

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

## **Minutes of Meeting October 31, 2013 Washington, D.C.**

The fiftieth 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 October 31, 2013, meeting, seven of the fifty-six voting RSAC members were absent: The Association of State Rail Safety Managers (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 National Conference of Firemen and Oilers (1 seat), Safe Travel America (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). 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 Association of Railway Business Women, and Secretaria de Comunicaciones y Transporte (Mexico). Total meeting attendance, including presenters and support staff, was approximately 125.

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 asks FRA Administrator Joseph C. Szabo for opening remarks.

Administrator Szabo welcomes RSAC members and meeting attendees. He thanks Chairperson Lauby for the introductory remarks. He says, "It's great to see everyone at today's meeting." He congratulates "Red Sox Nation," [The Boston Red Sox are the winner of the 2013 World Series of baseball] adding that someday it may come time for his hometown Chicago Cubs to win the World Series of Baseball. He says today marks the end of a stressful month. He says it is October 31<sup>st</sup> and he hopes this period of time is behind us. He says the government shutdown forced us to put a lot of important work on hold. He says since the government shutdown ended, we've had a lot of catching up to do.

Administrator Szabo thanks FRA staff for catching up so fast so that the RSAC could meet this week as planned. As he said at the emergency RSAC meeting two months ago, "We have a very important job to do."

Administrator Szabo says at our last meeting, all of us saw the unforgettable images of a train accident in Quebec which took 47 lives and decimated the town of Lac-Mégantic. He says given the depths of the devastation, given the tremendous increase in crude oil and ethanol being moved by rail, and given our shared desire to prevent a similar accident from happening in the United States, we owe the public both decisive action and a thorough re-examination of relevant regulations and industry practices.

[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 we must also acknowledge that, since we last met, on August 29, 2013, there was another accident in Canada – this one involving the derailment of four rail cars carrying crude oil. He says the crude oil did not originate in the United States – and the damage was much less severe. But, he says, it still serves as a reminder that we must do everything we can to prevent similar accidents from occurring in the United States. He says this is why we are here at today's meeting.

Administrator Szabo says FRA's first decisive action after the accident in Quebec was to issue an Emergency Order. This required railroads to take immediate steps within 30 days to prevent trains on mainline tracks or sidings from moving unintentionally.

[Note: FRA Emergency Order No. 28, Notice No. 1, Emergency Order Establishing Additional Requirements for Attendance and Securement of Certain Freight Trains and Vehicles on Mainline Track or Mainline Siding Outside of a Yard or Terminal, dated August 7, 2013, 78 *Federal Register* (FR) 48218.]

Administrator Szabo says to begin our overall re-examination, we issued a Safety Advisory with our sister agency, the Pipeline and Hazardous Materials Safety Administration. He says FRA's Safety Advisory recommended additional ways railroads can further reduce risk in our complex, interconnected rail system – and through those efforts, further strengthen the safe transportation of passengers and freight, including hazardous materials, by rail.

[Note: FRA Safety Advisory 2013-06 Lac-Mégantic Railroad Accident Discussion and DOT Safety Recommendations, dated August 7, 2013, 78 FR 48224.]

Administrator Szabo says at our Emergency Meeting on August 29, 2013, we began an honest discussion about these recommendations. He says the RSAC also agreed to accept task statements related to train securement, to hazardous materials, and to train crew size.

Administrator Szabo thanks RSAC members for their hard work on these tasks over the past three months, and especially those who attended the working group meetings the past three days. He says there is no going back. He says ensuring continuous safety improvement demands that we stay focused, meet our April deadline, and finish the job.

Administrator Szabo says he wants to be clear—we are not here because our rail system is unsafe, or because accidents of trains carrying hazardous materials are widespread. He says our rail system is extremely safe. He says, “As I have said repeatedly, 2012 – by virtually all measures – was the safest year in railroading history, with train accidents down a remarkable 43 percent in 10 years.” He adds, among the millions of annual shipments of hazardous materials by rail, less than a fraction of one percent of these has resulted in any type of release.

Administrator Szabo says this is exactly why we must remain vigilant. He says being satisfied with the progress made to date is simply not the mindset that has led us – or will continue to lead us – to higher levels of safety. He says a new milestone achieved in safety is merely an invitation to do better.

Administrator Szabo says the safety statistics of the Montreal, Maine and Atlantic Railway Company before Lac-Mégantic did little to show an impending accident. Yet, he adds, with a thorough risk analysis it becomes clearer where pockets of risk were evident. He says it is a challenge to go beyond the statistics, to do thorough risk analyses, and to add the redundancy that takes away single points of failure. He says this is how we will achieve the next breakthrough in safety, and get better at addressing

accidents before they happen. He says “This is what we are committed to.” He says, “This is why we are here.”

Administrator Szabo says the safest year in railroading history did not happen by mistake. He says many of you in this room and many of your predecessors helped guide us there. However, he adds, the safest year in railroading history never would have happened without stringent regulations and enforcement; without extensive industry guidelines, practices, and testing; or without a well-trained and committed workforce.

But the RSAC’s job now is to set aside any assumptions. Your charge here is to look at everything with a fresh set of eyes.

