FINAL
RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
October 25, 2007

The thirty-third meeting of the RSAC was convened at 9:30 a.m., in the Columbian Room of the Holiday Inn Washington–Capitol, 550 C Street, S.W., Washington, D.C. 20024, 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 June 26, 2007, meeting, 13 of the fifty-four voting RSAC members were absent: The American Association of Private Railroad Car Owners (1 seat), The American Train Dispatchers Association (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (BLET) (2 of 3 seats), The Institute of Makers of Explosives (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), The National Railroad Construction and Maintenance Association (1 seat), Safe Travel America (1 seat), The Sheet Metal Workers International Association (1 seat), The Transport Workers Union of America (TWU) (1 of 2 seats), The Transportation Communications International Union/Brotherhood of Railway Carmen (1 of 3 seats), The Transportation Security Administration (1 seat), and The United Transportation Union (1 of 3 seats). 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 Communicationes 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.

Alan Misiaszek (FRA) identifies the hotel 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 Short Line and Regional Railroad Association (ASLRRA)), and Keith Borman (ASLRRA) volunteer to perform CPR. Mr. Misiaszek observes that many attendees have cellular telephones. He asks Inga Toya (FRA–Office of Safety) to call the emergency telephone number, 911, should an emergency occur. The hotel does not have an automated external defibrillator (AED).

Chairperson Cothen goes over the meeting agenda. He says FRA Administrator Joseph H. Boardman is attending a Congressional Hearing, but will address the Committee after the Hearing is over. He acknowledges Inga Toya (FRA–Office of Safety) for her efforts in arranging the full Committee's and RSAC Working Group meetings following the retirement of Patricia Butera (FRA–Office of Safety). Now, he says, Ms. Toya is taking a new assignment in the Office of Safety's Highway-Rail Grade Crossing and Trespass Prevention Division. He introduces Larry Wooverton (FRA–Office of Safety) as the new RSAC Coordinator. He asks RSAC members to introduce themselves to Mr. Wooverton during scheduled meeting breaks. Finally, he thanks Office of Safety personnel who helped to set-up today's meeting including Cathy Buckley, Cindy Gross, and Marvin Stewart.

Chairperson Cothen asks Miriam Kloeppel (FRA–Office of Safety) for a Microsoft PowerPoint Presentation, "Risk Reduction Program." He says the Risk Reduction Program (RRP) recognizes that regulation has limitations. He adds that if carriers adopt a risk reduction program, that effort may help carriers and the railroad industry reach the next level of safety.

Miriam Kloeppel (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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, "Readiness for Change in the U.S. Railroad Industry," Ms. Kloeppel says (1) 80,000 new employees will be hired in the next five years including labor, management, and senior leaders; (2) there is a strong railroad organizational culture; and (3) there is recognition of the need and opportunity for change.

Under the viewgraph, "What is RRP," Ms. Kloeppel offers the following definition: An FRA-led, industry-wide initiative to reduce accidents and injuries, and build strong safety cultures, by developing innovative methods, processes, and technologies to identify and correct individual and systemic contributing factors using "upstream" predictive data.

Under the viewgraph, “Vision,” Ms. Kloeppel says the following: (1) Better management and use of precursor (predictive) data–not just reactive data; and (2) A safety learning culture that allows open disclosure about safety without fear.

Under the viewgraph, “Basic Concepts of RRP,” Ms. Kloeppel lists the following characteristics: (1) Commitment from all stake holders; (2) Systematic and objective data-gathering, analysis, and reporting; (3) Problem solving and corrective action; and (4) Long-term sustaining mechanisms.

Under the viewgraph, “Why Is This Program Being Created,” Ms. Kloeppel describes a line chart showing train accidents/incidents per million train miles declining over 50 percent between 1977-1985. However, since 1985, there has been little change in the train accident/incident rate.

Under the viewgraph, “How We Will Do This,” Ms. Kloeppel says FRA will continue to strengthen regulatory enforcement approaches, while adding complementary non-enforcement approaches such as RRP.

Under the viewgraph, “Example RRP Initiatives,” Ms. Kloeppel lists the following: (1) Confidential Close Call Reporting System; (2) Clear Signal Action (CSA)–FRA’s term for behavior-based accident prevention combined with continuous improvement and safety leadership; (3) Canadian Pacific Railway Company’s ISROP (Investigation of Safety-Related Occurrences Protocol, a standardized process for conducting thorough and systematic incident investigations); (4) Track joint bar inspection system; (5) Track Quality Index (TQI); and (6) Fatigue Risk Management Systems.

Under the viewgraph, “Structure of RRP Decision-Making Groups,” Ms. Kloeppel outlines the following: (1) Preliminary Planning Team; (2) FRA Executive Steering Committee; (3) FRA Working Group; and (4) Industry Ad-Hoc Workshop Planning Group/Industry Working Group. She describes the relationship of the Decision-Making Groups saying the Confidential Close Call Reporting System will be the model for the Industry Working Group.

Miriam Kloeppel (FRA) describes the operation of an “Evaluation Logic Model” being used to guide the activities of the RRP Decision-Making Groups.

Under the viewgraph, “Current Status of RRP Activities,” Ms. Kloeppel says the following: (1) created background documents; (2) conducted stakeholder interviews; (3) preparing a “White Paper” on RRP; (4) convened Executive Steering Committee; and (5) planning RRP workshops–looking for input from RSAC for participants in this process.

Under the viewgraph, “RRP Next Steps,” Ms. Kloeppel describes the following:

(1) Learn from railroad experiences–best practices; lessons learned; (2) Identify and remediate barriers; (3) Plan Workshop; and (4) Initiate search for Pilot Projects.

Miriam Kloeppel (FRA) says there is a Senate Bill, S. 1889, which has not been introduced yet, but contains language about Risk Reduction Programs. If passed, there would be a short window in which to put RRPs in place.

Miriam Kloeppel (FRA) asks for questions.

Gregory Kreie (Brotherhood of Maintenance of Way Employes Division (BMWED)) asks if FRA will just manage the data it receives from carriers, or will it talk to the "boots on the ground?" He asks, "How will this process work?"

Miriam Kloeppel (FRA) says FRA needs to access what the data is saying, not access the data itself. She knows there will be confidentially concerns for the Confidential Close Call Reporting System data.

With no further questions of Miriam Kloeppel, Chairperson Cothen announces that Ira Baldwin (Association of State Rail Safety Managers) has passed the baton to George Elsmore. He welcomes George Elsmore to RSAC. He announces the retirement of Alan Lindsey (Association of American Railroads (AAR)–BNSF Railway Company) at the end of December 2007. He thanks Mr. Lindsey for his years of service to RSAC. In an administrative item, Chairperson Cothen says FRA has spent a lot of time and money to send hard copies of meeting documents by Federal Express and facsimile to RSAC members and alternates in advance of the full Committee meetings. He asks if it would be acceptable to the Committee to either: (1) electronic mail (email) materials; or (2) identify an RSAC Internet Web Site address in an email notice of the full Committee meeting where the meeting documents will be located in advance of full Committee meetings? He asks for comments.

