

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

**Minutes of Meeting
June 14, 2013
Washington, D.C.**

The forty-eighth meeting of the Railroad Safety Advisory Committee (Committee) was convened at 9:30 a.m., in the Board Room of the National Housing Center of the National Association of Home Builders, 1201 15th Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Deputy Associate Administrator for Regulatory and Legislative Operations, Robert C. Lauby.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. The records, reports, transcripts, minutes, and other documents that are made available to, or prepared for or by, the Committee are available for public inspection at the U. S. Department of Transportation docket management system Internet Web Site under FRA Docket #2000-7257 (<http://www.regulations.gov>). Meeting documents are also available on FRA's RSAC Internet Web Site (<http://rsac.fra.dot.gov>).

For the June 14, 2013, meeting, eleven of the fifty-six voting RSAC members were absent: The American Petroleum Institute (1 seat), The Association of State Rail Safety Managers (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (2 of 3 seats absent); The Brotherhood of Maintenance of Way Employees Division (BMWED) (1 of 2 seats absent); The Fertilizer Institute (1 seat), The Institute of Makers of Explosives (1 seat), The National Conference of Firemen and Oilers (1 seat), Safe Travel America (1 seat), The Transport Workers Union of America (1 seat), and The Transportation Security Administration (1 seat). Five of seven non-voting/advisory RSAC members were absent: The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Association of Railway Business Women, Secretaria de Comunicaciones y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 100.

Chairperson Lauby welcomes RSAC (the Committee) Members and attendees. He asks Larry Woolverton (FRA–Office of Safety) for a meeting room safety briefing.

Larry Woolverton (FRA) identifies the meeting room's fire and emergency exits. He asks for volunteers with cardiopulmonary resuscitation (CPR) qualification to identify themselves. A large number of attendees acknowledge having completed this training. He says the National Association of Home Builders building has an automated external defibrillator (AED), located outside the rest rooms in the building's atrium lobby.

Chairperson Lauby asks for meeting attendees to identify themselves and the organizations they represent.

Chairperson Lauby recognizes the retirement of RSAC Member Mick Burkart (AAR–Iowa Interstate Railroad) after 47 years of railroad service. He wishes Mr. Burkart well in retirement.

Chairperson Lauby asks FRA Administrator Joseph C. Szabo for opening remarks.

Administrator Szabo welcomes RSAC members and meeting attendees. He says, “It’s great to join you at the first RSAC meeting of 2013.” He says RSAC is a true cross section of the railroad industry. He says RSAC members have diverse perspectives – unique to their organizations and experiences. But the RSAC brings us together in common purpose: to ensure continuous improvements to railroad safety. He says the relevance of our continued collaboration – this need – is underscored by rail’s growing role in moving people and freight.

Administrator Szabo says the freight rail industry is re-investing in capacity expansion like at no other time since the 19th century – as intermodal freight traffic last year surged near record levels. He says on the passenger side, the High-Speed and Intercity Passenger Rail program is entering its busiest construction season yet – as the National Railroad Passenger Corporation’s (Amtrak) ridership is growing faster than any other major travel mode.

Administrator Szabo says last month, a new study by the U.S. Public Interest Research Group and Frontier Group declared *the end of the driving boom*. He says another study by the Urban Land Institute highlighted the changing demographics behind the rising demand nationwide for more convenient passenger rail access. He says looking ahead, the population growth and mobility challenges we face in just the next few decades – challenges that will require our transportation network to move more than 4 billion tons of freight annually – simply cannot be ignored.

Administrator Szabo says rail is the mode of opportunity. And, he adds, while rail is already a very safe mode, our job is to ensure American freight and passenger rail grows to meet this rising demand safely – as well as reliably and efficiently. He says as we modernize railroad infrastructure, it’s just as important that we also modernize railroad safety culture.

Administrator Szabo says since FRA’s last safety authorization – the Rail Safety Improvement Act of 2008 – we’ve seen total railroad accidents drop for five straight years, making 2012 the safest year in railroading history. He says this has not happened by mistake. He says the improvement in rail safety is a testament to railroad workers’ individual and collective commitment to safety – and to new and strengthened

partnerships among industry, labor, and FRA. He says the improvement in rail safety reflects a concerted effort on the part of all industry stakeholders to achieve higher levels of safety.

Administrator Szabo says at FRA, through systematic use of data, the agency has been able to increase inspection audits and periodic spot inspections in strategic locations. He says as several train accidents last month made clear, FRA must – always – remain vigilant in carrying out our core safety oversight functions.

Administrator Szabo says the Rail Safety Improvement Act of 2008 has allowed FRA to focus on some of the most challenging safety issues, i.e., from hazardous materials, to human factors, track, highway-rail grade crossing safety, and trespassing. He says the Rail Safety Improvement Act of 2008 also took steps to ensure the competency of locomotive engineers and conductors, raising even further the professionalism of the industry. He says FRA has issued standards for passenger train employee hours of service, and requirements to establish emergency notification systems at every highway-rail grade crossing.

Administrator Szabo says later this morning, Dan Alpert (FRA–Office of Chief Counsel) and Brian Marquis (FRA–Volpe National Transportation Systems Center) will give a presentation on the Vehicle/Track Interaction Safety Standards final rule.

Administrator Szabo says we must keep going. He says last year's safety record is now old news. He says to achieve new safety milestones year-after-year – to drive continuous safety improvement – we need to be even more focused and even more innovative. He says as FRA works with the industry to implement Positive Train Control, we must continue our efforts to address the human factors underlying accidents. He says Dan Arendt of the U.S. Federal Aviation Administration is here today to give a presentation on safety management. Administrator Szabo says he is glad that Dan Arendt is able to join RSAC today and he looks forward to hearing his presentation. He says what RSAC will learn from Dan Arendt today connects to the evolution in railroad safety culture that FRA is looking to lead, as the agency pushes forward with Risk Reduction Programs like the Confidential Close Call Reporting System and with System Safety Programs that will apply to commuter, intercity, and emerging high-speed operations. Administrator Szabo says the Rail Safety Improvement Act of 2008 mandates that both System Safety and Risk Reduction Programs incorporate Fatigue Management Plans. He says the Fatigue Management Plans Working Group will update RSAC on its activities later this afternoon.

Administrator Szabo says coming from someone who has worked as a conductor out in the industry, he knows firsthand that this is an area where status quo will not do. He says trains crews must have predictability as to when they will be reporting for duty so they can properly plan their rest. He says System Safety and Risk Reduction Programs, at their core, are about identifying hazards and addressing them. He says

fatigue management – which FRA’s research and development team has been researching for more than a decade now – is one area where FRA knows of the need to make meaningful improvements.

Administrator Szabo says thanks to the RSAC working group’s recommendation, there has been progress in addressing electronic device distraction on the job by launching a collaborative educational outreach effort with industry and labor. He says FRA looks to amplify its challenge to the industry and labor to form peer-to-peer groups that actively foster a stronger railroad safety culture in which the improper use of electronic devices is socially unacceptable.

Administrator Szabo says as we lead an evolution in railroad safety culture, I challenge the RSAC to continue advancing a performance-based safety approach – just like we are doing today with the Engineering Task Force, which has worked hard to ensure proven high-speed train sets based on existing international platforms can be designed for and operated in the U.S.

Administrator Szabo says both risk reduction and performance-based safety approaches are integral to enabling the American railroad’s renaissance to flourish safely, reliably, and efficiently. He says recognizing the success of the Confidential Close Call Reporting System pilot projects, the President’s 2014 budget request includes funding to expand it to a nationwide program. He says the 2014 budget also requests additional funding for FRA’s Safety and Operations program to support vital activities such as railroad employee training. He says with FRA’s two core authorizations set to expire at the end of this fiscal year, the 2014 budget request recognizes the fundamental link between rail network development efforts and safety.

Administrator Szabo says FRA believes its 2014 budget request – in total – is a comprehensive blueprint for moving American rail forward. He says FRA’s proposal includes \$6.6 billion for rail safety and rail improvement programs, and is the first of a five-year, \$40 billion rail authorization. He says the centerpiece of the 2014 budget request is a \$6.4 billion request for a National High Performance Rail System program that would provide competitive grants to develop new passenger rail services and to substantially upgrade existing rail corridors. He says the 2014 budget request recognizes that the U. S. Rail system is an intertwined network of freight, intercity passenger, and commuter operations – and that all must grow safely, reliability and efficiently. He says FRA’s 2014 budget request would achieve a state of good repair for Amtrak—addressing project backlogs and provide for the replacement of aging equipment, would improve overall network safety and reliability, and would fund congestion mitigation projects to untangle major choke points.

Administrator Szabo says freight rail projects with clear public benefits would also be eligible – projects similar to the Heartland Corridor, Crescent Corridor, the CREATE project in Chicago, Tower 55 in Ft. Worth, or Colton Crossing in California. He says

upgrades for necessary improvements to short line railroads would be eligible, as would projects that mitigate rail's adverse impacts on communities – projects like rail line re-location or enhanced grade separations. He says to fund these efforts, FRA proposes to establish a new Rail Account within the Transportation Trust Fund. He says for decades, Congress has funded highway, transit, and aviation programs through dedicated multi-year authorizations that empower states, local governments, and the private sector to plan for and make investments. He says it is time for rail to achieve parity with other transportation modes, so we can balance our transportation system and allow each mode to do what it does most efficiently.

Administrator Szabo says rail is the transportation mode of opportunity – and this rail renaissance is ours to shape. He says, “Thank you for being a part of this new chapter in transportation – and for your commitment to ensuring continuous improvements to railroad safety.” He says, “Have a great meeting.”