For the tasks related to hazardous materials and securement, this means a thorough reconsideration of existing regulations – and industry practices: from guidelines, to training, and efficiency testing.

Administrator Szabo says the goal is simple: We must identify how regulations and practices can be improved, and if there are any gaps, we must find common-sense ways to close them.

Administrator Szabo says so far, the industry has shown us it is willing to move forward. He says, “On September 30<sup>th</sup>, I sent letters to the Association of American Railroads, the American Public Transportation Association, and the American Short Line and Regional Railroad Association.” He says the letter informed them that FRA was starting an Internet Web Site to keep the public informed about their progress in implementing recommendations in the safety advisory. He says his September 30<sup>th</sup> letter asked the organizations to summarize the steps their members have taken to address our recommendations. He says within weeks, all three organizations responded with descriptions of their recent actions. He says FRA posted its letters and the responses it received on the Internet Web Site. He says the industry associations will receive letters from FRA with additional questions very soon. He says FRA’s plan is to keep this Internet Web Site updated so there can be a public, transparent conversation on this topic.

Administrator Szabo says another project dovetailing with the work moving forward in the RSAC is what we’re calling Operation Classification. He says this is a joint inspection operation we launched with the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the Bakken region [Manitoba, Saskatchewan, Montana and North Dakota] to verify that crude oil is being properly classified in accordance with federal regulations. He says FRA and PHMSA are making sure that the testing to determine its classification is being done, while also analyzing the effects of corrosion in tank cars. He says collected samples are still being tested and our goal, ultimately, is to establish “best practices” for the classification of hazardous materials.

Administrator Szabo says like us at the FRA, PHMSA – as Administrator Cynthia Quarterman said at the emergency RSAC meeting on August 29, 2013 – is determined to use all means necessary to prevent a tragedy, on par with what happened in Canada, here in the United States. He says PHMSA remains a vital partner for the FRA as the RSAC's efforts move forward.

Administrator Szabo says it is important to understand that PHMSA writes the regulations governing the safe movement of hazardous material by rail. FRA, he says, enforces hazardous materials transportation regulations for railroads. He says it is with RSAC's input that we'll recommend to PHMSA if current hazardous material regulations need to be revised or expanded.

Administrator Szabo says with the Securement Working Group, the approach to the task is very similar – except the regulations are FRA's. He says FRA is relying on the RSAC Working Group to thoroughly review both the adequacy of the regulations in place – and particularly how well these regulations are understood and followed. And, he adds, FRA is relying on RSAC to help us add more clarity to securement practices, and help us better understand what are the most effective practices for securing a train.

In addition, Administrator Szabo says FRA is asking RSAC to take a hard look at the issue of train crew size. He says FRA believes that safety is enhanced through the use of multiple-person crews. And while FRA wants this to continue being a robust conversation that recognizes the nuance of railroading, Administrator Szabo says two days ago during the Train Crew Size Working Group meeting, Bob Lauby made FRA's position very clear: The starting point for our discussion is mandating multiple-person crews. However, Administrator Szabo says, this does not mean we are seeking to impose a single one-size-fits-all approach to train crew size. In addition, he adds, this cannot be viewed as a job security measure.

Administrator Szabo says while FRA believes that multiple-person crews enhance safety and eliminate risk from our vast rail network, the agency also believes there are instances in which multiple-person crews may not be necessary. He says the starting point for our conversation is to identify what these exceptions should be. He says FRA is relying on RSAC to help in this process because no other group is more qualified – or more capable – of identifying the proper exceptions than you.

Administrator Szabo says the public is counting on us to make timely progress. He asks that RSAC have these important conversations and help FRA meet the April 2014 deadline. He says let's seize this opportunity to build upon the comprehensive safety framework that made last year the safest in railroading history. He says, "This is why we are here."

Chairperson Lauby thanks Administrator Szabo for his remarks. He asks Karl Alexy (FRA–Office of 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 Working Group.” 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. 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 3-4, “Issues Requiring Specific Report,” Mr. Alexy outlines the first issue requiring specific report under RSAC Task No. 13-02 as follows: Identifying 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, for RSAC Task No. 13-03, or RSAC Task No. 13-05.

Under slide 5, “Considerations,” Mr. Alexy lists the following ideas for consideration for the first issue: (1) Additional hazard classes: (a) Oxidizers; (b) Certain organic peroxides; and (c) Pyrophoric materials; (2) Maximum residue volume triggering notification of railroads; (3) Reconcile Appendix A of FRA Emergency Order No. 28 and AAR OT-55-N; and (4) Define “Key Train” in the Hazardous Materials Regulations.

Under slide 6, “Issue 1 Action Items,” Mr. Alexy lists the following action items for the first Issue: (1) AAR provided a list of fleet, description and injury/accident data as

related to car types; (2) FRA to provide accident/non-accident injury data based on car type; (3) FRA to provide a summary of recent regulations related to operational issues; (4) Reconcile Appendix A to Emergency Order No. 28 and AAR OT-55-N; and (5) FRA to propose a definition of residue, e.g., residue cars.