Gregory Kreie (BMWED) believes these options would work.

Rick Inclima (BMWED) asks about the RSAC document site.

Chairperson Cothen explains that FRA can freshen-up the RSAC Internet Web Site.

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

Charles Bielitz (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation were not distributed to meeting attendees. However, all meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under the viewgraph, “Passenger Safety Working Group,” Mr. Bielitz says there are four active task forces (TF): (1) Crashworthiness; (2) Emergency Preparedness; (3) Vehicle Track Interaction; and (4) General Passenger Safety. He says there will be reports today from Gary Fairbanks (FRA–Office of Safety) for the Crashworthiness TF and from Daniel Knote (FRA–Office of Safety) for the General Passenger Safety (GPS) TF. He will update the full Committee on activities of the Emergency Preparedness (EPREP) TF and the Vehicle Track Interaction (VTI) TF.

Under the viewgraph, “Emergency Preparedness Task Force,” Mr. Bielitz says the EPREP TF is nearing completion of recommendations to incorporate into the Code of Federal Regulations (CFR) three American Public Transportation Association (APTA) Standards for (1) Low-Location Exit Path Marking; (2) Emergency Lighting; and (3) Signage for Emergency Egress. He adds, the EPREP TF has also prepared draft rule text for rules covering removable panels in vestibule doors. He says the EPREP TF recommendations will be sent to the Passenger Safety Working Group for approval before being presented to the full RSAC.

Under the viewgraph, “Vehicle-Track Interaction Task Force,” Mr. Bielitz explains that the research to support this rulemaking has been completed. He says draft regulatory language is under discussion by the Task Force. A final Task Force meeting is scheduled for November 2007 with a presentation to be made before the Passenger Safety Working Group meeting in December 2007.

Charles Bielitz (FRA) asks Daniel Knote (FRA) for PowerPoint Presentation on “General Passenger Safety (GPS) Task Force (TF)” activities.

Daniel Knote (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. Also distributed are copies of Appendix F, *FRA Guide for Preparing Accident/Incident Reports*, and a copy of the GPS TF recommendations to add accident/incident cause codes under 49 CFR § 225. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under the viewgraph, “Specific Issues/Tasks for GPS TF,” Mr. Knote lists the following: (1) Passenger safety boarding, debarking, and on-board trains; (2) Passenger safety in stations; and (3) Addressing FRA Emergency Order (EO) Number 20 issues. [Note: EO 20 issues that have not been codified into the CFR include (1) delayed-in-block: requires trains stopping at a station to proceed at restricted speed until the next signal can be observed. This issue is only under discussion in the GPS TF; and (2) system safety: passenger railroads should establish a System Safety Program Plan that includes hazard management.]

Under the viewgraph, “Initial Activity,” Mr. Knote says the GPS TF reached consensus on the publication, *FRA Guide to Managing High-Level Station Gaps*, a non-regulatory approach to provide guidance to passenger carriers on reducing gaps between passenger car door thresholds and high-level platforms. In addition, Mr. Knote says the GPS TF reached consensus on a set of accident/incident cause codes to help identify future platform gap accidents/incidents. He says the full Committee will be asked to approve the addition of these accident/incident cause codes to rules under 49 CFR § 225 at today’s meeting.

Under the viewgraph, “Consensus Document Items, 49 CFR § 225, Cause Code Recommendations,” Mr. Knote reads the following:

(1) Within the “Physical Act Circumstance Codes,” pages F-2 and F-3 (i.e., page references are to pages in Appendix F of *FRA Guide for Preparing Accident/Incident Reports*, DOT/FRA/RRS-22, effective May1, 2003 (FRA Guide)) , two codes should be added, “Passenger Train-Boarding,” and “Passenger Train-Alighting.”

(2) Within the “Physical Act Circumstance Codes,” pages F-2 and F-3 of the FRA Guide, clarify that codes 63 (stepping up) and 64 (stepping down) are to be used for a boarding/alighting incident at a low-level platform, and that code 65 (stepping over) is used for boarding/alighting at high-level platforms.

(3) Within Part III of the “Location Circumstance Codes” on page F-5 of the FRA Guide, three codes should be added: (a) Rail Car Threshold Plate to Edge of Platform Gap; (b) Area between Coupled Cars and Platform Edge; and (c) Area Along Carbody, Other Than Threshold Plate and Platform Edge.

(4) Within the “Event Circumstance Codes,” pages F-6 and F-7 of the FRA Guide, the following code should be added: (a) Slipped, fell, stumbled due to Gap.

(5) Within Part I of the “Location Circumstance Codes,” page F-4 of the FRA Guide, the location should be identified by using one of the existing codes associated with “on or near the right-of-way.” This would mean that the existing code, “P-Passenger Terminal,” would not be used for a gap-related incident, since the location in the terminal would not necessarily be on or along the right-of-way.

(6) Within Part I of the “Location Circumstance Codes,” page F-4 of the FRA Guide, “P–Passenger Terminal” should be changed to “P–Passenger Station–On Platform.” and a new code added for “Passenger Station–Other than Platform.”

(7) Within Part III of the “Location Circumstance Code, page F-5 of the FRA Guide, a new code, “Car, in vestibule,” should be added.

(8) Within Part III of the “Location Circumstance Codes,” page F-5 of the FRA Guide, C2 should be changed to “On Platform–Station,” and a new code should be added, “On Platform–Other.”

(9) Within the “Tools, Machinery, Appliances, Structures, Surfaces, (etc.),” Circumstance Codes on Page F-8 of the FRA Guide, two new codes should be added, one for “Door end or side–passenger train,” and another for “Door, trap–passenger train.”

(10) Recommended definitions for inclusion in the FRA Guide are: (a) Gap–a high-level station platform gap is the horizontal space between the edge of the platform and the edge of the rail car door threshold plate, and the vertical difference from the top of the platform and the top of the rail car threshold; and (b) Gap Incident–an event involving a person who while involved in the process of boarding or alighting a passenger train at a rail car door threshold plate at a high-level platform has one or more body parts enter the area between the car body and the edge of the platform.

(11) The following are examples of a Gap Incident: (a) While boarding or alighting a passenger train at a high-level platform, a person misjudges the gap, resulting in the person’s leg entering the gap; and (b) while boarding or alighting a passenger train at a high-level platform, a person is struck by a closing door, resulting in the person’s leg entering the gap. The following are not examples of a Gap Incident: (a) while boarding or alighting a passenger train at a high-level platform, a person misjudges the gap and falls into the vestibule or platform, without a body part entering the gap; and (b) while walking on a passenger station at a high-level platform, a person slips on the platform, at a location other than the rail car door threshold, resulting in the person’s leg entering the gap. Mr. Knote says these examples are to be included in the FRA Guide.

(12) Chapter 2, Page 1 of the FRA Guide defines an “accountable injury or illness” as pertaining solely to railroad employees. The GPS Sub-Task Force recommends that passengers and non-trespassers also be included in the recordkeeping.

