

## RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

### Minutes of Meeting

*January 26, 2005*

The twenty-fifth meeting of the RSAC was convened at 9:34 a.m., in the Franklin Room of the Washington Plaza Hotel, 10 Thomas Circle, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Acting Associate Administrator for Safety, Grady C. Cothen, Jr.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are part of the permanent RSAC Docket. Ten of the forty-eight voting RSAC members were absent: The Association of Railway Museums (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (BLET) (1 of 3 seats), The Brotherhood of Maintenance of Way Employees Division (BMWED) (1 of 2 seats), The International Association of Machinists and Aerospace Workers (1 seat), The National Conference of Firemen and Oilers (1 seat), Safe Travel America (1 seat), The Transport Workers Union of America (TWU) (2 seats), and The Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC) (2 of 3 seats). Four of seven non-voting/advisory RSAC members were absent: The Federal Transit Administration (FTA), The Labor Council for Latin American Advancement, The League of Railway Industry Women, and Patrick Sullivan. Total meeting attendance, including presenters and support staff, was approximately 105.

Chairperson Cothen welcomes RSAC members and attendees. He asks Edward Pritchard (FRA Office of Safety, Director Office of Safety Assurance and Compliance) to give a hotel meeting room safety briefing.

Mr. Pritchard identifies the hotel meeting room's fire and emergency exits. He asks for volunteers with cardiopulmonary resuscitation (CPR) qualification to identify themselves. A large number of RSAC attendees acknowledge having completed this training. Mr. Pritchard advises that a large number of RSAC attendees have cellular telephones, but volunteers himself to call the emergency telephone number, 911, should an emergency occur.

Chairperson Cothen asks Acting FRA Administrator Robert D. Jamison to make opening remarks.

On behalf of Transportation Secretary Mineta, Acting Administrator Jamison thanks meeting attendees for their ongoing commitment to improving railroad safety—not only to make railroading safer for rail workers, but for the communities in which railroads operate. He is continually impressed by the collaboration of RSAC. As a former official at the American Red Cross, he is also heartened to see the number of people who have completed CPR training.

When his name was under consideration to become the FRA Acting Administrator, he took a look at railroad safety statistics and found all the trend lines were going in the right direction—down. He saw this trend even before knowing about the growth in freight miles (i.e., traffic) and many other challenges facing the industry. Then, less than 48 hours into his tenure at FRA, the January 6, 2005, collision at Graniteville, South Carolina, happened. He was quickly reminded of the importance of remaining vigilant about safety and of the important work that RSAC performs. On behalf of FRA and DOT, he offers his condolences to

the families that lost loved ones, as well as to the railroad family that lost one of its own. He also sends out best wishes for a speedy recovery to the conductor who was injured on one the trains.

As RSAC knows, FRA took the events at Graniteville, South Carolina, very seriously. On January 13, 2005, FRA issued a Notice of Safety Advisory regarding main line switch position awareness in dark territory (Note: dark territory are segments of track where there are no wayside signals.). (Notice of Safety Advisory 2005-01; Position of Switches in Non-Signaled Territory 70 *Federal Register* (FR) 2455)). Today, RSAC will receive a briefing on the status of the Safety Advisory 2005-01. FRA safety personnel have been reaching out to encourage action under the Safety Advisory and the Agency looks forward to hearing your input today. Mr. Jamison publicly thanks railroads that have moved forward on this issue promptly and with conviction. FRA knows that switching operations are conducted thousands of times each week, but is quickly reminded of the potential catastrophic results of one misaligned switch. FRA will follow the actions of the industry closely and is prepared to respond quickly to the issues raised as a result of the NTSB investigation. FRA will continue its aggressive promotion and enforcement of Federal rail safety regulations. Safety is the Agency's core mission and all appropriate action will be taken to ensure that safety is advanced.

As President Bush begins his second term, Acting Administrator Jamison is confident the successful policies that have resulted in a growing economy will continue to be fruitful. Railroads have experienced this first hand. In a very real sense, the Nation's railroads move the American economy. In 2004, the railroads transported record levels of freight and logged a record level of train miles. In addition, strong hiring of rail workers contributed to 19 months of consecutive job growth. He adds, year 2005 promises much of the same. Mr. Jamison says the growing economy is a good environment for the American people, the health of the railroad industry, and a good environment to build upon the recent success in rail safety—a record to which the people in this room have made significant contributions. It is a good environment to continue to improve the performance of our maintenance programs. It is a good environment to strengthen robust training programs focused on rules compliance and safety.

Acting Administrator Jamison reiterates that he looked at railroad safety trends after joining FRA. It is a positive story. In the first 10 months of 2004, compared with the same period in 2003, there were reductions in the rates of the following: Total accidents/incidents; Highway-rail incidents; and Employee on-duty cases, which also declined in absolute numbers. In another notable accomplishment, for all of 2004, the Nation's railroads experienced zero (0) fatalities to roadway workers from hazards addressed by the Roadway Worker Protection rule. That is a first, and it demonstrates a strong commitment to on-track safety by employees and managers alike.

However, FRA saw an increase in the number of fatalities at highway-rail crossings, potentially reversing a long record of decline, depending upon the results of the November-December period that are not yet final. Also, the train accident rate remained stubbornly at 3.98 per million train miles, where it has been for the past decade, and the absolute number of accidents increased as a result of increased activity. Finally, employee fatalities as a whole, increased in 2004 over the record low of 19 in 2003, to a total of 25, distributed as follows: 11 operating employees in SOFA-related incidents; 6 operating employees in train accidents; 2 operating employees in a highway-rail crossing collision; 3 engineering department employees; and 3 mechanical department employees.

Acting Administrator Jamison asks the railroad industry to do better and to remain vigilant. It starts with this RSAC meeting. FRA and rail industry representatives need to ask the tough questions and debate the hard answers. How can awareness and use of the Switching Operations Fatality Analysis (SOFA) Lifesavers in switching operations be promoted best? How can the same progress that has been made in reducing employee casualties be applied to reducing train accidents? And, given the growth of freight rail service and increases in motor vehicle traffic, how can further reductions in casualties at highway-rail crossings be made?

While safety performance is good, it can be better. RSAC cannot make it better without being honest about its collective shortcomings. For its part, FRA will vigilantly enforce the law—encouraging creativity and cooperation, while insisting on full and timely compliance. FRA will continue to provide resources to address those problems that have no regulatory solution. But at the same time, FRA is also asking how it can make better use of available data to focus its resources on the areas of greatest risk. Finally, FRA will continue to use the RSAC forum productively.

Today, RSAC will consider recommendations for revisions to the Passenger Equipment Safety Standards. And, FRA will request that RSAC accept a new task for review and clarification of the Roadway Worker Protection rule. Acting Administrator Jamison thanks RSAC in advance for its participation in ensuring that FRA's rules are easy to understand and apply, and are relevant and appropriate.

Three RSAC Working Groups are, or very shortly will be, examining public comments on proposed rules developed in the Committee. FRA looks forward to receiving RSAC's recommendation for finalizing these proceedings as soon as reasonably possible regarding Event Recorders, Cab Noise, and Locomotive Crashworthiness.

Finally, the issue of fitness for duty is a frontier FRA needs to explore. Today, RSAC will hear the results of a contract study on medical standards for safety-critical railroad employees. This is just the beginning, rather than the end, of a discussion which FRA wishes to engage RSAC members. Acting Administrator Jamison asks that RSAC members maintain an open mind and join the dialogue on this important issue. FRA opens the dialogue with concerns, but without having reached any conclusions.

