

FINAL
RAILROAD SAFETY ADVISORY COMMITTEE
(RSAC)

Minutes of Meeting
February 20, 2008
Washington, D.C.

The thirty-fourth 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 Safety Standards and Program Development, Grady C. Cothen, Jr.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily 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 (<http://dms.dot.gov>). [Note: after October 1, 2007, documents will be migrated to a new Internet web site, www.regulations.gov.] Most meeting documents are also available on FRA's RSAC Internet Web Site (<http://rsac.fra.dot.gov>).

For the February 20, 2008, meeting, 12 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 American Public Transportation Association (APTA) (1 of 2 seats), The Association of Railway Museums (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (BLET) (1 of 3 seats), The Brotherhood of Maintenance of Way Employees Division (BMWED) (1 of 2 seats), The National Conference of Firemen and Oilers (1 seat), The National Railroad Construction and Maintenance Association (1 seat), Railway Supply Institute (1 seat), Safe Travel America (1 seat), The Transport Workers Union of America (TWU) (1 of 2 seats), and The Transportation Security Administration (1 seat). Five of seven non-voting/advisory RSAC members were absent: The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Association of Railway Business Women, Secretaria de Comunicaciones y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 85.

Chairperson Cothen welcomes RSAC Members and attendees. He asks Alan Misiaszek (FRA–Office of Safety) for a meeting room safety briefing.

FINAL

Alan Misiaszek (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. Thomas Streicher (American Association of Short Line and Regional Railroads (ASLRRA)), and James Stem (United Transportation Union (UTU)), volunteer to perform CPR. Mr. Misiaszek observes that many attendees have cellular telephones. He volunteers to call the emergency telephone number, 911, should an emergency occur. The National Housing Center has an automated external defibrillator (AED), located at the Security Desk in the atrium lobby.

Chairperson Cothen asks FRA Administrator Joseph Boardman for opening remarks.

Joseph Boardman (FRA) welcomes meeting attendees. He recognizes Deputy FRA Administrator Clifford Eby and FRA Associate Administrator for Safety, Jo Strang, also in attendance of the meeting. He begins with a story about a person who keeps having dreams about seeing Teepees and Wigwams. The person goes to a psychiatrist and asks, "Doctor, what does this mean?" The psychiatrist explains, "It's simple, you are into tents."

Mr. Boardman says the National Surface Transportation Policy and Revenue Study Commission has just issued a final report that confirms the critical role of passenger and freight rail in a balanced transportation system.

[Note: The National Surface Transportation Policy and Revenue Study Commission is a panel created by Section 1909 of the (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users SAFETEA-LU) [U.S. Public Law 109-59], signed into law by President George W. Bush on August 10, 2005. The commission is an attempt to study and develop a vision for the United States surface transportation system. In laying out the parameters for the Commission, Section 1909 noted that "it is in the National interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st century."

Section 1909 charged the commission with reviewing the condition and future needs of the surface transportation system; recommending future roles and programs; and identifying finance mechanisms for the surface transportation system in the immediate, short and long terms. It is expected that the group's recommendations will serve as a prelude to the reauthorization of SAFETEA-LU in 2009.

The Commission released its report on January 15, 2008. The full text of Volumes 1 and 2 are available on the Commission's Web Site, <http://www.transportationfortomorrow.org>.

FINAL

The report concludes that the current surface transportation program in the United States should not be reauthorized in its current form. Instead, the report recommends development of a new Federal Compact focusing objectives of genuine national interest. The key elements of that compact would be:

- \$ A strong federal role in surface transportation that will evolve to meet the national interest;
- \$ Increased expenditures from all levels of government and the private sector to compensate for past investment failures while addressing significant increases in future demand;
- \$ A commitment to make more effective use of taxpayers' funds for the national interest;
- \$ Federal funding that is performance-based and focused on cost-beneficial outcomes with accountability for the full range of economic, environmental, and social costs and benefits of investments; and
- \$ Far-reaching program reform to eliminate waste and delays in federally-funded program delivery.]

Joseph Boardman (FRA) says this is an exciting time to be around transportation: Freight railroads are suddenly finding themselves attractive to investors. The U.S. Congress is looking at taking final action this year on railroad safety reauthorization, which Mr. Boardman believes will pass. He says railroad labor and management are at peace. He asks, "What is next?" He responds, a final rule on Passenger Train Emergency Systems has been issued earlier this month, and last week, FRA published a final rule on Railroad Operating Rules. He notes that this Committee helped conceive and finalize these rules. He says FRA is working on finalizing a proposed rule for important improvements to the Roadway Worker Protection regulations and on a final rule on cab car end strength requirements.

But, Mr. Boardman adds, RSAC's Agenda is filled with items that needs to be finalized. He explains that when he arrived at FRA, he made a commitment to the Secretary of Transportation to remain as Head of the Agency until January 20, 2009, the expiration date of the current Administration. He says there are things that RSAC needs to get done. He needs an RSAC commitment to help accomplish things. He does not want this Group to wait for a new Administration, in hopes of a better deal. And, he adds, if FRA's Railroad Safety Reauthorization legislation passes, there will be more issues on RSAC's plate. He asks RSAC to finish-up what it is working-on now. He cites the need to conclude work on Railroad Medical Standards, which has been underway for over a year. He says the railroad industry needs National Medical Standards, uniformly applied, for its employees in safety-critical jobs. He says the railroad industry needs the ability to identify those employees, who could have a medical condition that could pose a risk to themselves and others. He cites an example of his son, who is 30 years old and has been living with diabetes since age 3. His son now has added high blood

FINAL

pressure to his list of ailments. As much as Mr. Boardman loves his son, he would not want his son to be operating a railroad locomotive. He says “We, as an industry, need to focus on our health. Management and labor need to discuss this topic because we do not have a throw-away work force.”

In other challenges, Mr. Boardman says, FRA Deputy Administrator Clifford Eby is here today because of his interest in Electronically Controlled Pneumatic (ECP) braking systems, now being operated in standalone operations on Norfolk Southern Company and BNSF Railway Company routes. He appreciates Clifford Eby’s contributions in this area as a professional civil engineer and a financial analyst. Secondly, Mr. Boardman says, in September 2007, PHMSA [Pipeline and Hazardous Materials Safety Administration] and FRA sent a Notice of Proposed Rulemaking (NPRM) to the Office of the Secretary of Transportation on Tank Car Safety, i.e., rules for pressure tank cars used to transport Poison Inhalation Hazard materials. He says in December 2007, PHMSA and FRA forwarded this NPRM to the U.S. Office of Management and Budget for review. Finally, Mr. Boardman says PHMSA, FRA, and the Department of Homeland Security are seeking clearance of a final rule on the routing of hazardous materials. In anticipation of that rule, he says, the BNSF Railway Company is demonstrating a Switch Position Monitoring System for use in dark (non-signal) territory, which he believes will be a promising solution to a condition where risk is significant.

Joseph Boardman (FRA) says FRA needs to move forward on other topics such as railroad bridge safety. He says for highways, bridges have been the responsibility of States. He cites the tragic collapse of a highway bridge in Minneapolis, Minnesota [Note: On August 1, 2007, the 40-year-old Interstate 35 West bridge spanning the Mississippi River collapsed into the river, killing 13 people and injuring more than 100 others.]. He says for railroads, bridge safety has been the responsibility of individual railroad carriers.

Mr. Boardman says FRA needs transparency to know that railroad bridges are safe. He says at today’s meeting, FRA will offer the Committee an new Task on railroad bridge safety. This is not a regulatory task. It neither anticipates, nor rules out the possibility of regulatory action at a future time. However, he adds, the U.S. Congress may put forth a requirement for railroad bridge safety. Therefore, FRA wants to start this process now. He says FRA needs more information about the state of our Nation’s rail bridge management oversight. What is needed, he adds, is process to: (1) share information on a carrier best practices approach to managing rail bridge oversight; and (2) provide transparency to all stakeholders to recognize good practices and to handle problems in the most effective manner. He proposes two main initiatives: (1) internal—develop a risk-based selection criteria to allocate FRA manpower resources, i.e., where is the most risk; how do we allocate limited manpower resources; and (2) external—through RSAC, obtain industry, labor, and FRA assistance to look at railroad bridge issues.

FINAL

Joseph Boardman (FRA) thanks RSAC in advance for its support of this initiative.

