

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting December 8, 2011 Washington, D.C.

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

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each Committee meeting are part of the permanent RSAC Docket. 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 December 8, 2011, meeting, sixteen of the fifty-four voting RSAC members were absent: The American Petroleum Institute (1 seat), The Association of Railway Museums (1 seat), 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 (1 of 2 seats absent), The Brotherhood of Railroad Signalmen (1 of 2 seats absent), The Chlorine Institute (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The National Conference of Firemen and Oilers (1 seat), The Railway Supply Institute (1 seat), Safe Travel America (1 seat), The Tourist Railway Association (1 seat), The Transport Workers Union of America (2 seats), and The Transportation Communications International Union/Brotherhood of Railway Carmen (2 of 3 seats absent). Four of seven non-voting/advisory RSAC members were absent: The Labor Council for Latin American Advancement, The League of Railway Industry Women, Secretaria de Comunicaciones y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 110.

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.

Joseph Szabo (FRA Administrator) thanks Chairperson Lauby for welcoming him to this—the 45th meeting of the Railroad Safety Advisory Committee. He says he is very happy to join the RSAC membership today. He says in looking around the room, he is once again amazed and humbled to be among the meeting attendees. He says the high caliber expertise and professionalism among those assembled is a testament to FRA, and the industry we represent.

Administrator Szabo says not only are meeting attendees at the center of activity for making railroading safer, but they share Administrator Szabo's passion for excellence. He says that passion may not always make us the most popular or admired among our cohorts and peers, but your conviction is what distinguishes you in representing them.

Administrator Szabo commends meeting attendees for their unwavering commitment to cooperation, collaboration and partnership. He says it is in that spirit that this auspicious body's most important work occurs. He says the RSAC is truly a stand out among Federal Advisory Committees, not just for its integrity and longevity, but for all its admirable achievements.

Administrator Szabo says despite the intense public attention and debate surrounding the High-Speed Intercity Passenger Rail Program, safety continues to be our number one priority. He says this is not merely an expression or cliché, but a way of life for those of us who are railroaders.

Administrator Szabo says meeting attendees know that the hard work of regulation can be a thankless job. He says the nuts and bolts and technical minutiae associated with rulemaking activity are no simple chore.

Administrator Szabo says for the business of regulatory development, recall that President Obama's executive order on regulatory streamlining asked us to make sure that rules do not adversely impact employment or overburden industry. He says some have understandably bemoaned this directive for what they view as additional obstacles and impediments to crafting and adopting good regulations. However, he adds, while the Administration's executive order presents challenges for a regulatory agency like the FRA, they are not insurmountable, nor deleterious. He says FRA is complying with the directives while making certain that no significant safety is neglected. He says this is

not an either or proposition. He says crafting good regulations requires a balanced approach—one that fully takes into consideration competing needs and interests.

Administrator Szabo says at FRA, we are absolutely committed to achieving that balance. He says this means that railroad management cannot and will not get everything they seek and our friends from rail labor know that this is a long-term enterprise where not every debate has a winner or loser. He says industry should not forsake incremental changes in hopes of eschewing them altogether, and labor should not abandon or protest every ruling by letting the perfect be the enemy of the good.

Administrator Szabo says RSAC should be striving for common ground, not seeking cover and refuge from entrenched, extreme views. He says one such opportunity is working together to build stronger safety cultures. He says building strong safety cultures will be hastened through the creation of voluntary risk mitigation programs, with realistic goals and expected outcomes.

Administrator Szabo says the Rail Safety Improvement Act of 2008 has gone a long way to stimulating change, but again, he adds, it is the work RSAC members do in the trenches that require the heaviest lifting, shared sense of sacrifice, and duty of convincing your side that giving and getting a little are not to be avoided at all costs. He says no one gets their way all the time and the sooner we all accept this premise, the easier our work will be.

Administrator Szabo says one area where compromise seems to be working well is on the issue of electronic device distraction. He says a lot of progress has been made on this topic through issuance of a regulation that codifies the best operating practices already found on the railroad. He says he believes that RSAC can strengthen and widen the success by establishing and adopting strong peer to peer counseling and intervention programs that allow rank and file to address problem behaviors at the grass roots level; and encourage carriers to resist knee-jerk punitive actions when problems are identified.

Administrator Szabo says the simple truth is that railroad industry is poised as never before to play an increasingly vital role in America's future. He says one could reasonably argue that there will be no future, at least none that we recognize without rail transport. However, he adds, unless the rail system is safe, it will not succeed.

Administrator Szabo says rail safety has without question has undergone dramatic improvements during our lifetimes. However, he adds, not a week passes in which we are not reminded of the potential hazards and dangers associated with the unforgiving rail operating environment.

In closing, Administrator Szabo updates RSAC on FRA's Risk Reduction Program (RRP). He says since your last RSAC meeting on May 20, 2011, the litigation study on

the protection of certain information submitted by railroads as part of their RRP filings is complete. He says this in turn now sets the stage for us to proceed with issuing the RSIA-mandated risk reduction rule. However, he says, FRA will first move forward with the system safety program rule for passenger operations—a product of the Passenger Safety Working Group’s General Passenger Safety Task Force. He says protections will likely be written right in the rule itself.

Administrator Szabo says at today’s meeting, RSAC members will vote on a task statement that will establish an RSAC Risk Reduction Working Group to address development of a rule for freight operations. He strongly encourages RSAC members to approve this task so that RSAC members can craft the most appropriate rule possible. He says the Risk Reduction Working Group will be RSAC members’ vehicle to help shape the discussion and provide FRA with guidance on this important safety initiative. He says FRA stands ready to work with all who want to contribute to building a comprehensive Risk Reduction Program that incorporates the needs of industry, labor, and others—and promotes the Department’s strategic goals of a safe, efficient, and sustainable transportation system.

Administrator Szabo says at today’s meeting there will be activity updates from several working Groups; including Track Standards, Critical Incident and Dark Territory. He says following the reports on working group activities, there will be an opportunity to discuss the establishment of Fatigue Management Plans, and the aforementioned Risk Reduction Program. Finally, you will receive updates from the Electronic Device Working Group, the Medical Standards Working Group, the Passenger Safety Working Group, and the Engineering Task Force II.

In closing, Administrator Szabo thanks everyone attending today’s meeting and for their dedication and tenacity in doing the hard work of this committee. He says even though we come to the table with diverse points of view, together we are greater than the sum of our whole. He says this partnership is one that is built upon mutual respect and trust and it is only through the candid exchange of ideas that we learn to appreciate one another’s concerns, fears, ideals and objectives—and ultimately, find agreement and reach a consensus. He says he looks forward to learning about each of the topics to be addressed today, as well as helping the RSAC make progress on its many assigned tasks.

Chairperson Lauby thanks FRA Administrator Szabo for the introductory remarks. In addition to FRA Administrator Szabo and himself, he identifies the following FRA attendees sitting at the head table: Jo Strang FRA Associate Administrator for Railroad Safety; Chief Safety Officer, Ron Hynes, Acting Deputy Associate Administrator for Safety Compliance and Program Implementation; Patricia Sun RSAC Counsel; and Stacy Cummings Executive Director of FRA.

Chairperson Lauby announces that today will be the last RSAC meeting for FRA's Mark McKeon and Amtrak's R. Stephen Strachan, who are retiring.

Chairperson Lauby requests that meeting attendees sign one of the two attendance sheets—blue for committee members and alternates and red for all others.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) asks to comment on the policies of the current administration concerning the issuance of rules. He says the BLET does not see any regulations being developed, due to political pressures not to do so. Rather, he says, a “best practices” or “guidance” approach is being taken by FRA to address safety issues of major concern to the BLET. He says the BLET is unhappy with the pace of regulation development. In addition, he adds, the staffing levels at FRA are not sufficient to support the necessary review and scrutiny of plans being submitted by railroads to meet guidance proposals in lieu of regulation and enforcement.

Chairperson Lauby says FRA is very concerned with safety issues and responds accordingly. He says it is not an “all or nothing” situation. However, he adds, FRA needs to temper what it does to accomplish the goals of the administration.

Chairperson Lauby says there will be a few changes in the order of the presentations, as shown in the Meeting Agenda. He asks Kenneth Rusk (FRA—Office of Safety, Staff Director Track and Structures Division) for a report on Track Standards Working Group activities.

