

RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting June 26, 2007

The thirty-second meeting of the RSAC was convened at 9:35 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>).

For the June 26, 2007, meeting, 10 of the fifty-four voting RSAC members were absent: The American Association of Private Railroad Car Owners (1 seat), The American Association of State Highway & Transportation Officials (1 seat), The American Petroleum Institute (1 seat), The Association of Railway Museums (1 seat), The Brotherhood of Locomotive Engineers and Trainmen (BLET) (1 of 3 seats), The International Association of Machinists and Aerospace Workers (1 seat), Railway Supply Institute (1 seat), Safe Travel America (1 seat), Sheet Metal Workers International Association (1 seat), and The Transport Workers Union of America (TWU) (1 of 2 seats). Four 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, and Secretaria de Comunicaciones y Transporte (Mexico). Total meeting attendance, including presenters and support staff, was approximately 90.

Chairperson Cothen welcomes RSAC Members and attendees. He asks Edward Pritchard (FRA—Office of Safety) for a meeting room safety briefing.

Edward Pritchard (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. Andrew Corcoran (AAR) and Mr. Pritchard volunteer to perform CPR. Mr. Pritchard 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 goes over the meeting agenda. He asks FRA Deputy Administrator Clifford C. Eby for opening remarks.

Clifford Eby (FRA) welcomes RSAC members and attendees. He relates a story involving a boat trailer being hauled by a motor vehicle and a male and female duck trying to cross a highway. The motor vehicle slowed to allow the ducks to pass, but a motor vehicle coming in the opposite direction and unseen by the ducks, struck and killed the birds. The story illustrates the parallel second train accidents being addressed by the Passenger Safety Working Group and the need for, and importance of communication, which, Mr. Eby says, has been the hallmark of the successes of RSAC. He mentions three topics, which FRA is pursuing: (1) under rail safety legislation, FRA wants the Hours of Service (HOS) Act placed under FRA jurisdiction as the Congress considers FRA's Rail Safety Reauthorization. If this happens, FRA intends to have an RSAC Working Group figure out what to do with hours of service in the railroad industry. He says management would prefer to have Congress modify HOS rather than place this topic under FRA. However, he says, the legislative process is a difficult place to work on "details." He adds, there will be a roundtable discussion on rail safety legislation following the lunch break; (2) He asks for rail labor to support FRA's confidential Close Call Reporting System. He says this new approach to risk reduction will require input from those who operate and maintain the railroad every day, if this program is going to have success; and (3) he reports that a Notice of Proposed Rulemaking (NPRM) is in clearance for Electronically Controlled Pneumatic (ECP) Brake Systems. He says this is a superior braking technology for the railroad industry.

[Note: Air-operated brakes date back to the nineteenth century in the railroad industry. A brake pipe runs the length of the train. Air pressure in the pipe is controlled by the train operator. In a conventional pneumatic brake system, brake pipe pressure (BPP) does two things: (1) BPP energizes the brake system onboard each car; and (2) BPP commands the brakes into operation throughout the train.

In briefest summary, BPP (70-110 psi) from the locomotive delivers air into a pressure vessel called an 'air reservoir' or 'auxiliary reservoir' onboard each car, accumulating pneumatic energy distributed throughout the train. The train operator signals for the application of brakes by opening a 'control valve' in the locomotive that causes a release of air from the brake pipe and the reduction in BPP (by 5-20 psi for service application). Three problems with conventional pneumatic brake systems are: (1) non-simultaneous application of brakes (brake pipe reduction (BPR) takes the better part of a second to propagate from car to car. Thus, brakes are applied in sequence beginning at the first car behind the locomotive. Depending on train length, it can take more than a minute before the brakes are applied throughout the train. That extends stopping distance by a significant factor over that which would be experienced if all the brakes could be applied simultaneously.); (2) recharging delay (During the stopping of a train, the brake pipe is fully committed to the function of 'signaling' and cannot be used for 'energizing' the reservoirs. After stopping the train, therefore, the conventional system

reverts to the function of replenishing the air in all reservoirs. It can take several minutes to 'recharge' the brake system—time during which the train is out of productive service.); and (3) all-or-none release (because a graduated brake application is not possible, there may be insufficient air remaining in reservoirs in each car for subsequent re-application of the brakes.).

ECP brake systems separates the two functions of supplying energy to the reservoirs and signaling the application/release of brakes. On a train equipped with ECP Brake, the brake pipe is dedicated to the solitary purpose of energy supply -- continuously pumping air from the locomotive into all the reservoirs on the train. The signaling function is performed over an electronic network.

Inasmuch as commands are delivered at electronic speed, brakes throughout the entire train operate simultaneously. Braking distance is thereby reduced, and 'power braking' is obviated. The system supports 'graduated release,' which enables operators to stop with precision and safety. The reservoirs throughout the train are continuously being energized, which reduces—often eliminates--the recharging time following a train stop. Benefits include: (1) Since trains equipped with ECP Brake can stop faster, they can run faster; (2) Shorter test times as well as faster brake readiness allows trains to be put in service more quickly; (3) Fuel efficiency is improved; and (4) Through improved brake management, trains are easier and safer to operate.]

Clifford Eby (FRA) thanks RSAC members for their commitment to the RSAC process and improving railroad safety.

Chairperson Cothen thanks Mr. Eby for the opening remarks. He asks Douglas Taylor (FRA—Staff Director Operating Practices Division—Office of Safety) for a report on the Railroad Operating Rules (ROR) Working Group (WG) activities.

Douglas Taylor (FRA) uses the meeting room Liquid Crystal Display (LCD) projector and overhead screen to show the resolution of comments received to the NPRM, Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices: Handling Equipment, Switches, and Derails, (71 *Federal Register* (FR) 60372, dated October 12, 2006). Photocopies of Mr. Taylor's presentation were distributed to meeting attendees. All meeting handouts and presentations will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

[Note: The ROR WG met on February 8-9, 2007, and April 4-5, 2007, to review and resolve of comments to the Notice of Proposed Rulemaking (NPRM), Railroad Operating Rules: Program of Operational Tests and Inspections; Railroad Operating Practices: Handling Equipment, Switches, and Derails, (71 *Federal Register* (FR) 60372, dated October 12, 2006), which were received from thirteen respondents. The

respondents are: (1) Brotherhood of Maintenance of Way Employees Division (BMWED), (2) Michael May (citizen, CSX Transportation (CSXT) employee, (3) Brotherhood of Railroad Signalmen (BRS), (4) CSXT (Tony Ingram), (5) Association of American Railroads (AAR), (6) American Public Transportation Association (APTA), (7) Pan Am Railways (Springfield Terminal Railway Company), (8) Ted Hagemo, (9) American Association for Justice, (10) Brotherhood of Locomotive Engineers and Trainmen (BLET) Division 775, (11) United Transportation Union (UTU), (12) BLET, and (13) The Chlorine Institute, Incorporated. The comments are part of Docket No. FRA-2006-25267.]

For 49 Code of Federal Regulations (CFR) § 218.99(d)(3) (Shoving or pushing movements), Douglas Taylor reads: “Remote control [RC] zone, exception to point protection requirement. Exception (3) would have required the RCL [remote control locomotive] crew to make another determination that the track is clear if the RC Zone had been jointly occupied. This meant another conditioning run.” Under “Comments received by FRA,” Mr. Taylor says the Association of American Railroads (AAR) requested reconsideration to allow the determination that the track is clear, after joint occupancy, to be made verbally. To resolve this comment, Mr. Taylor says the ROR WG agreed to permit verbal determination that “track is clear” between the crews jointly occupying the RC Zone, provided that it is a direct communication between the crews involved and not through a third party. The rationale: a verbal, direct communication to determine “track is clear” between RCL crews was already permitted at shift changes, so why not after a joint occupancy.

