

## **RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)**

### **Minutes of Meeting February 13, 2002**

The eighteenth meeting of the RSAC was convened at 9:40 a.m., in the Grand Ballroom of the Almas Temple Club, 1315 K Street, N.W., Washington, D.C. 20005 by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Safety and RSAC Chairperson, George Gavalla.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each full RSAC meeting are a permanent part of the RSAC Docket. Nine of the forty-eight voting RSAC members, or designated alternates, were absent: The American Short Line and Regional Railroad Association (ASLRRA) (1 of 3 seats absent), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), The National Conference of Firemen and Oilers (1 seat), Transport Workers Union of America (2 seats), and the Transportation Communications International Union (TCIU)/Brotherhood of Railway Carmen (BRC) (1 of 3 seats absent). Four of seven non-voting/advisory RSAC members, or designated alternates, were absent: The Federal Transit Administration, Secretaria de Comunicaciones y Transporte (Mexico), The Labor Council for Latin American Advancement, and The National Association of Railway Business Women. Total meeting attendance, including presenters and support staff, was approximately 105.

Chairperson Gavalla welcomes RSAC Members and attendees. He asks Edward W. Pritchard (FRA Executive Assistant to the Associate Administrator for Safety and Acting Director Office of Safety Assurance and Compliance) for a building safety and health emergency presentation.

Mr. Pritchard describes the location of building safety exits. He asks for volunteers with knowledge of cardiopulmonary resuscitation (CPR) to perform this lifesaving function, should the need arise. Daniel C. Smith (FRA) and Mr. Pritchard volunteer to perform CPR.

Chairperson Gavalla relates that the full RSAC Meeting scheduled for September 20, 2001, was postponed because of the September 11, 2001, terrorist attacks on the World Trade Center in New York City and the Pentagon in Arlington, Virginia. He introduces the Tenth FRA Administrator, Allan Rutter, to his first meeting of the full RSAC.

Administrator Rutter describes himself as a native Texan without a "Texas" accent, who has spent his entire life in public service. He is a graduate of the University of Texas

and has worked for four different Governors of the State of Texas, largely in transportation policy-related areas. He worked on the Texas high-speed rail project for five years where he was the Deputy Executive Director. Administrator Rutter explains that President Bush gave him a "Title" and his parents gave him a "Name." Administrator Rutter prefers the "name" to the "title" and hopes that RSAC members and FRA employees will not forget this preference. Administrator Rutter explains that one of the best things about his job is the people with whom he works. Railroad people are so very good at what they do. When he is asked about his feelings towards RSAC, he responds that he has no intention of changing what former FRA Administrator Jolene Molitoris did before him. The RSAC institution, the Safety Assurance and Compliance Program (SACP), and others, are making the railroad industry safer. But with that said, anything that is 6 years old probably needs some "tweaking." This is already occurring with initiatives in grade crossing safety, fatigue-related areas, and following the release of the Switching Operations Fatality Analysis (SOFA). What Administrator Rutter has observed with RSAC is that members have been very efficient in completing perhaps 80 percent of a Working Group's Work. But then it takes a year or longer to complete the remaining 20 percent to achieve complete consensus. In order to get more out of the collaborative efforts, he would like his FRA staff to consider reporting out the partially-completed collaborative effort rule. FRA staff would then work to resolve remaining issues while the RSAC Working Group moved on to a new topic.

The first meeting of RSAC was April 1, 1996. Almost six years later, RSAC members have reason to be pleased, having crafted six final rules. A seventh final rule is almost on its way to the Federal Register [Locomotive Cab Sanitation], and proposed rules have been published in two more proceedings [Roadway Work Equipment and Processor-Based S&TC Systems]. A working group is reviewing yet another proposed rule [Event Recorders / Next Generation], and as we meet FRA staff is drafting others for review by working groups [Locomotive Crashworthiness, Accident/Incident Reporting, Cab Noise, Blue Signals]. Along the way, RSAC implemented consensus rules for Roadway Worker Safety and worked through other forums to put in place the first comprehensive Passenger Safety Standards. Meanwhile, FRA has started or completed a number of other important safety proceedings. Indeed, as a community interested first in safety, RSAC has found a variety of other ways to work together toward good results. With FRA, RSAC has teamed-up outside the RSAC to address switching fatalities, grade crossing collisions, and fatigue. Safety Assurance and Compliance programs on the individual railroads have tackled other significant issues. That work continues.

At the same time, FRA has found that many of our regulatory proceedings have taken longer than anyone could have intended; and many participating organizations, including FRA, have found their resources often stretched to very near the breaking point. While our ambitions have been admirable, we have taken too long to reach our objectives; and the sheer number of initiatives has detracted from sustained attention to any one of them.