Kenneth Rusk (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Track Standards Working Group Update to The 45th Railroad Safety Advisory Committee Meeting.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Rusk (FRA) says RSAC Task No.: 11-02, Track Inspection Time Study, was accepted by the full RSAC on August 16, 2011. He says the purpose of RSAC Task No.: 11-02 is to consider specific improvements to the Track Safety Standards or other responsive actions related to the Track Inspection Time Study required by section 403 (a)-(c) of the Rail Safety Improvement Act of 2008 (RSIA) [Authority: 49 U.S.C. § 20162, as enacted by section 403(a) - (c) of Division A, Public Law No. 110-432] and other relevant studies and resources.

[Note: All RSAC Task Statements are located in the RSAC Internet Web Site, i.e., WWW.RSAC.FRA.DOT.GOV.]

Under slide 3, Mr. Rusk outlines the “Issues requiring specific report,” under RSAC Task No. 11-02. He says the Track Standards Working Group will consider the FRA Track Inspection Time Study and other relevant information in making recommendations for changes to 49 [*Code of Federal Regulations*] CFR Part 213, while addressing the following tasks: (1) Determine under what conditions automated track inspection should be expanded to improve safety and whether the required intervals of track inspection for each class of track should be amended. This may include the development of requirements for the distribution, handling, and interpretation of automated inspection reports for track inspectors whose territories are subject to automated track inspection; (2) Determine whether track inspector training should be formally developed and standardized, and whether that would modify the criteria and procedures for designation under Part 213.7; (3) Determine whether track remedial action requirements set forth in Part 213, other than those set forth in Part 213.113, should be amended; (4) Determine whether different track inspection and repair priorities or methods should be required; and (5) Review methods to improve the effectiveness and efficiency of track inspection including; railroad operating practices, safety culture, and other factors, such as but not limited to: inspection speed and scope to allow for proper inspection; developing a safety reporting system to provide a way to report safety risks related to track inspections; and developing the criteria for determining the length of a track inspector’s assigned territory, including but not limited to, traffic volume, number of tracks, number of switches, number of grade crossings, type of track, etc.

Under slides 4 and 5, Mr. Rusk describes the following activities of the first Track Standards Working Group meeting on October 20, 2011, as follows: (1) Reviewed FRA’s Track Inspection Time Study: (a) a Track Inspection Time Study was required by the RSIA; and (b) the Track Inspection Time Study was submitted to Congress on May 2, 2011; (2) Discussed other relevant information for the Track Standards Working Group to consider; and (3) Future issues: (a) continue discussion on Track Inspection Time Study process—FRA offered to make report contractor available to answer questions; (b) review Brotherhood of Maintenance of Way Employees Track Inspection Time Study Report; (c) review automated track inspection technology; and (d) review other track inspection requirements, including Transport Canada proposed track inspection regulations.

Under slide 6, Mr. Rusk says future Track Standards Working Group meetings are scheduled for: (1) December 20, 2011; (2) February 7-8, 2012; and (3) April 26-27, 2012.

Kenneth Rusk (FRA) asks for questions.

With no questions, Chairperson Lauby asks Ron Hynes (FRA—Office of Safety, Acting Deputy Associate Administrator for Safety Compliance and Program Implementation) for a report on Critical Incident Working Group activities.

Ron Hynes (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Critical Incident Working Group Update to The 45th Railroad Safety Advisory Committee Meeting.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Hynes says the “Purpose” under RSAC Task No.: 09-02 is to provide advice regarding development of implementing regulations for Critical Incident Stress Plans, as required by the Rail Safety Improvement Act of 2008 (RSIA).

Under slides 3 and 4, Mr. Hynes lists the items under “Description” for RSAC Task No.: 09-02 as follows: (1) Define what a “critical incident” is that requires a response; (2) Review available data, literature, and standards of practice concerning critical incident programs to determine appropriate action when a railroad employee is involved in or directly witnesses a critical incident; (3) Review any evaluation studies available for existing railroad critical incident programs; (4) Describe program elements appropriate for the rail environment, including those requirements set forth in the Act; (5) Provide an example of a suitable plan (template); and (6) Assist in the preparation of a notice of proposed rulemaking (NPRM).

Under slide 5, Mr. Hynes says RSAC Task No.: 09-02 was accepted by the full RSAC on September 10, 2009, and was initially assigned to the Medical Standards Working Group. He says, given the aggressive timeline for the completion of this task, a Critical Incident Working Group (CIWG) was established and the task statement was amended to reassign the task to the CIWG in April 2011.

Under slides 6-8, Mr. Hynes describes the following CIWG activities and progress: (1) The first CIWG meeting was held on June 24, 2011, allowing time for delivery of a “Draft FRA Grant Report” that was anticipated to contain essential background information directly relevant to the task, e.g., a review of existing definitions, literature, and practices, and a recommended critical incident definition and program elements; (2) Follow-on meetings were held on September 8-9, 2011, and October 11-12, 2011; (3) Consensus has been reached on a definition for “critical incident;” (4) Draft regulation text has been prepared and has been distributed to WG members for review and comment; (5) The next CIWG meeting is scheduled to be held on December 13-14, 2011, with a follow-on meeting scheduled February 1-2, 2012, both in Washington, DC; and (6) A target date has been set for CIWG delivery of draft rule text and other pertinent recommendations to the full RSAC.

Ron Hynes (FRA) asks for questions.

John Previsich (United Transportation Union) says from labor’s perspective, he does not believe there has been consensus yet on the definition of “critical incident.”

Ron Hynes (FRA) says he will check the Minutes of the CIWG, but he believes there was concurrence on the definition for “critical incident.”

With no further questions of Ron Hynes, Chairperson Lauby asks Miriam Kloeppel (FRA–Office of Safety) for a presentation on Risk Reduction and Fatigue Management Programs.

Miriam Kloeppel (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Risk Reduction and Fatigue Management Programs Presentation to The 45th Railroad Safety Advisory Committee Meeting.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slides 2 and 3, “Background,” Ms. Kloeppel says the following: (1) Section 103 of the Rail Safety Improvement Act of 2008 (RSIA) requires the development of a regulation, effective no later than October 17, 2012, requiring railroads to: (a) develop a railroad safety risk reduction program; (b) submit its program to the Secretary of Transportation for review and approval; and (c) implement the program approved by the Secretary of Transportation; and (2) RSIA Section 103: (a) applies to Class I railroads, Amtrak, and commuter railroads; (b) applies to railroads with inadequate safety performance; and (c) other railroads may participate if they choose.

Under slides 4 and 5, “RSIA Elements of a Risk Reduction Program,” Ms. Kloeppel lists the following: (1) Comprehensive safety risk reduction program to improve safety by reducing the number and rates of accidents, incidents, injuries, and fatalities—major components: (a) Risk Mitigation Plan; (b) Technology Implementation Plan; and (c) Fatigue Management Plan; (2) Railroads must use good faith and best efforts to reach agreement with labor on contents of program; and (3) FRA may use pilot projects to inform development of regulation.

Under slides 6-8, “Disclosure of Records,” Ms. Kloeppel outlines the following: (1) RSIA Section 109: (a) Risk Reduction Program (RRP) safety analysis records supplied to the Secretary of Transportation or made available for inspection by FRA are exempt from Section 552 of Title 5, *United States Code* (U.S.C.), i.e., The Freedom of Information Act; (b) FRA will conduct a study on the effect on public safety of withholding RRP data from legal discovery or admission into evidence in Federal or State court proceedings; (2) Preliminary study published May 9, 2011: (a) comments received from: (i) railroads; (ii) industry trade associations; (iii) railroad labor organizations; (iv) metropolitan transportation authorities; (v) associations of attorneys; (vi) individual attorneys; and (vii) nonprofit public interest groups; (3) Final report was published October 28, 2011, i.e., Report No.: FRA-2011-0025-0031; (4) Concludes: favors protecting certain classes of information from use in civil litigation; and (5) Identified several issues to be

addressed, including striking a balance in rule—not making potential litigants worse off than they would have been without RRP.

Under slide 9, “Timeline,” Ms. Kloeppel lists the following: (1) December 8, 2010—Advanced Notice of Proposed Rulemaking (ANPRM) published; (2) July 19, 2011—Public Hearing Chicago, Illinois; (3) July 21, 2010—Public Hearing Washington, DC; (4) March 2012—Notice of Proposed Rulemaking (NPRM) Publication Due Date; and (5) October 2012—Final Rule Publication Due Date.

Under slide 10, “Considering Risk Reduction and Fatigue Separately,” Ms. Kloeppel says “Fatigue Management Plans” and “Risk Reduction Programs” will be separated into two rulemaking efforts. She says the rationale for this separation is to: (1) Simplify the rulemaking process for each; and (2) Insure adequate time and effort can be devoted to each.

