

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting December 7, 2000

The sixteenth meeting of the RSAC was convened at 9:50 a.m., in the Vista Ballroom of the Wyndham Hotel (Washington, D.C.), 1400 M Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Safety, George Gavalla.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Seven of the forty-eight voting RSAC members were absent: The American Association of State Highway & Transportation Officials (1 seat), The Association of Railway Museums (1 seat), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), The National Association of Railroad Passengers (1 seat), and Safe Travel America (1 seat). Two of seven non-voting/advisory RSAC members were absent: Secretaria de Comunicaciones y Transporte (Mexico) and The Labor Council for Latin American Advancement. Total meeting attendance, including presenters and support staff, was approximately 80.

Chairperson Gavalla welcomes RSAC Members and attendees. He asks Patricia Paoletta (FRA Office of Safety) for a safety presentation on hotel fire exits and to identify volunteers with knowledge of cardiopulmonary resuscitation (CPR) to perform this lifesaving function, should the need arise. Daniel Smith (FRA Office of Chief Counsel), Bob Keane (Association of American Railroads (AAR)–Illinois Central Railroad representative (IC)), and Edward Dobranetski (National Transportation Safety Board (NTSB)) volunteer to perform CPR.

Chairperson Gavalla announces that the FRA Administrator, Jolene Molitoris, will attend today's meeting. This will be her last meeting. [Administrator Molitoris is leaving FRA to become Chief Executive Officer of TranSuccess/GeoFocus, Inc., 3701 FAU Boulevard, Suite 210, Boca Raton, Florida 33431, (561) 395-3133. See www.gfocuse.com for additional information.]

Chairperson Gavalla reads statistics for year 2000. This is a banner year for railroad safety. As of December 7, 2000, there have been 20 rail employee fatalities. This is a third less than just 3 years ago. There has been a decline in highway-rail grade crossing accidents of 30 percent. Finally, trespasser injuries and deaths are trending down. All of us should take great pride in these statistics.

Chairperson Gavalla recognizes Robert Chipkevich, the new Director of the NTSB's reorganized Pipeline, Railroad, and Hazardous Materials Division. He also acknowledges Ms. Joe Strang, a former FRA Office of Safety employee, now the NTSB's Associate Director of Railroad investigations, and the NTSB's Mr. Edward Dobranetski.

Mr. Chipkevick offers NTSB assistance to RSAC. His telephone number is (202) 314-6461.

Chairperson Gavalla asks Joseph Gallant (FRA Office of Safety) to present a update on SOFA activities.

Mr. Gallant explains that in February 1998, FRA formed a 10-member team to conduct a detailed analysis of each train and engine service employee fatality for a six year period starting with calendar year 1992. In addition to fatalities, accidents resulting in amputations and Level II injuries were also examined. 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.

To promote the five SOFA life saver recommendations, a Microsoft® PowerPoint computer presentation, a video presentation, and other materials such as refrigerator door magnets, self-adhesive stickers and wallet-sized cards showing the five SOFA life savers were made available. The rail industry embraced these promotional materials and integrated the video into their training programs. However, Mr. Gallant cited the need to continue the message. A mid-level labor manager has complained that recent safety briefings he attended were omitting references to the five life savers.

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. Mr. Gallant adds there is nothing "new" about the five recommendations. They have been around for a long time. Making people aware is what needs emphasis. From follow-up telephone conferences, and from field investigations, FRA confirms that there must be continual reinforcement of the five life savers to maintain heightened awareness for all concerned. The next SOFA implementation teleconference will be December 14, 2000.

Mr. Gallant concludes that there has been a good start. However, it is only a start. To "ingrain" the five life savers into the railroad community is a long-term commitment. It involves a "cultural change; it will take a long time.

Chairperson Gavalla asks for comments or questions on the SOFA presentation.

James Stem (United Transportation Union (UTU)) congratulates the SOFA cooperative effort to save lives. The SOFA initiative is focusing on an area that was causing fatalities and a large number of carrier-ending injuries. It is going to take a change in attitude before this change will be fully implemented. Until this occurs, especially “peer intervention,” he does not expect this change to be fully implemented. He concludes that “partnership” means treating each other with respect.

Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWEE)) declares that BMWEE embraces SOFA. However, subsequent to the signing of the SOFA Declaration, a single railroad instituted an intense investigation and audit of employee job behavior, using a list of “seven deadly sins,” as this railroad’s approach to implement the SOFA Declaration. If any employee committed one of these “sins,” that employee would be disciplined. He believes this railroad’s actions are counter to the intent of the SOFA Declaration.

Chairperson Gavalla explains that observations and audits are part of the process. He adds that as leaders, FRA needs to be monitoring this process in the field. Mr. Gavalla noted that there are several levels of SOFA monitoring activities. Joint SOFA observations are being conducted by teams consisting of labor, management and FRA representatives. These joint observations are intended to gather baseline information and data about switching safety practices. Joint audits will be helpful in promoting the SOFA message and identifying areas where increased education and attention is needed. Also, FRA expects railroads to conduct SOFA observations and audits as part of their efficiency testing programs. Employee accountability is an important element of these carrier audits. FRA would not expect labor representatives to participate in these efficiency tests and observations. Finally, FRA will conduct its own inspections to gage the effectiveness of overall SOFA efforts.

Matthew Reilly (American Short Line & Regional Railroad Association (ASLRRA)) announces that fatalities in the Short Line Industry are up—seven this year compared to four last year. He believes that adherence to the five SOFA life savers could have eliminated the “increase.” The ASLRRA has spent a lot of money to implement the five SOFA life savers. ASLRRA developed two action programs: one for the very small railroads; and one for the large railroads. ASLRRA encourages all railroads to include the five SOFA life savers in all safety briefings. The ASLRRA’s *Safety Bulletin* has been emphasizing the five SOFA life savers—one entire issue was dedicated to the five SOFA life savers. On the topic of “observations” (i.e., employee audits), Mr. Reilly indicated that some employees complained about the SOFA observations. Mr. Reilly emphasized that “observations” are necessary. However, they should be done in a friendly manner. Mr. Reilly concludes with the hope that the ASLRRA’s efforts in promoting the five SOFA life savers will be rewarded with an improvement in next year’s statistics.

Robert Harvey (Brotherhood of Locomotive Engineers (BLE)) explains that over a period of one and a half months, all General Chairmen have been contacted about the five SOFA life savers and the BLE "newspaper" has published an article about SOFA. He reports that cooperative efforts are being exhibited by all parties. He adds that the "spirit" for this effort comes to all of us through the determination of the FRA Administrator to end switching operations fatalities. Mr. Harvey says that no one should conclude that it is "OK" to make a mistake and then be punished for it. He continues that when "labor" is asked to give-in to a process, there are often questions as to whether labor should be involved. He does not believe that labor should give-up on the cooperative process. However, he points out that labor leaders are often involved in defending its members during the resulting punitive process.

Charles Wehrmeister (AAR-Norfolk Southern Railroad (NS)) explains that NS has been hard at work to follow-up on the SOFA process. There is a training module on SOFA in the company's training classes, involving two trainers, labor representatives and supervisors. He has observed that NS employees have been engaging during the training sessions in this "joint participation" effort. NS is attacking the philosophy that might interfere with the success of the five SOFA life savers. He asks "What is a SOFA audit? What is a SOFA assessment," concluding that these topics need to be defined and barriers to the program's success need to be removed. Mr. Wehrmeister adds that NS is sincere about succeeding in the SOFA process.

William Thompson (United Transportation Union (UTU)) regrets that sometimes labor is quick to criticize railroads. However, he has been impressed with the railroads' dedication to the SOFA initiative.

Chairperson Gavalla concludes the SOFA discussion by adding that for some people at today's meeting, the last RSAC Meeting may have been their first exposure to SOFA. Actually, it has been a 2-year process to reach the level of progress that has been made today. FRA views SOFA as a long-term process. It will take a cultural change to achieve the results desired by FRA. Cultural change takes a long time. However, FRA is in this process for the long haul. While we are all ultimately judged by results, Chairperson Gavalla is encouraged by the reports on the SOFA process that he has heard today.