Acting Administrator Jamison reminds RSAC members that as these issues are discussed, FRA has an obligation to maintain its regulations in a manner that addresses safety needs while imposing the least possible burden.

Mr. Jamison updates RSAC on current initiatives. On the rulemaking front, a final rule for ReflectORIZATION of Freight Rolling Stock was published on January 3, 2005. This rule will help motorists make better decisions at highway-rail crossings, particularly where active signage is not provided. He thanks RSAC members for comments on the proposed rule. He particularly thanks the Association of American Railroads (AAR) for stepping forward with an industry standard for implementing this rule. He encourages the AAR to finalize that industry standard, in consultation with the North American rail partners and in light of the revisions contained in the final rule, so that implementation can be as seamless and efficient as possible. The rule for Performance Standards for Processor-Based Signal and Train Control Systems, is moving along. Mr. Jamison anticipates that RSAC members will have a chance to study the rule shortly. He hopes that RSAC members will respond favorably to FRA's call for reinvigorating the Positive Train

Control (PTC) Working Group as a forum for developing program guidance materials under the coming rule. Finally, Mr. Jamison advises that many of the parties represented here are cooperating in the development and demonstration of a Close Call Reporting System that would encourage identification of accident precursors by ensuring that the information would not be used for adverse action against those making the reports. He is advised that the participating parties are very close to an acceptable program document. He encourages the group to go forward with courage to see if this tool can be used effectively in the railroad industry. It is time to try, and the potential benefits are substantial.

In closing, Acting Administration Jamison has been impressed with the professionalism and experience of the staff at FRA. It is a good team that is focused on improving safety in the railroad industry. He has also been impressed with an industry that can collaborate in a forum such as RSAC, yet not shy away from the tough issues that must be addressed if the railroad safety record is to continue to improve. In his very short time at FRA, Acting Administrator Jamison has been confronted with many of the challenges facing the industry during this very difficult period. FRA remains committed to working with the railroad industry to find solutions.

Chairperson Cothen thanks Acting Administrator Jamison for his remarks. He recognizes RSAC representatives from Secretaria de Comunicaciones y Transporte (Mexico), Antonio Lozada Bautista, and Transport Canada, Don D. Pulciani, and thanks them for attending today's meeting.

Chairperson Cothen asks Charles Bielitz (FRA Office of Safety) and Cynthia Gross (FRA Office of Safety) for a progress report of Passenger Safety Working Group activities. Task statements and documents related to RSAC Task Statement No. 03-01, Review of Passenger Equipment Safety Issues, are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Bielitz uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under "Progress Report," Mr. Bielitz explains that four Task Forces are currently active. They are: (1) crashworthiness/glazing; (2) track-vehicle interaction; (3) emergency preparedness and (4) mechanical issues and safety appliances. Mr. Bielitz will give an overview of Working Group activities and specifics for the Crashworthiness and Glazing Task Force and the Track-Vehicle Interaction Task Force activities. Brenda Moscoso (FRA Office of Safety) will describe the Emergency Preparedness Task Force activities and George Scerbo (FRA Office of Safety) will describe the Mechanical Task Force activities. Under "Crashworthiness and Glazing" Task Force, fuel tank standards are being studied in relation to the proposed American Public Transportation Association (APTA) standards and in recognition of the design approach being used in a new generation of Diesel Multiple Unit (DMU) vehicles. The Volpe National Transportation Systems Center (Volpe) has conducted research and reported findings to the Task Force on cab car collision posts and corner posts. Under "Track-Vehicle Interaction Task Force," research is being conducted on wheel flange angle and conicity truck equalization by APTA Passenger Rail Equipment Safety Standards (PRESS) committees—one year of additional research is anticipated. At the next Task Force Meeting (scheduled for February 10, 2005), votes will be taken on proposed rule changes to 49 Code of Federal Regulations (CFR) Parts 213 and 238—the full RSAC may receive recommendations for rules changes at its next scheduled meeting (i.e., May 18, 2005). The following items are still being discussed:

(1) instrumented wheel set testing; (2) truck, car body lateral/vertical acceleration; (3) wheel-to-rail forces limits revisions; and (4) cant deficiency and Subpart G track standards (49 CFR 213 Subpart G–Train Operations at Track Classes 6 and Higher) review. In addition, the Task Force was directed by the Working Group to consider the deletion of Class 9 track standards, since there is no rail operation that intends to operate at speeds permitted by this standard, i.e., maximum allowable speed for Class 9 track is 200 mph (49 CFR 213.307 (a)), and a Petition for Rule of Particular Applicability is required to be filed and approved by FRA before operating at Class 9 Track speeds. Discussions on this topic are still ongoing.

Mr. Bielitz explains that provisions for existing welded supports for safety appliances were considered by the Mechanical-Safety Appliances Task Force. However, the discussions did not produce a consensus and FRA discharged the Task Force from this issue. The valuable input that was generated during the Task Force deliberations will be considered as FRA moves forward with an Agency versus RSAC rulemaking on safety appliances.

The next full Working Group meeting will be March 9-10, 2005. FRA will propose the formation of a new Task Force, now that the activities of the Mechanical and Safety Appliance Task Force are winding down. Fire safety will continue to be deferred—more research into this topic is needed before a Task Force (TF) can discuss rules. The next topic to be addressed is General Passenger Safety. Under “General Passenger Safety TF Issues,” Mr. Bielitz outlines the following topics: (1) boarding, debarking and on-board safety; (2) passenger safety in stations (from train movements and platform design criteria); (3) shifted-load detectors; and (4) hot box wheel bearing/journal defect detectors (both on-board and wayside).

Mr. Bielitz asks if there are any questions? With no questions, Mr. Bielitz asks Brenda Moscoso (FRA Office of Safety) for a presentation of Emergency Preparedness Task Force activities.

Ms. Moscoso uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under “Background,” Ms. Moscoso explains that the Emergency Preparedness Task Force has been working towards final rules for 49 CFR Parts 238 and 239, plus identifying issues for future rulemaking, reviewing APTA PRESS Standards, reviewing technological improvements, and considering how to deal with heightened security concerns after terrorist attacks in New York City on September 11, 2001, and on passenger trains in Madrid, Spain. The Task Force is focused on enhancing emergency egress from, and rescue access to, rail passenger cars. Under “Emergency Window Exits,” Ms. Moscoso says that current regulations do not require emergency window exits for intermediate (non-main) levels of multi-level passenger rail cars. The Task Force is proposing an emergency window exit of one per side per (intermediate level) seating area. The emergency window exit may be in a side door in passengers compartments. Exceptions will be allowed for limited space due to the need to provide Americans with Disability Act (ADA) compliant amenities, e.g., washrooms. To address potential hindrances such as seat backs, head rests and luggage racks, the Task Force is proposing the use of instructions, and or pictograms and an optimal window designation for existing equipment. For new equipment, the Task Force is considering the proposal that attention be given to the design of fixtures—that “clear space” be specified around emergency window exits. Under “Rescue Access,” current regulations do not require a minimum number of rescue access windows. The Task Force is considering the proposal for a general requirement