So where should we go from here? Well, we need to prioritize our goals for new rules. What matters most? What are we close to finishing? First, this record provides us with confidence in the ability of FRA and its colleagues in the industry to work together and achieve important objectives. Secretary Mineta and Administrator Rutter are committed to helping constructive partnerships advance safety. Second, we know we need to finish what we have started, resolving issues even if it is tough to do so. Third, we need to be very selective in taking on new work. We need to recharge our batteries, choose our objectives carefully, and ensure that the industry as a whole is given the chance to absorb and implement the new regulations that will continue to emerge from now-unfinished proceedings. Finally, as we move into a more sustainable work environment, we need to set reasonable milestones for completing our work; and we need to adhere to them rigorously. Most importantly, we need to keep our eyes on **safety results**; and we need to allow railroad industry stakeholders the opportunity to explore new and innovative ways to accomplish those results.

If the decades since formation of the Department of Transportation have taught us anything, it is that change is a constant in the railroad industry. The railroad environment is shaped by many things: market forces, technological developments, and a host of other forces which have the potential to change the industry in ways we cannot predict. As the railroad industry changes, so do the challenges and opportunities that affect railroad safety. The safety challenges of yesterday, are not necessarily those of tomorrow, and the opportunities to address those safety challenges may take on many different forms. In some cases regulations and standards are appropriate, in other cases, cooperative partnerships like the SOFA initiative may prove most effective.

So Administrator Rutter asks you to join your well-earned confidence with renewed courage and look for opportunities to capture safety gains by tapping the creativity of the people in this industry and the benefits of technology that can help this industry serve the American public more effectively and with a higher level of safety.

One of the safety challenges that is a product of the changing railroad environment concerns fatigue. In the last few years, our knowledge about the causes and effects of fatigue involving railroad workers has grown tremendously and we have come a long way in devising innovative measures to reduce fatigue in the industry. By working together, rail labor, rail management, the National Transportation Safety Board (NTSB) and FRA have helped make the North American Rail Alertness Partnership (NARAP) a model for the cooperative approach to dealing with this far reaching transportation safety issue. Administrator Rutter has been impressed with the number of fatigue pilot training and awareness programs and other rail industry initiatives, such as controlled napping programs, that have arisen within our industry in an attempt to combat fatigue. But at the same time, Administrator Rutter is acutely aware that the industry does not have a comprehensive fatigue management program that effectively addresses the fatigue related issues facing our Nation's railroads. We at FRA, watched with great interest the announcement of the National Work/Rest Agreement by the Class I

railroads, the Brotherhood of Locomotive Engineers and the United Transportation Union. We believed this agreement held the promise to make comprehensive fatigue management programs a reality in our industry. Unfortunately, that promise has yet to be fulfilled. Administrator Rutter is here to tell you that fatigue mitigation remains one of our top priorities at FRA. He strongly encourages RSAC Members to seize the opportunity to work together in partnership to implement comprehensive fatigue management programs that are based upon the latest scientific research. You know what needs to be done and many of you already have a mechanism at your disposal to accomplish the task.

Do not let this opportunity slip away. However, he does not pretend that any of this is easy. But the next fatigue-related accident may cause this issue to be solved for us. As we have seen so many times in the past, the best way to avoid burdensome regulations is to be proactive in addressing safety concerns before they cause serious accidents. By acting responsibly in combating fatigue before there is a serious fatigue related accident this industry can shape its own destiny - wait until a serious fatigue related accident occurs and that destiny will be dictated by others.

Without question, the best example of new challenges facing the railroad industry can be seen in the industry-wide effort to enhance security. The railroad industry can never be accused of ignoring security prior to September 11, in fact, railroads are among the few companies that have their own police forces consisting of commissioned police officers. However, it is fair to say that security has taken on an urgency and importance that was undreamed of just five months ago. We are now in the period which Secretary Mineta calls the "new normal". To date, FRA's exercise of authority to address security-related issues has been limited. For example, FRA issued rules on Passenger Train Emergency Preparedness (49 Code of Federal Regulations (CFR) Part 239) that require passenger railroads to conduct detailed planning for emergency situations, which are defined to include "security situations" such as bomb threats. (See 49 CFR Part 230.7) All passenger and commuter railroads currently have these plans in place and practice emergency response drills with local police and fire departments and other emergency responders. On September 11, I was meeting with METRA in Chicago and got to witness first-hand how quickly and effectively the commuter railroads reacted to the events of that tragic day by converted from a morning rush hour schedule to an evening rush hour schedule to help evacuate major metropolitan areas. Railroads were up and running on September 12, 2001. Also, prior to September 11, FRA worked with the railroad industry and the DOT Crisis Management Center to establish a communications network and communications protocols to quickly disseminate security related information between the Federal government and the railroad industry. When the unthinkable attacks on the World Trade Center did occur, our industry sprang into action. On September 20, 2001, Administrator Rutter convened an industry-wide railroad security teleconference to discuss and identify measures that may be needed to enhance railroad security. As a result the railroad industry formed six critical action teams to examine security in the following areas:

- Physical assets [bridges, tunnels, etc.]
- Information Technology systems [including dispatching systems]
- Chemical and Hazardous Materials
- Department of Defense shipments
- Train Operations
- Rail passenger systems security and human factors

The critical action teams have presented classified reports to the Office of Homeland Security and the DOT Office of Security and Intelligence concerning both near term and long term options for enhancing the security of the U.S. railroad network. FRA is coordinating the work of the critical action teams with overall Department of Transportation efforts to enhance the nation's transportation security. FRA has secured the services of an independent consultant to review the AAR report for the agency. Passenger and commuter railroads are also conducting security reviews. FRA has joined the efforts of the Federal Transit Administration on two of their security initiatives. The first is FTA's security assessment workshops with Booz/Allen/Hamilton, American Public Transportation Association, and the Transportation Research Board, with financial support from the Transit Cooperative Research Program. FTA has scheduled four workshops to examine anti-terrorism techniques and technologies that may be appropriate for our rail transit systems. FTA has also sponsored another passenger security initiative wherein it funds Safety and Security Assessments on our Nation's major transit systems. The initial assessment schedule includes seven Commuter Railroads and is designed to provide an overview of the vulnerability and readiness of the respective transit agencies.