Chairperson Gavalla asks Grady C. Cothen, Jr. (FRA Office of Safety Deputy Associate Administrator for Safety Standards and Program Development) and 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 appreciates the Working Group's efforts to draft the Notice of Proposed Rulemaking (NPRM). At the September RSAC Meeting, Ms. Hattery outlined the proposed locomotive cab sanitation rules along three broad categories. These are: (1) general principles, i.e., adequate ventilation, washing supplies, etc.; (2) exceptions; and (3) servicing requirements. 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. Using a series of overhead view graphs, Ms. Hattery explains what Working Group comments were incorporated into the draft NPRM. These include: (1) minor grammatical changes; (2) the list of Working Group members should have shown the BMW as non-voting; (3) "modesty locks" within 180 days; (4) changes to the Preamble language; "branch line" term exception may need to be changed; (5) on push-pull service, no decision was made on whether facilities need to be on both units; and (6) electronic record keeping for repairs is permissible, as long as it can be audited. Copies of the overhead view graphs are part of the permanent RSAC Docket and are not excerpted in their entirety in the RSAC minutes.

Ms. Hattery concludes that the Working Group has achieved unanimous consensus on a document which is now before the full RSAC for consideration and vote.

Chairperson Gavalla asks for a motion that the full RSAC approve the draft NPRM on Locomotive Sanitation.

Mr. Inclima (BMW) asks for an explanation on how RSAC Members may cast votes.

Mr. Cothen (FRA) says members may (1) vote yes, (2) vote no, or (3) vote to send the NPRM back to the Working Group. [Note: a vote to send the recommended rule back to the working group must be by unanimous vote and can occur only once.]

Chairperson Gavalla reminds RSAC that the proposal is an NPRM; it is not a Final Rule.

Mr. Inclima explains that the BMW accepts the efforts of labor, industry, and FRA to craft the NPRM on Locomotive Sanitation. That said, he asks if there is any provision within the NPRM that requires "testing" of the sanitary facility effluent that will be discharged onto the railroad right-of-way?

Ms. Hattery says that the NPRM includes a one and a half page discussion (pages 68-70) describing an approved chlorination system that will likely be used initially to treat the effluent. One way to check that this system is working is through “testing.” However, the NPRM is seeking comments in the NPRM on how to deal with this issue.

Mr. Inclima asks, “In simple yes, or no terms, does the NPRM require testing of the effluent discharged from locomotive sanitation facilities?”

Ms. Hattery replies, “no.”

Mr. Inclima responds that according to the Food and Drug Administration, the effluent must be in contact with chlorination for 2.5 hours to kill harmful microorganisms.

Ms. Hattery confirms that contact between the effluent and chlorine requires 2.5 hours to achieve a total kill of microorganisms.

Mr. Inclima explains that as an “observer-participant” of the Working Group, he suggested that the NPRM require a holding time to achieve the required 2.5 hour contact time between effluent and chlorine. The manufacturer can customize these systems for a particular use. He asks whether the Working Group had considered the addition of a secondary chlorinator with a capacity of 8 gallons?

Ms. Hattery explains that the Working Group considered a number of alternatives. However, in the end, the Working Group proposed a “performance standard.” Chlorination may be used today. But some other system may be devised for use in the future.

Mr. Inclima thinks that specifications should be required.

Ms. Hattery believes that the level of detail required for this discussion is only of interest to the Working Group participants. She believes that the Working Group could meet to add appropriate language to address the BMW’s concerns.

Mr. Inclima asks that language requiring “testing” of the effluent be added to the NPRM. Since maintenance-of-way employees are exposed to this effluent, it needs to be tested. He reminds RSAC that the BMW was not a voting member of the Working Group. It could not influence the final outcome of the NPRM except in an advisory capacity.

Chairperson Gavalla believes there is more than one way to achieve results. He adds that the NPRM is not the end of the process.

Mr. Stem (UTU) agrees with the BMW’s concerns. However, he believes that the Working Group has provided a means to address these concerns. He moves that RSAC accept the NPRM on Locomotive Sanitation issues.

Charles Dettmann (AAR) seconds the motion.

Dan Pickett (Brotherhood of Railroad Signalmen (BRS)) asks for a labor caucus. At the present time, he would have to vote against the NPRM.

Chairperson Gavalla announces 15-minute break to allow a labor caucus.

M O R N I N G B R E A K 11:15 A.M. - 11:40 A.M.

