

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

**Minutes of Meeting**  
**March 6, 2014**  
**Washington, D.C.**

The fifty-first 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 15<sup>th</sup> Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Railroad Safety/Chief Safety Officer, 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 March 6, 2014, meeting, ten of the fifty-six voting RSAC members were absent: The American Petroleum Institute (1 seat), The American Train Dispatchers Association (1 seat), The Association of Tourist Railroads and Railway Museums (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (1 of 3 seats absent); The Brotherhood of Maintenance of Way Employees Division (BMWED) (1 of 2 seats absent); The Institute of Makers of Explosives (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The Transport Workers Union of America (1 of 2 seats absent), and The Transportation Communications International Union/Brotherhood of Railway Carmen (1 of 3 seats absent) and Transportation Security Administration (1 seat). Five of seven non-voting/advisory RSAC members were absent: The Federal Transit Administration, The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Transportation Safety Board, and Secretaria de Comunicaciones y Transporte (Mexico). Total meeting attendance, including presenters and support staff, was approximately 90.

Chairperson Lauby welcomes RSAC (the Committee) Members and attendees. He asks Kenton Kilgore (FRA—Office of Railroad Safety) for a meeting room safety briefing.

Kenton Kilgore (FRA) identifies the meeting room's fire and emergency exits. He asks for volunteers with cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) 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 AED, located outside the rest rooms in the building's atrium lobby.

Chairperson Lauby explains the "ground rules" for media personnel regarding photographs and questions.

Chairperson Lauby acknowledges the attendance of today's meeting by Luc Bourdon Director General Rail Safety for Transport Canada.

Chairperson Lauby says today will be the last RSAC meeting to be attended by Ross Capon as President of the National Association of Railroad Passengers (NARP).

[Note: On March 3, 2014, the NARP announced that, after 39 years with the organization, Ross Capon will step down as president of the association. Mr. Capon began working for NARP in 1975 and became executive director in 1976. In 2000, Mr. Capon was recognized for his support of train transportation with the Robert K. Pattison Partnership Award from the Intermodal Passenger Institute. He also received the 1985 NARP's Golden Spike Award and the 2007 W. Graham Claytor Jr. Award for Distinguished Service to Passenger Transportation from Railway Age Magazine.]

Ross Capon (National Association of Railroad Passengers (NARP) announces that the NARP is accepting nominations for the 20<sup>th</sup> Annual Dr. Gary Burch Memorial Award until March 14, 2014. He says this award recognizes the individual railroad employee judged to have done the most to improve the safety of railroad passengers in the year just concluded, i.e., 2013. He says the award will be presented during NARP's 2014 Annual Congressional Reception and Council Meeting. He says additional information on this topic can be found at NARP's Internet Web Site, i.e., [www.narprail.org](http://www.narprail.org).

[Note: The Dr. Gary Burch Memorial Safety Award is an annual award granting \$1,000 to the railroad worker who has done the most to improve the safety of railroad passengers. Dr. Burch was chief, of the Ear, Nose, and Throat Clinic at the Eisenhower Hospital at Fort Gordon, Georgia. He was one of eight passengers who died July 31, 1991, at Lugoff, South Carolina, while traveling on Amtrak's Silver Star. It derailed at a switch that the National Transportation Safety Board (NTSB) later said was "poorly maintained." Dr. Burch's wife, Bette, was traveling with him and was injured. Later, she and her children (Michael Burch and Kathryn Pettyjohn) decided to do what they could to improve passenger rail safety. Their effort resulted in the award. A selection committee solicits nominations from railroad companies and operating agencies and selects someone to receive the award at NARP's Annual Spring Congressional Reception at the Rayburn House Office Building in Washington, D.C., to be held on Tuesday, April 29, 2014.

## CONDITIONS OF AWARD

(Presented by the Burch Family)

**PURPOSE** To recognize the individual railroad employee judged to have done the most to improve the safety of railroad passengers in the year just concluded.

**ELIGIBILITY** All employees of railroads and agencies which operate or contract for the operation of intercity passenger or commuter trains (as distinct from local mass transit) or whose tracks are used by such trains.

**NOMINATION CRITERIA** The choice of selection criteria shall be the prerogative of each nominating railroad, authority or union, but consideration should be given to the employee who: A. Identifies and reports or corrects a passenger-threatening hazard and thereby prevents a possible accident or serious injury. B. Initiates and fosters (by ideas, programs or other means) an atmosphere that promotes superior safety performance and awareness with respect to railroad passengers

**NOTES** Organizations are encouraged to submit more than one nomination. This year, as was the case last year, nominations also will be accepted from individuals. Personal acts of heroism shall not be a consideration for this award. The committee is particularly interested in front-line workers whose job description duties are not specifically related to safety (e.g. "Safety Coordinator"), including track inspectors and track workers, and in work "beyond the job description" by all nominees. Please also note that the employee need not be directly involved in the operation of trains—the 2008 award winner was an Amtrak police officer. A nominating carrier need not run passenger trains for its own account; it is enough to simply host passenger trains operated by others. Operation Lifesaver activities should not be the only activity to recommend a candidate.

**NOMINATING PROCEDURE** Nominations shall be submitted in the form of a typewritten letter not to exceed two pages in length. Nominations recognizing accomplishments in 2013 must be received by Friday, March 14, 2014. They must be sent to:

The National Association of Railroad Passengers  
Attn: Burch Award  
505 Capitol Court, NE, Suite 300  
Washington, DC 20002-7706  
Fax: (202) 408-8287 (Voice: 408-8362)  
E-mail: [narp@narprail.org](mailto:narp@narprail.org)

Such nominations will be forwarded to the Burch Award Advisory Committee.]

Chairperson Lauby asks FRA Administrator Joseph C. Szabo for opening remarks. He notes that Administrator Szabo has been in his position for five years and is now one of the “senior” tenured advisors to the U.S. Secretary of Transportation on railroad matters.

Administrator Szabo welcomes RSAC members and meeting attendees. He thanks Chairperson Lauby for the introductory remarks. He says the past five years have been very productive. He thanks everyone for their hard work in advancing rail safety, particularly during the time since the RSAC Emergency Meeting on August 29, 2013, following the July 6, 2013, Lac Mégantic, Quebec, train accident.