Chairperson Lauby thanks Administrator Szabo for his introductory remarks. He says FRA postponed the scheduled January 2013 meeting of the Railroad Safety Advisory Committee. He says in the interim, Gerhard Thelan (AAR–Norfolk Southern Corporation) has retired after 36 years of work in the railroad industry, having started with Consolidated Rail Corporation in 1977, and ending with Norfolk Southern Corporation on March 31, 2013. He says Mr. Thelan has been replaced by Tom Schnautz (AAR–Norfolk Southern Corporation) who has been with RSAC throughout the development of rules for Positive Train Control

Chairperson Lauby asks Don Arendt (U.S. Federal Aviation Administration (FAA)) for a presentation on “Safety Management,” from the perspective of the FAA

Don Arendt (FAA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Safety Management, Culture, Risk Management, and SMS [Safety Management System].” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and may be posted on FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes. He says his presentation contains references from an aviation perspective, because that is his work environment. However, he adds, the same principles of safety management systems apply to the railroad environment.

Under slides 2-3, “Safety: A Different Approach,” and “What is Safety,” Dr. Arendt says “safety culture” is a dumping ground, i.e., an intangible that talks about an individual's behavior; it is not your “father's safety program” any more. He says the following about safety: (1) Freedom from harm (from a dictionary); (2) Safety is not equivalent to “risk free” (U. S. Supreme Court, 1980); (3) “Risk Management” is a more practical term than “safety” (Jerome Lederer, 1928); and (4) Carelessness and overconfidence are more dangerous than deliberately accepted risk” (Wilbur Wright, 1901).

Under slide 4, "Definition of Safety: ISAO SMM," Dr. Arendt says the International Civil Aviation Organization's (ICAO) Safety Management Manual (SMM) [ICAO Doc 9859] defines safety as the state in which the risk of harm to persons or property is reduced to, and maintained at or below, an acceptable level through a continuing process of hazard identification and risk management.

Under slide 5, "Safety: Operational Definition," Dr. Arendt says "Safety is the state in which the risk of harm to persons or property is reduced to, and maintained at or below, an acceptable level through a continuing process of hazard identification and risk management (ICAO Doc 9859). He says operationally, "safety" is how well risk is managed.

Under slide 6, "Human Performance," Dr. Arendt says a lot of managing safety is to identify human influences. He outlines the following: (1) Most accidents result from human error; (2) Most errors are not due to a lack of skill, poor attitudes, or other personal deficiencies; and (3) Errors are part of the same capabilities that make skilled performance possible: (a) Division of attention; (b) Pattern recognition; (c) Simplifying complexity; and (d) Making sense of uncertainty.

Under slide 7, "Attitudes," Dr. Arendt shows a depiction of the range of attitudes for (1) Critical thinking, e.g., unquestioning to anti-authority; (2) Decisiveness, e.g., resigned to impulsiveness; (3) Confidence, e.g., fearful to invulnerability; and (4) Competence, e.g., delicate to macho (adapted from Belanger, 2001).

Under slide 8, "Error Management," Dr. Arendt says the following about errors: (1) The error must be understood in the context of the operation, systems, and operational environment; (2) The error (risk) management involves managing these resources; and (3) If you start with "human error" and end with "human error," your investigation has taken you nowhere.

Under slide 9, "Safety Risk Management," Dr. Arendt says (1) Safety risk management is something you do, not some "thing" you have; and (2) Managing involves the following: (a) Training, qualification, and currency; (b) Personnel fitness; (c) Aircraft equipment; (d) Aircraft airworthiness (condition); (e) Operation/Task; and (f) Operational environment.

Under slides 10-11, "Culture: What the People Do...How and Why," and "Cultures," Dr. Arendt lists the following examples of cultures: (1) National/Ethnic; (2) Professional/Group; (3) Organizational; (4) Subgroups/Subculture; and (5) "Safety culture."

Under slide 12, "Safety Culture," Dr. Arendt says the following: (1) Is there really such a thing as a "safety culture;" (2) If so, what does safety culture look like; (3) If I don't have one, how do I get it; and (4) Why do we care about "culture" anyway.

Under slide 13, Dr. Arendt says “Every organization has a safety culture.”

Under slides 14-17, “Safety Culture: A Brief History,” Dr. Arendt lists the following examples of accidents where safety culture was a factor: (1) Chernobyl, Ukraine (1986)—the International Atomic Energy Agency noted a “Poor Safety Culture,” as a factor in the nuclear power plant reactor accident; (2) Continental Airlines Express Flight 2574 (1991)—National Transportation Safety Board member John Lauber in dissenting opinion suggests the probable cause of this aircraft accident was due to: “the failure of Continental Express management to establish a corporate culture which encouraged and enforced adherence to approved maintenance and quality control procedures,” following the removal of 47 screws from the horizontal stabilizer during maintenance the night before and, following a shift change, were not replaced; (3) British Petroleum (BP) Oil Refinery: Texas City, Texas (March 23, 2005)—the Chemical Safety Board found that BP Texas City managers did not “create an effective reporting and learning culture...”; and (4) BP/Transocean Deepwater Horizon—Transocean’s Safety Management System had significant deficiencies that rendered it ineffective, e.g., the safety culture could be described as “running it until it breaks” and “going through the motions.”

Under Slide 18, “Levels of Culture,” Dr. Arendt describes the following: (1) Artifacts: (a) Surface behaviors; and (b) Symbols; (2) Espoused values: (a) What we say, we do; and (b) Values that we want; and (3) Deep assumptions—automatic, unconscious drivers of behavior.

Don Arendt (FAA) says “safety” is not something we produce. He says “Be suspect when someone says safety is not at the top of a list of things to do.”

Under slide 19, “Organizational Culture,” Dr. Arendt shows an illustration where behavioral patterns are influenced by psychological and system/environmental factors.

Under slide 20, “Informed Decision Making (“Collective Mindfulness”),” Dr. Arendt explains the following based on the Dr. James T. Reason “Swiss Cheese Model;” (1) Reporting Culture—seek information (knowing that knowledge of a problem is better than punishing the victim); (2) Just culture—don’t shoot the messenger (the next mistake may be your own); (3) Flexible culture—be willing to change; and (4) Learning culture—learn from the experience.

[Note: The Swiss Cheese Model of accident causation is a model used in the risk analysis and risk management of human systems, commonly aviation, engineering, and healthcare. It likens human systems to multiple slices of Swiss cheese, stacked together, side by side. It was originally propounded by Dante Orlandella and James T. Reason of the University of Manchester (Reason 1990), and has since gained widespread acceptance and use in healthcare, in the aviation safety industry, and in emergency service organizations. It is sometimes called the cumulative act effect.

Reason hypothesizes that most accidents can be traced to one or more of four levels of failure: Organizational influences, unsafe supervision, preconditions for unsafe acts, and the unsafe acts themselves. In the Swiss Cheese Model, an organization's defenses against failure are modeled as a series of barriers, represented as slices of Swiss cheese. The holes in the cheese slices represent individual weaknesses in individual parts of the system, and are continually varying in size and position in all slices. The system as a whole produces failures when all of the holes in each of the slices momentarily align, permitting (in Reason's words) "a trajectory of accident opportunity", so that a hazard passes through all of the holes in all of the defenses, leading to a failure.

The Swiss Cheese Model includes, in the causal sequence of human failures that leads to an accident or an error, both active failures and latent failures. The former concept of active failures encompasses the unsafe acts that can be directly linked to an accident, such as (in the case of aircraft accidents) pilot errors. The latter concept of latent failures is particularly useful in the process of aircraft accident investigation, since it encourages the study of contributory factors in the system that may have lain dormant for a long time (days, weeks, or months) until they finally contributed to the accident. Latent failures span the first three levels of failure in Reason's model. Preconditions for unsafe acts include fatigued air crew or improper communications practices. Unsafe supervision encompasses such things as, for example, two inexperienced pilots being paired together and sent on a flight into known adverse weather at night. Organizational influences encompass such things as reduction in expenditure on pilot training in times of financial austerity.]

Under slide 21, "Traits of a Healthy Culture: High Reliability Organizations (HROs)," Dr. Arendt lists the following: (1) Preoccupation with failure (track small failures); (2) Reluctance to (over) simplify; (3) Sensitivity to operations; (4) Commitment to resilience (ability to recover); and (5) Deference to expertise (Source: Weick and Sutcliffe).

Under slide 22, "So What Do HROs Do," Dr. Arendt lists the following: (1) Process auditing; (2) Vigilance for quality degradation; (3) Reward system; (4) Perception of risk; and (5) Command and control (Source: Roberts and Libuser).

Under slide 23, "How Can We "Create" or Change a Culture," Dr. Arendt says the following: (1) Can we tell people how to think or feel; (2) Can we tell people how to behave; (3) Determine what performance needs change; and (4) Shape the environment in which people work.

Under slides 24-26, "SMS: Shaping the Environment to Create Safety," and "Safety Management Strategies," Dr. Arendt shows schematics depicting reactive safety management strategies, e.g., responding to events that have already happened such as

incidents and accidents; and learning from system failures, and predictive safety management strategies, e.g., analysis of system processes and environment to identify potential future hazards; and designing a top-down safety risk management system.

Under slides 27-29, “SMS Components (“Pillars”),” “Who “Owns” the SMS,” and “Responsibility for Safety,” Dr. Arendt shows schematics for (1) The “pillars” of Safety Management System components, i.e., policy, safety assurance, safety promotion, and safety risk management; and (2) Those within an organization who are responsible for safety, i.e., business tier, administrative support, technical tier, technical support, and operating line.

