

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting September 14, 2000

The fifteenth meeting of the RSAC was convened at 9:37 a.m., in the Association of American Railroads' Conference Center, 50 F Street, N.W., Washington, D.C. 20001, by the Federal Railroad Administration's (FRA) Administrator, Jolene M. Molitoris.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Nine of the forty-eight voting RSAC members were absent: The Association of Railway Museums (1 seat), The Brotherhood of Locomotive Engineers (1 seat), The High Speed Ground Transportation Association (1 seat), The Hotel and 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), Safe Travel America (1 seat), and The Transport Workers Union of America (2 of 2 seats absent). One of seven non-voting/advisory RSAC members was absent: Secretaria de Comunicaciones y Transporte. Total meeting attendance, including presenters and support staff, was approximately 90.

Administrator Molitoris welcomes RSAC Members and attendees. She thanks the Association of American Railroads (AAR) for the use of their facilities. She asks William Browder (AAR) for a safety briefing.

Mr. Browder explains the locations of stair exits and the procedures to be followed in case of building evacuation emergencies. He asks for a show of hands from meeting attendees having knowledge of cardiopulmonary resuscitation (CPR). A majority of meeting attendees indicated knowledge of performing this lifesaving function, should the need arise. Additional information on the location of telephones, restrooms, and vending machines in the vicinity of the AAR Conference Center was provided by a handout.

Administrator Molitoris welcomes the newest non-voting RSAC members to today's meeting. At the last RSAC meeting, FRA Associate Administrator for Safety and RSAC Chairperson George Gavalla explained that 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 of that effort, 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 are being 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. A willingness to join RSAC was expressed by three groups. They are: (1) Paralyzed Veterans of America; (2) League of Railway Industry Women; and (3) Conference of Minority Transportation Officials. Other groups were also contacted about possible non-voting membership. Those groups are: (1) National Association of Railway Business Women; (2) Coalition of Black Trade Unionists; (3) Coalition of Labor Union Women; and (4) Labor Council for Latin American Advancement. At today's meeting, Mr. Chris Martinez represents the Labor Council for Latin American Advancement, Ms. Connie Sumara represents the League of Railway Industry Women, and Ms. Patricia Lewis represents the National Association of Railway Business Women. Administrator Molitoris adds that diversity is a sign of strength for all of us.

Administrator Molitoris explains that she is here today because 10 railroad workers have been killed this year while engaged in yard and switching operations. She notes that there have been other times when the industry has come together to successfully deal with important safety issues.

Administrator Molitoris asks RSAC members to recall the recent Switching Operations Fatality Analysis (SOFA) Report issued by a coalition of rail labor, management, and FRA. Aside from highway-rail grade crossing accidents, yard switching operations account for 45 percent of rail employee fatalities. As a result of the SOFA partnership, five specific recommendations were offered to counter this trend. The five SOFA recommendations are: (1) Secure equipment before action is taken; (2) Protect employees against moving equipment; (3) Discuss safety at the beginning of a job or when a project changes; (4) Communicate before action is taken; and (5) Mentor less experienced employees to perform service safely. While at the last RSAC meeting, progress was being made—there were 21 percent fewer yard accidents for the first two months of year 2000, compared to the comparable 1999 period—this trend has not continued. The reason we are in “emergency mode” is that all of the things we have done are not enough. Administrator Molitoris asks RSAC members to help craft a strategy to stop rail accidents involving switching operations. To date, there are now 16 rail employee fatalities, 10 attributable to switching operations. This is unacceptable. One is too many.

Using the overhead view graph, *In Memoriam*, Administrator Molitoris shows the names, job classifications, years of rail service, and type of accident for each of the ten switching yard fatalities. A copy of the viewgraph with a correction is appended to the minutes.

In looking at the ten fatalities, all but two occurred to very experienced professionals. Unfortunately, people who are experienced may feel complacent about the dangers of the rail industry. The rail industry is a hazardous operating environment which has a “respect side” and a “danger side.” We need a method to instill more respect, particularly in experienced employees.

Administrator Molitoris says dying in these ways is horrific. Not only do families lose a loved-one, but the manner of the loss is terrifying. Maybe some rail employees have seen so much of this that they believe that “zero” tolerance for railroad casualties is not possible. But, “zero” is possible. If we could eliminate the SOFA-type of fatalities, think how close we could be to “zero.”

Prior to the start of today’s RSAC Meeting, Administrator Molitoris attended a Burlington Northern Santa Fe Railroad (BNSF) meeting at the AAR Conference Center. That meeting produced some ideas on how to deal with switching yard fatalities. FRA also has ideas. It concerns how much responsibility must be taken to achieve “zero” tolerance for railroad casualties. It concerns how people think and behave. Somehow, risks were taken and our fellow brothers and sisters did not stop it. It is one of the toughest jobs facing the rail industry. In this morning’s meeting with the BNSF, Robert Krebs (BNSF Chairman and Chief Executive Officer) presented a pilot project to have union members monitor certain yard areas. But Administrator Molitoris is concerned about what it takes to change attitudes. If RSAC members look at the “Buckle-Up America” campaign [a public awareness program designed to increase compliance with automobile seat belt rules], it seems difficult to get compliance unless a “loved-one” is involved in an accident. She asks the rail industry get a campaign like “Buckle-Up America” started to prevent rail yard casualties.