of one rescue access window per side in each level/seating area. For roof hatches/"soft spots," current regulations require these rescue accesses only for Tier II passenger equipment. The Task Force is considering the proposal that roof hatches/ "soft spots" be required for all new passenger cars. Under "Promote Use of Doors," the emerging consensus is that there should be removable windows, or panels in interior car body end doors (excluding doors leading to the cab compartment). The Task Force is considering the use of removable windows, or panels in collision post doors. Potentially, these may be the preferred exit route from cars that have rolled onto their sides. Under "Enhancing Emergency Communications Systems," Public Address (PA) and Intercom Systems are currently only required for Tier II passenger equipment. The Task Force is considering the proposal to require PA Systems for new and existing equipment so that passengers can communicate with crew members and Intercom Systems for new equipment. In addition, current communications are dependent on a wire link, which is often severed in an accident. The Task Force is considering the proposal to use a wireless communication link for PA and Intercom systems. APTA PRESS is developing a wireless demonstration project for FRA. Under "Enhancing Emergency Lighting," the Task Force is considering how to better protect emergency power supplies. The Task Force is monitoring research underway, including a National Rail Passenger Corporation (Amtrak) prototype of a system powered by an onboard battery located within the passenger compartment. Under "Incorporation of APTA Standards," the Task Force is recommending the incorporation of three APTA Standards by reference into FRA's regulations. They are the use of: (1) high-performance photoluminescent emergency signage; (2) low-location exit path markings; and (3) emergency lighting standards for existing equipment (FRA has standards for new equipment, but not existing equipment). Finally, the Task Force was asked to help FRA respond to a May 20, 2004, Transportation Security Agency (TSA) Directive to lock passenger train operator cab doors. The Task Force sees potential safety concerns, particularly for cab cars and multiple units (MUs). Securing these doors could potentially hinder quick exits from the operator cab, endangering the safety of the train engineer. Also, there will be fewer emergency exits available for passenger use.

Ms. Moscoso asks for questions.

With no questions of Ms. Moscoso, George Scerbo (FRA Office of Safety) gives a presentation for General Mechanical Task Force activities.

Mr. Scerbo uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under "Task Group Report," draft language, which includes five items has been provided to the full RSAC. Under "Item 1, Make allowances for MU trains with redundant equipment," MU air compressors were determined to be the redundant equipment APTA members had requested. The railroad and brake manufacturers demonstrated that the safety of a train is not compromised if there are a pre-determined number of inoperative air compressors. Prior to operating MU's under the new requirement, 238.303(e)(17), the railroad must develop and submit a plan that demonstrates that the safety of the train is not compromised. Once their plan is submitted, if a defective compressor is found during the exterior calendar day inspection, it may continue until the next exterior calendar day inspection if it meets all requirements of the proposed rule. In addition, MUs with defective air compressors may not continue in service beyond the next exterior daily inspection. Under "Item II, Definitions (49 CFR 238.5)" FRA's final

rule on passenger equipment safety standards used and defined the term, "actuator," as a device directly actuated by the movement of the brake cylinder piston. However, air brake manufacturers use the term, actuator, as a specific part of the brake system. Since there is confusion, the Task Force recommends that "piston travel indicator" be substituted for "actuator," wherever it is used in the final rule on passenger equipment safety standards. A "piston travel indicator" means a device directly activated by the movement of the brake cylinder piston, the disc brake actuator, or the tread brake unit cylinder piston that provides an indication of the piston travel. The Task Force recommends that a new definition of "actuator" be added as follows: an actuator is a self-contained brake system component that generates force to apply the brake shoe or brake pad to the wheel or disk. An actuator typically consists of a cylinder, piston, and piston rod. Under "Item III, New Equipment Design (49 CFR 238.231 (b)), for passenger equipment delivered after September 9, 2002, inspectors must be able to observe brake application and release without placing themselves on, under, or between equipment. Brake manufacturers were unable to meet the requirement to put a "piston travel indicator" on bi-level passenger coaches by the effective rule date. The Task Force reached consensus to add an additional requirement to the Class 1 brake test on passenger cars manufactured after September 9, 2002, that fail to meet the requirement. Under "Item IV, Additional Requirement Class 1 Brake Test (49 CFR 238.313 (j)), the non-conforming passenger cars are required to receive an additional undercarriage inspection by a qualified motive power and equipment inspector not less often than every five in-service days, over a pit, or on a raised track. Under "Item V, Hydrostatic Pressure Testing on Air Tanks, in Initial Manufacturing (49 CFR 229.31)," allows pneumatic testing of the reservoir, in lieu of the required hydrostatic pressure testing in initial manufacturing. The use of water for pressure-testing of air reservoirs contaminates the interior. Pneumatic testing of the reservoir allows easier repair and better coating during the manufacturing process. Mr. Scerbo explains that there is one open item before the Task Force. It involves developing standards for the periodic inspection and testing of Amtrak's baggage car fleet.

Mr. Scerbo asks for questions.

With no questions of Mr. Scerbo, Chairperson Cothen asks RSAC members to look at the meeting handout, "Potential Draft Regulatory Language for (Passenger Equipment Safety Standards) PESS Mechanical Task Force Discussion." He asks for a motion that the full RSAC approve the draft regulatory language changes.

Copies of the Potential Draft Regulatory Language, dated October 26, 2004, were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Fran Hooper (APTA) moves that the full RSAC approve the draft regulatory language changes.

James Stem (United Transportation Union (UTU)) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES REGULATORY LANGUAGE CHANGES TO 49 CFR 238.303(E)(17), 49 CFR 238.5, 49 CFR 238.231(B), 49 CFR 238.313(J), AND 49 CFR 229.31.

Chairperson Cothen thanks members of the Mechanical Task Force for their efforts in drafting the regulatory language changes. He asks Edward Pritchard (FRA Office of Safety) for a report on Event Recorder Working Group activities.

Edward Pritchard (FRA) explains that the Event Recorder Working Group met December 15-16, 2004, to discuss comments that had been received from the Notice of Proposed Rulemaking (NPRM) for Event Recorders. As a result of this meeting, FRA is revising the language in the NPRM. The Working Group will ask the full RSAC to vote on a final rule for Event Recorders at its next scheduled meeting (i.e., May 18, 2005).

Mr. Pritchard asks for questions.

With no questions of Mr. Pritchard, Chairperson Cothen asks Christopher Schulte (FRA Office of Safety) for a presentation on Roadway Worker Protection issues.

Mr. Schulte uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. Also distributed to meeting attendees is a draft document, "Part 214 Subpart C: Roadway Worker Protection Known Issues–Master Matrix," dated January 13, 2005. In matrix form, this document identifies 106 issues by 49 CFR Section 214 break-down, as to issue, discussion/recommendation, whether a Technical Bulletin (TB) has been issued or is pending, whether the issue is active for a future Technical Resolution Committee (TRC) agenda item, and whether there has been a rule change. Also distributed to meeting attendees are photocopies of Roadway Worker Protection (RWP) Technical Bulletins WPS-99-01 through WPS-99-09, which were reissued as Technical Bulletins G-05-02 through G-05-10 on January 10, 2005, and new RWP Technical Bulletins G-05-11 through G-05-30, issued on January 10, 2005. Also distributed to meeting attendees is "RWP Technical Resolution Committee and Bulletins," which summarizes the January 10, 2005, RWP Technical Bulletin topics in matrix form. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Mr. Schulte announces that zero (0) roadway worker casualties were reported in 2004 in functions subject to the "RWP" rule. Severe roadway worker injuries also declined. But the number of technical bulletins and unresolved issues that have resulted from three Technical Resolution Committees (TRC) demonstrate that there are future challenges to maintaining this record. Additionally, more than 70 items exist that have not been considered in the TRC process. He notes that issues and concerns about roadway worker protection (RWP) are continually being raised during compliance activities, FRA inspector training, and external customer inquiries. While the success of RWP regulation is remarkable, he believes that revisions and clarifications to RWP regulations should be considered in order to make RWP regulations even more effective. Mr. Schulte cites the following examples: (1) Regulations do not permit Roadway Workers to be closer than 4 feet to a track when moving equipment is present. However, in tunnels, tunnel niches afford protection to roadway workers from moving equipment, even though the worker may be closer than 4 feet from a track. The rules need to be revised to allow the tunnel niche exception; (2) The RWP rules do not specifically address snow removal or janitorial work at passenger platforms; (3) The RWP rules do not address requirements for roadway worker crews operating in block register territory; and (4) There is no RWP language that details what is considered as maximum authorized train speed and sight distance,



when work crews are present. Mr. Schulte announces that today, FRA will ask RSAC members to undertake a review of RWP issues with a new Task Statement. He asks if there are any questions?

With no questions, Chairperson Cothen asks RSAC members to look at Draft RSAC Task Statement Number 05-01, Review of Roadway Worker Protection Issues. He asks Anna Nassif (FRA Office of Chief Counsel) to assist with changes to the Task Statement.

Anna Nassif (FRA) announces several typographical changes to the Task Statement.

Patrick T. Ameen (AAR) asks for clarification to the announced changes.

With no additional comments, Chairperson Cothen asks for a motion that the full RSAC accept Task Number: 05-01, Review of Roadway Worker Protection Issues.

Mr. Ameen says this process could be lengthy. He asks if the process goes on for 5 years, will this be acceptable as long as the Working Group is giving periodic reports to the full RSAC?

Chairperson Cothen responds that FRA would like the Working Group to set targets and milestones. He again asks for a motion that the full RSAC accept Task Number: 05-01.

Rick Inclima (BMWED) moves that the full RSAC accept new Task Number: 05-01.

Matthew B. Reilly, Jr. (American Short Line and Regional Railroad Association (ASLRRA)) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC ACCEPTS NEW TASK NUMBER: 05-01, REVIEW OF ROADWAY WORKER PROTECTION ISSUES. THE STATEMENT FOR TASK NUMBER: 05-01, AS CORRECTED, WILL BE ENTERED INTO THE RSAC DOCKET AND IS NOT EXCERPTED IN ITS ENTIRETY IN THE RSAC MINUTES.

Chairperson Cothen requests that RSAC members notify either Cynthia Gross (FRA Office of Safety) or Patricia Butera (FRA Office of Safety) within two weeks of their desire to participate in the new Roadway Worker Protection Working Group.

Jeffrey F. Moller (AAR) expresses his appreciation for the work of the TRCs.

Mr. Inclima thanks FRA and Mr. Schulte for their work. The BMWED is thankful that zero fatalities were achieved in 2004 for roadway workers. He hopes that the number of participants in the new Roadway Worker Protection Working Group can be kept to a manageable number. He looks forward to improving the RWP regulations.

Chairperson Cothen adds that he also hopes that the new Working Group can be kept to a small size, but adequately represented.

Chairperson Cothen asks Dennis Yachechak (FRA Office of Safety) for a presentation on the recently issued Safety Advisory: Position of Switches in Non-Signaled Territory.

Dennis Yachechak (FRA) explains that as an initial response to the January 6, 2005, Graniteville, South Carolina, train accident, which resulted in nine fatalities, including one railroad employee, and the January 8, 2005, Bieber, California, train accident in which two railroad employees were injured, FRA issued Safety Advisory 2005-01, Position of Switches in Non-Signaled Territory on January 13, 2005, (70 FR 2455).

Photocopies of the Federal Register Notice of Safety Advisory 2005-01, dated January 13, 2005, and an FRA Office of Safety-prepared "12 Questions and Answers," related to explaining Safety Advisory 2005-01, dated January 26, 2005, were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Railroad operating rules provide that the normal position for a main track switch is "lined and locked" for movement on the main track. Another related rule provides that, where trains or engines are required to report clear of the main track, such a report must not be made until the switch and derail, if any, have been secured in the normal position. Compliance with these railroad operating rules is the critical element in ensuring route integrity for main track movements. Mr. Yachechak details the five recommended actions of Safety Advisory 2005-01. They are: (1) require train crews who operate manual (hand-operated) main track switches in non-signaled territory to report to the dispatcher that the main track switches have been restored to normal position, before reporting clear of the limits of main track authority, such as a track warrant; (2) require the conductor of a train crew operating in non-signaled territory to complete and sign a Switch Position Awareness Form (Form); (3) require that, at the completion of each trip or tour of duty, the original Form be submitted to the designated railroad officials(s), as directed; (4) require that railroad officers review the completed Forms for accuracy; and (5) ensure immediate dissemination of guidance on these revised rules and procedures and of the necessary Forms to all affected operating personnel.

In concluding remarks, Mr. Yachechak describes how major railroads are responding to Safety Advisory 2005-01. He asks for questions.

Timothy DePaepe (Brotherhood of Railroad Signalmen (BRS)) asks how Safety Advisory 2005-01 helps trains operating in dark (non-signal) territory?

Chairperson Cothen says that Safety Advisory 2005-01 is just one way to help enhance safety. It is not an end-all solution.

Mr. DePaepe says that the Graniteville, South Carolina, accident may be an isolated issue. However, the vandalism of switch locks is an issue that should not be overlooked. He notes that "keys" to railroad switch locks are available for sale on the eBay Internet web site.

Chairperson Cothen responds that thousands of switches are operated properly every day. In the Graniteville, South Carolina, accident, the train crew had completed a full day's work before taking that last step, pending the completion of the NTSB Report on the accident.

Robert Harvey (Brotherhood of Locomotive Engineers and Trainmen (BLET)) asks if any railroad with a computer-aided system could add safety checks to their system?

John Drake (AAR–CSX Transportation) comments that his railroad is looking at what can be done with the existing computerized dispatcher platform.

James Stem (United Transportation Union (UTU)) asks if the information on the cause of the Graniteville, South Carolina, accident is conjecture? All three train crew members are adamant that the lock switches were properly aligned and have signed statements saying the switches were properly aligned. He adds there was a prior collision within the past 60 days in the same community. He raises the issue whether switch vandalism is not being examined as a potential cause of the accident.

Chairperson Cothen says that Mr. Stem is correct. The investigation of the Graniteville accident is not yet complete.

John Samuels (AAR) asks that RSAC be careful about what is put into the meeting Minutes regarding the Graniteville, South Carolina, accident. He would restrain what is being recorded because the NTSB is investigating this accident.

Chairperson Cothen says FRA will look carefully at the meeting Minutes.

Mr. Stem concurs that details being expressed about the Graniteville, South Carolina, accident should be eliminated from the meeting Minutes.

Chairperson Cothen says that the meeting Minutes will be examined.

Chairperson Cothen asks Mark Tessler (FRA Office of Chief Counsel) for a comment on Safety Advisory 2005-01.

Mark Tessler (FRA) informs RSAC members that Safety Advisory 2005-01 and the "12 Question and Answer format" handout are "advisory." The two handouts are not "regulatory."

With no additional questions or comments, Mr. Cothen announces a morning break.

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M O R N I N G   B R E A K   11:22 A.M. - 11:44 A.M.