Under slide 30, “Accountability: What Do We Mean,” Dr. Arendt outlines what is expected for “taking responsibility for safety: (1) Backward accountability: (a) Is it someone to blame; or (b) Is it a scapegoat; or (2) Forward looking accountability: (a) Taking responsibility for reporting; (b) Willingness to admit mistakes; and (c) Taking responsibility for change.

Under slide 31, “Duties of Technical Management,” Dr. Arendt says the following elements are necessary for the technical management of safety: (1) Hazard identification; (2) Safety risk assessment; (3) Assuring the effectiveness of safety risk controls; (4) Promoting safety: (a) Training; and (b) Communication; and (5) Reporting to the Accountable Executive.

Under slide 32, “Risk Management Triggers,” Dr. Arendt lists the following risk management triggers: (1) Implementation of new systems; (2) Revision of existing systems; (3) Development of operational procedures; and (4) Hazards or ineffective risk controls identified during safety assurance activities.

Under slide 33, “Safety Risk Management (SRM) and Safety Assurance (SA) Workflow,” Dr. Arendt shows a schematic of the workflow considerations under the Safety Risk Management System and the Safety Assurance System. These workflow considerations include: (1) Description and context; (2) Data facts; (3) Analysis (sense-making); (4) Assessment decisions; and (5) Action: problem resolution.

Under slide 34, “Risk Management Decision Making,” Dr. Arendt shows a diagram depicting factors involved in risk management decision making including: (1) Design; (2) Planning; (3) Performance; (4) Data Based (analytical); and (5) Experienced based.

Under slide 35, “Staying Informed: The SA Process,” Dr. Arendt shows a diagram depicting factors involved in the safety assurance process including: (1) Design/Re-design; (2) Preventive/Corrective Action; (3) Affirmed Expectations met; (4) Internal Evaluation; (5) Investigation; (6) Employee reporting; (7) Internal/External Audits; and (8) Continuous Monitoring.

Under slide 36, “Culture and Safety Assurance,” Dr. Arendt says the purpose of culture and safety assurance is to look for compliance using the following tools: (1) Audits and evaluation: (a) Sensitivity to operations; and (b) Preoccupation with failure; (2) Employee reporting: (a) Reporting culture; and (b) Deference to expertise; and (3) Investigation: (a) Learning culture; and (b) Commitment to resilience.

Don Arendt (FAA) asks for questions.

Chairperson Lauby thanks Don Arendt (FAA) for making the presentation before today’s meeting of the Railroad Safety Advisory Committee.

Chairperson Lauby announces the morning break.

M O R N I N G B R E A K 10:25 A.M. - 11:45 A.M.

Chairperson Lauby reconvenes the meeting. He asks Devin Rouse (FRA–Office of Safety) for a report on Engineering Task Force activities.

Devin Rouse (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Engineering Task Force [ETF] Update to the 48th Railroad Safety Advisory Committee Meeting.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Outline,” Mr. Rouse lists the topics that will be covered: (1) Background; (2) Meeting schedule synopsis; (3) Vision and objectives; (4) ETF Timeline; (5) Task Force/Group Updates; and (6) Review of recommendations to RSAC: (a) Meeting Document ETF_001-02 “Proposed Ruletext for Notice of Proposed Rulemaking (NPRM) 1; and (b) Meeting Document ETF_016-03 “Tier III Cab Glazing Task Group Recommendations.

Under slide 3, “Background,” Mr. Rouse says the following: (1) The Engineering Task Force (ETF) was established by the Passenger Safety Working Group (PSWG) on August 12, 2009—to develop technical criteria and procedures for the crashworthiness of alternatively-designed Tier I equipment; and (2) The ETF was re-tasked by the PSWG on July 28, 2010, to: (a) Address any type of equipment; and (b) Address any safety features of the equipment.

Under slide 4, “Meeting Schedule Synopsis,” Mr. Rouse says the following: (1) There have been 11 Engineering Task Force (ETF) meeting since October 2010; (2) The last ETF meeting was May 30, 2013; and (3) The next ETF meeting will be the week of September 9, 2013; and (2) There are four Task Groups under the ETF: (a) There have

been 11 in-person Task Group meetings; and (b) There have been more than 20 Conference calls/webinars.

Under slide 5, “Vision and Current Objectives,” Mr. Rouse says the vision of the ETF is to create an interoperable, three Tier passenger equipment regulatory environment incorporating “service proven” designs, advanced technology, and a systemic approach to safety consisting of the following: (1) Tier I—conventional and alternative crashworthiness passenger vehicles for speeds up to 125 miles per hour (mph); (2) Tier II—160 mph maximum authorized speed on existing right-of-way, i.e., the Northeast Corridor; and (3) Tier III—interoperable with all tiers of passenger rail equipment up to 125 mph, and maximum authorized speed on dedicated right-of-way up to 220 mph.

Under slide 6, “Revised Passenger Equipment Rulemaking Implementation Plan,” Mr. Rouse lists the following components for the “first NPRM” and the “second NPRM” for Tier III equipment: (1) NPRM 1: (a) Incorporate alternative crashworthiness standards for Tier I; (b) Define Tier III crashworthiness standards; (c) Align Tier II maximum allowable speed with new VTI [Vehicle Track Interaction] rule (160 mph) (d) Codify remaining previous Tier III consensus items; and (e) Define requirements for Tier III Braking Systems; and (NPRM 2): (a) Tier III Inspection, Testing and Maintenance Requirements (excluding brake system elements)/Part 229—new ITM TG established; (b) Tier III VTI (removed from consideration for the second NPRM—more study is required); (c) Adopt crashworthiness alternatives for single car/locomotive, and Tier II; (d) Explore emergency preparedness requirements for Tier III operations (49 CFR 239); (e) Explore adopting Inspection, Testing, Maintenance and Monitoring requirements for other (non-high-speed rail) passenger equipment; (f) Revise Part 238.111 Pre-revenue service acceptance testing plan—new; and (g) Update Part 231 Railroad Safety Appliance Standards to include Tier III and passenger road locomotives—new.

Under slide 7, “ETF Timeline,” Mr. Rouse shows a diagram depicting the timeline for ETF activities, beginning with the establishment of the ETF by the Passenger Safety Working Group on August 12, 2009. He says on October 28, 2011, the Tier I alternative crashworthiness report was published. He says on June 27, 2012, at the ETF meeting in Manhattan Beach, California, the ETF began work on the Tier III equipment NPRM. He says on June 14, 2013, the full RSAC will be asked to approve NPRM 1 for Tier III equipment standards for crashworthiness and occupant protection.

Under slide 8, “Status of Current Tasks,” Mr. Rouse says the following: (1) The first NPRM ruletext has been approved by ETF/PSWG for RSAC consideration; (2) “Tier III Cab Glazing Task Group” formed to re-examine original draft language and provide recommendations; (3) Task Group Updates: (a) Tier III Brake Systems—recommendations incorporated into NPRM 1; (b) Vehicle Track Interaction (VTI)—disbanded; (c) Engineering Structures and Integrity (ESI) Task Group—developing companion “manual” to provide guidance on how to demonstrate compliance; (d) Tier III Cab Glazing—recommendations provided to RSAC; and (e) Tier III 229 is under

development: (a) Draft regulatory language is being finalized; and (b) A Regulatory Impact Analysis (RIA) is in development; (2) Three Task Groups have been formed to evaluate issues in more detail; and (3) Consensus discussions for a second NPRM have begun.

Under slide 9, "ETF NPRM # 1," Mr. Rouse says the proposed ETF NPRM #1 contains the following elements: (1) Alternative Crashworthiness Criteria for Tier I Equipment; (2) Raises Tier II maximum operating speed to 160 mph; and (3) Baseline requirements for Tier III, next generation high-speed rail equipment.

Under slide 10, "Tier III Regulatory Content," Mr. Rouse says (1) The baseline elements included in NPRM #1 include: (a) Definition of Tier III equipment; (b) Trainset structure (crashworthiness); (c) Glazing; (d) Brake systems; (e) Interior fittings and surfaces (seats, fixtures, etc.); and (f) Emergency egress/access and lighting; and (2) The elements slated for NPRM #2 include: (a) Applicable elements of 49 CFR Part 229; (b) Safety appliances; (c) Inspection, Testing, and Maintenance (ITM) requirements; and (d) Miscellaneous items necessary for review operations (qualification, etc.).

Under slide 11, "Tier III Cab Glazing," Mr. Rouse says (1) Cab glazing requirements were removed from NPRM 1 rule text for further discussion; (2) A Glazing Task Group was created by the ETF to make recommendations for rule text criteria; and (3) Recommendations are complete, but have not been incorporated into formal rule text.

Under slide 12, "Tier III Cab Glazing Task Group Recommendations," Mr. Rouse outlines the following Glazing Task Group recommendations for Tier III cab glazing: (1) Establishes location-specific criteria for: (a) End-facing glazing; and (b) Side-facing cab glazing, non-cab requirements; and (2) Defines general requirements for all cab glazing: (a) Ballistics penetration resistance (deferred to FRA); (b) Spall protection; and (c) Certification and re-certification.

Under slide 13, "Next Steps," Mr. Rouse says the ETF will: (1) Continue ongoing work by the Part 229/ITM Task Group and ESI Task Group; (2) Resolve comments to NPRM #1, when received; and (3) Begin work on NPRM #2.

Devin Rouse (FRA) asks for questions.

