

DRAFT
RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
May 18, 2006

The twenty-ninth meeting of the RSAC was convened at 9:35 a.m., in the Vista A and B Ball Room of the Wyndham Washington Hotel, 1400 M 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>). Effective May 17, 2006, the Charter for RSAC was extended for a period of two years, unless sooner terminated or renewed. With the May 17, 2006, Charter renewal, six additional members have been added to RSAC as follows: The Transportation Security Administration (1 seat), The American Chemistry Council (1 seat), The Institute of Makers of Explosives (1 seat), The Fertilizer Institute (1 seat), The Chlorine Institute (1 seat), and The American Petroleum Institute (1 seat). RSAC is now comprised of 54 individual voting representatives from 31 member organizations, representing various rail industry perspectives, and other diverse groups. Two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, as well as staff from the National Transportation Safety Board and the Federal Transit Administration, participate in an advisory capacity. There are also three non-voting seats for interested organizations that participate as associate members.

At the May 18, 2006, meeting, ten 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 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), Safe Travel America (1 seat), The Transport Workers Union of America (TWU) (1 of 2 seats), The Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC) (1 of 3 seats), The Institute of Makers of Explosives (1 seat), and The American Petroleum Institute (1 seat). Five of seven non-voting/advisory RSAC members were absent: The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Association of Railway Business Women, Secretaria de Comunicaciones y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 85.

Chairperson Cothen welcomes RSAC Members and attendees. He asks Patricia Butera (FRA—Office of Safety) to give a meeting room safety briefing.

Patricia Butera (FRA) identifies the meeting room's fire and emergency exits. She asks for volunteers with cardiopulmonary resuscitation (CPR) qualification to identify

themselves. A large number of RSAC attendees acknowledge having completed this training. Andrew Corcoran (Association of American Railroads (AAR)), and Steve Sullivan (American Short Line and Regional Railroad Association (ASLRRA)), volunteer to perform CPR. Ms. Butera advises that a large number of RSAC attendees have cellular telephones, but volunteers Grady Cothen (FRA) to call the emergency telephone number, 911, should an emergency occur. Ms. Butera advises that the hotel does not have an automated external defibrillator (AED).

Chairperson Cothen welcomes RSAC members and attendees. He introduces FRA Administrator Joseph H. Boardman and asks that he make opening remarks.

Joseph Boardman (FRA) welcomes RSAC members and attendees. He says his brief remarks will concern three topics: (1) RSAC's 10th Anniversary; (2) RSAC's Charter renewal; and (3) withdrawing an RSAC Task (tank car safety) before it is assigned. Mr. Boardman notes that while 2006 is RSAC's 10th Anniversary, it is also his 1st Anniversary as FRA Administrator. He says the RSAC forum is not perfect, but adds, "Humans are not perfect, either." He says it takes time and patience to deal with the politics of Washington, D.C. Mr. Boardman observes the following about the RSAC process: (1) Initial Roadway Worker Protection Rules, i.e., 49 Code of Federal Regulations (CFR) § 214, while technically not an RSAC Task, was none-the-less an early success of negotiated rulemaking; (2) A previous FRA Administrator, Jolene Molitoris, reached out to make the RSAC process work; (3) RSAC participants have supported the process with the necessary resources; (4) All RSAC participants have done their best to keep egos in check; (5) RSAC participants have done their best to respect each other at the end of the day; (6) RSAC has used research and experts well; and (7) RSAC participants have taken time and performed well. He believes that the RSAC process has made things better and the industry safer. Now, after 10 years, RSAC starts its next decade.

Mr. Boardman says that on May 16, 2006, Secretary of Transportation Norman Mineta, signed RSAC's Charter Renewal. He adds, with the RSAC Charter renewal, six new members are being added: one new Transportation Security Administration (TSA) voting member, and five new hazardous materials voting members. TSA has primary responsibility for security in all modes of transportation. FRA has primary responsibility for the safety of the U.S. railroad industry. The FRA has supported TSA's mission by providing technical assistance and guidance on railroad security issues.

The FRA enforces hazardous materials regulations issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA). PHMSA requires railroads and other hazardous materials transporters to have and adhere to security plans. PHMSA regulations also apply to hazardous materials shipments by rail. The five new RSAC voting members are trade organizations that represent companies that ship or manufacture hazardous materials, which may pose a security hazard. They are the American Chemistry Council, the American Petroleum Institute, the Chlorine Institute, the Institute of Makers of Explosives, and the Fertilizer Institute, Incorporated.

Mr. Boardman says the Committee will help define the line between security and safety, which, he adds, is in the forefront of today's railroad concerns. He says RSAC will help make this understanding.