Daniel Knote (FRA) says the full Committee will be asked by Chairperson Cothen to approve the GPS TF recommendations for changes to 49 CFR § 225. He asks for questions.

Peter Cannito (APTA) asks if carriers are going to be penalized for collecting this information? He asks for “guidelines” on how to control this information. He wants an

accurate body of data that can be turned over to FRA without carriers being penalized. He says sometimes there are injuries that are not reported to a carrier by a passenger. The next time the carrier hears from the injured passenger is from the injured passenger's lawyer.

Daniel Knote (FRA) says FRA will work with APTA on what needs to be done with this data. He says APTA will develop a Standard.

Peter Cannito (APTA) does not understand why APTA needs a Notice of Proposed Rulemaking (NPRM) from FRA in order for APTA to do a Standard. He does not believe that Item 12, Maintain Records of Accountable and Reportable Injuries for Passengers and Non-trespassers, belongs in an APTA Standard.

Daniel Knote (FRA) says the Item 12 issue will not go into a Part 225 NPRM. He explains that the need for this data bubbled-up from GPS TF discussions.

Peter Cannito (APTA) says the proper procedure is for the GPS TF to request that APTA fund a study for recognizing whether there are Item 12 issues for an APTA Standard.

Gregory Kreie (BMWED) has concerns about Items 10 and 11. He says something may be missing. He says there are accidents/incidents that occur because people are trying to clear a gap–they do not fall into a gap, but "high-heel" shoes may be the cause of an injury after someone "jumps" a gap.

Daniel Knote (FRA) believes this issue is covered under Item 4, a new cause code for "Slipped, fell, stumbled due to Gap."

Chairperson Cothen says the GPS TF and Passenger Safety Working Group have approved the July 18, 2007, GPS TF recommendations for changes to 49 CFR § 225 accident/incident cause codes. He says FRA hopes to issue a Part 225 NPRM without further RSAC review. But, he adds, that could change if the full Committee members wish. He asks for a motion to approve the GPS TF recommendations for changes to 49 CFR § 225.

Joseph Szabo (United Transportation Union (UTU)) moves that the full Committee accept the GPS TF recommendations for changes to 49 CFR § 225.

Ken Briers (National Association of Railroad Passengers) seconds the motion.

> BY UNANIMOUS VOICE VOTE, THE FULL COMMITTEE APPROVES THE GPS TF RECOMMENDATIONS FOR CHANGES TO 49 CFR § 225.

Daniel Knote (FRA) continues his Microsoft PowerPoint Presentation to update the full Committee on GPS TF activities.

Under the viewgraph, “Update on Collision Hazard Analysis,” Mr. Knote says: (1) FRA, APTA, and the Volpe National Transportation Systems Center (Volpe) completed updating a draft “Collision Hazard Analysis Guide;” (2) a Final Collision Hazard Analysis Guide was published in October 2007, and includes “lessons learned” from two pilot projects: Tri-Rail, and Virginia Rail Express; (3) Metro-North Railroad is working on Collision Hazard Analysis; (4) Caltrain and New Mexico Rail Runner Express are beginning to work on Collision Hazard Analysis; (5) on August 1, 2007, the Federal Transit Administration (FTA) issued a Circular on Large Grants, which includes a requirement for submitting a System Safety Program Plan (SSPP) and Collision Hazard Analysis to FRA as a condition for receiving the FTA grant; and (6) Orlando–New Start Commuter Railroad and the New Jersey Transit Tunnel Project are the first two projects covered by the provisions of the August 1, 2007, FTA Circular.

Under the viewgraph, “Next Steps for GPS Task Force,” Mr. Knote lists the following: (1) continue study of “second train in station” and trespasser incidents. He says solutions appear to be site specific and with System Safety-based solutions; (2) develop recommendations for “Passenger Train Door Securement and Door Operations;” and (3) develop a regulatory approach to System Safety.

Under the viewgraph, “Future FRA Regulations on System Safety,” Mr. Knote says the FRA effort for regulations on System Safety will officially begin at the Passenger Safety Working Group and GPS TF meetings scheduled for December 11-13, 2007, in Fort Lauderdale, Florida. He adds, the goal of the System Safety initiative will be:
(1) preserve the benefits gained through the APTA System Safety Program; (2) Provide enhancements to hazard management initiatives; and (3) ensure uniform standards for System Safety, in support of other regulations and FRA programs.

Daniel Knote (FRA) asks for questions.

Peter Cannito (APTA) takes exception to FRA’s presentation. He says Metro-North Railroad is not participating in a pilot program. He says there is a major dispute between APTA and FRA as to the definition of “Collision Hazard Analysis” versus “Hazard Analysis. He says Collision Hazard Analysis is just a subset of the pilot program. He adds, not all efforts need to be regulatory. He does not believe that this issue has been decided that it will be an RSAC topic.

Chairperson Cothen says as a correction to the full Committee vote on GPS TF recommendations for changes to Part 225 rules: (1) there is a recommendation to FRA for changes to the accident/incident cause codes; and (2) there is a recommendation to APTA for accountability of passenger injuries that are not otherwise reportable.

In response to Peter Cannito, Chairperson Cothen says APTA has had difficulty in recruiting smaller properties to participate in the Hazard Analysis studies. He says this topic will be presented to the Passenger Safety Working Group at its December 2007, meeting. He adds, it will be up to the participants of the Passenger Safety Working Group to decide whether the Hazard Analysis topic will go forward. He hopes members of the Passenger Safety Working Group will come prepared to discuss this topic at the December 2007, meeting.

Chairperson Cothen announces a morning break.

M O R N I N G B R E A K 11:10 A.M. - 11:25 A.M.

Chairperson Cothen reconvenes the meeting.

Charles Bielitz (FRA) asks Gary Fairbanks (FRA–Office of Safety) for a report on Passenger Equipment Crashworthiness Task Force activities.

Gary Fairbanks (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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, “Passenger Equipment Safety Standards,” Mr. Fairbanks explains that for front-end strength of cab cars and multiple-unit locomotives, (1) an NPRM was published in the *Federal Register* (FR) on August 1, 2007 (72 FR 42016); (2) the NPRM comment period closed on October 1, 2007; (3) Seven comments were received and have been entered into Docket Number FRA-2007-25268; and (4) FRA is evaluating the comments.

Under the viewgraph, “Technology Transfer,” Mr. Fairbanks says (1) existing test and analyses results are sufficient to finalize the rule; and (2) FRA is working with APTA to develop test and analysis methods for evaluating structural collapse.

Under the viewgraph, “Related Research,” Mr. Fairbanks lists the following: (1) full-scale tests to measure end frame structural collapse have been scheduled as follows: (a) quasi-static corner post test (2-2008); (b) quasi-static collision post test (3-2008); and (c) dynamic collision post test (4-2008); (2) test plans are to be presented at the December 19, 2007, APTA Construction-Structural Subcommittee meeting; and (3) test methods are illustrative; alternative test and analysis methods may be appropriate.