Administrator Szabo says RSAC has been a critical element in driving continuous safety improvement. He says FRA recently confirmed that Fiscal Year 2013 was even safer than Fiscal Year 2012, our safest year on record, with record low numbers of accidents, injuries and fatalities.

Administrator Szabo says in 1967, when FRA was formed, on average, a rail worker was killed on the job nearly every other day. In 2013, he says, it was down to approximately one a month. He says this really shows our ability to improve safety when FRA, the industry and rail labor all work together.

But as Administrator Szabo reflects, he came back to the realization that this was still 14 unnecessary deaths. And, as the former Mayor of a railroad town, he continues to be haunted by the tragedy of the Lac Mégantic, Quebec train accident. He says the bottom line is, when it comes to safety, we owe it to the public – and to rail workers – to do always do better. He says we expect it from ourselves at FRA, and we expect it from the industry we regulate.

[Note: On July 6, 2013, an unattended 74-car freight train carrying Bakken formation crude oil ran away and derailed, resulting in the fire and explosion of multiple tank cars in the town of Lac-Mégantic, located in the Eastern Townships of the Canadian province of Quebec, at approximately 1:15 am EDT. Forty-two people are confirmed dead with 5 more missing and presumed dead. More than 30 buildings in the town's center, roughly half of the downtown area, were destroyed.]

Administrator Szabo says RSAC will begin the discussion today on two National Transportation Safety Board (NTSB) recommendations regarding the use of inward- and outward-facing video recording devices in controlling locomotives.

He says he knows RSAC can develop standards that achieve the right balance between ensuring these devices are used to enhance safety and are not as a tool to discriminate or violate employee privacy. He says cameras will save lives and provide critical information to enhance accident investigations. However, he adds, he knows what can

happen every day out on a railroad property. He says he has been that union officer who was subject to “special attention” by an overly aggressive supervisor. He says he has walked in those shoes. He says as RSAC does its due diligence, we owe it to everyone – the public and the rail workforce – to get this right. He says he knows that RSAC will get this issue right.

Administrator Szabo says at today’s there will be a critical update on the tasks that RSAC accepted at the August 29, 2013, emergency meeting. He says during the August 29, 2013, emergency meeting, RSAC agreed to accept task statements related to the safe movement of hazardous materials, train securement, and train crew size. He says there is a firm April 1, 2014, deadline – less than a month away – for RSAC to complete its work on these topics.

Administrator Szabo says he knows that the Hazardous Materials Issues Working Group and the Train Crew Working Group have plans to meet again after today. He says the Securement Working Group met on March 4, 2014. However, he adds, since this is the last time the entire RSAC will come together before the April 1, 2014 deadline, it is important to him that his expectations are well understood. He says FRA would, of course, prefer to have RSAC’s input and consensus on these three critical tasks. Therefore, he hopes that working group members can work out their differences and meet FRA’s deadline, wrap up work, and do electronic voting by April 1, 2014. However, he adds, on April 1, 2014, FRA is moving forward on these three critical tasks, with or without RSAC consensus. He says we owe this action to the public.

Administrator Szabo says reducing risk in our rail network is a critical part of the U.S. Department of Transportation’s (DOT) comprehensive effort to ensure that Bakken crude petroleum products are transported safely. He says in partnership with the U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA), FRA is examining the entire rail system for crude delivery, from making sure crude petroleum products are properly classified and packaged, to supporting PHMSA’s tank car rulemaking, to taking steps to further mitigate risk throughout rail operations.

Administrator Szabo says in the past seven months, DOT has issued two emergency orders, two safety advisories, and a safety alert, in addition to issuing enforcement actions and training emergency first responders, following the tragedy of Lac Mégantic. He says RSAC is now in the process of codifying these efforts with input from the men and women who operate railroads and transport these hazardous commodities.

Administrator Szabo says he wants to recognize the Association of American Railroads (AAR) for stepping up and committing to a series of immediate voluntary steps that will significantly enhance safety. Now, he says, it’s the RSAC’s turn.

Administrator Szabo says with RSAC’s recommendation on securement practices, we can better understand the most effective practices for securing a train – and if our

regulations need to be revised. He says with RSAC's recommendation on hazardous materials, good information can be provided to the U.S. Pipeline and Hazardous Materials Safety Administration. He says with RSAC's recommendation on train crew size, FRA can carve out those appropriate instances in which multiple-person crews may not be necessary.

Administrator Szabo says when the Railroad Safety Advisory Committee met on August 29, 2013, he shared his perspective with the Committee. He says when he first saw pictures of the wreckage in Lac-Mégantic, Quebec – as the former mayor of a railroad town – he thought, “That could have been my town.” He says, “This must continue to be the first thought in all of our minds anytime we think about the enormous growth of crude petroleum products being moved by rail.” He says we need to think, “That could have been my town.” He says we cannot afford to emphasize our thinking solely about the logistics, supply, and demand for crude petroleum products.

Administrator Szabo says ensuring the safety of the cities and towns along crude petroleum products routes is a shared responsibility. He says that means everyone has to step up their game, because as much as the industry's economic viability is tied to reliability and efficiency, the underlying foundation driving its success – and earning the public's trust – will always be safety.

Administrator Szabo thanks RSAC members for their hard work and commitment to the RSAC process to ensure continuous safety improvement in the railroad industry.

Chairperson Lauby thanks Administrator Szabo for his introductory remarks. He asks meeting attendees to identify themselves and the organizations they represent.

Chairperson Lauby says the Hazardous Materials Issues Working Group, Securement Working Group, and Train Crew Working Group have made much progress. He notes that there have been difficulties with the weather which prevented these working groups to meet as scheduled. He says a meeting of the Hazardous Materials Issues Working Group scheduled for March 3, 2014, was canceled because of snow. He says a make-up meeting for this group has been scheduled for March 26, 2014. He says there was a misunderstanding in an electronic ballot for the Securement Working Group and that group was scheduled to meet the morning of March 4, 2014, to resolve several issues. He says weather once again postponed the Securement Working Group meeting from the morning of March 4, 2014, to the afternoon of March 4, 2014. He says a 2-day meeting of the Train Crew Working Group scheduled for March 4-5, 2014, was cut back to a one-day meeting on March 5, 2014. He says there will be a make-up meeting for this group on March 31, 2014.

Chairperson Lauby asks Karl Alexy (FRA–Office of Railroad Safety) for a report on Hazardous Materials Issues Working Group activities.

