24-picture photograph slide show concerning two similar highway-rail grade crossing accidents. The accident summary information is part of the materials distributed to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

The first accident occurred on June 18, 1998, at the Midwest Road highway-rail grade crossing at Portage, Indiana. It involved a Northern Indiana Commuter Transportation train and a semi-tractor trailer loaded with coil steel. There were three commuter train fatalities and 5 injuries. The second accident occurred on March 15, 1999, at the McKnight Road highway-rail grade crossing at Bourbonnais, Illinois. It involved an Amtrak passenger train impacting a semi-tractor trailer loaded with steel reinforcing rods. Of 219 passengers and crew onboard the Amtrak train, there were 11 fatalities and 117 injuries. Of the injured, 67 were treated and released from hospitals and 50 were admitted to hospitals.

There were similarities to the two accidents. Both accidents involved steel-hauling trucks; the highways where the accidents occurred were used for access to the steel fabricating factories; the trains involved in the accidents struck the trailer portion of the trucks; and the drivers of both trucks survived the accidents.

The Portage, Indiana accident involved an issue similar to the Fox River Grove, Illinois school bus/commuter train accident: there was too little room at the highway-rail grade crossing to accommodate the length of the motor vehicle. At Portage, Indiana, there were two different railroad rights-of-way, each separated by a short stretch of highway—too short to accommodate the length of the tractor trailer—and each protected by two different sets of crossing gates. After the tractor trailer crossed the first (commuter train) right-of-way, crossing gates activated for the second crossing and the tractor trailer stopped. Because of the length of the tractor trailer, a portion of the trailer remained on the right-of-way of the first crossing. While waiting for the train to clear the second right-of-way, a commuter train activated the gates of the first crossing. Unable to stop, the commuter train struck the motor vehicle trailer.

Ross Capon (National Association of Railroad Passengers (NARP)) asks Mr. Lauby why the crossing gate activation was not synchronized for both rights-of-way?

Mr. Lauby responds that the Portage, Indiana accident crossing was a heavy-industrialized crossing and this type of accident had not occurred before.

Jack Wells (House Transportation Subcommittee) asks who owns the crossing?

Mr. Lauby responds that Northern Indiana Commuter Transportation owns part and National Steel's Midwest Division plant owns part.

Mr. Capon comments that someone should be responsible to insure that similar multi-crossing gate highway-rail grade crossings are synchronized when activation across one occurs.

Mr. Lauby describes what is known about the Bourbonnais, Illinois accident. The highway-rail grade crossing involved a "public road." However, the "public road" only serves the Birmingham Steel fabrication plant. While the accident investigation is

continuing, there is evidence which suggests that tractor-trailer driver error caused this accident. The investigation is examining whether the driver of the tractor trailer drove around the crossing gates into the path of the oncoming Amtrak train. The photograph slide presentation also discussed the involvement of two freight cars, which were sitting on an adjacent railroad siding. As the Amtrak passenger train “jack knifed” following the impact with the tractor trailer, the two freight cars became involved in the accident. As the accident investigation continues, the NTSB will attempt to determine whether the presence of these two freight cars exacerbated this accident.

Mr. Lauby concludes his presentation by saying that the issues being considered in both these accidents include: crashworthiness of passenger cars, crashworthiness of locomotive fuel tanks, rules concerning commercial motor vehicle driving licenses, and grade crossing safety.

Mr. Lauby asks if there are questions.

Dennis Mogan (Association of American Railroads (AAR)) asks if there are any State restrictions on the length of commercial vehicles in Indiana?

Mr. Lauby responded that he believes that the vehicle involved in the Portage, Indiana accident was a tractor and two “tandem” trailers, having an overall length exceeding 90 feet. The truck was licensed to operate in the State of Indiana at that length. At the Bourbonnais, Illinois highway-rail grade crossing, over 600 trucks a day operate across the railroad right-of-way.

James Stem (United Transportation Union (UTU)) asks if the locomotives used by Amtrak were the same in the Silver Spring, Maryland accident and the Bourbonnais, Illinois accidents?

Mr. Lauby responds that the lead locomotive in the Silver Spring, Maryland accident was a model F-40, and in the Bourbonnais, Illinois accident, the lead locomotive was a General Electric Genesis.