As she is speaking, Administrator Molitoris has Mr. Douglas Taylor (FRA Office of Safety Operating Practice Division Staff Director) sitting at a nearby laptop computer. He has been instructed to compose a “Declaration” of commitment to a safety campaign against casualties in rail yards. The draft “Declaration” will be circulated shortly. Administrator Molitoris wants RSAC members to review, modify, and endorse this “Declaration” as its “Buckle-Up America” campaign for the rail industry to stop rail yard casualties. The rail industry’s outreach in this effort must extend to Short Line Railroads—four of the ten victims worked for shortline railroads. As Administrator Molitoris looks over the cause of death, she notes that “crushed between rail couplers” means “impaled.” And though the description does not say so, one of the victims had been decapitated. She asks RSAC members to divert time from the meeting agenda to focus on SOFA issues.

On August 30, 2000, Administrator Molitoris mailed a letter raising concerns about the numbers of casualties occurring in rail yards to the Nation’s largest railroads, railroad union representatives, and the trade organizations representing the majority of railroads. Some of the recipients of this letter are RSAC members. Administrator Molitoris has not received a response to her letter from all of the recipients. She

requests a response by Tuesday, September 20, 2000. A copy of the August 30, 2000 SOFA letter and the list of addressees will be put into the RSAC Docket and are not excerpted in detail in the RSAC minutes. In addition, FRA will issue an Emergency Safety Advisory Notice on operations in rail yards. This will appear in the *Federal Register* (FR).

[Notice of Safety Advisory 2000-03, 65 FR 65895, published November 2, 2000]

Robert Lauby (National Transportation Safety Board (NTSB)) responds that the NTSB will help in any manner it can.

Administrator Molitoris adds that FRA would like the United Transportation Union (UTU) and Brotherhood of Locomotive Engineers (BLE) to issue an emergency advisory to their membership on safety in rail yards.

James M. Brunkenhoefer (UTU) responds it will be done.

Administrator Molitoris asks if it would be possible for the contact to be by personal telephone call, rather than as part of a group job briefing? In addition, Administrator Molitoris intends to discuss yard employee safety at upcoming meetings of the UTU and BLE.

For the railroad management, Administrator Molitoris would like a commitment that yard safety issues will receive the attention that it deserves. She adds that everyone in the rail industry faces a variety of challenges. But yard safety is about life and death. She believes that no issue is more important than life and death. Administrator Molitoris concludes by requesting an "action plan" on how railroad management intends to increase yard safety awareness by Tuesday, September 20, 2000. She expects the same from the American Shortline and Regional Railroad Association for its members.

Administrator Molitoris requests ideas from RSAC members on how to stop yard casualties.

Mr. Brunkenhoefer (UTU) explains that he and James Stem (UTU) discussed remedies. They believe that many of the incidents are being caused by impaired clearances, i.e., the distance between equipment on parallel tracks is inadequate for yard workers to ride by holding onto the sides of rail cars. They propose that additional Notices be posted in areas of operations, which are "impaired" areas. Also, they recommend that if a "derail" is used, it should be placed on the same side of the track that "notice of impaired area" is posted. [Note: the requirement for notices of "impaired clearances" is established on a state-by-state basis by State law. Federal law does not specify the type or frequency of notices for impaired clearances. In yard operations, a "derail" is a device which is placed on the track to impede, i.e., derail, the unintended movement of a rail car, rather than allow the car to continue to roll into other traffic, should a car's hand brake fail.]

Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWEE)) suggests that a sign or notice should be posted ahead of a “derail.”

Dennis Mogan (AAR/Metra Member) suggests marking switches with a clearance restriction with a unique “color.”

Tom Jacobi (AAR/Union Pacific Member) shares the FRA Administrator’s revulsion at the number and severity of yard accidents. However, FRA’s Transportation Technology Center in Pueblo, Colorado, conducts operations 24 hours a day. The test center has gone 14 months without an injury.

Administrator Molitoris suggests that there be a “leadership team” to track activities. She wants to be assured there is tracking of commitments and deliverables.

Mr. Inclima (BMWEE) believes the success of maintenance of way worker protection is contingent upon an adequate “job briefing.”

Administrator Molitoris responds that the idea of a “job briefing” is very important. But she questions how good job briefings are. She believes job briefing success may depend on how effective the presenters are. She does not believe that job briefings will satisfy as the “passionate safety activity” that will increase the effectiveness of the SOFA message.

Mr. Inclima (BMWEE) replies that all these concerns get back to the need to change railroad safety culture.

Ross Capon (National Association of Railroad Passengers (NARP)) notes that there is a relationship between safety and consistency. He is surprised that “Notice Signs,” which were once prevalent in yard operations are not being used. He wonders if the rules have changed, or are not being followed—a change in consistency?

Frank Pursley (AAR/CSX Transportation (CSXT) Member) notes that there have been references to “safety culture.” The railroad industry is working hard to change its safety culture. However, human beings are habitual. Too often, flaws in individuals’ natures are overlooked. It appears that the two yard fatalities attributable to CSXT were due to a lapse in employees’ attention.

Administrator Molitoris declares that the issue of habit is about changing behavior. Many railroads’ discipline policies now focus on training and mentoring; that is, coaching and counseling. Since “habits” are habitual, she asks what techniques should be used to change these habits?

Robert Krebs (BNSF) explains that BNSF has a responsibility and obligation to its 40,000 employees. However, whatever BNSF is doing, it is not enough. Management cannot dictate changes in employee’s attitudes. These changes are going to have

more to do with how “safety culture” changes. Nevertheless, he believes that there is enough “horsepower” at the RSAC Meeting to change the culture in this industry to follow the safety rules. He concludes that railroad management will do the physical things that need to change. But, he appeals to railroad union representatives to also help change safety culture attitudes.

William Thompson (UTU) commends CSXT for looking into the root causes of their accidents. The railroad is also closely monitoring its safety program and is leading the way to find a solution to this problem.

Administrator Molitoris asks if CSXT’s efforts are an example of a “best practices” approach? She asks Frank Pursley to include an outline of CSXT’s approach in their response to her letter.

Mac A. Fleming (BMWE) comments that as he looks at the list of yard fatalities, the problem centers on moving equipment casualties. The rail industry has a lot of moving equipment. He agrees with Rick Inclima that “safety culture” is involved. However, he asserts that a lot can be changed in the information transmitted in the daily safety briefing.

Administrator Molitoris asks if it is the prevailing attitude that employees in this industry are at less risk than they really are?

Mr. Fleming (BMWE) responds that it is a fact of life that this is a dangerous industry.

Carl Ice (AAR/BNSF Member) responds that BNSF shares the sense of urgency. BNSF supports SOFA and the Five Life Savers. He adds that BNSF will do all it can to prevent these accidents. He pledges that BNSF will (1) make the message more wide spread, (2) intensify the job briefing effort, (3) use all employees to gather data, (4) intensify BNSF supervisor’s observations, and (5) review records to determine if BNSF should intervene sooner.

Leroy Jones (BLE) suggests that when there are daily job briefings, the engineer should be given a “switch list,” and a list of “close clearances.”

Administrator Molitoris comments that having train engineer involvement is important.

Mr. Jones (BLE) adds that the whole crew should know that they are working in an area of close clearances.

Dan Pickett (Brotherhood of Railroad Signalmen (BRS)) explains that the BRS was losing six people a year. But for the last three years, that casualty rate has gone to “zero” thanks to the “Roadway Worker Protection Rules.” People in the work environment know how to reduce casualties. BRS fatalities were stopped with

“Roadway Worker Protection Rules.” However, he realizes that reducing railroad casualties is not “one size fits all.”

Patricia Lewis (National Association of Railway Business Women) asks if posting the *In Memoriam* listing of the ten deaths—on bulletin boards, in pay checks, etc.—would be enough to stimulate safety awareness?

Administrator Molitoris concurs. She did not know about the problem until she requested a print-out of the statistics. Just like highway fatalities, which occur one-at-a-time, the impact of the rail casualties is lessened, when reviewed one-at-a-time.

Mr. Lauby (NTSB) believes that the elements of what needs to be done have been outlined by these comments. Yards are hazardous environments. As time goes on, unsafe practices creep into daily operations. However, probably one of the safest places to be today is where the recent coal loader fatality occurred. The challenge is to locate other unsafe areas and take actions before accidents occur. The failure to post Notices of “close clearances,” the lack of derails, etc., are all “operating practice” deficiencies that need to be corrected. Mr. Lauby suggests that railroads need to (1) identify operating practices that are contributing to the casualties, (2) identify the habits of employees, and (3) identify potential locations where this casualty may occur in the future. Then, railroads should develop an “action plan” that will lessen the chance for the casualty to occur.

Administrator Molitoris asks what techniques were used by Operation Red Block and could these be applied to switching operations?

[Operation Red Block is a labor/management initiative to eliminate substance abuse by train and engine service employees.]

Charles Dettmann (AAR) explains that the SOFA Group met for 18 months. During the study period, the SOFA Group examined 76 switching operation fatalities. While it is extremely disheartening to see 10 switching operation fatalities thus far in the year 2000, the “Five Life Saver” recommendations of the SOFA Group should not be clouded by the latest incidents. In addition to reaching out for new ideas, Mr. Dettmann believes the “Five Life Savers” need to be put first and foremost—in order to save lives.

Administrator Molitoris asks how SOFA’s “Five Life Savers” can be integrated into railroad safety culture? She adds that the foundation of SOFA has not been drilled into those most affected on their jobs.

Daniel Davis (International Brotherhood of Electrical Workers (IBEW)) announces that IBEW is committed to “zero” tolerance for railroad casualties. What is missing today, however, is the need to bring family members into the daily safety briefings. Mr. Davis believes that family member involvement will raise safety conscience awareness as rail workers begin each work shift.

Administrator Molitoris asks for the circulation of, and suggested edits to, the just-prepared “RSAC Declaration”—a campaign designed to raise railroad employee safety conscience awareness during switching operations. The final RSAC Declaration is part of the materials found in the Official RSAC Docket and is not excerpted in detail in the RSAC Minutes. After RSAC Members have reviewed and edited the draft “Declaration,” Administrator Molitoris requests that each RSAC member’s signature appear, endorsing the “Declaration.” FRA intends to issue an Emergency Safety Advisory concerning switching operations casualties within a week. The Emergency Safety Advisory and RSAC’s Declaration will be published in the *Federal Register*.

Dean Hollingsworth (FRA Office of Safety) suggests that the term, “zero tolerance” be placed in the Declaration.

Mr. Inclima (BMW) wants the declaration to be non-punitive, in order to receive rail labor support.

Francis G. McKenna (Tourist Railway Association) suggests changing the word, “unleash” to “initiate.”

Mr. Ice (AAR/BNSF) wants the Declaration to show intolerance to unsafe behavior.

Fran Hooper (American Public Transit Association (APTA)) suggests adding “and we will not tolerate unsafe behavior” at the end of the first sentence of the final paragraph.

Mr. Dettmann (AAR) believes SOFA’s “Five Life Savers” should be added to the Declaration.

Administrator Molitoris acknowledges that adding SOFA’s “Five Life Savers” to the Declaration is important.

Mr. Fleming (BMW) suggests that any reference to “punitive” be removed from the Declaration.

Mr. Stem (UTU) concurs.

John M. Samuels (AAR/Norfolk Southern Member) reiterates the need to add SOFA’s “Five Life Savers” to the Declaration.

Administrator Molitoris announces a morning break while revisions are made to the RSAC Declaration.

M O R N I N G B R E A K 11:30 – 12:00 N O O N

Administrator Molitoris reconvenes the meeting. A revised draft of the RSAC Declaration is circulated to RSAC Members. Additional recommendations by RSAC Members are made to the revised draft Declaration in order to arrive at a consensus document. The amended draft declaration is sent out for final editing and copies.

Administrator Molitoris asks for the railroad industry to make a safety assessment of all switching operations. She asks how long it will take the railroad industry to complete the assessment—can it be completed within 30 days?

Mr. Pursley (AAR/CSXT) suggests 60 days will be needed.

Administrator Molitoris asks if the assessment can be completed within 45 days?

Mr. Ice (AAR/BNSF) responds that it can be done in 45 days.

Administrator Molitoris asks if the assessment can be completed by November 10? She asks for a date. Due to the National elections, she asks about Tuesday, November 14th as a possible meeting date. Could the railroads meet with me in Washington, D.C. on November 14th with the goal of presenting findings and issues resulting from individual railroad assessments of switching operations casualties and how to address this issue?

FRA WILL ARRANGE A MEETING PLACE FOR NOVEMBER 14, 2000, IN WASHINGTON, D.C., FOR RAILROADS TO PRESENT FINDINGS AND ISSUES RESULTING FROM INDIVIDUAL RAILROAD ASSESSMENTS OF SWITCHING OPERATION CASUALTIES AND HOW TO ADDRESS THIS ISSUE.

Administrator Molitoris recognizes Fran Hooper (APTA) for comments on the passenger equipment rule.

Ms. Hooper explains that a copy of the final rule on Passenger Equipment Standards (constituting amendments made in response to petitions for reconsideration) was included in materials circulated to RSAC Members in advance of today's meeting. A copy of these materials are part of the RSAC Docket and are not excerpted in detail in the RSAC Minutes. A "model" training program for employees on passenger equipment standards has been approved. APTA congratulates all the efforts that resulted in these rules, ranging from that supplied by FRA employees, rail labor representatives and the AAR. She notes that while this rule was not part of the RSAC agenda, it followed collaborative procedures used by RSAC Working Groups and ended with a wonderful result.

Mr. Inclima (BMW) announces that Mr. Tony Padilla, alternate for the new non-voting RSAC seat, representing the Labor Council for Latin American Advancement was unable to attend today. He recognizes Mr. Chris Martinez, who is standing-in for

Mr. Padilla today.

Mr. Dettmann announces that many of the AAR's RSAC Members may be unable to "sign" today's RSAC Declaration regarding switching operations casualties. However, they may be able to do so by the Tuesday, September 19, 2000 date requested by Administrator Molitoris to respond to her August 30, 2000 SOFA letter.

Kathryn D. Waters (APTA) announces that APTA will meet in San Francisco, California on Friday, September 22, 2000. She may be unable to sign the Declaration until it is presented to the full APTA.

Administrator Molitoris responds that she wants those who can sign the declaration on behalf of their organizations to do so today.

Matthew Reilly (American Short Line and Regional Railroad Association (ASLRRA)) requests that the record remain open until October 3-4, 2000, when the Declaration can be presented to the full membership of ASLRRA.

Administrator Molitoris responds that the record will remain open until Friday, September 22, 2000. The *Federal Register* Notice will be entered the following week.

Mr. Capon (NARP) says organizations like NARP do not have representatives that work on railroads. He asks if Administrator Molitoris wants these organizations to sign the RSAC Declaration?

Administrator Molitoris responds yes, RSAC is a "railroad community."

Administrator Molitoris requests that the full RSAC approve the final version of the RSAC Declaration—A campaign designed to raise railroad employee safety conscience awareness during switching operations.

Mr. Jones (BLE) moves that RSAC Members approve the Declaration.

Mr. Ice (AAR/BNSF) Seconds the motion.

BY UNANIMOUS VOICE VOTE, RSAC MEMBERS APPROVE THE FINAL VERSION OF THE RSAC DECLARATION—A CAMPAIGN DESIGNED TO RAISE RAILROAD EMPLOYEE SAFETY CONSCIENCE AWARENESS DURING SWITCHING OPERATIONS.

Daniel Davis (IBEW) asks if the "Declaration" will amend or impact the Federal Employers' Liability Act (FELA) (45 United States Code § 51)?

Administrator Molitoris asks for a legal opinion from her staff.

Grady C. Cothen, Jr. (FRA Office of Safety Deputy Associate Administrator for Safety Standards and Program Development) declares that the “Declaration” will not amend or impact FELA. However, he asks RSAC approval to amend the “Declaration” as follows: This Declaration is not intended to create any new legal duties under common law or the Federal Employers’ Liability Act but rather to energize the signatories to address this important safety need.

BY UNANIMOUS VOICE VOTE, RSAC MEMBERS APPROVE THE FOLLOWING ADDITION TO THE FINAL VERSION OF THE RSAC DECLARATION—THIS DECLARATION IS NOT INTENDED TO CREATE ANY NEW LEGAL DUTIES UNDER COMMON LAW OR THE FEDERAL EMPLOYERS’ LIABILITY ACT BUT RATHER TO ENERGIZE THE SIGNATORIES TO ADDRESS THIS IMPORTANT SAFETY NEED.

Administrator Molitoris requests that RSAC Chairperson George Gavalla (FRA Associate Administrator for Safety) resume the agenda for today’s RSAC meeting.

Chairperson Gavalla announces the lunch break.

LUNCH BREAK 12:55 P.M. - 2:10 P.M.

Chairperson Gavalla reconvenes the meeting. He announces that efforts will be made to cover all the Meeting Agenda items. He realizes that the meeting may continue past the scheduled 3:30 p.m. adjournment.

Chairperson Gavalla asks Al MacDowell (FRA Office of Safety) for a presentation on the draft Notice of Proposed Rulemaking (NPRM) on Safety Standards for Roadway Maintenance Machines and the Gage Restraint Measurement System (GRMS) Amendment to the Track Safety Standards.

Mr. MacDowell explains that after three years of hard work, the NPRM and the final rule amendment on the Gage Restraint Measurement System (GRMS) were approved by the full RSAC in a mail ballot during August 2000. FRA is preparing the final paperwork to publish the GRMS final rule amendment and Roadway Maintenance Machines NPRM in the *Federal Register*. 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. Mr. MacDowell thanks the RSAC Working Group for their efforts in this collaborative rulemaking.

Mr. Inclima (BMW) also thanks rail labor, management, and FRA for the success of this project.

Chairperson Gavalla asks Dean Hollingsworth (FRA Office of Safety) for a presentation on the draft NPRM for Standards for Processor-Based Signal and Train Control Systems.

Mr. Hollingsworth explains that there has been a 2-year effort to arrive at the consensus-based NPRM for positive train control (PTC) systems, which RSAC will be asked to send forward to the FRA Administrator today. Some procedural changes to the NPRM were made. He asks David Matsuda (FRA Office of Chief Counsel) to explain these changes. 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.

David Matsuda (FRA) uses a series of overhead view graphs to outline the PTC Working Group Recommendations. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC minutes. The PTC Standards Task Force and the Working Group met in June 2000 to revise, adopt, and recommend distribution of the NPRM to RSAC members and examined the resulting edited document by mail circulation in August. Changes that occurred during these meetings include requirements for existing systems, i.e., software management plans, and modifications to recordkeeping requirements, procedural requirements, new field testing requirements, and training requirements. Finally, Mr. Matsuda describes an Addendum to the draft PTC NPRM dated August 30, 2000, in which the NPRM's provisions for training specific to roadway workers has been modified to include references to roadway workers who are issued movement authority, further conforming the document to the June agreement.

Chairperson Gavalla asks if there are any questions.