Karl Alexy (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Task No. 13-02: Hazardous Materials Issues (HMI) Working Group (WG).” 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.

Under slide 2, “Overview,” Mr. Alexy outlines the following topics he will discuss: (1) Purpose; (2) Description; (3) Issues requiring specific report; and (4) Other issues.

Under slide 3, “Purpose,” Mr. Alexy says the “Purpose” of RSAC Task No. 13-02 is to: (1) Re-evaluate FRA Emergency Order No. 28 Appendix A and consider revised criteria that reflect the appropriate types and quantities of hazardous materials carried by a train that warrant special handling and operational controls; and (2) Ensure that handling and operational controls are in place regarding: (a) The classification of hazardous materials; (b) The identification of hazardous materials (c) Movement; (d) Route planning; (e) Attendance; or (f) Any other recommended handling measure or operational control of trains and on-track vehicles transporting hazardous materials (hazmat).

[Note: Appendix A to FRA Emergency Order No. 28 reads as follows: (1) Five or more tank car loads of any one or any combination of materials poisonous by inhalation as defined in 49 CFR 171.8, and including anhydrous ammonia (UN 1005) and ammonia solutions (UN 3318); or (2) 20 rail car loads or intermodal portable tank loads of any one or any combination of materials listed in (1) above, or, any Division 2.1 flammable gas, Class 3 flammable liquid or combustible liquid, Class 1.1 or 1.2 explosive, or hazardous substance listed in 49 CFR 173.31(f)(2).]

Under slides 4-5, “Description,” Mr. Alexy lists the following: (1) Documents for review: (a) 49 *Code of Federal Regulations* (CFR) Part 174; (b) 49 CFR Part 173 Subpart D; (c) 49 CFR Part 172 Subparts C, D, H, and I; (d) FRA Emergency Order No. 28 (EO28), Notice No. 1; (e) Guidance on EO28; (f) FRA Safety Advisory 2013-06; and (g) Association of American Railroads (AAR) Circular No. OT-55-N; and (2) Documents Issued/Published since the emergency RSAC meeting on October 31, 2013: (a) The U.S. Secretary of Transportation’s Call to Action (1/16/14); (b) The American Short Line and Regional Railroad Association’s (ASLRRA) letter to the U.S. Department of Transportation (DOT) (2/12/14); (c) DOT Commitment Letter (2/20/14); and (d) Emergency Restriction/Prohibition Order (2/25/14).

Under slide 6, “Issues Requiring Specific Report – Issue 1,” Mr. Alexy says the first issue requiring specific report under RSAC Task No.: 13-02 is: to identify criteria reflecting the types and quantities of hazardous materials which are recommended to be required to comply with any special handling requirements or operational controls,

including requirements that may be recommended as a result of this task, or RSAC Tasks Nos.: 13-03 or 13-05.

Under slide 7, “Items Considered,” Mr. Alexy lists the following ideas for consideration for the first issue: (1) Additional Hazard Classes and commodity groups; (2) Define “Key” train in the Hazardous Materials Regulations; (3) Modify the definition of “residue;” (4) Reconcile “Appendix A” and “key train;” and (5) Classification as combustible.

Under slide 8, “Recommendations,” Mr. Alexy says the HMI WG is making the following recommendations: (1) Recommendation 1—modify the definition of “residue;” and (2) Recommendation 5—reconcile definitions.

Under slide 9, “Issues Requiring Specific Report—Issue 2, Mr. Alexy says the second issue requiring specific report under RSAC Task No. 13-02 is: requirements of marking of tank cars, training of personnel, and information required on shipping papers, in addition to those contained in 49 CFR part 172 subparts D, H, and C, for trains for which special handling and/or operational controls are proposed.

Under slide 10, “Items Considered,” Mr. Alexy lists the following ideas for consideration for the second issue: (1) Identification of “residue” tank cars containing volumes exceeding that determined in Task 1—this could be information on a reverse waybill or preparation of a news manifest indicating a loaded car; (2) Document reflecting current position in train of each car containing hazardous materials must also indicate “Key Train” when appropriate; (3) Decal or stencil for tank cars containing commodities found in Appendix A of FRA Emergency Order No. 28; (4) Specify elements of function specific training that must be included to cover issued address in this RSAC; and (5) Job briefing prior to setting cars out for pick up.

Under slide 11, “Recommendations,” Mr. Alexy says the HMI WG is making the following recommendation: (1) Recommendation 6—the labor caucus training request.

Under slide 12, “Issues Requiring Specific Report—Issue 3, Mr. Alexy says the third issue requiring specific report under RSAC Task No. 13-02 is: special handling requirements and/or operational controls for trains or vehicles meeting the criteria identified as requiring special handling and/or operational controls as a result of this task.

Under slide 13, “Items Considered,” Mr. Alexy lists the following ideas for consideration for the third issue: (1) Extend Part 173.10 Tank car shipments to include commodities found in Appendix A of FRA Emergency Order No. 28; (2) Shipper’s responsibility for compliance with FRA regulations based on RSAC recommendations, e.g., are they on main track or a main track siding; (3) Placement of hazardous material (hazmat) near rear of train; and (4) Securement at loading/unloading facilities—match requirements at Part 232.103(n).

Under slide 14, “Recommendations,” Mr. Alexy says the HMI WG is making the following recommendations: (1) Recommendation 3—guidance document regarding securement and security on private track; and (2) Recommendation 4—PHMSA re-engage is certain loading, unloading, storage and transportation practices.

Under slide 15, “Issues Requiring Specific Report—Issue 4,” Mr. Alexy says the fourth issue requiring specific report under RSAC Task No. 13-02 is: expand the applicability of Part 172 subpart I, to require rail transportation route analysis and security plans for trains or vehicles meeting the criteria identified as requiring special handling and/or operational controls as a result of this task.

Under slides 16, “Items Considered,” Mr. Alexy lists the following ideas for consideration for the fourth issue: (1) Include all Appendix A trains on the requirements for a route risk analysis; (2) Additional or weighting of current risk factors; and (3) Consider requirements for constructively placed tank cars and a requirement to notify nearby communities.

Under slide 17, “Recommendations,” Mr. Alexy says there are no recommendations on Issue 4 (See the AAR/DOT Agreement (February 20, 2014)).

