

FINAL
RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
September 23, 2010
Washington, D.C.

The forty-second meeting of the RSAC 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 September 23, 2010, meeting, fifteen of the fifty-four voting RSAC members were absent: The American Association of Private Railroad Car Owners (1 seat), The American Petroleum Institute (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (2 of 3 seats), The Brotherhood of Maintenance of Way Employees Division (1 of 2 seats), The Brotherhood of Railroad Signalmen (1 of 2 seats), The International Association of Machinists and Aerospace Workers (1 seat), The International Brotherhood of Electrical Workers (1 seat), The National Conference of Firemen and Oilers (1 seat), Safe Travel America (1 seat), The Sheet Metal Workers International Association (1 seat), The Tourist Railway Association, Incorporated (1 seat), The Transport Workers Union of America (1 of 2 seats), The Transportation Communications International Union/Brotherhood of Railway Carmen (1 of 3 seats) and The United Transportation Union (1 of 3 seats). Three of seven non-voting/advisory RSAC members were absent: The Labor Council for Latin American Advancement, The League of Railway Industry Women, and Secretaria de Comunicaciones y Transporte (Mexico). Total meeting attendance, including presenters and support staff, was approximately 110.

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

Charles Bielitz (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. Jo Strang (FRA—Associate Administrator for Railroad Safety/Chief Safety Officer) and Edward Pritchard (FRA—Director Office of Safety Assurance and Compliance) volunteer to perform CPR should an emergency occur. He asks Cathy Buckley (FRA—Office of Safety) to call the emergency telephone number, 911, should an emergency occur. The National Housing Center 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 their organizations.

Barbara Pelletier (FRA—Office of Railroad Policy and Development), through an interpreter, introduces Geng Zhixin and Wu Kejian from the Ministry of Railways of the People's Republic of China and Kang Xiong, Zhou Quanney, and Lin Yu from the China Academy of Railway Sciences.

Chairperson Lauby recognizes Jaun Lema, attending today's meeting from the Ministry of Public Works and Transport (Spain).

Chairperson Lauby introduces FRA Chief Counsel Karen Hedlund. He says U.S. Secretary of Transportation Ray LaHood asked Federal Highway Administration (FHWA) Chief Counsel Karen Hedlund to serve as Chief Counsel for FRA. He says in her year as Chief Counsel at FHWA, Ms. Hedlund has helped implement the American Recovery and Reinvestment Act of 2009 [Public Law No: 111-5, dated February 17, 2009] (Recovery Act), including new investments in highway, intermodal and freight rail facilities. He says prior to her appointment at FHWA, Ms. Hedlund was in private law practice, advising state departments of transportation and regional transportation agencies on innovative financing for major highway, transit and rail projects. She also served as an advisor on state and federal legislative initiatives. He says Ms. Hedlund was born in Chicago, Illinois and received her A.B. from Harvard University and J.D. from Georgetown University. He says in her new position, FRA will call on her 35 years of experience in transportation and her nationally-recognized expertise in the structuring of public-private partnerships. He asks Karen Hedlund for opening remarks.

Karen Hedlund (FRA) thanks Chairperson Lauby for that kind of introduction and for welcoming me today to join RSAC members and attendees at the 42nd meeting of the Railroad Safety Advisory Committee. She says she is very pleased to be here on behalf of FRA Administrator Joe Szabo and FRA Deputy Administrator Karen Rae.

Karen Hedlund (FRA) thanks the delegates from China for attending today's meeting.

Karen Hedlund (FRA) says even though she is new to RSAC, its work, i.e., collaborative efforts, is not new to her. She says RSAC's standing and reputation both within the railroad industry and among Federal advisory bodies is well known, and its successes both notable and numerous. She says it is immensely gratifying to be among so many dedicated people who are passionate about railroad safety. She says RSAC's professional and organizational commitment to safety is unrivaled and inspirational.

Karen Hedlund (FRA) says the beauty of RSAC is that while each of the stakeholders represented here have their agendas, priorities, needs and concerns, there are numerous points of fundamental agreement. She says RSAC members' willingness to negotiate in good faith and compromise has enabled some transformative rail safety initiatives to advance and reach fruition.

Karen Hedlund (FRA) says the importance of safety is more meaningful than ever with the Rail Safety Improvement Act of 2008 bringing about historic changes to the railroad industry—be it through hours of service reform, implementation of positive train control, bridge management, hazardous materials transport or highway-rail grade crossing safety. She says with FRA's expanded mandate, we must all think about safety as it pertains to upgrades of existing freight and passenger rail service as well as new high-speed intercity passenger rail lines to be built in the coming years.

Karen Hedlund (FRA) says as the critically important work of this body continues, let us take a moment to reflect on the current state of railroad safety. She says despite impressive and nearly continuous long-term reductions in the number of train accidents, employee on-duty casualties, highway-rail grade crossing collisions and other reportable events, the train accident rate has remained relatively flat over the past ten years. She adds, regrettably, some other key indicators have leveled off in recent years, and more recently, we have witnessed an alarming increase in the number and frequency of employee fatalities. She says from FRA's perspective, this state of affairs is unacceptable, as she imagines it is to most everyone in this room.

Karen Hedlund (FRA) says both statistical analyses and anecdotal data indicate that current safety assurance systems have more or less reached the limits of their effectiveness. She says fortunately, new approaches to data collection and benchmarking, as embraced by other industries, provide an opportunity to adopt and implement industry-wide changes that could significantly reduce the occurrence of accidents in the future. She says doing so is essential because the railroad industry is poised to play an ever-more central role in America's transportation future. She says FRA is about to release its Rail Plan which will drive this point home.

Karen Hedlund (FRA) says with an expected influx of thousands of new employees and historic investments being made in both passenger and freight rail, there is great potential to introduce fresh ideas and new ways of thinking about how to improve safety, and great promise for such changes to take hold. She says FRA is hopeful that its Risk

Reduction Program will help pave the way for such changes by allowing the agency to acquire the knowledge needed to precisely address the underlying causal factors that contribute to, or result in, train accidents and employee casualties. She says building upon the strong safety cultures that do exist, industry should be able to more easily establish voluntary programs that effectively identify and mitigate risk, using measurable goals and corrective actions that are constructive, not punitive. She says Congress recognized the inherent value of this endeavor and mandated the adoption of risk reduction programs by the industry in the Rail Safety Improvement Act (RSIA) of 2008. She says RSIA directs FRA to conduct a study on the use in litigation of data compiled for the purpose of evaluating, planning, or implementing an FRA-required safety risk reduction program. She says FRA is in the process of soliciting bids for the study with the closing date on bids being October 26. She says the study should be completed within a year.

Karen Hedlund (FRA) says to be clear, identifying effective remedies or countermeasures that minimize or prevent unsafe practices is by no means easy. However, she adds, FRA is confident that these efforts will reap significant rewards in the years to come. She says FRA stands ready to work with all who want to contribute to building comprehensive Risk Reduction Program that incorporates the needs of industry, labor, and others—and promotes the Department's strategic goals of a safe, efficient, an sustainable transportation system.

Karen Hedlund (FRA) says before concluding her remarks, she wants to provide a brief update on three high-profile subjects that will occupy the thought and deeds of many in this room for years, if not decades to come.

First, the Administration's vision for high-speed intercity passenger rail is taking shape. Last January, President Obama announced the recipients of \$8 billion in Recovery Act funds for individual construction projects, corridor and service development programs, and activities such as financial or environmental planning. She says these funds are in the process of being obligated, allowing construction and procurements to begin in earnest. She says in the near future, FRA will announce selections for fiscal year 2009- and 2010-funded construction and planning activities, and by year's end, FRA will announce an additional round funded by \$2.5 billion from fiscal year 2010 appropriations.

Karen Hedlund (FRA) says FRA believes it is time to rebalance our national transportation system. She says for too long, rail has been the forgotten mode and America needs alternatives to roadway transportation and short-haul air service. She says President Obama's down payment for this effort, while historic and unprecedented, pales in comparison to the funding provided for other transportation modes. And, she adds, FRA believes this program will complement the highway and aviation sectors.

Karen Hedlund (FRA) says Secretary LaHood has emphasized that it is important to keep in mind that this is a multi-decade national initiative similar to the Interstate Highway System's evolution over the past 5 decades since President Eisenhower set forth his vision for an interconnected roadway network. She adds, in any new and ambitious endeavor, there is understandable fear, weariness or consternation about the unknown; something we've witnessed firsthand since the program's inception. She says the enormity of the historic task delegated to us by the President and Congress demands standing up an entirely new grant program from whence there was none—and something we can proudly say has been accomplished in record time. She says this requires the establishment of new partnerships between states and railroads and helping them acquire the institutional knowledge and expertise required to successfully negotiate "stakeholder agreements" for which there isn't a model or template. She says while this has without question been a challenge, it is by no means an insurmountable obstacle. She says several of these negotiations have already borne fruit, showing that mutually beneficial agreements that protect both private and public sector interests can be reached. She says finally, in this vein, she thinks it is worth noting that safety has not been lost in this massive undertaking. In fact, she says, FRA issued a Safety Strategy for High-Speed Passenger Rail and accompanying Guidelines on Highway-Rail Crossing for High-Speed Passenger Rail, both of which are posted on FRA's Internet Web site. She says just a few weeks ago, the first-ever uniform design specifications for bi-level passenger coach, dining, baggage cars was issued as a Tier I specification by the Technical Subcommittee of the Section 305 Next Generation Equipment Committee. She says the Passenger Railroad Investment and Improvement Act of 2008 required the establishment of such technical standards for high-speed rail operations. She adds, several RSAC member organizations played critical roles in achieving this milestone.