Chairperson Gavalla reconvenes the meeting. He announces that a motion has been made and seconded to accept the draft NPRM on Locomotive Sanitation Standards. He asks for a voice vote on acceptance of the motion.

BY MAJORITY VOICE VOTE, THE MOTION FOR THE FULL RSAC TO ACCEPT THE DRAFT NPRM ON LOCOMOTIVE SANITATION STANDARDS IS APPROVED.

Mr. Wehrmeister (AAR-NS) requests that the record show that Norfolk Southern Railroad is abstaining from a vote on this matter.

Chairperson Gavalla acknowledges that the record will show this request.

Mr. Inclima explains that the BMW's preferred option is to remand the NPRM to the Working Group until the effluent testing issues are resolved. Since that cannot be accomplished, the BMW must go on record to oppose the NPRM. The BMW believes that the same sanitation conditions sought for those in the locomotive cab should be extended to those on the ground.

Chairperson Gavalla acknowledges that the record will show this request.

Chairperson Gavalla asks FRA Administrator Molitoris to address RSAC.

Administrator Molitoris explains that as she watched the vigorous discussion on Locomotive Cab Working Conditions, she was proud of the kind of dialogue that was occurring. It is a joy to listen when the best of you come together. As a result, productivity and the quality of rules have soared. This is her last RSAC Meeting as the FRA Administrator and with the Clinton-Gore Administration. On April 26, 1993, she walked off an airplane at National Airport. After nearly eight years, it continues to be a privilege to lead this agency and serve the people of our country. She requests that RSAC members send her a "story"—to help build her "memory book." Her farewell is about celebration; it is not about goodby. There is no other group like RSAC. She has a heart full of joy. She thanks all involved with RSAC for their contributions to the railroad industry. She also commends the FRA professionals, who are wonderful in

their dedication to the railroad industry; they are without peer within the Department of Transportation. No matter what happens in the future, she reminds RSAC members that they have the power to continue this journey. This year, 20 railroad employees have been tragically killed. However, that is the lowest in history. She knows in her heart that there will be some privileged FRA Administrator in the future who will stand before you and celebrate "Zero Fatalities." At the last RSAC Meeting, Administrator Molitoris was proud of the SOFA Declaration. Since the intensity of purpose in this endeavor began following the SOFA Declaration, there has not been a single switching operation fatality. Administrator Molitoris concludes by reminding RSAC Members that there is nothing more important than saving lives.

Kathryn Waters (American Public Transit Association (APTA)) presents flowers to Administrator Molitoris. On behalf of APTA and the commuter railroads, she thanks Administrator Molitoris for the cooperative effort on passenger equipment standards. She extends best wishes for the future on behalf of the managers and passengers of the rail industry.

Administrator Molitoris accepts well wishes from RSAC members.

Chairperson Gavalla circulates *FRA 2000, A Report to the Nation*. A copy of this brochure, outlining the accomplishments achieved during the past seven years is part of the permanent RSAC Docket and is not excerpted in detail in the RSAC minutes.

Chairperson Gavalla recognizes Linda Mullins (League of Railway Industry Women). He thanks her for attending today.

Chairperson Gavalla recognizes Laura Mizner, a former FRA employee, now representing the Federal Transit Administration at today's meeting.

Chairperson Gavalla announces the demonstration of a Train Advance-Warning-System for Roadway Workers beginning January 3, 2001 in Omaha, Nebraska. This will involve a test bed using new technology.

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 the Working Group met to consider the applicability of existing Blue Signal regulations to contractors performing work on railroad property and other issues on October 16-18, 2000, at the Washington Plaza Hotel in Washington, D.C. The next meeting will be held December 12-16, 2000 in Ft. Lauderdale, Florida. Materials related to RSAC Task No.: 00-1, *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.

Chairperson Gavalla asks Charles Dettmann (AAR) for a presentation on the North American Positive Train Control (PTC) Program. A test bed PTC corridor has been selected for PTC revenue service between Chicago, Illinois, and St. Louis, Missouri.

In introductory remarks, Mr. Dettmann declares that RSAC is an effort that continues to be a journey. He commends FRA Administrator for bringing labor and management together. He hopes the RSAC process will continue to move forward.

Using a series of overhead view graphs, Mr. Dettmann describes the Project Objectives, Project Scope, and Project Requirements for the PTC test bed. Copies of the overhead view graphs are part of the RSAC Docket and will not be excerpted in their entirety in the RSAC Minutes.

The overall objective of the Chicago, Illinois to St. Louis, Missouri test bed is to develop, test, and demonstrate PTC capabilities, including flexible blocks and advance activation for highway-rail grade crossings. There are also RSAC PTC safety objectives. These are: (1) preventing train-to-train collisions, (2) enforcing speed restrictions, and (3) providing protection for roadway workers. The project scope involves: (1) developing and evaluating a PTC system on approximately 123 miles of Union Pacific Railroad track beginning in 2003; (2) developing industry interoperability standards; and (3) funding requirements of one-third provided by the railroad industry and two-thirds provided by FRA and the Illinois Department of Transportation (IDOT). Finally, Mr. Dettmann describes the Project Requirements. These include: (1) standards developed will be open and non-proprietary; (2) program procurement will be competitive; (3) specifications will be driven by functional and performance requirements; and (4) the project will follow and meet requirements of FRA's "Processor-Based Signal and Train Control Systems" NPRM.

Mr. Dettmann asks Howard Moody (AAR) to continue the presentation in greater detail.

Mr. Moody uses a series of overhead view graphs to describe: (1) Standards Work Completed; (2) Other Standards; and (3) Plans. Next, Mr. Moody describes the IDOT Project Development Status using a series of overhead view graphs titled: (1) Project Status; (2) Implementation Approach; (3) Build Schedule; (4) Overview of IDOT PTC Territory; (5) IDOT Project Issues; (6) Summary: IDOT Challenges; and (7) Important Milestones. Copies of the overhead view graphs are part of the RSAC Docket and will not be excerpted in their entirety in the RSAC Minutes. For the IDOT Project, a team led by Lockheed Martin, which also includes Wabtec, Union Switch and Signal, and Parson Brinkerhoff is under contract. Support contracts with the National Rail Passenger Corporation (Amtrak) and the UP are being negotiated. Beginning with the 1st quarter of calendar year 2001, seven incremental builds will be installed along the test bed. There will be testing after each build and each build will be functionally independent. Provisions will be made for the operation of non-communicating trains within the same corridor. The principal IDOT Project Issues are: (1) signal system upgrades and dispatching interface; (2) locomotive electronics standards; (3) radio

frequency communications compatibility; (4) location and braking systems variability; and (5) system safety verification and validation. The principal challenges for the IDOT Project include: (1) interoperability consensus and cost-effective design; (2) high-speed rail grade crossing operation and safety; (3) risk management, particularly, the handling of non-communicating trains; (4) maintaining the aggressive build schedule, including full funding; and (5) accurate timing of multiple upgrades.

Mr. Dettman and Mr. Moody ask if there are any questions on their presentation.

James McCoy (BLE) asks for clarification that the only trains operating along the proposed rail corridor is Amtrak. He asks how much information will be gained from this test bed.

Mr. Moody responds that the Chicago, Illinois to St. Louis, Missouri, corridor is not inappropriate for a test bed. There is freight traffic; it meets criteria for funding under Section 1010 of the Transportation Equity Act for the 21st Century.

Chairperson Gavalla explains that the participants needed to find a test bed where there would be State participation. In the long term, there are plans to raise corridor speeds. The selected corridor has a mix of freight and passenger services. However, it is currently a lightly-used corridor.

Mr. McCoy again describes the test bed corridor as mostly Amtrak—there is hardly any freight traffic.

Mr. Dettman offers copies of the overhead view graph presentation to RSAC members. An electronic copy was given to the RSAC Secretary for inclusion in the RSAC Docket. He announces that Dr. Giras (University of Virginia) is a member of the Lockheed Martin-led consortium overseeing this project. He also announces that the University of Virginia is creating an advance degree for Safety Systems Management.

Mr. Stem (UTU) makes an announcement: “To those of us who have been involved in this process, Administrator Molitoris’s legacy will be the increased cooperation between labor, management, suppliers, and FRA. Before RSAC, we settled our differences in a Congressional Hearing, or a Federal Court. That process did not work well; it was not fair.” He challenges everyone to continue this process in a “hotel” room, rather than a “court” room.