Under slide 18, “Issues Requiring Specific Report—Issue 5,” Mr. Alexy says the fifth issue requiring specific report under RSAC Task No. 13-02 is: accurate, efficient, and proper frequency of hazardous material testing and classification of flammable liquids, including crude oil and ethanol prior to filling/loading of rail tank cars.

Under slide 19, “Items Considered,” Mr. Alexy lists the following ideas for consideration for the fifth issue: (1) Develop and comply with a sampling/analysis plan: (a) Sampling/testing frequencies (statistically significant); (b) Analytical methods; and (c) Source dependent (a guidance document may be appropriate); and (2) Eliminating “combustible” classification will harmonize Hazardous Materials Regulations with international regulations.

Under slide 20, “Recommendation,” Mr. Alexy says the HMI WG is making the following recommendation: (1) Recommendation 2—prevent the use of non-DOT Specification Tank Cars for Crude Oil (See Emergency Restriction/Prohibition Order, February 25, 2014).

Under Slide 21, “Other Issues,” Mr. Alexy says the following: (1) Notify groups responsible for RSAC Task No. 13-03 and RSAC Task No. 13-05 of the recommended criteria reflecting the types and quantities of hazardous materials which are recommended to be required to comply with any special handling requirements or operational controls, as well as any recommendations to the Pipeline and Hazardous Materials Safety Administration for changes to the Hazardous Materials Regulations

affecting the handling of placarded tank cars; and (2) Evaluate the risks of leaving trains or vehicles meeting the criteria identified as requiring special handling and/or operational controls unattended and report the results of such evaluation to the group responsible for RSAC Task No. 13-03.

Under slide 22, "Path Forward," Mr. Alexy says due to inclement weather, the March 3, 2014, HMI WG meeting was postponed. He says the meeting has been rescheduled for March 26, 2014 in Washington, DC.

Karl Alexy (FRA) asks for questions.

Kelly Haley (Brotherhood of Railroad Signalmen) asks, "Who determines that a car is a residue car—the shipper or the railroad?"

Karl Alexy (FRA) replies, "The shipper."

Kelly Haley (Brotherhood of Railroad Signalmen) asks, "How will a railroad determine that a car is a residue car?"

Karl Alexy (FRA) says the HMI WG is considering this topic. He says a railroad will depend on the paperwork for a description of the residue car.

Ross Capon (National Association of Railroad Passengers) says it appears that the problem is one of mislabeling the product. He says there is also a learning curve on how explosive the commodity is.

Karl Alexy (FRA) says he believes the issue is more a problem of misclassification, versus mislabeling. He says regarding the topic of the explosiveness of crude petroleum products, this topic is being examined.

Chairperson Lauby asks, "What is the status on bringing the HMI WG recommendations to a vote?"

Karl Alexy (FRA) says many HMI WG items are ready for vote. However, he adds, agreement in other areas, e.g., training, may not be reached. He says he believes that five of six items could have something to vote on after the March 26, 2014, HMI WG meeting.

Chairperson Lauby says the full Railroad Safety Advisory Committee (RSAC) will need to vote on the HMI WG recommendations to the FRA Administrator. He motions for the full RSAC to vote by electronic ballot on HMI WG recommendations.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) seconds the motion.

BY VOICE VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE ACCEPTS THE MOTION TO VOTE ON HAZARDOUS MATERIALS ISSUES WORKING GROUP RECOMMENDATIONS TO THE FRA ADMINISTRATOR BY ELECTRONIC BALLOT.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby asks Gary Fairbanks (FRA–Office of Railroad Safety) and Christian Holt (FRA–Office of Railroad Safety) for a report on Securement Working Group activities.

Gary Fairbanks (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Securement Working Group Update.” 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.

Under slide 2, “RSAC Task No.: 13-03,” Mr. Fairbanks says (1) The first meeting of the Securement Working Group was held on October 30, 2013, in Washington, DC; and (2) The documents reviewed during the first meeting were: (a) RSAC Task Statement No.: 13-03, Securement Requirements, and RSAC Task Statement No.: 13-04, Operational Testing for Securement of Rolling Equipment; (b) FRA Emergency Order No. 28, Notice 1 (78 *Federal Register* (FR) 48218); (c) FRA Safety Advisory 2013-06 (78 FR 48224); and (d) FRA Motive Power and Equipment Bulletin 10-01.

Under slide 3, “RSAC Task No.: 13-03,” Mr. Fairbanks says (1) The second meeting of the SWG was held on December 17, 2013, in Washington, DC; and (2) The documents reviewed were: (a) Task Statement No.: 13-03; (b) FRA Emergency Order No. 28, Notice 1; (c) FRA Safety Advisory 2013-06; and (d) FRA MP&E Technical Bulletin 10-01.

Under slide 4, “RSAC Task No.: 13-03,” Mr. Fairbanks says (1) The third meeting of the SWG was held on January 28, 2013, in Washington, DC; and (2) The documents reviewed were: (a) Task Statement Nos.: 13-03 and 13-04; (b) FRA Emergency Order No. 28, Notice 1; (c) FRA Safety Advisory 2013-06; and (d) FRA MP&E Technical Bulletin 10-01.

Under slide 5, “Securement Working Group Update,” Mr. Fairbanks reads the “Purpose” from the task statements as follows: (1) RSAC Task No.: 13-03–To ensure appropriate processes and procedures are in place to ensure that any unattended trains and vehicles on mainline track or mainline sidings outside of a yard or terminal are properly secured against unintended movement, and as appropriate, such securement is properly confirmed and verified; and (2) RSAC Task No.: 13-04–To enhance safety by

confirming that appropriate processes and procedures are in place to ensure that unattended trains and vehicles on mainline tracks or mainline sidings outside of yards or terminals are properly secured against unintended movements by ensuring that proper operational testing is conducted regarding securement of unattended equipment.

Under slide 6, "RSAC Task No.: 13-03—Securement Requirements," Mr. Fairbanks says (1) The decisions reached by the SWG on RSAC Task No.: 13-03 were (a) The Association of American Railroads (AAR) prepared draft rule text related to the requirements of FRA Emergency Order No. 28, Notice 1, for presentation to the SWG at its December 17, 2013, meeting; and (b) The SWG reached a partial consensus at the January 28, 2014, meeting on the rule text; and (2) At the March 4, 2014, meeting of the SWG, a consensus decision was made to adopt the rule text proposed by the AAR, with modifications by FRA and Labor.