For 49 CFR § 218.101(b) (Leaving equipment in the clear), Douglas Taylor reads: “The NPRM required that equipment left on industry tracks, the same as elsewhere, shall not be left where it will foul a connecting track. Under comments received by FRA, Mr. Taylor says the AAR requested the entire paragraph (section) be eliminated because it duplicates requirements in §§ 218.99 and 218.103. Absent that, the AAR requested an exclusion for loading/unloading activities when cars are placed within an industry. To resolve these comments, Mr. Taylor says, regarding the AAR’s first request, the ROR WG did not feel that this section is redundant and that it duplicates requirements found elsewhere in the regulation. The WG recognized that leaving equipment in the foul sets the stage for a potential accident in the event one or more of the ancillary requirements in the regulation are overlooked. The WG therefore agreed that this section shall remain intact. Regarding the second request for an exclusion within industry tracks, FRA and the WG agreed that this proposal has merit, based on accident statistics. Therefore, the WG agreed to exempt the fouling rule from industry tracks.

For 49 CFR § 218.93 (Definitions), Douglas Taylor says during its review of the comments to the NPRM, the ROR WG also identified one definitions which needed clarification and one definition which needed to be added: (1) foul or fouling a track; and (2) industry track. The NPRM defines foul or fouling a track as rolling equipment or on-track maintenance-of-way equipment that is located such that any part of the equipment

is between the clearance point and the switch point leading to the track on which the equipment is standing. The WG agreed to make the definition more precise for enforcement purposes as follows: Foul or fouling at track means rolling equipment or on-track maintenance-of-way equipment is located such that the end of the equipment is between the clearance point and the switch point leading to the track on which the equipment is standing. For “industry track,” for which there was no definition in the regulation, the ROR WG used the definition contained in FRA’s Accident/Incident Guide, i.e., Industry track means a switching track, or series of tracks, serving the needs of a commercial industry other than a railroad.

Douglas Taylor (FRA) concludes by saying these are the three items from the NPRM on which the ROR WG reached consensus.

Chairperson Cothen says the NPRM was issued and the ROR WG was able to resolve these three issues. He asks for a motion for the full RSAC to adopt the items resolved by the ROR WG.

James Stem (UTU) moves that the full RSAC adopt the three NPRM items resolved by the ROR WG.

Robert Grimaila (AAR) seconds the motion.

BY UNANIMOUS VOICE VOTE THE FULL RSAC APPROVES THE
CONSENSUS DOCUMENT OF THE ROR WG WHICH RESOLVES NPRM
ISSUES IN THREE AREAS.

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

Charles Bielitz (FRA) says the PS WG established four Task Forces. They are: (1) General Mechanical–work is completed; (2) Emergency Preparedness–a report from Brenda Moscoso (FRA–Staff Director Planning and Evaluation Division–Office of Safety) will follow; (3) Track Vehicle Interaction–the data collection work is completed, the drafting of rules has begun; and (4) General Passenger Safety–a report from Daniel Knotte (FRA–Office of Safety) will follow. He says the PS WG’s next meeting is scheduled for December 11-12, 2007, in Fort Lauderdale, Florida. He asks Brenda Moscoso for a report on Emergency Preparedness TF activities.

Brenda Moscoso (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. In addition, photocopies of “Passenger Train Emergency Systems Rulemaking Status Report,” containing 6 pages of recommended edits to 49 CFR §§ 223 and 238, Passenger Train Emergency Systems; Proposed Rule, 71 Federal Register (FR) 50276, on August 24, 2006, was 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, "Notice of Proposed Rulemaking," Ms. Moscoso says FRA published 49 CFR §§ 223 and 238, Passenger Train Emergency Systems; Proposed Rule, 71 Federal Register (FR) 50276, on August 24, 2006. The NPRM included rules for (1) emergency window exits; (2) rescue access windows; (3) emergency communications; (4) emergency roof access; and (5) inspection and repair of emergency systems. She adds, comments were received from the National Transportation Safety Board (NTSB) and the State of California Department of Transportation (DOT). The EPREP TF assisted with a review of the comments and the PS WG approved the EPREP TF recommendations.

Brenda Moscoso (FRA) says the NPRM's rescue access window requirements are consistent with the intent of NTSB Recommendation R-03-21, which reads as follows: "Revise the language of 49 Code of Federal Regulations 238.113(a)(1) to reflect that appropriate exterior instructional signage describing the emergency removal procedure be required at emergency windows on all levels of a multiple-level passenger railcar." She adds that the NTSB also supports proposed emergency communication system requirements for both Tier I and Tier II passenger equipment, as well as for proposed inspection requirements for emergency roof access markings.

For the California DOT, Ms. Moscoso says there was concern over the potential requirement to stagger emergency window exits, and a request to decrease the frequency of inspection of roof access markings from every 184 days to once a year. She says these issues were resolved by the EPREP TF.

Ms. Moscoso says FRA specifically requested, but did not receive, comments to several issues in the Passenger Train Emergency Systems NPRM (71 FR 50276, dated August 24, 2006). She says FRA did not receive requested comments from the following areas of the NPRM: (1) FRA proposes to move door marking signage requirements from 49 CFR § 239.107 (a) to 49 CFR §§ 238.325 and 238.439. She says this will logically place signage requirements for doors in the regulation section that addresses doors. The EPREP TF recommended, "not at this time;" and (2) Should the illustrations of emergency and rescue access windows locations should remain in the Final Rule, i.e., Figures 1-3 in 71 FR 50306-50313, dated August 24, 2006? The EPREP TF recommended, "yes."

Brenda Moscoso (FRA) continues with the review of comments specifically requested, but not received by FRA in the Passenger Train Emergency Systems NPRM (71 FR 50276, dated August 24, 2006) in the following areas: (3) Should elements of the APTA Standard for Emergency Signage for Egress/Access be noted in the final rule? The EPREP TF said it was not advisable to do so—too complex—FRA should wait for the APTA Standard to be incorporated by reference; and (4) Should APTA Standard criteria

for retroreflective material be added to 49 CFR § 238.114, rescue access windows? The EPREP TF recommended, “yes.”

Brenda Moscoso (FRA) continues with the review of comments specifically requested, but not received by FRA in the Passenger Train Emergency Systems NPRM (71 FR 50276, dated August 24, 2006) in the following areas: (5) Are there any reported passenger car intercom misuse problems? The EPREP TF reported, “No;” and (6) Should intercom luminescent marking be high performance photoluminescent (HPPL) material? The EPREP TF recommended yes, but wait for APTA to revise its Standard for Passenger Railroad Emergency Communications to include more specific requirements for marking emergency communications systems. Ms. Moscoso says this issues will be addressed in a follow-up NPRM.

Brenda Moscoso (FRA) continues with the review of comments specifically requested, but not received by FRA in the Passenger Train Emergency Systems NPRM (71 FR 50276, dated August 24, 2006) in the following areas: (7) How many minutes of intermittent communication should intercom/public address systems provide over a 90 minute period, following a train emergency? The EPREP TF recommended 15 minutes of continuous communication; (8) Clarify that all safety-related signage is in place and legible in the interior daily inspection. The EPREP TF recommended that rules for this issue are not necessary; and (9) Marking, instructions, testing of emergency windows exits smaller than 24 inches by 26 inches in cars ordered on or after September 8, 2000, or placed in service for the first time on or after September 9, 2002 or should they be removed? The EPREP TF recommended that any window exits in addition to the minimum required should be marked, have instructions, and be inspected, but should not be subject to the dimension requirements.

Under the viewgraphs, “New Issues,” Ms. Moscoso says the PS WG will be asked to add the following Tasks to the EPREP TF agenda: (1) 49 CFR § 239.101, Emergency preparedness plan—(a) current requirements do not explicitly address persons with special needs/ disabilities, i.e., Americans with Disabilities Act (ADA) requirements; (b) 49 CFR § 239.101(a)(2)(ii), Employee training and qualification—control center personnel; and (c) 49 CFR §239.101(a)(1)(ii), Emergency preparedness plan—employee training and qualification—control center personnel, i.e., notification by control center of procedures addressing tunnels, elevated structures, drawbridges, parallel rail operations, and consider notifying first responders about the presence of “pipelines” or “utilities, which may be located along the railroad right-of-way; (2) 49 CFR § 239.210, Emergency preparedness plan; filing and approval—expedite review of non-substantive amendments; and (3) 49 CFR § 239.301, Operational (efficiency) testing—certain items are not currently addressed; most railroad combine § 239.301 testing with § 217.9 railroad operating rules efficiency testing, which may not be equivalent.

Brenda Moscoso (FRA) asks for questions.