Chairperson Lauby says the work of the ETF is very important, especially because of the requests to purchase new high-speed rail equipment coming in the Fall of 2013. He says there are two documents representing the culmination of efforts by the ETF, which are before the full RSAC today. He says the first ETF consensus document, ETF_001-02-Proposed Ruletext for NPRM1, contains strawman text of selected, potential amendments to the Passenger Equipment Safety Standards. He says among other things, these amendments are intended to make the operating speeds for Tier II safety

standards consistent with those for Class 8 track in FRA's Track Safety Standards (§ 213.307), and also add Tier III safety standards for crashworthiness and occupant protection. He says these amendments are being provided in draft form, and not all potential amendments have been included. Nonetheless, he adds, this document should help guide the understanding, discussion and development of regulatory requirements for these safety tiers.

Chairperson Lauby says the second ETF consensus document contains the Tier III Cab Glazing Task Group recommendations for (1) End-facing glazing; (2) Side-facing cab glazing; and (3) General requirements for all Tier III cab glazing.

Chairperson Lauby asks if there are questions on the two ETF consensus documents.

William Bohné (International Brotherhood of Electrical Workers) cites Page 2, Meeting Document ETF_001-02–Proposed Ruletext for NPRM 1. He asks if there is a definition of short-distance, or long-distance intercity passenger train. He asks, "What about a definition of a medium-distance train.

Daniel Alpert (FRA–Office of Chief Counsel) says there was no intent to leave out medium distance trains. He says he took Part 233 and made it consistent. He says this language is meant to cover all trains. He says FRA will look at the language again.

Ross Capon (National Association of Railroad Passengers) says if Amtrak, or the California High-Speed Rail Project speeds are limited to 125 mph, how would FRA grant a waiver.

Chairperson Lauby says "out of the box," Tier III equipment will be limited to 125 mph. He says he is working with Grady Cothen (Amtrak) on behalf of Amtrak to determine how high a speed the trainsets will go. He says currently, FRA has no problem with operating Tier III trainsets under Tier I conditions. He says to get a Tier III trainset to operate above 125 mph on a mixed freight/passenger environment, requires a System Safety Plan.

Chairperson Lauby asks for a motion to accept Meeting Document ETF_001-02–Proposed Ruletext for NPRM 1, and to submit the document to the FRA Administrator as the consensus output of the Railroad Safety Advisory Committee for the first NPRM on Tier III equipment.

William Bohné (International Brotherhood of Electrical Workers) motions to accept Meeting Document ETF_001-02–Proposed Ruletext for NPRM 1, and to submit the document to the FRA Administrator as the consensus output of the Railroad Safety Advisory Committee for the first NPRM on Tier III equipment.

Carl Tingle (Transportation Communication International Union/Brotherhood of Railway Carmen) seconds the motion.

BY VOICE VOTE, THE RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MOTION TO ACCEPT MEETING DOCUMENT ETF_001-02-PROPOSED RULETEXT FOR NPRM 1, AND TO SUBMIT THE DOCUMENT TO THE FRA ADMINISTRATOR AS THE CONSENSUS OUTPUT OF THE RAILROAD SAFETY ADVISORY COMMITTEE FOR THE FIRST NPRM ON TIER III EQUIPMENT.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby asks for a motion to accept Meeting Document ETF_016-03-Tier III Cab Glazing Task Group Recommendations, and to submit the document to the FRA Administrator as the consensus output of the Railroad Safety Advisory Committee for Tier III equipment glazing requirements.

William Bohné (International Brotherhood of Electrical Workers) motions to accept Meeting Document ETF_016-03-Tier III Cab Glazing Task Group Recommendations, and to submit the document to the FRA Administrator as the consensus output of the Railroad Safety Advisory Committee for Tier III equipment glazing requirements.

David Nichols (Amtrak) seconds the motion.

BY VOICE VOTE, THE RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MOTION TO ACCEPT MEETING DOCUMENT ETF_016-03-TIER III CAB GLAZING TASK GROUP RECOMMENDATIONS, AND TO SUBMIT THE DOCUMENT TO THE FRA ADMINISTRATOR AS THE CONSENSUS OUTPUT OF THE RAILROAD SAFETY ADVISORY COMMITTEE FOR TIER III EQUIPMENT GLAZING REQUIREMENTS.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby announces that FRA has the latitude under the RSIA of 2008 [Rail Safety Improvement Act (RSIA) of 2008, Public Law 110-432, dated October 16, 2008, 122 STAT. 4848] and the Positive Train Control (PTC) regulations to permit the railroads to amend their PTC Implementation Plans (PTCIPs) to provide for the installation of PTC on low volume lines before installing it on lines posing the greatest risk—to ensure that the PTC systems function as intended. He says FRA cannot approve a PTCIP that provides for PTC implementation beyond the statutory deadline. However, he says, FRA can conditionally approve an amended PTCIP noting that

approval of the implementation of PTC on lines after December 31, 2015, is subject to Congress extending the statutory deadline.

Chairperson Lauby announces that David Blackmore (FRA–Office of Safety) has been promoted to the new position of PTC Program Manager.

Chairperson Lauby says FRA has received comments on PTC NPRM #4. He says FRA will arrange a meeting of the PTC Working Group to discuss the comments received on PTC NPRM #4 as soon as possible, i.e., within a month. He says FRA will then let the PTC Working Group see the draft of the Final Rule and then issue the Final Rule.

Chairperson Lauby announces the lunch break.

L U N C H B R E A K 12:00 P.M. - 1:00 P.M.

Chairperson Lauby (FRA) reconvenes the meeting. He welcomes Jo Strang (U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA)), former FRA Associate Administrator for Railroad Safety/Chief Safety Officer). He says Ms. Strang will be departing the U.S. Department of Transportation at the end of June, 2013, and will be taking a position at the American Short Line and Regional Railroad Association (ASLRRA). He says during Ms. Strang's tenure at FRA railroad accidents and incidents have gone down. He notes that Grady Cothen (Former Chairperson of RSAC) is present and taking photographs. He asks Jo Strang for comments.

Jo Strang (PHMSA) says she wanted to stop by the full RSAC meeting and say "Good Bye." She thanks RSAC members for all the hard work they have undertaken. She says she wishes RSAC members all the best and hopes to see them in the future in her new role as Vice President for Regulatory Affairs at the ASLRRA.

Note: There is a brief reception for Jo Strang and RSAC members.

Chairperson Lauby reconvenes the meeting.

Chairperson Lauby announces that the Office of Inspector General (OIG) of the U. S. Department of Transportation has audited FRA to see how the Rail Safety Improvement Act (RSIA) of 2008 [Public Law 110-432, dated October 16, 2008, 122 STAT. 4848] has been implemented. He says one recommendation from OIG is that FRA conduct an assessment to determine how to improve efficiency. He says FRA will be asking what RSAC members think about RSAC and the RSAC process and for suggestions to improve efficiency. He says FRA will then take these suggestions back to the OIG. He says FRA will be sending out a letter/survey on this topic to RSAC members to get feedback.

Thomas (Tom) Streicher (American Short Line and Regional Railroad Association) asks, "If RSAC is standalone, what is RSAC being compared to."

Chairperson Lauby says the OIG looked at the Department of Agriculture and determined that something else is better. He asks RSAC members to tell FRA what you like about RSAC, or what you do not like about RSAC.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) asks if RSAC members can have access to the OIG Report.

Chairperson Lauby says the OIG Report is a public document. He says FRA will include a copy of the OIG Report with the letter/survey that is sent to RSAC members.

Chairperson Lauby asks Miriam Kloeppel (FRA–Office of Safety) for a presentation on Electronic Device Distraction Working Group activities.

Miriam Kloeppel (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Electronic Device Distraction Working Group Update to the 48th Railroad Safety Advisory Committee Meeting." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, "Electronic Device Distraction Overview," Ms. Kloeppel says RSAC Task No.: 11-01, Preventing Railroad Employee Distractions Caused by Personal Electronic Devices, was accepted by the full RSAC on May 20, 2011. She says the purpose of RSAC Task No.: 11-01 is to prescribe mitigation strategies, programs and processes for governing the use of personal electronic devices which could cause distractions to railroad employees engaged in safety critical activities.

Under slides 3-4, "Electronic Device Distraction Awareness Activities," Ms. Kloeppel lists the following activities that are underway: (1) Model PowerPoint presentation and awareness posters; (2) Awareness and education blitzes–2,376 interventions; (3) CSX Transportation's peer-to-peer Electronic Device Distraction (EDD) program started July 2012; (4) \$200,000 FRA Grant for peer-to-peer EDD Grant issued to Railroad Research Foundation/Norfolk Southern Corporation–Harrisburg, Pennsylvania Terminal; (5) Administrator Szabo video public service announcement on October 9, 2012 (Repeated in Los Angeles, California in January 2013; (6) The Volpe National Transportation Systems Center is conducting focus group activities to gather qualitative data on current state of EDD problem (usage, reasons, mitigation, strategies, etc.)–draft report in clearance; (7) FRA conducting long range (1,2, and 3 years) survey to gather qualitative data on usage, effectiveness of mitigation plans, etc.–survey form in clearance; (8) New EDD Education/Awareness Program requested by FRA regions–in

review at regional level; and (9) Develop FRA Distraction Internet Web Page—in process.

Miriam Kloeppe (FRA) displays the FRA Administrator Szabo video public service announcement on Electronic Device Distraction.

[Note: The following is the video script for FRA Administrator Szabo which was displayed on the meeting room screen.

“Hi. I’m Joe Szabo, Administrator of the Federal Railroad Administration—and a fifth-generation railroader who has spent nearly 20 years as a conductor on freight and passenger trains.