Gary Fairbanks (FRA) asks for questions.

With no questions, Gary Fairbanks (FRA) asks Christian Holt (FRA) to continue the report on Securement Working Group activities.

Under slide 8, "RSAC Task No.: 13-04," Mr. Holt says the following for Operational Testing for Securement of Rolling Equipment: (1) The SWG specific task is to review operational testing under 49 CFR Part 217, related to securement and determine if frequency or enhancement of the tests is needed; and (2) The consensus of the SWG is that amendment of the regulations is not necessary. He says current efficiency testing frequencies and programs are sufficient.

Under slide 9, "RSAC Task No.: 13-04," Mr. Holt says the Association of American Railroads discussed and provided a "Best Practices for Supervisor Training (Securement Focus)" document at the January 28, 2014, SWG meeting for securement operational testing for supervisors or managers.

Christian Holt (FRA) asks for questions.

With no questions of Christian Holt, Chairperson Lauby says the full Railroad Safety Advisory Committee (RSAC) will need to vote on the SWG recommendations to the FRA Administrator. He motions for the full RSAC to vote by electronic ballot on SWG recommendations.

Richard Johnson (Transportation Communications International Union/Brotherhood of Railway Carmen) seconds the motion.

BY VOICE VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE ACCEPTS THE MOTION TO VOTE ON SECUREMENT WORKING GROUP RECOMMENDATIONS TO THE FRA ADMINISTRATOR BY ELECTRONIC BALLOT.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby announces the morning break.

M O R N I N G   B R E A K   10:35 A.M. - 10:50 A.M.

Chairperson Lauby reconvenes the meeting. He asks Devin Rouse (FRA–Office of Railroad 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 Update.” 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.

Under slide 2, “Outline,” Mr. Rouse says he will comment on the following: (1) Review ETF Regulatory Implementation Plan; (2) Status of current tasks; (3) Task Group updates; and (4) Short-term objectives and next meeting.

Under slide 3, “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) Tier I alternative crashworthiness standards; (b) 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) Tier III Braking Systems; and (NPRM 2): (a) Tier III Safety Appliances; (b) Incorporate 49 CFR Part 229 for Tier III; (c) Alternative crashworthiness for single car/locomotive; (d) Tier III Inspection, Testing and Maintenance; (e) Update Part 238.111 Pre-revenue service acceptance testing plan to incorporate new rules; and (f) Tier I passenger road locomotive safety appliances.

Under slide 4, “Task Update,” Mr. Rouse says the last ETF meeting was held January 30-31, 2014. He the following topics were discussed: (1) Tier III Safety Appliances: (a) Tier III trainset proposal presented at January 2014 meeting; and (b) Industry to work with labor and provide proposed changes for review at next meeting; (2) Single car/Locomotive alternative crashworthiness: (a) Revised proposals presented to ETF; and (b) Industry to provide a formal response and recommendations; and

(3) System Safety Planning: (a) Presented approach for creating an appropriate counterpart to 49 CFR 238, Subpart G for Tier III; and (5) FRA and Amtrak to develop strawman text for review at Fall ETF meeting.

Under slide 5, "Task Group Updates," Mr. Rouse outlines the following: (1) Active Task Groups: (a) Tier III Part 229/Inspection, Testing, and Maintenance (ITM): (i) Crafting new Tier III requirements based on applicable sections of 49 CFR 229 Subpart C; (ii) Plan to develop Tier III Inspection, Testing and Maintenance (ITM) detailed requirements once all of the safety standards are agreed upon; and (iii) Dedicated Task Group meeting will be held in May or June to help expedite discussions; (b) Engineering Structures and Integrity (ESI) Task Group: (i) Developed "Suggested Practices for Demonstrating Crashworthiness of Passenger Equipment;" and (ii) Meetings in 2014 to commence start on a more general "Compliance Manual" for ETF rules; and (2) Inactive Task Groups: (a) Tier III Brake Systems—recommendations incorporated in NPRM 1 (closed); (b) Vehicle Track Interaction (VTI)—disbanded; and (c) Tier III Cab Glazing—recommendations incorporated in NPRM 1 (closed).

Under slide 7, "Next Meeting and Objectives," Mr. Rouse says the next ETF meeting is tentatively scheduled for September 3-4, 2014. He says the objectives for this meeting are as follows: (1) Reach consensus on Tier III Safety Appliances; (2) Present Tier III Part 229 recommendations to ETF and start ITM discussions; and (3) Reach preliminary consensus on single car/locomotive issues.

Devin Rouse (FRA) asks for questions.

With no questions of Devin Rouse (FRA), Chairperson Lauby says the ETF is a very important group. He says it has been interesting to see car builders, who rarely talk to each other, talk to each other.

Chairperson Lauby asks Joseph Riley (FRA—Office of Railroad Safety) for a presentation on Train Crew Working Group (TCWG) activities.

Joseph Riley (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Appropriate Train Crew Size Task No.: 13-05." 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.

Under slides 2-3, Mr. Riley says according to RSAC Task Statement No.: 13-05, the issues requiring specific report are as follows: (1) Report on whether there is a safety benefit or detriment from crew redundancy, including an analysis of observed safety data and outcomes from current crew deployment practices; (2) Review existing

regulations and consider the impact of crew size on the performance of any task or activity; (3) Report on the costs and benefits associated with crew redundancy; and (4) If appropriate, develop recommended regulatory language or guidance documents regarding crew size requirements that enhance the safety of railroad operations by providing enhanced regulatory redundancy. In considering the development of regulatory language, specifically consider the value of regulatory redundancy in terms of crew size as it relates to trains or vehicles identified by the group responsible for RSAC Task No.: 13-02 Hazardous Materials Issues, as requiring special handling and/or operational controls, and if appropriate, develop recommended regulatory language specific to these railroad operation. Mr. Riley says the target date for the TCWG recommendations to the full RSAC is April 1, 2014.

Under slide 4, "Meetings," Mr. Riley lists the following TCWG meeting dates and locations: (1) June 14, 2013—National Housing Center of the National Association of Home Builders, Washington, DC; (2) December 18, 2013—DoubleTree Hilton Hotel, Washington, DC; (3) January 29, 2014—Marriott Renaissance Hotel, Washington, DC; (4) March 5, 2014—Marriott Renaissance Hotel, Washington, DC; and (5) March 31, 2014—National Housing Center of the National Association of Home Builders, Washington, DC.

Under slide 5, Mr. Riley says (1) FRA believes safety regulations and railroad operating rules were written based on a promise of a two-person crew and operating with a one-person crew may in certain cases or environments actually compromise railroad and public safety; and (2) FRA believes that a second train staff member provides the method for appropriate checks and balances regarding train operations that may reduce the potential of a single-point human factor error.

Under slide 6, Mr. Riley says FRA perceives railroad safety is enhanced by using multiple crew members, on-train personnel, or an alternate staffing method reduces risk. He says FRA does not intend this to mean two persons must be located at all times in the operating compartment of every freight or passenger train, e.g., a conductor can "shadow" a train in a motor vehicle, or passenger train attendants.

Under slide 7, Mr. Riley says information provided by TCWG members and FRA review shows that approximately 4 to 6 percent of railroads operating trains on main track, outside of yards, employ single-person crews (28-42 railroads). He says FRA expects single-person train operations to increase. He says currently, there are no controls or requirements to prevent a railroad from operating one-person crew operations.

Under slide 8, Mr. Riley says (1) FRA has determined a regulatory control regarding train staffing size is necessary and drafted 49 CFR Part 218 Subpart G, introduced during the January 29, 2014, TCWG meeting. The working document was revised based on the expressed concerns of the TCWG; and (2) On March 5, 2014, a second

draft of Part 218 Subpart G was presented and FRA received comments from the TCWG.

Under slide 9, Mr. Riley says for the purpose of this regulation, FRA adopted the Part 220.5 definition of a train as follows: “Train means one or more locomotives coupled with or without cars, requiring an air brake test in accordance with 49 CFR Part 232 or Part 238, except during switching operations.” Mr. Riley says the definition framed the proposed regulation’s applicability to train operations outside yards where Remote Control Operations, and single-crew switching operations are common.

Under slide 10, Mr. Riley says (1) Part 218 Subpart G prescribes minimum requirements for the size of different train crew staffs depending on the type of operation and prescribes the appropriate location for train staff members; (2) Additionally, the regulation provides general and specific staffing exceptions for passenger and freight trains; and (3) The draft regulation provides requirements for single-person crew train operations in place prior to January 1, 2014, and puts in place a special approval procedure for railroads commencing single-person crew operations after January 1, 2014.

Under slide 11, Mr. Riley says Part 218 Subpart G will not allow single-person crew operations for the following: (1) Trains containing one or more tank car loads of any one or any combination of materials poisonous by inhalation as defined in 49 CFR 171.8, and including anhydrous ammonia (UN 1005) and ammonia solutions (UN 3318); or (2) Trains containing 20 rail carloads or intermodal portable tank loads of any one or any combination of materials listed in paragraph (b)(1), or any Division 2.1 flammable gas, Class 3 flammable liquid or combustible liquid, Class 1.1 or 1.2 explosive, or hazardous substance listed in 49 CFR 173.31(f)(2).

Under slide 12, Mr. Riley says (1) The draft regulation provides a special approval process to address other on-train personnel arrangements that do not meet the specific exclusions set forth in a regulation and could be appropriate; and (2) Special approval may be granted based on a detailed description of the train operations proposed, including a description of any technology that could potentially perform tasks typically performed by a second crew member or could prevent accidents caused by a locomotive engineer’s failure to comply with railroad operating rules or practices.

Joseph Riley (FRA) asks for questions.

Chairperson Lauby says the TCWG is an RSAC Working Group which he attends with Joseph Riley (FRA–Office of Railroad Safety) and Daniel Knotte (FRA–Office of Railroad Safety). He says this is an area where the public and the Congress feel FRA should be having some oversight. He says FRA has received a lot of good information from TCWG discussions.

Lawrence Mann (International Association of Sheet Metal, Air, Rail, and Transportation Workers) asks, "How does the single-crew "grand fathering" work for operations prior to January 1, 2014?" He asks if these operations will need to submit applications for "approval" even though they continue to operate single-person crew operations.

Joseph Riley (FRA) replies, "Yes." He says single-person crew operations prior to January 1, 2014, can continue to operate, but the carriers need to tell FRA about the operation and that it is safe.

Chairperson Lauby says the carriers will be required to describe how their operation is safe and will remain safe. He says FRA has a role in providing oversight.

Kelly Haley (Brotherhood of Railroad Signalmen) asks if the review of a carrier's one-person crew operations is only going to FRA without public comment, or will there be notice in the *Federal Register* inviting public comment.

Chairperson Lauby says a carrier's application for single-person crew operations will come directly to FRA without any other public review or comment.

Kelly Haley (Brotherhood of Railroad Signalmen) says he believes the labor caucus would prefer to be involved in this process on the "front end," as opposed to the "back end."

Chairperson Lauby says he appreciates that perspective.

Chairperson Lauby says the full Railroad Safety Advisory Committee (RSAC) will need to vote on the TCWG recommendations to the FRA Administrator. He motions for the full RSAC to vote by electronic ballot on TCWG recommendations.

Thomas Murta (Association of American Railroads) seconds the motion.

BY VOICE VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE  
ACCEPTS THE MOTION TO VOTE ON TRAIN CREW WORKING GROUP  
RECOMMENDATIONS TO THE FRA ADMINISTRATOR BY ELECTRONIC  
BALLOT.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby announces a new topic: Inward- and Outward-Facing Recording Devices Mounted in Controlling Locomotive Cabs. He uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen, for "Inward- and Outward-Facing Recording Devices Mounted in Controlling Locomotive Cabs (RSAC Task No.: 14-01)." 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.

Under slide 2, "Purpose," Mr. Lauby reads the Purpose of RSAC Task No.: 14-01 as follows: "To develop regulatory recommendations addressing the installation and use of inward- and outward-facing recording devices in controlling locomotive cabs. The recommendations should address installation requirements and timelines, technical controls, recording retention periods, retrieval of recordings, controlled-custody of recordings, crashworthiness standards at least equivalent to those for locomotive event recorders, use of recordings for accident investigation and railroad safety study purposes, and use of recordings to conducting operational tests."