Second among the topics Ms. Hedlund wants to briefly raise is Positive Train Control (PTC). She says she would be remiss by failing to acknowledge and recognize the individuals and RSAC member organizations that continue to ensure thorough and timely implementation of PTC. She says she does not need to tell this audience how aggressive the congressionally-mandated timetable to undertake this is. She says all affected railroads should take great pride in their abilities and accomplishments in satisfying the rigorous and complex requirements contained in FRA's implementing regulations. She says those performing this work deserve our praise and gratitude. She says FRA has solicited public comments on certain portions of its January 15, 2010, final PTC rule and FRA appreciates the comments that were received. She says amendments to the final rule have been sent to the Federal Register and should be published shortly.

Third, Ms. Hedlund says, for those who did not hear about it, on Tuesday, the Secretary convened his second National Distracted Driving Summit. She says coinciding with this event, FRA issued its Final Rule about Restrictions on Railroad Operating Employees' Use of Cellular Telephones and Other Electronic Devices. She says the rule explicitly

prohibits the improper use of distracting electronic devices by on-duty employees—whether personal or railroad-supplied—if doing so interferes with the performance of safety-related duties. She says the final rule will supplant FRA’s 2008 Emergency Order No. 26, which the agency issued in the weeks after the September 12, 2008, Metrolink collision in Chatsworth, California. She says FRA is hopeful that the regulations will serve as a constructive reminder of the dangers of distraction, be it behind the wheel of a car, or while working on the railroad.

Karen Hedlund says she is looking forward to today’s proceedings and learning more about the wide range of safety issues you are currently addressing. She says she is looking forward to working with RSAC in the future to advance the state or rail safety.

Chairperson Lauby thanks Karen Hedlund for her opening remarks. He asks Jo Strang (FRA) for comments.

Jo Strang (FRA) says the last full RSAC meeting was held on March 18, 2010. She says that was the last meeting for the outgoing (retiring) RSAC Chairperson, FRA’s Deputy Associate Administrator for Safety Standards and Program Development, Grady C. Cothen, Jr. She says this is the first meeting for the incoming RSAC Chairperson, FRA’s Deputy Associate Administrator for Regulatory and Legislative Operations, Robert C. Lauby. She introduces Ronald Hynes (FRA–Office of Safety) who will be replacing Edward Pritchard (FRA–Director Safety Assurance and Compliance).

Chairperson Lauby reminds RSAC members and attendees to sign one of the attendance sheets that are circulating in the room.

Chairperson Lauby asks Mark McKeon (FRA–Office of Safety) for a report on Passenger Hours of Service (PHOS) Working Group (WG) activities.

Mark McKeon (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Passenger Hours of Service Task 09-01, Working Group Report to the RSAC.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under the slide, “Required by the Rail Safety Improvement Act of 2008,” Mr. McKeon says the Rail Safety Improvement Act (RSIA) of 2008 did the following: (1) Made substantial changes to “new” hours of service (HOS) rules for freight railroads and left open changes for passenger hours of service rules; (2) The “old” HOS rules continue to apply to commuter and intercity passenger railroads; (3) Changes passenger HOS from a law to a regulation, if FRA issues a passenger HOS regulation by October 16, 2011, otherwise “new” HOS rules for freight railroads will apply to passenger railroads; and (4) Bases passenger HOS regulations on fatigue science.

Under the slide, “Based on “Old” Hours of Service,” Mr. McKeon lists the following: (1) Twelve hours maximum time on duty; (2) Eight hours off duty; (3) Four hours minimum interim release; and (4) No 276-hour monthly cap, or limbo time cap.

Mark McKeon (FRA) asks Colleen Brennan (FRA—Office of Chief Counsel) to continue the presentation on “Passenger Hours of Service Task 09-01.”

Under the slide, “New Provisions,” Ms. Brennan says based on fatigue science, there are two types of passenger railroad crew assignments: (1) Type 1 Assignment—between 4:00 am and 8:00 pm, where employee fatigue is unlikely; and (2) Type 2 Assignment—between 8:01 pm and 3:59 am, where fatigue mitigation tools may be necessary to combat employee fatigue. She says FRA has developed a model to analyze passenger employee work schedules to determine if particular work schedules place an employee at risk for fatigue.

Under the slide, “Maximum Consecutive Days,” Ms. Brennan outlines the maximum number of consecutive passenger employee work days before the employee must have time off as follows: (1) Type 1 Assignment—Must have 2 days off (consecutive or not) in a 14-day period, or must have 2 consecutive days off after 14 consecutive on duty day; and (b) a 14-day period resets after the second day off; and (2) Type 2 Assignment—1 day off after 6 consecutive days on duty.

Under the slide, “Analysis of Work Schedules,” Ms. Brennan says passenger railroads must: (1) Analyze employee work schedules; (2) Apply mitigations to meet fatigue thresholds (fatigue mitigation tools, e.g., take a nap); (3) Report to FRA those work schedules that have been mitigated, and those work schedules that cannot be mitigated but are operationally necessary; (4) Submit to FRA for approval any biomathematical model to be used for analysis other than those identified in the regulation; and (5) Analyze and submit for approval any changes in schedule that result in their not meeting effectiveness scores.

Under the slide, “Analysis of Work Schedules,” Ms. Brennan says a preliminary analysis of an employee diary study conducted by FRA was consistent with a schedule analysis done by the American Public Transportation Association to date in suggesting that, for most commuter operations, only a small percentage of schedules will be affected by the proposed analysis and mitigation requirements.

Under the slide, “Fatigue Mitigation and Training,” Ms. Brennan says (1) A Fatigue Mitigation Plan is required; it is to be developed after consultation with employees/unions; and (2) There is to be employee training on fatigue—initial training and a 3-year cycle for retraining.

Colleen Brennan (FRA) asks for questions.

Ross Capon (National Association of Railroad Passengers) cites the slide, “Required by the Rail Safety Improvement Act of 2008.” He asks if the second bullet, i.e., “(2) The “old” HOS rules continue to apply to commuter and intercity passenger railroads,” is temporary until the new PHOS rules kick-in?

Mark McKeon (FRA) replies, “Yes.”

Howard Permut (American Public Transportation Association (APTA)) says APTA thanks the PHOS WG for its efforts in drafting regulations for PHOS. He says there are important issues concerning the implementation of these rules. He says he hopes that FRA will reconvene the PHOS WG to resolve these issues. Also, he adds, there will be continued research into fatigue mitigation, which he hopes FRA will support. He says APTA will participate in outreach programs.

Mark McKeon (FRA) says FRA will reconvene the PHOS WG to resolve comments the agency receives to the PHOS Notice of Proposed Rulemaking.

Chairperson Lauby asks for RSAC permission to submit the PHOS Notice of Proposed Rulemaking (NPRM) rule text, when completed, to members for an electronic mail ballot on acceptance.

Stephen Bruno (Brotherhood of Locomotive Engineers and Trainmen (BLET)) motions for an RSAC acceptance of the PHOS NPRM rule text, when completed, by electronic mail ballot.

Richard Johnson (Transportation Communications International Union) asks, “What is an electronic ballot?”

Chairperson Lauby explains that FRA will distribute the PHOS NPRM rule text, when completed, by electronic mail and ask RSAC members to review and vote on member organization acceptance by electronic ballot.

Richard Johnson (Transportation Communication International Union) seconds the motion.

BY VOICE VOTE THE FULL RAILROAD SAFETY ADVISORY COMMITTEE
APPROVES FRA’S REQUEST TO VOTE ON THE PHOS NPRM RULE TEXT
BY ELECTRONIC BALLOT.

Chairperson Lauby asks Michael Logue (FRA) for a report on Training Standards and Plans (TSP) Working Group (WG) activities.

Michael Logue (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “2008 Rail Safety Improvement Act, Section 401–Minimum

Training Standards and Plans–Working Group Progress Overview.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under slides 2 and 3, Mr. Logue says the following: (1) FRA has held four two-day working group meetings, in April, June, August and September 2010. FRA has scheduled two additional meetings for October 19-20, 2010. FRA has tentatively scheduled a meeting for November 16-17, 2010; (2) The TSP WG is large, i.e., between 60-70 people attend each meeting; (3) As expected, particularly with a working group of this size, there are a number of issues to work through—FRA believes progress is being made; (4) At the April 13-14, 2010, TSP WG meeting in Philadelphia, Pennsylvania, FRA presented a 19-page draft rule text document; (5) The working group has critiqued FRA’s presentation, and there have been many additions and subtractions including: (a) adding a section to accommodate the development and filing of training programs by organizations such as the American Short Line and Regional Railroad Association (ASLRRA) and the National Railroad Construction and Maintenance Association (NRCMA); and (b) adding a section to accommodate other training organizations and learning institutions such as the National Academy of Railroad Sciences, the Railway Educational Bureau, etc.

Michael Logue (FRA) says during the October 19-20, 2010, TSP WG meeting in Atlanta, Georgia, there will be a tour of CSX Transportation’s Railroad Education and Development Institute (REDI Center).