During those years, I learned how important it is to never lose focus on the job.

In just one second, you can miss a signal, not see an approaching train, or fail to hear a vital radio transmission.

Just one text or call...could wreck it all.

A momentary distraction can very easily cost you your life!

These days, practically everyone owns and regularly uses personal electronic devices like smart phones, MP3 players, and tablets.

And now, there’s growing evidence of their use throughout the workplace.

But as personal electronic devices become a bigger part of our lives, that means you will face even more potential opportunities to become distracted by them on the job.

And when railroaders are distracted, people can die. It doesn’t matter if you work in a locomotive cab, on the ground in a yard, shop; along the right of way; or at a dispatch desk.

Remember, for example, how a few years ago 26 people died at Chatsworth, California, as a result of an accident involving a distracted engineer.

And even though new rules and regulations have come into play since then, it is clear that distraction still puts everyone at risk on the railroad.

More recently, a track supervisor on a Class I railroad dies because he was sending a text—and injuries and fatalities like this continue to happen time after time.

So, I'm asking all railroads in all crafts to join us in eliminating the unnecessary and improper use of electronic devices on the job.

It doesn't matter where you work—whether it's in the cab, in the yard or shop, on the wayside, or in the control room...

Just one text or call...could wreck it all.

Because no matter how well trained, qualified, or experienced you are, anyone can fall victim to distraction—and all of you play crucial roles in keeping our railroads safe.

With your full support, we can fully ingrain safe behaviors into our railroad culture.

So power down and put away your personal electronic devices before you go to work—and remind your co-workers to do the same.

Railroad operating rules and Federal regulations require you to do so—as does common sense.

Remember, ***Just one text or call...could wreck it all.***”]

Under slide 6, “Possible Future activities,” Ms. Kloeppe outlines the following: (1) EDD Working group conference calls to share information about different EDD programs and materials; and (2) EDD Working Group Conference calls to discuss focus group results (once the report has been cleared).

Miriam Kloeppe (FRA) asks for comments.

Chairperson Lauby says the work of the EDD Working Group is about over. He asks the full RSAC if the EDD Working Group should be closed -out, i.e., RSAC Task No.: 11-01, Preventing Railroad Employee Distractions Caused by Personal Electronic Devices.

Andrew Corcoran (Association of American Railroads) asks if any new tasking for the EDD WG would come before the full RSAC first.

Chairperson Lauby replies “Yes.”

Chairperson Lauby asks for a motion to close-out RSAC Task No.: 11-01, Preventing Railroad Employee Distractions Caused by Personal Electronic Devices.

Andrew Corcoran (Association of American Railroads) motions to close-out RSAC Task No.: 11-01, Preventing Railroad Employee Distractions Caused by Personal Electronic Devices.

David Nichols (Amtrak) seconds the motion.

BY VOICE VOTE, THE FULL RSAC APPROVES THE MOTION TO CLOSE-OUT RSAC TASK NO.: 11-01, PREVENTING RAILROAD EMPLOYEE DISTRACTIONS CAUSED BY PERSONAL ELECTRONIC DEVICES.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby asks Daniel Alpert (FRA–Office of Chief Counsel) and Brian Marquis (FRA–Volpe National Transportation Systems Center (Volpe)) for a presentation on FRA’s Vehicle Track Interaction Safety Standards Final Rule.

Daniel (Dan) Alpert (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Vehicle/Track Interaction Safety Standards Final Rule.” A copy of the Microsoft PowerPoint Presentation was distributed to meeting attendees. All meeting documents will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. He is joined in the presentation by Brian Marquis (FRA–Volpe).

Under slide 2, “Purpose of VTI Safety Standards,” Mr. Alpert says Vehicle/Track Interaction (VTI) Safety Standards aim to reduce the risk of derailments and other accidents attributable to the dynamic interaction between moving vehicles and the track over which they operate.

Under slide 3, “VTI Safety Dynamics,” Mr. Marquis shows a flow chart depicting Running Safety Track Loading Vibration Behavior being influenced by the following: (1) Vehicle: (a) Load condition; (b) Suspension; and (c) Wheel profile; (2) Track: (a) Track geometry; (b) Track layout; and (c) Rail profile; (3) Operation: (a) Speed; and (b) Cant deficiency; and (4) Wheel/Rail Interface: (a) Contact geometry; (b) Friction; and (c) Wheel/rail forces.

Under slide 4, “VTI Safety Standards Final Rule,” Mr. Alpert says the final rule was published on March 13, 2013, and is intended to promote VTI safety under a variety of conditions at speeds up to 220 mph. [78 *Federal Register* (FR) 16052, dated March 13, 2013, Federal Railroad Administration 49 *Code of Federal Regulations* (CFR) Parts 213 and 238, [Docket No. FRA-2009-0036] RIN 2130-AC09, Vehicle/Track Interaction Safety Standards; High-Speed and High Cant Deficiency Operations, Final Rule.] He says the final rule: (1) Revises standards for vehicle response to track conditions; (2) Revises standards for track geometry; (3) Revises requirements for operations at high cant deficiency; and (4) Enhances qualification procedures for demonstrating vehicle trackworthiness to take advantage of computer modeling.

Under slide 5, “VTI Safety Standards Final Rule—General,” Mr. Alpert says the following about the final rule: (1) Is a product of unanimous Railroad Safety Advisory Committee consensus; (2) Becomes effective July 11, 2013; (3) Is based on operational and vehicle qualification experience (data), the results of simulation studies (modeling), research, and consideration of international practices; (4) Amends both the Track Safety Standards (49 CFR Part 213) and the Passenger Equipment Safety Standards (49 CFR Part 238); and (5) Will help promote the safety implementation of nationwide, high-speed passenger rail service.

Under slide 6, “VTI Safety Standards Final Rule—Specifics,” Mr. Marquis says among its main accomplishments, the final rule: (1) Revises performance standards and specifications—FRA reviewed the performance standards in light of advanced simulations that were developed to support the rulemaking effort and refined those standards to focus on identified safety concerns and remove any unnecessary costs; (2) Establishes consistent requirements for high cant deficiency operations for all track classes, and addresses combined track alignment and surface deviations; and (3) Institutes more cost-effective equipment qualification requirements: (a) Adds flexibility for safely permitting high cant deficiency operations on the lower-speed track classes, track Classes 1 through 5, without the need for obtaining a waiver; (b) Makes it easier to qualify vehicles on additional segments of track once they are qualified on any track, extending territories in which qualified equipment may operate; and (c) Adds a new appendix providing for the use of computer simulations for vehicle/track system qualification testing.

Under slide 7, “VTI Safety Criteria,” Mr. Marquis says the following: (1) The final rule revises VTI safety criteria; (2) VTI safety criteria are limits on wheel/rail forces and vehicle accelerations to promote the safe interaction of rail vehicles with the track over which they operate: (a) Wheels stay on track; and (b) Vehicle dynamics do not overload track, vehicle, or cause injury to passengers.

Under slide 8, “Revised VTI Safety Criteria (49 CFR 213.333),” Mr. Marquis shows a table which captures the revised VTI safety criteria parameters, safety limits for passenger cars and other equipment and filters/windows to be used.

Under slide 9, “Vehicle Design and Track Geometry,” Mr. Marquis says the following: (1) The final rule revises limits on track geometry; (2) Safe performance of rail vehicles necessitates maintaining track geometry within preset limits; and (3) The Track Safety Standards provide limits for maximum allowable track geometry variations for all nine track classes, i.e., safety minimums: (a) Include alignment, surface, gage, crosslevel, and track warp limits, which are progressively tighter for higher speeds; (b) Serve to identify conditions that require immediate attention because they pose or create a potential safety hazard; and (c) Help provide a railway infrastructure that supports a variety of rail vehicles (interoperability).

Under slide 10, “VTI Final Rule Revises FRA Track Classes,” Mr. Marquis displays the following table:

CLASS	MAXIMUM FREIGHT SPEED (MPH)	MAXIMUM PASSENGER SPEED (MPH)
1	10	15
2	25	30
3	40	60
4	60	80
5	80	90
6	{*}	110
7	{*}	125
8	{*}	160 {**}
9	{*}	220

{*} Existing regulations provide that freight equipment may be authorized to travel at the same speeds as passenger equipment if specified conditions are met.

{**} Final rule clarifies that 160 mph is the safe maximum speed for Class 8 track.

Under slide 11, “Revised Track Geometry Limits,” Mr. Marquis says the VTI Final Rule establishes consistent requirements for high cant deficiency operations (> 5 inches) for all track classes—in sharper curves for which cant deficiency is high but vehicle speeds are reflective of a lower track class, it was found that stricter track geometry limits are necessary, for the same track class, in order to provide an equivalent margin of safety for operations at higher cant deficiency.

Under slide 12, “Track Alinement—213.55, 213.327,” Mr. Marquis displays tables for track alinement under existing, revised, and new High Cant Deficiency more than 5-inches requirements for Track Classes 1-9.

Under slide 13, “Example: Responses of Acela Power Car to Class 7 Alinement Limits (perturbations),” Mr. Marquis shows a bar chart depicting the responses of an Acela Power Car to Track Class 7 alinement limits for chord lengths of 31-, 82-, and 124-feet.

Under slide 14, “Isolated Track Surface—213.63, 213.331,” Mr. Marquis displays tables for isolated track surface under existing, revised, and new High Cant Deficiency more than 5-inches requirements for Track Classes 1-9.