Chairperson Lauby says is in response to National Transportation Safety Board (NTSB) recommendations stemming from railroad accident investigations at Chatsworth, California, Goodwell, Oklahoma, and the Bronx, New York.

Under slide 3, "Background," Mr. Lauby says in light of NTSB Recommendations R-10-1, R-10-2, and recent accidents, FRA believes it is appropriate to evaluate the adoption of regulations addressing inward- and outward-facing locomotive recording devices to advance railroad safety. Recordings would be utilized to assist in post-accident/incident investigations (railroad, highway-rail grade crossing, and trespasser), to assist in evaluating railroad employee fatigue, distraction, and crew interactions, for use as a training tool for railroad employees, and for use in conducting operational tests of railroad employees.

Under slide 4, "Description," Mr. Lauby reads the description of RSAC Task No.: 14-01, as follows: Review and evaluate the following: (1) NTSB Recommendations R-10-1 and R-10-02; (2) 49 CFR Part 229, Railroad Locomotive Safety Standards; (3) 49 CFR Part 218, Subpart D, Prohibition against tampering with safety devices; (4) 49 CFR Part 217, Railroad Operating Practices; and (5) Railroad accidents, e.g., Chatsworth, California, Goodwell, Oklahoma, and the Bronx, New York.

Under slide 5, "Issues Requiring Specific Report," Mr. Lauby reads the following: "All matters related to the development of regulatory standards governing the installation and use of inward- and outward-facing recording devices in controlling locomotive cabs, including economic data required for regulatory analysis.

Chairperson Lauby asks for comments on RSAC Task No.: 14-01, Inward- and Outward-Facing Recording Devices Mounted in Controlling Locomotive Cabs.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) asks for an explanation of the two NTSB recommendations.

Chairperson Lauby replies that he does not have to exact language for the two NTSB Recommendations, but that NTSB Recommendations R-10-1, and R-10-2 will be added to the Minutes for this meeting, as a reference.

[Note: NTSB Recommendations R-10-1, and R-10-2 follow:

Require the installation, in all controlling locomotive cabs and cab car operating compartments, of crash- and fire-protected inward- and outward-facing audio and image recorders capable of providing recordings to verify that train crew actions are in accordance with rules and procedures that are essential to safety as well as train operating conditions. The devices should have a minimum 12-hour continuous recording capability with recordings that are easily accessible for review, with appropriate limitations on public release, for the investigation of accidents or for use by management in carrying out efficiency testing and system-wide performance monitoring programs. (R-10-1)

Require that railroads regularly review and use in-cab audio and image recordings (with appropriate limitations on public release), in conjunction with other performance data, to verify that train crew actions are in accordance with rules and procedures that are essential to safety. (R-10-2)]

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) asks if FRA will be doing efficiency testing, or will carriers be using this data for efficiency testing?

Chairperson Lauby says he does not want this data ending up on YouTube. He says FRA has an opinion on how the data will be used that will be explored with the Working Group.

John Previsich (International Association of Sheet Metal, Air, Rail and Transportation Workers) asks if the "Description" and "Background" of RSAC Task No. 14-01 is just for discussion purposes.

James Stem (International Association of Sheet Metal, Air, Rail and Transportation Workers) says there are ramifications of this task to Parts 240, Qualification and Certification of Locomotive Engineers and 242, Qualification and Certification of Conductors.

Chairperson Lauby says FRA will not negotiate on RSAC Task Statements. He says if something is not in an RSAC Task Statement, that does not mean that anything not related to the RSAC Task Statement is not fair game. He says everything needs to be on the table, if it is related to the issue.

James Stem (International Association of Sheet Metal, Air, Rail and Transportation Workers) says "That is our position, also."

Chairperson Lauby asks if the Association of American Railroads wants to place limits on this discussion.

Bob VanderClute (Association of American Railroads) says the Association of American Railroads is open to a discussion on this topic.

Ross Capon (National Association of Railroad Passengers) asks if adoption of “cameras” is an open question, per the “Background” statement in RSAC Task No.: 14-01?

Chairperson Lauby says FRA believes the “Background” statement in RSAC Task No.: 14-01 is open ended, so that we do the right thing. He says consistently, the FRA Administrator has gone forward with the recommendations of the full Railroad Safety Advisory Committee.

John Tolman (Brotherhood of Locomotive Engineers and Trainmen) requests a labor caucus.

Chairperson Lauby announces a labor caucus.

#### L A B O R C A U C U S 11:40 A.M. - 11:55 A.M.

Chairperson Lauby reconvenes the meeting. He asks for a report on labor caucus activities.

John Tolman (Brotherhood of Locomotive Engineers and Trainmen) says the Brotherhood of Locomotive Engineers and Trainmen is opposed to inward-facing cameras. He says inward facing cameras will not add safety to railroad operations and potentially will serve as a tool to harass and intimidate railroad employees. However, he adds, if this issue goes forward, the Railroad Safety Advisory Committee (RSAC) is the correct place for this activity.

Chairperson Lauby asks if the labor caucus will participate in the RSAC Working Group process for this topic.

John Tolman (Brotherhood of Locomotive Engineers and Trainmen) replies, “Yes.”

James Stem (International Association of Sheet Metal, Air, Rail and Transportation (SMART) Workers) replies, “SMART will participate.”

Chairperson Lauby motions that the full Railroad Safety Advisory Committee adopt RSAC Task No.: 14-01, Inward- and Outward-Facing Recording Devices Mounted in Controlling Locomotive Cabs, as presented.

Ross Capon (National Association of Railroad Passengers) asks if adoption of RSAC Task No.: 14-01 means there will be inward-facing cameras in locomotive cabs.

Chairperson Lauby replies, "No." However, he adds, he would not be surprised if rules are adopted for inward-facing cameras in locomotive cabs.

Bob VanderClute (Association of American Railroads) seconds the motion.

BY VOICE VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE ACCEPTS THE MOTION TO ADOPT RSAC TASK NO.: 14-01, INWARD- AND OUTWARD-FACING RECORDING DEVICES MOUNTED IN CONTROLLING LOCOMOTIVE CABS, AS PRESENTED. THE VOICE VOTE TO ACCEPT THE MOTION WAS NOT UNANIMOUS.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby says the next presentation is 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 51<sup>st</sup> 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.

Chairperson Lauby says, "These days, it is very challenging to do rulemaking." He says FRA is trying to prioritize its rulemakings. He says he will attempt to give his best estimate for when these rules will be issued.