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Mr. Cothen calls the meeting to order. He asks Rick Lederer (Burlington Northern Santa Fe Railroad Company (BNSF)) for a general discussion on BNSF's Electronic Train Management System.

Mr. Lederer uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Mr. Lederer explains that BNSF is using two systems employing Global Positioning System (GPS) satellite technology. The first is Hyrail Limits Compliance System (HLCS). The second is Electronic Train

Management System (ETMS). Hyrail-equipped vehicles, usually operated by maintenance of way employees, have steel flanged wheels that can be lowered onto rails allowing a "highway vehicle" to be driven on track. The vehicle is guided along the track just like a train. Despite existing rules on hyrail vehicle use, there has always been a safety concern about warning hyrail vehicle operators of approaching trains. Under "Migration Path," Mr. Lederer explains that BNSF began implementing a HLCS pilot project in the Fall 2001 and after supplementing its telecom network with a low band wireless radio network, began installing the system in hyrail vehicles in the Fall 2002. Equipped hyrail vehicles receive a light and alarm warning of an authority limit within one mile of the limit. There are also proximity warnings for multiple hyrail vehicles operating near each other, even when no trains are present. Under "Hyrail Limits Compliance System (HLCS)–Status," 1,700 hyrail vehicles have been equipped with HLCS through 2004. 1,000 additional BNSF hyrail vehicles are to be equipped in 2005. In 2004, there were 27 reports of HLCS-equipped hyrail vehicles exceeding authority: 14 for movements beyond limits; 6 for track warrant control (TWC) roll-ups (due to wrong mile post number); 4 for authority revoked by a dispatcher; and 3 for missed repeats.

Under "Electronic Train Management System (ETMS)–What is It?" Mr. Lederer defines ETMS as a safety-overlay system that works in conjunction with existing methods of train operations. ETMS enforces compliance with existing methods of operation and rules. ETMS provides a "safety net" for train operations while retaining the existing operations and rules as a primary means of train control. Finally, ETMS enforces compliance with train movement authorities, speed restrictions, and work zones. Under "ETMS–How Does It Work?" ETMS integrates and interlocks information from existing systems that affect the safe movement of trains into the cab of the locomotive. ETMS is comprised of four segments: (1) office segment; (2) communication segment; (3) locomotive segment; and (4) wayside segment.

Mr. Lederer shows a short video, which depicts how the four ETMS segments interact.

Under "ETMS–Benefits," the safety-related benefits of this system include: (1) avoidance of train-to-train collisions; (2) enhanced roadway worker protection; (3) speed compliance; (4) broken rail protection; and (5) switch position verification. Under "Pilot Overview," BNSF signed a contract on July 10, 2003, to install an ETMS testbed on 134 miles of track between Beardstown to Centralia, Illinois, (i.e., the Beardstown Subdivision). This is single line track with 10 passing sidings. There are 72 wayside devices, 35 switch sites, 33 combined switch and signal sites, and 2 broken rail detection circuits. Fifty (50) locomotives were initially equipped with ETMS equipment. Under "ETMS–Testing Status," system testing was completed on July 2, 2004. Under "ETMS–Program Status," the pilot operations began operations on October 12, 2004, broken into three phases. Under "ETMS Program to Date," 38 train engineers are qualified to operate ETMS-equipped locomotives, 539 ETMS train movements have occurred through January 20, 2005. 6,300 track warrants have been delivered by ETMS to equipped trains, 5,700 of which were delivered while the train was enroute. There were 7,000 speed restrictions issued by ETMS to equipped trains.

Mr. Lederer asks for questions.

Dennis Mogan (AAR) asks how much of the location determination system is ground-based versus satellite-based?

Mr. Lederer responds that the location determination system is all satellite-based.

Robin Buxton (International Brotherhood of Electrical Workers (IBWE)) asks how far apart are the base stations? Have there been any outages?

Mr. Lederer responds yes, there have been outages. However, BNSF installed more base stations, which corrected the outage problems.

Preston Claytor (AAR) asks what ETMS would do to prevent an open switch in dark territory?

Mr. Lederer responds that ETMS will show all switches and all tracks in covered territory.

With no further questions of Mr. Lederer, Chairperson Cothen says the ETMS Project has been an interesting and impressive project. He thanks Mr. Lederer for being at today's RSAC meeting.

Mr. Lederer responds by thanking FRA for its help and guidance.

Chairperson Cothen asks David Johnson (National Association of Railroad Passengers (NARP)) to make an announcement.

David Johnson (NARP) announces that NARP is accepting nominations for the annual Dr. Gary Birch Safety Award. He encourages RSAC members to submit nominations by the February 28, 2005, deadline. The nominations can be sent to the following Internet E-Mail address: [NARP@NARPRAIL.ORG](mailto:NARP@NARPRAIL.ORG)

Kathryn Waters (APTA) also wishes to make an announcement. APTA is holding a Commuter Rail Conference on April 3, 4, and 5, 2005, in Los Angeles, California. She encourages all RSAC members to attend this conference.

With no additional comments or questions, Chairperson Cothen announces the lunch break.

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LUNCH BREAK 12:10 P.M. - 1:20 P.M.

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Chairperson Cothen reconvenes the meeting. He introduces Arnel Rivera, who joined FRA on January 24, 2005, as the new Staff Director for the Office of Safety Analysis, Systems Support Division. He is the new manager of FRA's Railroad Safety Information Systems databases, the Safety Internet web sites, the Project Manager of FRA's Regional Information Technology (IT) Specialists, and Chairman of the Capital Planning Working Group. Mr. Rivera previously served as project manager for the Indus Corporation, AMB Associates, Inc., and INET, Inc. managing the Office of Safety IT projects. He is very familiar with FRA's Safety databases and has worked closely with many people at FRA. Mr. Rivera replaces Robert Finkelstein, who will be serving as a special assistant to the Director of the Office of Safety Analysis.

Chairperson Cothen asks John Conklin (FRA Office of Safety) for a report on remote control locomotive (RCL) operations.

Mr. Conklin uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

John Conklin (FRA) explains that an Interim Report on Remote Control Locomotive (RCL) Operations was submitted to Congress in May 2004. RCL operations are currently used in some rail yard-switching operations. Based on data for a seven month period, RCL train accidents were 13 percent lower than conventional train operations and RCL employee injuries were 57 percent lower than conventional train operations. A Final Report to Congress on RCL Operations is being prepared with a May 2005 target date for submission. Under "Final Report–May 2005," the following issues are being addressed: (1) operating RCLs on main line track; (2) Remote Control Operators (RCO) riding cars–RCOs should not ride cars; (3) point protection/remote control zone (RCZ) procedures; (4) remote camera protection at highway-rail grade crossings; (5) electromagnetic field (EMF) emissions; (6) security of RCL operations; (7) configuration management (revision control)–some of the portable "belt packs" have been modified; and (8) accident/incident data analysis, which is still ongoing. Under "FRA Concerns," Mr. Conklin outlines the following: (1) operating rules compliance, particularly point protection, where there is a failure to observe track in front of the RCL movement; (2) RCZ procedures (i.e., there have been many modifications over a short time period; there is incomplete information concerning RCZ conditions; and there are inconsistencies throughout the industry); (3) situational awareness–a significant problem, whereby RCL operators can move locomotives without any sense that the locomotive is moving; and (4) configuration management.

Mr. Conklin asks for questions.