Chairperson Cothen thanks FRA Administrator Boardman for his opening remarks. He asks the Committee to look at RSAC Task No.: 08-01, Report on the Nation's Railroad Bridges, dated February 20, 2008. He reads the Task Statement Purpose:

"Report to the Federal Railroad Administrator on the current state of railroad bridge safety management, updating the findings and conclusions of the 1993 Summary Report of the FRA Railroad Bridge Safety Survey, including recommendations for further action."

ALL MEETING HANDOUTS WILL BE ENTERED INTO THE RSAC DOCKET AND POSTED ON FRA'S RSAC INTERNET WEB SITE AND ARE NOT EXCERPTED IN THEIR ENTIRETY IN THE MEETING MINUTES.

Chairperson Cothen asks for a motion to accept new RSAC Task No.: 08-01, Report on the Nation's Railroad Bridges, as presented.

Thomas Streicher (ASLRRA) moves to accept RSAC Task No.: 08-01, Report on the Nation's Railroad Bridges, as presented.

Rick Inclima (BMWED) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE RAILROAD SAFETY ADVISORY COMMITTEE APPROVES THE MOTION TO ACCEPT NEW RSAC TASK NUMBER 08-01, REPORT ON THE NATION'S RAILROAD BRIDGES, AS PRESENTED.

Robert VanderClute (Association of American Railroads (AAR)) introduces James Portz (AAR), who replaces Alan Lindsey (AAR) as a BNSF Railway Company Alternate Representative at full Committee and a voting representative at Working Group meetings. He adds, Mr. Lindsey retired on December 31, 2007. He announces that the AAR's Patrick Ameen is leaving the AAR to join a railroad supplier. He says the AAR's Jeffrey Moller will replace Patrick Ameen as a voting representative at full Committee and Working Group meetings.

Chairperson Cothen says on behalf of FRA, the Agency will miss Patrick Ameen and his contributions to the railroad industry. He does not know how many replacements will be needed at the AAR to duplicate the amount of work Mr. Ameen has accomplished.

Patrick Ameen (AAR) thanks FRA for its kind words. He says working with FRA has been a pleasure.

FINAL

Joseph Mattingly (Brotherhood of Railroad Signalmen (BRS) announces that Kelly Haley (BRS) is replacing long time RSAC Working Group and Alternate full Committee Member, Timothy DePaepe, who has taken a position with the National Transportation Safety Board.

Lawrence Mann (UTU) announces that Arthur Martin will be representing the UTU at full Committee and Working Group meetings.

Chairperson Cothen says he is already working with James Portz, Jeffrey Moller, and Kelly Haley at various Working Group meetings, and notes that Arthur Martin is returning to RSAC, having worked on projects at the beginning of the RSAC process, dating to 1996.

Chairperson Cothen says David Johnson (National Association of Railroad Passengers (NARP)) has an announcement to make.

David Johnson (NARP) announces that NARP is accepting nominations for the 14th 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., 2007. He says organizations are encouraged to submit more than one nomination. This year, as was the case last year, nominations also will be accepted from individuals. Nominations are due Friday, March 14, 2008. The award will be presented during NARP's Annual Congressional Reception on April 30, 2008, at the Rayburn House Office Building in Washington, D.C. 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.]

Mr. Johnson asks for questions, or comments.

FINAL

With no questions or comments for Mr. Johnson, Chairperson Cothen says the meeting attendance sheets are circulating in two different folders. The “red” folder is for visitors; the “blue” folder is for RSAC Members. He requests that all meeting attendees sign. He asks Jo Strang (FRA–Office of Safety) for remarks on FRA’s Risk Reduction Program.

Jo Strang (FRA) says FRA’s Risk Reduction Program is a fiscal year 2008 deliverable. She describes the efforts of an executive steering committee, which includes herself, FRA’s Associate Administrator for Railroad Development, Mark Yachmetz, and Miriam Kloeppel (FRA–Office of Safety) to use a “best practices” approach for risk reduction. She says an internal training program is being put together, funded by \$10 million, and that FRA plans an Industry Risk Reduction Workshop for late August 2008. She asks that RSAC members let Miriam Kloeppel [Miriam.Kloeppel@FRA.GOV] know a preference for Workshop meeting dates during the month of August.

[Note: In order to enhance the accountability of railroads in assuming full responsibility for the safety of their employees and operations, the addition of a safety risk reduction program could supplement FRA’s current safety activities. Since rail-related accidents, injuries, and deaths are already at historically low levels, FRA seeks to augment the Agency’s traditional behavior-based and design-specification-based regulations with a robust risk reduction program to further drive down those key indicators and measures of risk at a reasonable cost and in a practical manner before accidents and injuries occur. In the rail safety context, such a risk reduction program is intended to ensure that the systems by which railroads operate and maintain their properties are adequate to meet or exceed safety objectives. FRA’s current risk reduction program is intended to encourage an open collaboration with industry’s labor and management so that they will try, and eventually adopt, voluntary risk reduction approaches. FRA is placing much greater emphasis on developing models of how railroads can systematically evaluate safety risks and implement plans to eliminate or reduce the chance for workers to make mistakes that can lead to accidents or close calls. A safety risk reduction program could integrate previous voluntary efforts in the human factors area (such as behavior-based safety methods and close call reporting), while extending similar risk management techniques to track safety and other areas.]

Jo Strang (FRA) asks Cynthia Gross (FRA–Office of Safety) to help set-up the First Bridge Working Group meeting, authorized by this morning’s approval of RSAC Task No.: 08-01, Report on the Nation’s Railroad Bridges.

Cynthia Gross (FRA) acknowledges the assignment.

Chairperson Cothen reminds RSAC members that nominations to the Bridge Working Group are due to FRA by March 14, 2008.

FINAL

Chairperson Cothen asks Charles Bielitz (FRA–Office of Safety) for a report on Passenger Safety (PS) Working Group (WG) activities.

Charles Bielitz (FRA) says there are three PS WG items on the RSAC meeting agenda requiring Committee approval: (1) the Emergency Preparedness (EPREP) Task Force's (TF) proposed rule text for 49 Code of Federal Regulations (CFR) § 238; (2) the Vehicle Track Interaction (VTI) TF proposed rule text for 49 CFR § 213; and (3) the proposed High-level passenger station platform gap guidance. He asks Brenda Moscoso (FRA–Office of Safety) for a presentation on the EPREP TF's proposed rules.

Brenda Moscoso (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Final Rule on Passenger Train Emergency Systems," Ms. Moscoso outlines the following topics covered by the rule: (1) Emergency Window Exits; (2) Rescue Access Windows; (3) Emergency Communications; (4) Emergency Roof Access; and (5) Inspection and Repair of Emergency Systems.

Under the viewgraphs, "Compliance Timeline–All Equipment," Ms. Moscoso says as of April 1, 2008, all existing and new equipment must meet the following requirements: (1) Rescue access windows–number, location, and ease of operability (except certain single level cars); (2) Emergency window exits–instructions taking into account any fixtures that may hinder removal; (3) Back-up power for Public Address (PA) and Intercom systems, if so equipped; (4) Daily inspection of rescue access markings; notification to train crew of inoperative doors; PA and intercom systems, if so equipped; and (5) Periodic inspection of roof access markings, if so equipped.

As of August 1, 2009, Ms. Moscoso says there must be compliance with requirements for: (1) Emergency window exits in non-main levels of multi-level cars; and (2) The number and location of rescue access windows in single-level cars equipped with certain door safety features.

As of April 1, 2010, Ms. Moscoso says there must be compliance with requirements for Intercom markings and instructions, if so equipped (This is already required for Tier II equipment.).

As of January 1, 2012, Ms. Moscoso says cars must be equipped with Public Address Systems (This is already required for Tier II equipment.).

Under the viewgraphs, "Additional Requirements for New Equipment," Ms. Moscoso says: (1) Equipment ordered on or after April 1, 2008, or placed in service for the first time on or after April 1, 2010, must have: (a) PA systems including the capability to

FINAL

communicate to those in the vicinity of the train; and (b) Intercom systems for Tier I equipment (currently required on Tier II equipment); and (2) Equipment ordered on or after April 1, 2009, or placed in service for the first time on or after April 1, 2011, must have: (a) rescue access windows having a specified minimum dimension; and (b) emergency roof access for passenger cars and Tier II power cars (other Tier II equipment must comply with 1999 standards).

