

Prepared Remarks for FRA Administrator Allan Rutter Before the 22nd Meeting of the Railroad Safety Advisory Committee December 2, 2003

Introduction and Opening

- Good morning. Thank you again for being here, **and** for your ongoing commitment to improving railroad safety.
- My remarks will be *brief* this morning; and I'll close with a request for your comments and suggestions on how FRA can best advance the safety and efficiency of rail transportation.
- So jot down a point or two on your note pads, and in the meantime I'll try to cover the following:
 - ↳ First, I'll give you my take on the *State of the RSAC*. I hope you will provide feedback and share your impressions as well;
 - ↳ Second, I'd like to remind you of an important opportunity to help us promote highway-rail crossing safety;
 - ↳ Third, I'll briefly discuss a sensitive issue; remote control locomotive operations; and finally
 - ↳ The current state of rail system security and the challenges we face in addressing vulnerabilities along the nation's railroad system.

State of the RSAC

- I know some of you may have trouble believing this, but our staff is especially sensitive about some things. They worry even when everything goes well, so it should come as no surprise that some of this has rubbed off on me.
- We all want the RSAC to achieve continued success.

- In prior talks, I have described the importance of choosing our issues carefully, proceeding toward our objectives at a brisk pace, and not getting hung up on the minute details if we have the basics down. This is the much-discussed 85% rule.
- At our meeting in May, I also carefully explained that we are under special instructions to move each of our regulatory projects forward to the next step by springtime, and that we have set out to do so in a way that doesn't leave everything until the end.
- That has put us at crunch points on several projects, and we are concerned that this may unnecessarily result in miscommunications, or worse, loss of trust or confidence in one another.
- In the **PTC Working Group**, for instance, we pushed to the last possible moment, a productive discussion of the storied "base case issue," which in the end, we were not able to settle through consensus. That didn't alarm us because we know we can't *always* agree.
- But we were bewildered last August when the full Committee rejected consensus recommendations on *lesser issues*—which together didn't amount to much. Was August as rainy and depressing all over the country as it was here in D.C.?
- In the **Event Recorder Working Group**, we had another photo finish on the NPRM, progressing the conversation at the very last minute. Mind you, we'll happily take a consensus on a difficult issue any time, but we came very close to giving up and going our own way. That would have deprived us of very useful insights, and the document would have been less for it. Let's vow not to cut it that close next time.
- In the **Locomotive Crashworthiness Work Group**, we struggled for awhile because the penultimate draft of the accompanying industry standard is not yet available. We have to move forward anyway, and hopefully we will all arrive at the same place at the same time.
- Here's my point: *RSAC does not have to succeed all the time to be effective and useful as a forum for railroad safety!*

- We do learn a great deal even when we fail to achieve consensus.
- *However, RSAC does need to succeed often enough, over a broad range of issues, to sustain confidence and trust among of all of us, that our ongoing conversations are aimed toward and do in fact enable us to find solutions!*
- For now, let's chock-up our current woes to the peculiarities of the individual proceedings; the disruptions associated with bad weather; and the unforgiving workload carried by those who have to organize the industry's response to "FRA's last draft."
- It's likely that some of you have forgotten or think I didn't really mean to keep my promise that FRA will actually move forward on these matters.
- So let's take heart at the progress we can show; and consider for a moment the successes we have achieved.
 - A final rule on **Performance Standards for Processor-Based Signal and Train Control Systems** is progressing through review and clearance in the Executive Branch.
 - Thank you for creating such a **bold** and **innovative** piece of work. I think you will see that, even where we have disagreed, we have listened and taken your perspectives into consideration. FRA staff have started work on an implementation plan.
 - As I said we would in May, FRA has published a final rule on **Roadway Maintenance Machines**.
 - Staff members are putting the final touches on supporting regulatory documents to accompany the notice of proposed rulemaking on **Occupational Noise Exposure for Railroad Operating Employees**, which the committee has approved.
 - You will see this published soon, and the **Cab Working Group** will be asked to review any comments and help us resolve them early in the coming year.

- The **Passenger Safety Working Group** is off to a good start, having already established initial priorities and an organizational structure.
- There are times, of course, when we it's necessary to fold up the tent and go home. It's surprising that the *Blue Signal* issue presents such an occasion. I'm told that the Blue Signal Working Group was comprised of extremely able railroaders who labored very hard to produce long-needed revisions. But, after careful consideration of the options, we are withdrawing this task. There are basically four reasons for this:
 - First, as we looked at the statutory framework, we found that we had less flexibility than was initially assumed as the working group searched for new approaches.
 - Second, it had become clear that the group was not trending toward an overall consensus on the issues. Fissures were appearing even in places one would not have expected them.
 - Third, we were unable to discern an approach to the issues that we felt could be embraced by the group as a consensus product.
 - Finally, the regulations as we know them today are working well, measured by bottom-line safety results.

This is not to say we won't return to this topic at some future date. But, for now, we will set it aside; and we will consult with you informally before offering any future task addressing the same issues.