Chairperson Cothen says for the EPREP TF items under "New Issues," FRA believes that they are within the scope of the PS WG Task Statement. However, taking on this work and assigning the work to the EPREP TF will be on the Agenda for the next PS WG meeting. For the consensus EPREP TF recommendations on the pending NPRM, i.e., 71 FR 50276, dated August 24, 2006, he will ask for the full RSAC approval.

Chairperson Cothen asks for a motion to approve the 6 pages of NPRM edits to 71 FR 50276, attached to the meeting handout, "Passenger Train Emergency Systems Rulemaking Status Report.

Rick Inclima (Brotherhood of Maintenance of Way Employees (BMWED)) moves that the six pages of NPRM edits to 71 FR 50276, dated August 24, 2006, contained in meeting handout, "Passenger Train Emergency Systems Rulemaking Status Report," be accepted.

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

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES THE EPREP TF RECOMMENDATIONS FOR EDITS TO THE NPRM (71 FR 50276, DATED AUGUST 24, 2006) CONTAINED IN THE MEETING DOCUMENT TITLED, "PASSENGER TRAIN EMERGENCY SYSTEMS RULEMAKING STATUS REPORT."

Peter Cannib (APTA) says the type of employee training and qualification already received by control center personnel at Metro North Railroad, may make any new requirements unnecessary, as outlined by PowerPoint slide 14 of Brenda Moscoso's presentation on EPREP TF activities.

Chairperson Cothen asks Daniel Knoté (FRA—Office of Safety) for a report on General Passenger Safety (GPS) TF activities.

Daniel Knoté (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 entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under "Tasks Assigned," Mr. Knoté says the initial topics being examined by the GPS TF are: (1) high-level train station platform gap; (2) second train/express train accidents; and (3) disposition of FRA's Emergency Order (EO) No. 20, EO Requiring Enhanced Operating Rules and Plans for Ensuring the Safety of Passengers Occupying the Leading Car of a Train (issued February 20, 1996—61 *Federal Register* (FR) 6876, dated February 22, 1996, and amended by 61 FR 8703, dated March 5, 1996). He

adds, the TF has met twice. The next meeting will be July 18-19, 2007, in Chicago, Illinois.

Under “high-level train station platform gap,” Mr. Knoté reads the following GPS TF consensus definition: “A high level station platform (i.e., 48 inches above top of rail) 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.”

Daniel Knoté (FRA) shows a series of diagrams and photographs to illustrate horizontal and vertical gap between car threshold and platform.

Under “What is a GAP incident,” Mr. Knoté reads the following GPS TF consensus definition: “An event involving a person who in the process of boarding or alighting a passenger train, at a rail car door threshold, at a high level platform, has one or more body parts enter the area between the car body and the platform envelope.”

Mr. Knoté shows diagrams outlining System Safety Elements (for Station Platforms) to be (1) procedures, (2) people, (3) environment and (4) equipment, and a “Fishbone Diagram” outlining FRA PS WG Safety GAP Issues that are needed to be resolved in order to manage the platform gap. These include: (1) customer communications; (2) freight/passenger operations; (3) door operating rules/instructions; (4) track; (5) data; (6) human behavior; (7) equipment; and (8) platform standard. He cites a 79-month study by the Federal Transit Administration (FTA) in which there were approximately 7,500 employee injuries, 2,200 on-board passenger injuries, and 1,300 non-trespasser injuries.

Under the viewgraph, “Internal Gap Incident Data by Select Railroads,” Mr. Knoté says three commuter railroads, keeping data that is more inclusive of Gap incidents than FRA’s threshold for a reportable accident, reported 118, 219, and 309 incidents, respectively, over the three-year period, 2002-2006.

Mr. Knoté explains that a GPS TF subgroup examined FRA’s databases for accident/incident data involving high level platform gaps. The GPS TF subgroup found inconsistent reporting of GAP incidents because FRA’s accident/ incident cause codes were either not available or not clear. The GPS TF subgroup made recommendations for adding eight new accident/incident cause codes and to clarify existing accident/incident cause codes that will better define platform gap accidents/incidents. Mr. Knoté expects that a recommendation will be made to the full RSAC, through the PS WG, to include accident/incident cause code clarification and the addition of eight additional accident/ incident cause codes to better define Gap accidents/incidents. This recommendation, once approved by the full RSAC will be included in an NPRM for 49 CFR § 225 (Railroad Accident/Incidents: Reports, Classification, and Investigation), that is under development.

Daniel Knoté (FRA) says the GPS TF is reviewing the following topics: (1) what should the gap size be—one size fits all, or different gap based on type of operation—he says the GPS TF is struggling with this issue; (2) how do you measure the gap—centerline of track to edge of platform, or simple measurement with train in station from passenger car threshold to platform edge—he says there are a lot of variables; (3) what are the system elements for a Gap management program—track considerations, equipment considerations, operational considerations, train door operations/securement, and customer communications/education.

Under the “current status of GAP Management Recommendations,” Mr. Knoté says there is agreement at the GPS TF level: (1) that there is no one Gap size (however, some railroads are using 5-feet 7-inches centerline of track to platform edge as the standard for Gap. At its July 18-19, 2007, meeting, the GPS TF will consider this proposal); and (2) on the requirements for a Gap management program that includes: (a) track, equipment, operational, customer communications, and training requirements; (b) FRA with Volpe National Transportation Systems Center support is drafting a “Guide to GAP Management;” (c) the “Guide to GAP Management” will be reviewed by the GPS TF on July 18, 2007; and (d) the “Guide to GAP Management” will be transmitted to the PS WG with a recommendation that it be transmitted to the American Public Transportation Association (APTA) for passenger station high level platform standards development.

Under the viewgraph, “Understanding GAP System Safety,” Mr. Knoté uses a radial diagram representation for Gap Safety, consisting of at least four elements: (1) Station GAP Standards; (2) Maintenance Procedures; (3) Inspection Procedures; and (4) Mitigation Strategies.

Under the viewgraphs, “Effective Defensive Barriers,” and “Holes in Defensive Barriers,” Mr. Knoté uses illustrations to show how effective defensive barriers, i.e., (1) Station GAP Standards; (2) Maintenance Procedures; (3) Inspection Procedures; and (4) Mitigation Strategies, can help prevent GAP accidents. He says when there are holes in the defensive barriers that are aligned, GAP accidents will occur. The key to preventing GAP accidents is to keep the barrier deficiencies unaligned.

Michael Rush (AAR) asks if Daniel Knoté can explain the difference between the GPS TF endeavor and the Office of the Secretary of Transportation’s (OST) efforts in its Americans with Disability (ADA) Act proceeding?

Mr. Knoté says he is aware of the OST initiative.

Mr. Rush says the OST proceeding is trying to address what platform gaps are necessary or what platform gaps can be gotten away from. He wonders if OST is talking to what FRA is doing? He hopes that FRA is involved with the OST proceeding.

He asks if the carrier-provided statistics mentioned during Daniel Knoté's presentation are just for high-level platforms?

Daniel Knoté (FRA) responds that consideration of low-level passenger station platforms is on the horizon. However, the carrier-provided platform gap accident/incident statistics in his presentation are for high-level passenger station platforms. He adds, "FRA is striving for a Gap Management Program."

Robert VanderClute (AAR) asks about the "fishbone diagram." He asks if the Track Standards WG can look at anything the GPS TF recommends?

Mr. Knoté replies, "Yes, the Track Standards WG could consider making 5-feet-7-inches from the center line of track to the platform edge as the standard for platform gap."

Mr. Knoté says the second issue the GPS TF will tackle is second train accidents, i.e., where passengers disembarking trains, or pedestrians, cross multiple tracks, usually at a highway-rail grade crossing, and are struck by a second train that does not stop. He requests a meeting break so that he can set-up a short video to illustrate second train accidents.

Chairperson Cothen announces a morning break.

M O R N I N G B R E A K 10:55 A.M. - 11:15 A.M.

Chairperson Cothen reconvenes the meeting. He says transportation entities are very concerned about the safety of passengers in station areas.

Mr. Knoté shows a short video to illustrate second train accidents. He asks for questions.

With no questions of Mr. Knoté, Chairperson Cothen asks Christopher Schulte (FRA—Office of Safety) for a report on Roadway Worker Protection (RWP) WG activities.

Christopher Schulte (FRA) uses a Microsoft PowerPoint presentation projected on to a meeting room screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. In addition, photocopies of "Roadway Worker Protection Rulemaking Status Report June 26, 2007," containing 11 pages of recommended edits to 49 CFR § 214, Railroad Workplace Safety, was 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, "Session Status," Mr. Schulte says since accepting RSAC Task No.: 05-01, Review of Roadway Worker Protection Issues on January 26, 2005, the RWP WG held 12 multi-day sessions. The last meeting occurred February 27 through March 1, 2007. The WG

reached consensus on 32 separate items. However, the WG was unable to reach consensus on eight items.

Under the viewgraph, "Sec. 214.7 Definitions," Mr. Schulte says new definitions have been created for (1) maximum authorized speed; and (2) on-track safety manual. He says revisions were made to (1) effective securing device (for making track inaccessible); and (2) watchman/lookout. Finally, Mr. Schulte says, the following definitions from 49 CFR § 236 were inserted into Part 214.7: (1) automatic interlocking; (2) controlled point; and (3) manual interlocking.

Under the viewgraph, "Sec. 214.309 On-Track Safety Manual," Mr. Schulte says revisions were made to address the on-track safety manual for lone workers and changes to the manual.

Under the viewgraph, "Sec.214.315 On-Track Safety Job Briefing," Mr. Schulte says there is a new requirements (1) that information concerning adjacent tracks be included in on-track safety job briefings; and (2) for the accessibility (availability of) the roadway worker in charge.

Under the viewgraph, "Sec. 214.317 On-Track Safety General," Mr. Schulte says the RWP WG formalized procedures (1) for roadway workers to cross tracks; and (2) for on-track week spray and snow blowing operations on non-controlled track.

Under the viewgraph, "Sec. 214.321 Exclusive Track Occupancy," Mr. Schulte says there is a new paragraph to address the use of "work crew numbers," instead of crew names.

Under the viewgraph, "Sec. 214.323 Foul Time," Mr. Schulte says the RWP WG clarified the foul time provision whereby the roadway worker in charge or train dispatcher may not permit movements into such working limits.

Under the viewgraph, "Sec. 214.324 Verbal Protection," Mr. Schulte says there is a new section allowing abbreviated working limits within manual interlockings and controlled points.

Under the viewgraph, "Sec. 214.327 Inaccessible Track," Mr. Schulte says new language formalizing the following instruments to make a non-controlled track inaccessible: (1) occupied locomotive as a point of inaccessibility; (2) block register territory; and (3) yard limit bulletins (e.g., Form B-type track bulletins).

Under the viewgraph, "Sec. 214.335 Adjacent Track On-Track Safety," Mr. Schulte says there was a complete revision of paragraph (c) concerning on-track safety for track adjacent to occupied tracks. Key elements are the elimination of "large-scale" and the

addition of a new requirement for on-track safety for tracks adjacent to occupied tracks for specific work activities.

Under the viewgraph, "Sec. 214.337 Lone Worker," Mr. Schulte says there is (1) an allowance for the use of individual train detection for controlled points consisting only of signals; and (2) a new paragraph limiting equipment/materials that can only be moved by hand by a lone worker.

Under the viewgraph, "Sec. 214.339 Train Audible Warning," Mr. Schulte says there was a complete revision of this section concerning audible warning by trains to address operational considerations, e.g., the ringing of a bell, in lieu of train horn, is acceptable.

Under the viewgraph, "Sec. 214.343 Contractor Training," Mr. Schulte says there is new language to ensure that contractors received the requisite training and/or qualification before being engaged by a railroad.

Under the viewgraph, "Sec 214.345 Training, All Roadway Worker," Mr. Schulte says there is language requiring all training to be consistent with initial, or recurrent training, as specified in Sec. 214.343(b).

Under the viewgraph, "Sec. 214.347 through 355 Qualifications," Mr. Schulte says the RWP WG drafted consistent requirements for various roadway worker qualifications and specified a maximum 24-month span between qualifications (Sec. 214.347, 349, 351, 353, and 355).

Under the viewgraph, "Electronic Authority Display," Mr. Schulte says the RWP WG worked on a proposal for the use of electronic display of operating authority as a provision under exclusive track occupancy. The RWP WG developed lead-in rule text and agreed to some conceptual terms. When circulated back to the WG, two parties raised technical issues that could not be resolved. FRA will offer a proposal on this item in the NPRM.

Christopher Schulte (FRA) asks for questions.

Timothy DePaepe (Brotherhood of Railroad Signalmen (BRS)) asks how the "electronic Authority Display" comments will be received by FRA?

Chairperson Cothen says FRA is still at the pre-NPRM stage for this topic. Therefore, FRA will still entertain comments to the Agency on Electronic Authority Display issues. He asks for a motion for the full RSAC to accept the RWP WG's specific language, and to report out the consensus items for proposed rule changes to 49 CFR Part 214, i.e., the 11 pages attached to RSAC Meeting Document, "Roadway Worker Protection Rulemaking Status Report June 26, 2007."

Rick Inclima (BMWED) moves that the full RSAC accept the RWP WG's specific language, and consensus items for proposed rule changes to 49 CFR Part 214, i.e., the 11 pages attached to RSAC Meeting Document, "Roadway Worker Protection Rulemaking Status Report June 26, 2007."

Robert VanderClute (AAR) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC ACCEPTS THE RWP WG'S SPECIFIC LANGUAGE, AND CONSENSUS ITEMS FOR PROPOSED RULE CHANGES TO 49 CFR PART 214, I.E., THE 11 PAGES ATTACHED TO RSAC MEETING DOCUMENT, "ROADWAY WORKER PROTECTION RULEMAKING STATUS REPORT JUNE 26, 2007."

Chairperson Cothen asks Cynthia Gross (FRA—Office of Safety) for a report on the Medical Standards (MS) WG activities.

Cynthia Gross (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 entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. She explains that it is too early in the process for the MS WG to report-out anything. The initial meeting was December 12-13, 2006. This was followed by meetings on February 20-21, 2007, and May 30-31, 2007. During these meeting, stakeholder concerns have been aired, draft regulatory language has been proposed by the FRA and AAR, and agreement was reached for establishing a TF of physicians who will advise the WG on medical conditions, medical guidelines, and pharmaceutical use. The physicians' TF will meet initially on July 10-11, 2007.

Under the viewgraph, "Sections discussed to date," Ms. Gross outlines the following: (1) §2xx.1, Purpose and scope (how are inside hostlers to be covered?); (2) §2xx.3, Applications; (3) § Definitions; (4) § 2xx.7 Coverage (e.g., foreign crews that come at least 10-miles into the U.S.); (5) § 2xx.9 Medical fitness for duty assessment program requirements; (6) § 2xx.11 General medical standards (review of Canadian standards, Family and Medical Leave Act (FMLA), and the Health Insurance Portability and Accountability Act (HIPAA)); (7) §2xx.13 Management of therapeutic drug use (physicians' TF to advise on over-the-counter drug use); (8) § 2xx.15 Specific medical guidelines; (9) § 2xx.17 Employee responsibilities; and (10) § 2xx.19 Dispute resolution, appeals of decisions regarding fitness for duty.

Under the viewgraph, "Additional sections anticipated," Ms. Gross lists the following rule text topics: (1) § 2xx.21 Required form, records, and record keeping; (2) § 2xx.23 Transferability of medical certification; (3) § 2xx.25 Confidentiality; (4) § 2xx.27 Access to facilities and records; and (5) § Effective dates.

Cynthia Gross (FRA) asks for questions.

Timothy DePaepe (BRS) asks what happened to the three-doctor panel to review employee medical fitness for duty disputes?

Chairperson Cothen says the Physicians' Task Force (TF) is going to meet in July and will discuss this topic.

Michael Rush (AAR) says the railroads are going to have four physicians on the TF representing passenger railroads, commuter railroads, and freight railroads.

Chairperson Cothen says the Physicians' TF will be a small, lean group.

James Stem (United Transportation Union (UTU)) says labor is looking for parity. He says, originally, the Physician's TF was to be composed of one management physician, one labor physician, and one FRA physician. Now, he says, it has moved in the direction being described by Michael Rush.