Gary Fairbanks (FRA) asks for questions.

Larry Mann (UTU) objects to how FRA presented the NPRM. He could not recall FRA ever trying to preempt State common law.

Gary Fairbanks (FRA) responds that discussing the NPRM is covered by rules involving *Ex Parte* Communications and he is not permitted to comment.

Michael Rush (AAR) says it is the belief of the AAR that FRA did not make a mistake in the NPRM.

With no further questions of Gary Fairbanks, Chairperson Cothen asks James Wilson (FRA–Office of Safety) and Gerhard Thelen (AAR) for a presentation on "Proposed Rule, Electronically Controlled Pneumatic (ECP) Brake Systems."

James Wilson (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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 viewgraphs, "ECP Rulemaking," Mr. Wilson says the ECP Rulemaking was a traditional, not RSAC rulemaking. The NPRM, published September 4, 2007, proposes to add a new "Subpart G" to 49 CFR § 232, Power brake regulations. He says public hearings were held in Washington, D.C. (October 4, 2007) and Chicago, Illinois (October 19, 2007). As background information, Mr. Wilson says in 2005, Booze, Allen Hamilton was contracted to study the benefits and costs of ECP Brake Systems for United States railroads. On March 21, 2007, Mr. Wilson says FRA granted BNSF Railway Company and Norfolk Southern Company a waiver to operate ECP brake systems on pilot trains to demonstrate the safety and efficacy of the technology in revenue service. He says the waiver allows trains to operate up to 3,500 miles before another brake inspection is required. He says the waiver also addresses parts of the regulations that are not conducive to the "stand-alone" ECP brake systems.

James Wilson (FRA) says the comment period for the ECP Brake NPRM ends November 5, 2007. He says FRA will review all of the written comments, along with the testimonies provided at the public hearings, and **information** obtained from the technical conference. He says the Final ECP Brake Rule will be written by FRA with a target date for publication in 2008.

James Wilson (FRA) asks Gerhard Thelen (AAR) for a presentation on "ECP Brake Implementation on Norfolk Southern."

Gerhard Thelen (AAR) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation were

not distributed to meeting attendees. However, all meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under the viewgraph, "What Is ECP," Mr. Thelen says there is (1) stand-alone ECP–can only be operated in full ECP equipped trains. ABDX [a Wabtec brake valve] service portion is replaced by a CCD (electronic car control device). Stand-alone ECP utilizes a conventional emergency portion for emergency brake applications; and (2) Overlay ECP–utilizes a conventional braking system with a service and emergency valve along with add-on ECP CCD. This equipment can serve in ECP or conventional braking mode. He adds, Norfolk Southern will operate stand-alone ECP brake systems.

Under the viewgraph, "Advantages of ECP," Mr. Thelen lists the following: (1) shorter shopping distances; (2) reduced in-train forces; (3) improved train handling; (4) graduated brake applications and release; (5) automatic train consist identification and sequencing; and (6) real time train brake status feedback.

Under the viewgraph, "How does ECP Function," Mr. Thelen describes the following components of an ECP brake technology system: (1) Locomotive head-end unit (HEU)–supplies power to and communicates with each of the car control devices (CCD) to apply and release the train brakes; (2) ECP Trainline–a cable running the length of the train, supplying each CCD with power and carrying braking and "health" signals; and (3) ECP end-of-train device — provides termination of the communication line and transmits an end-of-train message back to the HEU for establishing trainline integrity.

Under the viewgraph, "What are the Benefits," Mr. Thelen summarizes the following: (1) instantaneous brake application and release; (2) fixed brake rate; (3) graduated brake; (4) proportional control; (5) constant charging of brake pipe; (6) pneumatic backup; (7) trainline power safety interlock; and (8) train manifest and serialization. Under the viewgraph, "FRA Waiver Issued to NS and BNSF on March 21, 2007," Mr. Thelen says FRA has taken a position advocating railroad industry transition to ECP. The waiver modifies portions of 49 CFR § 232 rules to fit ECP's enhanced safety technology. The Norfolk Southern (NS) Railroad decided to equip and operate ECP pilot trains as part of a larger renewal of system coal equipment. The NS will participate in initiatives to quantify ECP costs and benefits.

Under the viewgraph, "NS ECP Implementation Plan," Mr. Thelen says two trainsets of gondolas are being placed into service in the 4th quarter of 2007. The 115 car trains with 3 locomotives will operate to Shelocta, Pennsylvania, from Monongahela mine origins. He says two trainsets of automatic dump cars are to be placed into service in the 1st half of 2008. The 110 car trains with 5 locomotives (distributed power operation) will operate to Clover, Virginia, from Southwest Virginia mine origins. He adds, a comprehensive ECP training plan has been developed and is being implemented with involvement of all stakeholders.

Under the viewgraph, “Data Collection for Economic Analysis,” Mr. Thelen says a comparison of conventional trains and ECP Brake-equipped trains in same service will be made for (1) fuel savings; (2) cycle time improvements; and (3) reduced wheel change-outs.

Gerhard Thelen (AAR) shows a series of pictures/photographs showing (1) route of the Shelocta, Pennsylvania, ECP brake coal trains; (2) equipment to be used for the Shelocta, Pennsylvania, ECP brake coal train service; (3) route of the Clover, Virginia ECP brake coal trains; (4) operator interface unit; (5) locomotive junction box and head end termination; (6) inter-car ECP brake cable connection; and (7) end-of-train device.

Under the viewgraph, “A Brief Review,” Mr. Thelen lists the following: (1) no brake pipe reduction is ever made in ECP brake operation–acts only as air supply; (2) train brake commands are carried over a two wire network runs the length of the train; and (3) auxiliary end-of-train device (AED)–provides network termination and signal to HEU of the network connection throughout the train.

Gerhard Thelen (AAR) asks for questions.

Joe Mattingly (Brotherhood of Railroad Signalmen (BRS)) asks about the stand-alone system versus the back-up system.

Gerhard Thelen (AAR) says both systems have a pneumatic back-up because “air” is what powers the systems.

Fred Fink (Transport Workers Union of America (TWU)) says the TWU had requested that ECP brakes be a part of RSAC. He says there will be no data available to labor or the AAR by the end of the comment period for the ECP Brake NPRM, i.e., November 5, 2007. He is disappointed that this issue was removed from the RSAC process. Chairperson Cothen says rules for ECP Brakes is something that needed to be moved along quickly. He adds, it is an administrative process. Unfortunately, he says, timeliness did not permit RSAC to assign this topic to a Working Group.

Larry Breeden (AAR) says the equipment is operating as intended. He says it is a lot easier to operate a locomotive equipped with ECP Brakes.

Cynthia Gross (FRA–Office of Safety) asks if Gerhard Thelen’s Microsoft PowerPoint Presentation will be available for the RSAC Internet Web Site?

Gerhard Thelen (AAR) responds, “Yes.”

Chairperson Cothen asks Brian Gilleran (FRA–Office of Safety) for a presentation on "Safety Enhancement at Passive Grade Crossings."

Brian Gilleran (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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, "Our Discussion Today," Mr. Gilleran outlines the following: (1) Our mandate for this effort; (2) Background information; (3) A look at the draft Model Law that FRA has prepared as a starting point for the Working Group; (4) Where we go from here with this effort; and (5) Request for additional Working Group members.

Under the viewgraph, "Our Mandate," Mr. Gilleran says on May 3, 2007, the U.S. Department of Transportation's Office of Inspector General (OIG) issued its fourth audit report on FRA's activities in grade crossing safety. The OIG report recommended that FRA work in partnership with the Federal Highway Administration to develop model legislation that would address the issue of sight obstructions at passive highway-rail grade crossings.

Under the viewgraph, "Background Information," Mr. Gilleran says in 1997, FRA drafted two Model Laws to address the issues of trespassing on railroad property and vandalism of railroad property. He says the Model Laws were provided to the States for their consideration and use. As of March 2007, only 13 States had laws addressing all types of sight obstructions at highway-rail grade crossings. Mr. Gilleran adds, the National Committee on Uniform Laws and Ordinances has developed a Model Law to help States reduce collisions at highway-grade crossings. From 2001 to 2005, Mr. Gilleran says railroads submitted 689 collision reports to FRA that documented sight distance obstructions. In these collisions, 242 people were injured and there were 87 fatalities.

Under the viewgraph, "Our Draft Model Law is a Starting Point for the Working Group," Mr. Gilleran says the draft law currently has a three-part structure. But this is open to modification or addition by the Working Group. The structure is: (1) Words and phrases defined; (2) Vehicles approaching a passive crossing; and (3) provision of adequate sight distance at passive highway-rail grade crossings.

Under the viewgraph, "Definitions for Use in the Model Law," Mr. Gilleran says the key words and phrases that are defined include: (1) road user; (2) passive crossing; (3) clearing sight distance; and (4) stopping sight distance.

Under the viewgraph, "Vehicles Approaching a Passive Crossing," Mr. Gilleran says the Model Law spells out the actions required of a road user approaching a passive

crossing. He says three different circumstances are listed. If any one of these is true, the road user must stop not less than 15 feet from the nearest rail of the nearest track: (1) an approaching train is visible; (2) an approaching train horn is being sounded; and (3) a stop sign is posted at the crossing.

Under the viewgraph, “Provision of Adequate Sight Distance at Passive Grade Crossings,” Mr. Gilleran says (1) The Model Law identifies parties responsible for inspection of passive crossings, and the determination of adequacy of sight distances; (2) Responsible organization may order the removal of structures, topography, railroad equipment, trees or vegetation that restrict visibility; (3) Property owner has 60 days to remove the cited obstructions, after receipt of notice or suffer a civil penalty; (4) If the obstructions are found within the public right-of-way, then written notice of the findings shall be issued to the responsible agency; and (5) If the obstruction is not removed within 60 days of notice, the State DOT shall remove the obstruction, and its costs shall be recoverable from the cited responsible agency.

Under the viewgraph, “This isn’t The End, But I can See It From Here,” Mr. Gilleran says FRA is asking for RSAC help. FRA will try to avoid requiring travel by using email, teleconferences, and other means of working together.

Brian Gilleran (FRA) asks for questions.

Alan Lindsey (AAR) asks when Brian Gilleran’s presentation talks about Model Law, is it for States, or at the Federal level?

Brian Gilleran (FRA) responds it is for States, for State use.

William Browder (AAR) asks about Standards and practices for determining sight distances at private highway-rail grade crossings. He says railroads are not the experts at highway traffic conditions. He asks “What will the Final Product of the Working Group be?”

Brian Gilleran (FRA) says the Final Product of the Working Group will be to provide Model Safety Practices for vehicle codes and ordinances that will inform highway users about passive crossings, He says there will be an engineering component to the Model Safety Practices.

Larry Mann (UTU) asks how many States address passive crossings in any fashion?

Brian Gilleran (FRA) does not know. He says 13 States were identified as using portions of the Model Law for highway-rail grade crossings.

Chairperson Cothen says FRA has been getting inquiries about dealing with passive crossing issues.

Leo Penne (American Association of State Highway and Transportation Officials (AASHTO)) has a substantial interest in this topic. He says AASHTO will want to be to be involved with sight distance issues at passive highway-rail grade crossings.

Timothy DePaepe (BRS) says Brian Gilleran is calling this a "Working Group." He asks is this an RSAC Working Group?

Facilitator Cothen says, "No." He adds, generally, highway-rail grade crossing issues have not been brought before RSAC.

Timothy DePaepe (BRS) asks "What is adequate sight distance?"

Brian Gilleran (FRA) replies, "It is not a top-down number you can take from a chart." He says someone needs to go out and decide for each site.

Larry Breeden (AAR) says this is for public passive grade crossings, not private crossings.

Brian Gilleran (FRA) replies, "Yes."

With no further questions of Brian Gilleran, Chairperson Cothen asks FRA Administrator Joseph H. Boardman for remarks.

Joseph Boardman (FRA) welcomes RSAC attendees. He is happy to be able to attend today's meeting. He apologizes for being unable to open this morning's meeting. He was attending a Congressional Hearing. He begins with a "Husband and Wife Story." After 33 years of marriage, a husband and wife met with a counselor, who after listening to the wife tell everything that was wrong with her marriage, proceeded to walk over to the wife, embrace, and kiss her. The wife, speechless, sat down and did not say anything further. The counselor looked at the husband and said the wife needed to be hugged and kissed three times a week, i.e., Mondays, Wednesdays, and Fridays. The husband replied that he would be willing to drop his wife off at the counselor's office on Mondays and Wednesdays, but on Fridays, he goes fishing.

Joseph Boardman (FRA) says in RSAC, we focus on safety. On the topic of Rail Safety Reauthorization, he says it appears that current House and Senate bills on this topic are headed for Congressional Conference. He believes that Congress is committed to Hours of Service reform, saying "its time has come." He offers two points: First, FRA recognizes that either of the Senate and House bills would improve the situation with respect to cumulative sleep debt and make workers' lives more tolerable. However,

neither is sufficient when it comes to safety and both would create almost immediate controversy regarding interpretation and application to practical circumstances. Labor and management would almost immediately be angry with FRA, even though the anger would be generated by the logical consequences of their own legislative accords. Mr. Boardman says, “further, both bills would effectively box-in the regulator, making it virtually impossible to do the remaining things required to address fatigue as a cause of train accidents and incidents. So, I would ask one last time for true reform focused on safety–reform that can help heal wounds, rather than inflame them. We could do that while meeting the parties’ legitimate expectations if the Congress enacted interim reforms but gave us the ability, as this community, to write on a clean slate when it came to the final hours of service and fatigue management rules.”