Thanks to the members of the Blue Signal Working Group for their hard work.

- Meanwhile, FRA has been busy with other regulatory work, as well. The final train horn rule is undergoing final clearance within the Executive Branch.

Highway-Rail Crossing Safety

- At our meeting last May, Brian Gilleran briefed you on the new Secretarial Action Plan that has been requested by the appropriations committees for

submittal with our 2005 budget this coming February. Ron Ries will provide an update today.

- We welcome the chance to take stock of accomplishments and point the way to achieve further reductions in the number and severity of crashes and casualties at grade crossings. In addition, we want to identify effective strategies to combat railroad trespassing.
- I am *stirring the pot* within DOT to get more intermodal participation in these efforts. Some of you have already contributed ideas.
- I strongly encourage *all of you* to participate as we conclude this effort. The 1994 Action Plan provided a coherent policy framework that made possible a lot of progress at the Federal, State and local levels. Secretary Mineta looks forward to becoming the champion of a **new charter** for highway-rail crossing safety. Help us make it the best it can be.

Remote Control Locomotive Operations

- On behalf of the Senate Commerce Committee, Chairman McCain and Senator Hollings have asked FRA to perform an audit of remote control locomotive operations, providing initial findings in 6 months and a final report in 18 months.
- FRA has been closely monitoring implementation of this technology.
- The scale and variety of these operations has grown to the point that a more formal review and report should be especially helpful to us in assessing the need for additional enforcement or regulatory actions.
- Revised accident/incident reporting requirements are helping us collect better information on incidents involving remote control technology.
- I trust railroads are taking care to ensure the quality of this data, and we look forward to reviewing it with you.

- Last year I requested that railroads currently using remote control technology to formally designate individuals to serve as points of contact on remote control issues.
- The AAR and ASLRRA have helped organize these individuals into an informal task force intended to help coordinate identification and resolution of safety issues that are related to such operations.
- FRA has had several very productive meetings with this group. In our ongoing examination of remote control operations, we have found much to praise and several areas of concern that we have brought forward for action.
- As we go forward with the audit, I want to encourage those railroads that have deployed remote control operations on their systems to take a good look at their programs and consistency of implementation.
- We have also worked hard to gain the input of rail labor on remote control issues. After all, it is their members who are most affected by the safety of remote control operations.
- Recently, we circulated to the UTU and BLE a simple, user-friendly form for railroad employees to notify us about accidents and incidents related to remote control operations.
- Furthermore, we have provided the names, addresses and phone numbers of all of our regional Operating Practices Specialists to expedite our investigation of alleged remote control incidents.
- Let's keep the channels of communication open among labor, management and FRA to ensure technology is used wisely and well.

Security

- I want to close, by briefly discussing what has become perhaps the most pervasive and important challenge facing our Nation today – Security. As you may have heard, President Bush has extended the National State of Emergency that was declared after 9/11.

- Security has become a top priority for virtually every Department in the Federal government and, Secretary Mineta has been particularly forceful in directing DOT's efforts to protect the security interests of our transportation network.
- The railroad industry has won high praise in the security community for proactively conducting risk assessments to identify potential vulnerabilities and for developing security contingencies to mitigate those vulnerabilities.
- The Department of Homeland Security (DHS) has been tasked with developing a *National Security Plan*. We anticipate that the Transportation Security Administration, which is now a part of DHS, will be responsible for developing the transportation components of the national security plan.
- We have pledged to support TSA in these efforts by providing technical guidance and expertise regarding railroad issues. We hope that a National Security Plan can incorporate and build upon the enhancements already completed by the industry.
- **We really do not have any details to share with you at this time about this endeavor. However, once we have received more guidance from TSA, we will be contacting you.**
- To successfully protect the security interests of the railroad industry, we must have the active involvement of all stakeholders. In the spirit of inclusiveness, I am pleased to announce that a rail labor representative has been designated to join us in our **Railroad Security Working Group**.
- Mr. Ray Cobb, the Railroad Director of the International Brotherhood of Electrical Workers will represent rail labor on the group. Ray will facilitate communications between the Working Group and rail labor. He will also be privy to both classified and non-classified information involving railroad security.
- By working together, I am convinced that we can successfully meet the security challenges that lie ahead of us. As you have heard many times before, when it comes to security, failure is not an option.

Close

- It really is both a privilege and a pleasure to speak before you.
- The RSAC has come a long way! And as you and the stakeholders you represent demonstrate so often, even when **we** don't achieve consensus, we can still succeed as an industry.
- We can still succeed in reducing the actual number of reportable events on railroads, big and small.
- We can still succeed in adopting to change, to doing business in new ways, and to keeping an open mind as we discuss the important matters before you.
- My commitment to and belief in the RSAC process is stronger than ever.
- And to each of you here; the face of and brains behind the RSAC, I want to thank you for making this process worthwhile.
- Thanks for your attention this morning. I look forward to speaking and meeting with you again soon.

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