Chairperson Gavalla announces that GE Harris-Harman has a scholarship available. He encourages RSAC members to nominate people from their respective organizations for this scholarship.

Chairperson Gavalla asks Mr. Cothen for a status report on RSAC Working Group activities.

Mr. Cothen (FRA) explains that in addition to locomotive sanitation issues, already discussed today, the Locomotive Cab Working Conditions Working Group is examining occupational noise exposure. FRA is separately working on a proposal for locomotive cab temperature standards. The Working Group will continue to consider other cab working condition items after it completes work in the sanitation and noise proceedings. Under Locomotive Event Recorders, the working group is still awaiting comments from a major stakeholder group on the FRA draft of the proposed rule text. Under the Positive Train Control standards task, the NPRM for processor-based systems has been forwarded by the RSAC; and publication is expected over the coming weeks. Finally, the working group examining the threshold for reportable train accidents continues its activities. He thanks RSAC members for their hard work in all these proceedings.

Mr. Harvey (BLE) asks if there is a cost-benefit analysis on locomotive crashworthiness?

Mr. Cothen responds that work on the locomotive crashworthiness cost-benefit analysis continues. The accident review team completed its work in September, and FRA is incorporating this information into the regulatory evaluation. Evaluating the implications of the cost-benefit analysis may present a challenge for working group members.

Mr. Reilly (ASLRRA) makes a statement. While Mr. Cothen thanked Working Group members for their input to the rulemaking process, the working groups also need to thank the FRA group for its tolerance. All the participants have benefitted from the RSAC process, including the ASLRRA.

Mr. Chipkevich (NTSB) declares that proposed language from the NTSB [on locomotive event recorders] was given to FRA in June 2000. He asks how this process can be moved forward?

Mr. Cothen asks for anyone to make a prediction.

Pat Ameen (AAR) announces that the railroad industry has a draft. He believes that it might possibly be released by the middle of December.

Mr. Cothen expresses gratitude to the AAR for their advice in this important area.

Ray Chambers (National Railroad Construction & Maintenance Association) makes a statement. His relationship with Administrator Molitoris has been continuous for 20 years. In the International arena, he announces that the structure of FRA as a government safety oversight agency has been replicated in Romania. He believes that this is another legacy of Administrator Molitoris.

Chairperson Gavalla thanks Don Pulciani, representing Transport Canada for attending today's meeting.

Chairperson Gavalla announces a second morning break.

M O R N I N G B R E A K 12:50 P.M. - 1:05 P.M.

Chairperson Gavalla reconvenes the meeting. He reminds the Committee that RSAC is only one part of the partnership process. In addition, there are Technical Resolution Committees, and the Safety Assurance and Compliance Program (SACP) partnership efforts. He announces that FRA has established a dedicated SACP Project Leader for the four largest Class I freight railroads. They are: Ric Kutch (UP), Ronald Lutton (NS), Joe Lydick (CSX Transportation), and David Green (Burlington Northern Santa Fe).

Chairperson Gavalla asks if any of the caucus members who are investigating the tasking of Training and Qualification of Safety-Critical Personnel would like to address RSAC members on their progress.

Joe Mattingly (BRS) explains that the caucus met this week with training specialists from railroads to review available training programs. The caucus is continuing to assess what is available. The caucus is not prepared to report its findings to RSAC. However, the caucus would like to continue their investigation.

Gary Maslanka (Transport Workers Union of America (TWU)) declares that TWU is disturbed about this process. Up to this point, it has been a "caucus." However, TWU has been cut-out of the discussion. TWU is very interested in participating in this process.

Chairperson Gavalla explains that this is not an RSAC "Working Group." In fact, FRA is not involved at this stage. This is an informal group to clarify the issues. He requests that the TWU make its concerns known to the caucus.

Mr. Maslanka responds that since TWU is not involved, training issues of concern to TWU members are not being addressed. He cites the need for training TWU members as a result of the new 49 Code of Federal Regulations (CFR) Part 238 rules (i.e., Passenger Equipment Safety Standards).