Mr. Capon asks if Mr. Lauby referred to the Amtrak baggage car and the 3rd car in the train consist?

Mr. Lauby responds in the affirmative that the baggage car was the 1st car behind the two Amtrak locomotives.

Chairperson Gavalla adds that FRA is receiving cooperation from States to synchronize highway-rail grade crossing signals and gates at redundant crossings, which may have prevented the Portage, Indiana accident.

Mr. Lauby concludes by thanking FRA for their support efforts following all accidents, but particularly the Portage, Indiana accident. At the Bourbonnais, Illinois accident, Mr.

Lauby expressed his appreciation for the help that the NTSB had from Amtrak, the Illinois Central Railroad, labor representatives from the UTU, FRA and the many local responders to that accident. The NTSB cannot conduct accident investigations without the help of everyone involved.

Chairperson Gavalla announces the Morning Break.

M O R N I N G B R E A K (10:50 A.M. - 11:15 A.M.)

Chairperson Gavalla reconvenes the meeting. Mr. Gavalla announces the retirement of Lawrence Wagner (FRA Office of Chief Counsel) on May 1, 1999, after 31 years of government service. For the past 25 years, Mr. Wagner has played a major role in FRA's rulemaking activities and his expertise will be missed.

Chairperson Gavalla asks Brenda Hattery (FRA's Office of Safety) and Christine Beyer (FRA's Office of Chief Counsel) 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 announces that April 21, 1999 is "Noise Awareness Day." There is an Internet Web Site for general information on noise.

The Working Group "Noise Task Force" met jointly with the Working Group during the first week in April to finalize recommendations that will become part of the package that will be presented to the full RSAC. The group has chosen a people-centered approach focusing on hearing conservation and following the general pattern of existing Occupational Safety and Health Administration requirements. Further work on noise exposure standards is necessary. The work product should be completed during a May 6-7 meeting in St. Louis, Missouri.

Ms. Beyer outlines the "sanitary facilities" task: to research comparable workplace requirements in an effort to develop minimum acceptable regulations, guidelines, or standards as appropriate for the locomotive cab environment. The standard recommended by the Working Group closely tracks other minimum Federal sanitation standards, to ensure that railroad employees have equivalent protections and that railroads have equivalent responsibilities. A summary of principles recommended by the Locomotive Cab Working Conditions Working Group follows: (1) Each lead locomotive in use would be equipped with a working, sanitary toilet, sufficient toilet paper, washing facilities, adequate ventilation, and a door that latches to provide privacy; (2) Flexibility will be provided to accommodate the use of crew packs, bottled

water, waterless soaps, and the location of any sinks that are currently present on equipment; (3) Any locomotive found to have an unsanitary or defective toilet facility during the daily inspection must be moved into a trailing position, rather than taken out of service, and must be cleaned if subsequently used to haul employees; (4) Any locomotive currently equipped with a toilet facility must retain the toilet facility; (5) Exceptions are provided for commuter lines, switching service, transfer trains, and short line operations where employees have frequent, ready access to toilet facilities along the right-of-way; (6) If toilet facilities currently exist in a unit used in switching service or transfer train service, and the toilet facility becomes defective, it must be repaired within a short period of time; and (7) All newly manufactured locomotives, except those designed exclusively for switching service or commuter operations, must be equipped with a compliant toilet facility in the cab. FRA is presently in the process of modifying the draft regulatory text to reflect the consensus of the Working Group and the Working Group will complete preparation of a package for presentation to the full RSAC.

Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWWE)) raises the issue of by-products of sanitary facilities. Under the proposed rules, some of the effluent from the locomotive chemical toilets will end up on the railroad right-of-way. The BMWWE is concerned about the distribution of these wastes along the railroad right-of-way where maintenance of way employees will be working.

Ms. Beyer explains that the Food and Drug Administration (FDA) prohibition against the discharge of untreated, potentially dangerous effluent from chemical toilets applies to railroads. Ms. Beyer also acknowledges receipt of a BMWWE letter outlining concerns about locomotive chemical toilets discharging ineffectively treated sanitary facility wastes along railroad rights-of-way. This letter will become a part of the RSAC Docket concerning sanitary facility issues.