Finally, Administrator Boardman says the Tank Car Safety Task is not ready for this Committee to consider. Instead of an initial RSAC Tank Car Safety Working Group

meeting on May 31-June 1, 2006, PHMSA will hold its first public meeting on this topic in the same space formerly reserved for an RSAC Working Group meeting. The PHMSA meeting will be at the Hotel George, 50 E Street, N.W., Washington, D.C. 20001.

Joseph Boardman (FRA) says the FRA and PHMSA efforts will not replace the current AAR Tank Car Committee Work. However, FRA and PHMSA are looking at tank car head shields and jackets. When the PHMSA public meetings are completed, FRA may be back before RSAC to request Committee acceptance of a Tank Car Safety Task.

Administrator Boardman thanks RSAC for their work of the last ten years. He hopes they have a productive meeting.

Chairperson Cothen thanks Administrator Boardman for his opening remarks. He announces that James Cunningham will be replacing Faye Ackermans as the Canadian Pacific Railway Member from the AAR. He recognizes that this may be Raymond Holmes's (BLET) last meeting—he is retiring. He announces new RSAC members, some of whom are not present. They are: James Clarkson (Transportation Security Agency (TSA)), Tom Schick (American Chemistry Council), Cynthia Hilton (Institute of Makers of Explosives), Pam Guffain (Fertilizer Institute), Frank Reiner (Chlorine Institute), and Patrick Kelly (American Petroleum Institute). He notes that Mr. Clarkson is scheduled on the Meeting Agenda for an overview of the Homeland Security Action Plan after the lunch break.

Chairperson Cothen asks for a panel discussion on RSAC's Tenth Anniversary: Looking Back and Looking Forward. [Note: the panel is made up of RSAC Member organization volunteers, who offered to participate.] The Panel Participants are: Steve Sullivan (American Short Line and Regional Railroad Association (ASLRRRA)), James Stem (United Transportation Union (UTU)), Thomas Pontolillo (Brotherhood of Locomotive Engineers and Trainmen (BLET)), Rick Inclima (Brotherhood of Maintenance of Way Employees Division (BMWED)), Jeffrey Horn (FRA—Office of Safety), Timothy DePaepe (Brotherhood of Railroad Signalmen (BRS)), Peter Cannito (American Public Transportation Association (APTA)—Metro North), and Patrick Ameen (Association of American Railroads (AAR)). Mr. Cothen asks Mr. Ameen to begin the panel discussion.

Patrick Ameen (AAR) says one frustration with the RSAC process relates to “cycle time.” He notes that Final rules are what they are. But, he has worked on 3 previous RSAC Working Groups that were formed in 1997, i.e., locomotive event recorders, locomotive crashworthiness, and blue signal protection. One of these is complete; one is nearly complete; and one is in various stages of completion. He observes that the “cycle time” may be related to FRA staff turnover during RSAC Working Group activities. He thinks the RSAC process has been beneficial. He believes a better regulation, which enhances and improves safety is created. He believes that the many “side bar” conversations and discussions that occur at Working Group meetings are beneficial. These are not possible during public hearings of Agency rules issued outside of the RSAC process. However, he asks that FRA work to resolve the “cycle time” delays.

Chairperson Cothen observes that Donald Itzkoff, former FRA Deputy Administrator under former FRA Administrator Jolene Molitoris is in attendance. He asks if Mr. Itzkoff would like to make remarks? With no comments offered, Chairperson Cothen asks Peter Cannito to continue the panel discussion.

Peter Cannito (APTA) says he represents the American Public Transportation Association (APTA), primarily commuter rail operations that are regulated by FRA. He agrees with Administrator Boardman that today, safety and security are in the forefront of most railroads' concerns. He says the RSAC process not only allows labor and management to discuss issues, but also allows freight and commuter operators to see what each are doing. He says rules are going to come. However, RSAC allows the participants to say something about the rules. While he notes that it takes time to reach consensus, he believes that RSAC participants are getting a better product. He adds, "We do not want this process to change."

Chairperson Cothen asks Timothy DePaepe (BRS) to continue the panel discussion.

Timothy DePaepe (BRS) says the first negotiated rulemaking was the Roadway Worker Protection Rule, i.e., 49 CFR § 214. Prior to this rule, there were one or two railroad signalmen fatalities a year. Now, he says, there has been only one railroad signalman fatality in the past nine years. He remembers one RSAC Working Group, Blue Signal Protection, which did not work. He applauds the friendships between labor and management that RSAC has promoted and allowed processes to move forward. However, he objects to arbitrary deadlines from FRA for the Working Groups to complete a Task, or face having portions of the Task removed from the Working Group and completed unilaterally by the Agency. He says, even if there is a Congressionally-imposed deadline for a particular rulemaking, he believes such deadlines should not be imposed. He says FRA needs to give the Working Group time, when a deadlock occurs, before taking a Task, or parts of a Task away from the Working Group.