This is just a brief overview of what is being done to address the security needs of our industry. Because this is such an important topic, we have set aside time on the agenda to discuss this topic much more thoroughly. Administrator Rutter looks forward to hearing your ideas and concerns about what should be done to ensure that we continue to have a safe and secure rail transportation system. Our job continues to be to have railroad security allow us to continue doing business.

In conclusion, Administrator Rutter welcomes attendees to the RSAC Meeting today.

Chairperson Gavalla reminds attendees that only members and alternates should sit at the table. He also asks attendees to wear name tags.

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

Chairperson Gavalla announces that the deadline for comments on FRA's Interim Final Rule on the US Locational Requirement for Dispatching of US Rail Operations (49 CFR Part 241) has been extended to February 21, 2002.

Chairperson Gavalla and Mr. Pritchard introduce the first topic before RSAC—Railroad Passenger and Freight Operations Security. After FRA members make introductory remarks, Charles Dettmann (Association of American Railroads (AAR)), and Fran Hooper (American Public Transportation Association (APTA)), will discuss freight and passenger operations security, respectively.

The railroad industry is “private property” and has relied on itself to provide security. The railroad industry has an armed security force which are authorized under State laws to make arrests on railroad property. The industry has done very well in the security arena for many decades. In fact, this issue was seldom thought of just several months ago. Following the terrorist attacks on September 11, 2001, Administrator Rutter ordered FRA to conduct a quick review of security at passenger terminals on September 18, 2001. The findings of this review was provided to Amtrak and the several commuter railroads under FRA’s jurisdiction. Railroad security issues were further discussed during a railroad teleconference with Administrator Rutter on September 20, 2001.

Chairperson Gavalla explains that FRA must be careful in not disclosing details from critical action team reports arising from railroad security assessments. To do so would provide a “blue print” for system weaknesses. In addition, FRA is making certain that rail security issues are being coordinated with appropriate governmental authorities. FRA’s representatives in railroad security issues are Mr. Curt Secrest and Mr. Edward Pritchard.

Mr. Dettmann (AAR) continues the discussion, outlining freight operations security. He cites a classified railroad assessment, *Terrorism Risk Analysis and Security Management Plan*, which is being used to identify critically important railroad facilities and routes which could become targets for terrorism. Mr. Dettmann explains that on October 7, 2001, the railroad industry went into a 72 hour “red alert.” During this time, railroads did not accept certain types of hazardous materials for shipment. Citing the commodity, chlorine, the impact on the nation caused by the embargo was almost immediate. Roughly 30 percent of chlorine products are used in municipal water purification operations and 30 percent are used in pharmaceutical operations. Mr. Dettman added that there are only 84 motor carrier trailers in the United States that are allowed to carry chlorine. These cannot begin to replace the chlorine hauling capacity of the nation’s railroads.

Using overhead viewgraphs, Mr. Dettmann outlined the methodology used to identify risks, which will receive greater attention with the limited security resources available to the railroad industry.

The railroad risk assessment looked at population exposure, potential railroad targets, and consequences to the nation’s economy in identifying assets, threats, and vulnerabilities. Using a consultant with expertise in terrorist activities, a Hazardous Materials Critical Action Team identified materials and rail routes. Hazardous materials

were ranked in order of priority for terrorist activity. Many rail routes are already part of the Strategic Rail Network. The Hazardous Materials Critical Action Team assigned a risk value to each hazard and is developing counter measures to reduce risks to each hazard.

A Physical Infrastructure Action Team is using a geographical information system (GIS) database to identify the location of critical physical assets.

An Operations Security Critical Action Team is using information technology to assist with tracing shipments, identifying key personnel and contractors, and monitoring data systems and dispatching.

There is a Military Liaison Critical Action Team looking into terrorist countermeasure issues involving people, processes, and technology.

A Railway Alert Network (RAN) has been developed. The alert levels are as follows:

- Level 1        “New Normal.”
- Level 2        Heightened Security Awareness.
- Level 3        Existence of a Credible Threat.
- Level 4        A Confirmed Threat.

Mr. Dettmann asks if there are any questions.

Ross Capon (National Association of Railroad Passengers (NARP)) queries whether Mr. Dettmann’s reference to 84 motor carrier trailers that are certified to transport chlorine means that there is insufficient trucking industry capacity to replace railroad transportation of chlorine?

Mr. Dettmann replies yes.

Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWE)) asks how railroad employees will know when there is a shift in alert levels from say Level 2 to Level 3?

Mr. Dettmann replies that each railroad has identified how it will inform effected employees.

Dan Glucksman (International Safety Equipment Associates) asks if personnel have equipment on the train to assist them if there is a release of hazardous materials?

Mr. Dettmann responds that he does not want to discuss that issue in the open RSAC forum. He will talk to Mr. Glucksman in private during the break.

With no additional questions, Chairperson Gavalla announces a 15-minute break.

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M O R N I N G   B R E A K   11:10 A.M. - 11:30 A.M.

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Chairperson Gavalla reconvenes the meeting. He asks Mr. Pritchard and Ms. Hooper to continue with railroad passenger security issues, where there are different risks and different concerns, compared to freight operations.

Mr. Pritchard (FRA) outlines that the Federal Transit Administration (FTA) is the lead agency for rail passenger security initiatives and for passenger security workshops. The principal contacts at FTA are Harry Sapotta (202-366-2233) and Jerry Fisher (202-366-1651). FRA's liaison with FTA is Danny Knote (Region 1 Operating Practices Inspector). In addition, FRA has personnel at the Olympics in Salt Lake City, Utah.

Mr. Pritchard asks Ms. Hooper for remarks on railroad passenger security.

Ms. Hooper (APTA) exclaims that she has never heard the word "passenger" used so much at an RSAC meeting as today. Passenger operations are different from freight operations—most are "local." She reminds RSAC that commuter rail lines haul .5 million passengers, and Amtrak hauls 61,000 passengers per day. All commuter rail agencies are "public" agencies. In 1998, after FRA Emergency Order 20 was issued, rail passenger carriers developed a system safety plan with 29 elements. System Safety and Security issues are addressed in this program. The rail passenger industry conducts safety drills, which include coordinating rescue efforts with local emergency responders. As a result, the rail passenger industry was prepared to deal with the September 11, 2001 emergency. Trains were stopped, turned-around, and evacuated.

In the aftermath of September 11, 2001, assessments are being made to improve levels of security and to identify vulnerabilities. The passenger industry is prioritizing recommendations arising from the safety and security assessments and is reporting its responses back to FRA. The passenger industry is taking steps to improve security as follows: (1) With a need for heightened police presence, carriers are offering free rides to police officers; (2) commuter rail employees are being encouraged to challenge strangers on rail property and to report unusual activities being observed on rail property; and (3) there is a strong need to get information out to the public. In contrast, the rail freight industry is restricting information, particularly on hazardous material movements and routing.

As a trade organization, APTA has established a security team to help transit properties. FTA is funding assessments of commuter rail systems to look for



vulnerabilities. But commuter rail operations are “open systems.” Rail passengers on long platforms cannot be screened; information to rail passengers cannot be restricted. APTA is developing Workshops on Emergency Response. Through a research grant from FTA, APTA hopes to be able to advise commuter railroads on a variety of topics such as: “When do you stop service/when do you resume service following a bio-hazard release?”

In conclusion, Ms. Hooper declares that all passenger railroads are different. Each must be treated separately. In addition, commuter systems must deal with the “cost” of closed circuit television monitors, intrusion detection, etc. What fares do not cover, must be supplemented by public money.

With no questions of Ms. Hooper, Chairperson Gavalla comments on the significantly different risk environments regarding the passenger airline industry versus passenger rail industry. At 30,000 feet, even a minor terrorist explosion in a pressurized airline cabin could have catastrophic effects for the aircraft and its passengers, whereas a similar explosion aboard a passenger rail car would likely limit damage and casualties to a much smaller, immediate area of a rail car. Furthermore, trains cannot be used as weapons in the same manner as airplanes. Also, Federal regulations require all passenger cars to be equipped with two emergency brake levers and numerous emergency exits. These are available for use by any passenger so that they may stop and evacuate the train quickly in the event of a terrorist threat or other emergency.

Chairperson Gavalla reminds RSAC members that heightened security is part of the “New Normal” way of doing business. He invites all of the groups present to join in the debate on railroad security issues.

Chairperson Gavalla asks James Rosenberg (NTSB’s Deputy Director of Safety Recommendations) for a presentation on the NTSB’s safety recommendation process. As an introduction, Chairperson Gavalla announces that the railroad industry is reporting a decline in Yard accidents for the first time in a number of years. FRA believes that the decline is due to the implementation of the SOFA recommendations by the railroad industry. However, he cautions that 1 year’s performance does not make a trend. FRA will continue to emphasize the close monitoring of employee safety habits in rail yards.

Chairperson Gavalla announces that FRA is looking at main line train collisions. FRA will ask that a similar group to the SOFA task force be formed to study accidents and make recommendations in this area.