Mr. Rush says the Physician's TF is a consensus group. If there is no consensus, he adds, nothing gets done.

Mr. DePaepe says his notes from the MS WG meetings showed the intent of parity for the composition of the Physicians's TF, i.e., one physician from management, labor, and FRA. That, he says, is what he would like to see. He wants the record to reflect that labor believes that Physician's TF should be composed of one physician each from management, labor, and FRA.

Mr. Rush says the medical professionals of railroads all have different experiences and interests, which can be helpful in the TF. He reiterates that all of the physicians in the TF must reach consensus before reporting out a technical issue to the MS WG.

Alan Lindsey (AAR) clarifies that the proposed structure of the Physicians TF was not determined by the MS WG.

Rick Inclima (BMWED) is also concerned about parity. He says labor has hired a single physician and hopes she will be able to represent labor. He does not think it useful to put one labor physician against four management physicians. He wants parity in the Physicians' TF. He reiterates that labor does not want to hire a physician at substantial cost to represent labor's interest on the Physician's TF and not have parity.

Mr. Rush says the process will not work well if management is left without more physicians than labor and FRA. He believes parity is the way to go. He believes that this should be discussed at the next MS WG meeting. He says parity and fairness is the way to go.

Chairperson Cothen explains that there is benefit from having a number of different medical professionals bringing a wide range of experience and expertise to the table. He notes that management has gone from a request to have 13 physicians to four physicians on the Physicians' TF. He asks that Cynthia Gross, Facilitator for the MS WG meeting work to finalize the composition of the Physicians' TF.

Rick Inclima (BMWED) says over the past several years, there has been a discussion of labor, the Railroad Retirement Board (RRB), and one physician from management in matters concerning medical conditions of railroad employees. He says there is precedence for parity for medical professionals.

Chairperson Cothen acknowledges attendance at the meeting by Don Pulciani of Transport Canada, John Bell, from the Federal Transit Administration, and Richard Hipskind, from the National Transportation Safety Board.

Chairperson Cothen announces the lunch break.

L U N C H B R E A K 12:00 P.M. - 1:00 P.M.

Chairperson Cothen reconvenes the meeting. He thanks Patricia Butera (FRA—Office of Safety) for her years of service with FRA and with RSAC. He says she is retiring from government service. He asks Bobby Odom (AAR—Union Pacific Railroad) for a report on Track Safety Standards (TSS) WG activities. He adds, the TSS WG Team Leader, Kenneth Rusk (FRA—Office of Safety) is preparing for the next TSS WG meeting that will be held June 27-28, 2007, at the DFW Airport Hyatt Hotel.

Bobby Odom (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 entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Track Safety Standards Working Group," Mr. Odom says the TSS WG was established on February 22, 2006, to review and revise Continuous Welded Rail (CWR)-related provisions of FRA's Track Safety Standards. He says the TSS WG resolved comments received by FRA to its Interim Final Rule regarding the inspection of CWR joints. Also, the TSS WG made recommendations regarding FRA's role in oversight of carrier CWR programs, including the analysis of data to determine effective management of CWR safety by the railroads.

Under the viewgraph, "CWR Tasks," Mr. Odom outlines the following: (1) review the Interim Final Rule (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.

Under the viewgraph, "CWR Joints Final Rule Part 213.119(g)," Mr. Odom says the CWR Joint Final Rule was published on October 1, 2006. The CWR joint provisions became active on January 1, 2007.

Under the viewgraph, "CWR Update," Mr. Odom says (1) the TSS WG initiated discussions in August 2006, to evaluate further enhancements for the management of CWR to prevent track buckling, including design, maintenance and inspection; and (2) an Accident Review Team was organized to review accidents with track buckling as the primary or secondary cause.

Under the viewgraphs, "CWR Update Accident Review Team," Mr. Odom says the (1) focus items are: (a) anchoring; (b) placing and maintaining proper speed restrictions on disturbed track; (c) restoring track to neutral temperature/not laid at proper neutral temperature; and (d) railroad engineering standards for the installation and maintenance of CWR track; and (2) the recommendations are: (a) review engineering standards for all areas previously listed; and (b) review the adequacy of the training procedures for those required to inspect, install, and maintain CWR.

Under the viewgraphs, "CWR Update Working Group Discussions," Mr. Odom says a CWR Technical Issues Task Force was organized to review the following technical issues: (1) rail anchoring requirements; (2) speed restriction criteria; (3) maintaining desired rail temperature speed restrictions when rail is added at below desired rail laying temperature; (4) inspecting for curve movement; (5) speed restrictions for trackwork following mechanized stabilization; (6) definition of CWR; (7) ambient temperature versus rail temperature; (8) ballast; and (9) cold weather inspections. Mr. Odom adds that the CWR Technical Issues Task Force has held multiple meetings and will present proposals to resolve the nine technical issues to the full TSS WG at its next scheduled meeting on June 27-28, 2007.

Under the viewgraph, "Track Safety Standards Update," Mr. Odom explains that the full RSAC assigned additional tasks to the TSS WG on March 9, 2007, i.e., RSAC Task No.: 07-01, Track Safety Standards. These include: (1) review controls applied to reuse of rail in CWR ("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 ties, and (4) ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections. He says the TSS WG anticipates initiating work on RSAC Task No.: 07-01 at its August 15-16, 2007, meeting in Denver, Colorado.

Bobby Odom (AAR) asks for questions.

With no questions of Mr. Odom, Chairperson Cothen asks FRA Administrator Joseph H. Boardman to lead a panel discussion on the physical condition of railroad bridges.

Joseph Boardman (FRA) relates a story about the Pope and a Rabbi having a meeting. Because of language differences, the two religious leaders used sign language to communicate. Unfortunately, the hand jesters used by each had entirely different meanings, even though both persons left the meeting thinking that their points were made and that their intent was understood by the other. Mr. Boardman says this story is an example of the importance that communication plays in the RSAC process.

Concerning today's roundtable discussion about age and condition of railroad bridges, many of which are over 100 years old, Mr. Boardman says there are 4 issues: (1) Strategic Bridge Issues: (a) what will railroad traffic, bridges and the general network look like in thirty years; (b) what is the effect of heavier loads (greater than 286,000 pounds) on the long-term serviceability of our nation's railroad bridges; and (c) will the railroad industry be able to generate and commit the capital necessary to replace or maintain the bridges in the future network?

Mr. Boardman says issue (2) is Immediate Bridge Safety Issues: (a) what resources (personnel, equipment, material, etc.) are needed or available to deal with the continued safety of the bridges under heavier loads and advancing age; and (b) how can we best manage the inspection and maintenance of the older bridges to protect train operation against potential structural failures?

Mr. Boardman says issue (3) is Research Requirements: (a) can better tools be provided for inspectors and managers to identify developing critical points on bridges and efficiently correct the problems; and (b) is there a possibility of engineering advances that will provide more economical solutions to bridge maintenance, rehabilitation and replacement problems—materials, methods, designs, etc?

Mr. Boardman says issue (4) is FRA's Role: (a) what should FRA be doing constructively to protect the safety of the public, passengers, and railroad employees (third parties), while avoiding unintended consequences; and (b) should FRA and DOT be advancing the strategic issues now to help in avoiding a transportation network crisis in the future?

Mr. Boardman says FRA may be putting out a Directive on Railroad Bridges, shortly. He does not believe that railroad bridges need to be regulated now, but that catastrophic railroad bridge failures can lead to regulation. He introduces the members of the Railroad Bridge Roundtable Discussion: (1) Jim Richter (AAR—Amtrak); (2) Jim Carter (AAR—Norfolk Southern); (3) Rick Garro (AAR--CSX Transportation); (4) Bart Culbertson (AAR—Union Pacific); (5) Rick Inclima (BMWED); (6) Richard Timmons (American Short Line and Regional Railroad Association (ASLRRA)); (7) Kenneth Jennison (AAR—BNSF); (8) Louis Cerny (AAR), (9) Gordon Davids (FRA—Office of Safety); and (10) Joseph Boardman (FRA Administrator, Moderator). He asks that the discussion open-up.

Gordon Davids (FRA) reiterates the four issues: (1) Strategic Bridge Issues; (2) Immediate Bridge Safety Issues; (3) Research Requirements; and (4) FRA's Role. He asks if railroads will be able to raise the necessary capital to replace bridges, or to make repairs, as necessary? He asks if there will be adequate skilled labor to make bridge repairs?