Chairperson Cothen asks Jeffrey Horn (FRA) to continue the panel discussion.

Jeffrey Horn (FRA) says ten years goes by fast. He served on the original Roadway Worker Protection regulation negotiation, locomotive cab working conditions, steam locomotive inspection and maintenance standards (49 CFR § 230), locomotive crashworthiness, Accident/Incident Reporting (49 CFR § 225), and currently, locomotive safety standards (49 CFR § 229). He believes a lot has been accomplished. He believes that FRA has learned a lot. He believes that labor and industry input through the RSAC process has made FRA more responsible. But perhaps his most gratifying experience has been to observe the respect that participants have for one another. He agrees with the comments that have been made that all RSAC participants are benefitting from the process.

Chairperson Cothen asks Rick Inclima (BMWED) to continue the panel discussion.

Rick Inclima (BMWED) says the railroad industry is safer because of RSAC's efforts. He says RSAC has achieved great success, particularly in roadway worker protection. He adds that rules for roadway maintenance machines will also pay safety dividends. He says, the process is not perfect. It is difficult and painful. But, he believes it is better than the alternative. He explains that the collaborative process has allowed stakeholders to sit across from each other and to understand each other's positions. He says understanding positions is the first step to reaching a solution. There is also respect for each other's positions and concerns. He believes there have been some missed opportunities, i.e., track-caused accidents are still a concern. But, perhaps these will be addressed in the future. He agrees that arbitrary deadlines imposed by FRA are not useful. He says the "lower hanging fruit" on the Working Group Task tree can usually be picked easily. But, he adds, it is harder for the Working Group to tackle

the tougher issues. FRA should not be impatient with the progress on tougher issues. As a recommendation to improve the RSAC Working Group process, he believes there should be “parity at the table,” saying smaller groups can make progress faster. He says this could facilitate quicker rules and quality rules. He hopes that the RSAC process will continue into the future.

Chairperson Cothen asks Thomas Pontolillo (BLET) to continue the panel discussion.

Thomas Pontolillo (BLET) says many things he wanted to say have already been said. He applauds the use of performance standards as a concept in the RSAC process, citing the Positive Train Control (PTC) Rules, i.e., RSAC Task Number 97-6, Standards for New Train Control System (49 CFR § 236). Ten years ago, he says, FRA’s regulations were written in “blood.” Now, he says, RSAC rules are better than traditional rulemaking because the process involves proactive regulation by the parties affected by the rules. RSAC permits the railroad industry to react to something other than a bad outcome. He explains this is important today, as new electronic technologies come into play. Again, Mr. Pontolillo says the PTC Rule is an excellent rule, because it identifies unintended consequences before they occur and because the PTC Rule considers issues that have not yet been conceived. He agrees with other panel members that “time limits” to RSAC Working Group discussions are bad. He concludes his remarks by saying that the railroad industry and the BLET have been served well by ten years of RSAC. He looks forward to the next ten years of this process.

Chairperson Cothen recognizes Mr. Robert Harvey, BLET-retired, with thanks for his contributions to railroad safety and the RSAC.

Chairperson Cothen asks James Stem (UTU) to continue the panel discussion.

James Stem (UTU) relates an experience during which management and labor representatives, attending a job-related funeral of a railroad employee, gathered to discuss the incident. He recalls his boss saying “shame on us” for only discussing corrective actions at a funeral. He is thankful to be able to sit down and discuss appropriate and relative safety regulations in a hotel at an RSAC meeting, rather than have to discuss corrective actions at a railroad employee funeral. He believes the most important aspect of RSAC Working Groups is dialogue. He says RSAC has brought labor together and has brought railroad companies together. Another important part of the RSAC process, he says, is the relationship and integrity of the participants. Mr. Stem says the most important opportunity that has been missed during the RSAC process is to recognize the importance of “training” on railroad safety, whether it is the lack of training, or inappropriate training techniques. Of the impediments that continue to hold back the RSAC process, Mr. Stem believes there is still a problem with individual egos. Finally, he joins other panel members in believing there should be no arbitrary time line for a Working Group to work through a Task. He hopes that the RSAC process will stop trying to react to issues and hopes that training will move to forefront of RSAC solutions. He congratulates FRA on the success of the RSAC Program.

Chairperson Cothen asks Steve Sullivan (ASLRRA) to continue the panel discussion.

