RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)
DRAFT Minutes of Meeting
May 20, 2003

The 21st meeting of the RSAC was convened at 9:40 a.m., in the National Hall of the Washington Plaza Hotel, 10 Thomas Circle, N.W., Washington, D.C., by the RSAC Chairperson, Mr. George Gavalla, the Associate Administrator for Safety for the Federal Railroad Administration (FRA).

As RSAC members or their alternates assembled, attendance was recorded in a sign-in log; sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Twelve of the 48 voting members were absent:

- The American Short Line and Regional Railroad Association (ASLRRA) (2 seats);
- The Brotherhood of Maintenance of Way Employes (BMWE) (1seat);
- 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);
- Safe Travel America (1 seat);
- The Transport Workers Union of America (TWU) (2 seats); and
- The Transportation/Communications International Union/BRC (2 seats).

Four of the seven associate RSAC members were absent:

- The Federal Transit Administration (FTA);
- The Labor Council for Latin American Advancement;
- The League of Railway Industry Women; and
- Secretaria de Communicaciones y Transporte (Mexico).

Total meeting attendance, including presenters and support staff, was approximately 95 persons.

Chairperson Gavalla welcomed RSAC members and attendees to the 21st meeting of the RSAC. He then called upon Mr. Ed Pritchard (FRA's Director Office of Safety Assurance and Compliance) to provide the members and attendees with a safety briefing.

Mr. Pritchard identified where the fire and emergency exits are located. He asked those in attendance who are trained in cardiopulmonary resuscitation (CPR) to raise their hands; he noted that there are several persons in the room qualified in CPR. He asked each person to observe who is located to his/her right and left so that there is a means of accounting for everyone if it becomes necessary to leave the building. If the building must be evacuated, we will meet across the street by the church. He indicated that he and several others have cellular telephones to call 911 for an emergency.

Chairperson Gavalla stated that FRA Administrator Allan Rutter has been called away

temporarily and will deliver remarks later. Next, he recognized FRA Deputy Administrator Betty Monro, as well as Mr. Luc Bourdon, Transport Canada's new safety program director, and Mr. Chuck Dettmann, the former head of operations and maintenance at the Association of American Railroads (AAR). He then mentioned the very positive trends made in safety in 2002 (e.g., the record for the lowest number of employee-on-duty fatalities was set in 2002, together with an extremely sharp reduction in employee injuries). He stated that we should be proud of this, and he continued by highlighting the across-the-board reduction in train accidents in every cause code: track, equipment, human factors, collisions, and derailments. Additionally, grade crossing fatalities declined. One area that Mr. Gavalla raised as a concern for FRA was the lack of progress in reducing pedestrian and trespasser injuries and fatalities. He noted that FRA is looking to identify "best practices" in the industry. He also noted that the Burlington Northern Santa Fe Railway (BNSF) is doing a good job in mitigating the trend and has gone a long way towards addressing the issue of trespasser casualties.

NOTE: Viewgraph presentations and Administrator Rutter's notes are not excerpted in detail in the RSAC minutes, however, they are part of the RSAC docket and are available at http://rsac.fra.dot.gov/HTML/rsac_doc.htm.

Mr. Brian Gilleran (FRA) outlined the history and future of a new Action Plan for highway/rail grade crossing and trespass safety and prevention, asking for input from all sectors. He described a new interactive website for the development of the Action Plan.

Mr. Don Pulciani (Transport Canada) presented the process currently being followed in Canada to prepare new regulations on crossing safety and access control. Working groups have been active for the past three years, with draft regulations being published on the website. Regulations should be finalized by the end of the year. Canada's program D-2006 to reduce grade crossing accidents by 50 percent is on target, though it has leveled off recently, and trespasser and pedestrian incidents are also constant.

Mr. James Burke (BNSF) spoke about his railroad's Trespass Abatement Program, a three-phase effort that has been successful in reducing trespasser injuries and fatalities. First, the railroad established a "zero tolerance" for trespassers. Phase I includes planning, which involves local law enforcement, communities, and employees. Phase II emphasizes action, setting up targets for trespassers and identifying and arresting some, especially those who board trains and locomotives. Some positive reinforcement—rewarding people for doing what's right—appeared successful. Phase 3, the education phase, involves law enforcement, communities, and employees. A long-term enforcement plan is also in effect to ensure continued success.