Brenda Moscoso (FRA) explains that the EPREP TF undertook a follow-up Notice of Proposed Rulemaking on Passenger Train Emergency Systems. Under the viewgraphs, “Emergency Systems NPRM II,” Ms. Moscoso says (1) 49 CFR § 238 was modified to (a) require removable panels/windows in vestibule doors for new passenger cars; (b) clarify that new passenger cars must have at least 2 exterior side doors, one on each side; and (c) incorporate by reference, American Public Transportation Association (APTA) Standards for (i) emergency lighting; (ii) low-location exit path markings; and (iii) signage for emergency egress/access; (2) Consolidate door requirements in 49 CFR §§ 238.235, 238.439, and 239.107; (3) Move requirements for emergency window exits from 49 CFR § 239.107 to 49 CFR § 238.113; and (4) Revise 49 CFR § 239 to explicitly address train crew participation following accidents and simulation in debrief and critique sessions.

Under the viewgraph, “Vestibule Doors,” Ms. Moscoso says the proposed requirements are for: (1) New equipment—except doors providing access to control equipment; (2) Gaining access from the seating area to the exterior doors in the vestibule; and (3) Bi-parting doors—manual override device and retention mechanism for each door leaf.

Under the viewgraph, “APTA: Emergency Lighting,” Ms. Moscoso says proposed rules will require: (1) All passenger cars to comply with minimum light levels by 2015; and (2) New cars must have an independent power source, located no more than a half-car length away from the fixture it powers in the event the main car battery is not able to power the system.

Under the viewgraph, “APTA: Signage,” Ms. Moscoso says proposed rules will apply to (1) Emergency exit signage/photoluminescent markings that enable occupants to identify, reach and operate emergency exits, especially in conditions of darkness; and (2) Rescue access signage and retroreflective markings will enable emergency responders to readily identify such locations and gain access into the cars.

Under the viewgraph, “APTA: Low-Location Exit Path Marking,” Ms. Moscoso says proposed rules will require (1) Conspicuous identification of the primary exit path under conditions of darkness and/or smoke—no higher than 18-inches off the floor;

FINAL

- (2) Electrically powered, or passive high-performance photoluminescent markings; and
- (3) The ability to operate independently of the car's normal and emergency lighting systems for 1.5 hours.

Under the viewgraph, "Debriefing and Critique—Revised TF Recommendation," Ms. Moscoso says recommended language for 49 CFR § 239.105, Debriefing and critique, is as follows: "(a) General. Except as provided in paragraph (b) of this section, each railroad operating passenger train service shall conduct a debriefing and critique session after each passenger train emergency situation or full-scale simulation to determine the effectiveness of its emergency preparedness plan, and shall improve or amend its plan, or both, as appropriate, in accordance with the information developed. The debriefing and critique session shall be conducted within 60 days of the date of the passenger train emergency situation or full-scale simulation. [Note: the following is new text to be added.] To the extent practicable, all on-board personnel, control center personnel, and any other employees involved in the emergency situation or full-scale simulation shall participate in the session either: (1) in person; (2) offsite via teleconference; or (3) indirectly via a written statement responding to questions provided prior to the session, and by providing any follow-up information."

Brenda Moscoso (FRA) describes EPREP TF ongoing research. Under the viewgraph, "Wireless Communication," Ms. Moscoso says a Small Business Innovative Research Contract has been awarded to develop a back-up Public Address System to provide continued communication capability if there is a train line break. The requirements for this system include: ((1) a power supply that is independent from the passenger car's main battery; (2) one hour of "talk time;" and (3) accessible by train radio or radio handset.

Under the viewgraph, "Removable Panels/Windows in End-Frame Doors," Ms. Moscoso says a Small Business Innovative Research Contract has been awarded to (1) study design requirements to: (a) meet Federal glazing standards while being relatively easy to operate in an emergency requiring quick egress; and (b) devise a non-destructive method for periodic testing; and (2) assess the effectiveness of alternative strategies.

Under the viewgraph, "Automated External Defibrillators," Ms. Moscoso says the EPREP TF has received technical presentations from suppliers and is reviewing in-service experience with automated external defibrillators.

Ms. Moscoso asks for questions or comments.

With no questions or comments of Ms. Moscoso, Chairperson Cothen says the EPREP TF will take a rest after the second NPRM is issued. He asks the RSAC to look at the meeting document titled "Rule Text as of 1-28-08," containing draft rule text changes to

FINAL

49 CFR §§ 238.5, Definitions; 238.112, Doors; 238.113, Emergency window exits; 238.114, Rescue access windows; 238.115, Emergency lighting; 238.121, Emergency communications; 238.123, Emergency roof access; 238.125, Emergency signage and markings for egress and access; 238.127, Low-location emergency exit path marking; 238.305, Interior calendar day mechanical inspection of passenger cars; 238.307, Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains; 238.439, Doors; and 238.441, Emergency roof access.

Chairperson Cothen asks for a motion to adopt the recommendations of the EPREP TF for proposed rule text changes to 49 CFR § 238, as presented.

Thomas Pontolillo (Brotherhood of Locomotive Engineers and Trainmen (BLET)) moves that the RSAC adopt the recommendations of the EPREP TF for proposed rule text changes to 49 CFR § 238, as presented in the meeting document titled, "Rule Text as of 1-28-08."

William Bohné (International Brotherhood of Electrical Workers (IBEW)) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES THE MOTION
TO ADOPT THE RECOMMENDATIONS OF THE EPREP TF FOR PROPOSED
RULE TEXT FOR CHANGES TO 49 CFR § 238, AS PRESENTED IN THE
MEETING DOCUMENT TITLED, "RULE TEXT AS OF 1-28-08."

Chairperson Cothen asks for a round of applause for the EPREP TF efforts. He recognizes Daniel Alpert (FRA—Office Chief Counsel), who is sitting-in for Patricia Sun (FRA—Office of Chief Counsel) at today's meeting, representing FRA's Office of Chief Counsel. He says Mr. Alpert has been counsel for passenger safety issues for more than a decade.

Charles Bielitz (FRA) asks John Mardente (FRA—Office of Safety) for a report on the Passenger Safety Working Group's Vehicle Track Interaction (VTI) TF activities.

John Mardente (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Under the viewgraph, "Update FRA's 1998 Issuance of TSS [Track Safety Standards]," Mr. Mardente says the VTI TF has met 25 times since convening in April 2004, to consider revising 49 CFR § 213, Part G, issued in 1998, to reflect experience gained from qualifying several vehicles for high-speed and high cant deficiency operation. In addition, there have been numerous Subgroup meetings

FINAL

John Mardente (FRA) says the VTI TF addressed seven tasks: (1) VTI safety (derailment) criteria (acceleration and wheel force limits); (2) qualification requirements; (3) requirements for high cant deficiency operations; (4) track geometry limits for high speed; (5) inspection and monitoring requirements; (6) controls (safety limits) on wheel profile and truck equalization; and (7) consolidate inconsistencies between: (a) low-speed track safety standards (49 CFR § 213, Subparts A-F), (b) high-speed track safety standards (49 CFR § 213, Subpart G), and (c) passenger equipment safety standards (49 CFR § 238).

Under the viewgraph, “Task Force Approach,” Mr. Mardente says the VTI TF has: (1) considered the results of current research, VTI test data, and international practices to address safety (derailment) criteria; (2) used models to conduct dynamic simulation studies; (3) maintained and improved public safety without introducing unnecessary burdens on the industry; (4) removed onerous requirements that have no added safety benefit; (5) developed proposed NPRM language, and achieved VTI TF consensus on all items; and (6) submitted technical recommendations to the PS WG, i.e., Final Report, Volume 1–Proposed Rule Text.

Under the viewgraph, “Vehicles and Data Utilized,” Mr. Mardente outlines the vehicles simulated, including the Acela Powercar, Acela Coach Car, Amfleet Coach Car, AEM-7 Locomotive, Genesis P42 Locomotive, Surfliner, BiLevel, DOTX-216, and a material handling car. For field data analyzed, the following equipment was studied: Acela Powercar, Acela Coach Car, Amfleet Coach Car, AEM-7 Locomotive, Multi-Level, PL42AC Locomotive, X2000, MARC-III Coach Car, DOTX-216, HHP Locomotive, Roadrailer, and a material handling car.

Under the viewgraph, “Revise VTI Safety Criteria (§ 213.333),” Mr. Mardente says there are: (1) Revised wheel-rail force limits (NAL, Vmin) to align with the findings from current research; (2) Separated acceleration limits between single events (transient) and repeated harmonic events in response to vehicle qualification experience (MARC-III); (3) Relaxed the carbody transient acceleration limits to more accurately reflect vehicle and ride safety thresholds; (4) Established separate acceleration limits for passenger and non-passenger carrying equipment to reflect unique occupant safety requirements; and (5) Revised truck lateral acceleration limit to better identify the occurrences of truck hunting.