Using a series of overhead viewgraphs, Mr. Rosenberg (NTSB) begins by outlining three points related to the NTSB’s safety recommendations. First, safety recommendations are developed to remedy system, hardware, operational, or policy failures identified during accident investigations. Second, the NTSB considers safety recommendations to be its most important product. Third, NTSB safety

recommendations are sent to an appropriate action site. This may include the Department of Transportation (DOT), any of the DOT modal administrations, manufacturers, transportation operators, trade associations, labor unions, or State or local government authorities. The NTSB actively follows-up actions taken on its recommendations. Overhead viewgraphs used in RSAC presentations are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

In September 1990, the NTSB began its "Most Wanted List." The list can be viewed on the NTSB's Internet Web Site at [www.nts.gov](http://www.nts.gov). The recommendations on this list are earmarked for intensive follow-up. Presently, there are two "most wanted" recommendations affecting the railroad industry with FRA having the lead responsibility to respond to the recommendation. The first is Positive Train Control Systems—require a train collision avoidance system. FRA, through RSAC, is addressing issues that will permit the use of positive train control systems on the U.S. rail network (RSAC Tasks No. 97-4 through 97-6). The second "most wanted" recommendation, Human Fatigue in Transportation Operations, involves responses from multiple DOT modes including FRA and the rail-related organizations of the Brotherhood of Locomotive Engineers (BLE), the United Transportation Union, AAR, and APTA.

Since its inception in 1967, the NTSB has issued more than 11,800 recommendations, about 2,000 of which are rail-related. Of the DOT modes, Mr. Rosenberg commends FRA for having the best performance of any of the transportation modes at closing NTSB recommendations.

With no questions for Mr. Rosenberg, Chairperson Gavalla recognizes this as the last RSAC meeting to be attended by Robert A. Mathews (President, Railway Progress Institute (RPI)). Mr. Mathews is retiring after 35 years with RPI.

Chairperson Gavalla announces the lunch break.

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LUNCH BREAK 12:10 P.M. - 1:10 P.M.

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Chairperson Gavalla reconvenes the meeting. He asks Dr. Mitch Garber (medical officer, NTSB) for a presentation on alcohol and drug use by employees in the transportation industry.

Dr. Garber's (NTSB) presentation uses a series of overhead view graphs. Copies of these materials are part of the RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Dr. Garber explains that while alcohol abuse remains a problem in the transportation industry, an increasing number of transportation-related accidents are being caused by

over-the-counter (non-prescription) and prescription medications. For example, pain relievers, anti-anxiety, anti-depressant, and antihistamines are known to impair operators of transportation equipment in both “on-the-road” and separate equipment simulator testing. In addition, the use of these medications often causes subjective effects that are not always correlated with impairment. He cites an example of a 1991 Amtrak derailment in Florida, in which there were 11 serious injuries. The train engineer was tested and found to have taken over-the-counter medications for cold and allergy symptoms.

For its part, the NTSB is making presentations to a variety of organizations to raise awareness of non-prescription medication impairment to operators of transportation equipment. For prescription medicines, there are extensive “package inserts” designed for professionals prescribing the drugs. Sometimes the package inserts wind-up in consumer’s hands, where the print is so tiny and the explanation so detailed that most consumers pay little attention to it. Also, there are colorful “pharmacy warning labels” which are designed to draw consumer attention to certain attributes of the drug. But these are not required by the Food and Drug Administration(FDA).

Dr. Garber goes over an NTSB list of recommendations for non-prescription medicines. DOT should develop a list of approved non-prescription medications. DOT should prohibit all other non-prescription medicines. There should be exceptions. Toxicology Testing for medicines should include testing for non-prescription medications. There should be education programs and training involving the hazards associated with the operation of transportation equipment under the influence of non-prescription medicines. Finally, the FDA should develop a clear, consistent warning label for non-prescription medicines.

Dr. Garber asks if there are any questions.

James Stem (UTU) asserts that all the anecdotal information seems to be based on motor carrier use. He asks Dr. Garber if there is any data for railroad abuse of non-prescription medicines?

Dr. Garber responds that the NTSB does not have specific data for railroads.

Mr. Stem declares that if there is no specific data for railroad abuse of non-prescription medicines, then any additional railroad employee drug testing will have a negative impact on employee participation in today’s drug testing programs.

Dr. Garber responds that the NTSB shares concerns about testing procedures for non-prescription drugs. But the NTSB is looking for advice on how to accomplish additional oversight in this area.

Mr. Stem asserts that if the current drug testing procedure is not broken, he sees no need to add additional procedures.

Thomas Leopold (Kansas City Southern (AAR)) queries about the “list of approved non-prescription medicines.” What is the status of the development of this list?

Dr. Garber says that the development of the list is up to DOT, not the NTSB.

Matthew B. Reilly (ASLRRA) agrees that the legibility of labeling on non-prescription medicines, even the “redesigned” FDA labeling, is too small. He asks why anyone should assume that employees will read medicine labels? He asks if railroads should have medical advisors on their properties?

Dr. Garber responds that one of the reasons the NTSB is proposing new rules is because there are differences in the size and oversight of railroads. He recognizes that having a medical advisor on each railroad property is not practical.

Mr. Reilly asks if the NTSB will pay for the proposed training?

Dr. Garber responds no.

Mr. Inclima (BMW) asks how is it possible to recognize the symptoms of a disease causing the impairment of an employee versus the effects of a medication causing the impairment?