Administrator Allan Rutter then addressed four major topics: 1) the working environment; 2) progress that can be celebrated; 3) challenges facing the Committee; and 4) directions the Committee must take. It is most important that the regulatory backlog be cleaned up (e.g.,

the final rule implementing your recommendations on roadway maintenance machines; the performance standard rulemaking for processor-based signal and train control systems; the NPRM on occupational noise exposure and hearing conservation; proposed rules on locomotive event recorders and locomotive crashworthiness). Regarding the last item, the AAR has been asked to present a final draft of its revised S-580 standard so that agreed-upon performance standards can be matched up with engineering criteria that would be authorized for implementation. The FRA plans to publish an NPRM in this proceeding no later than April 2004.

Mr. Rutter states that early on the Cab Working Conditions Working Group discussed in some detail the issue of locomotive cab temperature. FRA had received requests to regulate in this area, and–after considerable discussion–it became apparent that the group could not find common ground. Part of the problem was evidently uncertain science, but there were also collateral concerns that kept the group from continuing the dialogue.

FRA went back to the drawing board and commissioned some important research. What we found indicates that temperature extremes can degrade performance.

We recognize that, at 50 degrees, the lower limit of our existing locomotive standards is too low. When this group next revisits Part 229, we need to specify a more reasonable lower limit. However, the matter is not urgent because data collected in support of the RSAC effort showed that, if existing heaters are maintained–as they must be–cab temperatures even in very cold weather will be maintained within an acceptable range. So we have an issue with the standard, but locomotive manufacturers and railroads have exceeded it, and wisely so.

On the high end, we looked at what safety benefits we might squeeze out by some sort of performance standard to maintain cab temperature within the appropriate range [not exceed 86 degrees F. wet bulb globe temperature, which accounts for air movement and humidity].

Where we came out is that we could ***not*** show that, based on the safety benefits, a regulatory mandate would pay for itself. Most of you arrived at the conclusion that temperature control makes sense well ahead of us. Most new locomotives are equipped with integral Heating, Ventilation, and Air Conditioning (HVAC) systems, and you are making an effort to maintain them.

Our effort today is to give you one more reason to do the smart thing and to encourage any who have held back from ordering locomotives fully equipped to do so in the future. I understand that after long years of thoughtful, but separate contemplation, labor and carriers are engaging again in conversations on this issue.

It is common sense to provide your employees a working environment in which they can be

safe and productive. I want to ask you to remember that safety does need to be factored into this equation; and come this July or August please make a special effort to verify that your employees have a favorable environment in which to do good work. Mr. Rutter concludes by noting that FRA will announce shortly that it will not issue any proposed rules concerning cab temperature.

M O R N I N G B R E A K 10:55 A.M.-11:15 A.M.

Additional comments on grade crossings were given by Tim DePaepe (Brotherhood of Railroad Signalmen), suggesting that active devices such as four quadrant gates be installed at more grade crossings since an alternative—the elimination of crossings by underpasses or bridges—is too expensive. He also encouraged the development of the National Telephone Notification System, probably to the level of regulation, and increased training and education of the public and employees.

Mr. DePaepe responded affirmatively to Mr. Ross Capon (National Association of Railroad Passengers(NARP)) who asked whether speed limitations were implemented at Fox River Grove, Illinois where seven teenagers were killed in a 1995 grade crossing accident.

Mr. Dave Snyder (Virginia Railway Express) and Mr. Peter Cannito (American Public Transportation Association(APTA)) both emphasized that the Action Plan must also take into account bridge crossings.

Mr. Gavalla recognizes Mr. Bob Chipkevich from the National Transportation Safety Board, a non-voting RSAC partner, Mr. Phil Olekszyk, former FRA Deputy Associate Administrator for Safety, and Mr. Bruce George, former FRA staff director for th grade crossing program.

Mr. Grady Cothen (FRA) reported on the status of four of the working groups. (See Overview of the Regulatory Program.) The final rule for revision of accident reporting requirements to conform to the new Occupational Safety and Health Administration requirements became effective May 1. The Roadway Maintenance Machine final rule is concluding. An NPRM is on Locomotive Crashworthiness is expected shortly. During the discussion of the draft proposed rule on Locomotive Crashworthiness, Mr. Pat Ameen (AAR) added that AAR had received suggestions on emergency lighting from the OEMs (original equipment manufacturers), and that AAR would get the latest S-580 version to FRA very soon. The FRA team for the Event Recorder Working Group has developed a theory to move forward on this issue. It is crucial that this remain a “non-significant’ rule so that FRA can act without long delays and clearance.

Dr. Tom Raslear (FRA Office of Research and Development) gave a presentation regarding the meta-analysis of temperature effects on human performance, a study

commissioned on behalf of the Office of Safety and the RSAC process. Results of that research were published in the peer-reviewed journal Ergonomics in 2002, and Dr. Raslear provided a summary. The study concluded that based on available, quantifiable information, temperature extremes do degrade performance. FRA reviewed the implications of this research and determined that FRA is not able to support regulatory action as the appropriate strategy at this time. Mr. Gavalla added that while it may not justify a rulemaking, that doesn't mean that there are not grounds to go forward and continue to work toward control of temperature extremes in locomotive cabs.