Mr. Stem (UTU) asks if Amtrak has been given an exemption to allow the carrier's locomotives to discharge inadequately-treated human wastes along railroad rights-of-way?

Ms. Beyer understands that all Amtrak locomotives are in compliance.

Mr. Inclima asks if the FDA or the Environmental Protection Agency (EPA) are going to allow the dumping of wastes?

Ms. Beyer responds that untreated human waste will not be permitted to be dumped along railroad rights-of-way.

Mr. Inclima reiterates his belief that there is a serious issue with the solution to the sanitary facility problem that allows effluent, even if treated, to be dumped on the right-of-way. He finds the dumping of effluent on the railroad right-of-way to be unacceptable.

Chairperson Gavalla responds that both EPA and FDA have requirements regarding the discharge of chemically treated wastes. Once a rule regarding sanitary facilities is brought to closure, FRA will monitor compliance.

Mr. Inclima explains that for chemical toilet effluent to be treated properly, the toilet must be maintained properly. Mr. Inclima does not have a good feeling that required maintenance will be performed. In addition, he objects to the idea of dumping effluent, treated or not, on the railroad right-of-way. BMW members will be on the receiving end of the effluent. Mr. Inclima does not think that this is fair to the BMW membership.

Chairperson Gavalla assures Mr. Inclima that once the sanitary facility rule goes forward, the proper implementation of toilet maintenance will be monitored. Toilet maintenance will need to meet EPA/FDA standards.

Joseph Mattingly (Brotherhood of Railroad Signalmen (BRS)) supports Mr. Inclima's position.

Mr. Stem (UTU) remarks that untreated human waste can contain the Hepatitis virus.

Mr. Capon (NARP) remarks that if he were a track worker, he would be concerned about effluent on the right-of-way considering all the other things railroad workers have to remember.

Chairperson Gavalla appreciates the many comments on this issue. He understands all of the concerns that have been expressed as well as the importance of this issue. He reminds RSAC members that he began his career as a roadway worker. FRA is taking into account how the waste is to be treated and what happens to it after it is discharged. FRA believes that the Working Group has the tools to confront and finalize this issue.

Chairperson Gavalla asks Shraham (Sean) Mehrvazi (FRA's Office of Safety) to brief RSAC on the status of Task No. 97-3, Revision of Event Recorder Requirements. Normally, this presentation is made by Edward English, Director, FRA's Office of Safety Assurance and Compliance. However, Mr. English is attending a conference in Canada. Handout materials given to each RSAC member 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. Capon announces 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 1998, the award was given to Fran Garrard (?), an Amtrak employee, who is active in Florida's Operation Respond. The award will be made at a dinner reception at the Columbus Club at Washington, D.C.'s Union Station.

Chairperson Gavalla announces that periodically, FRA conducts Drug/Alcohol Testing Regulations Seminars. The next seminar will be held in San Diego, California on July 20-22. A letter with particulars about the seminar will be sent to rail-related organizations affected by these regulations shortly.

The Locomotive Event Recorder Working Group created four task forces: (1) Testing Sequence, (2) Testing Criteria, (3) Data Element & Location, and (4) Maintenance, Inspection & Testing. All four task forces have completed their tasks. The testing sequence for the event recorder is: impact shock; static crush; high temperature; low temperature; fluid immersion; and hydro-static pressure. Consensus has been reached for the limits for each testing criteria. A list of data channels needed to be recorded for both freight and commuter rail equipment has been determined. Finally, recommendations for maintenance, inspection & testing of event recorders has been determined.

Mr. Mehrvazi details the crashworthiness criteria of the locomotive event recorder “memory module” and the allowable parameters under each of the following criteria: impact shock; static crush; high temperature; low temperature; fluid immersion; and hydro-static pressure. Mr. Mehrvazi adds that there are 26-27 channels available to record information. The Working Group last met in March. A Notice of Proposed Rulemaking is being drafted by the Office of Chief Counsel.

Pat Ameen (AAR) makes a correction. There are 26-27 data “parameters,” not “channels.” He asks Mr. Mehrvazi to comment on the replacement schedule for these devices.