Under the viewgraph, “Qualification Requirements—Issues Worked Through,” Mr. Mardente identifies the following: (1) What are the appropriate tests and analyses: (a) static lean tests (§§ 213.57 and 213.329); (b) acceleration testing (§ 213.345); (c) instrumented wheelset (IWS) testing (§§ 213.57, 213.329, and 213.345); and

FINAL

(d) computer simulation of vehicle performance (§ 213.345); (2) Address qualification needs for high cant deficiency operations; and (3) Differentiate between new vehicle qualification and moving previously qualified equipment to another route.

Under the viewgraph, "Title § 213.57: Curves, Elevation and Speed Limitations," Mr. Mardente says the following: (1) applies to all vehicle types intended to operate below Track Class 6 speeds, i.e., 90 mph or less; (2) now includes static or dynamic testing option; (3) Vmax formula no longer limited to 4-inches of cant deficiency; (4) Limiting cant deficiency is equal to qualified cant deficiency + 1"; and (5) Grandfathering clause has been added.

Under the viewgraph, "Title § 213.329: Curves, Elevation and Speed Limitations," Mr. Mardente says the following: (1) applies to all vehicle types intended to operate below Track Class 5 speeds; (2) now includes static or dynamic testing option; (3) qualification requirements in § 213.345 are referenced; (4) Limiting cant deficiency is equal to qualified cant deficiency + ½ "; and (5) Grandfathering clause has been added.

Under the viewgraph, "Title § 213.345: Vehicle-Track System Qualification," Mr. Mardente says the following: (1) applies to all vehicle types intended to operate at Track Class 6 speeds or above; (2) all vehicle types intended to operate at any curving speed producing more than 5 inches of cant deficiency; (3) applies to new vehicles, and qualified vehicles on other track; (4) removed additional acceleration limits; (5) over-speed testing was adjusted from + 10 mph to + 5 mph above proposed speed; (6) IWS testing for Track Class 6 is replaced with computer simulations; (7) simulation of performance, IWS measurements, and/or accelerometer measurements will be conducted on a track segment representative of the full route on which the equipment is intended to operate; and (8) any IWS or accelerometer test must be accompanied by a track geometry survey within a period not exceeding 30 calendar days prior to start of the test.

Under the viewgraph, "Simulation Requirements," Mr. Marquis says (1) the simulation objective is to identify vehicle dynamic performance issues prior to service and validate suitability for operation at a particular Track Class speed, and to augment on-track vehicle performance assessments; (2) simulations will be conducted using: (a) a measured track geometry segment, representative of the full route; and (b) an analytically defined track segment representative of minimally compliant analytical track (MCAT) conditions for the representative Track Class; and (3) the simulation parameters that are varied are: (a) speed; (b) cant deficiency; (c) gage; and (d) wheel profiles.

Under the viewgraph, "Minimally Compliant Analytical Track (MCAT)," Mr. Mardente says (1) MCAT is track containing geometry perturbations at the limit of what is permitted for a class of track to evaluate safety performance; (2) MCAT consists of nine

FINAL

sections, each designed to test a vehicle's performance in response to a specific type of perturbation—stability, gage narrowing/gage widening, repeated and single perturbations (surface and alignment), short warp, and combination perturbations; and (3) MCAT is used for approval to operate previously qualified vehicles on other routes.

Under the viewgraph, “Revise Track Geometry Limits for High Speed and High Cant Deficiency Operations,” Mr. Mardente says there are: (1) the proposed removal of Track Class 9 and Adjustment of Track Class 8 to be consistent with RPA requirements; (2) no changes to existing track geometry limits for low speed/low cant deficiency operations; (3) minor revisions to track geometry limits for high-speed; and (4) introduced new track geometry limits for: (a) high cant deficiency (greater than 5-inches); (b) combined surface and alignment perturbations; and (c) short warp (difference in crosslevel in 10-feet); and (4) proposed track geometry limits based on simulation studies using proposed VTI safety limits (Acela Power Car, Acela Coach Car, Amfleet Coach, AEM-7, and P42 modeling results). He adds, “When you operate in high cant deficiency, you are going faster through a curve and cars become unstable.”

Under the viewgraph, “Inspection and Monitoring Requirements,” Mr. Mardente says 49 CFR § 213.333, for operation on Track Classes 6 through 8, or at cant deficiencies less than 5 inches will require periodic: (a) automated track inspections; and (b) monitoring of carbody and truck accelerations on representative equipment; (2) For Track Class 8, there will be an annual IWS test only if required by FRA, based on periodic inspection/monitoring reports; and (3) the Gauge Restraint Monitoring System (GRMS) should be updated to use Gage Widening Projection (GWP) formulation for high-speed or high cant deficiency .

John Mardente (FRA) says the following issues that are outside the scope of the VTI TF have been identified. They are: (1) use of GWP Formulation in low speed GRMS testing. The VTI TF recommends adopting the usage of GWP in § 213.110; (2) alternate crosstie standard for high-speed track. The VTI TF recommends developing a new requirement for Subpart G that is similar to the alternate crosstie standard in § 213.110; and (3) Crosstie requirement modifications. The VTI TF recommends updating § 213.335 rules based on the latest industry research.

Under the viewgraph, “Wheel Profile and Truck Equalization,” Mr. Mardente says for the issue of (1) establish limits on wheel profile and truck equalization—(a) the VTI TF agreed that these issues be controlled by industry and, (b) three APTA PRESS (Passenger rail equipment safety standards) have been approved by the APTA PRESS Mechanical Committee for industry use.

Under the viewgraph, “Consolidation of Rule Inconsistencies,” Mr. Mardente says the VTI TF consolidated requirements within and amongst track (Part 213) and equipment

FINAL

(Part 238) rules, established cross references in 49 CFR § 238, and removed duplicate requirements.

Under the viewgraph, "Next Steps of the RSAC VTI Task Force," Mr. Mardente says the VTI TF: (1) Requests PS WG approval of proposed recommendations set forth in "Final Report, Volume 1–Proposed Rule Text," draft 10, dated December 3, 2007; (2) is finalizing Volume 2 of the Technical Recommendations Report; and (3) is developing a cost analysis of these recommendations.

John Mardente (FRA) asks for questions or comments.

Rick Inclima (BMWED) complements John Mardente and the VTI TF for all the "heavy lifting" in this highly technical area. Under the Viewgraph, "Inspection and Monitoring Requirements," he requests that the word, recommend, be changed to "consider," i.e., consider adopting...consider developing...and consider updating... He says after the VTI TF looks at the three issues that are outside the scope of the TF, it will then make a recommendation to the Passenger Safety WG on whether a review of these topics should be pursued.

Gerhard Thelen (AAR) asks for clarification that Track Class Standards for Track Class 6 and below are still the same.

Chairperson Cothen responds, "Yes." With no further questions or comments for John Mardente, Chairperson Cothen asks for a motion to accept the meeting document, "RSAC Vehicle-Track Interaction Task Force, Final Report, Volume 1–Proposed Rule Text, dated December 3, 2007, as presented.

Rick Inclima (BMWED) moves that the full RSAC accept meeting document, "RSAC Vehicle-Track Interaction Task Force, Final Report, Volume 1–Proposed Rule Text, dated December 3, 2007, as presented.

Ron Robusto (National Railroad Passenger Corporation (Amtrak)) seconds the motion.

BY UNANIMOUS VOICE VOTE THE RSAC APPROVES THE MOTION TO ACCEPT MEETING DOCUMENT,"RSAC VEHICLE-TRACK INTERACTION TAS FORCE, FINAL REPORT, VOLUME 1–PROPOSED RULE TEXT, DATED DECEMBER 3, 2007, AS PRESENTED.

Chairperson Cothen thanks RSAC for its approval of this document. He announces the morning break.

M O R N I N G B R E A K 11:05 A.M. - 11:20 A.M.

FINAL

Chairperson Cothen calls the meeting to order.

Charles Bielitz (FRA) asks Robert Lauby (FRA–Office of Safety) for a report on General Passenger Safety (GPS) TF activities.

Robert Lauby (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Under the viewgraph, “A Quick Review,” Mr. Lauby says FRA developed “*FRA Approach to Managing Gap Safety*,” and presented it to the GPS TF at its July 18-19, 2008, meeting in Chicago, Illinois.

Under the viewgraph, “The purpose of the FRA Approach was to:,” Mr. Lauby says (1) Document an acceptable process for Gap safety management in an FRA Guideline; (2) Present the FRA Guideline to the GPS Task Force for approval; and (3) Use the FRA Guideline to support industry (e.g., APTA) standards development.