Under slide 11, “Risk Reduction Program Task Statement,” Ms. Kloeppel reads the “Purpose” of RSAC Task No.: 11-04, Risk Reduction Program, as follows: To develop requirements for certain railroads to develop a Risk Reduction Program as mandated by the Rail Safety Improvement Act of 2008.

Under slide 12, “RRP Task Statement: Description,” Ms. Kloeppel reads the following description for RSAC Task No.: 11-04: (1) Review the mandates and objectives of the RSIA related to the development of Risk Reduction Programs; (2) Determine which railroads will be required to have a Risk Reduction Program; (3) Consider the role of current voluntary pilot projects in the regulation; and (4) Consider the various railroads’ current practices regarding risk-based hazard analysis, and how they mitigate identified risks.

Under slide 13, “RRP Task Statement: Issues Requiring Specific Report,” Ms. Kloeppel reads the following issues requiring specific report for RSAC Task No.: 11-04: (1) Determine the required elements of an acceptable Risk Reduction Program; (2) Determine minimum requirements for: Risk Reduction Program Plan; (3) Determine the approach to risk-based hazard analysis, i.e., hazard identification, risk analysis and assessment, and risk mitigation; establish time frames of program submission, FRA review, railroad re-submission, etc.; (4) Select criteria to identify railroads that have an adequate safety record; (5) Identify the compliance duration/cycle for railroads with inadequate safety records; (6) How should Risk Reduction Program Plans address technology Implementation Plans; (7) Final determination regarding the protection of risk-based hazard data from discovery; (8) What processes should be in place in the event a Risk Reduction Program Plan is not approved; and (9) What processes will be used to periodically audit Risk Reduction Programs after they have been approved?

Miriam Kloeppel (FRA) asks for questions on proposed RSAC Task No.: 11-04, Risk Reduction Program.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) says if FRA intends to ask the full RSAC to accept Risk No.: 11-04 at today's meeting, he requests a labor caucus before voting on this topic.

Chairperson Lauby says FRA has not secured separate meeting space for caucuses. However, the labor caucus is welcome to gather in one corner of the meeting room or out in the Atrium lobby of the National Housing Center for a caucus.

Thomas Streicher (American Short Line and Regional Railroad Association (ASLRRA)) asks: (1) How is FRA going to protect data from Freedom of Information Act requests, without a statute from Congress; and (2) How is FRA going to have a Notice of Proposed Rulemaking on this topic by March 2012, without the participation of the proposed Risk Reduction Program Working Group input?

Miriam Kloeppel (FRA) says there will be a very aggressive time line for the rule. She says FRA will rely on legal precedence for protecting data.

Chairperson Lauby says FRA wants the "risk reduction program" to be effective to industry, not just another paper shuffle to satisfy a Congressional requirement. He says FRA's end game is to get something done by the end of 2012.

Keith Borman (American Short Line and Regional Railroad Association (ASLRRA)) asks, "How is FRA going to get a Risk Reduction Program NPRM out by March 2012?"

Chairperson Lauby says if FRA has to push-back, it can. He says the message is that FRA is in a hurry and FRA needs RSAC help on this topic.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) says labor supplied materials on data protection to FRA. He says he does not see any of labor's recommendations reflected in RSAC Task No.: 11-04. He says labor does not want to follow the data protection procedure outlined in the study without further discussion.

Chairperson Lauby says FRA wants the data protection discussion to occur. He says this topic will be on the table.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) says he hoped that the risk assessment would help with Fatigue Management Plans. He asks, "How are the two tasks going to be integrated?"

Jo Strang (FRA) says the challenge is to get both topics covered, but perhaps not by a step-by-step process.

Chairperson Lauby asks that Miriam Kloeppel complete the presentation for “Risk Reduction and Fatigue Management Programs Presentation to The 45th Railroad Safety Advisory Committee Meeting,” and then labor can caucus.

Under slide 15, “Fatigue Management Plan (FMP) Summary,” Ms. Kloeppel lists the following: (1) Fatigue is a complex, multifaceted issue; (2) FMPs should take into account the multifaceted nature of fatigue by employing a variety of countermeasures, scheduling practices, educational interventions, and increased opportunities for rest; and (3) FMPs should be flexible enough to take into account the diverse nature of the different railroads submitting FMPs and the diversity of the employees who will be covered under these plans, but still be driven by current scientific understanding.

Under slide 16, “Fatigue Management Plan Task Statement,” Ms. Kloeppel reads the “Purpose” of RSAC Task No.: 11-03, Fatigue Management Plans, as follows: To provide advice regarding development of implementing regulations for Fatigue Management Plans and their deployment under the Rail Safety Improvement Act of 2008 (RSIA).

Under slide 17, “FMP Task Statement,” Ms. Kloeppel reads the following description for RSAC Task No.: 11-03: (1) Review the mandates and objectives of the RSIA related to the development of Fatigue Management Plans; (2) Determine how medical conditions that affect alertness and fatigue will be incorporated into Fatigue Management Plans; (3) Review available data on existing alertness strategies; (4) Consider the role of innovative scheduling practices in the reduction of employee fatigue; and (5) Review the existing data on fatigue countermeasures.

Under slide 18, “FMP Issues Requiring Specific Report,” Ms. Kloeppel reads the following issues requiring specific report for RSAC Task No.: 11-03: (1) How will compliance and program efficacy be evaluated and monitored; (2) How will training and educational requirements be determined; (3) What processes should be in place in the event a Fatigue Management Plan is not approved; and (4) What processes will be used to periodically audit Fatigue Management Plans after they have been approved?

Miriam Kloeppel (FRA) asks for questions on proposed RSAC Task No.: 11-03, Fatigue Management Plans.

With no questions of Miriam Kloeppel, Chairperson Lauby announces a labor caucus.

L A B O R C A U C U S 10:35 A.M. - 11:10 A.M.

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

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) says labor would like to modify language in RSAC Task No.: 11-04, Risk Reduction Program. He says under "Issues Requiring Specific Report," the labor caucus requests that there be a final determination regarding what risk-based hazard data is to be protected from discovery. He asks Cheryl Kilcheski (Brotherhood of Maintenance of Way Employees Division (BMWED)) to describe two proposed items under "Description."

Cheryl Kilcheski (BMWED) requests that the following be added to the "Description," for RSAC Task No.: 11-04, Risk Reduction Program: (1) To develop a framework to incorporate the requirements of Section 103 G into the development of Risk Reduction Program Plans; and (2) Recommend objective enforcement methodologies related to the requirements of Section 103 G and railroad compliance with an approved railroad plan.

Chairperson Lauby says FRA will consider this request during the lunch break.

Michael Rush (Association of American Railroads (AAR)) says he does not understand what "objective enforcement" means.

Cheryl Kilcheski (BMWED) says labor wants less subjective input from FRA inspectors into these inspections.

Jo Strang (FRA) says all FRA enforcement is subjective. She says the usual requirement for inspectors is "met" or "not met." Furthermore, she adds, FRA decides how it will enforce its regulations.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) asks how FRA intends to treat switch monitoring in dark territory and whether this topic will be transferred from the Dark Territory Working Group to the Risk Reduction Program Working Group?

Chairperson Lauby (FRA) says that is a discussion for the Dark Territory Working Group to decide. However, he adds, without accepting any of the RSAC Tasks being presented today, i.e., Task No.: 11-03, Fatigue Management Plans and Task No.: 11-04, Risk Reduction Program, there cannot be any discussion of this topic.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) asks, "What is FRA's view on whether switch monitoring in dark territory will be considered by the Working Group on Risk Reduction or is this topic to be limited to the Dark Territory Working Group?"

Chairperson Lauby says the Dark Territory Working Group is at an impasse on switch point protection in dark territory. He says this topic can be discussed in the Risk Reduction Program Working Group.

Michael Rush (Association of American Railroads (AAR)) says he does not believe there was an impasse in the Dark Territory Working Group on switch point protection. He says he sees a relationship between risk assessment and dark territory.

Thomas Streicher (American Short Line and Regional Railroad Association (ASLRRA)) asks if dark territory is going to be rolled into risk reduction.

Chairperson Lauby replies, "No."

Michael Rush (AAR) says the Risk Reduction Program is a requirement under RSIA. He says this is a question of where you will use this technology.

Chairperson Lauby says FRA does not currently have a position on this topic. He says this is an opportunity for labor and management to get these issues out on the table. He says without acceptance of the two proposed RSAC Tasks, FRA will have to do everything through *Federal Register* notices and comments. He says this is what needs to take place as far as the Task Statement is concerned. He asks about RSAC Task No.: 11-03, Fatigue Management Plans. He asks if the full RSAC is prepared to move forward on the Fatigue Management Plans Task?