Under slide 7, “Issues Requiring Specific Report, Mr. Alexy outlines the second issue requiring specific report under RSAC Task No. 13-02 as follows: 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 8, “Considerations,” 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 9, “Action Items,” Mr. Alexy lists the following action items: (1) Contingent upon a decision related about the definition of residue volumes; and (2) Labor to provide a list of training needed and not currently required by Hazardous Materials Regulations.

Under slide 10, “Issues Requiring Specific Report, Mr. Alexy outlines the third issue requiring specific report under RSAC Task No. 13-02 as follows: 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 11, “Considerations,” 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—provide accident data; (4) Securement at loading/unloading facilities—match requirements at Part 232.103(n); and (5) Pre-trip inspections, e.g., grounding wire on trucks of crude oil tank cars.

Under slide 12, “Action Items,” Mr. Alexy lists the following action items: (1) HMI WG to review an FRA Report to Congress on car placement in trains for future discussions;

(2) FRA to define “main track siding;” and (3) Labor requests additional pre-trip inspections (49 CFR Part 174.9)—comparison of method of inspections made by shippers and railroads.

Under slide 13, “Issues Requiring Specific Report,” Mr. Alexy outlines the fourth issue requiring specific report under RSAC Task No. 13-02 as follows: 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 14, “Considerations,” Mr. Alexy lists the following ideas for consideration for the fourth issue: (1) Include all Appendix A trains of flammable liquids on the requirements for a route risk analysis; (2) Additional risk factors; and (3) Consider requirements for constructively placed tank cars and a requirement to notify nearby communities.

Under slide 15, “Action Items,” Mr. Alexy says the HMI WG determined to place route risk analysis in the “parking lot.” He says at this stage the HMI WG does not desire to consider this issue or a guidance document in this area given the HMI WG’s tight timeline to address other issues that are required.

Under slide 16, “Issues Requiring Specific Report, Mr. Alexy outlines the fifth issue requiring specific report under RSAC Task No. 13-02 as follows: 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: (1) Discuss “Operation classification;” and (2) Other (classes of hazmat) examples of classification issues, e.g., explosive hydrogen sulfide can come out of solution during the transport of both “sweet” and “sour” (higher in sulfur content than “sweet”) crude oil. He says the composition of crude oil is not fully understood, especially for its corrosive properties on tank cars, whereas the composition of a “pure” product, e.g., liquid chlorine, is generally known.

Under slide 17, “Considerations,” 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 18, “Action Items,” Mr. Alexy says the following: (1) Mark Maday (AAR—Union Pacific Railroad) to evaluate concerns regarding the alignment of the OSHA Material Safety Data Sheet/Safety Data Sheet information and the data used for classification and packaging; (2) The HMI WG is to review Special Provision B-1

(49 CFR Part 172.102) and 49 CFR 173.150(f) (exceptions for packages of flammable liquids) and consider elimination of combustible class or modification of same; (3) FRA will consider the naming convention for sweet crude oil; and (4) William Maduzia (American Petroleum Institute–Chevron) will provide a paper describing the chemical and physical properties of crude oil.

Under Slide 19, “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 20, “Proposed Meetings,” Mr. Alexy says the next HMI WG meetings will be: (1) December 16, 2013, at the Hilton Doubletree Hotel, 1515 Rhode Island Avenue, N.W., Washington, DC 20005; (2) The week of January 27, 2014, in Washington, DC, at a hotel to be announced; and (3) The week of March 3, 2014, in Washington, DC, at a hotel to be announced.

Karl Alexy (FRA) asks for questions.

Chairperson Lauby says there are concerns about residue in railroad cars. He says the “key train” designation requires special treatment for trains carrying hazardous materials. He says if residue cars are included in the definition for “key train,” then every train movement may carry a “key train” designation.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) asks if the Hazardous Materials Rules define residue.

Karl Alexy (FRA) replies, “No.”

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) asks if the Hazardous Materials Rules recognize placards today.

Karl Alexy (FRA) replies, “No.” He says that aspect of the Hazardous Materials Rules has been changed.

With no further questions of Karl Alexy (FRA), Chairperson Lauby asks Carlo Patrick (FRA–Office of Safety) for a report 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 Activity 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.: 12-01, Assigned September 27, 2012,” Mr. Patrick says the purpose of RSAC Task No.: 12-01, Rail Failure Working Group (RFWG), 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 failure.

Under slides 3-4, “Last Working Group Meeting/Meeting Accomplishments,” Mr. Patrick says the final RFWG meeting was held July 30-31, 2013. He lists the meeting accomplishments as follows: (1) Discussed industry best practices in rail maintenance; (2) Finalized proposed Rail Failure Prevention Program; (3) Determined additional research and development requirements; and (4) Identified RSAC recommendations for RSAC Task No.” 12-01.

Under slide 5, “Working Group Consensus,” Mr. Patrick says FRA will issue a guidance document to the industry. He says FRA proposes that track owners consider developing and maintaining a “Rail Failure Prevention Program” for rail in the following mainline track: (1) Class 2 track not within yard limits with an annual tonnage of at least 25 million gross tons (MGT), or is a Hazardous Materials (hazmat) route; (2) Class 3 track not within yard limits with annual tonnage of at least 25 MGT, is a hazmat route, or has regularly scheduled passenger service; and (3) Class 4 and Class 5 track.