Mr. Mehrvazi responds that there will be a longer maintenance/inspection interval between “old” and “new” event recorders. This will provide an incentive for upgrading equipment.

Robert Harvey (Brotherhood of Locomotive Engineers (BLE)) asks if it will be possible to record brake application by “other than the engineer” in the event recorder? Under PTC, that information may need to be recorded.

Grady C. Cothen, Jr., (FRA’s Deputy Associate Administrator for Safety Standards and Program Development) responds that it may be desirable to have a pathway available to the locomotive event recorder for PTC-related activations. FRA is in discussions with the Locomotive Event Recorder Working Group to insure the availability of recording future needs.

Mr. Mattingly asks about testing procedures for locomotive event recorders. As long as 95 percent of the event recorders test “fault-free,” would there then be a 3-year re-test cycle? Also, what does “fault-free” mean? What is a “fault?”

Mr. Mehrvazi responds that the function of the event recorder is to record information. There is a proposal for a self-monitoring feature for locomotive event recorders. The self-monitoring feature will show that information is being recorded and that the desired information is being recorded.

Chairperson Gavalla asks FRA Systems Support Division Staff Director Robert L. Finkelstein to make a presentation on Task No. 97-7, Definition of Reportable "Train Accident." The materials related to this task are 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.

Under present accident/incident reporting guidelines, damages from two accidents of roughly equal value can vary widely. Depending upon the age of the equipment and the depreciation method used, one accident might be reportable to FRA while the other is not. The Working Group has met three times. The railroads made a presentation on Generally Accepted Accounting Principles to show how they derived the depreciated costs for equipment. FRA has proposed a simplified form that would record damages for equipment and track at a uniform rate. The members of the Working Group are concerned about enforcement.

Mr. Wells asks: damages to "what" determines the reporting threshold?

Mr. Finkelstein responds track and rail equipment.

Mr. Wells asks if damages are reported for costs associated with hazardous materials spills, or for closing down a highway following a train accident?

Mr. Finkelstein responds no.

Mr. Inclima relates that shortly after the revised 49 CFR Part 225 regulations were put into place, the accident reporting threshold determination issue came up. Labor, which was having problems with harassment and intimidation issues thought that the new 49 CFR Part 225 rules would take care of harassment and intimidation issues. However, this has not been the case. From Labor's perspective, harassment and intimidation issues have not been resolved.

Chairperson Gavalla responds that FRA needs "facts" to make fact-based decisions. The accident reporting threshold is an important issue. The major railroads are already instituting policies to address harassment and intimidation issues. FRA wants this Working Group to keep narrowly focused on reporting threshold issue.

Mr. Stem asserts that in some cases harassment and intimidation has affected the accuracy of reporting in Safety Assurance and Compliance Program (SACP) safety audits.

Lawrence Mann (UTU) asks if FRA can give RSAC members information on the number of harassment and intimidation complaints that are outstanding?

Chairperson Gavalla responds that he will supply that information for the record.

Henry Lewin (Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC)) asks if the Working Group is addressing the accuracy of reporting by the railroads?

Mr. Finkelstein answers that the Working Group is addressing the task very narrowly.

Mr. Lewin asserts that TCIU/BRC is receiving information on accident reports that accidents are not being reported accurately.

Mr. Finkelstein responds that the Working Group is working on a solution that is verifiable. If at a later time an accident has occurred, FRA will be able to determine if the dollar amount reported is accurate.

Chairperson Gavalla adds that in response to the BRC's Freedom of Information Act (FOIA) request, John Leeds, Director, FRA's Office of Safety Analysis is investigating. A notice will be put into the *Federal Register* concerning FRA's findings.

Mr. Lewin explains that BRC is having problems with "no reported damage to track reported," when there is extensive car damage.

Mr. Finkelstein responds that if "used track components" are being used, the railroads have been entering \$0 cost for rail repair.

Mr. Lewin challenges that cost by asserting that certainly the labor cost to install the used track components is not \$0.

Gary Maslanka (Transport Workers Union of America) asks if FRA was studying harassment and intimidation issues?