Kathy Waters (American Public Transportation Association (APTA)) asks, "What participation of the rail passenger industry is anticipated in view of FRA activities already underway for the rail passenger industry?"

Chairperson Lauby says FRA wants risk reduction programs for both freight and passenger railroads. He says FRA had programs underway for the rail passenger industry when the agency ran up against the "data security issue." He says that issue has not been resolved. He says Fatigue Management Plans are required under RSIA. He says we need a discussion of this in view of Hours of Service requirements for passenger and Intercity passenger rail service and how this may impact freight railroads.

Chairperson Lauby asks for questions. He asks if the full RSAC will support RSAC Task No.: 11-03, Fatigue Management Plans?

James Stem (United Transportation Union) says the target date to convene the initial Fatigue Management Plans Working Group meeting as soon as possible but not later than February 2011 cannot be met.

Chairperson Lauby says FRA will change the date to February 2012.

Chairperson asks for a motion to accept RSAC Task No.: 11-03, Fatigue Management Plans. He says 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. He reads the "Description" of RSAC Task No.: 11-03 as follows: (1) Review the mandates and objectives of the RSIA related to the development of Fatigue Management Plans; (2) Determine how medical conditions that affect alertness and fatigue will be incorporated into Fatigue Management Plans; (3) Review available data on existing alertness strategies; (4) Consider the role of innovative scheduling practices in the reduction of employee fatigue; and (5) Review the existing data on fatigue countermeasures. He reads the "Issues requiring specific report" for RSAC Task No.: 11-03: (1) How will compliance and program efficacy be evaluated and monitored; (2) How will training and educational requirements be determined; (3) What processes should be in place in the event a Fatigue Management Plan is not approved; and (4) What processes will be used to periodically audit Fatigue Management Plans after they have been approved? He says the "target date" for the initial working group meeting is not later than February 2012.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen) moves that the full Railroad Safety Advisory Committee accept RSAC Task No.: 11-03, Fatigue Management Plans, as presented.

Charles Wochele (American Public Transportation Association) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS RSAC TASK NO.: 11-03,
FATIGUE MANAGEMENT PLANS, AS PRESENTED.

Michael Logue (FRA—Acting Associate Administrator for Office of Financial Management and Administration) offers congratulatory remarks for the retirement of Mark McKeon (FRA—Office of Safety). He thanks Mark McKeon for everything he has done for the railroad industry during his career.

Jo Strang (FRA) asks Miriam Kloeppel (FRA—Office of Safety) for a report on Electronic Device Distraction Working Group activities.

Miriam Kloeppel (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Electronic Device Distraction Working Group Update to The 45th Railroad Safety Advisory Committee Meeting." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, "RSAC Task Statement: Preventing Railroad Employee Distractions Caused by Personal Electronic Devices," Ms. Kloeppel says RSAC Task No.: 11-01, which was accepted by the full Railroad Safety Advisory Committee on May 20, 2011, has the following "Purpose:" To prescribe mitigation strategies, programs and processes

for governing the use of personal electronic devices which could cause distractions to railroad employees engaged in safety critical activities.

Under slide 3, "Description," Ms. Kloeppel lists the items under "Description" for RSAC Task No.: 11-01 as follows: (1) Congress required the Secretary of Transportation to complete a study on the safety impact of the use of personal electronic devices by safety-related railroad employees by October 16, 2009, and to report to Congress on the results of the study; (2) The RSIA [Railroad Safety Improvement Act of 2008, Public Law 110-432 Division A, dated October 16, 2008] authorized the Secretary of Transportation to prohibit the use of personal electronic devices that may distract employees from safely performing their duties based on the conclusions of the required study; (3) 49 *Code of Federal Regulations* (CFR) § 220 Part C regulations covered the use of personal electronic devices by certain employees as defined in Part C and was published September 27, 2010 (75 *Federal Register* (FR) 59602); (4) This working group will explore additional methods to achieve compliance through education, peer-to-peer intervention, counseling and other cooperative, non-regulatory/punitive methods; and (5) Review previous and current programs that improve compliance with rules and improve safety performance such as Clear Signal for Action (CSA).

Under slide 4, "Consensus: Substantive Agreement on Approach, Working Group Meeting, October 25-26, 2011, held in Washington, DC," Ms. Kloeppel says the following: (1) Peer-to-Peer Projects will be handled by FRA one-on-one with railroad properties that wish to participate; (2) Projects will be cross-functional in membership, i.e., labor, management, and FRA; Labor requested assurance that labor would be able to select their members that participate in peer-to-peer projects; and (3) The Electronic Device Distraction (EDD) Working Group will review and make recommendations on the following: (a) recommendations on what an outreach education program would look like; (b) recommendations on the method of delivery to the employees; (c) recommendations on the content of materials; and (d) evaluation of the program for effectiveness.

Under slide 5, "AAR Supplied Matrix Sample," Ms. Kloeppel displays a sample of an Association of American Railroads-supplied matrix of current acceptable use of electronic devices by railroad employees by railroad. She says the complete matrix is available on the EDD Working Group Internet Web Site.

Miriam Kloeppel (FRA) says the EDD Working Group established a Task Force to assist the working group with collecting data. Under slide 6, "Task Force Meeting November 21, 2011," Ms. Kloeppel says the EDD Task Force will focus on two main areas: (1) Prohibited use of electronic devices; and (2) Allowed use of electronic devices. She says the top three areas of prohibited use of electronic devices by railroad personnel are while: (a) At the controls of a moving vehicle; (b) Within the operating envelope: (i) engaged in switching activities, or riding equipment; and (ii) in the foul of track on foot; and (c) Involved in movement or work authority.

Under slide 7, "Task Force Web Meeting November 21, 2011," Ms. Kloeppel says the EDD Task Force discussed and selected elements to include in an outreach program as follows: (1) Target audience—all railroad employees; (2) Explain the dangers of distraction; (3) Use posters, electronic mail, stickers, decals, FRA Internet Web Site with videos, union Internet Web Sites, union meetings; and (4) Make communications bi-directional—allow employees to provide feedback with personal experiences, suggestions, testimonials from workers on accidents, near misses, etc.

Under slide 8, "Next Steps," Ms. Kloeppel says the next EDD Working Group meeting will be January 11-12, 2011, in Washington, DC. She says this meeting will review deliverables from the EDD Task Force, including: (1) Draft Outreach Program Outline; (2) Draft Outreach Implementation Plan; (3) Draft Evaluation Plan; and (4) Draft outreach materials.

Miriam Kloeppel (FRA) asks for questions.

Scott Hinckley (Association of American Railroads) says the management caucus has concerns over the release of data in the AAR-supplied personal electronic device use matrix cited in the report on EDD Working Group activities. He says the management caucus wants data used in the matrix to be for internal EDD Working Group use only.

David Julian (Association of American Railroads) asks about FRA's outreach programs versus the proposed peer-to-peer efforts.

Miriam Kloeppel (FRA) says FRA is concentrating on the peer-to-peer efforts.

Jeffrey Moller (Association of American Railroads) says some of the "bullet points" in the report on EDD Working Group activities are discussion points, not decisions that have been made.

Miriam Kloeppel (FRA) agrees.

Thomas McFarlin (FRA—Office of Safety) asks with regard to the target audience, i.e., all railroad employees, if this includes railroad contractors.

Miriam Kloeppel (FRA) replies, "Yes."

James Stem (United Transportation Union) says the training must include when an employee can use a cell phone, as well as what use is not acceptable.

Miriam Kloeppel (FRA) says FRA is still learning what use of electronic devices is currently allowed on individual railroad properties.

Chairperson Lauby announces the lunch break.

L U N C H B R E A K 11:50 A.M. - 1:10 P.M.

Jo Strang (FRA) reconvenes the meeting. On the retirement of Mark McKeon (FRA–Office of Safety) Ms. Strang makes remarks on the contributions that Mark McKeon has made to FRA upon his retirement. He has been an FRA Regional Administrator, a member of the Locomotive Engineer Review Board, and active in RSAC activities involving Conductor Certification, Freight Hours of Service Rules, and Passenger Hours of Service Rules.

Jo Strang's remarks and those previously made by Michael Logue are followed by remarks concerning Mark McKeon's retirement made by Grady Cothen Jr. (Retired FRA RSAC Chairperson), James Stem (United Transportation Union), and Jeffrey Moller (Association of American Railroads).

Mark McKeon (FRA–Office of Safety) acknowledges the well-wishes of the Railroad Safety Advisory Committee on his retirement.

Jo Strang announces an afternoon break.

A F T E R N O O N B R E A K 1:20 P.M. - 1:30 P.M.

Chairperson Lauby reconvenes the meeting. He says during the lunch break, the FRA caucus had an opportunity to discuss the labor caucus request to modify proposed RSAC Task No.: 11-04, Risk Reduction Program. He says under "Issues Requiring Specific Report," the labor caucus requests that there be a final determination regarding what risk-based hazard data is to be protected from discovery. He says under "Description," for RSAC Task No." 11-04, Risk Reduction Program, the labor caucus requests to add the following: (1) To develop a framework to incorporate the requirements of Section 103 G into the development of Risk Reduction Program Plans; and (2) Recommend objective enforcement methodologies related to the requirements of Section 103 G and railroad compliance with an approved railroad plan.

Chairperson Lauby asks for comments.

Michael Rush (Association of American Railroads) says the management caucus has no problem with discussing what data is to be prohibited from discovery. He says the management caucus has no objection to including "To develop a framework to incorporate the requirements of Section 103 G into the development of Risk Reduction Program Plans." However, he adds, management objects to the labor caucus request to include "Recommend objective enforcement methodologies related to the

requirements of Section 103 G and railroad compliance with an approved railroad plan” under “Description,” RSAC Task No.: 11-04.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen) says labor will withdraw the third item, if the management caucus will accept the other two items.

Chairperson Lauby asks for a motion to accept RSAC Task No.: 11-04, Risk Reduction Program, as modified by the meeting discussion. He says the “Purpose” of RSAC Task No.: 11-04 is to develop requirements for certain railroads to develop a Risk Reduction Program as mandated by the Rail Safety Improvement Act of 2008. He reads the “Description” of RSAC Task No.: 11-04 as follows: (1) Review the mandates and objectives of the RSIA related to the development of Risk Reduction Programs; (2) Determine which railroads will be required to have a Risk Reduction Program; (3) Consider the role of current voluntary pilot projects in the regulation; (4) Consider the various railroads’ current practices regarding risk-based hazard analysis, and how they mitigate identified risks; and (5) Develop a framework to incorporate the requirements of Section 103 G into the development of Risk Reduction Program Plans. He reads “Issues Requiring Specific Report” for RSAC Task No.: 11-04 as follows:

(1) Determine the required elements of an acceptable Risk Reduction Program; (2) Determine minimum requirements for: Risk Reduction Program Plan; (3) Determine the approach to risk-based hazard analysis, i.e., hazard identification, risk analysis and assessment, and risk mitigation; establish time frames of program submission, FRA review, railroad re-submission, etc.; (4) Select criteria to identify railroads that have an adequate safety record; (5) Identify the compliance duration/cycle for railroads with inadequate safety records; (6) How should Risk Reduction Program Plans address technology Implementation Plans; (7) Final determination regarding which risk-based hazard data should be provided protection from discovery; (8) Determine what processes should be in place in the event a Risk Reduction Program Plan is not approved; and (9) Determine what processes will be used to periodically audit Risk Reduction Programs after they have been approved?

Richard Johnson (Transportation Communications International Union/Brotherhood of Railroad Carmen) motions that the full Railroad Safety Advisory Committee accept RSAC Task No.: 11-04, Risk Reduction Program, as presented.

Gary Vaughn (American Short Line and Regional Railroad Association) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS RSAC TASK NO.: 11-04, RISK REDUCTION PROGRAM, AS PRESENTED.

Chairperson Lauby asks Olga Cataldi (FRA–Office of Safety) for a report on Dark Territory Working Group (DTWG) activities.

Olga Cataldi (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Dark Territory Working Group Update, Presentation to The 45th Railroad Safety Advisory Committee Meeting.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA’s RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Dark Territory Task Statement,” Ms. Cataldi says the “Purpose” of RSAC Task No.: 10-02, Safety Technology in Dark Territory is to prescribe standards, guidance, regulations, or orders governing the development, use, and implementation of rail safety technology in dark territory as required by Section 406 of the RSIA. She says RSAC Task No.: 10-02 was accepted by the full RSAC on September 23, 2010.

Under slide 3, “RSAC Task Statement,” Ms. Cataldi lists the following items for the “Description” of RSAC Task No.: 10-02: (1) Review the applicable content and scope of the existing signal and train control regulations as authorized by the Signal Inspection Act and the Federal Railroad Safety Act in order to determine their application to the use of safety technologies in dark (non-signaled) territory; (2) Review the applicable content and scope of other existing federal regulations which are associated with the use of advanced technology and may provide additional insight/direction; (3) Assist FRA in developing/identifying additional appropriate/applicable standards, guidance, regulations, or orders responsive to the legislative mandate; (4) Help to ensure the appropriate and safe development and use of safety technologies in dark territories; and (5) Help to determine a reasonable method for safety technology inventory and system awareness by FRA.

Under slide 4, “DT WG Task Interpretation,” Ms. Cataldi displays an excerpt from a matrix used by the DTWG to identify the types of technologies to be addressed and to help identify appropriate regulatory and/or non-regulatory tools to govern their use. She says the types of technologies considered were: (1) Switch position monitors; (2) Power-assisted switches; (3) Remote Control Locomotive zone limiting devices; (4) Track Integrity Systems; (5) Grade crossing video monitors; (6) Slide fences; (7) Hot box/Hot journal and other detectors; and (8) Other technologies.

Under slide 5, “First DTWG Meeting,” Ms. Cataldi outlines the following results for the first DTWG meeting, held March 3-4, 2011, in Falls Church, Virginia: (1) Discussed the Congressional mandate; (2) Identified some of the technology that exists in dark territory; (3) Defined the scope, i.e., main line tracks, and main line track passing sidings outside of yards; (4) Agreed to use a data-driven process; (5) Established that FRA has no preconceived notions for the outcome of the DTWG deliberations; and (6) Established that the DTWG would concentrate on existing/applied dark territory technology (1st bucket) versus future dark territory technology (2nd bucket).

Under slide 6, “Types of Technology to be Initially Addressed Based on Accident Statistics,” Ms. Cataldi says railroad accident statistics were used to select the types of technology devices which the DTWG would consider first. She says the greatest number of accidents in dark territory are attributed to (1) Switches; (2) Track integrity devices; and (3) Detectors, i.e., the “first bucket” topics which were considered by the DTWG.

Under slide 7, “Second DTWG Meeting,” Ms. Cataldi outlines the following results for the second DTWG meeting, held May 9-10, 2011, in Washington, D.C.: (1) Identified the highest priority issues based on safety statistics; (2) Assigned three Task Forces to explore each issue area; and (3) Task forces were established for (1) Switches—led by Bob Scieszinski (FRA—Office of Safety); (2) Track integrity systems—led by Gabe Neal (FRA—Office of Safety); and (3) Detectors—led by George Hartman (FRA—Office of Safety).

Under slide 9, “Assignment for the Three Task Force Groups,” Ms. Cataldi says the three Task Forces were requested to report the following for switches, track integrity systems, and defect detectors: (1) Evaluate the existing safety technology; (2) Review existing Federal regulations for applicability; (3) Review other existing standards or guidance for applicability; (4) Consider whether to use the existing standards or develop new standards; (5) Consider FRA’s oversight role; and (6) Provide a detailed recommendation to the DTWG.

Under slide 10, “Third DTWG Meeting,” Ms. Cataldi outlines the following results for the third DTWG meeting, held September 6-7, 2011, in Chicago, Illinois: (1) Reviewed information provided by each task force (all task forces met independently over the summer); (2) Continued the discussion on standards, guidance, or regulations; (3) Dissolved the Switches, Track Integrity Systems, and Detectors Task Forces; and (4) Established the Dark Territory Technology Task Force.

Under slide 11, “Dark Territory Technology Task Force,” Ms. Cataldi reads the Technology Task Force Task Statement as follows: “Based on Section 406 of the RSIA, and the DTWG Statement, develop a document that outlines the basic principles or specific elements to be addressed in a railroad plan governing technology used in non-signal territory.” She says the Dark Territory Technology Task Force had an initial teleconference on September 30, 2011, a face-to-face meeting on October 18-19, 2011, in Washington, D.C., and a follow-up teleconference on November 2, 2011 and produced a report for the DTWG.

Under slide 12, “Fourth DTWG Meeting,” Ms. Cataldi says the DTWG met in Washington, DC on November 17-18, 2011, to discuss the following: (1) Review the Dark Territory Technology Task Force document in detail; (2) Discuss positions held by industry, labor, and FRA; (3) Discuss a strategy for developing the Congressional

Report on Technology used in Dark Territory; (4) Determine the level of consensus of the DTWG; and (5) Identify the future role/activities of the DTWG.

Under slides 13-14, "Summary of Positions," Ms. Cataldi summarizes the DTWG caucus group positions as follows: (1) Labor: (a) prefers prescriptive regulations requiring that technology be applied in dark territory (especially for switch point monitoring); and (b) feels that the RSIA requires regulations for new technology devices in dark territory; (2) Industry: (a) prefers the use of guidance documents rather than prescriptive regulations; and (b) does not feel that the RSIA requires regulations; and (3) FRA: (a) prefers the use of guidance documents rather than prescriptive regulations provided that FRA has an oversight role; (b) does not feel that the RSIA requires regulations; (c) proposed an oversight role that would include some regulations combined with guidance documents and performance standards; and (d) railroads would be measured against their own Dark Territory Technology Plans.

Under slide 15, "FRA's Proposal," Ms. Cataldi outlines the following FRA regulation proposal: (1) Railroads shall develop a Dark Territory Technology Plan for inspecting and maintaining the dark territory equipment; (2) The Dark Territory Technology Plan will be required to address minimum requirements contained in the Dark Territory Guidance Document and will be approved by FRA; (3) FRA shall audit the railroad against their own Dark Territory Technology Plan; and (4) Railroads will be held accountable for following their plan and maintaining all required record keeping.

Under slide 16, "Current Status," Ms. Cataldi says the following: (1) RSAC Dark Territory Working Group activity was suspended because of a failure to reach consensus on the issue of regulations versus guidance documents; (2) FRA will continue to work on the Dark Territory issue independently; and (3) FRA may resume the DTWG activity at a later date.

Olga Cataldi (FRA) asks for questions.

Chairperson Lauby says right now, another DTWG meeting has not been scheduled. He says at the right time, FRA will reconvene the DTWG.

Chairperson Lauby asks Dr. Bernard J. (B.J.) Arseneau (FRA—Office of Safety) for a report on Medical Standards Working Group activities.

B.J. Arseneau (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Medical Standards Working Group Update to The 45th Railroad Safety Advisory Committee Meeting." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slides 2-3, “Medical Standards WG Update,” Dr. Arseneau explains that (1) RSAC Task No.: 06-03, Medical Standards for Safety-Critical Personnel, was assigned to the Medical Standards Working Group (MSWG) on September 21, 2006; (2) The most recent MSWG meeting was held on September 27-28, 2011; and (3) Recent Physicians’ Task telephone conferences were held on August 18, 2011, August 25, 2011, and August 31, 2011.

Under slides 4-6, “Medical Standards WG Update,” Dr. Arseneau says the MSWG is actively developing a medical qualification guidance for (a) Locomotive engineers, who must be certified under 49 CFR Part 240, and (b) Conductors who must be certified under 49 CFR Part 242; and this guidance will cover (a) Impairments of visual acuity, visual field, and color perception; (b) Impairments of hearing acuity; and (c) Medical conditions that can cause sudden incapacitation.

Under slide 6, Dr. Arseneau says the medical guidance for obstructive sleep apnea will complement other risk mitigation initiatives such as: (a) The “Railroaders Guide to Health Sleep” Internet Web Site—to be online in February 2012; (b) Hours of Service Law and regulations; and (c) Railroad risk reduction and fatigue management plans.

Under slide 7, Dr. Arseneau says a Small Task Force was established by the MSWG on September 27, 2011, and tasked to: (a) review medical qualification drafts prepared to date; and (b) prepare draft text recommendations for distribution to MSWG members for review and discussion at the next MSWG meeting.

Under slides 8-10, “Medical Standards WG Update,” Dr. Arseneau explains (1) The Small Task Force has been corresponding by email; (2) There are no scheduled meetings for the Physicians’ Task Force at this time; (3) The next scheduled MSWG meeting is February 1-2, 2012; and (4) The target date for delivery of the MSWG product to the full RSAC is 2012.

B.J. Arseneau asks for questions.

Joe Pasanello (American Public Transportation Association) cites an error on Slide 4. He says a Final Rule for Conductor Certification has been issued, not an “NPRM” for Conductor Certification.

Chairperson Lauby replies, “OK.” He asks Charles Bielitz (FRA—Office of Safety) for a report on Passenger Safety Working Group activities.

Charles Bielitz (FRA) says there will be separate reports to the full RSAC from the Team Leaders of the General Passenger Safety Task Force and the Engineering Task Force, the two active task forces under the Passenger Safety Working Group. He says the Final Rule for Vehicle Track Interaction has been circulated to the full RSAC for vote by electronic ballot. He notes that Vehicle Track Interaction is a complex issue and that

FRA's rules provide leadership to the world on this topic. He asks Daniel Knoté (FRA—Office of Safety) for a report on General Passenger Safety Task Force activities.

Daniel Knoté (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "General Passenger Safety (GPS) Task Force [Update], to The 45th Railroad Safety Advisory Committee Meeting." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Knoté says he will provide an update on (1) Passenger train door task; and (2) System Safety Task.

Under slide 3, "Passenger Train Door Task," Mr. Knoté says the following: (1) Draft Door Operating Procedures were approved by the full RSAC on May 20, 2011; (2) The NPRM is anticipated to be published in 2012; (3) The mechanical requirements are consistent with the APTA Door Standard; and (4) The Door Operating Procedures are in addition to existing rules.

Daniel Knoté (FRA) says FRA is working on a Notice of Proposed Rulemaking (NPRM) for doors. He says FRA's mechanical standards are identical to APTA standards. He says there will also be an operating rule requirement in the NPRM.

Under slides 4-5, "System Safety Task," Mr. Knoté says the following: (1) The System Safety Task was originally assigned in 2008, prior to the Rail Safety Improvement Act of 2008 (RSIA); (2) RSIA requires FRA to develop a Risk Reduction Program (RRP); (3) FRA has determined that the System Safety rulemaking would satisfy the RRP requirements of RSIA for passenger railroads; (4) The GPS Task Force met on March 18-19, 2010, at which time the GPS Task Force reached agreement in principle on Revision 25 of the System Safety recommendation; and (5) Members of the GPS Task Force stated that they would not agree to a consensus vote on the System Safety recommendation without knowing the results of a legal study, on data security, required by Section 109 of the RSIA.

Under slide 6, "The Legal Study," Mr. Knoté says Congress directed FRA to complete a study evaluating whether it is in the public interest to withhold from discovery or admission into evidence in a Federal or State court proceeding for damages involving personal injury or wrongful death against a carrier any report, survey, schedule, list, or data compiled or collected for the purpose of evaluating, planning, or implementing railroad safety risk reduction programs.

Under slide 7, "Section 109 Legal Study," Mr. Knoté says the following: (1) The study is complete and posted on the FRA Internet Web Site and in a Docket; (2) FRA is working on language to be inserted into the Risk Reduction Program and System Safety

Program Plan Rules regarding the legal protections for data; and (3) FRA will reconvene the GPS Task Force to review/discuss the legal protection and seek a consensus vote on Revision 25 of the System Safety guidance document.

Under slide 8, "System Safety Task," Mr. Knotte says the following: (1) Revision 25 of the guidance document has two placeholders: (a) Fatigue Management; and (b) Technology Plans; (2) Fatigue Management and Technology plans are required by the RSIA; and (3) FRA's strategy is to require fatigue management and technology plans, based on the outcomes of risk-based Hazard Analysis and/or Risk Reduction Analysis.

Daniel Knotte (FRA) asks for questions.

With no questions of Daniel Knotte, Chairperson Lauby says he will give the update on the Passenger Safety Working Group's Engineering Task Force (ETF) activities.

Chairperson Lauby uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Engineering Task Force Update to The 45th Railroad Safety Advisory Committee Meeting." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and FRA's RSAC Internet Web Site and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, "Outline," Chairperson Lauby lists the following topics that will be covered: (1) Background; (2) Tier I equipment Criteria and Procedures; (3) ETF Task 2; (4) Status; and (5) Schedule.

[Note: Tier I equipment safety standards are for passenger trains operating up to 125 mph (200 km/h), e.g., Amtrak's Intercity Service. FRA's regulations for Tier I equipment safety standards are found at 49 CFR § 238 Subparts C and D. Tier II equipment safety standards are for high-speed passenger trains operating up to 150 mph (240 km/h), e.g., Amtrak's Acela Express Service. FRA's regulations for Tier II equipment safety standards are found at 49 CFR § 238 Subparts E, F, and G.]

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

Under slides 4 and 5, "Tier I Criteria and Procedures," Chairperson Lauby says the Tier I Criteria and Procedures developed by "ETF I" reflect substantial change in technology that can be applied to rail cars, i.e., crash energy management; (2) The

“ETF I” Final Report was posted on the FRA Internet Web Site on October 28, 2011; and (3) The “ETF I” guidelines are being applied by the Denton County (Texas) Transit Authority to new Diesel Motor Units, being acquired from Stadler Rail.

Under slide 6, “ETF Task 2,” Chairperson Lauby says the “Objective” of re-tasking the ETF is to develop engineering requirements for assuring the safety of equipment to be used in high-speed rail (Tier III) service. He says the “Purpose” for ETF Task 2 is to identify the safety requirements for passenger equipment intended for operation up to 220 mph.

Under slide 7, “ETF Task 2 Status,” Chairperson Lauby says (1) Consensus has been reached on 21 of 22 items; (2) Consensus has not yet been reached on the definition of Tier III; however, an issue affecting Amtrak’s Acela service has now been resolved; and (3) Two ETF Task Groups have been formed for: (a) Vehicle Track Interaction—what happens when you take Tier III equipment off dedicated track and put this equipment on Tier I equipment track; and (b) Brake Systems—what type of tests and maintenance procedures are appropriate for electronic versus conventional braking systems?

Under slide 8, “Consensus Items,” Chairperson Lauby lists the following twenty-two criteria for Tier III high-speed rail equipment (Note: Consensus not yet reached on item (1) Definition of Tier III equipment): (1) Definition of Tier III equipment; (2) Collision with conventional equipment; (3) Occupied volume integrity; (4) Colliding equipment override; (5) Connected equipment override; (6) Fluid entry inhibition; (7) End structure integrity of cab end; (8) End structure integrity of non-cab end; (9) End structure integrity of non-cab end; (10) Roof integrity; (11) Side structure integrity; (12) Truck attachment; (13) Interior fixture attachment; (14) Seat fixture strength (passenger and engineer); (15) Interoperability/compatibility; (16) Fire safety; (17) Emergency evacuation; (18) Forward facing cab glazing; (19) Side facing cab window glazing; (20) Emergency lighting; (21) Luggage racks; (22) Side facing windows, non-cab; and (23) Passenger occupied lead car.

Under slides 9 and 10, “Consensus Not Yet Reached,” Chairperson Lauby says the definition of Tier III is (1) Accepted by most ETF participants; (2) Reservations about the definition of Tier III was expressed by Amtrak; (3) There is ongoing dialogue on the definition of Tier III equipment between FRA and Amtrak; (4) Tier III is FRA’s designation for the highest-speed trainset safety requirements; and (5) The Tier designation will cover high-speed rail operations up to 220 mph.

Under slide 11, “Definition of Tier III,” Chairperson Lauby says the following for high-speed rail operation (Tier III Operation): (1) Trainsets operate at maximum speeds above 125 mph up to 220 mph; (2) Exclusive right-of-way is provided when trainsets operate at speeds above 125 mph; (3) Intermixing with freight trains or non-Tier III passenger trains (Tier I or Tier II) is not allowed when trainsets operate at speeds above 125 mph; (4) Grade crossings are not allowed when trainsets operate at speeds above

125 mph; (5) Trainsets are compatible from a crashworthiness standpoint with Tier I and Tier II equipment at speeds of 125 mph and below; and (6) Trainsets can operate safely in a Tier I environment at appropriate Tier I speeds.

Jeffrey Moller (Association of American Railroads) asks if Tier III trainsets “may” or “must” be capable of operating in a Tier I environment. He cites the dedicated Los Angeles, California to Las Vegas, Nevada California High-Speed Train Project.

Chairperson Lauby says he believes Tier III trainsets “must” be capable of operating in a Tier I environment. He says the California High-Speed Rail Project will have a difficult time getting into Los Angeles’ Union Station without operating on Tier I tracks.

Ross Capon (National Association of Railroad Passengers) asks about the differences between Tier II and Tier III equipment.

Chairperson Lauby says Tier II equipment safety standards are for high-speed passenger trains operating up to 150 mph (240 km/h), e.g., Amtrak’s Acela Express Service. FRA’s regulations for Tier II equipment safety standards are found at 49 CFR § 238 Subparts E, F, and G. He says Tier III requirements say if you are operating above 125 mph, you must be on dedicated track.

[Note: Tier III requirements include: (1) Trainsets operate at maximum speeds above 125 mph up to 220 mph; (2) Exclusive right-of-way is provided when trainsets operate at speeds above 125 mph; (3) Intermixing with freight trains or non-Tier III passenger trains (Tier I or Tier II) is not allowed when trainsets operate at speeds above 125 mph; (4) Grade crossings are not allowed when trainsets operate at speeds above 125 mph; (5) Trainsets are compatible from a crashworthiness standpoint with Tier I and Tier II equipment at speeds of 125 mph and below; and (6) Trainsets can safely in a Tier I environment at appropriate Tier I speeds.]

Ross Capon (National Association of Railroad Passengers) asks if the threat is from a high-speed trainset operation such as a TGV-type of operation at 135 mph to conventional trains, or the other way around?

Chairperson Lauby replies, “It is both.” He says FRA does not want 220 mph trains intermixing with freight trains.

[Note: The TGV (French: Train à Grande Vitesse, meaning high-speed train) is France's high-speed rail service, currently operated by SNCF Voyages, the long-distance rail branch of SNCF, the French national rail operator. The SNCF (Société Nationale des Chemins de fer français; "National Corporation of French Railways"), is France's national state-owned railway company. SNCF operates the country's national rail services, including the TGV, France's high-speed rail network. Its functions include

operation of rail services for passengers and freight, and maintenance and signaling of rail infrastructure owned by Réseau Ferré de France (RFF).]

Under slide 12, “Task Groups,” Chairperson Lauby says the ETF formed two Task Groups to gather information and report back to the full RSAC on: (1) Vehicle Track Interaction; and (2) Brake Systems.

Under slide 13, “ETF 2 Schedule,” Chairperson Lauby lists the following ETF 2 meetings: (1) Meeting #1–October 20-21, 2010, in Cambridge, Massachusetts–discussions of scenarios, structural crashworthiness, occupant protection, and glazing; (2) Meeting #2–January 11-12, 2011, in Orlando, Florida– consensus on scope of scenarios, structural crashworthiness, occupant protection, and glazing; (3) Meeting #3–February 14-15, 2011, in Washington, DC–consensus on some structural crashworthiness requirements; (4) Meeting #4–March 30-31, 2011, in Washington, DC–consensus on most structural crashworthiness requirements; (5) Meeting #5–June 16-17, 2011, in Cambridge, Massachusetts–consensus on most crashworthiness, occupant protection, and glazing requirements; (6) Meeting #6– October 6-7, 2011, in New Orleans, Louisiana–consensus on crashworthiness, occupant protection, glazing, fire safety, and emergency preparedness requirements; VTI and Brake Task Groups initiated; and (7) Meeting #7–March 2012, at a location to be announced.

Under slide 14, “Long Term Activities,” Chairperson Lauby lists the following: (1) Rulemaking–Tier I Alternate Compliance Equipment–Document is posted on FRA’s Internet Web Site; (2) Rulemaking for Tier III Equipment–no waiver required if alternate compliance requirements are codified; (3) Action on Vehicle Track Interaction Task Group results, based on Tier III equipment definition; and (4) Action on Brake System Task Group results.

Chairperson Lauby asks for questions.

With no questions, Chairperson Lauby asks for a motion from the full RSAC to vote on the ETF consolidated document by electronic ballot after it is vetted within the Passenger Safety Working Group.

Kathy Waters (American Public Transportation Association) asks if the request is for a vote on the ETF II product.

Chairperson Lauby replies, “Yes.”

James Grady (Association of American Railroads) motions for the full RSAC vote on the product of ETF II for Tier III equipment by electronic ballot after the product is vetted by the Passenger Safety Working Group.

James Stem (United Transportation Union) seconds the motion.

BY VOICE VOTE, THE RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MOTION TO VOTE ON THE PRODUCT OF ETF II FOR TIER III EQUIPMENT BY ELECTRONIC BALLOT AFTER THE PRODUCT IS VETTED BY THE PASSENGER SAFETY WORKING GROUP.

Chairperson Lauby announces an afternoon break.

A F T E R N O O N B R E A K 2:45 P.M. - 3:00 P.M.

Chairperson Lauby reconvenes the meeting. He says he will give an update on FRA regulatory activities.

Chairperson Lauby uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "FRA Regulatory Activity Update to The 45th 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 during May 20, 2011, meeting of the Railroad Safety Advisory Committee, Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen) asked for an explanation for the difference between "Significant" and "Non-Significant" rulemakings.