[Note: 49 CFR § 213.9 Classes of track: operating speed limits.

<b>Over track that meets all of the requirements prescribed in this part for—</b>	<b>The maximum allowable operating speed for freight trains is—</b>	<b>The maximum allowable operating speed for passenger trains is—</b>
Excepted track	10 m.p.h.	N/A
Class 1 track	10 m.p.h.	15 m.p.h.
Class 2 track	25 m.p.h.	30 m.p.h.
Class 3 track	40 m.p.h.	60 m.p.h.
Class 4 track	60 m.p.h.	80 m.p.h.
Class 5 track	80 m.p.h.	90 m.p.h.

49 CFR § 213.307 Class of track: operating speed limits.

<b>Over track that meets all of the requirements prescribed in this subpart for—</b>	<b>The maximum allowable operating speed for trains is<sup>1</sup> —</b>
Class 6 track	110 m.p.h.
Class 7 track	125 m.p.h.
Class 8 track	160 m.p.h. <sup>2</sup>
Class 9 track	200 m.p.h.

<sup>1</sup> Freight may be transported at passenger train speeds if the following conditions are met: (a) The vehicles utilized to carry such freight are of equal dynamic performance and have been qualified in accordance with Sections 213.345 and 213.328(d) of this subpart; (b) The load distribution and securement in the freight vehicle will not adversely affect the dynamic performance of the vehicle. The axle loading pattern is uniform and does not exceed the passenger locomotive axle loadings utilized in passenger service operating at the same maximum speed; and (c) No carrier may accept or transport a hazardous material, as defined at 49 CFR 171.8, except as provided in Column 9A of the Hazardous Materials Table (49 CFR 172.101) for movement in the same train as a passenger-carrying vehicle or in Column 9B of the Table for movement in a train with no passenger-carrying vehicles.

<sup>2</sup> Operating speeds in excess of 150 m.p.h. are authorized by this part only in conjunction with a rule of particular applicability addressing other safety issues presented by the systems.]

Under slide 6, “The Rail Failure Prevention Program contains the following,” Mr. Patrick lists the following: (1) Rail head wear guidelines; (2) Guidelines which address the identification and management of visible rolling contact fatigue damage and improve rail performance; (3) An inspection plan that includes rail head wear measurements for comparison with established guidelines and means for identification of visible rolling contact fatigue damage; (4) Corrective actions to be taken when rail head wear guidelines are exceeded or visible rolling contact fatigue damage is identified; and (5) Training for the application of the procedures listed above.

Under slide 7, “Rail Failure Prevention Program Content,” Mr. Patrick outlines the following elements: A. Rail head wear guidelines which include: (1) Head wear guidelines that consider rail section, class of track, alignment, and other criteria as determined by the track owner; and (2) Specification of the measurement methods to be used and definition of reference points for these measurement; and B. An inspection

plan to measure rail head wear that considers alignment, Class of track, and other criteria as determined by the track owner.

Under slide 8, “Rail Failure Prevention Program Content (continued),” Mr. Patrick outlines the following elements: C. Guidelines for the management of visible rolling contact fatigue damage and improved performance. Procedures may include lubrication, friction modification, or grinding: (1) Lubrication or friction modification practices should consider train traffic, alignment, curvature length, and grade; and (2) Rail grinding or other techniques that address maintenance of rail head profile to improve rail surface conditions and reduce visible rolling contact fatigue damage.

Under slide 9, “Rail Failure Prevention Program Content (continued),” Mr. Patrick outlines the following elements: D. Guidelines which address the monitoring of visible rolling contact fatigue damage which include the following: (1) Inspection procedures to identify areas of visible rolling contact fatigue damage. The inspection procedures should include prioritization methods for assessing the severity of these conditions; and (2) Establishment of inspection frequencies to monitor development of visible rolling contact fatigue damage that consider alignment, track class, and other factors as determined by the track owner.

Under slide 10, “Rail Failure Prevention Program Content (continued),” Mr. Patrick outlines the following elements: E. Guidelines for applying rail grinding or other techniques which improve rail head profile and visible rolling contact fatigue damage. The guidelines should identify: (1) The techniques utilized; (2) Application of these techniques taking into account alignment, tonnage, class of track, or other factors as determined by the track owner; and (3) Prioritized corrective action for areas of significant visible rolling contact fatigue damage to reduce defect development.

Under slide 11, “Rail Failure Prevention Program Content (continued),” Mr. Patrick outlines the following elements: F. Recordkeeping procedures for each inspection performed under the Rail Failure Prevention Program. The record should include the following items: (1) The limits of the territory inspected; (2) Head wear measurements; (3) Areas identified to have significant visible rolling contact fatigue damage and type of rail surface degradation; and G. Guidelines for rail service life monitoring which consider class-of-track, tonnage, rail section, rail wear, visible rolling contact fatigue damage, defect development, rail failure history and other factors as determined by the track owner.

Under slide 12, “Rail Failure Prevention Program Content (continued),” Mr. Patrick outlines the following elements: H. Recommended corrective action to be taken when rail head wear or visible rolling contact fatigue damage guidelines are exceeded; I. A system or process that is designed for the recording and tracking of rail defects and rail failure incidents with the capacity to identify locations with sudden or accelerated failure

rates; and J. Training for employees involved in the application of the written Rail Failure Prevention Program, with provision for periodic retraining for those individuals.

Under slide 13, Mr. Patrick says the Rail Failure Work Group recommends that FRA should dedicate resources to the following research items: (1) Assist with the development of a Transportation Technology Center, Incorporated rolling load machine (to simulate rolling contact fatigue development on rail and wheels); (2) Develop improved rail steel; (3) Improve the understanding of worn rail to better forecast rail life; (4) Improve rail inspection technologies; (5) Develop performance-based predictive modeling software to better control rail life through improved preventive maintenance processes; and (6) Study the effects of rail grinding on defect development.

Carlo Patrick (FRA) asks for questions.

Thomas Streicher (American Short Line and Regional Railroad Association) asks, "What is the definition for a hazmat train?"

Carlo Patrick (FRA) says it will appear in an upcoming Notice of Proposed Rulemaking (NPRM). Until then, he says, there are definitions under 49 CFR Part 171.3 and 49 CFR Part 172.8.

Chairperson Lauby announces the morning break.

#### MORNING BREAK AND MEETING CAUCUSES 10:30 A.M. - 10:45 A.M.

Chairperson Lauby reconvenes the meeting. He says he has had a request from a number of RSAC members who have been attending RSAC meetings during the past three days to continue working through the lunch break. He asks if skipping the lunch break and working through the remaining meeting presentations is acceptable with RSAC members.

There is a brief discussion among RSAC members about eliminating the lunch break and ending the meeting early, after which Chairperson Lauby is requested to continue the meeting presentations without the scheduled lunch break.

Chairperson Lauby asks Gary Fairbanks (FRA–Office of Safety) and Christian Holt (FRA–Office of Safety) for a report on Train Securement Working Group (SWG) 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 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, "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 4, "Securement Requirements," Mr. Fairbanks says the decision reached by the SWG on RSAC Task No.: 13-03 was to have the Association of American Railroads to prepare draft rule text related to the requirements of Emergency Order No. 28, Notice 1, for presentation to the SWG at its December 17, 2013, meeting.

Gary Fairbanks (FRA) asks for questions.

John Babbler (Sheet Metal, Rail, and Air Transportation Workers) asks if there is a definition for "unattended."

Gary Fairbanks (FRA) replies, "The Association of American Railroads will work on a draft definition for "unattended equipment."

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

Under slide 6, "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 7, "RSAC Task No.: 13-04," Mr. Holt says the Association of American Railroads is preparing a presentation for the December 17, 2013, SWG meeting regarding the training of railroad efficiency testing officers and the implementation of the efficiency testing program related to train securement.

Christian Holt (FRA) asks for questions.

Chairperson Lauby says there is a lot of agreement on Securement Working Group activities. He says the Securement Working Group wants to feel confident that it has looked at everything.

Chairperson Lauby asks Devin Rouse (FRA—Office of Safety) for an update 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 [ETF]." 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 outlines today's presentation as follows: (1) Review ETF Regulatory Implementation Plan; (2) Update on current tasks; (3) Synopsis of recent developments; and (4) Next steps.

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) Incorporate alternative crashworthiness standards for Tier I; (b) Define Tier III crashworthiness requirements; (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 (ITM) Requirements (excluding brake system elements)/Part 229— an ITM Task Group has been established; (b) Adopt crashworthiness alternatives for single car/locomotive; (c) Establish Tier III safety appliance requirements; (d) Clarification of Tier I Safety Appliance Requirements for passenger equipment; and (e) Revise Part 238.111 Pre-revenue service acceptance testing plan to incorporate new rules.

Under slide 4, "Status of Current Tasks," Mr. Rouse lists the following: (1) 1<sup>st</sup> NPRM rule text approved by the Engineering Task Force, the Passenger Safety Working Group, and the full Railroad Safety Advisory Committee: (a) ETF open items and comments resolved for inclusion, as appropriate; and (b) Awaiting final approved draft for Regulatory Review and publishing; (2) NPRM 2 Discussions: (a) Tier III 229/ITM Task Group continues to develop recommendations; (b) FRA is developing a plan to

develop/clarify safety appliance requirements; and (c) Commenced discussions on single car/locomotive alternative crashworthiness; and (3) Task Group Updates: (a) Tier III Brake Systems—recommendations incorporated (NPRM 1)—closed; (b) Vehicle Track Interaction (VTI)—disbanded; (c) Engineering Structures and Integrity—developing a “compliance manual;” (d) Tier III Cab Glazing—recommendations incorporated in (NPRM 1)—closed; and (e) Tier III 229/Inspection, Testing, and Maintenance (ITM)—in progress.

Under slide 5, “Recent Developments,” Mr. Rouse says the last ETF meeting was held September 11-12, 2013. He says the next scheduled ETF meeting is January 30-31, 2014. He outlines the following work being undertaken: (1) Tier III 229/ITM Task Group: (a) Two sub-groups created for 229 implementation; and (b) ITM dialogue to begin once 229 efforts conclude; (2) Safety Appliances: (a) Industry provided Tier II lessons learned and considerations for Tier III; and (b) FRA proposed that the ETF examine the need to clarify current Tier I passenger requirements; and (3) Single Car/Locomotive Alternative Crashworthiness—working to develop procedures to address hybrid designs outside of the current classification.