Under the slides, “The current Table of Contents provides a snapshot on the progress of the rule to date,” Mr. Logue lists the following: (1) Subpart A—General: (a) § 2XX.1 Purpose and scope; (b) § 2XX.3 Application and responsibility for compliance; (c) § 2XX.5 Definitions; (d) § 2XX.7 Waivers; (e) § 2XX.9 Penalties and consequences for noncompliance; and (f) § 2XX.11 Information collection requirements; (2) Subpart B—Prerequisites to Implementation of Program: (a) § 2XX.101 Instruction required for all safety-related railroad employees (under discussion by the FRA team); (b) § 2XX.103 Program required; (c) § 2XX.105 Training program submission, review, and approval process; (d) § 2XX.107 Other FRA approved training organizations or learning institutions; (e) § 2XX.109 Training components identified in program; (f) § 2XX.111 Identification and designation of employees; and (g) § 2XX.113 Employee qualification requirements; and (3) Subpart C—Program Implementation and Oversight Requirements: (a) § 2XX.201 Records; (b) § 2XX.203 Task proficiency oversight and calendar year monitoring; (c) § 2XX.205 Annual review and summary; (d) § 2XX.207 List of contractors; and (e) § 2XX.209 Prohibitions (under discussion by the FRA team).

Michael Logue (FRA) says the TSP WG has given tentative agreement to Parts 2XX.1 through 2XX.107. He says the FRA team has decided to delete Part 2XX.101 from the

draft rule text. He says what the agency is looking for on how to train a person to be proficient if qualified in a safety-related job. He says the time lines for implementing this rule have not been developed yet. He says Dr. Patrick McLaughlin (FRA–Office of Safety) is working on this aspect of the rule.

Under the slide, “Topics where we are close to reaching consensus include,” Mr. Logue lists the following: (1) The categories of employees to be covered by the regulation (there are still some language issues to resolve); (2) A three-year refresher training interval for current safety-related railroad employees, unless otherwise provided for in another FRA safety regulation; (3) ASLRRA and MRCMA will develop, and submit for FRA approval, training programs for small railroads and contractors to use if they wish. This should lessen the burden for both the industry and FRA; (4) Most or all railroads will modify the programs required by Part 217.9 to provide the oversight specified in the training regulation; and (5) Contractors will maintain their own train records, unless a railroad delivers the safety training to the contractor’s employees.

Under the slide, “Topics still under discussion include,” Mr. Logue outlines the following: (1) Criteria for grandfathering current safety-related railroad employees; (2) Criteria for analysis of the oversight data; (3) Methodology for the submission, review, and approval process; (4) How to identify and designate employees covered by the regulation; (5) The oversight program (in early discussion stages); and (6) The type of analysis that will be required to ensure the training programs cover all Federal Railroad Safety Laws, Regulations, and Orders.

Michael Logue (FRA) says a lot of progress has been made by the TSP WG. He asks for Questions.

With no questions for Michael Logue, Chairperson Lauby announce the morning break.

M O R N I N G B R E A K 10:30 A.M. - 10:45 A.M.

Chairperson Lauby reconvenes the meeting. He recognizes Ross Capon (National Association of Railroad Passengers (NARP) for an announcement.

Ross Capon (NARP) announces that the NARP will be accepting nominations after the first of the year for the 17th 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., 2010. He says the award will be presented during NARP’s 2011 Annual Congressional Reception and Council Meeting. He says additional information on this topic can be found at NARP’s Internet Web Site, i.e., www.narprail.org.

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

Chairperson Lauby asks Carlo Patrick (FRA—Office of Safety) for a report on Track Safety Standards Working Group activities.

Carlo Patrick (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Railroad Safety Advisory Committee Track Safety Standards Working Group Task 08-03, September 23, 2010." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, "Task 08-03 (first item)," Mr. Patrick reads the first issue requiring specific report under RSAC Task No.: 08-03, Track Safety Standards—Rail Integrity, as follows: "Factors that can and should be included in determining the frequency of internal rail flaw testing and a methodology for taking those factors into consideration with respect to mandatory testing intervals."

Under slide 3, "TSWG [Track Safety Standards Working Group] reached consensus on a Performance Based Frequency requirement to address NTSB [National Transportation Safety Board] Damage Tolerance recommendations," Mr. Patrick says consensus was reached on the Volpe National Transportation Systems Center's (Volpe) recommended model driven by the minimum criteria of: (1) Fatigue service failure rate; (2) Detected defect rate; (3) Annual tonnage; and (4) Performance target (risk factor). In addition, Mr. Patrick says track will be inspected a minimum of once a year or at every 30 MGT (million gross tons) test frequency.

Under slide 4, "RR's to comply with rail test output for each segment. Volpe model will be provided to railroads on FRA website," shows a depiction of how the Volpe Model input and output will appear on FRA's Internet website.

Under slide 5, "TSWG Consensus § 213.237 Inspection of rail," Mr. Patrick outlines proposed rule text for Part 213.237(a) as follows: (a) In addition to the inspections

required by § 213.233, a track owner shall conduct internal rail inspections sufficient to maintain fatigue service failure rates per segment, to be determined for the track owner's 12-month period, as calculated within 45 days of the end of the period. These rates shall not include fatigue service failures that occurred in rail that has been replaced through rail relay since the time of the fatigue service failure. Rail used to repair a fatigue service failure defect is not considered rail relay. The fatigue service failure rates shall be: (1) No more than 0.1 fatigue service failures per year per mile of track for all class 4 and 5 track; (2) No more than 0.09 fatigue service failures per year per mile of track for all class 3, 4, and 5 track which carries regularly scheduled passenger trains or is a hazardous material route; and (3) No more than 0.08 fatigue service failures per year per mile of track for all class 3, 4, and 5 track which carries regularly scheduled passenger trains and is a hazardous material route.

Under slide 6, "TSWG Consensus § 213.237 Inspection of rail," Mr. Patrick outlines proposed rule text for Part 213.237(b) as follows: (b) Internal rail inspections on class 4 and 5 track, or class 3 track with regularly scheduled passenger trains or which is a hazardous materials route, shall not exceed a time interval of 370 days between inspections or a tonnage interval of 30 mgt between inspections whichever is shorter. Internal rail inspections on class 3 track without regularly scheduled passenger trains and which is not a hazardous materials route must be inspected at least once each calendar year, with no more than 18 months between inspections, or at least once every 30 mgt, whichever interval is longer, with the additional provision that inspections cannot be more than 5 years apart.

Under slide 7, "TSWG Consensus § 213.237 Inspection of rail," Mr. Patrick outlines proposed rule text for Part 213.237(c) as follows: (c) If the fatigue service failure rate target identified in paragraph (a) is not achieved, the track owner must inform the FRA of this fact within 45 days of the end of the defined 12-month period in which the performance target is exceeded: (1) If the performance target rate is not met for two consecutive years, then in the area which is driving the fatigue service failure service failure rate, either: (i) The inspection tonnage interval between tests must be reduced to 10 MGT; or (ii) The class of track shall be reduced to class 2 until the target failure service rate is achieved; (2) In cases where a single fatigue service failure would cause the rate to exceed the applicable fatigue service failure rate, the fatigue service failure rate will be considered as achieved unless a second such failure occurs within a designated 12-month period; and (3) Periods occurring prior to the promulgation of this rule are not to be intended in determination of consecutive periods where the fatigue service failure has not been achieved.

Under slide 8, "TSWG Consensus § 213.237 Inspection of rail," Mr. Patrick outlines proposed rule text for Part 213.237(d), (e), (f), (g), and (h) as follows: (d) Each defective rail shall be marked with a highly visible marking on both sides of the web and base except that, where a side or sides of the web and base are inaccessible because of permanent features, the highly visible marking will be placed on or next to the head of

the rail; (e) Inspection equipment shall be capable of detecting defects between joint bars, in the area enclosed by joint bars; (f) If the qualified rail defect detection equipment operator determines that a valid search for internal defects could not be made over a particular length of track, that particular length of track cannot be considered as internally inspected under paragraphs (a) and (b); (g) If a valid search for internal defects cannot be conducted, the track owner will, before expiration of time or tonnage limits in (b) or (c)—(1) Conduct a valid search for internal defects; (2) Reduce operating speed to a maximum of 254 mph until such time as a valid search can be made; or (3) Replace the rail that had not been inspected; and (h) The person assigned to operate the rail defect detection equipment must be a qualified operator as defined in § 213.238 and have demonstrated proficiency in the rail flaw detection process on each type of equipment the operator is assigned.

Under slide 9, “TSWG Consensus § 213.237 Inspection of rail,” Mr. Patrick outlines proposed rule text for Part 213.237(i) as follows: (i) As used in this section— *Hazardous materials route* means a track over which a minimum of 10,000 carloads or intermodal portable tank car loads of material defined in 49 *Code of Federal Regulations* (CFR) § 171.8 “hazardous material,” or a minimum of 4,000 car loads or intermodal portable tank car loads of material defined in 49 CFR § 172.820(a) on class 3,4 or 5 track over a period of one year.

Carlo Patrick (FRA) says the only non-consensus item is the definition of “segment.” He says FRA’s non-consensus definition is: *Segment* means a track owner’s designated segment, which is class 4 or 5 track, or class 3 track that carries regularly scheduled passenger trains or is a hazardous material route.