Tim DePaepe (BRS) says that in its review, the BRS noted some other errors in the NPRM Preamble. He cites typographical errors and "incorrect word" usage.

Mr. Cothen (FRA) explains that editorial changes and corrections can be made to the NPRM outside of what FRA is asking RSAC to do today. FRA is asking that the draft NPRM be forwarded to the FRA Administrator for review.

Chairperson Gavalla asks for other questions.

Mr. Dettmann moves that the draft NPRM on PTC Systems be forwarded to the FRA Administrator.

The motion is seconded by Mr. Pickett (BRS).

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES SENDING THE DRAFT NPRM ON PTC SYSTEMS TO THE FRA ADMINISTRATOR

Chairperson Gavalla asks Douglas Taylor (FRA Office of Safety Operating Practices Staff Director) for a presentation on the Blue Signal Protection Working Group activities.

Mr. Taylor (FRA) explains that a Working Group has been formed to consider the applicability of existing Blue Signal regulations to contractors performing work on railroad property and other issues. The first meeting will be held October 16-18, 2000, at the Washington Plaza Hotel in Washington, D.C. Materials related to RSAC Task No.: 2000-1, *Railroad Operating Practices-Blue Signal Protection of Workmen* are inserted at TAB 13 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. Inclima (BMW) asks if the BMW is represented on the Working Group?

Cindy Gross (FRA Office of Safety) responds yes.

With no further questions on the topic of Blue Signal Protection, Chairperson Gavalla asks Brenda Hattery (FRA Office of Safety) for a presentation on locomotive cab working conditions. RSAC Task No. 97-2, Locomotive Cab Working Conditions, has been focussing on sanitation issues. 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 (FRA) uses overhead view graphs to show that FRA is presently in the process of modifying the draft regulatory text to reflect the consensus of the Working Group. In general, 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. 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 a "slug" that would never be occupied. 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 of the Daily Locomotive Inspection, the toilet facility must be operative and sanitary, and the ventilation must be operative if the locomotive is to be used in the lead position. Nonconforming units may be used in trailing positions, or in switching or transfer train service; however, if used in switching or transfer train service, the units must be repaired within 10 days; all occupied units must be sanitary.

Ms. Hattery explains that after changes are made to the NPRM Preamble, the Working Group will be asked to approve the NPRM for release to the full RSAC. She asks for questions.

Mr. Inclima (BMW) asks if there has been any further discussion on testing the effluent that falls to the roadbed?

Ms. Hattery responds no, there is only a requirement that all parts of the sanitary system work, meaning that effluent discharged along the roadway has been treated to kill pathogenic organisms.

Mr. Inclima asks how the sanitary system can be verified as working, if there is no testing of the effluent being discharged? The BMW would like to see a provision in the NPRM for testing the effluent discharge.

Mr. Cothen (FRA) responds that this is a good issue to explore. In response to BMW comments, the Working Group has added this issue to the NPRM Preamble. FRA knows that this issue will carry-over to the Final rule.

Mr. Inclima notes that the BMW is an observer on this issue. However, BMW members make repairs to railroad track structures and may come in contact with locomotive sanitary facility effluent.

With no further questions, Chairperson Gavalla asks for a motion to allow FRA to receive a Mail Ballot vote from RSAC members on the sanitary facility NPRM issue.

Leroy Jones (BLE) moves that RSAC allow a Mail Ballot vote for the sanitary facility NPRM.

Mr. Dettmann (AAR) seconds the motion.

BY UNANIMOUS VOICE VOTE, RSAC APPROVES THE MOTION TO USE A MAIL BALLOT VOTE FOR THE DRAFT NPRM ON LOCOMOTIVE SANITARY FACILITIES.

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.

Mr. Finkelstein explains that the purpose of the Accident/Incident Reporting Working Group is to evaluate the current concept of a reportable "train accident" to determine whether clarification of the means used by railroads to estimate railroad property damage could improve the consistency of reporting. Under present accident/incident

reporting guidelines, damages from two accidents of roughly equal severity 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. A survey form has been designed for a pilot test project that will run for 6 months—August 1, 2000 through January 31, 2001. All of the major carriers are participating. He commends the Working Group as being a model of cooperation for this topic. He announces the Internet Web Site address for FRA Safety Data as:

[HTTP://SAFETYDATA.FRA.DOT.GOV](http://SAFETYDATA.FRA.DOT.GOV)

With no questions of Mr. Finkelstein, Chairperson 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 work began on this activity in June 1997. Presently, an economic analysis is being incorporated into the Working Group's record. The Working Group is waiting for this information before moving forward. By the next RSAC meeting, the Working Group hopes to have either an NPRM, or a definitive explanation of this Task's status. 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 locomotive event recorders, RSAC Task No. 97-3, Revision of Event Recorder Requirements, a draft NPRM has been circulated to the Working Group. FRA has not received comments from all Working Group members. 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 the Blue Signal Working Group, FRA hopes that cooperation will continue as attention is directed to this topic.