Mr. Inclima (BMWED) asks what are (remote control) "zones?" What marks a "zone?" How do people know there is a (remote control) "zone?"

Mr. Conklin responds that most zones are outside of a railroad classification yard. Most railroads mark the zones with signs. The signs says: "Do not operate outside of this zone."

Mr. Inclima asks if there is always a Yard Master present?

Mr. Conklin responds that the presence of a Yard Master varies by railroad. The RCO will physically look at the area. The RCO will contact the Yard Master, who will establish the "zone." Then anyone wishing to enter the "zone" would need to contact the RCO first, in order to enter the "zone."

Mr. Inclima asserts that if RCOs are in yards, then it is every man for himself. Wherever RCL operations eventually go, other than train-to-train, issues exist. Therefore, he believes, other railroad crafts need to be brought-in to address these issues.

Mr. Conklin agrees with Mr. Inclima.

Ted Lewis (AAR) says that the Union Pacific Railroad is in the process of including other railroad crafts in discussions to address these issues.

Question from Meeting (non-RSAC member) Attendee–Are there security issues associated with RCL operations?

Chairperson Cothen responds that FRA is satisfied that there are safeguards to insure that the operator of the RCL equipment is the only one that can operate that equipment. He adds that FRA is trying to assess many topics before moving the Final RCL Report forward.

Robert Harvey (BLET) acknowledges that RCZs are the best solution that has been put forward. However, there are problems with RCZs. He asks: (1) How does one know that the locomotive is operating just within the RCZ? (2) How does one know that switches have not been moved? He believes that RCZs are a fuzzy layer for point protection.

Robin Buxton (IBEW) asks what radio frequencies, or bandwidth are being used in RCL operations?

Jeffrey Moller (AAR) says that the railroad industry has 220 MHz assigned for this purpose. However, some RCL operations are using 450-470 MHz and General Electric units are operating at 900 MHz.

Ms. Buxton asks what happens if there are communication problems?

Mr. Conklin responds that if there is any glitch, or mis-communication, the locomotive stops. If something goes wrong, the locomotive stops.

Chairperson Cothen has found this discussion helpful. He notes that if RCL operations creep onto the main lines, there is an issue concerning train air, and how to handle train air brake issues. He asks if there are any more questions?

With no further questions, Chairperson Cothen asks Alan Misiaszek (FRA Office of Safety) for a presentation on Medical Standards for railroad employees.

Mr. Misiaszek uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. Also distributed to meeting attendees is *Medical Standards for Railroad Workers*, Final Report, dated January 2005. This report presents the results of a study to investigate the feasibility of implementing a medical standards program for U.S. railroad workers, prepared by a contractor, Foster-Miller, Incorporated. In addition, RSAC members received a Compact Disc (CD) version of the report. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Alan Misiaszek (FRA) begins his presentation by identifying the members of the project team. From FRA, the members are: Grady Cothen, Alan Misiaszek, Tom Raslear, and Christina McDonald. From Foster-Miller, the members are: Judith Gertler, Natalie Hartenbaum, Alex Viale, Ellison Wittels, and Sharon Ellis. Under "Objectives" for the study, the project team (1) assembled information to assess need for medical standards in the railroad industry; (2) formulated options for a medical standards program; and (3) made recommendations on the feasibility and appropriateness of a medical standards program for the U.S. railroad industry. Under "Why are we doing this?" there are many jobs in the railroad industry where workers perform tasks that would be considered "safety-critical." The tasks require certain physical and mental capabilities to be un-impaired by medical conditions that could lead to sudden incapacitation. Sudden incapacitation of employees doing these tasks could lead to immediate harm to themselves, other

employees, or the public. There is a potential population of 101,894 safety-sensitive railroad workers (46 percent of the total rail industry work force of 225,500 employees). The majority of rail employees are older than age 45. The majority of chronic medical conditions in the United States, i.e., all heart disease, hypertension, diabetes, and arthritic symptoms, are concentrated in age groups above age 45. Also, under "Why are we doing this?" FRA hopes to answer the following: (1) Is there a need for publicly-led, or administered, medical standards for the railroad industry? (2) How compelling is the need? (3) How narrow/broad should the standards be? (4) Who will be covered? (5) Who determines the criteria? (6) Who decides fitness for duty? And (7) What appeals process is appropriate? Finally, under "Why are we doing this?" FRA needs to respond to the following NTSB Recommendations: (1) Develop a standard medical examination form that includes questions regarding sleep problems and require that the form be used, pursuant to 49 CFR 240, to determine the medical fitness of locomotive engineers; the form should also be available for use to determine the medical fitness of other employees in safety-sensitive positions (R-02-24). (2) Require that any medical condition that could incapacitate, or seriously impair the performance of an employee in a safety-sensitive position be reported to the railroad in a timely manner (R-02-05). And (3) Require that, when a railroad becomes aware that an employee in a safety-sensitive position has a potentially incapacitating or performance-impairing medical condition, the railroad prohibit that employee from performing any safety-sensitive duties until the railroad's designated physician determines that the employee can continue to work safely in a safety-sensitive position (R-02-26).

Under "U.S. DOT Modal Administrations Medical Standards Programs Summary," (1) The Federal Aviation Administration's (FAA) program is the most centralized, comprehensive, and resource intensive; (2) The FAA, U.S. Coast Guard (USCG), and Federal Motor Carrier Safety Administration (FMCSA) have procedures for allowing employees to work, who do not meet some regulations/guidelines; (3) FRA allows a railroad's chief medical officer (CMO) and the designated supervisor of a locomotive engineer to decide whether the employee can work; (4) The FAA's airline pilot appeals process includes the NTSB and courts; (5) The FRA's locomotive engineer appeals process includes FRA's Locomotive Engineer Review Board and the courts; (6) The USCG and FMCSA allow any state-licensed healthcare practitioner to perform an exam; (7) The FAA and FRA require a physician to perform the exam; and (8) All agencies provide some level of guidance to examiners. Under "What Other U.S. DOT Modal Administrations Cover," FRA's current regulations do not require a locomotive engineer's examination to evaluate as many medical areas as other transportation mode requirements. Under "Foreign Railway Agencies/Organizations Medical Standards Programs Summary," (1) All countries examined have more extensive medical standards programs than the U.S.; (2) Mexico's program is the most centralized; (3) Australian, Canadian, and United Kingdom programs allow railroads to select examiners and make the final determination of medical fitness; (4) Railroad and labor representatives were both involved in the development of Canadian and Australian standards; (5) Canada and Australia allow railroads discretion in identifying safety-sensitive positions; and (6) Canada and Australia have public welfare systems to cover medically-disqualified workers. Under "Current Practices in U.S. Railroad Industry: Procedures," (1) Some provide job descriptions to physicians; (2) Most have no written standards; (3) New Jersey Transit and Norfolk Southern Corporation require periodic medical examinations; (4) The process for the reporting of medical conditions does not clearly define drugs that must be reported; and (5) The process for reporting the use of prescription drugs does not clearly define conditions that must be reported. Under "Legal Considerations to be Addressed in any Rulemaking," (1) Union participation in program development will comply with any obligations under the Railway Labor Act and facilitate acceptance in future negotiations; (2) The current tripartite board and arbitration/grievance process available to address disputes from decertified employees; and (3) Providing



an examiner with a brief description of an employee's job responsibilities minimizes grounds for subsequent disputes. Under "Conclusions," (1) The need exists for a consistent industry-wide medical standards program; (2) The U.S. Railroad medical standards program is significantly less comprehensive than those of other DOT modal agencies and foreign countries; and (3) The Medical literature supports performance impairment from hypoglycemia and certain medications; there is some support for other conditions.

Mr. Misiaszek next outlines the recommendations from the contractor that prepared the report, Foster-Miller, Inc. The contractor recommendations are: (1) FRA should expedite program development; (2) A group representing stakeholders should be assembled to recommend program structure; (3) The program should have generally-stated regulations with supporting medical guidelines; (4) FRA should use existing resources and processes, i.e., RSAC, to facilitate program development and implementation; and (5) The program must assure that examiners understand job requirements of safety-sensitive positions.

Mr. Misiaszek identifies the principal program elements as follows: (1) Identification of job positions that will be covered; (2) Definition of medical criteria; (3) Development of medical criteria; (4) Determine the timing of medical examinations; (5) Determine who will perform the medical examinations; (6) Provide guidance for medical examinations; (7) Provide guidance for medical waivers; (8) Discuss the transferability of medical certification; (9) Provide for dispute resolution; (10) Provide for a transition period to the new system; (11) Provide for the periodic audit of medical examinations; (12) Provide program oversight; (13) Provide for the periodic review of medical standards; and (14) Provide measures for program evaluation.

Under "Benefits to the Carriers," implementation of a medical standards program for safety-critical railroad employees could provide the following: (1) Protect assets and training investments; (2) Reduce the potential for losses from accidents due to health-related performance decrements; and (3) Provide consistent objective criteria for fitness-for-duty decisions. Under "Benefits to the Labor," implementation of a medical standards program for safety-critical railroad employees could provide the following: (1) Prevention and or early detection of illness; (2) Privacy and employment protections; and (3) Provide consistent objective criteria for fitness-for-duty decisions. Under "Benefits to the Public," implementation of a medical standards program for safety-critical railroad employees could provide the following: (1) Safer railroad operations; and (2) Reduced risk of accidents due to unrecognized railroad employee medical conditions.

Mr. Misiaszek asks for questions.

Lawrence Mann (UTU) says that the presentation on medical standards for railroad employees assumes that the railroad industry is not doing the job now. He cites an example from the handout report, *Medical Standards for Railroad Workers*, in which 10 railroad employees suffered a fatal heart attack, during the January to October 2004, time frame, due to an existing medical condition (see Page 102, Chapter 5.4 FRA Employee-on-Duty Fatalities). He asks if FRA is going to eliminate death from natural causes?

Chairperson Cothen responds that death that is not caused by "other than natural causes," is just that. The truth of the matter is that FRA does not know the relationship between stress and a heart attack. Also, there are a lot of train accidents for which we do not have an answer. Some are due to fatigue; some are due to engineer impairment following the ingestion of over-the-counter or prescription medications.

Faye Ackermans (AAR) asks for clarification about the graphic presentation on viewgraph 25, "Applicability of Existing Medical Standards Regimes to U.S. Railroad Occupations."

Judith Gertler (Foster-Miller, Inc.) provides clarification.

Timothy DePaepe (BRS) references viewgraph 30, and the option to designate railroad employees subject to any proposed rules as those defined in safety-critical positions under 49 CFR 209.303. He says this definition covers just about every railroad employee.

Mr. Misiaszek agrees.

Mr. DePaepe asks for clarification under "Benefits to Labor." He does not see how employee privacy is protected. For example, he says, if an employee is taking the drug, Lipitor, to lower high cholesterol and prevent a heart attack, how will "privacy" be protected?

Chairperson Cothen says FRA differentiates "safety-sensitive" employees versus "Hours-of-Service Act" employees. FRA might not apply the same standards to "safety-sensitive" and "safety-critical" employees.

Robin Buxton (IBEW) says one of the biggest problems among railroad employees is stress. Each railroad craft deals with stress differently. Unless there is a good working relationship with managers the stress problem can be made worse. She adds that many railroad employees do not trust FRA or railroad management. These employees only trust other craft members.

Chairperson Cothen says that being examined by a railroad medical officer may result in some sort of action if a condition, such as snoring, is impairing the employee to perform safety-critical work.

Mr. Harvey (BLET) believes the origin of Chairperson Cothen's example was a train accident in Michigan, which resulted in two of the NTSB Recommendations involving sleep disorders. He believes that many diseases are "lifestyle diseases." He does not see how this proposal will alter lifestyle diseases.

Patrick Sullivan asks what is the status of FRA's Safety Advisory on sleep disorders?

Chairperson Cothen says he does not wish to discuss this topic in the middle of a meeting agenda item; he will discuss the Safety Advisory with Mr. Sullivan during a meeting break.

Greg Pardlo (American Train Dispatchers Department (ATDD)) says the presentation has demonstrated that the railroad industry work force is aging and that an aging work force may be susceptible to a number of diseases that could impair performance. However, at the same time, the aging work force possesses knowledge and work experience that is invaluable to the railroad industry. If medical standards are not carefully adopted and implemented, the railroad industry may lose important expertise, if the aging workers are forced to retire. He knows employees in their 70s, whose loss would be unfortunate.

Chairperson Cothen agrees that this topic needs to be approached with caution.

Robin Buxton (IBWE) reiterates that employee mistrust of management motives is a major concern. She gives an example of an employee who had been working a particular shift for 40 years. When changed to a different shift, the employee was found sleeping on the shift and fired.

With no further questions or comments, Chairperson Cothen asks RSAC members to review *Medical Standards for Railroad Workers*, Final Report, dated January 2005, and to submit comments to FRA.

Chairperson Cothen asks Mark Tessler for an announcement.

Mark Tessler (FRA) informs RSAC that the U.S. DOT will issue a Public Notice shortly, in which the public will be asked to comment on the Department's and its related Agencies' regulatory process. The Public Notice will request comments on the need for new rules or the need to review existing rules.

Chairperson Cothen asks Miriam Kloeppel (FRA Office of Safety) for a presentation on Updating the DOT National Highway-Rail Grade Crossing Inventory File.

Ms. Kloeppel uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Miriam Kloeppel (FRA) explains that she is substituting for Ron Ries (FRA Office of Safety Staff Director Highway-Rail Crossing and Trespasser Division), who was asked to assist with the NTSB's investigation of the Metrolink Commuter Rail accident that occurred today, shortly after 6:00 am in Glendale, California, (i.e., January 26, 2005). Under "Background," Ms. Kloeppel outlines the following: (1) Data collection for the original inventory started January 1, 1975; (2) the Crossing Inventory File contains both current and historical records; (3) Currently, there are 1.8 million records in the Crossing Inventory File; (4) In 1975, there were 365,000 at-grade highway-rail crossings; (5) In 2003, there were 250,000 at-grade highway-rail crossings, the reduction due in part to an aggressive campaign to either close or grade-separate highway-rail crossings; (6) Each year, 80,000 to 100,000 updates are made to the Crossing Inventory File; (7) Crossing Inventory File changes are received from all 50 States and 650 railroads. As further background information, "Establishing a National Database" shows that between 1972-1974, the AAR, ASLRRA, States, the Federal Highway Administration (FHWA), the National Highway Traffic Safety Administration (NHTSA), and FRA developed the DOT/AAR Crossing Inventory Numbering System, whereby a unique number is assigned to each highway-rail crossing. FRA is the custodian for the National Inventory Data File. FRA only updates the Crossing Inventory File with data submitted jointly by States and Railroads. Under "Purpose & Goals," (1) the Crossing Inventory File provides information to governments and railroads for safety improvement, (2) can be merged with data from accident files to plan safety improvements—FRA has developed an accident prediction model, and (3) the Crossing Inventory File supports Homeland Security efforts and is critical for the Emergency Notification System (ENS) (1-800) Program. Under "How it Works," the Crossing Inventory File is a voluntary program. Every crossing has a unique DOT crossing number, which consists of six (6) digits followed by an alphabetical character. The unique number in the Crossing Inventory File coincides with information on crossing location, classification, physical characteristics, traffic control devices, railroad data, and highway data. The responsibility for posting the crossing number on an aluminum motorcycle license-plate-size sign on both sides of the crossing rests with the railroad. Under "Requirements (for the program to work)," every railroad and appropriate State agency needs to maintain