Under the viewgraph, “Understanding GAP System Safety–An Approach,” Mr. Lauby says the seven element approach, described at the April 18-19, 2007, GPS TF meeting in Orlando, Florida, was used. The seven elements are: (1) Station Gap Standards; (2) Maintenance Procedures; (3) Inspections Procedures; (4) Mitigation Strategies; (5) Passenger Outreach; (6) Employee Training; and (7) Passenger Behavior.

Under the viewgraph, “The Gap Safety document incorporates the seven elements into the following [six] sections: (1) Station Gap Standards–establish appropriate station gap standards for all high-level platforms; (2) Hazard Management–use a system safety approach to identify hazards and mitigation strategies; (3) Maintenance Procedures–update, modify, or establish maintenance procedures as needed; (4) Inspection Procedures--update, modify, or establish inspection procedures as needed; (5) Hazard Mitigation Strategies–consider appropriate mitigation strategies including: (a) hardware and technology; (b) policies and procedures; (c) employee training; (d) passenger outreach; and (e) passenger behavior; and (6) Gap Safety Management Follow-up–review Gap Safety Management Program periodically, after major changes, and after an accident. Mr. Lauby says employee training, passenger outreach, and the 7th element, Passenger Behavior,” got wrapped-up into “Hazard Mitigation Strategies.”

Under the viewgraph, “The FRA Gap Safety Document Recommends the Following,” Mr. Lauby says FRA recommends that all passenger rail operators launch gap safety management programs to establish and consistently maintain a uniform gap and

FINAL

uniform boarding and alighting conditions at each station. The gap safety management program should: (1) establish gap management programs; (2) use engineering evaluation and analysis to establish gap standards at all high-level platform stations; and (3) apply hazard mitigation strategies to further reduce the risk of gap accidents.

Under the viewgraph, “FRA Also Believes That Coordination with the Host Railroad is Essential,” Mr. Lauby says because passenger railroads typically operate over the rights-of-way of freight railroads, FRA recommends that in developing and implementing gap safety management programs, passenger rail operators coordinate gap safety management programs with the freight railroads which host their operations. He adds, freight railroads should assist passenger railroad efforts to promote platform gap safety.

Robert Lauby (FRA) asks the PS WG to look at the *FRA Approach to Managing Gap Safety*, Revision 2, dated December 7, 2007. He explains differences between the July 18, 2007, and December 7, 2007, versions of this document. The changes included: (1) some minor format revisions; (2) several small edits and/or corrections; (3) revisions to the Gap Standards section; (4) revisions to the Passenger Behavior section; and (5) a new date and revision level.

Mr. Lauby asks for questions or comments.

Robert VanderClute (AAR) wants the Summary of *FRA Approach to Managing Gap Safety*, Revision 2, dated December 7, 2007, to be clear that coordination is needed between passenger and freight railroads.

Mr. Lauby says the Section 8 Summary, Page 17, contains the following: “Recognizing that passenger railroads typically operate over the rights-of-way of freight railroads, FRA recommends that, in developing and implementing gap safety management programs, passenger rail operators coordinate with the freight railroads which host their operations, and that the freight railroads assist in their efforts to promote platform gap safety....”

An editorial change is proposed to clarify the Section 8 Summary, Page 17, of *FRA Approach to Managing Gap Safety*, Revision 2, dated December 7, 2007.

Lawrence Mann (UTU) asks why FRA is issuing “guidelines,” and not a regulation?

Mr. Lauby says high-level passenger station platforms are so variable that it is not possible to write a regulation to fit all conditions. Therefore, FRA is embracing a System Safety concept to address a variety of conditions found at different high-level platforms.

FINAL

With no further questions or comments of Mr. Lauby, Chairperson Cothen asks to suspend the RSAC rules and to make an editorial change to clarify Section 8 Summary, Page 17. He proposes to add, “or which may operate over lines of passenger rights-of-way” to the passage cited by Mr. Lauby, i.e., “Recognizing that passenger railroads typically operate over the rights-of-way of freight railroads, FRA recommends that, in developing and implementing gap safety management programs, passenger rail operators coordinate with the freight railroads which host their operations [or which may operate over lines of passenger rights-of-way], and that the freight railroads assist in their efforts to promote platform gap safety....”

Chairperson Cothen asks for a motion to accept the document, *FRA Approach to Managing Gap Safety*, Revision 2, dated December 7, 2007, as corrected.

Robert VanderClute (AAR) moves to accept the document, *FRA Approach to Managing Gap Safety*, Revision 2, dated December 7, 2007, as corrected.

James Stem (UTU) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE RSAC ACCEPTS THE DOCUMENT, *FRA APPROACH TO MANAGING GAP SAFETY*, REVISION 2, DATED DECEMBER 7, 2007, AS CORRECTED.

Chairperson Cothen thanks the RSAC for its acceptance of guidelines for managing high-level platform gap safety. He says, as an informational “heads-up,” the GPS TF is looking at System Safety Planning requirements for passenger railroads.

Chairperson Cothen asks James Wilson (FRA–Office of Safety) for an update on the Electronically Controlled Pneumatic (ECP) Brake Rulemaking.

James Wilson (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Under the viewgraph, “ECP Rulemaking,” Mr. Wilson says (1) this is a traditional, not an RSAC rulemaking process—therefore, he is limited in what he can say (due to *Ex Parte* communications rules); (2) a Notice of Proposed Rulemaking (NPRM) was published on September 4, 2007; and (3) the NPRM proposes to add a new “Subpart G” to 49 CFR § 232, Brake system safety standards for freight and other non-passenger trains and equipment; end-of-train devices.

Under the viewgraph, “ECP Rulemaking,” Mr. Wilson says (1) FRA is currently accessing written comments and comments received during two Public Hearings; and (2) the target date for publication of the final rule is the 4th quarter of 2008.

FINAL

Under the viewgraph, "ECP Waiver," Mr. Wilson says (1) the BNSF Railway Company (BNSF) and the Norfolk Southern (NS) Company have received waivers from FRA to operate ECP brake systems on pilot trains; and (2) to date, the pilot trains have successfully demonstrated the safety and efficiency of ECP brake system technology in revenue service.

Under the viewgraph, "ECP Waiver-NS," Mr. Wilson says the NS is operating two 115-car coal trains equipped with ECP brakes, from the Bailey Mine, near Enon, Pennsylvania, to the Keystone Generating Station at Shelocta, Pennsylvania, a distance of 165 miles.

Under the viewgraph, "ECP Waiver-BNSF," Mr. Wilson says the BNSF is operating a 135-car coal train equipped with ECP brakes from the Power River Basin's Antelope Mine to the Southern Company's Miller Generating Plant in Palos, Alabama, a one-way distance of 1,530 miles.

Under the viewgraph, "ECP Waiver Future Trains," Mr. Wilson says (1) The NS plans to begin ECP brake-equipped coal train service from Andover, Virginia, to Clover, Virginia, a one-way distance of 350 miles; and (2) The BNSF plans to equip another coal train with ECP brakes. However, no dates or route has been set.

James Wilson (FRA) asks for questions, or comments. With no questions or comments of Mr. Wilson, he asks Patrick Ameen (AAR) for an update on the AAR Standards being developed to accommodate ECP braking systems.

Patrick Ameen (AAR) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Under the viewgraph, "AAR Interchange Rules & Standards," Mr. Ameen says a number of AAR Committees are assisting in the development of 7 Technical ECP Standards (plus 1 under development) in Section E-II of the AAR's Manual of Standards and Recommended Practices including (1) The Brake Systems Committee; (2) The Equipment Engineering Committee; (3) The Interchange Rules Committee-Field Manual Rule 88; (4) The Arbitration and Rules Committee; and (5) The Technical Services Working Committee.

Under the viewgraph, "ECP Brake Systems Standards," Mr. Ameen lists the following: (1) AAR Standard, S-4210: ECP Cable-Based Brake System Cable, Connectors, and Junction Boxes-Performance Specification has been revised and was adopted on 12-06-2007; (2) AAR Standard S-4240 ECP Brake Equipment Approval Process was adopted on 1-16-2007; however, it may be withdrawn for safety, reliability, or incompatibility issues; (3) AAR Standard S-4260 ECP Brake & Wire Distributed Power

FINAL

Interoperability Test Procedures was adopted on 1-26-2007, which established a baseline for compliance with the balance of the AAR's S-4200 Suite of Standards; testing is underway at New York Air Brake Company and Wabtec Railway Electronics; (4) AAR Standard S-4200 ECP Brake Cable-based Brake Systems–Performance requirements, which ensure safety, reliability, functionality and interoperability, had revisions adopted on 2-16-08; (5) AAR Standard S-4220: ECP Brake Cable-Based Brake DC [direct current] Power Supply–Performance Specification was revised in 2002; (6) AAR Standard S-4230: Intratrain communication Specification for Cable-Based Freight Train Control Systems was revised in 2002; (7) AAR Standard S-4250: Performance Requirements for ITC-Controlled Cable-Based Distributed Power Systems was adopted in 2003; and (8) AAR Standard S-4270: ECP Software Configuration Standard—the 1st draft was presented to the Brake Systems Committee Technical Advisory Group on 2-18-2008.