Under slide 15, “Revised Track Geometry Limits,” Mr. Marquis says the VTI Final Rule adds new combined track alinement and surface deviation requirements for high cant deficiency operations (> 5 inches). He says although FRA has prescribed limits on track geometry variations existing in isolation, research/modeling has shown that a combination of track alinement and surface variations, none of which individually amounts to a deviation, may nonetheless result in undesirable vehicle response. He says trains operating at high cant deficiencies will increase the lateral wheel force exerted on track during curving, thus decreasing the margin of safety.

Under slide 16, “Combined Track Surface and Alinement—New 213.65, 213.332,” Mr. Marquis shows a schematic of what the VTI Final Rule allows for alinement versus profile. He says simulations are required to show that the alinement and profile selections are safe.

Under slide 17, “Short Warp—213.63, 213.331,” Mr. Marquis displays a table for short warp under the VTI Final Rule. He says for Track Classes 6 through 9 and high cant deficiency operations (> 5 inches), new limits have been added for the difference in cross-level between any two points less than 10 feet apart. He says for Track Class 8 and 9 limits for the difference in cross-level between any two points less than 62 feet apart were revised.

Under slide 18, “Vehicle/Track System Qualification,” Mr. Marquis shows photographs depicting stationary tests, on-track tests, and simulation/modeling as inputs to wheel/rail forces, truck acceleration, and carbody acceleration used to evaluate running safety, track loading, and vibration behavior.

Under slide 19, “VTI Final Rule—Vehicle/Track System Qualification,” Mr. Marquis says the VTI Final Rule institutes more cost-effective equipment qualification requirements. He says the final rule: (1) Makes it easier to qualify vehicles on additional segments of track once they are qualified on any track, extending territories in which qualified equipment may operate; (2) Adds flexibility through procedures for safely permitting high cant deficiency operations on the lower-speed Track classes, e.g., track Classes 1-5, without the need for obtaining a waiver. In order to take advantage of this flexibility, the equipment must be qualified and the track must be maintained to more stringent standards to permit the higher speeds through curves; and (3) Adds a new appendix providing for the use of computer simulations for vehicle/track system qualification testing. These simulations are intended to be performed using a model containing defined track geometry perturbations at the limits that are permitted for a class of track and level of cant deficiency. The track model is referred to as Minimally Compliant Analytical Track (MCAT).

Under slides 20-21, “Vehicle/Track System Qualification,” Mr. Marquis shows matrices for vehicle/track system qualification requirements for new equipment and qualified equipment under existing rules and under new rules by Track Class and maximum allowable operating speed.

Under slide 22, “Vehicle/Track System Qualification: Use of Simulations to Demonstrate Performance,” Mr. Marquis says the following: (1) Simulation objectives: (a) Identify vehicle dynamic performance issues prior to service and validate suitability for operation of a vehicle type at a particular class of track and level of cant deficiency; and (b) Augment on-track vehicle performance assessment; and (2) Simulations will be conducted using: (a) Measured track geometry segment representative of full route; and (b) A model containing defined track geometry perturbations at the limits that are permitted for a class of track and level of cant deficiency—this track model is referred to as MCAT (Minimally Compliant Analytical Track).

Under slide 23, “Minimally Compliant Analytical Track (MCAT),” Mr. Marquis shows a graphic depiction for a track model known as MCAT. He says Appendix D to Part 213 contains requirements for using computer simulations to comply with the vehicle/track system qualification testing requirements specified in subpart G of part 213. These simulations shall be performed using a track model containing defined geometry perturbations at the limits that are permitted for a specific class of track and level of cant deficiency. These simulations shall be used to identify vehicle dynamic performance issues prior to service or, as appropriate, a change in service, and demonstrate that a vehicle type is suitable for operation on the track over which it is intended to operate. Under slide 24, “VTI Safety Standards Final Rule—Other Changes,” Mr. Marquis says the VTI Final Rule (1) Clarifies that individuals qualified to inspect track need only understand the portions of the regulation relevant to the inspections and the work for which they are responsible—in particular, the addition of vehicle qualification and testing requirements for high cant deficiency operations in lower-speed track classes adds a level of complexity that may be outside the purview of track foremen and inspectors in fulfilling their duties; (2) Resolves and reconciles inconsistencies between the Track Safety Standards and Passenger Equipment Safety Standards—for example, the rule makes uniform what were differences in vehicle qualification test speed requirements; and (3) Institutes more cost-effective in-service monitoring requirements: (a) Annual use of instrumented wheelsets for in-service validation is no longer a general requirement—the performance of such testing will be determined by FRA on the basis of annual accelerometer monitoring data submitted to FRA; and (b) Avoids some tests that have not provided useful data.

Under slide 25, “VTI Safety Standards—Current Activities,” Mr. Marquis identifies current VTI safety standard activities as follows: (1) Support of Vehicle/Track System Qualification Testing: (a) Amtrak Acela at 160 mph; (2) Amtrak ACS64 locomotive at 125 mph; (c) Amtrak LDSL cars at 125 mph; (d) Talgo Series 8; (e) NJT Bombardier

Multilevel at 100 mph; and (f) MARC MP36 locomotives at 100 mph; and (2) Safe Track Geometry Limits for Interoperable High-Speed Equipment—review track geometry limits for track Classes 1-5, initially for Tier III passenger equipment.

Under slide 26, “VTI Derailment Prevention, Brief Summary of Low Speed Derailments,” Mr. Marquis shows a timeline depiction of VTI derailment prevention. In the early 1990s, low speed car derailments on different carriers lead to an awareness of truck equalization and low flange angle issues. By March 2013, when additional low speed car derailments lead to an awareness of broken spring issues, FRA issued Safety Advisory No. 2013-02, Low Speed, Wheel-Climb Derailments of Passenger Equipment with “stiff” suspensions Systems, to further raise the awareness of VTI issues with low speed car derailments.

Brian Marquis (FRA–Volpe) asks for questions or comments.

Daniel Alpert (FRA) says Part 213 is for both passenger and freight equipment. He says a track inspector is now only required to know regulations for freight operations or passenger operations. He says this will change on July 1, 2013, when the new VTI regulation goes into effect.

Ross Capon (National Association of Railroad Passengers) asks if FRA is tightening the VTI regulations for high-speed track, but loosening the VTI requirements for Track Classes 1-5.

Brian Marquis (FRA–Volpe) replies, “No.” He says FRA did not look at Track Classes 1-5.

Ross Capon (National Association of Railroad Passengers) asks about the bullet on slide 6 of the Vehicle/Track Interaction Safety Standards Final Rule, i.e., “... • Institutes more cost-effective equipment qualification requirements. - Adds flexibility for safely permitting high cant deficiency operations on the lower-speed track classes, track Classes 1 through 5, without the need for obtaining a waiver...”

Brian Marquis (FRA–Volpe) says FRA has come up with a standardized process.

Ross Capon (National Association of Railroad Passengers) asks if the answer to his first question is “Yes.”

Brian Marquis (FRA–Volpe) replies, “Yes.”

Chairperson Lauby thanks Daniel Alpert (FRA–Office of Chief Counsel) and Brian Marquis (FRA–Volpe) for the presentation on the VTI Final Rule.

Chairperson Lauby asks Carlo Patrick (FRA–Office of Safety) for a presentation on Rail Failure Working Group activities.

Carlo Patrick (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Rail Failure Working Group, June 14, 2013, Washington, DC. Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Rail Failure Working Group Task No.: 12-01,” Mr. Patrick says the purpose of RSAC Task No.: 12-01, Rail Failure Working Group (RFGW), is to consider specific improvements to the Track Safety Standards (TSS) or other responsive actions designed to monitor rail life and reduce the adverse risks of rail head wear. He says RSAC Task No.: 12-01 was accepted by the full RSAC on September 27, 2012.

Under slide 3, “Three Meetings Held,” Mr. Patrick says the RFGW has held three meetings as follows: (1) January 8, 2013–Washington, DC; (2) March 19-20, 2013–Washington, DC; and (3) May 22-23, 2013–Hamel, Minnesota.

Under slide 4, “Meeting Focus,” Mr. Patrick says the RFGW is concentrating on the following topics: (1) Rail wear; (2) Rolling contact Fatigue (RCF); and (3) Rail Defect Development.

Under slide 5, “Technical Presentations,” Mr. Patrick says the RFGW has received technical presentations on the follow: (1) Development of Technology-Driven Solutions to Improve Safety–Transportation Technology Center, Incorporated; (2) Rolling Contact Fatigue–Formation, Prevention, and Treatment (National Research Council Canada); and (3) Rail Grinding Programs and Friction Management (Loram Maintenance of Way). Under slide 6, “Working Group Focus,” Mr. Patrick says the RFGW has been examining the following topics: (1) Rail performance and management; (2) Factors that influence rail life; (3) Train dynamics and the effect on rail; (4) The effects of head wear on rail integrity; (5) The effects of rolling contact fatigue on rail; and (6) Rail defect development.

Under slide 7, “Preliminary Research Recommendations (Non-consensus),” Mr. Patrick lists the following: (1) Improve rail steels; (2) Develop and implement TTCI [Transportation Technology Center, Incorporated] rolling load machine (RCF on rail and wheels); (3) Improve Understanding of worn rail to better forecast rail life; and (4) Improve rail inspection technologies.

Carlo Patrick (FRA) says the next RFGW meeting will be July 30-31, 2013, in Washington, DC.

Carlo Patrick (FRA) asks for questions.