Joseph Boardman (FRA) says the Second point is there are simply too many legislative mandates in these bills. Many of them are unnecessary, and if the conferees decide to take everything from both bodies, there will be no resources left for the next 10 years to address emerging safety needs. So, I hope that reason prevails, for the sake of safety. I think that FRA and this RSAC have shown a decent regard for safety priorities, and we deserve some room to work.

As for priorities for 2008, Mr. Boardman says FRA is in a new Federal fiscal year, and once again on a continuing resolution. FRA will continue to support the work of this committee as the Agency is able to do so within allotted resources. He outlines what FRA is asking of RSAC: (1) FRA wants to see constructive proposals on medical standards; (2) The Continuous Welded Rail (CWR) /Track Safety Standards Working Group is closing in on a resolution of CWR issues and FRA looks forward to recommendations for resolving other track issues presented by the National Transportation Safety Board (NTSB). He says before the year is out, FRA may ask for some broader work on rail integrity issues; (3) The Passenger Safety Working Group has been consistently productive and FRA expects additional recommendations on track-vehicle interaction, general passenger safety, and emergency systems; (4) The Locomotive Safety Standards Working Group has already produced a final rule on locomotive sanders. FRA would like to finish up the balance of the issues this year if at all possible, including proposals on locomotive electronics; and (5) There are some important loose ends in the Operating Rules arena and RSAC attention to those matters will be greatly appreciated.

Joseph Boardman (FRA) says FRA has two priorities that are outside of RSAC. First, ECP brakes are part of the future of the railroad industry, and FRA encourages early deployment. He thanks railroad industry participants who have stepped up to the plate with comments on the proposed rule. After the comment period closes on November 5, 2007, FRA will be reviewing the comments carefully and taking appropriate action. Second, SAFETEA-LU [Safe, Accountable, Flexible, Efficient Transportation Equity Act–Legacy for Users] gives FRA a mandate to do a pressure

tank car rule, and, with the Pipeline and Hazardous Materials Safety Administration (PHMSA), FRA has been working to finalize the proposal within the Department of Transportation. FRA hopes to publish this rule early in the new calendar year. Further, FRA research and the Next Generation project are aggressively building the knowledge required to conceive, design and test more crashworthy tank cars. In the meantime, he is asking for patience. He says it is better to deploy a new generation of poison inhalation hazard (PIH) cars that take advantage of crash energy management technology than just do more of the same. He says we will live with these cars for the next 30-40 years. Let's do it right.

Joseph Boardman (FRA) says DOT is committed to an expedited process to develop and issue a NPRM on hazmat tank car design and operation. It is expected that the NPRM will be published in the first quarter of calendar year 2008, as previously committed to the industry. He says the NPRM is intended to establish new standards that will yield significantly stronger head and shell puncture resistance for toxic inhalation hazard (TIH) in order to greatly reduce the likelihood of hazardous release in the event of a derailment. The new standards will provide much greater safety benefits than would be achieved under the industry interchange standard under consideration. DOT will continue ongoing research and consultations designed to develop consensus for enhanced top fitting standards and will establish new standards as appropriate. Mr. Boardman says as FRA has previously and clearly stated in written letters to the AAR and the AAR's Tank Car Committee (TCC), any change to tank car standards must be approved by DOT. Finally, Mr. Boardman says with significant changes to tank car standards on the horizon, FRA is not supportive of the currently proposed changes to the AAR/TCC interchange standards, regarding new tank cars prior to the issuance of the NPRM. He says cars built to the proposed industry interchange standards are not likely to meet the newly proposed PHMSA/FRA Standards and will provide a much greater risk for misdirected investments by their prospective owners.

In closing, Mr. Boardman says the railroad industry is a great contributor to our national economic health and mobility and to the sustainability of our environment, noting that there is now $90 per barrel oil cost. He says those who get their paychecks from the railroads, and those of us who get our paychecks from regulating railroads, have a special obligation rooted in our knowledge of the important role that railroads can plan in the future, including Class I, shortline, and regional railroads. He says this has been a tough year, which followed another tough year, in labor-management relations and the public's perception of the industry. It need not be so forever, but if it is, out children and grandchildren will miss out on a great many benefits that railroads can provide as part of a balanced and safety transportation system. So, he requests, let's work on small but import successes right here in the RSAC, and let's hope that in time they will contribute to greater unity directed at the achievement of important public purposes. He thanks RSAC members again for attending today's meeting.

Chairperson Cothen asks if there are questions for FRA Administrator Boardman?

With no questions, Chairperson Cothen announces the lunch break.

L U N C H B R E A K 12:30 P.M. - 1:30 P.M.

Chairperson Cothen reconvenes the meeting. He asks George Scerbo (FRA–Office of Safety) for a report on Locomotive Safety Standards (LSS) Working Group (WG) activities.

George Scerbo (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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. He stated that FRA published an NPRM that proposes changes to rules for locomotive sanders on March 6, 2007. He adds, FRA published the Final rule for locomotive sander requirements on October 19, 2007, and the new rule will become effective on December 18, 2007. Mr. Scerbo says since the last LSS WG report to the full Committee on June 26, 2007, the LSS WG has met one time.

Under the viewgraph, "Electronics Task Force," Mr. Scerbo says the Electronics Task Force met for half a day in advance of the full LSS WG meeting on September 18-19, 2007. The Electronics Task Force discussed FRA's proposed standard for safety critical electronic locomotive control systems. Under consideration are: (1) the identification of locomotive systems that are safety-critical; (2) responsibility for a Safety Analysis; and (3) requirements for the retention of records/filing requirements of the Safety Analysis. Mr. Scerbo says consensus was reached to continuing discussing Electronics Task Force issues before the full LSS WG, instead of in a Task Force setting.

Under the viewgraphs, "Locomotive Working Group Report," Mr. Scerbo outlines the following LSS WG activities: (1) The AAR presented a draft industry Standard addressing requirements for locomotive alerters; (2) FRA provided draft language to clarify 49 CFR § 229.85, Doors and cover plates marked "Danger" — additional draft language will be provided at the November 27-28, 2007, LSS WG meeting; (3) FRA has conducted a Locomotive Reliability Survey on large railroads to determine if changes to the periodic locomotive inspection requirements is warranted—the AAR will provide comments on FRA's Locomotive Reliability Survey at the November 27-28, 2007, LSS WG meeting; (4) FRA has developed a similar Locomotive Reliability Survey to look at shortline freight locomotives in operations, with less than 400,000 man-hours, to determine if changes in the periodic locomotive inspection requirements are warranted–once the ASLRRA agrees, the survey can begin; and (5) FRA has provided

draft language for the physical characteristics of remote control locomotive (RCL) devices to the LSS WG, based on FRA Safety Advisory 2001-01, published 2/14/2001. Following the receipt of comments, FRA is re-writing its draft language for RCL devices and will provide a revised document to the LSS WG at the November 27-28, 2007, meeting.

George Scerbo (FRA) asks for questions.