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, is responsible for determining which agency regulatory actions are "significant" and, in turn, subject to interagency review. Significant regulatory actions are defined in Executive Order 12866 as those that: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Under slide 3, "Significant Rulemakings," Chairperson Lauby lists the following:
(1) Hours of Service—Passenger Train Employees: (a) NPRM published March 2011

(76 *Federal Register* (FR) 16200); and (b) Final Rule published August 12, 2011 (76 FR 50360)—complete; and (2) High-Speed Rail Corridor Development and Capital Investment Grants to Support Intercity Passenger Rail Service—NPRM on schedule for release in January 2012.

Under slide 4, “Significant Rulemakings,” Chairperson Lauby lists the following: (3) Railroad Safety Risk Reduction Programs: (a) Advanced NPRM (ANPRM) published on December 8, 2010—a requirement of the RSIA; (b) Target date for NPRM scheduled for May 2012; (4) Training Standards for Railroad Employees—NPRM on schedule for release in January 2012; and (5) Critical Incident Stress Plan; Critical Incident Definition—target date for NPRM is September 2012.

Under slide 5, “Significant Rulemakings,” Chairperson Lauby lists the following: (6) Controlled Substance Testing/Maintenance Employees—target date for NPRM is May 2012; (7) Positive Train Control Amendments (Residual Risk Analysis): (a) NPRM published August 24, 2011 (76 FR 52918); and (b) target date for Final Rule is May 2012.

Under slide 6, “Significant Rulemakings,” Chairperson Lauby lists the following: (8) Positive Train Control (Grade Crossing and Signal)—target date for NPRM is May 2012; (9) Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers: (a) NPRM published November 25, 2009; and (b) Final Rule published November 40, 2011 (76 FR 74586)—complete; and (10) Vehicle/Track Interaction, High-Speed, High-Cant: (a) NPRM published May 10, 2010; and (b) Target date for Final Rule is April 2012.

Under slide 7, “Significant Rulemakings,” Chairperson Lauby lists the following: (11) Drug Panel Post-Accident Toxicological Testing—NPRM target date is March 2012; and (12) Railroad System Safety Program—target date for NPRM is May 2012.

Under slide 8, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (1) Amendments to Accident/Incident Reporting—Final Rule published November 9, 2010 (75 FR 68862)—Complete; (2) Track Safety Standards: Concrete Crossties—NPRM published August 26, 2010; Final Rule published April 1, 2011 (76 FR 18073)—Complete; and (3) Roadway Worker Protection Miscellaneous Revisions—NPRM on schedule for release in January 2012.

Under slide 9, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (4) Safety Appliance Standards, Miscellaneous Revisions: (a) NPRM published July 2, 2010; (b) End of comment period—August 31, 2010; and (c) Final Rule published April 28, 2011 (76 FR 23714)—Complete; (5) Conductor Certification: (a) NPRM published November 10, 2010 (75 FR 69166); and (b) Final rule published November 9, 2011 (76 FR 69802)—complete; and (6) Grade Crossing—Telephone Services (formerly,

Emergency Notification Systems): (a) NPRM published March 4, 2011 (76 FR 11992); and (b) target date for Final Rule is March 2012.

Under slide 10, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (7) Camp Car Sleeping Quarters: (a) NPRM published January 3, 2011 (76 FR 64); and (b) Final Rule published on October 31, 2011 (76 FR 67073)—complete; (8) Passenger Train Emergency Systems Amendments—target date for NPRM is December 2011; and (9) Locomotive Safety Standards Amendments: (a) NPRM published on January 12, 2011 (76 FR 2200); and (b) Final Rule on schedule for release in January 2012.

Under slide 11, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (10) Development and Use of Rail Safety Technology in Dark Territory— Guidance/ NPRM (if required) target for release in early 2012; (11) Alternate Passenger Rail Service Pilot Program: (a) NPRM published on September 7, 2011; and (b) target date for Final Rule is December 2011; and (12) High-Speed Intercity Passenger Rail (HSIPR) Program; Buy America Program Requirements—NPRM on schedule for release in early 2012.

Under slides 12-13, “Non-Significant Rulemakings,” Chairperson Lauby lists the following: (13) National Highway-Rail Crossing Inventory—target for NPRM is May 2012; (14) Passenger Train Door Operation and Door Safety—target date for NPRM is May 2012; and (15) Track Safety Standards: Inspections: (a) will incorporate recommendations from RSAC track Inspection Time Study Task; and (b) target date for NPRM is December 2012; and (14) Track Safety Standards: Rails, Records, Inspection—target date for NPRM is January 2012.

Under slide 14, “FRA Priority of Importance,” Chairperson Lauby lists its regulatory activity in order of importance as follows: (1) Alternative Passenger Rail Services Pilot Project—final rule; (2) Positive Train Control (PTC) Systems Amendments—final rule; (3) PTC Miscellaneous Amendments—NPRM; (4) System Safety Program (Risk Reduction for Passenger Rail)—NPRM; (5) Training Standards for Railroad Employees—NPRM; (6) Locomotive Safety Standards—final rule; (7) Vehicle Track Interaction—final rule; (8) Maintenance of Way Employee Alcohol and Drug Requirements—NPRM; (9) Buy America Program Requirements—NPRM; (10) Door Control Rule—NPRM; (11) Grade Crossing Telephone Services—final rule; and (12) National Highway-Rail Grade Crossing Inventory—NPRM.

Under slide 15, “FRA Priority of Completion,” Chairperson Lauby lists its regulatory activity in priority for completion as follows: (1) Training Standards for Railroad Employees—NPRM; (2) Alternative Passenger Rail Services Pilot Project—final rule; (3) Maintenance of Way Employee Alcohol and Drug Requirements—NPRM; (4) Locomotive Safety Standards—final rule; (5) Vehicle Track Interaction—final rule; (6) Positive Train Control (PTC) Systems Amendments—final rule; (7) PTC Miscellaneous Amendments—NPRM; (8) System Safety Program—NPRM; (9) Buy

America Program Requirements–NPRM; (10) Grade Crossing Telephone Services–final rule; (11) National Highway-Rail Grade Crossing Inventory–NPRM; and (12) Door Control Rule–NPRM.

Chairperson Lauby asks for questions.

Chairperson Lauby says the Railroad Safety Advisory Committee has accepted two new tasks, i.e., RSAC Task No.: 11-03 Fatigue Management Plans, and RSAC Task No.: 11-04 Risk Reduction Program. He says FRA's RSAC Coordinator Larry Woolverton (FRA–Office of Safety) will be soliciting nominations from the RSAC membership to populate the two new working groups.

Jo Strang (FRA) says she will be the sponsor for the Fatigue Management Plans Working Group. She says she believes that RSAC Task No.: 11-03 can be completed by February 2013.

Chairperson Lauby asks for additions and corrections to the Minutes for the May 20, 2011, meeting of the Railroad Safety Advisory Committee.

James Grady (Association of American Railroads) offers a spelling correction on line one, page one, e.g., “forty-forth” should be “forty-fourth.”

With no further additions and corrections to the Minutes for the December 14, 2010, meeting of the Railroad Safety Advisory Committee, Chairperson Lauby asks for a motion to accept the Minutes for the May 20, 2011, meeting of the Railroad Safety Advisory Committee, as presented.

R. Stephen Strachan (National Railroad Passenger Corporation (Amtrak)) motions to accept the Minutes for the May 20, 2011, meeting of the Railroad Safety Advisory Committee, as corrected.

John Drake (Association of American Railroads) seconds the motion.

BY VOICE VOTE, THE FULL RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MINUTES FOR THE MAY 20, 2011, MEETING, AS CORRECTED.

Chairperson Lauby asks RSAC members to look at calendars and offer suggestions for the next meeting date for the full Railroad Safety Advisory Committee.

There is a general discussion on future meeting dates after which FRA says it will arrange a meeting in Washington, D.C. on Thursday, April 26, 2012.

Chairperson Lauby asks for new business.

Ross Capon (National Association of Railroad Passengers (NARP)) announces that the NARP will be accepting nominations after the first of the year for the 18th annual Dr. Gary Burch Memorial Award. 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., 2011. He says the award will be presented during NARP's 2012 Annual Congressional Reception and Council Meeting. He says additional information on this topic will be available shortly at NARP's Internet Web Site, i.e., 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. NAPR solicits nominations from railroads, agencies responsible for commuter railroad services, labor unions and individuals and gives advice to the Burch Family regarding the relative merits of the nominations. The award is presented at NARP's annual Capitol Hill reception in the spring.]

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

Jeffrey Moller (Association of American Railroads) motions to adjourn the meeting.

James Grady (Association of American Railroads) seconds the motion.

Chairperson Lauby adjourns the meeting at 3:20 pm.

M E E T I N G A D J O U R N E D 3:20 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.