Chairperson Lauby says the full RSAC put the RFWG together because of some high profile accidents. He says the National Transportation Safety Board (NTSB) has an accident investigation underway for the August 20, 2012, Ellicot City, Maryland train derailment, which killed two college students. He says FRA got this process underway ahead of expected NTSB Recommendations. He says FRA is hoping for recommendations out of the RFWG that will address the anticipated NTSB recommendations. He says the upcoming RFWG meeting in July 2013, will be important.

Chairperson Lauby asks Miriam Kloeppel (FRA–Office of Safety) for a presentation on Risk Reduction Working Group activities.

Miriam Kloeppel (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Risk Reduction Program Working Group Update to the 48th Railroad Safety Advisory Committee Meeting. Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Background,” Ms. Kloeppel says the full RSAC accepted RSAC Task No.: 11-04 Risk Reduction Program (RRP) on December 8, 2011. She says the Purpose of RSAC Task No.: 11-04 is to develop requirements for certain railroads to develop a Risk Reduction Program as mandated by the Rail Safety Improvement Act (RSIA) of 2008.

Under slide 3, “NPRM Status,” Ms. Kloeppel says the following: (1) RRP Working Group ended with a general understanding and tentative agreement; (2) Time constraints did not allow a formal vote, or full consensus process; (3) The Draft NPRM has been approved by the FRA Administrator; and (4) The NPRM is currently being reviewed as a “significant rule” at the Office of the U.S. Secretary of Transportation, after which it will go to the U.S. Office of Management and Budget for further review.

Under slide 4, “Consultation with Labor and Protection of RRP Information,” Ms. Kloeppel says the rule sections on consultation with labor and protection of RRP data will conform to the language used in the System Safety Plan Final Rule.

Under slide 5, “Next Steps,” Ms. Kloeppel says following publication of the RRP NPRM, FRA will reconvene the RRP WG to discuss comments which FRA receives on the NPRM.

Miriam Kloeppel (FRA) asks for questions.

Chairperson Lauby announces an afternoon break.

AFTERNOON BREAK 2:20 P.M. - 2:30 P.M.

Chairperson Lauby (FRA) reconvenes the meeting. He asks Brenda Moscoso (FRA–Office of Safety) for an update on Fatigue Management Plans (FMP) Working Group (WG) activities.

Brenda Moscoso (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Fatigue Working Group Update to the 48th Railroad Safety Advisory Committee Meeting.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Background,” Ms. Moscoso says the following: (1) The Fatigue Management Plans (FMP) Working Group (WG) was established on December 8, 2011, by the Railroad Safety Advisory Committee’s acceptance of RSAC Task No.: 11-03 Fatigue Management Plans; and (2) The purpose of RSAC Task No.: 11-03 is to provide advice regarding development of implementing regulations for Fatigue Management Plans and their deployment under the Rail Safety Improvement Act (RSIA) of 2008.

Under slide 3, “Meetings,” Ms. Moscoso lists dates for the following Fatigue Management Plans Working Group Meetings: (1) March 27, 2012; (2) June 12, 2012; (3) July 10, 2012; (4) August 28, 2012; (5) January 24-25, 2013; (6) April 2-3, 2013; and (7) June 11-12, 2013.

Under slide 4, “January 24 and 25, 2013 Meeting Highlights,” Ms. Moscoso lists the following highlights for the January 24-25, 2013, Fatigue Management Plans Working Group meeting: (1) Association of American Railroads presentation on scheduling; (2) FRA presentation on sleep disorders; and (3) Union Pacific Railroad presentation on their fatigue management program.

Under slide 5, “April 2-3, 2013 Meeting Highlights,” Ms. Moscoso lists the following highlights for the April 2-3, 2013, Fatigue Management Plans Working Group meeting: Discussion of regulatory framework: (1) Definitions; (2) Program requirements; and (3) Plan requirements.

Under slide 6, “June 11 and 12, 2013 Meeting Highlights,” Ms. Moscoso lists the following highlights for the June 11-12, 2013, Fatigue Management Plans Working Group meeting: (1) Presentation by David Nash on PRISM (Predictive Risk Intelligent Safety Module); (2) Draft rule text; (3) Discussion of Regulatory Impact (economic) Analysis; and (4) Task Force reports and deliverables.

Under slide 7, “Training and Education Task Highlights,” Ms. Moscoso lists the following highlights of the Training and Education Task Force: (1) Focus: Safety-related employee education; (2) Scope (approved by the FMP WG on June 12, 2012): (a) Determine industry and scientific resources available; and (b) Dissemination strategies; and (3) Deliverables: (dates presented to FMP WG in parentheses): (a) “Fatigue 101: training (July 10, 2012); (b) Training Topics paper (June 11, 2013); (c) Dissemination and evaluation strategies (June 11, 2013); (d) Fatigue mitigation toolkit (June 11, 2013); and (e) Summary of existing railroad and external resources (Task Force (TF) review June 7, 2013).

Under slide 8, “Infrastructure and Environment Task Force Highlights,” Ms. Moscoso lists the following highlights for the Infrastructure and Environment Concern Task Force: (1) Developed Consensus Guidelines for two of three focus areas: (a) Effects on employee fatigue of responses to emergency situations; and (b) Conditions associated with lodging facilities selected by carriers for employee rest—consensus guideline for dispute resolution process for this subject also developed; and (2) Developed White Paper discussing issues for the third focus area, which was present to the FMP WG meeting on June 12, 2013, i.e., the effects of vibration and temperature extremes on fatigue.

Under slide 9, “Scheduling TF Highlights,” Ms. Moscoso lists the following highlights for the Scheduling Task Force: (1) Developed proposed list of deliverables; (2) Developed draft table of contents—presented to FMP WG on July 10, 2012, and August 28, 2012; (3) Further Scheduling Task Force activities suspended while full FMP WG addresses major issues of concern; and (4) FRA submitted draft scheduling document for FMP WG discussion on June 12, 2013.

Under slide 10, “Upcoming Activities,” Ms. Moscoso says the next FMP WG meeting is scheduled for September 10-11, 2013, in Washington, DC.

Brenda Moscoso (FRA) asks for questions.

Lawrence (Larry) Mann (Sheet Metal Air, and Rail, and Transportation Union) asks, “To what did the FMP WG agree concerning lodging facilities.”

Miriam Kloeppel (FRA) says she believes the document on lodging facilities guidelines was accepted by the FMP WG. She says she will check the “meeting Minutes” and get back to Larry Mann.

Chairperson Lauby asks if the full Railroad Safety Advisory Committee is agreeable to having FRA circulate the document for Fatigue Management Plans for review, when it is available.

There is a brief discussion on FRA requesting a vote on a Fatigue Management Plans NPRM by electronic ballot.

Chairperson Lauby asks for a motion to vote on the Fatigue Management Plans NPRM by electronic ballot.

James Stem (Sheet Metal Air, and Rail, and Transportation Union) motions to vote on the Fatigue Management Plans NPRM by electronic ballot.

Larry Mann (Sheet Metal Air, and Rail, and Transportation Union) seconds the motion.

BY HAND VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MOTION TO VOTE ON THE FATIGUE MANAGEMENT PLANS NOTICE OF PROPOSED RULEMAKING BY ELECTRONIC BALLOT.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby says he will give an update on FRA Regulatory Activity. He uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "FRA Regulatory Activity Update to the 48th Railroad Safety Advisory Committee Meeting." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, "FRA Regulatory Activity Update," Chairperson Lauby answers the question "What does it mean when a regulatory action is determined to be significant." He says under Executive Order 12866, the Office of Information and Regulatory Affairs, a part of the U.S. Office of Management and Budget (OMB), is responsible for determining which agency regulatory actions are "significant" and, in turn, subject to interagency review. Significant regulatory actions are defined in Executive Order 12866 as those that: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Under slide 3, "Significant Rulemakings," Chairperson Lauby lists the following: (1) High-Speed Rail Corridor Development and Capital Investment Grants to Support Intercity Passenger Rail Service—NPRM on schedule for release in February 2014; and

(2) Buy America Program Requirements (High-Speed Intercity Passenger Rail (HSIPR) Program: (a) Rulemaking has been upgraded to “significant;” (b) NPRM on hold; release is undetermined; and (c) FRA and OST [Office of the U.S. Secretary of Transportation] are in discussions with OMB on this rule.

Under slide 4, “Significant Rulemakings,” Chairperson Lauby lists the following:

(3) Railroad Safety Risk Reduction Programs: (a) Advanced Notice of Proposed Rulemaking (ANPRM) published on December 8, 2010—a requirement of the RSIA; and (b) Target date for NPRM scheduled is September 2013 (an FRA regulatory priority); (4) Training Standards for Railroad Employees: (a) NPRM published February 7, 2012 (77 FR 6412); and (b) Target date for Final Rule is September 2013 (an FRA regulatory priority); and (5) Critical Incident Stress Plan: (a) Target date for NPRM is August 2013; and (b) Request for downgrade to non-significant rule has been approved.

Under slide 5, “Significant Rulemakings,” Chairperson Lauby lists the following:

(6) Controlled Substance Testing/Maintenance Employees—target date for NPRM is October 2013; (7) Positive Train Control # 4: (a) NPRM published December 11, 2012 (77 FR 73589); and (b) Final Rule published 2013; and (8) Vehicle/Track Interaction, High-Speed, High-Cant Deficiency Operations: (a) NPRM published May 10, 2010 (77 FR 25928); and (b) Final Rule published March 13, 2013 (78 FR 16052).

Under slide 6, “Significant Rulemakings,” Chairperson Lauby lists the following:

(9) Emergency Escape Breathing Apparatus: (a) NPRM published October 5, 2010 (75 FR 61386); and (b) Target date for Final Rule is undetermined (this is not a cost effective rule).