Larry Breeden (AAR) explains that if there is a fault on an RCL system at the Union Pacific Railroad, the equipment will not operate. He hopes there will not be a daily inspection requirement for the RCL control box.

George Scerbo (FRA) says FRA is not going in that direction. He hopes to have language on the RCL topic that tracks FRA Safety Advisory at the next LSS WG meeting.

Patrick Ameen (AAR) says the LSS WG is well on its way to complete its Task in this area. He adds, the WG is not going into the operating area for RCL devices.

With no further questions of George Scerbo, Chairperson Cothen asks Alan Misiaszek (FRA–Office of Safety) for a report on Medical Standards (MS) Working Group (WG) activities.

Alan Misiaszek (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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.

Alan Misiaszek (FRA) explains that the MS WG has met five times since the initial meeting on December 12-13, 2007. Two additional meetings are planned before the end of 2007.

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 four 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.13, Fitness for duty classifications; (8) § 2XX.15, Medical Guidelines; (9) § 2XX.17, Employee Responsibilities; (10) § 2XX.19, Medical History and Physical Form–Required Form, Records and Record Keeping; (11) § 2XX.25, Management of Therapeutic Drug Use; (12) § 2XX.27, Dispute Resolution–Appeals of Decisions Regarding Fitness for Duty; (13) § 2XX.29, and 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.

With no questions of Alan Misiaszek, Chairperson Cothen says FRA had hoped to have issued an NPRM by this time. However, he says, this topic is more complex than anticipated.

Chairperson Cothen asks Joseph Gallant (FRA–Office of Safety) for a report on Railroad Operating Rules (ROR) Working Group (WG) activities.

Joseph Gallant (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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. He explains that after the Railroad Operating Rules (ROR) Working Group (WG) finished its initial work on Federalizing certain railroad operating rules in three areas, i.e., (1) shoving or pushing movements, (2) switches and derails, and (3) operating hand-operated main track switches in non-signaled territory, FRA intended to reconvene the WG to consider: (1) voluntary efforts in the human factors area; (2) automated warning devices at highway-rail grade crossings; (3) NTSB Recommendations that are pending before FRA; and (4) posting signs in remote control zone operations areas.

Under the viewgraph, "FRA's Office of Research and Development provided Presentations on," Mr. Gallant lists the following: (1) Where/How the R&D human factor's program fits into FRA; (2) Human systems integration for railroad applications; (3) Organization culture and safety performance; and (4) The following evaluation programs: (a) Clear Signal for Action; (b) Confidential Close Call Reporting System; and (c) Investigation of safety-related occurrences protocol. Mr. Gallant says these presentations may be viewed in their entirety on the ROR WG Internet Web Site.

Under the viewgraph, "HRX [Highway-Rail Grade Crossing] Warning System Safety-Operating Issues," Mr. Gallant says there are more than 500 activation failures reported

each year, although few result in an impact accidents. He defines activation failure as– the failure of a highway-rail grade crossing active warning system to indicate the approach of a train at least 20 seconds prior to the train's arrival at the crossing, or indicate its occupancy of the crossing (This failure indicated to a highway user that it is safe to proceed across the crossing, when in fact, it is not safe to do so.). Mr. Gallant says FRA has traditionally classified an activation failure to be related to the failure of, or interference with a component of the crossing warning system, e.g., defective flashing lights or train detection apparatus, misapplied jumper wires, loss of power, etc.

Joseph Gallant (FRA) says the ROR WG was asked: "Should operating circumstances that result in insufficient or no warning also be required to be reported to FRA?" In addition, what enforcement action should FRA pursue when failure to comply with operating rules or special instructions related to HRX occur? Mr. Gallant says lots of discussion on these points ensued including: (1) retire active warning devices and install passive devices on branch lines; (2) what is "undue delay" regarding repair of active warning devices; and (3) the term is subjective depending upon ones' viewpoint. Mr. Gallant asks for feedback on how FRA should approach HRX activation issues that are not currently reportable.

Under the viewgraph, "Unresolved NTSB Recommendations," Mr. Gallant says there are three unresolved National Transportation Safety Board (NTSB) recommendations assigned to the ROR WG. They involve: (1) wireless communication (cellular (cell) telephones (phones)); (2) "After-Arrival of" Orders; and (3) Communication of signal aspect via radio.

Under the viewgraph, "Wireless Communication," Mr. Gallant says (1) The NTSB is concerned with the effects of wireless communication use on situational awareness; (2) There are a variety of concerns related to limiting cell phone use; and (3) There is general agreement with the NTSB concern. Mr. Gallant says FRA will discuss a "best practices" approach for wireless communication at the January 2008, ROR WG meeting.

[Note: NTSB Recommendation R-03-01: "Promulgate new or amended regulations that will control the use of cellular telephones and similar wireless communication devices by railroad employees while on duty so that such use does not affect operational safety." The status of NTSB Safety Recommendation R-03-01 is: "Open–Unacceptable Response.]

Under the viewgraph, "After arrival of... orders," Mr. Gallant says (1) The NTSB recommends that FRA prohibit "After arrival of ... orders;" (2) Several railroads still use this type of order. Some use it extensively; (3) Most railroads have specific procedures for its use; and (4) Labor is opposed to the use of "after arrival of...orders." Mr. Gallant

says FRA will bring a draft rule using “best practices” from various sources to the January 2008, ROR WG meeting for further discussion.

[Note: NTSB Recommendation R-03-2 recommends that “after-arrival of.. Orders” only be issued to trains which have stopped at the location where they will meet the opposing train. The NTSB classified FRA’s response to R-03-2 as Closed–Unacceptable Action. NTSB Recommendation R-06-10: “Prohibit the use of after-arrival track warrants for train movements in dark (non-signaled) territory not equipped with a positive train control system. The status of NTSB Safety Recommendation R-06-10 is Open–Unacceptable Response.]

Under the viewgraph, “Calling Signals,” Mr. Gallant says (1) The NTSB recommends that FRA require railroad train engineers to call signals to conductors over radios; (2) there has been extended discussions about what various railroads now require of their crews; and (3) labor commented about the problems inherent with this recommendation as it applies to passenger train conductors; (4) most ROR WG participants expressed concerns about excessive radio use; (5) The NTSB representative to the ROR WG suggested that locomotive engineer alertness, particularly when alone in the cab, was more the concern, rather than keeping the conductor involved; and (6) the ROR WG will look at what some railroads are doing for engineer alertness issues at the January 2008 ROR WG meeting.

[Note: NTSB Safety Recommendation R-05-10: “Require train crews to call out all signal indications over the radio, including clear signals, at all locations that are not equipped with automatic cab signals with enforcement, or a positive train control system.” The status of NTSB Safety Recommendation R-05-10 is Open–Unacceptable Response.]

Joseph Gallant (FRA) concludes by saying the next ROR WG meeting will be held in the NTSB Conference Room in Washington, D.C. on January 17-18, 2008. He asks for questions.