Jim Richter (AAR) says he spent a good part of his railroad career at Consolidated Rail Corporation before moving to Amtrak. He says there is no substitute for good bridge inspection practices. As the industry deals with the future of railroad bridges, he says good bridge inspection practices will be a priority for Class I railroads and short line railroads, as well. He adds, railroads must have a competent bridge inspection program. Thirty years from now, he says, a lot of the same bridges that are with us today are still going to be with us then. Therefore, a maintenance and capital improvement program is necessary to keep these bridges going. He believes that public/private partnerships could help with funding railroad bridge projects. To increase bridge capacity, Mr. Richter says railroads may need to add track. Mr. Richter says "Immediate Bridge Safety Issues" depend on bridge safety inspections. The hope is that bridge safety inspections will catch problems, before the problems "catch us." He believes regulatory burdens could be onerous. Under Research Requirements, Mr. Richter says there is a need to investigate fatigue on steel bridges. He believes a quantum leap in technology is needed in this area. As for FRA's Role, Mr. Richter says he hopes that FRA will continue to monitor railroad bridges and to "hit railroads on the head," when necessary.

Mr. Davids knows that Amtrak has both "periodic" bridge inspections and "special" bridge inspections. He asks, "Who is best qualified to put a bridge back into service, after a problem?"

Jim Richter (AAR) says it does not have to be a person with an engineering degree. However, the person should have a lot of experience with railroad bridges.

Jim Carter (AAR) agrees that most of the railroad bridges standing today will be standing 30 years from today. However, the heavier axle loads of today's freight cars will require that bridges have more maintenance attention. Mr. Carter says there are issues with Norfolk Southern Company railroad bridges. But, he adds, these are manageable. He hopes there will be creative financing available for some bridge projects, as is happening today with State assistance. He says Norfolk Southern Company has a list of bridges that require inspections at different intervals. He would like to see new computer software developed to help railroads and their bridge engineer staff "rate" bridges. He adds, that advances in concrete technology are helping. As for what FRA should be doing, Mr. Carter says, "Pretty much what the Agency is doing today." He relates that a catastrophe involving an Amtrak Train and a bridge is his worst nightmare. But a railroad bridge spanning a highway or river that is struck by an

over-height motor vehicle, or barge is also a concern. He says the Truman-Hobbs Act (191 Act of June 21, 1940, 54 Stat. 497; 33 U.S.C. 511 et seq.) allows the U.S. Coast Guard to declare a bridge a hazard. He thinks that the U.S. Coast Guard should replace a bridge if it finds it a hazard.

Gordon Davids (FRA) asks if Jim Carter's bridge engineers can write a "prescription" for what to do during a bridge inspection?

Jim Carter (AAR) responds that Norfolk Southern has a new program that it hopes to have in effect shortly.

Mr. Davids asks Rick Garro for comments.

Rick Garro (AAR) oversees construction and maintenance of railroad bridges at CSX Transportation. He also believes that the bridges that are in place today, will be in place for the next 25 years. He believes that passenger and short lines will be using bridges more in the future with freight cars getting heavier, i.e., the 286,000 pound car will be the car of choice. However, if freight car capacity goes beyond 286,000 pounds, lots of other system upgrades will be necessary. He discusses traffic coming in from overseas. He believes that CSX Transportation is generating sufficient capital that will go into maintenance and capital improvements to railroad bridges. He says CSX Transportation has call-in programs to alert the railroad that a bridge engineer's opinion is needed regarding the safety of a railroad bridge. He notes there are always engineering advancements being made, but that "Research" can be used in the short term. As for FRA's Role, Mr. Garro says the current FRA Role is very good. He believes FRA's future role should be like it is now, i.e., supportive. He would like to see FRA to look into the activities of certain States that are trying to get into the bridge inspection process.

Mr. Davids asks about the need for "qualified bridge workers" to do the job?

Mr. Garro says at CSX Transportation, he is working on a succession plan to replace himself and others nearing retirement age. He says recent railroad retirees, who were not ready to retire are now working with CSX Transportation to help with railroad bridge inspections and maintenance. He considers some of these people to be his "employees." Mr. Garro believes that a "bridge person," who does not have a formal education, can still have the interest to become effective "eyes and ears" and be able to look forward during bridge inspections and maintenance.

Rick Inclima (BMWED) says if the network does their work today, i.e., the maintenance and capital improvements, then the bridges of today will look like the bridges 30 years from now. He says the key is a comprehensive bridge inspection and maintenance program. He says bridge-specific periodic training is needed. He believes railroads need to look at the work force today and "mentoring" the maintenance of way

employees for tomorrow's work force in bridge inspection and maintenance practices. He asks that railroads not allow experienced bridge inspection and maintenance employees leave their companies before the "mentoring" has occurred. Under "Research," he believes that bridge displacement technologies may need to be adopted for selected bridges. Under "FRA's Role," he is not against FRA regulating bridges. He says FRA could incorporate by reference AREMA [American Railway Engineering and Maintenance of Way Association] Standards for railroad bridge inspection and maintenance. He says without rules or Standards, the problem today railroad bridge inspections and maintenance is that there is no FRA "hammer." He acknowledges that most railroads may not need the "hammer." He summarizes: (1) There should be bridge-specific periodic training for employees other than just bridge maintenance employees; (2) There should be mentoring programs to mentor new employees with the knowledge and skills possessed by retiring older bridge employees; and (3) in lieu of FRA rules for railroad bridges, there should be an incorporation by reference into the Code of Federal Regulations the AREMA Standards for inspection and maintenance of railroad bridges.

Bart Culbertson (AAR) agrees with the rest of the panel that a lot of older bridges today, will still be in existence 30 years from today. He too, is concerned about freight car load capacities exceeding 286,000 pounds.

Gordon Davids (FRA) asks if overloaded cars can be pulled-out of a train consist?

Mr. Culbertson replies, "Yes." He believes there are now 10 areas where the Union Pacific Railroad can detect overweight cars. He shares the same concerns expressed by the BMWED about training for bridge inspections and maintenance and in training employee replacements. He reiterates earlier concerns that there are a large number of Union Pacific Railroad employees with railroad bridge maintenance skills, who are retiring. Under "Research Requirements," Mr. Culbertson says FRA and the AAR are funding research efforts at the Transportation Technology Center (TTC) in Pueblo, Colorado. He believes that FRA needs to be monitoring the railroad industry. He cites a recent notice that the Union Pacific Railroad has received from the U.S. Coast Guard regarding the safety of the Mississippi River Bridge in Clinton, Iowa.

Richard Timmons (ASLRRA) comments on the ASLRRA's concerns about railroad bridges. He says he has been concerned for the past three years about railroad bridge issues. He says most short line railroads were spun-off from larger railroads because they were not profitable. Consequently, there are over 17,600 bridges in the short line railroad network, on 48,00 miles of track. He says a bridge assessment tool will be developed to establish bench-line standards for short line bridge maintenance and inspection practices. He agrees that increased car weights will increase problems for short line railroads. He hopes the short line railroad industry will be able to call on Class I railroads for assistance. He says money is a problem for infrastructure upgrades. He

mentions tax credits and RRIF [Railroad Rehabilitation and Infrastructure Financing Act] loans, as being very important incentives to the short line railroad industry.

Kenneth Jennison (AAR) says the BNSF Railway Company is responsible for determining which bridges will receive annual funding. Like other roundtable participants, he does not see railroads increasing car capacity because of all the other system infrastructure improvements that would be needed. He says the BNSF Railway Company is trying to attract college graduates for railroad bridge inspection and maintenance work. He believes a railroad bridge management program is essential. He offers to have the BNSF Railroad Company assist the ASLRRA develop a railroad bridge training program.

Richard Timmons (ASLRRA) thanks Mr. Jennison for that offer.