Under slide 7, “Non-Significant Rulemakings,” Chairperson Lauby lists the following:

(1) Roadway Worker Protection Miscellaneous Revisions: (a) NPRM published on August 20, 2012 (77 FR 50324); and (b) Final Rule target date October 2013; (2) Railroad System Safety Program: (a) Downgraded to non-significant on August 14, 2012; (b) NPRM published September 7, 2012 (77 FR 55372); and (b) Final Rule target date July 2013; and (3) Passenger Equipment Alternative Compliance: (a) May be upgraded to significant; (b) NPRM scheduled for Fall 2013; and (c) Final Rule scheduled for Early 2014.

Under slide 8, “Non-Significant Rulemakings,” Chairperson Lauby lists the following:

(4) Passenger Train Emergency Systems Amendments: (a) NPRM published January 3, 2012 (77 FR 154); and (b) Target date for Final Rule is October 2013—will be changes to “significant rule;” (5) Revisions to Passenger Train Emergency Preparedness: (a) NPRM published July 27, 2012 (77 FR 38248); and (b) Target Date for Final Rule August 2013; and (6) National Highway-Rail Crossing Inventory: (a) NPRM published October 18, 2012 (77 FR 64077); and (b) Target date for Final Rule October 2013.

Under slide 9, “Non-Significant Rulemakings,” Chairperson Lauby lists the following:

(7) Track Safety Standards: Rails, Records, Inspection: (a) NPRM published October 19, 2012; and (b) Target date for Final Rule November 2013; (8) Development and Use of Rail Safety Technology in Dark Territory– Delayed until publication of Risk Reduction NPRM and Final Rule; and (9) Passenger Train Door Operation and Door Safety–target date for NPRM is July 2013.

Under slide 10, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (10) Revisions to Passenger Train Emergency Preparation: (a) NPRM published June 27, 2012 (77 FR 38248); and (b) Target date for Final Rule is August 2013; and (11) Adjacent-Track On-Track Safety for Roadway Workers–Response to Petitions: (a) This rulemaking will respond to petitions for reconsideration of the final rule published on November 30, 2011 (76 FR 74586); (b) August 31, 2012, Provides notice of delay in response to petitions due to complex issues raised (77 FR 53164); (c) March 8, 2012, Delays effective date and requests comments (77 FR 13978); and (d) Target date for Final Rule is June 2013.

Under slide 11, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (12) Engineer Qualification and Certification Revisions (RRR/PRA): (a) This rulemaking will make conforming revisions to Part 240 “Qualification and certification of locomotive engineers” consistent with Part 242 “Qualification and Certification of Conductors.” The promulgation of the conductor certification regulation highlighted areas in the regulation governing locomotive engineer certification that may require conforming changes; and (b) Target date for NPRM is August 2013.

Under slide 12, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (13) Safety Glazing Standards; Miscellaneous Revisions (RRR/PRA): (a) This rulemaking would propose to eliminate the requirement to stencil the interior wall of a locomotive, passenger car, or caboose which has compliant FRA glazing (section 233.17), update FRA’s interpretation of “historical or antiquated equipment,” add a definition of the term to the rule text, and generally update the part to remove past compliance dates; and (b) Target date for NPRM is July 2013.

Under slide 13, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (14) Revisions to Signal System Reporting Requirements (RRR/PRA): (a) This rulemaking would propose the elimination of the requirement to submit a signal system report every 5 years. FRA believes that the information contained in such reports is available to FRA through other sources and the need for a separate and somewhat duplicative report every 5 years is unnecessary; and (b) Target date for NPRM is June 2013.

Under slide 14, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (15) Horns and Highway-Rail Grade Crossing Revisions: (a) This rulemaking would make miscellaneous revisions to the existing regulations to address pedestrian crossings and alternatives to train horns in unique situations; and (b) Target date for NPRM is March 2014; and (16) Hours of Service Recordkeeping; Amendments

(RRR/PRA): (a) This rulemaking would make miscellaneous revisions to the existing regulations to address pedestrian crossings and alternatives to train horns in unique situations; and (b) Target date for NPRM is March 2014.

Under slide 15, "Non-Significant Rulemakings," Chairperson Lauby lists the following: (17) Hours of Service Recordkeeping; Amendments (RRR/PRA): (a) This rulemaking would propose to provide simplified recordkeeping requirements to allow Class III and commuter railroads to utilize electronic recordkeeping. It would propose to permit railroads without electronic recordkeeping systems to manage reports of excess service internally without submitting them to the FRA, as currently required. The rule would not require the use of electronic recordkeeping, would be better tailored to small operations, and is expected to decrease the burden hours spent on recordkeeping; and (b) Target date for NPRM is October 2013.

Chairperson Lauby asks for questions.

Chairperson Lauby asks for new business to be brought before the Railroad Safety Advisory Committee.

Bob Opal (Association of Tourist Railroads and Railway Museums) requests that the Railroad Safety Advisory Committee consider reinstating the Tourists and Historic Railroads Working Group to consider a number of topics that affect this industry. He says he is joined in this request by Warren Lucas (American Association of Private Railroad Car Owners). He says he would like the reinstated Working Group to be called the Tourists and Historic Railroads and Private Car Working Group. He says the Tourists and Historic Railroads and Private Car Working Group would be tasked with the following: (1) Review the treatment of historic and antique equipment under Part 223 glazing standards, as these rules apply to equipment used exclusively for tourists, historic, and excursions and also to private passenger cars; (2) Review the treatment of 50 + years-old freight equipment used exclusively for tourists, historic and excursion railroad operations. He says this task would not apply to equipment used for commercial freight operations; and (3) Review the text for periodic attention of legacy passenger and freight cars under Part 233 Appendix B. He says this task would not cover cars used for Intercity or commuter operations, or for commercial freight operations.

Chairperson Lauby says this is an area where the FRA Safety Board is bombarded with waiver requests. He says FRA would like to update requirements for this equipment. He says FRA could draft a task statement for the full Railroad Safety Advisory Committee to consider on this topic and request that RSAC members vote by electronic mail on whether to accept the task or not. He asks if this proposal is acceptable to the full RSAC.

There is a brief discussion about what resources might be required for this task.

Ross Capon (National Association of Railroad Passengers) motions for FRA to draft an RSAC Task Statement to re-instate the Tourists and Historic Railroads (and Private Car) Working Group to address Part 223, Part 233, and other issues that pertain to tourist, historic, excursion, and private rail cars, and to have the full RSAC vote on the Task Statement by electronic mail.

James Stem (Sheet Metal Air, and Rail, and Transportation Union) seconds the motion.

BY VOICE VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MOTION FOR FRA TO DRAFT AN RSAC TASK STATEMENT TO REINSTATE THE TOURISTS AND HISTORIC RAILROADS (AND PRIVATE CAR) WORKING GROUP TO ADDRESS PART 223, PART 233, AND OTHER ISSUES THAT PERTAIN TO TOURIST, HISTORIC, EXCURSION, AND PRIVATE RAIL CARS, AND TO HAVE THE FULL RSAC VOTE ON THE TASK STATEMENT BY ELECTRONIC MAIL.

Chairperson Lauby thanks the full RSAC for approving this motion.

Ross Capon (National Association of Railroad Passengers) asks if the “private passenger cars” are those that would be handled by Amtrak.

Bob Opal (Association of Railway Museums) replies, “Yes.”

Vince Verna (Brotherhood of Locomotive Engineers and Trainmen) asks about the status of the rule on breathing apparatus for locomotive engineers as mandated by the RSIA of 2008.

Chairperson Lauby says FRA could only find one fatality that could have been prevented in the last 10 years, had this equipment been available and if that train engineer had been able to get to the breathing apparatus. He says FRA looked at this issue but could not justify a regulation to require this equipment. He says the U.S. Office of Management and Budget does not care about the RSIA of 2008. He says if something cannot be justified, it is not worth regulating.

Larry Mann (Sheet Metal Air, and Rail, and Transportation Union) says labor is aware of a number of serious injuries that could have been prevented if breathing apparatus equipment was available.

Brenda Moscoso (FRA) says two fatalities have been identified. She says the problem with “injuries” is it involves the inhalation of diesel fumes.

Chairperson Lauby requests that the labor caucus provide FRA with additional information on this topic.

Chairperson Lauby asks for additional new business to be brought before the full Railroad Safety Advisory Committee.

Chairperson Lauby asks for additions and corrections to the Minutes for the 47th meeting of Railroad Safety Advisory Committee, held on September 27, 2012.

Chairperson Lauby asks for a motion to accept the Minutes for the 47th meeting of Railroad Safety Advisory Committee, held on September 27, 2012, as corrected.

Thomas (Tom) Streicher (American Short Line and Regional Railroad Association) motions to accept the Minutes for the 47th meeting of the Railroad Safety Advisory Committee, held on September 27, 2012, as corrected.

James Stem (Sheet Metal Air, and Rail, and Transportation Union) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS THE MINUTES FOR THE 47TH MEETING OF THE RAILROAD SAFETY ADVISORY COMMITTEE, HELD ON SEPTEMBER 27, 2012, AS CORRECTED.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby thanks RSAC members for attending today's meeting. He asks for a motion to adjourn the meeting.

James Stem (Sheet Metal Air, and Rail, and Transportation Union) motions to adjourn the meeting.

Jeffrey Moller (Association of American Railroads) seconds the motion.

Chairperson Lauby adjourns the meeting at 3:00 pm.

M E E T I N G A D J O U R N E D 3:00 P.M.

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, Event Recorder.