Under slide 6, “Next Steps,” Mr. Rouse outlines the following: (1) Continue 229/ITM and ESI Task Group work; (2) Develop recommendations for safety appliances; (3) Develop procedures for single car/locomotive alternative crashworthiness compliance; (4) Establish an equivalent section and methodology to Part 238 Subpart G for Tier III; and (5) Revise Part 238.111, as needed.

Devin Rouse (FRA) asks for questions.

With no questions of Devin Rouse (FRA), Chairperson Lauby uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Appropriate Train Crew Size 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.

Chairperson Lauby says the first meeting of the Train Crew Size (TCS) Working Group (WG) was held October 29, 2013, at the Wardman Park Marriott Hotel in Washington, DC.

Under slide 3, “The Task Statement Requires a Report to the Full RSAC on the Following Issues,” Mr. Lauby lists the following: (1) Safety benefit or detriment from crew redundancy, including review of data from current deployment practices; (2) A review of existing regulations; (3) A determination of costs and benefits; and (4) Development of draft regulatory language that considers existing methods of train operations.

Under slide 4, “Regarding the Task Statement,” Mr. Lauby says (1) FRA pledged to address all of these issues as part of the TCS WG’s activities; and (2) However, FRA decided to approach this task differently.

Under slide 5, Mr. Lauby says the TCS WG was established by an emergency meeting of the full Railroad Safety Advisory Committee on August 29, 2013, in response to the Lac-Mégantic, Quebec, train accident on July 6, 2013. Mr. Lauby says (1) The public demands action on the critical issues surrounding this accident; (2) Timeliness is very important; (3) We have very short time scales; (4) We need to move forward and provide a recommendation to the full RSAC by April 1, 2014.

[Note: The Lac-Mégantic derailment occurred in the town of Lac-Mégantic, located in the Eastern Townships of the Canadian province of Quebec, at approximately 1:15 am EDT, on July 6, 2013, when 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. 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.]

Chairperson Lauby says FRA currently has no minimum train crew size requirement. He says following the Lac-Mégantic derailment, FRA has received a number of inquiries and criticism because the agency has not specified minimum crew size requirements in its regulations.

Under slide 6, Mr. Lauby says FRA wants to approach the TCS WG activities differently from how it has conducted other RSAC Working Group activities. He says rather than engaging in extensive discussions to determine and establish stakeholder positions, FRA intends to define its position on “appropriate train crew size” right up front.

Under slides 7-8, “FRA’s Position,” Mr. Lauby says the following about train crew size: (1) FRA believes railroad safety is enhanced through the use of multiple crew members; (2) FRA also believes that it is difficult to comply with current safety regulations and operating rules when operating with a 1-person crew; (3) FRA believes that its safety regulations were written with at least a 2-person crew in mind and that operating with a 1-person crew may, in some cases, compromise railroad and public safety; and (4) FRA believes that a second crew member provides safety redundancy and provides a method of checks and balances on train operations.

Under slides 9-11, Mr. Lauby expands FRA’s position on train crew size as follows: (1) FRA believes that a requirement should be developed as a baseline—for a minimum of a 2-person crew for freight and passenger trains; (2) With a 2-person crew established as a baseline, FRA understands that there are valid exceptions where the safety risk does not support the need for a second person; (3) FRA also believes that exceptions could be directly identified in the regulation based on: (a) Train speed;

(b) Tonnage; (c) Technology; (d) Commodity carried; or (e) Other identified factors; (4) FRA also believes that additional relief through a special approval process to address other crew arrangements that do not meet the specific exclusions set forth in a regulation would be appropriate; and (5) Special approval would be granted based on a safety case that demonstrated that combinations of operating rules and/or technology maintained an appropriate level of safety.

Under slide 12, Mr. Lauby says FRA does not currently contemplate providing relief for operation of unit oil or ethanol trains.

Under slide 13, "Caucus," Mr. Lauby says labor and management caucused on FRA's proposal and came back with suggestions.

Under slide 14, "After the Caucus," Mr. Lauby says (1) Labor was supportive of FRA's initial proposal; and (2) Management had concerns about FRA's initial proposal and wanted to focus on the data and the task statement.

Under slide 15, Mr. Lauby says FRA is developing an Agenda for the next TCS WG meeting, which is scheduled for December 18, 2013.

Under slide 16, "Agenda Items for Next Meeting," Mr. Lauby lists the following: (1) Review available safety data; (2) Evaluate whether and how crew redundancy affects railroad safety; (3) Report on whether there is a safety benefit or detriment from crew redundancy; and (4) Review the existing regulations and consider the impact of crew size on the performance of any task or activity.

Chairperson Lauby asks for questions.

David Julian (Association of American Railroads) says given the safety record of the railroad industry, what went into FRA's decision to have two-person crews as a baseline. He asks, "Why not say we will make exceptions where one additional person is needed."