Louis Cerny (AAR) complements FRA for providing an independent voice to answer questions, e.g., a Congressional inquiry about a rusting bridge. He says there are two questions that need to be answered about railroad bridges. They are: (1) is a railroad bridge safe; and (2) for maintenance/infrastructure, if railroads to “this,” the bridge will last 5 years; if railroads to “that,” the bridge will last 30 years. He says there is a lot of societal value that can not be reflected in the short run to making needed maintenance and infrastructure improvements. However, Mr. Cerny believes, FRA can help in the “Research” area, particularly if Transportation Technology Center funding is made available. In a risk analysis, Mr. Cerny says the thing railroads need to worry about the most is highway traffic striking a railroad bridge. He says FRA already has a “hammer.” It is called an “Emergency Order.”

Joseph Boardman (FRA) appreciates the Bridge Panel’s Roundtable discussion. He says he picked-up the following: (1) he recognizes that if funds are available, bridges will be maintained; (2) there is a need for research on the number of strikes of railroad bridges by barges, or over height motor vehicles; (3) if bridges are unsafe, then close the bridge; (4) it is absolutely necessary to communicate this issue to our political leaders’ and (5) if FRA is going to argue for the railroad industry, FRA needs to be confident about the inspection and maintenance practices of railroad bridges. It is “Regulation versus Transparency.” If the maintenance and inspections of railroad bridges reaches the point where there is no transparency, then the next FRA Administrator must look at the regulatory option. He says FRA is looking toward issuing a Safety Advisory for Railroad Bridges. He adds, FRA needs to have assurances that railroad bridges are being maintained properly.

Chairperson Cothen thanks the Bridge Panel for the roundtable discussion. He announces an afternoon break.

A F T E R N O O N B R E A K 2:40 P.M. - 2:50 P.M.

Chairperson Cothen reconvenes the meeting. He asks William Schoonover (FRA—Staff Director Hazardous Materials (Dangerous Goods) Division—Office of Safety) for a report on “High Hazard Risk Reduction, Routing and Design Enhancements.”

William Schoonover (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 entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, “Non-Accident Releases vs. Safe Shipments,” Mr. Schoonover says (1) railroads transport approximately 1.7 million shipments of hazardous materials each year; (2) 85 percent of these shipments are in tank car quantities; (3) fewer than 50 shipments experience accident-caused releases each year during transportation; and (4) when they do occur, releases of hazardous materials can be disastrous, as demonstrated by recent accidents.

Under the viewgraph, “Hazardous Materials Routing,” Mr. Schoonover says (1) an NPRM was issued jointly by DOT’s Pipeline and Hazardous Material Safety Administration (PHMSA) and FRA to address hazardous materials routing; (2) the Transportation Security Agency (TSA) issued a companion NPRM to address hazardous materials routing; and (3) the joint PHMSA and FRA NPRM was issued December 21, 2006; the comment period closed February 20, 2007; 70 comments were received; final rules are expected in the Fall 2007.

Under the viewgraph, “Proposed Rule Requirements,” Mr. Schoonover says for high hazard materials, (1) railroads would be responsible for: (a) identifying and evaluating the routes; (b) requires collecting data; (c) requires analyzing the next “most commercially practical” route (alternate route); (2) would require the use of safest/most secure route; and (3) allows mitigation of risks.

Under the viewgraph, “Additional Measures Proposed,” Mr. Schoonover lists the following proposals: (1) measures to reduce delays in transit: (a) enhanced communication procedures between rail carriers, shippers, and consignees; (b) written procedures; and (c) supports Security Action Items issued by TSA earlier in year; and (2) security inspections: (a) in conjunction with safety inspections; and (b) tampering or suspicious items require following plans.

Under the viewgraphs, “TIH [Toxic Inhalation Hazard] Enhancements,” Mr. Schoonover says there is a two-fold approach to improved TIH transportation safety: (1) better tank cars; and (2) operating requirements to reduce risk.

Under the viewgraph, “Where we are going (Car Enhancements),” Mr. Schoonover offers the following: (1) 50 mph maximum train speed; (2) set performance standard to

resist head/shell puncture or other catastrophic loss under forces at 50 mph (closing speed is ½ of train speed); (3) apply to all cars carrying TIH materials; and (4) change out tank car fleet within a reasonable time frame—constrained by production capacity.

Under the viewgraph, “Where we are going (Operations),” Mr. Schoonover says as an interim measure, a 30 mph speed restriction in dark (non-signal) territory because of higher train-mile collision risk and broken rail risk.

Under the viewgraph, “Timeline,” Mr. Schoonover says the rulemaking team is currently circulating drafts within the Department of Transportation.

William Schoonover (FRA) asks for questions.

Michael Rush (AAR) asks for the schedule for the release of these rules.

Chairperson Cothen believes that the rules for High Hazard Risk Reduction will be out by January 2008.

James Stem (UTU) asks about inaccurate train consists. He says, for the benefit of all the railroad Vice Presidents of Safety attending this meeting, would William Schoonover comment on the issue of inaccurate train consists.

Mr. Schoonover believes that all of the railroad Vice Presidents of Safety attending today’s meeting are well aware of the potential effects of inaccurate train consists. He says a report on this topic is available on FRA’s Internet Web Site.

Chairperson Cothen says today has been a very busy day on Capitol Hill. Therefore, the Safety Legislation Panel Discussion, which is next on the Agenda, will not have the benefit of all of the U.S. Senate and U.S. House staff members who were scheduled to appear and participate in the roundtable discussion on safety legislation. He says Melissa Porter (FRA—Office of Chief Counsel), who is temporarily assigned to the Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security will participate in the panel discussion.

Chairperson Cothen introduces the participants in the Safety Legislation Roundtable Discussion as: (1) Alan Lindsey (AAR—BNSF Railway Company); (2) Bob Grimaila (AAR—Union Pacific); (3) John Tolman (Brotherhood of Locomotive Engineers and Trainmen (BLET)); (4) Rick Inclima (BMWED); (5) Timothy DePaepe (BRS); (6) James Brunkenhoefer (UTU); (7) Melissa Porter (FRA); and (8) Chairperson Cothen (FRA—Moderator).

John Tolman (BLET) applauds Congress and Congressman James Oberstar for the bold step being taking for the Hours of Service Act. He believes the elimination of “limbo time” may help with railroad fatigue issues. He says the U.S. House of

Representatives legislation effort will help address fatigue, education, training, and scheduling. He says crew scheduling is a major problem in the railroad industry today. In addition, there will be employee empowerment, i.e., allowing employees to take time off if they are tired. He believes everything is negotiable in this process.

[Note: Limbo time refers to a crew's time spent awaiting transportation and travel time to their final release point after the expiration of their service time (which can be substantial, adding additional hours to the work day). The National Transportation Safety Board says relatively short mandatory periods of time off currently in place do not afford the opportunity for fully restorative sleep.]

Chairperson Cothen asks Melissa Porter for the status report on the legislation before the Senate Subcommittee.

Melissa Porter (FRA) says the Senate has set an aggressive schedule to review railroad Safety Legislation. She says Senators Frank Lautenberg and Gordon Smith will introduce the legislation. She anticipates a mark-up of the legislation by the end of July. She says the Senate Bill will likely contain references to the following: (1) Hours of Service Act/fatigue; (2) Positive Train Control (PTC); (3) highway-rail grade crossing safety; and (4) trespasser safety. Under the Hours of Service Act, Melissa Porter says the Senate knows this is an issue that needs to be addressed. She adds, the Senate Bill will also address "limbo time," but not eliminate it.

Timothy DePaepe (BRS) says the House of Representatives Bill provides for an increase from 8 to 10 hours of rest after 12 continuous hours of work. He describes other signalman issues, most importantly, that railroad contractors would come back under the Hours of Service Act rules. He also cites technology issues, e.g., there would be no cellular telephone calls to workers until they are fully rested.

Alan Lindsey (AAR) believes there are two questions that need to be asked of employees: (1) what time of day is it; and (2) how much sleep have you had? He notes that "limbo time" means that employees do not engage in any activity that affects themselves, or any other employee in safety-sensitive duties. Mr. Lindsey's concern is that the elimination of Limbo Time could have unintended consequences. He describes an example, saying if the BNSF Railway Company eliminates Limbo Time, it could lead to less pay for some employees. He says changes to the Hours of Service Act may also affect the Agreement System in place at the BNSF Railway Company.

James Brunkenhoefer (UTU) says labor is willing to talk to management about availability policies.