Chairperson Gavalla replies that FRA commissioned a "Corporate Culture Study" of the larger Class I railroads. The purpose of the study is to examine how differing corporate cultures are integrated, i.e., management styles, following railroad mergers. Included is how the merging companies deal with harassment and intimidation issues. This study can be made available to the full RSAC at our next meeting. Certainly "perceptions" play a role in the harassment and intimidation issue.

Mr. Harvey (BLE) has concerns about the process of dealing with harassment and intimidation issues. He wants to see the Corporate Culture Study and wants information on how the SACP safety audits are dealing with harassment and intimidation issues.

Chairperson Gavalla makes a commitment to supply a presentation on major SACP initiatives which deal with harassment and intimidation issues at the next full RSAC meeting.

Richard Johnson (TCIU/BRC) states that harassment and intimidation is a significant issue that should be addressed by RSAC. He would like the full RSAC to vote on whether to accept a harassment and intimidation task to address this issue.

Mr. Cothen reminds RSAC about certain administrative procedures, which RSAC must follow. First, with respect to harassment and intimidation, Notice has not been given in the *Federal Register* that this issue would be discussed at today's meeting. Secondly, RSAC does not decide its own work. It can accept work, as suggested by FRA. The interest in harassment and intimidation issues is well known. FRA is willing to listen to this topic. However, the Agency needs to be able to properly support any work related to the issue before it is undertaken.

Following some housekeeping and administrative announcements, Chairperson Gavalla announces the Lunch Break.

L U N C H B R E A K (12:30 P.M. - 1:45 P.M.)

Chairperson Gavalla reconvenes the meeting. He announces that the BLE and UTU have reached agreement on a comprehensive approach to fatigue management. FRA applauds this effort.

James Brunkenhoefer (UTU) thanks FRA for its encouragement and efforts to move this process forward.

Chairperson Gavalla asks Nancy Lewis (FRA Office of Chief Counsel) to brief RSAC on the status of Gage Restraint Measurement System (GRMS) and On-Track Equipment Standards.

Ms. Lewis explains that after the Track Working Group's efforts to revise Federal Track Safety Standards (FTSS) were successful—49 CFR Part 213 revisions were published in June and became effective in September, the Working Group formed a Task Force to continue work on rules for the Gauge Restraint Measurement System (GRMS). The Task Force and Working Group have reached agreement on the preamble, section-by-section analysis, and the rule text. FRA is preparing the cost/benefit statement, as well as the other necessary legal requirements for amending the FTSS. Because GRMS is a part of FTSS, Notice of the proposed rule has already been given. Therefore, a Final Rule can be issued directly. FRA plans to submit the GRMS amendment to the RSAC at the next meeting.

Ms. Lewis continues with an update on the activities for On-Track Equipment Standards. A Task Force has been working with OSHA to coordinate the rule. A proposed Notice of Proposed Rulemaking will be submitted to RSAC at the next meeting.

Chairperson Gavalla thanks Ms. Lewis for her presentation. He acknowledges the visit to the meeting by FRA Deputy Administrator, Donald M. Itzkoff.

Chairperson Gavalla asks Shraham (Sean) Mehrvazi (FRA's Office of Safety) to brief RSAC on the status of Locomotive Crashworthiness, Task No. 97-1. Task Statements, Working Group membership composition, and prior synopses 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.

At the February meeting, the Working Group moved closer to consensus on the requirements for rules changes. The revised S-580 standards will further improve locomotive crashworthiness. The Association of American Railroads is adopting the new S-580 standard and FRA will incorporate the S-580 standard by reference into its final rule. The proposed rules will apply to all new locomotives, freight and passenger. There is also a section on Switcher/Intermediate Service locomotives. The Switcher locomotive section deals with narrow nose, short hood configurations which increase visibility during switching operations. The proposed requirements will improve the crashworthiness of locomotives in the following areas: (1) collision posts, (2) short hood structure, (3) cab structure including window and corner posts, (4) interior configuration, (5) emergency interior lighting, (6) emergency egress, (7) underframe strength, (8) anti-climbers, and (9) fuel tanks. FRA hopes to complete a draft Notice of Proposed Rulemaking by June 15, which will be presented to the Working Group at their next scheduled meeting (June 15-16, 1999).

Chairperson Gavalla asks Grady C. Cothen, Jr., FRA's Deputy Associate Administrator for Safety Standards and Program Development, to brief RSAC on the status of 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. Materials related to these topics are 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. Cothen explains that since November 1997, a Standards Task Force and a Data and Implementation Task Force have been working to: (1) describe available technologies, (2) evaluate costs and benefits of potential systems, and (3) consider implementation opportunities and challenges, including demonstration projects and deployment.

The Data and Implementation Task Force is working to finalize a report on the future of PTC systems, which will be incorporated into a required progress report to Congress. The task force will attempt to complete a draft at their April 1999 meeting. Administrator Molitoris has requested that work on this project be completed. The Working Group hopes to have the report to the full RSAC in advance of the next meeting. The report will be used as the body of the report to Congress, which is long over due. The report will lay out a course of action for FRA.

Regarding a Notice of Proposed Rulemaking for PTC Standards, Mr. Cothen explains that FRA and the RSAC need to get through a closing window of opportunity (to resolve these issues on a consensus basis). Never have so many people agreed on so much. Yet, these efforts have not been translated into a proposed rule. He urges the PTC Working Group to charge ahead to facilitate the introduction of new train control technologies.

Chairperson Gavalla asks for a motion:

TO ALLOW FRA TO CIRCULATE THE DRAFT PTC REPORT TO RSAC MEMBERS AS SOON AS IT IS AVAILABLE.

Leroy Jones (BLE) moves to allow FRA to circulate the draft PTC Report to RSAC Members as soon as it is available.

Charles Dettmann (AAR) seconds the motion.

BY UNANIMOUS VOICE VOTE FRA IS DIRECTED TO CIRCULATE THE DRAFT PTC REPORT TO RSAC MEMBERS AS SOON AS IT IS AVAILABLE.

Chairperson Gavalla gives a “charge” to RSAC members that FRA needs to move as quickly as possible to move the rulemaking issues before RSAC to closure. He adds that performance-based safety standards are new to all of us. However, he urges RSAC members to take this “charge” back to all the members of the Working Groups.

Chairperson Gavalla asks Steve Ditmeyer (Director, FRA’s Office of Research and Development) to announce a workshop on Intelligent Transportation Systems (ITS).

Mr. Ditmeyer describes the ITS Program as a very large initiative under the Intermodal Surface Transportation Efficiency Act. With all the money that has been spent, a lot of innovation has occurred. Administrator Molitoris made certain that highway-rail grade crossings would be included.

There are three steps for ITS projects: (1) Identify systems architecture, (2) Develop standards by organizations that develop standards, i.e., ASME, IEE, ASTM, and AASHTO to name a few, and (3) the Federal Highway Administration turns the “standards” into regulations. These are “funding regulations.” ITS initiatives must meet

“standards” to receive Federal funding. Mr. Ditmeyer believes that by the end of calendar year 2000, the “standards” will be in place.

While all of the innovative ITS Programs are interesting, none are interoperable. The idea behind the ITS Work Shop is to explore interoperability and establish the plan for writing standards for User Service 30. The Work Shop will be held at the Crystal City Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia on July 22-23, 1999. For additional information, contact Edgar Martinez, ITS America, Suite 800, 400 Virginia Avenue, S.W., Washington, D.C. 20024, Voice: (202) 484-4847, Fax: (202) 484-3483, E-Mail: EMARTINEZ@ITSA.ORG

Chairperson Gavalla announces the scheduled “Afternoon Break.”

Mr. Dettmann asks that the meeting continue instead of taking the “break” so that members could make travel connections.

With no objections Chairperson Gavalla continues with “housekeeping” items. He asks for a motion that the “Minutes” from the 10th RSAC Meeting be approved.

Mr. Dettmann moves that RSAC accept the “Minutes” from the 10th RSAC meeting.

Mr. Jones seconds the motion.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 10TH RSAC MEETING ARE APPROVED.

Chairperson Gavalla presents the final topic at today’s meeting—a discussion on whether “Safety-Critical” Railroad Employees should be certified. The introduction of this topic before RSAC was requested by a March 26, 1999 letter from Congressman James Oberstar, Ranking Democratic Member of the U.S. House of Representatives Committee on Transportation and Infrastructure. A copy of this letter is part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. RSAC members will be asked at a future date whether it wants to accept a Task related to the “Certification of Safety-Critical Railroad Employees. FRA wants to begin a fact-based approach to this issue at today’s meeting. Over the last 15 years, many changes have occurred in the railroad industry. Some of these affect railroad safety.

Using the overhead viewgraph, Chairperson Gavalla shows a series of charts. Based on data for Class I railroads, railroad traffic, as measured in revenue ton-miles, has increased dramatically in the 1990s to the highest levels ever. At the same time, the number of railroad employees has declined to the lowest levels of this century. This means that railroads are more efficient. But it also means that employees have more responsibilities. The proper execution of those responsibilities can affect safety.

In a second overhead viewgraph, train accident rates for all railroads are shown to be declining. However, in the middle to late 1990s, there appears to be a “statistical plateau”—something needs to be done to cause the downward trend to continue, but at an accelerated pace. Likewise, in a third overhead viewgraph, employee casualty rates have been declining since 1990. But again, it appears that a “statistical plateau” has been reached.

Based on these generalized statistics, there is a suggestion that additional training may be necessary for safety-critical jobs. Training and qualifications of rail employees are an important issue which needs to be explored further. Some of the questions that need to be answered are: Who are the employees? What are the crafts? What is the justification? What are the beliefs? FRA needs fact-based information. FRA does not want “perceptions.” FRA needs to know what areas need to be explored and why. Finally, FRA needs to focus only on “Safety” areas. This is the type of inquiry FRA is willing to undertake on this issue. FRA needs input from all the organizations affected by this issue.

William Clifford (BLE/American Train Dispatchers Department (ATDD)) wants clarification. By asking for these materials, is FRA saying that any on-going efforts in “certification for safety-critical employees” will be thrown out and that RSAC will start from scratch?

Chairperson Gavalla responds that RSAC will build on any information that has gone on before.

Mr Clifford relates that in the 1970s and 1980s, FRA explored Train Dispatcher Training. However, at that time, FRA stated that it did not have the necessary expertise to make a decision. Instead, it would need a consultant. The BLE/ATDD has just received a new report from its own consultant. He again asks if FRA will start from scratch, or consider on-going efforts in this area?

Chairperson Gavalla confirms that FRA will build on what information is available.

Mr. Clifford volunteers to submit the new report from the consultants hired by BLE/ATDD. He adds that he does not want “certification for safety-critical employees” to be used for harassment and intimidation purposes.

Chairperson Gavalla appreciates Mr. Clifford’s comments. He wants everyone’s ideas on this topic.

Mr. Clifford continues by acknowledging that there are Train Dispatcher Training Agreements with some railroads. On other railroads, there is no training.

Chairperson Gavalla declares that “training” is just one issue related to this topic. “Accountability” of safety-critical employees is another important issue.

Mr. Clifford continues by saying the problem with training is not with training programs. The problem occurs with on-the-job performance. Only FRA can police this.

Mr. Brunkenhoefer explains that Congressman Oberstar proposed safety training and certification for everyone in safety-sensitive positions. However, Congress did not pass that legislative proposal (H.R. 2455, the Railroad Safety Reform Act of 1997). We have seen train crews go from 4-man to 1-man. The train "Conductor" becomes very important in today's environment. Train conductors are now wondering whether they are operating safely. What we have learned, is that RSAC may be the area to move this issue forward.

Chairperson Gavalla asks for other comments.

Mr. Dettmann responds that RSAC is a fact-based group. If the facts can be developed, railroad management will certainly be involved with what "safety-sensitive" means. It is on the table. Railroad management will look at this issue in total and will respond as an industry as requested.

Chairperson Gavalla requests that RSAC members wishing to submit comments on the discussion topic of "certification of safety-critical employees", do so by the next RSAC meeting.

Chairperson Gavalla requests a date for the next full RSAC meeting. The Month of July or September is suggested. After a short discussion, FRA will attempt to schedule the next meeting during the week of September 7-10, 1999 in Washington, D.C.

With no additional business, Chairperson Gavalla adjourns the 11th RSAC Meeting at 3:05 p.m.

MEETING ADJOURNED 3:05 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.