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 (OIRA), 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 says the designation of "Significant Rulemaking" may not last the life of the rulemaking. He says what is "significant" today, may be "non-significant" tomorrow. He lists the following:

(1) High-Speed Rail Corridor Development and Capital Investment Grants to Support Intercity Passenger Rail Service—FRA has not received funding, delaying the immediate need for this NPRM; and (2) Buy America Program Requirements (High-Speed Intercity Passenger Rail or HSIPR) Program: (a) Rulemaking has been upgraded to "significant;" (b) NPRM undergoing internal U.S. Department of Transportation (DOT) review; and (c) Schedule for NPRM release is uncertain.

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; (b) In final DOT review; and (c) Target date for NPRM scheduled is May/June 2014 (an FRA regulatory priority); and (4) Training Standards for Railroad Employees: (a) NPRM published February 7, 2012 (77 FR 6412); (b) In final DOT review; and (b) Target date for Final Rule is March/April 2014 (an FRA regulatory priority).

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

(5) Controlled Substance Testing/Maintenance Employees: (a) Target date for NPRM is May 2014; (b) In final FRA review; and (c) Seeking downgrade by OMB to non-significant; and (6) Emergency Escape Breathing Apparatus: (a) NPRM published October 5, 2010 (75 FR 61386); (b) FRA completing economic review; and (b) Target date for Final Rule is end-2014.

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

(7) PTC Amendments (RRR): (a) New target date for Final Rule is May 2014; (b) To OMB in February 2014; and (c) FRA is requesting expedited OMB review of this final rule; (8) Passenger Equipment Alternative Compliance: (a) Upgraded to "significant;" and (b) Target date for NPRM is Fall 2014; and (9) Adjacent-Track, On-Track Response to Petitions—Final Rule published January 2014.

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 May/June 2014; (2) Railroad System Safety Program: (a) Downgraded to non-significant; (b) NPRM published September 7, 2012 (77 FR 55372); (c) Awaiting designation of final rule by OMB—may become significant; and (c) Final Rule target date May/June 2014, if significant; and (3) Passenger Train Emergency Systems II; Amendments: (a) NPRM published January 3, 2012 (77 FR 154); (b) Final Rule published November 2013.

Under slide 8, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (4) Revisions to Passenger Train Emergency Preparedness: (a) NPRM published July 27, 2012 (77 FR 38248); and (b) Target Date for Final Rule March 2014; (5) National Highway-Rail Crossing Inventory: (a) NPRM published October 18, 2012 (77 FR 64077); and (b) Target date for Final Rule April/May 2014; and (6) Track Safety Standards: Improving Rail Integrity: (a) NPRM published October 19, 2012; and (b) Final Rule published January 2014.

Under slide 9, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (7) Development and Use of Rail Safety Technology in Dark Territory— long-term action: Rule in abeyance pending issuance of both Risk Reduction and System Safety Final Rules and consideration of their technology implementation plans; (8) Passenger Train Door Operation and Door Safety—target date for NPRM is March 2014; and (9) Certification of Safety-Related Railroad Employees—long-term action: Rule in abeyance pending issuance of Training Standards Final Rule and completion of study.

Under slide 10, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (10) 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 May/June 2014.

Under slide 11, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (11) 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,” and generally update the part to address compliance dates that have long passed; and (b) Target date for NPRM is April/May 2014.

Under slide 12, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (12) 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; (b) NPRM published June 19, 2013 (78 FR 36738); and (c) Target date for Final Rule is April/May 2014.

Under slide 13, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (13) 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 late-2014; and (14) Critical Incident Stress Plan: (a) NPRM published June 28,

2013 (78 FR 38878); (b) Awaiting final designation from OST/OMB; and (c) Target date for Final Rule is March 2014.

Chairperson Lauby asks for questions.

John Tolman (Brotherhood of Locomotive Engineers and Trainmen) asks, "What is the status of the Critical Incident Stress Debriefing (CISD) rule?"

Chairperson Lauby says FRA is awaiting a "significant/non-significant" designation from the Office of the U.S. Secretary of Transportation/U.S. Office of Management and Budget before moving forward. He says there might be one designation at the NPRM level and then a "final" designation at the Final Rule level. He says FRA is waiting for the final designation before moving forward on the CISD rule.

Chairperson Lauby asks if there is any new business to be brought before the Railroad Safety Advisory Committee.

Kelly Haley (Brotherhood of Railroad Signalmen) says at the October 31, 2013, meeting of the Railroad Safety Advisory Committee, he asked that a list of meeting attendees be included in the Minutes for the full Railroad Safety Advisory Committee. He says FRA said it would discuss this request. He asks if FRA has resolved this issue.

Chairperson Lauby apologizes for not resolving this issue. He says there were privacy concerns about meeting attendee email addresses and telephone numbers. He says he will take this issue back to FRA for further discussion.

Chairperson Lauby asks for additions and corrections to the Minutes for the 50<sup>th</sup> meeting of the Railroad Safety Advisory Committee, held on October 31, 2013.

Kelly Haley (Brotherhood of Railroad Signalmen) and Ross Capon (National Association of Railroad Passengers) offer corrections to the Minutes.

Chairperson Lauby asks for a motion to accept the Minutes for the 50<sup>th</sup> meeting of Railroad Safety Advisory Committee, held on October 31, 2013, as amended.

Kelly Haley (Brotherhood of Railroad Signalmen) motions to accept the Minutes for the 50<sup>th</sup> meeting of the Railroad Safety Advisory Committee, held on October 31, 2013, as amended.

James Stem (International Association of Sheet Metal, Air, Rail, and Transportation Workers) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS THE MINUTES FOR THE 50<sup>TH</sup> MEETING OF THE RAILROAD SAFETY ADVISORY COMMITTEE, HELD ON OCTOBER 31, 2013, AS AMENDED.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby asks for dates for the next meeting of the full Railroad Safety Advisory Committee.

There is a brief discussion about members' availability for the next meeting, after which FRA announces that it will arrange the next meeting of the full Railroad Safety Advisory Committee for September 4, 2014.

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

Thomas Murta (Association of American Railroads) motions to adjourn the meeting.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) seconds the motion.

Chairperson Lauby adjourns the meeting at 12:20 pm.

MEETING ADJOURNED 12:20 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.