Richard Johnson (Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC)) adds that at the last RSAC meeting, TCIU/BRC indicated that it wanted to participate. However, when the "caucus" was approached, TCIU/BRC was not invited to participate. He asks the record to show that TCIU/BRC wants to participate in the "caucus" for Training and Qualification of Safety-Critical Personnel.

Mr. Inclima (BMWE) wants the record to show that this should be an open forum. It appears that some crafts are being excluded because they are not considered to be "safety critical." He declares that no one has a "lock" on safety. He does not want to

see a “model” coming out of the caucus which is “one size fits all.” There must be a way to involve those groups that are not presently involved.

John Kilmer (National Conference of Firemen & Oilers (NCF&O)) relates that at the last RSAC meeting, he asked to be included in the caucus. He was not. Since this time, the NCF&O has reported a fatality.

Mr. Pickett (BRS) assures RSAC members that a lot of training is similar to conductors and engineers. However, his goal is to secure training for BRS members. It is not “one size fits all.”

Chairperson Gavalla acknowledges that FRA knows the importance of the role that training plays in safety. Training is important. That will continue as training, and training needs are examined.

Mr. Maslanka declares that the key to this process is the stakeholders. If the purpose of this process is to “flush-out” issues, then the playing field needs to be level.

Chairperson Gavalla assures RSAC members that FRA will not ignore the training needs of any group.

Mr. Mattingly reminds RSAC that the “caucus” is working outside of the RSAC process. Before it is brought before RSAC, all groups will be included.

Chairperson Gavalla calls on Thomas Peacock (American Public Transportation Association (APTA)) for a presentation on passenger safety issues.

Mr. Peacock reminds members that RSAC is a freight-focused body. For this reason, it seemed appropriate that the APTA and its rail passenger member organizations take the lead for rules affecting Passenger Rail Equipment Safety Standards. Using a series of overhead view graphs, Mr. Peacock explains PRESS (Passenger Rail Equipment Safety Standards), through: (1) historical/background references; (2) describing the advantages of industry standards; (3) identifying participants in the PRESS process and the PRESS Organization; and (4) describing the PRESS Process, including Results, Research Motivated by PRESS, the approach to FRA/APTA Safety Training Development, available Passenger Rail Safety Courses, and Future Plans. Copies of the overhead view graphs are part of the RSAC Docket and will not be excerpted in their entirety in the RSAC Minutes. Mr. Peacock explains that in the 15 years leading up to PRESS, there were (1) no Federal rail passenger car safety standards; (2) a resurgence in commuter rail service; (3) increased freight and passenger traffic; (4) pressure for lighter rail equipment; (5) a desire for high-speed rail projects; and (6) many new technology advances. By adopting Federal safety standards, (1) a safety floor is established; (2) there is decreased pressure for government intervention; and (3) there may be decreased capital costs, maintenance costs and training costs

associated with rail passenger service. A similar process will be pursued for light rail and heavy rail transit safety.

With no questions for Mr. Peacock, Chairperson Gavalla announces that he had intended to discuss the selection criteria for the Annual Harriman Awards. Unfortunately, this effort is incomplete. He hopes to make a presentation on this topic at the next RSAC meeting.

Dewey Garland (Sheet Metal Workers International Association) requests to make the announcement that the Sheet Metal Workers International Association is appreciative of the efforts of Administrator Molitoris and all her accomplishments.

Chairperson Gavalla asks for a motion to approve the Minutes of the 15th RSAC Meeting.

Daniel Davis (International Brotherhood of Electrical Workers) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 15TH RSAC MEETING ARE APPROVED AS WRITTEN.

Chairperson Gavalla recognizes Lydia Leeds (FRA, Office of Safety), Patricia Paoella (FRA, Office of Safety), Lawan Jones (FRA, Office of Safety), and Matthew Enderle (FRA, Office of Safety) for their assistance in preparing the meeting site for today's meeting.

Chairperson Gavalla asks for a date for the next RSAC meeting. After a discussion, Mr. Gavalla announces that FRA will try to schedule a meeting in Washington, D.C. during the week of April 22, 2001.

With no further business, Chairperson Gavalla turns the gavel over to Administrator Molitoris who adjourns the 16th RSAC Meeting at 1:55 p.m.

MEETING ADJOURNED 1:55 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.