Steve Sullivan (ASLRRA) says being last in the panel discussion can be good or bad. He says 10 years ago, there were about 530 Class II and III railroads. Today, the number of Class II and Class III railroads are about 5 percent higher. He adds, when

the Staggers Rail Act of 1980 became law, there were about 230 Class II and III railroads. (Note: Railroads are classified on the basis of railroad operating revenues by the Surface Transportation Board (STB), formerly, Interstate Commerce Commission. Railroads with annual revenues exceeding \$250 million (in 1991 dollars), are Class I railroads. Railroads with railroad operating revenues between \$20 million, but less than \$250 million (in 1991 dollars), are Class II railroads. Railroads with railroad operating revenues of less than \$20 million (in 1991 dollars), and all switching and terminal railroads, regardless of revenues, are Class III railroads.) Mr. Sullivan says RSAC was a great initiative to get short line railroads involved in the regulatory process. Collaboration on these issues are important. He observes that the RSAC process: (1) has resulted in rules that involve less confrontational enforcement; (2) helped lead to a better than 50 percent reduction in short line employee injuries at a time when ton-mile traffic has increased 22 percent over 10 years; and (3) helped reduce train accidents and employee fatalities. He says the short line railroad industry looks forward to continued participation in this process in the future.

Chairperson Cothen gives his personal observations from attending many RSAC Working Group meetings. They are: (1) people matter—individuals matter. He knows it is not easy for working group members to go back to a boss and say I did not get everything you wanted; (2) FRA needs to support this process with the best people possible. Ultimately, all the working group participants help support FRA in this process; (3) FRA must be willing to decide what must be done at the end of the day—others can always adjust their positions; and (4) it is always darkest before the dawn, i.e., very often the working group needs to go at something three or four times before it can crest the hill. But the working group should not lose hope. Most of the time the job gets done.

Chairperson Cothen knows there are other lessons that have been learned during the first 10 years of RSAC. He asks for additional comments on the first 10 years of RSAC from meeting attendees.

Lawrence Mann (UTU) says in listening to the panel discussion on RSAC, he asks if it makes sense to extend the RSAC process to “Railroad Safety Legislation?” He says the last time rail management, rail labor, and FRA got together to resolve rail safety legislation was in 1969.

Chairperson Cothen responds that many at FRA would welcome such an effort. With regard to legislative processes, however, FRA does not have the ability for feedback because of the need to send rules “up-the-chain-of-command.” He says FRA will put this request in the “cue” for discussion with FRA Administrator Boardman. He asks for RSAC members to express needs and thoughts to himself, or Administrator Boardman, during meeting breaks, or latter in the day.

Chairperson Cothen asks if any of the new RSAC Members, representing the chemical, fertilizer, and hazardous materials industries wish to make comments?

Frank Reiner (Chlorine Institute) says the new chemical industry members are just feeling their way at this first meeting.

Pam Guffain (Fertilizer Institute) says the Fertilizer Institute is a lobbying group that would like to influence the legislative agenda.

Dennis Mogan (AAR) says the implementation of RSAC rules has been easier than traditional rules.

Patrick Ameen (AAR) agrees saying that rules crafted under RSAC process: (1) occur in a public forum versus a private forum; and (2) provide a better rule.

Chairperson Cothen thanks RSAC members for their comments on the 10th Anniversary of RSAC. He announces the morning break.

M O R N I N G B R E A K 10:55 A.M. - 11:20 A.M.

Chairperson Cothen reconvenes the meeting. Earlier, he says, Administrator Boardman referred to a public meeting on improving tank car safety. He asks Patricia Butera (FRA) for information on this meeting.

Patricia Butera (FRA) says she will send the following information to RSAC Members by electronic mail (E-mail): The Federal Railroad Administration (FRA) and The Pipeline and Hazardous Materials Safety Administration (PHMSA) will hold a Public Meeting on **Improving the Safety of Railroad Tank Car Transportation of Hazardous Materials.**

Meeting Dates:

Wednesday, May 31, 2006: 9:00 a.m.-5:00 p.m.
Thursday, June 1, 2006: 9:00 a.m.-5:00 p.m.

Location:

The Hotel George
15 E Street, NW
Washington, DC 20001

Chairperson Cothen recognizes FRA personnel who contributed to the logistics and support for today's meeting. They are Patricia Butera, Lydia Leeds, and the RSAC Working Group Facilitator, Cynthia Gross.

Chairperson Cothen recognizes the arrival of James Clarkson, the new RSAC Member, representing the Transportation Security Agency (TSA). He says Mr. Clarkson will give an overview of the Homeland Security Action Plan after the lunch break.

Chairperson Cothen says there is a request from the Brotherhood of Locomotive Engineers and Trainmen (BLET) to make a presentation on securing train air brakes. He asks Terry Briggs (BLET, Chairman, Texas State Legislative Board), and Craig Gilchrist (BLET, