

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting May 19, 2000

The fourteenth meeting of the RSAC was convened at 9:50 a.m., in the Executive Chambers of the Madison Hotel (Washington, D.C.), 1177 15th 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. Thirteen of the forty-eight voting RSAC members were absent: The American Short Line and Regional Railroad Association (ASLRRA) (1 of 3 seats absent), The Brotherhood of Maintenance of Way Employees (2 of 2 seats absent), The Brotherhood of Railroad Signalmen (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), Safe Travel America (1 seat), The Tourist Railway Association, Inc. (1 seat), The Transport Workers Union of America (2 of 2 seats absent), and The United Transportation Union (2 of 2 seats absent). One of four non-voting RSAC members were absent: Federal Transit Administration. Total meeting attendance, including presenters and support staff, was approximately 75.

Chairperson Gavalla welcomes RSAC Members and attendees. He announces that Federal Railroad Administrator Jolene Molitoris sends her regrets that she is unable to attend today's meeting. She is traveling with the Secretary of Transportation. Mr. Gavalla also announces that FRA's newly appointed Deputy Administrator, Mr. John (Jack) V. Wells, formerly with the House Committee on Transportation and Infrastructure, is representing FRA at the Amtrak Reform Council meeting in California and is unable to attend. Finally, Chairperson Gavalla thanks and recognizes the efforts necessary for RSAC's non-voting members, Ingeniero Antonio Lozada (Mexico), and Mr. Peter Strachan (Transport Canada) to attend today's meeting.

Every two years, the Department of Transportation (DOT) is required to re-charter RSAC. On March 25, 2000, the RSAC charter expired. RSAC had been operating under a temporary extension of its charter while FRA made efforts to expand the diversity of the committee's membership. Based on the successes in that effort so far, RSAC's charter was renewed on May 17, 2000. However, DOT directed RSAC and all advisory committees under the DOT umbrella to increase diversity. The goal is to ensure that any unique perspectives that women, the disabled, or minorities may have on issues important to the Department are fully explored in developing recommendations to the Department. FRA recognizes that the interests of these

groups are not likely to be as directly affected by FRA's safety activities as are the interests of RSAC's current members. FRA also recognizes that these groups are not likely to bring technical expertise to the Working Group discussions. Therefore, these groups will be asked to join the committee as non-voting members. Any possibility of subsequently adding them as voting members will be fully debated within the committee.

Administrator Molitoris instituted the RSAC forum to reach out to diverse groups of stakeholders. Her goal is to be more inclusive. FRA Deputy Administrator Wells is leading FRA's effort to increase RSAC diversity. He has obtained expressions of a willingness to become non-voting members from three groups. They are: (1) Paralyzed Veterans of America; (2) League of Railway Industry Women; and (3) Conference of Minority Transportation Officials. Mr. Wells has also contacted other groups about possible non-voting membership. Those groups are: (1) National Associations of Railway Business Women; (2) Coalition of Black Trade Unionists; (3) Coalition of Labor Union Women; and (4) Labor Council for Latin American Advancement.

Chairperson Gavalla asks that each RSAC member organization consider suggesting other groups which could increase the diversity of RSAC working groups. In addition, after the new non-voting members are added to the committee, FRA would appreciate support from RSAC members in the following ways: (1) welcome new members and help them understand the difficult issues with which the committee deals; and (2) consider ways in which each member group could increase the diversity of its representation on the full RSAC, its working groups, and task forces. This can be accomplished by looking for opportunities to involve more women, minorities, and disabled in these activities.

In conclusion, greater diversity in RSAC's membership is likely to give insight into areas which might otherwise be missed.

Charles Dettmann (Association of American Railroads (AAR)) requests clarification that any "new members" would be non-voting. He asks if at the RSAC Working Group level, would the new non-voting members participate?

Mr. Gavalla responds that if "non-voting" members want to participate in working group discussions, they could do so.

Matthew B. Reilly (American Short Line and Regional Railroad Association (ASLRRA)) asks if there is a maximum number of voting members in the RSAC charter?

Mr. Gavalla responds there are just 48 voting members. All other RSAC participants would be non-voting.

Mr. Gavalla continues his introductory remarks. Because of RSAC, the past 4 years have been the most productive in FRA's history. Successes include Revision to Track

Safety Standards, rules on railroad communications, Revisions to the Qualification and Certification of Locomotive Engineers regulations, and Revision of Steam-Powered Locomotive Inspection Standards. Benefitting from the collaborative process upon which RSAC is founded are the 1st ever Standards for Passenger Equipment Safety, roadway worker protection, and the soon to be released Revisions to Freight Power Brake rules. This consensual approach has produced a report on the Implementation of Positive Train Control (PTC) Systems, leading the way toward advances in collision avoidance, speed control and greater protection of roadway workers.

Recommendations for proposed performance standards for processor-based signal and train control systems and proposed rules on next-generation event recorders, roadway maintenance machines, locomotive crashworthiness, and locomotive cab sanitation are expected to be finalized in the very near future.

At a preliminary count of 915, 1999 was the first time ever that rail-related fatalities fell below 1,000. Highway-rail grade crossing and trespasser fatalities still account for about 95 percent of total rail-related fatalities. Preliminary data for the first two months of 2000, compared to the comparable period of 1999 show continued improvement. However, highway-rail grade crossing fatalities in 2000 are ahead of those of 1999, while there has been a decline in trespasser fatalities. In 1999, FRA observed an increase in rail yard accidents. To counter this trend, FRA initiated the Switching Operations Fatality Analysis (SOFA) with rail management and rail labor participation. As a result of this partnership, five specific recommendations were offered to counter this trend. Subsequently, there have been 21 percent fewer yard accidents for the first two months of year 2000, compared to the comparable 1999 period.

Chairperson Gavalla asks Patricia Paoletta (FRA Office of Safety RSAC Coordinator) to present a safety briefing.

Ms. Paoletta describes available safety exits from the Executive Chambers meeting facility of the Madison Hotel. She asks for volunteers with knowledge of cardiopulmonary resuscitation (CPR) to be designated to perform this lifesaving function, should the need arise. James Stem (United Transportation Union (UTU)), Charles Dettmann (AAR), and Forrest L. Becht (ASLRRA) volunteer to perform CPR.

Robert C. Lauby (National Transportation Safety Board (NTSB)) asks to make an announcement.

Chairperson Gavalla recognizes Mr. Lauby.

Mr. Lauby announces that the NTSB's senior rail accident investigator, Mr. James S. Dunn, died of cancer during the previous week. Many RSAC members are familiar with Mr. Dunn's efforts to discover the cause behind a number of serious rail accidents. His expertise will be missed by the NTSB.

Chairperson Gavalla thanks Mr. Lauby and announces that cancer has also claimed the life of FRA Region 5 Deputy Regional Administrator, Mr. Duane Barber. He adds that Mr. Barber's expertise will be missed by FRA.

Chairperson Gavalla introduces John M. Samuels (AAR, Norfolk Southern representative). Dr. Samuels is the replacement for Mr. Donald W. Mayberry.

Chairperson Gavalla announces that The Association of State Rail Safety Managers (ASRAM) is replacing the National Association of Regulatory Utility Commissioners (NARUC) as one of the 48 voting members of RSAC. Mr. Jerry Martin is present today as the voting representative for ASRAM.

Chairperson Gavalla asks Mr. Masoud Deljourbar (Mori Associates) and Mr. Steve McCaskill (McLean Research Corporation) to make a brief presentation on the proposed RSAC Internet Website.

Using a laptop computer logged into the Internet, images of the RSAC Internet Website are projected onto an overhead screen. Mr. McCaskill displays the proposed RSAC "Homepage" and demonstrates the proposed data links for the RSAC Internet Website. At the "Homepage," visitors can access: (1) About RSAC (background information and general overview); (2) RSAC Members (contains logos for each RSAC Member Organization and an Internet link to the RSAC Member Organization Internet Website); (3) RSAC Tasks (Tasks accepted by RSAC by fiscal year); (4) Documents (published documents by year); (5) RSAC Calendar; (6) Contact RSAC; (7) Other Links; (8) Members Login (enables RSAC Working Group members to view drafts of rules and to propose changes to the drafts); (9) News and Events; and (10) Search.

Mr. McCaskill asks for feedback on the RSAC Internet Website to date. The feedback can be sent to Ms. Paolella at FRA.

Richard A. Johnson (Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC)) and Peter Strachan (Transport Canada) offer an improvement—it would be useful to have a summary of comments, pros, and cons, of rules being considered by RSAC Working Groups.

Phil Olekszyk (High-speed Ground Transportation Association) asks for the address of the RSAC Internet Website.

Mr. McCaskill responds that currently, it is: RSAC.FRA.DOT.GOV

Note: in its current developmental stage, do not use "WWW." Just type in the address as follows: <http://rsac.fra.dot.gov>

Mr. Olekszyk asks how to get a "Login" identification number.

Ms. Paoella responds that FRA, Mori Associates, and McLean Research Corporation must first complete the RSAC database and make refinements to the RSAC Homepage data links before the RSAC Internet Web site will be ready for “member login.”

Mr. Cothen adds that the current format flows from what we have heard about what Members want in the Internet web site. In the Member area, FRA hopes to be able to provide access to the current draft of any rule under consideration.

Otto Sonefeld (American Association of State Highway & Transportation Officials (AASHTO)) says that most of DOT rulemakings are available.

Mr. McCaskill concludes by saying that his presentation is a 1st pass at putting the database together. Mori Associates and McLean Research Corporation are looking for further guidance on how to proceed.

Cindy Gross (FRA, Office of Safety) adds that all persons associated with putting the RSAC database together have been trying to make corrections. However, FRA needs RSAC Members’ help in correcting who is active and inactive, and that the addresses and other contact information is correct.

Two RSAC members noted that there were errors in the logos of their respective organizations under the RSAC Members Section of the Homepage.

Ms. Gross and Mr. McCaskill noted the concerns and will contact those organizations for corrected information. They will look at database maintenance forms and streamline the database maintenance process.

With no additional questions, Chairperson Gavalla announces the Morning Break.

M O R N I N G B R E A K (10:30 A.M. - 10:45 A.M.)

Chairperson Gavalla reconvenes the meeting. Mr. Gavalla asks Grady C. Cothen, Jr., FRA’s Deputy Associate Administrator for Safety Standards and Program Development, to present an update of RSAC and other rulemaking activities.

In reference to Locomotive Crashworthiness, RSAC Task No. 97-1, Mr. Cothen states that there have been many presentations before RSAC by FRA’s Sean Mehrvarzi (Office of Safety). The proposed task will result in 3 standards for different types of locomotives. However, more work is needed on the cost/benefit analysis. 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.

In reference to RSAC tasks associated with Positive Train Control (PTC), the PTC Report to Congress has been transmitted to Capitol Hill. The PTC Standards Task Force will meet one last time on June 28, 2000, followed by a meeting of the full PTC Working Group on June 29, 2000. Mr. Cothen reminds RSAC Members that it is important to bring this issue to closure. RSAC tasks associated with PTC are No. 97-4, Positive Train Control (PTC) Systems Technologies, Definitions, and Capabilities, Task No. 97-5, Positive Train Control Systems Implementation Issues, and Task No. 97-6, PTC Standards. 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.

In reference to locomotive event recorders, RSAC Task No. 97-3, Revision of Event Recorder Requirements, the Working Group is considering how the data collected will be preserved. At the same time, the draft proposed rule is being reviewed. FRA anticipates circulating the NPRM shortly. Information related to this topic 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.

In reference to draft rules changes for roadway maintenance machines and the use of Gauge Restraint Measurement System (GRMS) technology, the voting ballots are being prepared for mailing. Mr. Cothen requests that RSAC Members return these ballots by June 8, 2000. Information related to RSAC Task Number 96-2, Revisions to Track Safety Standards, is found at TAB 6 of materials given to each RSAC Member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Outside of RSAC, the 1st phase of Revisions to Passenger Equipment Safety Standards has been completed. For the 2nd phase, FRA will welcome freight railroads. There will be a review of Emergency Order No. 20. FRA would like the widest range of stakeholders possible.

Finally, in the materials handed out to RSAC Members today is *Bridge Displacement Detection Systems*, Report to Committees of the Congress, March 2000. This report is part of the permanent RSAC Docket and is not excerpted in detail in the RSAC Minutes. The Office of Safety's bridge engineer, Gordon Davids, has worked with the U.S. Coast Guard to establish a notification system, should a railroad bridge be displaced by a water craft accident.

Mr. Cothen asks if there are any questions.

Mr Cothen continues. He notes that FRA has a rulemaking underway on locomotive horns. There have been around 100 briefings and 12 public hearings. There was a technical conference on May 10, 2000. Over 150 witnesses have testified. This is a

very difficult issue. In the State of Ohio and elsewhere, where whistle bans have not been authorized by state governments, FRA is hearing demands for action. Mr. Cothen requests that RSAC Members make substantive comments on their positions on train horns for the rulemaking docket. FRA needs to hear how to make the "quiet zone" issue work.

Mr. Cothen asks if there are any questions on the train horn rulemaking, or any other rulemaking.

Mr. Harvey (BLE) comments that the RSAC Accident Reporting Working Group is about to put out a call for a pilot study. The results of the study will help evaluate whether proposed changes to the accident/incident reporting system will be useful.

Mr. Cothen thanks Mr. Harvey for reminding him of this important RSAC rulemaking. Materials related to Task No. 97-7, Definition of Reportable "Train Accident" 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. Mr. Cothen asks for the maximum participation in this pilot study.

With no further questions of Mr. Cothen, Chairperson Gavalla acknowledges the meeting attendance by former FRA Deputy Administrator, Donald M. Itzkoff, now with the law practice, Hopkins and Sutter.

Chairperson Gavalla announces that on May 2, 2000, the Federal Motor Carrier Administration issued a proposed rule, FNCSA 97-2350, on the length of time drivers can operate commercial vehicles. The comment period for this rulemaking extends until July 31, 2000. In addition, hearings will be held May 31-June 1, 2000. The rulemaking proposes that proposed Federal length of time for operating commercial vehicles will preempt state rules. This could affect some railroad employees who operate trucks in the course of their duties.

Chairperson Gavalla asks Christine Beyer, FRA Deputy Assistant Chief Counsel for Safety, to summarize the draft sanitation standard under 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.

Generally, (1) each lead locomotive in use must be equipped with a private, ventilated sanitation compartment that includes a sanitary, operative toilet facility, washing and toilet paper supplies, and a trash receptacle; (2) any locomotive equipped with a toilet facility as of the effective date of the rule must retain that facility, unless the locomotive is downgraded to "B" unit status, i.e., a locomotive that will never be occupied; and

(3) any locomotive manufactured after the effective date of the rule must be equipped with a sanitation compartment that is accessible from the cab, unless the unit is designed exclusively for commuter or switching service.

As drafted, the sanitation Notice of Proposed Rulemaking (NPRM) provides exceptions: (1) the lead locomotive in use may not be equipped with a sanitation compartment if it is used in switching, commuter, transfer train, or tourist service, or is owned by a Class III railroad and cab employees are provided ready access to sanitation facilities that meet the requirements of the rule; (2) locomotives of a Class I carrier equipped with a "bogan" type toilet may remain in use until they become defective or are replaced with conforming units, whichever occurs first; and (3) locomotives of a Class I carrier equipped with a "dry hopper" system may remain in use until they are replaced, which must occur by July 1, 2003.

As of the locomotive daily inspection, the toilet facility must be operative and sanitary, and the ventilation must be operative to be used in the lead locomotive position. Nonconforming units may be used in a trailing locomotive position, or in switching or transfer train service. However, if used in switching or transfer train service, the toilet facilities must be repaired within 10 days. Finally, all occupied toilet facilities must be sanitary.

Ms. Beyer asks if there are questions. With no questions, Ms. Beyer reminds RSAC members that at the last meeting, the Committee approved a motion to permit the agency to send a mail ballot to the Full RSAC requesting approval of the draft rule. The NPRM is presently in the hands of the Working Group Members for approval by mail ballot. However, because of mailing problems, some members may need more time to complete the ballot, which FRA asked to be completed by May 24, 2000. If the Working Group approves the NPRM, it will be forwarded for a full committee vote.

Chairperson Gavalla announces that FRA Administrator Molitoris will hold a Roundtable Discussion entitled *Growing Safety in the 21st Century* on June 12, 2000. The meeting will be held from 11:00 a.m. to 3:00 p.m. in the Madison Hotel, 1177 15th Street, N.W., Washington, D.C. 20005. More than 60 invitations have been sent to railroad chief executive officers and railroad labor organization executives to join in an assessment of the last 6 years of RSAC and Safety Assurance and Compliance Program (SACP) activities. The Roundtable Discussion, which rests on a substantive dialogue among all attendees, will also pursue a safety architecture for the 21st century. Secretary of Transportation Rodney Slater is sponsoring a series of visionary sessions designed to elicit input from all customers of the U.S. DOT about transportation of the future. FRA's Roundtable comes at an opportune time to incorporate the roundtable participants' vision into the record being developed.

Chairperson Gavalla asks the Safety Assurance and Compliance Program (SACP) Project Coordinators, who are present, to update RSAC members on activities

underway at various railroads. He calls on James Phelan (FRA Office of Safety) to report on activities at the Union Pacific Railroad (UP).

Mr. Phelan reports that “partnership” efforts have become “public domain” at UP. The railroad has formed a short-term focus group to inform railroad employees about the partnership process. UP safety culture is being integrated into its corporate culture. Efforts are underway to improve safety habits related to work cycles and maintenance-of-way (MOW) activities. Before work begins at each site, the UP SACP is attempting to make the MOW safety briefing a way of life.

Mr. Harvey (BLE) asks if the UP SACP has discussed the placement of advance warning signs to alert train crews of areas of maintenance.

Mr. Phelan responds yes and adds that the coordination of communication is the best part about the SACP process.

With no further questions of Mr. Phelan, Chairperson Gavalla asks Michael DeEmilio (FRA Office of Safety) to report on activities at the Burlington Northern Santa Fe Railroad (BNSF).

Mr. DeEmilio reports that there were early concerns about whether the process would work. However, improvements in the partnership process have occurred. BNSF management and labor are now working together in areas where no one would have believed cooperation could have existed several years ago—for example formulating a new employee discipline policy.

Mr. DeEmilio asks Greg Stengem (AAR, BNSF) to comment on BNSF’s discipline policy.

Mr. Stengem explains how barriers to communication were lowered which enable BNSF management to develop a discipline policy through partnership efforts with most of the railroad’s unions. Regrettably, he noted, there are still a couple of labor organizations that are not participating in the railroad’s SACP process.

Mr. DeEmilio confirms that FRA is trying to get all labor organizations back at the table. This is the only way that organizations will have a voice to help address issues of concern.

Chairperson Gavalla notes that Doug Taylor (FRA Office of Safety) is not present. He is the SACP Project Manager for the Norfolk Southern Railroad (NS). One item that has occurred with the NS SACP is that a group has been formed to assess accidents after they have occurred. The group does not interfere with any ongoing accident investigation by the National Transportation Safety Board, or FRA. Rather, the group looks at accidents which may not be reportable under FRA’s regulations, i.e., the

property damage threshold for a reportable accident may not be reached. The group looks at what actions could prevent similar occurrence in the future.

Charles J. Wehrmester (AAR, NS) adds that Mr. Taylor, labor organizations and railroad management are working together to discover what is missing to prevent future accidents of the same type. The belief is that some of these minor accidents may not need to be corrected by an FRA rulemaking.

Chairperson Gavalla notes that FRA's CSX Transportation SACP Project Manager is not present. Mr. Gavalla reports that signal and train control issues involving pole line maintenance and brush control are being advanced through the SACP process.

With no questions concerning status reports of SACP activities at the largest freight railroads, Chairperson Gavalla makes a presentation on the topic of Training and Qualifications of Safety-Sensitive Employees. Mr. Gavalla explains that at the last RSAC Meeting (January 28, 2000), FRA was asked to give an overview of this topic before asking RSAC to consider undertaking a task to deal with this issue.

This is a "planning" task. The Working Group will report back to the Full RSAC on whether this topic should move forward and how. Using a series of overhead viewgraphs, copies of which were given to each RSAC Member, Mr. Gavalla begins his presentation. Copies of the overhead viewgraphs used in this presentation are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

The impetus for this RSAC task is derived from National Transportation Safety Board (NTSB) recommendations (there have been 19 since 1971), from statutes, such as those requiring locomotive engineer certification, and from safety needs identified by FRA and others. Mr. Gavalla draws a distinction between "Training," "Qualification," and "Certification." Training consists of a structured curriculum using an instructional method appropriate to the subject matter. Training is designed to pass on knowledge, skills, and other abilities. Qualification involves "training" plus objective measures of achievement, and a documentation process. However, many of FRA's regulations specify "qualified employees," without reference to what that means. A Working Group under this task could help make that determination. Certification combines the requirements for training and qualification, and adds Federal recognition and sanction plus requirements for employee performance, fitness, and conduct. If the task for training and qualification of safety-sensitive employees is accepted by RSAC, one of the first jobs will be to determine the persons affected by any rule changes that develop from this process. RSAC will be asked to determine which employees, supervisors, railroad contractors, or others, should be covered. These could include railroad employees involved with train service, train dispatchers, signal and train control crafts, locomotive shop crafts, car shop crafts, maintenance-of-way employees, bridge inspectors, and other key personnel. FRA already has regulations at 49 CFR § 209 Subpart D to disqualify individuals performing safety-sensitive functions. These existing rules might be examined and revised, as appropriate, for this task. A general basis for

disqualification includes violations of safety laws or regulations; demonstrating that an individual is unfit to perform safety-sensitive function in the railroad industry; and willful violations of certain regulations. Using the example of the recently completed RSAC Task No. 96-6, Revision of the Qualification and Certification of Locomotive Engineers Regulations, Mr. Gavalla outlined the full certification program for locomotive engineers: (1) a training and qualification program is required; (2) the regulation applies to contractors, as well as direct employees; (3) there are medical standards for fitness (vision, hearing, no active substance abuse disorder); (4) checks are made of the National Driver's Registry; (5) there are required check rides; and (6) there is due process for certificate actions.

Next, Mr. Gavalla reviews the training needs for broad categories of employees, which might be in safety-sensitive positions. He shows current training areas and proposed training topics. For train service employees, current training requirements include operating rules (49 CFR 217), railroad communications (49 CFR 220.25), passenger emergency preparedness, passenger equipment safety, and hazardous materials. Proposed train service employee training might include freight power brakes, PTC standards, crew resource management, and alcohol/drug rules awareness. For train dispatchers, current training requirements include operating rules, railroad communications, passenger train emergency preparedness, and hazardous materials. Proposed train dispatcher training might include PTC standards, explicit requirements for computer-aided dispatching proficiency, and alcohol/drug rules awareness. For signal and train control employees, current training requirements include operating rules (as relevant to on-track movements), roadway worker safety (49 CFR 214), and railroad communications. Proposed signal and train control training might include PTC standards (for all new processor-based signal and train control systems), regulated functions under 49 CFR 236 and 49 CFR 234 (including contractors to small railroads), new technologies, and alcohol/drug rules awareness. For locomotive shop crafts, current training requirements include operating rules, and passenger equipment safety standards. Proposed locomotive shop craft training might include freight power brakes, and locomotive inspection requirements, including steam locomotives. For car shop crafts, current training requirements include operating rules. Proposed car shop crafts training might include freight power brakes, freight car safety standard requirements, and securement of trailers on flat cars/containers on flat cars. Finally, maintenance-of-way/bridge inspection employees current training requirements include operating rules, hazardous materials, roadway worker safety, bridge worker safety, track safety standards, and railroad communications.

In concluding his presentation, Mr. Gavalla sees three options to move this topic forward. First, FRA can add training and qualification requirements as rules are revised. This is already occurring in Revisions to Passenger Equipment Safety Standards. Second, FRA can use the SACP forum to help fill the gaps in training that exist on individual railroads. Finally, FRA can request that RSAC establish a planning group to propose tasks for the Committee, as needed, for the training, qualification, and certification of safety-sensitive employees.

Chairperson Gavalla asks if there are any questions.

James Stem (UTU) maintains that as a subject that RSAC has discussed for 18 months, it is time to support this issue.

Charles Dettmann (AAR) asks what is it that you (railroad labor) want. What are the data that support what needs to be addressed first?

Thomas Peacock (American Public Transit Association (APTA)) comments that the size of this effort is something FRA cannot do. FRA does not have the staff to undertake this task.

Chairperson Gavalla responds that the enormity of a task has never stopped FRA in the past [laughter]. He is hopeful that the deliberations of the Working Group for this “planning task” will help focus and narrow the scope of the task.

Joseph Mattingly (Brotherhood of Railroad Signalmen (BRS)) explains that in RSAC’s PTC Task, much has been accomplished. This can be the case here. But we need to narrow the scope of what will be examined. Reducing this task’s scope is addressed in BRS’s May 8th letter to FRA on this topic.

John M. Samuels (AAR, Norfolk Southern) adds that he has learned a great deal from his participation on the Research Oversight Committee. RSAC will need to focus on what problem it is trying to solve. Some of the solutions to these problems may not need new rules—just a new way of looking at things. RSAC should look at safety statistics. What is the issue on which RSAC needs to focus, based on safety statistic data?

Chairperson Gavalla explains that RSAC will be looking at issues that are industry-wide. The proposed “planning task” Working Group will be asked to look for the most appropriate way to handle this issue.

Frank E. Pursley (AAR-CSX Transportation) adds that each railroad’s training needs will differ. He adds that the SACP option, one of three options offered by Mr. Gavalla, may be a better approach to handling this issue.

With no further questions, Chairperson Gavalla announces that at the last RSAC Meeting, FRA promised to mail the ballot for rules on Roadway Equipment Machines by this week. He adds, FRA still hopes to accomplish this.

Chairperson Gavalla asks if there are any objections to working through the scheduled lunch break and complete the meeting early. With no objections, Mr. Gavalla announces a short break.

S E C O N D B R E A K (12:20 P.M. - 12:45 P.M.)

Chairperson Gavalla reconvenes the meeting. Mr. Gavalla asks for comments on his presentation on Training and Qualifications of Safety-Critical Personnel.

James Stem (UTU) asks for an informal planning group to look at existing data and to make a report to RSAC at the next meeting.

Mr. Dettmann (AAR) concurs.

Chairperson Gavalla asks if it would be acceptable for FRA to put the informal group together.

Mr. Dettmann and Mr. Stem reply "yes."

Chairperson Gavalla asks Manuel Galdo (FRA Office of Safety) and David Matsuda (FRA Office of Chief Counsel) to make a presentation on the Positive Train Control (PTC) Standards Working Group.

Using overhead view graphs, Mr. Galdo begins the presentation with background and historical information—a review of task force activities, mission, recent events and future business. Copies of the view graph presentation are part of the RSAC Docket and are not excerpted in detail in the RSAC Minutes.

The PTC Working Group had preliminary meetings in November and December of 1997. The first formal meeting was in February 1998 at which time tasks were assigned to Task Forces and Teams. The most recent meeting was held in December 1999. The mission of the Working Group is to propose modifications to 49 Code of Federal Regulations (CFR) § 236, Subpart H, as related to the safety of processor-based signal and train control systems. The principal stakeholders in this process are railroad management, railroad labor, FRA/government, and signal and train control system manufacturers. The Standards Task Force is nearing completion of a draft rule. Issues which need to be resolved involve the "risk metric"—how to measure safety performance; whether to "grandfather" existing products, which are covered by Subpart H; criteria for requiring third party assessment; and record keeping requirements—what, how much, and how long.

Mr. Cothen (FRA) announces that the final meeting of the Standards Task Force will be held on June 28, 2000, to be followed by a meeting of the full PTC Working Group on June 29, 2000. FRA Administrator Molitoris has asked for early publication of the NPRM on performance standards for processor-based signal and train control systems. The North American Joint PTC Project team has also asked that this work be expedited.

Mr. Matsuda (FRA) continues with the presentation. The draft NPRM has seven main components. These are: (1) application of the rule; (2) railroad safety program plan (RSPP); (3) configuration management; (4) performance standards; (5) Product Safety Plan (PSP); (6) FRA oversight; and (7) implementation and operation.

The rule applies to processor-based signal or train control systems, subsystems, or components. Existing processor-based systems are “grandfathered.” 49 CFR § 234 is modified for products which interface with highway-rail grade crossing systems.

The RSPP is a guidance document which establishes minimum requirements for the development of all processor-based signal or train control system products used on a railroad. The RSPP must be approved by FRA.

All railroads using processor-based signal or train control systems must adopt a configuration management control plan to ensure that the proper configuration of these systems is maintained.

Under performance standards, a railroad’s use of any processor-based signal or train control system product can be no less safe than before these products were used.

Railroads using processor-based signal or train control systems will prepare a Product Safety Plan (PSP). The PSP describes safety aspects of the product. It includes a risk assessment and plans for training employees and record keeping.

FRA’s oversight includes a review of petitions and PSPs which are required for installing full-fledged PTC systems. For less than full-fledged PTC systems, carriers are required to submit an informational filing with FRA. FRA will publish notice in the Federal Register periodically to inform interested parties of filings and petitions. Under certain circumstances, FRA may require an independent third party assessment.

The implementation and operation of processor-based signal or train control systems will be governed by the PSP.

At the conclusion of their presentation Mr. Galdo and Mr. Matsuda ask if there are any questions.

Mr. Peacock (APTA) comments that he does not see that FRA has the staff and staff expertise to deal with the complex issues needed to perform an assessment of PSPs and processor-based signal or train control systems.

Mr. Dettmann (AAR) responds that FRA can use 3rd parties to approve appliances and review PSPs.

Mr. Harvey (BLE) adds that part of the Working Group’s discussion centered on the final NPRM reflecting the alternative of 3rd party review of PSPs.

Mr. Mattingly (BRS) explains that FRA could be overloaded, but a 3rd party independent assessment will be available, when needed, to guide FRA's evaluation of PSPs.

Mr. Cothen (FRA) comments that FRA will still need to make enlightened decisions on whether the Agency uses 3rd party assessments or internal assessment. FRA is trying, through the budget process to augment its staff with the highly technical expertise needed for the required assessments of appliance and PSPs.

Chairperson Gavalla consents to a request from Steven R. Ditmeyer, Director, FRA's Office of Research and Development, to make an announcement.

Mr. Ditmeyer distributes copies of a new DOT brochure, *National Civilian GPS Services*. The brochure contains an introductory letter from DOT Secretary Rodney E. Slater, dated March 21, 2000. Of interest to RSAC Members is FRA's efforts to fund differential Global Positioning System (DGPS) services for civilian purposes. Under the satellite-based Global Positioning System (GPS), position location is accurate to within 10 meters. Under DGPS, position location is accurate to within 1 meter. It is the position location accuracy under DGPS that holds promise for implementation and operation of processor-based signal or train control systems. A copy of this brochure will be inserted into the permanent RSAC Docket. RSAC Members requiring additional brochures are asked to direct their requests to Mr. Steven R. Ditmeyer, Federal Railroad Administration, Office of Railroad Development, RDV-30, 1120 Vermont Avenue, N.W., Main Stop 20, Washington, D.C. 20590.

Chairperson Gavalla concludes the discussion on the PTC Standards Task Force by reminding RSAC Members that it is important to bring this issue to closure.

Chairperson Gavalla introduces Edward W. Pritchard (FRA) as his new Executive Assistant. Previously, Mr. Pritchard was the Office of Safety's Staff Director for the Hazardous Materials Division. RSAC members are encouraged to contact Mr. Pritchard at 202-493-6247 for assistance relating to rail safety matters.

Chairperson Gavalla announces that the ballot for draft rules changes for roadway maintenance machines and the use of Gauge Restraint Measurement System (GRMS) technology will likely be mailed to Track Working Group Members today.

Chairperson Gavalla asks for approval of the Minutes of the 13th RSAC Meeting.

Mr. Harvey (BLE) asks for a spelling correction to the names of two members the Switching Operations Fatality Analysis (SOFA) "working group," noted on page 7 of the Minutes. The corrected spelling should be William M. Browder (AAR), and Thomas J. Perkovich (BLE).

Chairperson Gavalla asks for approval of the Minutes of the 13th RSAC Meeting with the spelling corrections noted by Mr. Harvey.

Mr. Dettmann (AAR) moves that the Minutes of the 13th RSAC Meeting be approved with the noted spelling corrections.

Mr. Mattingly (BRS) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 13TH RSAC MEETING ARE APPROVED, WITH THE SPELLING CORRECTIONS TO THE SOFA MEMBERS, AS NOTED.

Chairperson Gavalla asks Joseph Gallant, FRA Office of Safety, to make a presentation on an upcoming Technical Conference on Remote Control Locomotives.

Mr. Gallant explains that on May 15, 2000, FRA published notice in the *Federal Register* (FR) (65 FR 31056) about a technical conference to examine the use of remote control locomotive operations in the railroad industry. The technical conference will be held on July 19, 2000, beginning at 10:00 a.m. in the 7th floor conference rooms 1 and 2 of the FRA Headquarters, 1120 Vermont Avenue, N.W., Washington, D.C. The deadline to register for participation in the technical conference is July 12, 2000.

Locomotives operated by remote control devices have been in use for a number of years. The term "remote control locomotives (RCL)" refers to a locomotive which, through use of a radio transmitter and receiver system can be operated by a person while not physically within the confines of the locomotive cab. Although RCL operations are common in steel mills, plant railroads, and Canadian railroad systems, RCL operations have not been widely used by American railroads that are part of the general system of transportation.

The purpose of the July 19, 2000 technical conference is to determine the extent of RCL operations, the various purposes for which RCL technology is used, and the safety of these operations. FRA will examine all the pertinent safety aspects of RCL operations including: (1) design standards; (2) employee training; (3) operating practices and procedures; (4) test and inspection procedures; and (5) security and reporting issues.

Under design standards, FRA seeks input on: (1) what functions the transmitter should control; (2) minimum design features, i.e., time delay shutdown, remote operation indicators; and (3) protocols for initiating "automatic shut down."

Under employee training, FRA seeks input on: (1) types of training; and (2) impact of training on FRA's rules covering qualification and certification of locomotive engineers, i.e., 49 CFR § 240.

Under operating practices and procedures, FRA seeks input on: (1) whether each railroad should develop specific RCL operating procedures; and (2) how railroads should respond to a defective condition in the RCL system.

Under test and inspection procedures, FRA seeks input on: (1) standards regarding electric and magnetic field emissions; and (2) other types of signaling that might be impacted by the RCL transmitter/receiver transmission bands.

Under security and reporting issues, FRA seeks input on: (1) what RCL operators should do regarding RCL equipment before going off duty; and (2) how FRA should collect data on RCL incidents that do not rise to the threshold of reportability under 24 CFR § 225.

Mr. Gallant asks for questions.

Mr. Harvey (BLE) asks if FRA will be in a position to receive information on RCL use in foreign countries at the July 19, 2000 technical conference.

Chairperson Gavalla responds yes.

Mr. Reilly (ASLRRA) confirms that there will be presenters from at least Canada and New Zealand.

Chairperson Gavalla asks for RSAC Members to select a date for the next RSAC meeting. After a brief discussion, FRA agrees that it will attempt to find a meeting room in Washington, D.C. for Thursday, September 14, 2000.

With no further business, Chairperson Gavalla adjourns the 14th RSAC Meeting at 1:45 p.m.

MEETING ADJOURNED 1:45 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.