Michael Martino (Amtrak) wishes to correct Dr. Garber’s earlier example of a train accident involving an Amtrak engineer under the influence of an over-the-counter medication. He says a “fireman” was actually operating the train under the supervision of the train engineer.

Chairperson Gavalla asks if the NTSB can share the over-the-counter drug list that has been developed by the military?

Dr. Garber responds that the Air Force has 15 items; the Army has 150.

Mr. Pritchard (FRA) asks if the NTSB has examined any studies on the affects of mixing drugs with alcohol?

Dr. Garber responds that the effects appear to be additive.

Tim DePaepe (Brotherhood of Railroad Signalmen (BRS)) says there may be conflicts in the NTSB recommendations requiring signal maintainers to be tested.

Dr. Garber explains that the NTSB has outlined its primary concerns and recommendations but that it will be up to each modal administration to publish rules on how to deal with the over-the-counter medication issue.

With no further questions, Chairperson Gavalla asks Lamar Allen (FRA Office of Safety) to continue the discussion on drug and alcohol issues.

Using a series of overhead viewgraphs, Mr. Allen says that FRA is not close to a rule change in this area. However, the RSAC process may be used for guidance in this area. Copies of the overhead viewgraphs are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Allen explains that railroad employee impairment can arise from three conditions: (1) illegal drug use; (2) illegal "legal" drug use; and (3) legal drug use. FRA has a long history of drug rules—Railroad Rule G has been in existence for 100 years. In 1986, FRA added 49 CFR Part 219, Control of Alcohol and Drug Use. In 1989, it added 49 CFR Part 40, Procedures for Transportation Workplace Drug Testing Programs. And following a Congressional mandate, The Transportation Employee Omnibus Drug Testing Act of 1991, rules requiring random testing for alcohol were added in 1994.

Under "FRA Post-Accident Test History," there has been a steady decline in the number of events, persons tested and positive test results between 1987 and 2001. In 1987, there were 179 events, 770 persons tested and 42 positive tests (39 drug and 3 alcohol). In 2001 there were 82 events, 210 persons tested and 3 positive tests (3 drug and no alcohol). Under "Railroad Post-Accident Testing," there were 1,738 events over the 1987-2001 period. 5,644 railroad employees were tested. Test specimens included urine, blood, tissue (taken from both living and dead), and breath. Under "Review of Accidents with Positive Drug Test Results," there were 481 qualifying events between 1996 and 2001 involving test results from 1,255 employees. The test results showed 16 cases involving non-authorized drug use (1.3 percent) and 30 cases involving authorized drug use (2.4 percent). Under "Cases Involving Unauthorized Drug Use," during the past 14 years, 12 cases involve illegal drug use and 4 involve legal drug use. Under "Cases Involving Authorized Drug Use," during the past 14 years, 8 cases involved "authorized prescriptions used" while on duty (0.7 percent) and 22 cases involved medications administered after the event (1.8 percent). Under "49 CFR 219.103, Prescribed and Over-The-Counter Drugs," the use of a controlled substance is not prohibited if the medical practitioner has made a good faith judgment with notice of duties/history/all drugs being used, and that use as prescribed is consistent with safety. Also, this rule does not restrict the railroad from requiring that employees notify the railroad before use.

FRA is the only mode in DOT that is currently addressing the over-the-counter medicine issue.

Mr. Stem (UTU) says that Dr. Garber called for additional testing procedures. He asks if Mr. Allen thinks the industry needs more testing?

Mr. Allen responds that the NTSB would like for FRA to expand its testing to look for additional substances than is presently required.

Mr. Stem believes that the testing process already in place has been successful. He urges FRA not to change the current system.

Mr. Allen says he agrees. However, there is much discussion underway at DOT over the: (1) Do not use list; and (2) Can use list.

Mr. Dettmann (AAR) wished to clarify the data presented. He asks if accidents under the "authorized prescription drug usage" category is essentially the same as those for using marijuana? He adds that he does not want to jeopardize an already successful program.

With no additional questions of Mr. Allen, Chairperson Gavalla announces that ENSCO, the contractor, who operates FRA's track geometry vehicles will assist FRA with security issues. He noted that ENSCO has a division that has performed numerous security risk assessments and vulnerability studies for the Department of Defense and other agencies. ENSCO will complete its review and make its findings known to FRA within 90 days.

Chairperson Gavalla asks Jeffrey Horn (FRA Office of Safety) and Grady Cothen, Jr. (FRA Deputy Associate Administrator for Safety Standards and Program Development) for a presentation on Locomotive Cab Working Conditions. Task Statements, Working Group membership composition, and a brief synopsis of Working Group activities related to RSAC Task No. 97-2, Locomotive Cab Working Conditions, 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. Under "Sanitary Standards," a Final Rule has been affirmed and will be published in 4 to 6 weeks. Under "Noise Standards," a re-draft of the Notice of Proposed Rulemaking (NPRM) is underway. FRA will propose solutions to items that have not reached consensus.