Chairperson Lauby explains what media reports were saying following the Lac-Mégantic, Quebec train accident. He says in the fall-out from the Lac-Mégantic, Quebec train accident, one of the things that would come up was minimum train crew size. He says FRA has a large number of regulations which dictate that there be two crewmembers. However, he adds, FRA has no regulation regarding minimum train crew size. He says FRA will also be addressing train crew size for passenger rail operations. He says for an emergency in passenger rail operations, it is a stretch to think that a railroad can safely evacuate, or do emergency response with just the train engineer. He says the Association of American Railroads and the Commuter Railroads say that the vast majority of current operations have two-person crews. He says FRA

was to establish a two-person minimum crew size in this regulation and then immediately also list “exceptions” to this requirement.

Chairperson Lauby asks Brenda Moscoso (FRA–Office of Safety) for a report on Fatigue Management Plans Working Group activities.

Brenda Moscoso (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Fatigue 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 slides 2-3, “Background,” Ms. Moscoso says: (1) The Fatigue Management Plans Working Group was established on December 8, 2011, following the acceptance of RSAC Task No.: 11-03, Fatigue Management Plans, by the full Railroad Safety Advisory Committee; (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 of 2008; (3) The Fatigue Management Plans Working Group met eight times; and (4) Three task forces were formed to perform research: (a) Training and Education Task Force; (b) Environment and Infrastructure Task Force; and (c) The Scheduling Practices Task Force.

Under slide 4, “Status,” Ms. Moscoso says (1) On August 5, 2013, FRA sent an electronic ballot to the full RSAC containing: (a) Consensus rule text; and (b) Training Education Task Force Guidance Document; (2) On August 22, 2013, the electronic ballot was withdrawn to accommodate further Fatigue Management Plans Working Group discussion; and (3) On September 10, 2013, there was a Fatigue Management Plans Working Group meeting.

Under slide 5, “September 10, 2013 Working Group Meeting,” Ms. Moscoso describes the activities of the September 10, 2013, meeting of the Fatigue Management Plans Working Group as follows: (1) Reviewed outstanding FRA guidance documents: (a) Effects of temperature and vibration; and (b) Scheduling practices; (2) Reaffirmed consensus on rule text; and (3) Discussed placement and role of guidance documents with respect to rule, but unable to reach agreement.

Under slides 6-7, “Current Status,” Ms. Moscoso says the Fatigue Management Plans Working Group remains in consensus on previously developed rule text and guidance documents with the following exceptions: (1) Labor: (a) Predictability of employee scheduling must be explicitly addressed in rule text or Appendix—a preamble discussion on scheduling predictability is not enough; and (b) Lodging dispute resolution guidance document (or vital portions thereof) must be included as a rule Appendix; and (2) Rail Management: (a) Ready to recommend full RSAC acceptance of consensus rule text (without any appendices) and guidance documents; (b) Does not agree with adding

dispute resolution or predictability to rule text or including as Appendix; (c) Believes schedule predictability is already sufficiently addressed in existing rule text; and (d) Would consider a preamble discussion or guidance on predictability with Working Group review.

Under slide 8, "Future Actions," Ms. Moscoso says the following: (1) The next Fatigue Management Plans Working Group Meeting, tentatively scheduled for December 10, 2013, has been postponed; (2) FRA Action Items include: (a) Edit scheduling document; (b) Develop Fatigue Reference Guide for available materials on fatigue; (c) Develop draft language for schedule predictability; and (3) Schedule a conference call to discuss economic impacts.

Brenda Moscoso (FRA) asks for questions.

With no questions of Brenda Moscoso (FRA), Chairperson Lauby asks Miriam Kloeppel (FRA–Office of Safety) for a report 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." 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, "Background," Ms. Kloeppel Moscoso says: (1) The Risk Reduction Working Group was established on December 8, 2011, following the acceptance of RSAC Task No.: 11-04, Risk Reduction Program, by the full Railroad Safety Advisory Committee; (2) 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 [Notice of Proposed Rulemaking] Status," Ms. Kloeppel says: (1) The Risk Reduction Working Group ended with a general understanding and tentative agreement; (2) Time constraints did not allow a formal vote, or full RSAC consensus process; (3) A draft NPRM has been approved by the FRA Administrator; and (4) FRA is working with the Office of the Secretary of Transportation on the NPRM.

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

Miriam Kloeppel (FRA) asks for questions.

Thomas Streicher (American Short Line and Regional Railroad Association (ASLRRA) asks, "How did FRA resolve the non-consensus concern of the ASLRRA members."

Miriam Kloeppel (FRA) says FRA will address the ASLRRA's concerns in the Final Rule.

Thomas Streicher (ASLRRA) says the ASLRRA made several presentations on "what is a deficient railroad." He says no one from FRA got back to the ASLRRA on how this concern was going to be resolved.

Chairperson Lauby says there was lots of discussion on how to determine a deficient railroad. He says there will be a Preamble discussion in the Final Rule on Risk Reduction Plans. He says this topic is far from over. He says an NPRM is not the end of the world. He says FRA knows the position of the ASLRRA. He says at some point, FRA needs to get something out the door.

Thomas Streicher (ASLRRA) says for the Risk Reduction Working Group, FRA is using subjective data that will subject short line railroads conformance to Risk Reduction Program rules to the whim of FRA Regional Administrators.