Joseph Boardman (FRA) says this is an example of why FRA needs to be able to regulate Hours of Service Act rules. He says, "Whatever the scheduling thing is now, it

needs to be set by FRA.” He adds, “When there is no “hammer,” it is not going to work.” He says it is not good to keep the Hours of Service Act intact.

Mr. Brunkenhoefer says the way the Congressional Bill is written now, he does not agree. Either FRA will regulate, or not.

Chairperson Cothen says he is going to boldly agree with his Administrator. He says there are disagreements that will occur because of unintended consequences.

Timothy DePaepe (BRS) says there is a problem, or else, the Safety Legislation Roundtable would not be having this discussion. He says there are bizarre employee work shifts in the railroad industry. He believes signalmen are leaving the railroad industry because of the strain caused by fatigue due to irregular work shifts.

John Tolman (BLET) says allowing operating employees the proper amount of rest is essential. He says railroads have scheduled “Limbo Time” into schedules. He adds, railroad employees are tired. Railroad employees need rest. He says this issue is not about pay; it is about safety.

Alan Lindsey (AAR) says, speaking only for BNSF Railway Company, if Congress decides that the Hours of Service Act should fall under FRA jurisdiction, then it should not have any strings attached. FRA should be able to use the scientific community to help decide this issue.

Joseph Boardman (FRA) says the argument he is hearing is that FRA needs the Hours of Service Act before the Agency.

Ed Hamberger (AAR) requests that labor, management, and FRA to go up to the Senate and asks that the Hours of Service Act be placed under FRA jurisdiction.

Dan Pickett (BRS) says he likes the U.S. House of Representatives version of the Bill.

Chairperson Cothen says the next topic is Positive Train Control (PTC) provisions in H.R. 2096, Federal Railroad Safety Improvement Act of 2007 [Section 613 authorizes grants for the deployment of train control systems].

Mr. DePaepe says labor supports PTC projects, i.e., 49 CFR § 236, Subpart H. He adds, “If you are going to have PTC, there must be interoperability among railroads.” However, he does not believe the deadline of 2014 can be achieved. He describes a train control project in the State of Illinois, which has failed and been shut down. He adds, roadway worker protection issues have not been addressed by the current PTC systems being contemplated.

Rick Inclima (BMWED) says the technology that protects trains should also protect roadway workers within their operating territory. He says at the time 49 CFR § 236,

Subpart H was crafted, the PTC WG agreed to a 3-core system. But to date, he has only seen a 2-core system, without the provisions for roadway worker protection.

Bob Grimaila (AAR) says the State of Illinois project produced a wealth of experience. He says the testbed project was shut-down because it had concluded its objectives. He says the Union Pacific Railroad has two additional train control projects underway for (1) high volume coal movements; and (2) in the Spokane-to-Canadian border corridor. The objectives of these projects include collision avoidance, speed enforcement; and constant energy management. He says implementation of these systems by the year 2014 may not be possible.

Melissa Porter (FRA) thanks the panel for the discussion on the Hours of Service Act. She realizes how difficult this issue is. For PTC, she says there will probably be something in the Bill for “technology,” i.e., where technology stands and what it does for railroad safety.

Gerhard Thelan (AAR) says he agrees with Timothy DePaepe and Bob Grimaila. If PTC were an easy solution, it would be here now. He says, if the economic case could be made for PTC, it would be here now. However, he says, if you analyze all the technologies involved in PTC, it is the capacity of the railroad communication system that is an issue. It is the amount of radio spectrum that is available for railroad use. He also notes that railroads are such a small market for wireless communications that manufacturers are not offering products that would make the transition to PTC easy.

Jo Strang (FRA—Associate Administrator for Safety) says of the North American Joint Positive Train Control (NAJPTC—State of Illinois) project, one of the values of research is that you can fail, and still learn. She notes that the NAJPTC project failed because of the radio spectrum issue.

James Stem (UTU) says the United Transportation Union (UTU) is very concerned about train operations in Dark (non-signal) Territory. He says switch monitors in Dark Territory should be part of a PTC system. He wants the railroad industry to focus on switch monitoring in Dark Territory.

Gregory Kreie (BMWED) asks Melissa Porter what direction “whistler blower protection” provisions are going in the rail safety legislation and why this provision being fought for elimination?

Ms. Porter says “whistler blower protection” language was brought-up in the House Bill. She believes it is going to be addressed in either a Security Bill, or the Rail Safety Reauthorization Bill.

With no further questions of the Safety Legislation Roundtable Panel, Chairperson Cothen thanks the panel for their participation. He asks George Scerbo (FRA–Office of Safety) for a report on Locomotive Safety Standards (LSS) WG activities.

George Scerbo (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 entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the series of viewgraphs, “Locomotive Working Group Report,” Mr. Scerbo says the LSS WG has met twice since its last report to the full RSAC.

George Scerbo (FRA) says on March 6, 2007, FRA published an NPRM which proposes changes to locomotive sander requirements, i.e., 49 CFR § 229, Locomotive Safety Standards, Sanders, 72 FR 9904. Subsequently, FRA received comments on the NPRM from two groups, the Brotherhood of Locomotive Engineers and Trainmen (BLET) and the Association of American Railroads (AAR). Mr. Scerbo says FRA is in the process of reviewing these comments and intends to issue a Final Rule on this topic by the end of October 2007.

On the topic of locomotive alerters, already required on passenger locomotives and present on many freight locomotives, the AAR presented information on a proposed new industry standard to address locomotive alerters on freight locomotives to the LSS WG. Additional information on the AAR Standard is anticipated for the September meeting of the LSS WG.

Mr. Scerbo says the LSS WG reached consensus for draft language for steam generators. The changes will clean-up the steam generator requirements and move them to a separate section of the rule.

In another topic, Mr. Scerbo says the LSS WG has agreed on language for the electronic collection and storage of all required locomotive records. He adds the language is similar to the waiver language that FRA has granted for electronic record keeping.

On the topic of a request to extend the 92-day periodic locomotive inspection interval to 184-days, FRA inspectors looked at the records for 294 locomotives and found 869 defects corrected at the 92-day locomotive periodic inspection interval. However, 776 of those items should have been caught during daily locomotive inspections. The LSS WG Task Force which is evaluating the performance of the daily versus 92-day periodic locomotive inspections will meet again in September 2007.

On the topic of electronic hardware/software system safety, FRA’s Mark Hartong is leading the LSS WG discussion on adopting similar rules for freight locomotives, as are in place for Passenger Equipment Safety Standards and Signal and Train Control

Standards. The AAR will provide comments at the LSS WG's September 2007, meeting.

On the topic of addressing FRA's Notice of Safety Advisory 2001-01, Recommended Minimal Guidelines for the Operations of Remote Control Locomotives, issued February 1, 2001, Mr. Scerbo says the AAR will present a draft for revising its Remote Control Locomotive Standard, S-5507, at the September LSS WG meeting.

George Scerbo (FRA) asks for questions.

Patrick Ameen (AAR) clarifies that the AAR Alerter Standard that will be presented at the next LSS WG meeting will be a "draft."

James Stem (UTU) requests clarification that FRA is not abandoning its interest in issuing rules for locomotive alerters, for the draft AAR Standards for locomotive alerters.

Mr. Scerbo responds, "That is correct."

Chairperson Cothen asks for additions and corrections to the Minutes for the February 22, 2007, meeting of the full RSAC.

Patrick Ameen (AAR) has several corrections, which he will give to Meeting Event Recorder, John Sneed.

With no further discussion, Chairperson Cothen asks for the full RSAC to accept the Minutes for the February 22, 2006, meeting, as corrected.

THE MINUTES FOR THE FEBRUARY 22, 2007, MEETING ARE APPROVED
BY THE FULL RSAC, AS CORRECTED, BY UNANIMOUS VOICE VOTE.

With no further business, Chairperson Cothen thanks the FRA staff for their assistance with today's meeting. He adjourns the meeting at 4:30 pm.

M E E T I N G A D J O U R N E D 4:30 P.M.

These minutes are not a verbatim transcript of the proceedings. Also, Microsoft PowerPoint overhead view graphs and handout materials distributed during presentations by RSAC Working Group Members, FRA employees, and consultants, generally become part of the official record of these proceedings and are not excerpted in their entirety in the minutes.

Respectively submitted by John F. Sneed, Event Recorder.