With no questions, 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 explained that the method of calculating railroad property damage resulting from a train accident can be significant in determining if the accident is reportable to FRA. Accident damages are also used as a surrogate for determining the seriousness of an accident. The purpose of RSAC Task No. 97-7 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 was designed and used in a pilot test project that ran for 6 months—August 1, 2000 through January 31, 2001. The expectation was that a standard value could be obtained for each component of cost that would let the reporting office know the “FRA cost” of the accident immediately after the accident scene was surveyed. This would mean that the actual cost of repairs would not have to be tracked by the railroad for FRA record keeping, and the new system would be simpler. However, following a review of the study data by an independent statistician, further study was recommended. Subsequently, the Working Group was not convinced that the development of a successor methodology would be assured. Consequently, the Working Group is recommending that the current reporting system be retained and that the aspect of Task 97-7—to change the current accident reporting system—be terminated.

CHAIRPERSON GAVALLA CALLS FOR A MOTION TO TERMINATE THE ASPECT OF RSAC TASK NO. 97-7 REGARDING CALCULATING RAILROAD PROPERTY DAMAGE.

MR. DETTMANN (AAR) MOVES THAT THE ASPECT OF RSAC TASK NO. 97-7 WHICH EXPLORED ALTERNATE METHODS OF CALCULATING RAILROAD PROPERTY DAMAGE BE TERMINATED.

MR. STEM (UTU) SECONDS THE MOTION.

THE MOTION THAT THE ASPECT OF RSAC TASK NO. 97-7 WHICH EXPLORED ALTERNATE METHODS OF CALCULATING RAILROAD PROPERTY DAMAGE BE TERMINATED IS PASSED BY UNANIMOUS VOICE VOTE.

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 eight times over the past year to resolve nine initial issues and three more issues that were added. The issues are: (1) Contractors (on and off railroad property); (2) visibility of blue signal; (3) one person crew protection; (4) locomotive servicing areas; (5) remote control derails/radio activated switches; (6) inspecting/installing/removing Rear End Markers; (7) Utility employees; (8) Impacts of current rule and proposed rule changes on small entities; (9) Feasibility of sunseting existing waivers in favor of permanent regulatory changes; (10) Except in emergency situations, a locomotive’s controls may not be manipulated while the locomotive is under Blue Signal Protection; (11) Require Blue signal Protection for mail/baggage handlers; and (12) Blue Signal Protection Training. Six of the issues on the Task Statement are essentially completed. The remaining six items are in various stages of discussion. 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.

With no questions of Mr. Taylor, Chairperson Gavalla reiterates that the FRA Administrator wants to go forward on rules that may only be 90 percent complete and have FRA staff complete those items that remain for each RSAC Task.

Chairperson Gavalla asks Mr. Pritchard for a status report on Locomotive Event Recorders.

Mr. Pritchard (FRA) explains that the Working Group has received comments on its draft rules on Locomotive Event Recorders. The Working Group hopes to report back at the next RSAC meeting, perhaps asking for the full RSAC to vote on the draft rules. Materials related to RSAC Task No. 97-3, Revision of Event Recorder Requirements, 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.

Chairperson Gavalla announces the Afternoon Break.

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A F T E R N O O N B R E A K (2:20 P.M. - 2:35 P.M.)

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Chairperson Gavalla reconvenes the meeting. Mr. Gavalla asks Mr. Cothen for status reports on other Working Group activities.

Mr. Cothen (FRA) explains that the Locomotive Crashworthiness Working Group is reviewing a package from the railroads and manufacturers on performance-based criteria to enhance locomotive crashworthiness. These include modifications to the three principal locomotive types: wide nose, narrow nose (road switchers), and semi-monocoque (passenger). All of the recommended changes build on the S-580 AAR Standards and involve the strengthening of collision posts, provisions for emergency lighting activation, and various anti-climber arrangements. In the case of wide nose locomotives, the Working Group was unable to achieve the desired protection level for strength at window post level. Although currently these improvements (window post strength) do not appear to be cost justified, FRA will continue to gather data for review at a later time. RSAC Task No. 97-1, Locomotive Crashworthiness, 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. Upon completion of FRA's review of the data and economic implications, FRA will provide a revised draft NPRM to the full RSAC for review. In addition, Mr. Cothen explains, FRA continues to do research on dynamic crash modeling.



Mr. Cothen continues. On August 10, 2001, FRA published an NPRM for Performance Standards for Positive Train Control (PTC) Systems (66 *Federal Register* (FR) 42352). The comment period was extended until November 8, 2001. The Working Group met in December 2001 in San Antonio, Texas and efforts continue to develop recommendations for resolution of issues raised by the public comments. A key remaining concern had to do with risk assessment requirements. Some Working Group members were concerned that regulatory "creep" could occur, defeating improvements in safety by demanding too much of new systems. FRA agrees that this should be avoided. FRA is cognizant that "conventional signaling techniques" can improve. FRA does not want its PTC standards to prevent improvement to conventional signal techniques. 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 a final point, Mr. Cothen explains that the Working Group needs an enhanced Risk Analysis Tool Kit to help with the process. The Working Group is working closely with the University of Virginia for its risk analysis needs. At the next RSAC meeting, the Working Group may present the full RSAC with completed recommendations for resolution of issues presented by comments on the proposed rule.