Chairperson Lauby says FRA disagrees with that assessment. He says FRA does not want these decisions to be made by FRA Regional Administrators.

David Julian (Association of American Railroads) asks if there is a projected date for the release of the NPRM for Risk Reduction Plans.

Miriam Kloeppel (FRA) replies, "No."

Chairperson Lauby says he will be announcing tentative dates for a number of rulemaking releases when he gives the FRA Regulatory Activity Update, after a meeting break.

Chairperson Lauby announces a second morning break.

M O R N I N G   B R E A K   11:45 A.M. - 12:00 P.M.

Chairperson Lauby reconvenes the meeting. He 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 50<sup>th</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, 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 early 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 early 2014 (an FRA regulatory priority).

Under slide 5, "Significant Rulemakings," Chairperson Lauby lists the following: (5) Controlled Substance Testing/Maintenance Employees—target date for NPRM is October 2013; 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 mid-2014.

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

(7) PTC Amendments (RRR): (a) New target date for Final Rule early 2014; (b) In final DOT review; and (c) FRA is requesting expedited OST/OMB review of this final rule; (8) Passenger Equipment Alternative Compliance: (a) Upgraded to “significant;” and (b) Target date for NPRM is Spring 2014; and (9) Adjacent-Track, On-Track Response to Petitions: (a) Target date for Final Rule early 2014; (b) In final DOT review; and (c) FRA is requesting expedited OST/OMB review of this final 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 Spring 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 early 2014; and (3) Passenger Train Emergency Systems II; Amendments: (a) NPRM published January 3, 2012 (77 FR 154); (b) Downgraded to non-significant; and (c) Target date for Final Rule Winter 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 Winter 2013; (5) National Highway-Rail Crossing Inventory: (a) NPRM published October 18, 2012 (77 FR 64077); and (b) Target date for Final Rule Spring 2014; and (6) Track Safety Standards: Improving Rail Integrity: (a) NPRM published October 19, 2012; and (b) Target date for Final Rule Winter 2013.

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 Winter 2013; 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 early 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 early 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 NPRM is Winter 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 Spring 2014; and (14) 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 Spring 2014.

Under slide 14, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (15) 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 early 2014.

Chairperson Lauby asks for questions.

Lawrence Mann (Sheet Metal, Air, Rail, and Transportation Workers) asks if there will be standards versus guidance for Risk Reduction Programs.

Chairperson Lauby says the RSIA of 2008 does not specify.

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

Chairperson Lauby asks for additions and corrections to the Minutes for the 48<sup>th</sup> meeting of Railroad Safety Advisory Committee, held on June 14, 2013, and for the Minutes for the 49<sup>th</sup> meeting of the Railroad Safety Advisory Committee, held on August 29, 2013.

Kelly Haley (Brotherhood of Railroad Signalmen) says the second paragraph of the Minutes for the 48<sup>th</sup> meeting of the Railroad Safety Advisory Committee says the sign-in logs for each meeting will be posted in the RSAC Docket, available on the "regulations.gov," and also on the RSAC Internet Web Sites. He says he has been unable to locate the sign-in sheets for the full RSAC meetings. He says he would like to know who is attending these meetings.

Larry Woolverton (FRA) says FRA does not actually post the visitor sign-in logs and member sign-in logs on the public Internet Web Site because of privacy concerns over email and telephone numbers for the meeting attendees.

Chairperson Lauby says FRA will look into this issue and get back to the full RSAC to give a good reason for this policy.

Kelly Haley (Brotherhood of Railroad Signalmen) says he would like to know who is attending these meetings.

Chairperson Lauby says that is a good point. He says FRA will get back to the full RSAC on this topic.

Chairperson Lauby asks for a motion to accept the Minutes for the 48<sup>th</sup> meeting of Railroad Safety Advisory Committee, held on June 14, 2013, as presented.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) motions to accept the Minutes for the 48<sup>th</sup> meeting of the Railroad Safety Advisory Committee, held on June 14, 2013, as presented.

John Babler (Sheet Metal, Air, and Rail Transportation Workers) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS THE MINUTES FOR THE 48<sup>TH</sup> MEETING OF THE RAILROAD SAFETY ADVISORY COMMITTEE, HELD ON JUNE 14, 2013, AS PRESENTED.

Chairperson Lauby asks for a motion to accept the Minutes for the 49<sup>th</sup> meeting of Railroad Safety Advisory Committee, held on August 29, 2013, as presented.

Tom Schick (American Chemistry Council) motions to accept the Minutes for the 49<sup>th</sup> meeting of the Railroad Safety Advisory Committee, held on August 29, 2013, as presented.

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

BY VOICE VOTE, THE FULL RSAC ACCEPTS THE MINUTES FOR THE 49<sup>TH</sup> MEETING OF THE RAILROAD SAFETY ADVISORY COMMITTEE, HELD ON AUGUST 29, 2013, AS PRESENTED.

Chairperson Lauby thanks the full RSAC for approving these motions.

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 March 6, 2014.

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

Dan Bodeman (Association of American Railroads) motions to adjourn the meeting.

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

Chairperson Lauby adjourns the meeting at 12:30 pm.

M E E T I N G   A D J O U R N E D   12:30 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.