Timothy DePaepe (BRS) says during the September 2007, meeting of the ROR WG, Tom McFarlin (FRA–Office of Safety) made a PowerPoint Presentation to the WG on “Highway-Rail Grade Crossing Warning System Safety–Operating Issues.” He says the BRS has prepared a response to FRA on this topic. He says a concern is “What is an activation failure?” He adds that with a new interpretation of “what is an activation failure,” railroads will be allowed to stop reporting activation failures and there will appear to be a decreasing number of activation failures only because the definition has changed.

Joseph Gallant (FRA) says the definition of “activation failure” is being discussed before the ROR WG and this topic has not been resolved.

Rick Inclima (BMWED) wants to clarify labor's position on "after arrival of ...orders." He says this issue affects not only "meets and passes" of trains, but also Roadway Workers who occupy the track. He says both of these issues affect labor.

With no further questions of Joseph Gallant, Chairperson Cothen asks Kenneth Rusk (FRA–Office of Safety) for a presentation on Track Safety Standards (TSS), formerly Continuous Welded Rail (CWR) Working Group (WG) activities.

Kenneth Rusk (FRA) uses a series of Microsoft PowerPoint Presentation viewgraphs, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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. Mr. Rusk says the TSS WG was established on February 22, 2006, with an initial purpose to review and revise CWR-related provisions of the Track Safety Standards.

Under the viewgraph, "CWR Directives," Mr. Rusk outlines the following: (1) resolution of comments on the Interim Final Rule (IFR) pertaining to inspections of joints in CWR; and (2) recommendation regarding FRA's role in oversight of CWR programs, including analysis of data to determine effective management of CWR safety by the railroads.

Under the viewgraph, "CWR Tasks," Mr. Rusk lists the following: (1) Review the IFR on inspection of joint bars in CWR territory; comment on the IFR; and prepare recommendations for the final rule; (2) Review FRA inspection data and the pertinent accident/incident data and reporting criteria; and (3) Evaluate further enhancements for the management of CWR to prevent track buckling and joint failures, including design, maintenance, and inspection.

Kenneth Rusk (FRA) says the Final Rule for CWR was published on October 11, 2006, and became effective on January 1, 2007.

Under the viewgraph, "CWR Update–Working Group Discussions," Mr. Rusk lists the following technical issues under review by the TSS WG: (1) rail anchoring requirements; (2) speed restriction criteria; (3) maintaining desired rail installation temperature range and speed restrictions with known excess rail condition; (4) inspecting for curve movement–speed restrictions when curve has shifted inward; (5) speed restrictions for track work following mechanized stabilization; (6) definition of CWR; (7) ambient temperature versus rail temperature; (8) ballast; and (9) cold weather inspections–100°F below rail laying temperature. He says the TSS WG reached tentative agreement on six of the technical issues and continued discussions on technical issues, (1) rail anchoring requirements, (2) speed restriction criteria, and

(3) maintaining desired rail installation temperature range and speed restrictions with known excess rail condition, at its October 23-24, 2007 meeting. Mr. Rusk says draft regulatory language is being discussed.

Under the viewgraph, "Track Safety Standards Update," Mr. Rusk says RSAC Task No.: 07-01 assigns the following new topics to the TSS WG: (1) review controls applied to reuse of rail in CWR (plug 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 not initiated discussions on these topics. However, the TSS WG is organizing two Task Forces to act on the four topics. A Concrete Crosstie Task Force will tentatively meet the week of November 26, 2007. The next meeting of the TSS WG is tentatively scheduled for January 8-9, 2007.

Kenneth Rusk (FRA) asks for questions.

Cynthia Gross (FRA) says Ricky Briggs (AAR), Brennan Banion (AAR), Thomas Streicher (ASLRRA), and Rick Inclima (BMWED), who are attending today's full Committee meeting, are members of the TSS WG.

With no questions of Kenneth Rusk, Chairperson Cothen briefly describes other FRA regulatory projects, not already discussed. He says an Hours of Service (HOS) Act electronics recordkeeping project is underway. Current HOS recordkeeping uses paper and ink, but four major railroads (Union Pacific, CSXT, Norfolk Southern, and Florida East Coast) have been given relief to keep electronic records. FRA is preparing a proposed rule to revise 49 CFR Part 228 and to permanently authorize electronic record keeping. He says the Hazardous Material Rule is working on a new "911" provision. Under the Locomotive Horn Rule, FRA has an obligation to resolve a Florida East Coast Railroad petition. Also, work is necessary for Chicago-area railroads. 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 regrets a recent fatality to a roadway worker who was struck on a bridge, while using individual train detection (ITD). He says the AAR is working on rules for Safety Appliance Standards. There is also a Standard from APTA on Safety Appliances. 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.

Chairperson Cothen announces that as of October 1, 2007, the U.S. Department of Transportation has shut down its Document Management System. He says documents have been transferred to a new system, WWW.REGULATIONS.GOV.

Patrick Ameen (AAR) says the Committee empathizes with FRA's limited resources. However, he is concerned about spending more member's resources on Safety Appliances, when there is nothing in sight that will change from the current regulation.

Chairperson Cothen says this is an old regulation that needs to be revised. He asks Patricia Sun (FRA–Office of Chief Counsel) to take this message back to FRA's Office of Chief Counsel. He adds, FRA's Office of Chief Counsel has had staffing problems this year.

Chairperson Cothen says FRA is finished with its "Road Show" for private crossing countermeasures.

Chairperson Cothen asks the Committee for additions and corrections to the draft Minutes for the June 26, 2007, meeting.

Peter Cannito (APTA) notes a misspelling of his name on Page 8. He requests that "Cannib" be changed to "Cannito."

Ken Biers (National Association of Railroad Passengers) says on Page 5, the Passenger Safety WG has established five Task Forces, not four. They are: (1) Crashworthiness/Glazing; (2) Emergency Preparedness; (3) General Passenger Safety; (4) Mechanical; and (5) Track Vehicle Interaction. One Task Force, Mechanical, is inactive.

With no further additions or corrections to the Minutes for the June 26, 2007, meeting, Chairperson Cothen approves the meeting Minutes, as corrected.

> CHAIRPERSON COTHEN APPROVES THE MINUTES FOR THE JUNE 26, 2007, MEETING, AS CORRECTED.

Chairperson Cothen shops for the next meeting date for the full Committee.

There is a general Committee discussion about future meeting dates and scheduling conflicts.

Chairperson Cothen says FRA will attempt to arrange a meeting for February 20, 2008, with February 28, 2008, as a meeting date backup, in Washington, D.C.

Chairperson Cothen asks if members wish to bring additional business before the Committee?

With no further business, Chairperson Cothen says FRA gave RSAC Facilitator Cynthia Gross (FRA–Office of Safety) her 10-year service pin on October 24, 2007. He asks for

the Committee to show their appreciation to Facilitator Gross for her important contribution to the RSAC process.

Chairperson Cothen again thanks the FRA staff for their assistance with today's meeting. He adjourns the meeting at 2:35 pm.

M E E T I N G A D J O U R N E D 2:35 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.