MR. COTHEN ASKS PERMISSION FOR A MAIL ORDER BALLOT TO CIRCULATE A REVISED DOCUMENT TO THE FULL RSAC

MR. DETTMANN (AAR) MOTIONS THAT PTC DOCUMENTS BE TRANSMITTED BY MAIL ORDER BALLOT TO RSAC MEMBERS FOR APPROVAL.

JOSEPH MATTINGLY (BRS) SECONDS THE MOTION.

BY UNANIMOUS VOICE VOTE, RSAC AGREES TO VOTE ON A REVISED PTC NPRM BY MAIL ORDER BALLOT.

Dr. John M. Samuels (AAR-Norfolk Southern) expresses concern that at this very early stage of PTC Systems development, cost effectiveness is an issue. If the system becomes too expensive to implement, it may wind-up as a project that will be of interest only to students at the Harvard Business School.

Mr. Reilly (ASLRRA) asks to describe some innovative ideas which are helping their member employees to keep safety at the top of their list of daily things to do. Following a lecture from Dr. Garber several years ago on the Severe Injury Index, at a meeting of the Harriman Awards, the ASLRRA decided to apply this concept for determining its Annual Safety Awards to the ASLRRA's 421 members. The ASLRRA wanted its

awards to be the equivalent of the AAR's Harriman Awards. The ASLRRRA is using its injury data side-by-side with the Severe Injury Index to determine its Annual Awards.

Mr. Reilly also describes three training programs, which are available on the ASLRRRA's Internet Web Site. They are: (1) Hazmat; (2) Blue Signal; and (3) Working in a Rail Yard. Over 400 people have taken these courses. CANAC provided the ASLRRRA with technical data. The ASLRRRA designed their training courses around "safety." The ASLRRRA hopes to add three more training programs to their Internet Web Site this season. The UTU has been involved with these courses and supports this type of training.

Chairperson Gavalla comments that FRA has reviewed the 3 ASLRRRA training programs for accuracy in referrals to FRA rules.

Chairperson Gavalla asks Ronald Ries, FRA Highway Rail Crossing and Trespasser Division Staff Director, for an update on issues in this safety program.

Using a series of overhead viewgraphs, Mr. Ries reminds RSAC members that Grade Crossing collisions and railroad trespassers accounted for 95 percent of total rail-related fatalities in calendar year 2000. To assist FRA, 4 regional offices have police officers on detail to help promote enforcement of State and local grade crossing safety laws to reduce crossing accidents. The remaining 4 FRA regional offices hope to recruit police officers to assist their efforts. Under the viewgraph, Crossing Collision History 1976-2000, rail-related fatalities are declining at the same time that railroad and highway traffic volume is expanding. Under Where Collisions Occur 1998-2000, nearly 60 percent of train/motor vehicle collisions occur at crossings where there are gates, flashing lights, or stop signs. In the year 2000, the 15 States with the most highway-rail grade crossing fatalities were: Texas, Illinois, Arkansas, California, Indiana, Missouri, Florida, Ohio, Wisconsin, North Carolina, Louisiana, Michigan, Oklahoma, Idaho, and Kansas. Under Trespasser Casualties 1990-2000, there has been a gradual decline from 1,103 in 1990 to 884 in 2000. Mr. Ries announced that on January 16, 2002, FRA issued Safety Advisory 2002-01 to ensure the safety of highway-rail grade crossing warning systems or wayside signal systems that are temporarily removed from service for the purposes of testing, inspection, or repair. During the past three years, there were five serious crossing collisions because of failures to either properly notify approaching trains that warning signals have been removed from service, or to properly restore these safety systems back into service. Safety Advisory 2002-01 establishes instructions for the temporary deactivation of signals, and recommends periodic training on protocols for the temporary deactivation of signals.

In additional updates, Mr. Ries announces that FRA is preparing the Final Rule on the Use of Locomotive Horns. A congressional mandate requires FRA to identify a high-risk crossing in 44 States. And, a cost-benefit analysis was published in the Federal Register on a potential Reflector Rule.

Tim DePaepe (BRS) asks for a copy of Mr. Ries's overhead viewgraphs.

With no further questions of Mr. Ries, Chairperson Gavalla asks for approval of the Minutes from the 17<sup>th</sup> RSAC Meeting. The Minutes were sent by Federal Express Mail delivery to each RSAC Member in advance of today's meeting.

RAYMOND A. HOLMES (BROTHERHOOD OF LOCOMOTIVE ENGINEERS)  
MOVES THAT THE MINUTES OF THE 17<sup>TH</sup> RSAC MEETING BE APPROVED.

DENNIS MOGAN (AAR) SECONDS THE MOTION.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 17<sup>TH</sup> RSAC MEETING  
WERE APPROVED AS SUBMITTED.

Chairperson Gavalla asks for a tentative date for the next meeting of the full RSAC. He suggests May 29, 2002. With no objection, the tentative date for the next full RSAC meeting is set for May 29, 2002.

With no further business, Chairperson Gavalla adjourns the 18<sup>th</sup> RSAC Meeting at 3:30 p.m.

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M E E T I N G   A D J O U R N E D   3:30 P.M.

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*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, generally 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.