Carlo Patrick (FRA) says other definitions that were developed for this rule include: (1) *Fatigue service failure* means a broken rail occurrence, the cause of which is determined to be a compound fissure, transverse fissure, detail fracture, or vertical split head; and (2) *Valid search* means a continuous inspection for internal rail defects where the equipment is performing as intended and equipment responses are interpreted by a qualified operator as defined in § 213.238. The operator shall determine that the test has not been compromised due to environmental contamination, rail conditions, or equipment.

Under slide 10, “Task 08-03 (second item),” Mr. Patrick reads the second issue requiring specific report under RSAC Task No.: 08-03, Track Safety Standards—Rail Integrity, as follows: “Whether the quality and consistency of internal rail flaw testing can be improved and how.”

Under slide 11, “TSWG Consensus,” Mr. Patrick lists the following: (1) Consensus reached on definition of a “valid test”—definition added to § 213.237; (2) Consensus reached on minimum criteria for a “qualified operator”—to be added to 49 CFR Part 213,

as new § 213.238; and (3) Guideline to sizing transverse oriented defects reflecting rail head wear applies in § 213.113 Remedial Action Table.

Under slide 12, “Task 08-03 (third item),” Mr. Patrick reads the third issue requiring specific report under RSAC Task No.: 08-03, Track Safety Standards–Rail Integrity, as follows: “Whether adjustments to current remedial action criteria are warranted.”

Under slide 13, “TSWG Consensus § 213.113 Defective rails,” Mr. Patrick outlines proposed rule text for Part 213.113(a) and (b) as follows: (a) When an owner of track learns that a rail in the track contains any of the defects listed in the table in paragraph (c), a person designated under § 213.7 shall determine whether the track may continue in use. If the designated person determines that the track may continue in use, operation over the defective rail is not permitted until (1) The rail is replaced or repaired; and (2) The remedial action prescribed in the table is initiated; and (b) When an owner of track learns, through an internal rail inspection, that rail contains an indication of any of the defects listed in the table, in paragraph (c), the track owner shall verify the indication within 4 hours. If the track owner has an indication that any of the defects that require remedial action A, A2, or B in the following table exist, the track owner shall immediately verify the indication and if the indication is verified—(1) Replace or repair the rail; or (2) Initiate the remedial action prescribed in the table.

[Note: The Remedial Action Table, slide 14 in this presentation, does not appear in the meeting Minutes. The Remedial Action Table, under Part 213.113 is available for viewing in the RSAC Docket, and on FRA’s Internet Web Site.]

Under slide 15, “TSWG Consensus Remedial Action Notes,” Mr. Patrick excerpts proposed rule text for Part 213.113 C, D, F, and G as follows: C. Apply joint bars bolted only through the outermost holes to defect within 10 days after it is determined to continue the track in use...When joint bars have not been applied within 10 days, the speed must be limited to 10 mph until joint bars are applied; D. Apply joint bars bolted only through the outermost holes to defect within 7 days after it is determined to continue the track in use...When joint bars have not been applied within 7 days, the speed must be limited to 10 mph until joint bars are applied; F. Inspect rail within 90 days after it is determined to continue the track in use...If not inspected within 30 days, limit speed to Class 2 or the maximum allowable speed under 213.9 for the class of track concerned, whichever is lower, until inspected.

Under slide 16, “TSWG § 213.113 Defective rails,” Mr. Patrick excerpts the following definitions: *Compound fissure* (Deleted last sentence from current definition—“Compound fissures require examination of both faces of the fracture to locate the horizontal split head from which they originate.”); (new) *Crushed Head* means a short length of rail, not at a joint, which has drooped or sagged across the width of the rail head to a depth of $\frac{3}{8}$ inch or more below the rest of the rail head. Unlike the flattened (rail) head where the depression is visible on the rail head only, the sagging or drooping

is also visible in the head web fillet area; *Defective weld*—If the weld defect progresses longitudinally through the weld section, the track owner must remediate as if it were a split web.

Under slide 17, “Task 08-03 (fourth item),” Mr. Patrick reads the second issue requiring specific report under RSAC Task No.: 08-03, Track Safety Standards—Rail Integrity, as follows: “The effect of rail head wear, surface conditions and other relevant factors on the acquisition and interpretation of internal rail flaw test results.”

Under slide 18, “TSWG Consensus,” Mr. Patrick says the following: (1) TSWG “Loss of Bottom” study was completed in 2008 that concluded it is common to find rail defects where there is “loss of bottom” present; (2) Extensive presentations and discussion on equipment limitation concerning flaw detection systems and future developments; (3) TSWG determined that recent developments in flaw detection technologies improve detection capabilities in worn rail head and rail surface conditions; and (4) Track Standard Working Group has addressed rail head wear in 213.113, sizing of transverse defects to existing rail head, and does not recommend regulation concerning industry maximum rail wear limitations at this time.

Under slide 19, “TSWG Consensus § 213.241 Inspection records,” Mr. Patrick explains requirements for § 213.241(c), (d), and (e) as follows: (c) Records of internal rail inspections performed under § 213.237 shall specify: (1) The date of inspection; (2) The track inspected, including beginning and end points; (3) The location and type of defects found under §213.113; (4) The size of defects found under § 213.113 if not removed prior to the next train movement; (5) The initial remedial action taken and the date thereof; and (6) The location of any intervals of track not tested per § 213.237(f); (d) The owner shall retain a rail inspection record under § 213.241(c) for at least two years after the inspection and for one year after initial remedial action is taken; and (e) The owner must maintain records sufficient to demonstrate the means by which it computes the fatigue service failure rate on all track segments subject to the requirements in § 213.237(a) for the purpose of determining compliance with the application fatigue service failure rate target.

Under slide 20, Mr. Patrick says the Track Standards Working Group requests that RSAC accept the recommended regulatory changes to Part 213 and consider RSAC Task No.: 08-03 Track Safety Standards—Rail Integrity, complete.

Under slide 21, “Track Standards Working Group Open Items,” Mr. Patrick says the Track Safety Standards Working Group will meet October 26-27, 2010, to consider the following: (1) Review controls applied to the reuse of rail in Continuous Welded Rail, i.e., “plug rail;” and (2) Review data and discuss whether the requirement for Joint Bar Fracture Reports should be continued.

Carlo Patrick (FRA) asks for questions.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division (BMWED)) asks if FRA is going to do more research on the definition of “segment” issue?

Carlo Patrick (FRA) says FRA will be contacting Class I railroads and the Volpe National Transportation Systems Center about the definition for “segment,” and then have internal discussions.

Chairperson Lauby asks if there are additional questions for Carlo Patrick.

Chairperson Lauby asks for a motion to accept the recommendations of the Track Safety Standards Working Group to add rail integrity rule text to Parts 213.113 Defective rails, 213.237 Inspection of rail, 213.238 Qualified operator, and 213.241 Inspection records.

Rick Inclima (BMWED) motions to accept the recommendations of the Track Safety Standards Working Group for rules covering rail integrity under 49 CFR § 213.

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

BY VOICE VOTE THE FULL RSAC ACCEPTS THE RECOMMENDATIONS OF THE TRACK SAFETY STANDARDS WORKING GROUP FOR RULES COVERING RAIL INTEGRITY UNDER 49 CFR § 213.

Chairperson Lauby thanks the full RSAC for their affirmative vote on the rail integrity Task.

Chairperson Lauby says the next meeting Agenda item is a RSAC Task No.: 10-02, Safety Technology in Dark Territory. He says the purpose of this task 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 Rail Safety Improvement Act of 2008 (49 *United States Code* (U.S.C.) § 20162, Public Law No. 110-432).

Under “Description,” Chairperson Lauby reads the following: (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-signal) 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 “Issues requiring specific report,” Chairperson Lauby reads the following: (1) What criteria should be used to determine existing rule applicability; (2) What criteria can be developed for the regulated community to determine cost effectiveness; (3) How can the use of safety technology in dark territory address risk mitigation and what impact can such technology have on a railroad’s Railroad Safety Technology Plan required by 49 U.S.C. § 20156(e); (4) Will underlying functions of safety technologies (e.g., switch position monitoring, track circuit integrity, other similar rail safety technologies), as determined by the Secretary, be implemented well before eventual PTC systems; (5) How should modifications or discontinuances of safety technologies be addressed following initial implementation; and (6) When is it no longer dark territory as technology is applied?

Chairperson Lauby asks for a discussion of RSAC Task No.: 10-02, Safety Technology in Dark Territory.

Bob VanderClute (AAR) says this task is daunting. He says FRA and the AAR have very few people available to work on this assignment. He would like the full RSAC to accept Task No.: 10-02, but then have members come back to FRA to tell FRA how to proceed, i.e., whether this should be handled by the existing Positive Train Control Working Group, or by a separate Working Group.

Chairperson Lauby says “That is a fair request.” He says whether this assignment is handled by a separate Working Group, or by an extension of an existing Working Group can be discussed.

Thomas Streicher (American Short Line and Regional Railroad Association (ASLRRA)) asks if FRA envisions switch position detection technology with the working group? He says small railroads are exempt from some provisions of the Positive Train Control Rule.

Chairperson Lauby says deadlines to complete this task have been set by Congress. However, he adds, there could be some delay in the start of this working group.

Thomas Streicher (ASLRRA) says time is money and budgeting over time is better for small businesses. He says safety technology in dark territory will be expensive, must be fail safe, and proven to be fail safe.

Chairperson Lauby says there are important issues for this topic to get on the table.

Rick Inclima (BMWED) says speaking for the BMWED, he does not believe it would be in the best interest of the Dark Territory Task to put the task under the Positive Train Control Task. He says he believes there should be a separate Working Group for the Dark Territory Task.