Under the viewgraph, “Dynamic Brake Status Reporting,” Mr. Ameen says (1) AAR Standard S–5509 was adopted on 7-1-2005; (2) the “C” Band was utilized for communications frequency; and (3) due to potential interference or cross-talk issues, AAR Standard S-5509 changed to the “A” Band frequency (70kHz to 95 kHz) on 2-14-2008.

Under the viewgraph, “ECP Brake Systems: Interchange Rules,” Mr. Ameen says there are 1.6 million interchange freight cars in North America. Under Interchange Rule 88: Mechanical Requirements for Acceptance, (A) At any time...(2) Air Brake Equipment (s) Cars equipped with ECP brake equipment must comply with AAR Standards S-4200, S-4210, S-4220, S-4230, and S-4260 when shipped from carbuilder (latest revision when built. Mr. Ameen says ECP Brakes are not mandated, but the stage is set for those carriers that wish to use this equipment.

Under the viewgraph, “ECP Brake Systems: Supplier Certification Status,” Mr. Ameen says the New York Air Brake Company has been conditionally approved to manufacture 1,000 ECP brake units and unconditionally approved for cable-based distributed power systems. He says Wabtec Railway Electronics has been conditionally approved to manufacture 1,000 ECP brake units. He adds, both New York Air Brake Company and Wabtec Railway Electronics are engaged in interoperability testing per AAR Standard S-4260.

Patrick Ameen (AAR) asks for questions or comments.

James Wilson (FRA) says the consulting company, Booze Allen Hamilton, has been contracted to analyze data from pilot train projects to determine what the benefits from using ECP braking systems are.

FINAL

Chairperson Cothen says FRA is contemplating the allowance a short additional amount of time for receiving comments to the NPRM on ECP Braking Systems, for receipt of remarks on the AAR's Standards, which will be incorporated by reference into FRA's rules.

Chairperson Cothen announces the lunch break.

LUNCH BREAK 12:05 P.M. - 1:10 P.M.

Chairperson Cothen reconvenes the meeting. He asks Charles Bielitz (FRA—Office of Safety) for a report on Locomotive Safety Standards (LSS) WG activities.

Charles Bielitz (FRA) says he is substituting for LSS WG Team leader, George Scerbo (FRA—Office of Safety), who was unable to attend today's meeting. Mr. Bielitz uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Under the viewgraphs, "Locomotive Working Group Report," Mr. Bielitz says the LSS WG has met twice since its last report to the full RSAC on October 25, 2007. During the November 27-28, 2007, LSS WG meeting in New Orleans, Louisiana, and February 5-6, 2008, LSS WG meeting in Fort Lauderdale, Florida, (1) draft language was approved to clarify 49 CFR § 229.85 Doors and cover plates marked "Danger," as follows: "All doors, cover plates, or barriers providing direct access to high voltage equipment shall be marked "Danger-High Voltage," or with the word, "Danger—and the normal voltage carried by the parts so protected;" (2) the LSS WG, led by Mark Hartong (FRA—Office of Safety) continued to discuss a proposed Standard for Safety-Critical Electronic Locomotive Control Systems; (3) the LSS WG continued to discuss draft language for consideration for inclusion of Remote Control Locomotive requirements; and (4) the LSS WG voted retain current rule text language for locomotive traction motor cut-out and wheel slip slide protection.

Mr. Bielitz asks for questions, or comments.

With no questions or comments of Mr. Bielitz, Chairperson Cothen asks Alan Misiaszek (FRA—Office of Safety) for a report on Medical Standards (MS) WG activities.

Alan Misiaszek (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Mr. Misiaszek

FINAL

explains that since December 12-13, 2006, the MS WG has met 8 times. Two additional meeting are scheduled for March 27-28, 2008, and April 24-25, 2008.

Under the viewgraph, "Task Force on Medical Issues Established," Mr. Misiaszek says a Task Force consisting of physician representatives from FRA, labor and railroad management was established. He says the Physicians TF is considering: (1) The development of Medical Guidelines; (2) The Handling of Over-the-Counter and Prescription Drug information; (3) Technical definitions; (4) Triggers for, and content of employee examinations; and (5) Fitness for duty classifications. Mr. Misiaszek says the Physicians' TF has met six times since July 24, 2007.

Under the viewgraph, "Sections discussed to date," Mr. Misiaszek outlines Sections of a proposed rule for which the MS WG is drafting text: (1) § 2XX.1, Purpose and scope; (2) § 2XX.3, Application; (3) § 2XX.5, Definitions; (4) § 2XX.7, Coverage; (5) § 2XX.9, Employer Responsibilities—Medical fitness for duty programs; (6) § 2XX.11, Triggering criteria and medical content of fitness for duty assessments; (7) § 2XX.12, Fitness for duty assessment; (8) § 2XX.13, Fitness for duty classifications; (9) § 2XX.15, Medical Guidelines; (10) § 2XX.17, Employee Responsibilities; (11) § 2XX.19, Required Information, Records and Record Keeping; (12) § 2XX.25, Management of Therapeutic Drug Use; (13) § 2XX.27, Dispute Resolution—Appeals of Decisions Regarding Fitness for Duty; and (14) § 2XX.29, Transferability of Medical Certification.

Under the viewgraph, "Sections still to be addressed," Mr. Misiaszek outlines the following: (1) § 2XX.31, Confidentiality; (2) § 2XX.33, Access to facilities and records; and (3) § 2XX.35, Effective dates.

Alan Misiaszek (FRA) asks for questions, or comments.

With no questions, or comments of Alan Misiaszek, Chairperson Cothen says FRA would like to have a proposed rule from the MS WG by the September 2008, meeting of the full RSAC.

Chairperson Cothen asks Dennis Yachechak (FRA—Office of Safety) for a report on Railroad Operating Rules (ROR) WG activities.

Dennis Yachechak (FRA) says he is substituting for ROR WG Team leader, Douglas Taylor (FRA—Office of Safety), who was unable to attend today's meeting. Mr. Yachechak reads from "RSAC Briefer—Update on Operating Rules Working Group," which was available as a handout to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes.

Mr. Yachechak says on February 13, 2008, FRA published 49 CFR Parts 217 and 218 Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad

FINAL

Operating Practices: Handling Equipment, Switches, and Fixed Derails; Final Rule, 73 *Federal Register* (FR) 8442.

Dennis Yachechak (FRA) says there have two recent meetings of the ROR WG to consider additional topics. At the September 27-28, 2007, ROR WG meeting in Fort Worth, Texas, Mr. Yachechak says three topics were introduced: (1) Highway-rail grade crossing safety, including warning device activation failures, efficiency testing, and better training on the consequences of improperly shortening train detection circuits; (2) Human factors research programs including (a) Clear Signal for Action (CSA)—involving Amtrak baggage handlers in Chicago; Union Pacific in San Antonio, Texas (road) and Livonia, Louisiana (yard); (b) Confidential Close Call Reporting System (C³RS)—involving Union Pacific in North Platte, Nebraska, Canadian Pacific in Portage, Wisconsin; and (c) Investigation of Safety-Related Occurrences Protocol (ISROP)—Canadian Pacific; and (3) National Transportation Safety Board (NTSB) Safety Recommendations: (a) R-03-01, use of cellular telephones; (b) R-05-10, calling signal indications over the radio; and (c) R-06-10, prohibit use of after arrival of...orders in non-signaled territory. Mr. Yachechak says FRA will develop regulatory language for these topics.

At the January 17-18, 2008, meeting in Washington, D.C., Mr. Yachechak says the ROR WG discussed solutions to resolve the NTSB Safety Recommendations. For NTSB Safety Recommendation R-03-01, the ROR WG proposed an industry best practices approach to cellular telephone use. FRA will develop a Safety Advisory that (a) will permit limited cellular telephone use when a train is stopped; (b) Supervisors are not to call train crews on personal cellular telephones for operational test purposes; (c) railroads are to give priority to the locomotive radio, versus cellular telephones, when issuing Mandatory Directives; (d) these same restrictions will also apply to text messaging, Personal Digital Assistants (PDAs), and similar electronic devices; and (e) FRA is to address the digital transmission of Mandatory Directives, displayed in text form.

For NTSB Safety Recommendation R-05-10, calling signal indications over the radio, Mr. Yachechak says the NTSB goal is to keep the train engineer on task. He says the primary focus is on a lone engineer in a cab, i.e., passenger operations. He says there is ongoing dialogue on this topic which will continue at the next ROR WG meeting scheduled for Grapevine, Texas on May 21-22, 2008.

For NTSB Safety Recommendation R-06-10, prohibit the use of "After Arrival of...Orders" in non-signal territory, Mr. Yachechak says the ROR WG discussed an FRA draft regulation that would permit the use of "After Arrival of...Orders" with the following strict requirements: (1) positive identification at meeting point (FRA to consider visual and radio contact); (2) establish train has arrived (marker); (3) document the meet (by train being restricted); (4) have an engineer tie-in; (5) have job briefings; and (6) the

FINAL

train being restricted must be stopped at the point of restriction before copying the After Arrival of...Order (FRA may reconsider this requirement). Mr. Yachechak says the railroad caucus felt that FRA's proposal was too restrictive and offered a counter proposal. He says the labor caucus will also submit a proposal. This topic will continue under discussion at the next ROR WG meeting scheduled for Grapevine, Texas, on May 21-22, 2008.

Dennis Yachechak (FRA) asks for questions, or comments.

With no questions or comments of Dennis Yachechak, Chairperson Cothen says the May 21-22, 2008, ROR WG meeting will be held in conjunction with the next LSS WG meeting, scheduled for May 22-23, 2008, also in Grapevine, Texas.

James Stem (UTU) says the use of "after arrival blocks" is also an issue before the Roadway Worker Protection WG. He says labor believes there is no difference between a block for a roadway worker work group and a passing train authority.

Chairperson Cothen asks Kenneth Rusk (FRA—Office of Safety) for a report on Track Safety Standards (TSS) WG activities.

Kenneth Rusk (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be posted in the RSAC Docket and are not excerpted in their entirety in the WG Minutes. Under the viewgraph, "Track Safety Standards Working Group," Mr. Rusk says the TSS WG [formerly Continuous Welded Rail (CWR) WG] was established on February 22, 2006. The TSS WG's initial purpose was to review and revise the CWR-related provisions of the Track Safety Standards.

Under the viewgraph, "CWR Directive," Mr. Rusk says there was a recommendation regarding FRA's role in oversight of individual carrier CWR programs, including the analysis of data to determine the effective management of CWR safety by the railroads.

Under the viewgraph, "CWR Tasks," Mr. Rusk lists the following: (1) review FRA inspection data and the pertinent accident/incident data and reporting criteria; and (2) evaluate further enhancements for the management of CWR to prevent track buckling and joint failures, including design, maintenance and inspection.

Under the viewgraph, "Issues for Review, Analysis and Discussion," Mr. Rusk lists the following: (1) training/retraining—develop written procedures which address the training and retraining of employees responsible for the installation, adjustment, maintenance, and inspection of CWR; (2) submission of CWR Plans; (3) special inspections—environmental conditions including severe weather (hot and cold) that can adversely

FINAL

affect the integrity of the joint; (4) manual—railroads maintain/retain procedures and guidelines onsite during performance of CWR duties within their Maintenance of Way Manuals; (5) definition of CWR—develop language more consistent with the rule (in the nature of the joint); and (6) ballast—carriers should define ballast-specific criteria within program plans.

For Issue Number 1, training/retraining, the TSS WG consensus for proposed regulatory text at 49 CFR § 213.7(c) is as follows: “(c) Individuals designated under paragraphs (a) or (b) of this section that inspect continuous welded rail (CWR) track or supervise the installation, adjustment and maintenance of CWR track in accordance with written procedures of the track owner shall have: (1) Current qualifications under either paragraph (a) or (b) of this section; (2) Successfully completed a comprehensive training course specifically developed for the application of written CWR procedures issued by the track owner; (3) Demonstrated to the track owner that the individual: (i) Knows and understands the requirements of those written CWR procedures; (ii) Can detect deviations from those requirements; and (iii) Can prescribe appropriate remedial action to correct or safely compensate for those deviations; and (4) Written authorization from the track owner to prescribe remedial actions to correct or safely compensate for deviations from the requirements in those procedures and successfully completed a recorded examination on those procedures as part of the qualification process to be made available to the FRA.”

In addition, Mr. Rusk says 49 CFR § 213.119(h) was modified as follows: “(h) The track owner shall have in effect a comprehensive training program for the application of these written CWR procedures, with provision for annual retraining, for those individuals designated under § 213.7(c) as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track. The track owner shall make the training program available for review by the FRA upon request.”

For Issue Number 2, submission of CWR Plans, Mr. Rusk reads proposed regulatory text for 49 CFR § 119 as follows: “...The track owner shall submit his CWR plan to the Federal Railroad Administration (FRA) not less than 30 days prior to its implementation. FRA will send a written statement to the track owner acknowledging receipt of the plan. Upon review of the plan, FRA reserves the right, for cause stated, to disapprove the plan. Notice of such disapproval shall be made in writing and specify the basis for the disapproval decision. If FRA disapproves the plan, the railroad shall be provided an opportunity of not less than 30 days to respond and to provide written submissions in support of the plan. FRA shall render a final decision in writing and the railroad shall be provided a period of not less than 30 days to amend the plan in accordance with FRA’s decision.”

For issue Number 3, special inspections, Mr. Rusk reads proposed regulatory language for 49 CFR § 213.119(f)(2) as follows: “(2) Pull-apart prone conditions in CWR track:

FINAL

(i) locations where pull-apart or striped joint rail conditions are likely to occur; and (ii) in formulating the procedures under this paragraph (f), the track owner shall: (a) specify the timing of the inspection; and (b) specify the appropriate remedial actions to be taken when pull-apart prone conditions are found.”

For issue Number 4, Maintenance of Way Manual, Mr. Rusk reads proposed regulatory language for 49 CFR § 213.119(j) as follows: “(j) The track owner shall make readily available, at every job site where personnel are assigned to install, inspect or maintain CWR, a copy of the track owner’s CWR procedures and all revisions, appendices, updates, and referenced materials related thereto, prior to their effective date. Such CWR procedures shall be issued and maintained in one CWR procedures manual.”

For Issue Number 5, Definition of CWR, Mr. Rusk reads proposed definitions for CWR, CWR joint, and Rail neutral temperature for 49 CFR § 213.119(k) as follows:

“(k) Continuous Welded Rail (CWR) means rail that has been welded together into lengths exceeding 400 feet. Rail installed as CWR remains CWR, regardless of whether a joint or plug is installed into the rail at a later time.

CWR Joint means any joint directly connected to CWR.

Rail neutral temperature is the temperature at which the rail is neither in compression nor tension.”

For Issue Number 6, Ballast, Mr. Rusk says carriers should define ballast-specific criteria within Program Plans. However, Mr. Rusk says, the TSS WG decided that ballast regulations at 49 CFR § 213.103 were already sufficient.

Under the viewgraph, “Non-Regulatory Consensus Issues,” Mr. Rusk says the TSS WG identified technical issues relating to CWR Plans that needed to be researched and analyzed. The TSS WG proposed to provide the analysis to FRA for consideration when reviewing submitted CWR Plans.

Under the viewgraph, “The Technical Issues Included:” Mr. Rusk lists the following: (1) Maintaining desired rail installation temperature range; (2) Inspecting for curve movement; (3) Speed restrictions for track work following mechanized stabilization; (4) Ambient temperature versus rail temperature; (5) Cold weather inspections; and (6) Rail anchoring requirements.

Under the viewgraph, “Maintaining Desired Rail Installation Temperature Range,” Mr. Rusk describes the following: (1) readjust rail neutral temperature (RNT) above the safe zone minimum (designated rail laying temperature minus 20 degrees F), i.e., 40 mph with daily inspection, site-specific, peak heat of day; or 25 mph (use twice weekly inspection per regulation); (2) known (not indeterminate) rail neutral temperature

FINAL

locations not in safety range (RLT minus 20 degrees F range) will ultimately be adjusted in 365 days; (3) each railroad will document inspection procedures for heat orders and special heat inspections; and (4) each railroad will keep track of rail gap and rail temperature during rail separations.