an inventory of all crossings. Each crossing must be assigned a DOT Crossing Inventory File Number, which in turn must be posted at the crossing. The DOT Crossing Inventory File Number is required on all FRA Accident Reports. Under "Initial Numbering and Filing," initial filing responsibility falls to the operating railroad. For public at-grade crossings, the operating railroad should complete Parts I-IV of the Crossing Inventory Form (FRA F6180.71 U.S. DOT Crossing Inventory Form) and forward the Form to the appropriate State to complete Part V. For private at-grade crossings, the operating railroad should complete Part I of the Form, send a copy of the Form to the appropriate State, and send the original Form to FRA. FRA only accepts inventory updates from State inventory contacts, or railroad industry contacts. Under "Responsibility for Updating," both railroads and States have a responsibility to update the inventory any time the characteristics change for a crossing. As a minimum, the crossing characteristics should be reviewed and updated at least every three years to keep the File current. However, for quiet zones, the responsibility for keeping the crossing inventory data current rests with the public authority for the quiet zone. Under "Updating for States and Railroads," railroads should always send a copy of FRA Form F6180.71 to States, and States should always send a copy of FRA Form F6180.71 to railroads. Ms. Kloepfel next describes a three-step process for States and Railroads to make an initial filing of Form F6180.71. She then describes a three-step process for Public Authorities to file Form F6180.71 for quiet zone crossing inventory updates. Under "Current Availability of Data," there are the following options: (1) Current and historical records can be found at <http://safetydata.fra.dot.gov/officeofsafety/> in a database (i.e., .dbf) file format. (2) Records can also be obtained from FRA's contractor, CITI, in an Access (i.e., .mdb) file format. (3) Finally, there is an Internet Web-Based Accident Prediction System whereby the number of accidents for a particular crossing will be predicted after entering the highway-rail grade crossing inventory identification number. Under "Inventory Improvements," a revised Form F6180.71 was approved by the Office of Management and Budget (OMB) on March 14, 1999. The form contains 32 new data elements. If railroads or States have not updated crossing data for every crossing, subsequent to March 14, 1999, the National Crossing Inventory File will not contain the additional 32 new data elements for every crossing. Though maintaining the Crossing Inventory File is voluntary, legislation has been offered to make updating mandatory on both States and railroads. Under "Conclusions," the Crossing Inventory File is an important tool. FRA will continue to improve updating procedures. However, FRA needs the assistance of States and railroads to keep the Crossing Inventory File up-to-date.

Ms. Kloepfel asks for questions.

Bill Browder (AAR) comments that there are issues with the inventory Forms. The 1992 Form can still be found on the Internet. He believes that FRA should take the 1992 Form off the Internet and make certain that only the 1999 Form can be accessed. He learned from today's presentation that an individual making an accident report should match the information with the Crossing Inventory File. Does FRA want the railroad industry to do this?

Chairperson Cothen responds that an accident/incident report needs to contain current information about an accident/incident, whether or not it contains correct Crossing Inventory File information. He adds that everything cannot be "real time" all the time.

Mr. Browder says that with the new Forms, FRA assigned responsibility for updating the Forms to States and railroads. However, he adds, the railroad industry has an interest in limiting its liability should information in the "voluntary" Crossing Inventory File be inaccurate.

Chairperson Cothen concludes by saying that FRA has a customer service obligation to bring this issue before RSAC.

With no further questions, Chairperson Cothen updates RSAC Members on the commuter rail accident that occurred just after 6:00 am today in Glendale, California. The accident involved two Metrolink commuter rail trains and a Union Pacific freight train at a highway-rail grade crossing where a motor vehicle was left in the path of one of the commuter trains. There have been 9 reported fatalities (subsequently, 11 victims were reported to have died) and while the media have not reported on injuries, Mr. Cothen is certain there will be injuries (there were approximately 200 injuries). He says it has been a rough time for Metrolink.

Chairperson Cothen reports on other RSAC Working Group activities. For Occupational Noise Issues, FRA thought this task would be relatively easy—adopt Occupational Safety and Health Administration (OSHA) standards. But it has not been easy. Next month, the Working Group will meet in San Francisco to go over comments received on the proposed rule. FRA will work through this rule as quickly as possible. For Locomotive Crashworthiness, FRA is working through comments received on the proposed rule and will get back to the Working Group as soon as possible.

Patrick Ameen (AAR) comments that the AAR will adopt the enhanced S-580 standards for locomotive crashworthiness, which should help with FRA's rule.

Chairperson Cothen thanks Mr. Ameen. FRA is looking forward to a final rule for locomotive crashworthiness.

Chairperson Cothen continues. For Positive Train Control (PTC), after a long clearance cycle, FRA's Rule for PTC has been released. The Agency's Acting Administrator will now look at this rule. Following publication, we will call the PTC Working Group back to look at the rule. When the Working Group looks at the rule, it will look familiar.

Rick Inclima (BMWED) has a concern about roadway maintenance of way machines, particularly as it applies to the environment control section (49 CFR 214.505, Required Environmental Control and Protection Systems for New On-Track Roadway Maintenance Machines with Enclosed Cabs). He asks if the Industrial Hygienists can be brought up to speed on these requirements?

Alan Misiaszek (FRA) responds that there is a process in place to bring everyone up to speed on this issue.

Chairperson Cothen adds that FRA now has three Industrial Hygienists on board to help with these issues.

Robert Harvey (BLET) says that BLET members are interested in addressing the issue of vibration under the Locomotive Cab Working Conditions Working Group.

Chairperson Cothen responds that vibration and other issues will be addressed.

With no further questions, Chairperson Cothen asks if there are any corrections to the Minutes for the 24<sup>th</sup> RSAC Meeting? He asks for a motion to approve the Minutes for the 24<sup>th</sup> RSAC Meeting.

Robert Harvey (BLET) moves that the Minutes for the 24<sup>th</sup> RSAC Meeting be approved.

John Grundmann (AAR) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE MINUTES FOR THE 24<sup>TH</sup> RSAC MEETING ARE APPROVED.

Chairperson Cothen asks for a date for the next RSAC Meeting. After a brief discussion, Chairperson Cothen announces that FRA will try to arrange the next RSAC Meeting for May 18, 2005, in Washington, D.C.

With no further business, Chairperson Cothen adjourns the 25<sup>th</sup> RSAC Meeting at 3:32 p.m.

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M E E T I N G   A D J O U R N E D   3:32 P.M.

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*These minutes are not a verbatim transcript of the proceedings. Also, Microsoft PowerPoint 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 their entirety in the minutes.*

Respectively submitted by John F. Sneed, Contractor.