Bob VanderClute (AAR) says generally, it will be the same people working on both the Positive Train Control Working Group and the Safety Technology in Dark Territory Working Group. He says management needs to look at this topic more closely.

Chairperson Lauby says he is hearing support for this task. However, he adds, he is also hearing that the AAR membership wants to discuss this task among their member railroads before committing to a new working group or extending the work of an existing working group. He says FRA could postpone the start of this working group until after the First of the year. He asks for RSAC approval of the Task Statement so that FRA knows the intension of the RSAC members is to work this issue through an RSAC working group.

Chairperson Lauby asks for a motion to accept RSAC Task No.: 10-02, Safety Technology in Dark Territory, presented September 23, 2010.

John Previsich (United Transportation Union) motions to accept RSAC Task No.: 10-02, Safety Technology in Dark Territory, presented September 23, 2010.

Thomas Streicher (ASLRRA) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS RSAC TASK NO.: 10-02, SAFETY TECHNOLOGY IN DARK TERRITORY, PRESENTED SEPTEMBER 23, 2010.

Cynthia Gross (FRA–Office of Safety, RSAC Meeting Facilitator) says the next step is for RSAC members to express an interest to FRA for participating in the Safety Technology in Dark Territory Task.

Chairperson Lauby asks that RSAC members notify the FRA Meeting Coordinator, Larry Woolverton (FRA–Office of Safety, email address: Larry.Woolverton@dot.gov) of their intent to participate in this new task and to designate a list of working group members and alternates for the working group.

Chairperson Lauby thanks the following FRA personnel for their efforts in helping put today's meeting together: Larry Woolverton, Cathy Buckley, Marvin Stewart, and Cynthia Gross. He announces that Larry Woolverton's mother-in-law passed away and he was unable to attend today's meeting.

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

B.J. Arseneau (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Medical Standards Working Group Report." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In

addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

B.J. Arseneau (FRA) says two RSAC tasks have been assigned to the MS WG. They are: RSAC Task No.: 06-03, Medical Standards for Safety-Critical Personnel and RSAC Task No.: 09-02, Critical Incident Programs.

Under slide 3, "Activities and Progress (Task 06-03)," Dr. Arseneau explains that since his last report to the full RSAC on March 18, 2010, there have been two MS WG meetings and two Physicians' Task Force meetings.

Under slide 4, "Progress (Task 06-03)," Dr. Arseneau says necessary revisions are being made to the draft rule text which: (1) Prioritize who must undergo required medical assessments; (2) Prioritize which medical conditions are to be assessed; (3) Reduce burdens placed on the railroad industry and covered employees; and (4) Reduce the risk that covered employees may experience sudden incapacitation, or serious impairments in their abilities to see and hear, while performing safety-critical service.

Under slide 5, "Current Position (Task 06-03)," Dr. Arseneau says safety-critical employees who must undergo required medical assessments are limited to (1) Locomotive engineers who must be certified by regulation, i.e., 49 CFR § 240 and 49 CFR § 242 [in draft].

Under slide 6, "Necessary Revisions to Parts 240 and 242 Would Follow," Dr. Arseneau says (1) Locomotive engineers and conductors shall meet the medical criteria in Part 226 [Medical Standards Rule]; and (2) Procedures in Part 226 [Medical Standards Rule] will be used to resolve disputes about whether a person meets the medical criteria for certification as a locomotive engineer or conductor. He says the appeals process will be in the regulation itself, i.e., there will be no appeal to the Locomotive Engineer Review Board, or Conductor Review Board.

Under slide 7, "Current Position (Task 06-03)," Dr. Arseneau says medical assessments are to be limited to assessments for medical conditions that cause: (1) Sudden incapacitation (e.g., sleep apnea, narcolepsy, diabetes mellitus, seizure disorders, stroke, transient ischemic attack (TIA), and cardiovascular disorders); and (2) Serious impairments of vision and hearing.

Under slide 8, "Current Position: Prescription and OTC [Over-The-Counter] Medications (Task 06-03)," Dr. Arseneau says the following for prescription and OTC medications: (1) Medical assessment by a railroad physician (RP) for impairing effects of medications will not be required under the proposed medical standards rule; and (2) Additional employee responsibilities will be proposed by revisions to Section 219.103, Use of

prescription and OTC medications, to include requirements for medical assessment by a prescribing health care practitioner.

Under slide 9, “Action Items (Task 06-03),” Dr. Arseneau lists the following: (1) Industry and labor have agreed to draft proposed rule text for “dispute resolution” and to submit to FRA and other MS WG members; (2) FRA has agreed to update the draft rule text to incorporate text agreed upon by MS WG members, and to propose rule text for sections of the rule that MS WG members have not been able to agree upon; and (3) FRA will distribute the updated draft rule text to MS WG members for review and comment prior to the next MS WG meeting.

Under slide 10, “Action Items: Physicians’ Task Force (Task 06-03),” Dr. Arseneau lists the following: (1) Develop a list of medical conditions that cause sudden incapacitation and serious impairments of hearing or vision; (2) Revise the “Health History and Medical Examination Form;” and (3) Revise the “medical criteria and protocols” to be used to medically assess covered employees to: (a) accommodate changes in the proposed scope of the rule; (b) reduce burdens on industry and employees; and (c) reduce the risk of sudden incapacitation or serious impairment of vision or hearing when in service.

Under slide 11, “Critical Incident Response Task 09-02,” Dr. Arseneau says Section 410 of the Rail Safety Improvement Act of 2008 requires each Class I railroad, intercity passenger railroad, and commuter railroad to develop an approved critical incident response plan which offers appropriate support services to an employee affected by a critical incident.

Under slide 12, “Progress Report (Task 09-02),” Dr. Arseneau lists the following actions: (1) A Critical Incident Task Force has been established; (2) A Request for Proposal (RFP) for grant applications was published in the *Federal Register*. The grantee will study and report on critical incidents, programs, and interventions; (3) An initial Critical Incident Task Force meeting had to be rescheduled to allow for participation of the grantee, and to allow industry and labor time to caucus to prepare for the Task Force meeting; and (4) The U.S. Department of Homeland Security and the U.S. Department of Labor have designated representatives who have offered to consult with FRA and the Task Force.

Under slide 13, Dr. Arseneau says the target dates for the completion of Task No.: 06-03, Medical standards for safety-critical personnel is year 2011 and for Task No.: 09-02, Critical Incident Programs is to be determined. He says the next scheduled meeting for the MS WG is November 18-19, 2010. He says the next scheduled meeting for the Physicians’ Task Force is October 24-26, 2010. He says no meeting has been scheduled yet for the Critical Incident Programs Task.

B.J. Arseneau (FRA) asks for questions.

Rick Inclima (BMWED) asks, "When was the Critical Incident Programs "Request for Proposal" was announced and has the bidding process on the grant closed?"

B.J. Arseneau (FRA) says FRA's Michael Coplan (FRA–Office of Railroad Policy and Development) is the point of contact for the Critical Incident Programs grant. He says he is not certain about whether the grant has been awarded or not.

With no further questions of Dr. Arseneau, Chairperson Lauby announces the lunch break.

LUNCH BREAK 11:40 A.M. - 12:50 P.M.

Chairperson Cothen reconvenes the meeting. He asks Charles Bielitz (FRA–Office of Safety, Passenger Safety Working Group FRA Team Leader) for a report on Passenger Safety (PS) Working Group (WG) activities.

Charles Bielitz (FRA) says currently, the PS WG's Task Forces are doing all the heavy lifting for the PS WG. He asks John Mardente (FRA–Office of Safety) for a report on Vehicle Track Interaction (VTI) Task Force (TF) activities.

John Mardente (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "Vehicle/Track Interaction Task Force Update to the RSAC Committee." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under the slide, "Update and Enhance FRA's Vehicle/Track Interaction Safety Standards for High Speed and Cant Deficiency Operations (49 CFR 213 and 238)," Mr. Mardente says the RSAC Vehicle/Track Interaction (VTI) Task Force (TF) convened April 2004. He says the VTI TF was tasked by the Passenger Safety Working Group to consider revising Part 213 and 238, issued in 1998 and 1999, respectively, in order to reflect experience gained from qualifying several vehicles for high speed and high cant deficiency operation. He says (1) To date, the VTI TF met 25 times prior to the date of the VTI Notice of Proposed Rulemaking (NPRM) and three times subsequent to the NPRM; (2) There have been numerous technical subgroup meetings; and (3) The VTI TF has given regular updates to the PS WG.

Under the slide, "Key Issues Addressed by this Task Force," Mr. Mardente lists the following: (1) VTI safety criteria (accelerations and wheel force limits); (2) Qualification requirements; (3) Requirements for high cant deficiency operations; (4) Track geometry limits; (5) Inspections and monitoring requirements; (6) Controls on wheel profile and truck equalization; and (7) Ensuring consistency among: (a) Low speed track safety

standards (49 CFR Part 213, Subparts A-F); (b) High speed track safety standards (49 CFR Part 213, Subpart G); and (c) Passenger equipment safety standards (39 CFR Part 238).

John Mardente (FRA) says at speeds greater than 90 mile per hour, wheel and rail must be viewed as a dynamic system.

Under the slide, “Task Force Approach,” Mr. Mardente outlines the following:

(1) Consider results of current research, VTI test data, and international practices to address safety (derailment) criteria; (2) Use models to conduct dynamic simulation studies; (3) Maintain and improve public safety without introducing unnecessary burdens on industry: (a) Realistic limits and requirements that are practically attainable; (b) Regulations that permit new technology and are reflective of existing equipment with established safety record; and (c) Minimize impact of proposed changes on current operations; (4) Remove requirements that have no added safety benefit; and (5) Development proposed NPRM language and achieve consensus among VTI TF members (approved by the PS WG on December 11, 2007).

Under the slide, “Updates,” John Mardente says the following: (1) Received PS WG approval on December 11, 2007; (2) VTI NPRM is assigned Docket No.: FRA-2009-0036; (3) The FRA Team crafted the VTI NPRM; (4) FRA issued a High-Speed Passenger Rail Safety Strategy; (5) The VTI NPRM was published in the *Federal Register* on May 10, 2010—the Comment Period ended July 9, 2010; and (6) FRA’s goal is to issue a Final VTI Rule by the end of 2010.

Under the slide, “www.regulations.gov,” Mr. Mardente says as of September 16, 2010, FRA received comments to the VTI NPRM from the following: (1) Anthony Bohara (Southeastern Pennsylvania Transportation Authority)—Docket FRA-2009-0036-06; (2) Association of American Railroads—Docket FRA-2009-0036-11; (3) Bombardier—Docket FRA-2009-0036-04; (4) European Union—Docket FRA-2009-0036-0013; (5) Florida Rail Enterprises—Docket FRA-2009-0036-10; (6) Amtrak—Docket FRA-2009-0036-09; (7) New Jersey Transit—Docket FRA-2009-0036-05; (8) North Carolina Department of Transportation—Docket FRA-2009-0036-07; (9) Philip Strong (consultant)—Docket FRA-2009-0036-12; (10) SNCF—Société Nationale des Chemins de fer français (French National Railway Corporation)—Docket FRA-2009-0036-08; and (11) European Union—Docket FRA-2009-0036-13.

Under the slide, “Plan and Goal of Task Force,” Mr. Mardente outlines the following:

(1) FRA reconvened the VTI TF to discuss the relevant comments received for the VTI NPRM, as follows: (a) August 5-6, 2010; (b) August 23, 2010; and (c) September 7, 2010; (2) The VTI TF is actively reviewing and discussing all of the comments to the VTI NPRM—there is a concern about Class 9 track standards and the maximum speed for Class 8 track standards; and (3) The VTI TF requests PS WG permission to have the PS WG accept revisions to the VTI NPRM by electronic mail.

John Mardente (FRA) says there is a debate going on about whether FRA should issue Class 9 track standards.

Chairperson Lauby asks for questions.

Charles Bielitz (FRA) asks Brian Hontz (FRA–Office of Safety) for a report on the General Passenger Safety Task Force’s Door Subgroup activities.

Brian Hontz (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Update for the Door Task Group.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Hontz says on April 19, 2007, FRA announced the formation of the Door Task Group. He says the Door Task Group was given two tasks: (1) Determine the safety risks of passenger car doors; and (2) Develop regulations to reduce the risk.

Under slide 3, Mr. Hontz says the FRA team audited 23 railroads, documenting the risks associated with passenger car doors.

Under slide 4, Mr. Hontz shows a pie chart diagram depicting the answer to the question, “During Normal Train Operation, Can You Become Entangled in a Door,” to which the response was “No–35 percent; and Yes–65 percent.

Under slide 5, Mr. Hontz shows a pie chart diagram depicting the answer to the question, “During Normal Train Operation, Can You Become Entangled in a Door and the Train can Move,” to which the response was “No–62 percent; and Yes–38 percent.

Under slide 6, Mr. Hontz shows a pie chart diagram depicting the answer to the question, “[If There is] Door Control Breaker Failure and the Door Remains Open–Can the Train move,” to which the response was “No–59 percent; and Yes–41 percent.

Under slide 7, Mr. Hontz shows a pie chart diagram depicting the answer to the question, “[What is The] Percentage of Equipment that has Traction Inhibit Feature,” to which the response was “No–32 percent; and Yes–68 percent.

Under slide 8, “Consensus Reached with Task Group,” Mr. Hontz says after seven meetings, the Door Task Force reached consensus on 47 items that will reduce the safety risks with passenger train side doors.

Under slide 9, “Operating With Doors Open,” Mr. Hontz says the following: [Part 238.132(b)] (1) All passenger train exterior side doors and traps must be closed when a train is in motion between stations except when: (1) Making up or splitting a train; (2) Departing or arriving at a station when: (i) A crew member needs to observe the station platform; and (ii) The open door attended by a crew member; (3) A crew member must perform on-ground functions, such as, but not limited to lining switches, providing crossing protection, inspecting the train; and (4) Passenger railroads have received special approval from FRA’s Chief Safety Officer to operate with passenger train exterior side doors open between stations. The request for special consideration must include: (i) A written justification explaining the need to operate a passenger train with its exterior side doors and/or traps open; (ii) A detailed hazard analysis with specific mitigations, based on the railroad’s System Safety Program; and (iii) The signature (name, title, address, and telephone number of the chief official responsible for safety and who bears the primary managerial authority for implementing that policy for the submitting passenger railroad, and the name, title, address, and telephone number of the primary contact person responsible for making the request.

Under slide 10, “Recap of Other Important Parts [Part 238],” Mr. Hontz says rules have been added to Part 238 for the following: (1) Door by-pass procedures; (2) En route door failure procedures; (3) Crew members door safety operating rules; and (4) Minimum requirements for new equipment.

Under slide 11, “What’s Next,” Mr. Hontz lists the following: (1) The revised American Public Transportation Association (APTA) Door Standard [APTA draft standard, APTA SS-M-18-10, *Standard for Powered Exterior Side Door System Design for New Passenger Cars*], when available, will be incorporated by reference into the *Code of Federal Regulations*; (2) The revised APTA Door Standard has not yet been approved by the APTA Passenger Rail Equipment Safety Standards (PRESS) Task Force; and (3) There are additional items that have been remanded by the PS WG to the Door Task Group for further consideration: (a) Definitions – The task force to give consideration to updating and/or modifying the definitions in the consensus document to adopt uniform language between the consensus document and the proposed APTA door standard (APTA SS-M-18-10); (b) Platform observations – Reach final consensus on the guidelines that requires a crew member to make observations to determine that it is safe for the train to depart the station; (c) Door key requirement – Insert APTA section requiring a door key or equivalent into consensus language; (d) Equipment Malfunctions – Reach final consensus on what are the limitations on the use of defective equipment and how to maintain an equivalent level of safety; (e) Mixed consist – Reach final consensus on operating rules regarding use of equipment with incompatible door safety systems; and (f) Consider section on new equipment regarding the influence of on-board equipment that could cause an adverse reaction to the doors in the door safety system.

Brian Hontz (FRA) says the outcome of APTA PRESS Standard SS-M-18-10 will affect the Door Task Group's rule. He says he hopes at the proposed December 2010, meeting of the full RSAC that a vote can be taken on the Door Task Group's proposed rule text. He asks for questions.

Stephen Bruno (BLET) asks FRA to expand on the exceptions to operating passenger cars with the doors open. He asks if there was labor representation in this decision?

Brian Hontz (FRA) reads rule text from Part 238.132(b)(4), i.e., "(4) Passenger railroads have received special approval from FRA's Chief Safety Officer to operate with passenger train exterior side doors open between stations. The request for special consideration must include: (i) A written justification explaining the need to operate a passenger train with its exterior side doors and/or traps open; (ii) A detailed hazard analysis with specific mitigations, based on the railroad's System Safety Program; and (iii) The signature (name, title, address, and telephone number of the chief official responsible for safety and who bears the primary managerial authority for implementing that policy for the submitting passenger railroad, and the name, title, address, and telephone number of the primary contact person responsible for making the request." He says there is no mention of labor involvement in this procedure.

Chairperson Lauby asks for additional questions for Brian Hontz.

Charles Bielitz (FRA) says FRA's Daniel Knotte (FRA—Office of Safety, General Passenger Safety Task Force Team Leader) was unable to attend today's meeting. He asks Chairperson Lauby for a report on System Safety Program Plans Task Force activities.

Chairperson Lauby says the Rail Safety Improvement Act (RSIA) of 2008 came out after FRA was already working on a System Safety Program Plan (SSPP) rule. He says FRA's work on the SSPP rule was an extension of a voluntary program at APTA. He says the intent is to have carrier SSPPs satisfy the Risk Reduction activity required under Section 109 of the RSIA. He says the RSIA says FRA needs to conduct an analysis of legal issues associated with maintaining the protection of data collected under SSPPs.

[Note: From Section 103 of the Rail Safety Improvement Act (RSIA) of 2008: "Section 20156(a)(1) Program requirement. Not later than 4 years after the date of enactment of the Rail Safety Improvement Act of 2008 [i.e., October 2012], the Secretary of Transportation, by regulation, shall require each railroad carrier that is a Class I railroad, a railroad carrier that has inadequate safety performance (as determined by the Secretary), or a railroad carrier that provides intercity rail passenger or commuter rail passenger transportation—(A) to develop a railroad safety risk reduction program under subsection (d) that systematically evaluates railroad safety risks on its system and manages those risks in order to reduce the numbers and rates of railroad accidents,

incidents, injuries, and fatalities; (B) to submit its program, including any required plans, to the Secretary for review and approval; and (C) to implement the program and plans approved by the Secretary...”]