Mr. Bob Harvey (Brotherhood of Locomotive Engineers) commends FRA for adding to the body of literature on temperature effects on human performance.

LUNCH BREAK 12:11 P.M.-1:20 P.M.

Mr. Jeffrey Horn (FRA) gave a comprehensive presentation on the NPRM on occupational noise exposure for railroad operating employees (RSAC Task 97-2). He described the history of the working group's activities, the basis for the NPRM in OSHA regulations, and went through the proposed regulation section by section. The NPRM is pending approval by the working group could be published in the Federal Register by September, assuming approval by the full Committee. After a 90-day comment period, the working group and this Committee will be asked to advise regarding disposition of the comments in the final rule. A motion was made and adopted to allow for mail balloting on the occupational noise exposure NPRM.

Mr. Frits Wybenga (RSPA) gave a presentation on hazardous materials transportation security initiatives, HM-232, covering new security requirements. RSPA has a training module that can be obtained to fulfill new training requirements, and a risk management self-evaluation protocol. RSPA is currently involved with several research and analysis activities, including vapor dispersion of toxic inhalation hazard materials, benefits vs. risks of placarding, etc.

Mr. Mike Rush (AAR) questions the motivation for a provision of HM-232 that provides the Secretary of Transportation with the authority to waive preemption for reasons of security. Mr. Wybenga responds that it was to get us over the hurdle of an immediate security concern for transporting hazardous materials through an area where there was a security threat.

Mr. Wybenga also responded to Mr. Dan Smith’s (FRA) question concerning a new Transportation Security Administration (TSA) rule that may be coming out regarding background checks for railroad employees and hoped that it would not be excessively demanding.

Mr. Rush and Mr. Capon mention TSA’s lack of consultation with railroad industry parties.

Additional comments on railroad security and safety were presented by Mr. Bill Fagan (FRA), who discussed the involvement of all forms of rail transporters in security and safety issues, including freight, passenger, and transit administrations.
Mr. Cothen alerted the RSAC members on next steps coming in hazardous materials transportation. One will be a follow-on rulemaking to HM-223, which is the regulation regarding loading and unloading, and storage in transportation, of hazardous materials. The second is awaiting results of a study on a dedicated train for moving high-level nuclear waste, including spent nuclear fuel.

A F T E R NO O N B R E A K 2:42 P.M. - 3:00 P.M.

Mr. Cothen presented a passenger safety task, to form a working group to determine priorities for and recommend action on passenger safety improvements determined to be appropriate. After extensive discussion lead by Ms. Kathy Waters (APTA), Ms. Fran Hooper (APTA), Mr. Jeff Moller (AAR), Mr. Mike Rush, and Mr. Kevin Hussey (Brotherhood of Maintenance-of-Way Employes) an amendment requiring consensus of the working group on subjects to be studied prior to establishment of task forces was agreed upon. (The amended task is provided on the RSAC web site.) A vote was taken and the working group was established, to begin work not before September 2003.

Mr. Cothen then presented the subject of Positive Train Control (PTC), and Mr. Frank Roskind (FRA leader of the Risk 2 Team) outlined studies the team commissioned regarding the adjusted base case, looking at data on relationship between speed, volume, and signaling methods, and found that speed and volume had little impact except in dark territory. Consensus and rulemaking are expected shortly. The same holds true with the question of generalizability and a risk metric definition. The PTC Working Group reviews this whole situation in July in terms of recommendations for resolution and public comments and in August, Working Group recommendations will be sent to the Committee for action. A motion was made and adopted to allow for mail balloting on the report of the PTC Working Group when submitted.

Mr. Cothen addressed the pending cost benefit analysis of PTC's and related systems, taking into consideration advances in technology, savings to carriers and shippers, and the issues of passengers and freight. The PTC Working Group is supporting preparation of a report to the Committees on Appropriations, and any recommendations regarding the content of the report will come to the full Committee for action.

The last presentation of the afternoon was on the Safety Assurance and Compliance Program (SACP). Mr. Mike DeEmilio (FRA) noted that the comments that the Administrator made earlier on RSAC will also apply to SACP, to rid SACP of any backlogs. Several presentations on electronic recordkeeping using personal mobile units, the value, applicability, and results of the pilot project were presented.

Minutes of the last meeting were approved as submitted and the next meeting will take

place between some time after Labor Day and before September 22, 2003.

MEETING ADJOURNED 5:09 P.M.