Under the viewgraph, "Inspecting for Curve Movement as a Result of Disturbed Track," Mr. Rusk reads the following: "When surfacing a 3 degree (or higher degree) curve, when the rail temperature is substantially (50 degrees F) below the rail laying temperature, the curve must be staked and the curve movement monitored. If more than 3-inches of curve movement occurs, then slow orders must be placed if the curve is not lined out before rail temperatures reach the desired laying temperature."

Under the viewgraph, "Speed Restrictions for Track Work following Mechanized Stabilization," Mr. Rusk reads the following: "Properly turned ballast stabilizers prove the equivalent of 0.1 million gross tons of traffic, and that this is sufficient traffic to allow resumption of normal speeds on track. FRA has accepted that 16 passenger trains or 8 freight trains or an equivalent combination thereof will also provide adequate stabilization."

Under the viewgraph, "Ambient Temperature versus Rail Temperature," Mr. Rusk says the following: "All standards are referenced to rail temperature. For forecasting work in the short term, the railroad may use predicted ambient temperature plus 30 degrees F to estimate rail temperature."

Under the viewgraph, "Cold Weather Inspections," Mr. Rusk says the following. "Cold weather inspections—100 degrees F below theoretical rail laying temperature—appears reasonable."

Under the viewgraph, "Rail Anchoring Requirements," Mr. Rusk reads FRA's proposed regulatory text for this non-consensus TSS WG action item as follows:

"49 CFR § 213.119(c) CWR joint installation and maintenance procedures which include that (1) Each rail shall be bolted with at least two bolts at each CWR joint; (2) In the case of a bolted joint installed during CWR installation after [insert the publication date], the track owner shall within 60 days: (i) weld the joint; or (ii) install a joint with six bolts; or (iii) anchor every tie 195 feet in both directions of the joint within 60 days; and (3) In the case of a bolted joint in CWR experiencing service failure or a failed bar with a rail gap present, the track owner shall: (i) weld the joint; or (ii) remediate joint conditions, replace the broken bolts, and weld joint within 30 days; or (iii) replace the broken bar, install two additional bolts, and adjust anchors; or (iv) replace the broken bar, replace the broken bolts, and anchor every tie 195 feet in both directions from the CWR joint; or (v) add rail with the provision for later adjustment pursuant to (d)(2) of this section.

FINAL

Under the viewgraph, "AAR Position Non-Consensus Item 213.119(c)," Mr. Rusk reads the AAR's position as follows: (1) The language in 49 CFR 213.119, and for the most part all of Part 213, addresses generic procedures, requirements, conditions, and deviation from the minimum standards. The language proposed for Part 213.119(c) by the FRA infringes upon the original intent of Part 213.119 and now addresses specific remedies for generic conditions; (2) The AAR strongly object to the FRA's proposed Part 213.119(c) language becoming regulatory text on the basis that it would set a dangerous precedent for regulatory creep, as future corrective action finds its way into the regulatory text; and (3) The AAR believes that item 213.119(f) adequately and consistently describes the generic condition in question. Moreover, we find no merit in the FRA's 213.119(c) proposal."

Kenneth Rusk (FRA) says this is where the TSS WG stands on CWR issues.

Under the viewgraph, "Track Safety Standards Update," Mr. Rusk says RSAC Task No.: 07-01 was assigned to the TSS WG to: (1) Review controls applied to reuse of rail in CWR (e.g., plugged rail); (2) Review the issue of cracks emanating from bond wire attachments; (3) Consider improvements in the Track Safety Standards related to fastenings of rail to concrete crossties; and (4) Ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections.

Mr. Rusk says the TSS WG has organized the Rail Integrity Task Force and the Concrete Tie Task Force to help respond to issues related to RSAC Task No.: 07-01.

Mr. Rusk asks for questions, or comments.

Rick Inclima (BMWED) says Kenneth Rusk did not discuss the TSS WG's development of the CWR Generic Plan, which can be used by all railroads for the required filing of this plan with FRA. He says the development of the CWR Generic Plan has occupied a lot of the TSS WG's time.

Gerhard Thelen (AAR) says there are cases where there are extreme temperature swings. He says the Norfolk Southern (NS) Company has proven methods to address these conditions. He asks if NS methods will no longer be valid?

Mr. Rusk says the proposed rules provide guidance for when added rail must come out. However, each railroad will submit its own CWR Plan to FRA, which does not have to follow the CWR Generic Plan. He says NS can describe the method it uses in its CWR Plan. However, he adds, what FRA will be looking for is when the rail added during extreme temperature swings must come out.

Mr. Thelen says Mr. Rusk has not fully answered his question. He asks, can a CWR Plan be submitted that shows what NS is currently doing?

FINAL

Mr. Rusk explains that he will look at individual programs for achieving Rail Neutral Temperature and the adequacies of the carrier Program for removing added rail.

Chairperson Cothen agrees that FRA will need to look at individual carrier programs. But, he observes, that there are a variety of conditions for meeting carrier needs. With no further questions or comments of Kenneth Rusk, Chairperson Cothen asks the full RSAC to look at "[Consensus] CWR Proposed Regulatory Text," dated February 2008. He says no vote is being requested for the technical issues or the non-consensus issues that were presented during the report on TSS WG activities. He adds, the rule changes being offered for vote is regulatory text structured around the CWR Generic Plan. He asks for a motion to approve the meeting document, "CWR Proposed Regulatory Text," February 2008, as presented.

Rick Inclima (BMWED) moves to accept meeting document, "CWR Proposed Regulatory Text," February 2008, as presented.

Kelly Haley (BRS) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC ACCEPTS MEETING DOCUMENT, "CWR PROPOSED REGULATORY TEXT," FEBRUARY 2008, AS PRESENTED.

Chairperson Cothen thanks the full RSAC for approving the CWR Proposed Regulatory Text. He briefly describes other FRA regulatory projects, not already discussed. Under Part 225 rules, FRA has issues with the U.S. Department of Labor, which is causing the delay with the issuance of an NPRM. He says work continues on amendments to Roadway Worker Protection rules. He says FRA is trying to get a Safety Appliance NPRM out on the street. Under the Locomotive Horn Rule, clean-up work is necessary for Chicago-area railroads. He says clean-up work continues on an Hours of Service (HOS) Act recordkeeping project. However, FRA is waiting for Congressional movement on pending legislation for HOS Act rules. He says FRA wants to do a study on train movements of Spent Nuclear Fuel / High-Level Radioactive Waste. Finally, he says, FRA may need to revisit Part 219 Drug and Alcohol rules. But will like do this in conjunction with the Medical Standards WG work. He says there is a private crossing safety inquiry underway. FRA is working on a report, which is nearly complete. He says at the next full RSAC meeting, FRA may offer a broad task concerning concrete crossties and rail integrity, depending on whether FRA is staffed-up and prepared. Chairperson Cothen concludes by saying there is a new Regulatory Overview (legislation and regulation) on FRA's RSAC Internet Web Site (<http://rsac.fra.dot.gov>), which the Agency will try to keep up to date.

FINAL

Chairperson Cothen reminds RSAC members to submit nominations to FRA for the new Bridge Working Group by March 14, 2008.

Chairperson asks for additions and corrections to the Minutes for the October 25, 2007, meeting of the Railroad Safety Advisory Committee.

With no additions or corrections offered, Chairperson Cothen asks for a motion to approve the Minutes for the October 25, 2007, meeting of the Railroad Safety Advisory Committee, as presented.

Thomas Streicher (ASLRRA) moves that the Minutes for the October 25, 2007, meeting of the Railroad Safety Advisory Committee be approved, as presented.

Thomas Pontolillo (BLET) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE RAILROAD SAFETY ADVISORY
COMMITTEE APPROVES THE MINUTES FOR THE OCTOBER 25, 2007,
MEETING, AS PRESENTED.

Chairperson Cothen asks RSAC members to look at calendars and suggest a meeting date for the next meeting.

There is a general RSAC discussion after which FRA is requested to find a meeting place in Washington, D.C. on June 11, 2008, for the next RSAC meeting.

Chairperson Cothen says he would like to schedule two additional RSAC meetings during the remainder of 2008. He suggests September 2008 and within the first two weeks of December 2008. He asks RSAC members to look at calendars and submit preferences for suggested meeting dates to FRA for September and December 2008.

Chairperson Cothen asks RSAC members for any additional business items. With none, Chairperson Cothen adjourns the meeting at 2:45 pm.

M E E T I N G A D J O U R N E D 2:45 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.