Chairperson Lauby says FRA circulated Version 25 of the SSPP rule text for comments and received notice from the Association of American Railroads (AAR) and the American Public Transportation Association (APTA) that these organizations will not support the SSPP rules document without first knowing the results of a legal study required by the RSIA to determine whether additional protections are necessary to protect SSPP risk analysis data. He says the AAR requests that FRA not move the SSPP draft rule text beyond the PS WG until this legal study is complete.

Chairperson Lauby says on September 10, 2010, FRA posted a “Request for Proposal (RFP)” for an outside-of-government legal entity to study this issue. He says all companies wishing to compete for this contract must have proposals into FRA by October 26, 2010. He says FRA will evaluate the contract proposals and issue a contract to study this issue with a completion date within 8 months, i.e., by October 2011. He says FRA will then revisit the SSPP rule text in light of the study results and issue SSPP rules by the October 2012, RSIA deadline.

Chairperson Lauby says FRA has a System Safety Plan rule in place, except for how to handle the “security of information” issues. He notes that proposed high-speed rail service in Florida, California, and California-to-Las Vegas will be required to prepare SSPPs before starting operations.

Chairperson Lauby says for the freight side, FRA will issue an Advance Notice of Proposed Rulemaking (ANPRM) and conduct a Hearing process, versus an RSAC process. He says the ANPRM will be published shortly for Risk Reduction Programs for freight railroads. He asks that RSAC members respond to the ANRPM as best as they can. He says FRA has two years to complete this task. He says the ANPRM should be available in October 2010. He says he hopes to be able to provide additional information at the next full RSAC meeting in December 2010.

Chairperson Lauby asks for questions.

Rick Inclima (BMWED) asks how FRA will deal with RSIA Sections 103/109 G requirements for consultation with labor organizations on risk reduction?

Chairperson Lauby says FRA is aware of the requirement to involve labor organizations in the risk reduction process. He says an explanation is required if labor organizations are not involved in this process. He says the full RSAC will be talking more about this topic at the December 2010, meeting.

Charles Bielitz (FRA) asks David Tyrell (FRA–Volpe National Transportation Systems Center) for a the Microsoft PowerPoint Presentation, “RSAC Engineering Task Force Criteria and Procedures for Evaluating the Crashworthiness of Alternately-Designed Passenger Rail Equipment for Tier I Service.”

David Tyrell (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “RSAC Engineering Task Force Criteria and Procedures for Evaluating the Crashworthiness of Alternately-Designed Passenger Rail Equipment for Tier I Service.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under the slide, “Outline,” Mr. Tyrell lists the following topics: (1) Mission; (2) Technical Criteria and Procedures; (3) Development Process; and (4) Summary.

Under the slide, “Engineering Task Force (Initial) Mission,” Mr. Tyrell says the following: (1) Produce a set of technical evaluation criteria and procedures for passenger rail equipment built to alternative designs; (2) Provide a means of establishing whether an alternative design would result in performance at least equal to the structural design standards set forth in the Tier I standards; (3) Form a technical basis for making determinations concerning equivalent safety; and (4) Provide a technical framework for presenting evidence to FRA in support of any request for waiver of the compressive (buff) strength requirement.

Under the slide, “Development Process,” Mr. Tyrell describes the following: (1) Meeting 1 – Cambridge, September 2009–Review of Technical Information; (2) Meeting 2 – Philadelphia, December 2009–Discussion of Strawman; (3) Meeting 3 – Atlanta, January 2010–Consensus on Criteria Scope; (4) Meeting 4 – Orlando, March 2010–Consensus on Criteria Values; and (5) Report Development: (a) Report Components, Initial and Second Draft Reviewed via E-mail and Conference Calls; (b) Final Draft Accepted by ETF on August 27th; and (c) APTA Comment Incorporated into Final Draft.

Under the slide, “Scope,” Mr. Tyrell says the waiver process covers structural crashworthiness and occupant protection issues in the following areas: (1) 238.203 Static end strength; (2) 238.205 Anti-climbing mechanism; (3) 238.207 Link between coupling mechanism and car body; (4) 238.209 Forward-facing end structure of locomotives; (5) 238.211 Collision posts; (6) 238.213 Corner posts; (7) 238.215 Rollover strength; (8) 238.217 Side structure; (9) 238.219 Truck-to-car-body attachment; (10) 238.233 Interior fittings and surfaces; and (11) APTA SS-C&S-016-99 Rev 1, (updated 3/2004) Standard for Row-to-Row Seating in Commuter Rail Cars.

Under the slide, “Overview of Criteria,” Mr. Tyrell outlines the following: (1) Collision Scenarios: (a) Train-to-train Collision Performance: (i) Ideal Case; (ii) Colliding Car

Override; (iii) Coupled Car Override; and (iv) Truck Attachment; and (b) Grade-crossing Performance (Appendix F): (i) 'Collision Post' Impact; and (ii) Corner Impact; (2) Occupant Volume: (a) End Strength (Occupied Volume Integrity); (b) End Structure Integrity; (c) Side Strength; (d) Roof Strength; and (e) Prevention of Commodity Entry; and (3) Occupant Protection: (a) Occupant Environment; (b) Interior Fixture Attachment; and (c) Occupant Protection Features.

Under the slide, "Collision Scenario," Mr. Tyrell shows trainset depictions of alternative design equipment colliding with conventional equipment.

Under the slide, "Occupant Volume Requirements," Mr. Tyrell shows a car schematic illustration to highlight crashworthiness requirements for side, roof, and end structure.

Under the slide, "Occupied Volume Integrity," Mr. Tyrell says the following:

(1) Maintaining occupied volume is the primary goal of structural crashworthiness; (2) Technique other than 800 kips on the line of draft can be used for assuring occupied volume integrity; (3) Three Criteria Options developed to allow flexibility in vehicle design: (a) Option A: 800,000 pounds applied along collision load path without permanent deformation; (b) Option B: 1,000,000 pounds applied along collision load path with a limited amount of permanent deformation; (c) Option C: 1,200,000 pounds applied along collision load path without crippling the occupied volume—All Options allow properly-validated analysis as demonstration of a vehicle meeting the Option; and (4) The collision scenario provides further assurance on the crashworthiness.

Under the slide, "Occupant Protection," Mr. Tyrell says there are three aspects to occupant protection: (1) Occupant Environment: (a) Scenario Criteria Requires Safe Occupant Environment; and (b) Compare the secondary impact velocity (SIV) curve, to the SIV curve associated with the 8g crash pulse; (2) Interior fixture attachment—No Criteria Option Specified; and (3) Occupant Protection Features: (a) APTA SS-C&S-016-99, Rev 2. Standard for Row-to-Row Seating in Commuter Rail Cars; and (b) APTA SS-C&S-011-99 Standard for Cab Crew Seating Design and Performance.

Under the slide, "Attributes of Criteria and Procedures," Mr. Tyrell lists the following: (1) Provides an Engineering-based Methodology for Comparing the Crashworthiness of Alternative-design and Tier I Compliant Equipment; (2) Includes Clear Criteria for Assessing Analysis and Test Results; (3) Contains Examples of Practicable Analysis and Test Procedures that may be used to Demonstrate Conformity to Criteria; (4) Is Design Independent: (a) i.e., Minimizes References to Buff Stops, Collision Posts, and Other Design-Specific Features; and (b) Allows for a Wide Range of Structural and Interior Design Approaches.

Under the slide, "Summary," Mr. Tyrell says the following: (1) Engineering Task Force has Developed Criteria and Procedures for Evaluating the Crashworthiness of Alternatively-designed Passenger Equipment for Tier I Service: (a) Framework for

Presenting Technical Information in Support of a Waiver Request; (b) Design-neutral; and (c) Facilitates the Application of the Latest in Rail Equipment Crashworthiness Technology to the U.S.; and (2) Status: (a) ETF Voted to Accept the Criteria and Procedures Report; (b) PSWG Votes Today; (c) If PSWG Accepts, then RSAC Votes Next Week; and (d) If PSWG Rejects, Report is Returned to ETF.

David Tyrell (FRA) asks for questions.

With no questions, Chairperson Lauby asks for a motion to accept the ETF Document outlining a waiver process from FRA's Tier I equipment regulations.

Richard Johnson (Transportation Communications International Union) motions to accept the ETF Document, "Criteria and Procedures for Evaluating the Crashworthiness of Alternately-Designed Passenger Rail Equipment for Tier I Service," as presented.

Stephen Strachan (National Railroad Passenger Corporation (Amtrak)) seconds the motion.

BY HAND VOTE, THE FULL RSAC ACCEPTS THE ENGINEERING TASK FORCE DOCUMENT, CRITERIA AND PROCEDURES FOR EVALUATING THE CRASHWORTHINESS OF ALTERNATIVELY-DESIGNED PASSENGER RAIL EQUIPMENT FOR TIER I SERVICE," AS PRESENTED.

Charles Bielitz (FRA) asks David Tyrell (FRA) for a Microsoft PowerPoint Presentation, "RSAC Engineering Task Force Evolution and Task II."

David Tyrell (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for "RSAC Engineering Task Force Evolution and Task II." Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. In addition, all meeting handouts will be entered into the RSAC Docket and posted on the RSAC Internet Web Site, and are not excerpted in their entirety in the RSAC Minutes.

Under the slide, "Evolution of ETF," Mr. Tyrell says the following: (1) Engineering Task Force (ETF) was established by Passenger Safety Working Group on August 12, 2009: (a) Tasked with Developing Technical Criteria and Procedures for Assuring the Structural Crashworthiness and Occupant Protection Performance of Alternately-designed Equipment to be used in Tier I Service; and (2) The ETF was re-tasked by PSWG on July 28, 2010 for the following: (a) May Address Any Type of Equipment, e.g., conventional locomotives, high-speed power cars, cab cars, multiple-unit (MU) locomotives, and coach cars; and (b) May Address Any Safety Features of the Equipment, e.g., crashworthiness, interior occupant protection, glazing, emergency egress, and fire safety features.

Under the slide, “ETF Initial Tasks,” Mr. Tyrell lists the following assignments for the ETF: (1) Task I: Tier I Crashworthiness Criteria and Procedures—waiver option to existing rules which facilitate use of alternative equipment designs in Tier I service; (2) Task II: Tier V (California high-speed train project and Florida high-speed rail) Crashworthiness Recommendations—no existing rules for equipment operated above 150 m.p.h.; and (3) Additional Tasks Can Be Assigned.

Under the slide, “ETF Task II—Objective and Purpose,” Mr. Tyrell explains the following objective and purpose for ETF’s second task: (1) Objective—develop recommended engineering requirements for assuring the structural crashworthiness, occupant protection, and glazing performance of equipment to be used in Tier V Service; and (2) Purpose—identify to the rail industry the crashworthiness and glazing requirements for passenger equipment Intended for operation above 125 mph on dedicated track with sophisticated accident-avoidance measures.

Under the slide, “FRA Policy Documents,” Mr. Tyrell lists the following FRA policy documents: (1) Tier I Regulations—based on long-standing industry practice; (2) Tier II Regulations: (a) require non-passenger carrying end cars; (b) require very strong operating cab; and (c) require crash energy management (CEM) features; (3) High-speed passenger rail safety strategy—identifies concerns with passenger-occupied end cars in Tier V service (currently not permitted); (4) Criteria and procedures for evaluating alternative equipment—design-independent engineering requirements intended to provide equivalent crashworthiness to Tier I regulations.

Under the slide, “Accident Avoidance and Accident Mitigation,” Mr. Tyrell lists the following for accident avoidance and accident mitigation: (1) Effective train control system capable of reducing number (frequency) and severity (speed) of certain train incidents: (a) Train-to-train collisions (two trains on same track); (b) Excess speed incidents; and (c) Passed signals; (2) Even with sophisticated control system and diligent train handling, incidents may occur that present an injury hazard to passengers and crew, e.g.: (a) Train-to-train: NEC [Northeast Corridor], Canton, MA 2008; WMATA [Washington Metropolitan Area Transit Authority], Washington, DC 2009; (b) Fouled ROW: Transrapid, Lathen Germany 2006; RTD [Regional Transit District] Littleton, Colorado 2007; and (c) Derailment: Tobarra, Spain 2003; Brühl, Germany 2000; (3) Crashworthiness and occupant protection features can help mitigate injuries and fatalities; and (4) ETF Task II Accident Safety Goal—define scenarios of concern for operations above 125 mph on dedicated track with sophisticated accident-avoidance measures.

Under the slide, “Structural Crashworthiness,” Mr. Tyrell outlines the following: (1) Non-Passenger Occupied End Cars—required by Tier II and FRA HS Safety Strategy; (2) High OVI Strength Cab/End Cars: (a) 2,100 kips cab strength required in Tier II; and (b) Acela and TGV-2N transition cars built to higher strength than intermediate car; (3) Cab and Trailer End Structure Strength—differences between Tier I

and II requirements; (4) Carbody Side Loads—differences between Tier I and II requirements; and (5) ETF Task II Structural Crashworthiness Goal—describe engineering requirements for end car crashworthiness for scenarios of concern.

Under the slide, “Occupant Protection,” Mr. Tyrell says the following: (1) Occupant Injury Criteria Limits—required by industry standards; (2) Interior Fixtures—differences between Tier I and II requirements, e.g., enclosed luggage racks required for Tier II (perhaps handled by a performance versus a design standard); and (3) ETF Task II Occupant Protection Goal—Describe occupant protection requirements for scenarios of concern.

Under the slide, “Glazing,” Mr. Tyrell says end-facing exterior glazing must resist the impact of a 12-pound solid steel sphere at the maximum speed at which the vehicle will operate at an angle of 90 degrees. He says this is required in Tier II. He says increasing speed from 150 mph to 220 mph more than doubles the energy of the impact. He lists the ETF Task II Glazing Goals as follows: (1) Balance competing requirements (service, impact resistance, securement, emergency egress/ingress, and occupant containment ...); and (2) Develop reliable and inexpensive test and analysis techniques to assure competing requirements are met.

Under the slide, “ETF Task II Planned Targets and Schedule,” Mr. Tyrell outlines the following planned target objectives and schedule for the ETF Task II: (1) Meeting #1—October 20 and 21, 2010 in Cambridge, Massachusetts: (a) Review Equipment Needs, California high-speed train project and Florida high-speed rail; (b) discussion of equipment-related safety concerns; and (c) review of crashworthiness features of high-speed rail equipment (Alstom, Bombardier, Kawasaki, Rotem, Siemens, etc.); (2) Meeting #2—December, 2010 in Orlando, Florida (date and location to be finalized): (a) review of crashworthiness requirements for high-speed rail equipment (SNCF, DB, RSSB, Taiwan, China, Korea, JR, etc.); and (b) consensus on scope of engineering individual requirements; (3) Meeting #3—February, 2011 in San Francisco, California (date and location to be finalized)—consensus on numerical values; and (4) Meeting #4—April, 2011 in Washington, DC (date and location to be finalized): (a) consensus on Text; and (b) discussion of next steps.

David Tyrell (FRA) asks for questions.

Stephen Bruno (BLET) asks if there is a facility that is large enough at the Volpe Center for the scheduled October 20-21, 2010, meeting of the ETF?

David Tyrell (FRA) says a facility has not yet been selected.

Chairperson Lauby announces the afternoon break.

A F T E R N O O N B R E A K 2:05 P.M. - 2:15 P.M.

Chairperson Lauby reconvenes the meeting. He gives an update on other significant regulatory activities at FRA including the following: (1) Roadway Worker Protection—Final Rule to be released in February 2011; (2) Positive Train Control Rule—Final Rule will be published September 27, 2010; (3) Alcohol and Controlled Substance use by Roadway Workers—an NPRM to be published in March 2011; (4) Railroad Safety Risk Reduction Programs (freight railroads)—an ANPRM will be published at the beginning of October 2010; and (5) Distracted Driver Rules—published in the *Federal Register* on September 27, 2010, and enforceable on October 27, 2010.

Chairperson Lauby gives an update on non-significant regulatory activities including: (1) Amendment to Part 225 Accident/Incident Reporting Rules—Final rule to be issued October 2010; (2) an NPRM on concrete crossties is out; the comment period is through October 2010; the Final Rule will be released March 2011; (3) Safety Appliance Standards—issued July 2, 2010; Final Rule will be issued in November 2010; and (4) Part 242, Conductor certification—release of NPRM in October 2010; (5) Requirements for Highway-Rail Grade Crossing Telephone Services—November 2010; (6) Camp car sleeping quarters—October 2010; (7) Emergency escape breathing apparatus—October 2010; (9) Passenger Train Emergency—NPRM in January 2011; and (10) Locomotive Safety Standards NPRM—October 2010.

Chairperson Lauby asks for questions.

Rick Inclima (BMWED) asks about the Part 225 accident/incident reporting rules. He says he was not aware that a comment period had occurred on this topic.

Chairperson Lauby says the Final Rule on corrections to the Part 225 rules will be issued in October 2010.

Chairperson Lauby announces that on May 17, 2010, the RSAC Charter was renewed for two years.

Chairperson Lauby asks for additions and corrections to the Minutes of the March 18, 2010, RSAC meeting.

Carl Tingle (Transportation Communications International Union) requests that the date, April 6, 2919, on Page 17 be changed to April 6, 2010.

Chairperson Lauby asks for a motion to accept the Minutes for the March 18, 2010, RSAC meeting, as presented.

Rick Inclima (BMWED) motions that the Minutes for the March 18, 2010, meeting of the Railroad Safety Advisory Committee be approved, as corrected.

Bob VanderClute (AAR) seconds the motion.

BY VOICE VOTE, THE FULL RSAC APPROVES THE MOTION TO ACCEPT THE MINUTES FOR THE MARCH 18, 2010, MEETING, AS CORRECTED.

Chairperson Lauby says the best time for the next full RSAC meeting will be some time around December 16, 2010. He says if RSAC members have schedule conflicts with that date.

There is a brief RSAC discussion on a December 2010 meeting date for the next full RSAC meeting, after which FRA is requested to schedule the next full RSAC meeting on December 14, 2010, in Washington, DC.

Chairperson Cothen reminds RSAC member organizations to submit nominations for the Safety Technology in Dark Territory Task to Larry Woolverton (larry.woolverton@dot.gov) by November 15, 2010.

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

Richard Johnson (Transportation Communications International Union) motions to adjourn the meeting.

John Previsich (United Transportation Union) seconds the motion.

Chairperson Lauby adjourns the meeting at 2:30 pm.

M E E T I N G A D J O U R N E D 2:30 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.