Mr. Cothen concludes his presentation by reiterating FRA's expectations of RSAC Working Group participants. In general, RSAC Working Group Members should be: (1) knowledgeable, (2) empowered by their organizations to make decisions, and (3) communicate effectively within their organizations so that the best information is brought to the table and so that the organization as a whole is committed to successful implementation of the resulting rules. Mr. Cothen stresses the need for the leadership of stakeholder organizations to support their representatives and affirm their role in the consensus process. Also, RSAC needs to step-up the pace of its efforts. For example, regulatory reform activities, for which FRA would like to have advice from the RSAC, are lacking. He reminds RSAC members that when there are missed opportunities to improve safety regulations, it affects all of us that work in the railroad industry.

Mr. Cothen asks if there are any questions.

Mr. Dettmann (AAR) believes that the collaborative efforts on locomotive sanitation facilities represent one of the greatest successes of RSAC.

William Thompson (UTU) concurs.

Chairperson Gavalla explains that a volunteer working group is examining a Planning Task for Training and Qualification of Safety Critical Personnel. However, the efforts of this group have not reached the point where FRA would ask RSAC to accept this Task.

James Stem (UTU) continues. At the last RSAC meeting, it was agreed to form an informal task planning group. This has been accomplished. However, the informal task planning group requests that this issue be extended until the next RSAC meeting.

Chuck R. Mundy (American Train Dispatchers Department (ATDD) expresses the desire for the ATDD to participate in any forum that affords training to dispatchers or any other safety-critical personnel. He mentions an incident where a lack of training nearly resulted in a train accident. Citing FRA Administrator Molitoris's earlier appearance before RSAC, he reiterates her plea that there is an urgency in purpose when people die and adds that there is an urgency in the area of training for safety-critical personnel.

Chairperson Gavalla acknowledges Mr. Mundy's comments but postpones consideration of this task until the informal task planning group can make a report to the full RSAC.

Mr. Pickett (BRS) responds that on most rail properties, people are not receiving proper training.

Mr. Inclima (BMWE) asks for the composition of the informal task planning group for safety-critical personnel. Are non-operating crafts such as maintenance-of-way and structures being represented? He believes that training is a universal need. He hopes that there is a planning task underway that will lead to adequate training and that the planning task is not being handled in a vacuum.

Chairperson Gavalla responds that the informal task planning group is not a part of RSAC. However, any RSAC member can talk to the informal task planning group members to find out what is happening.

Richard A. Johnson (Transportation Communications International Union/Brotherhood of Railway Carmen) states that the "Carmen" want to be involved in this issue, which keeps getting postponed.

Chairperson Gavalla confirms that this will be a “planning task.” Its acceptance as a planning task will be voted upon by the full RSAC.

Mr. Stem (UTU) announces that a letter has been sent to the FRA Administrator asking for training for safety-critical employees.

Mr. Capon (NARP) declares that it is disturbing for rail passenger representatives to hear that rail employees are not properly trained.

Chairperson Gavalla relates the training he received as a railroad signalman. He does not want this ongoing discussion to leave the impression that this is an industry without training for employees.

Mr. Dettmann (AAR) explains that the informal planning group has not gotten to the point of determining how much training, or type of training should be offered. Furthermore, there is no definition of “training,” or how much is needed.

Mr. Inclima (BMW) would like the informal planning group opened-up.

Chairperson Gavalla explains that the RSAC Charter requires the approval of the full RSAC to accept a Task. Presently, the full RSAC is not in a position to accept this Task. However, the informal planning group is exploring this issue now.

Mr. Inclima insists that the composition of the informal planning group should be opened-up.

Mr. Pickett (BRS) interjects that this issue does not directly affect the BMW. It is safety-critical areas affected primarily by employees covered by the Hours of Service Act.

Chairperson Gavalla concludes that any group wishing to participate in the planning process can contact the informal planning group.

Chairperson Gavalla asks for a motion to approve the Minutes of the 14th RSAC Meeting.

Mr. Inclima (BMW) moves to approve the Minutes of the 14th RSAC Meeting.

Dennis Mogan (AAR/Metra) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 14TH RSAC MEETING ARE APPROVED.

Chairperson Gavalla asks Joseph Gallant (FRA Office of Safety) to present a update on SOFA activities. Following a review of all train and engine service employee fatalities

for a six year period beginning in 1992, FRA formed a team to conduct a detailed analysis of each fatality. The SOFA Team was asked to determine whether trends or patterns to the accidents could be found, to identify the “best practices” being used by railroads to avoid these accidents, and if possible, formulate recommendations for the entire industry based on the SOFA Team’s analysis. The SOFA study contains five “Life Saver” recommendations. The recommendations are: (1) Secure equipment before action is taken; (2) Protect employees against moving equipment; (3) Discuss safety at the beginning of a job or when a project changes; (4) Communicate before action is taken; and (5) Mentor less experienced employees to perform service safely.

The SOFA Report and recommendations are not a rulemaking. However, FRA hopes that the railroad industry will help put the recommendations into practice. Fatalities in yard accidents account for around 45 percent of rail employee fatalities. A five minute video presentation of the Five SOFA Life Savers was shown to RSAC members. In addition, wallet-size cards, refrigerator magnets, and self-adhesive stickers containing the Five SOFA Life Savers are displayed. These items will be made available for purchase so that they can be distributed to all railroad employees. A copy of the video presentation and promotional materials will become part of the RSAC Docket and are not excerpted in detail in the RSAC Minutes.

David Brickey (UTU) announces that all State Directors for the UTU will be trained in the Five SOFA Life Savers this weekend. These in-turn will train the remaining State UTU Directors.

Frank Pursley (AAR/CSXT) asks how Level II injuries are handled?

Mr. Dettmann (AAR) explains that a group looking at the Harriman Award Criteria used physicians to determine injury level criteria. A Level II injury is defined as a medically verifiable serious injury that would prevent you from performing your job.

With no additional questions, Chairperson Gavalla says that today’s meeting has been significant. A lot of the work and efforts of the Working Groups is coming to fruition. He acknowledges FRA personnel involved in behind-the-scene efforts to make today’s meeting successful. These include FRA Office of Safety personnel Patricia Paolella, Lydia Leeds, the new RSAC Coordinator, who is replacing Vicky McCully, Lawan Jones, and Inga Jackson.

Chairperson Gavalla asks for RSAC Members to select a date for the next RSAC meeting. FRA would like to schedule another meeting before the end of year 2000. After a brief discussion, FRA agrees that it will attempt to find a meeting room in Washington, D.C. for the week of December 11, 2000.

Chairperson Gavalla asks Ron Ries (FRA Office of Safety) for a presentation on the activities of the Highway-Rail Grade Crossing Technical Working Group.

Ron Ries (FRA) explains that because accidents at highway-rail grade crossings are the second leading cause of rail-related fatalities, a ONEDOT partnership was formed to find solutions to this issue. FRA sent 64 invitations to: (1) railroads and labor, (2) state and local governments, (3) traffic engineers, academia, and light rail, (4) trade associations, (5) Transport Canada, and (6) other DOT agencies (Federal Highway Administration, Federal Transit Administration, National Highway Traffic Safety Administration, and the Intelligent Transportation Systems Joint Programs Office) and the NTSB, which form the Highway-Rail Grade Crossing Technical Working Group. The goal of the working group is to create a reference document that will identify guidelines for types of crossing control devices that should be used. Using a series of overhead view graphs, Mr. Ries outlines the working group's efforts. A copy of visual presentation is part of the RSAC Docket and is not excerpted in detail in the RSAC Minutes. In an NTSB Report, *Safety at Passive Grade Crossings*, it was recommended that traffic STOP signs be posted at all passive highway-rail grade crossings, unless traffic engineering studies show otherwise. The working group supports the installation of traffic STOP signs at passive crossings. But the working group's efforts are being directed to developing guideline references to aid decisions on traffic control device selection at all highway-rail grade crossings. Three subcommittees of the working group reviewed available literature and prepared recommendations related to (1) passive crossings, (2) active crossings, and (3) transition and grade separations. To aid communities' traffic control device selection, a "model" decision matrix is included in the guidance. The decision matrix includes provisions for inputting the following criteria: (1) train speed, (2) sight distance, (3) passenger trains near industrial facilities, (4) heavy trucks, or hazardous materials, (5) expected accident frequency, and (6) an exposure index factor, i.e., the product of the number of trains and number of motor vehicles at a particular crossing. The working group is working towards a Four-Step Traffic Control Device Selection Procedure. The Steps are: (1) gather data on each crossing including accident history, (2) evaluate traffic flow characteristics, i.e., the decision matrix, (3) make revisions to the targeted crossing—correct sight distance problems, upgrade traffic control devices, close crossing, separate grade, etc., and (4) take interim measures. With a goal of issuing a guidance document by the end of year 2000, ballots have been sent to working group members. FRA is currently reviewing the comments that have been received from the balloting process.

Mr. Ries asks if there are questions.

Mr. Mogan (AAR/Metra) says that in some instances a "yield" sign can be used at passive crossings and in other instances a "stop" sign will be used. He asks if that will be confusing?

Mr. Ries responds that the guidance will recommend a "stop" sign.

Mr. Mogan says that the closing of adjacent crossings in the Chicago area is not practical, particularly if this delays "emergency" motor vehicles.

Mr. Ries acknowledges that proposing one-size fits all guidance in this area is complicated.

Mr. DePaepe (BRS) expresses frustration that as the single voice of labor at these meetings, there were issues raised that were voted down. If this were a full RSAC activity, one vote down would have sent the issue back to the Working Group.

Mr. Ries says he appreciates Mr. DePaepe's comments.

With no further business, Chairperson Gavalla adjourns the 15th RSAC Meeting at 4:07 p.m.

M E E T I N G A D J O U R N E D 4:07 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.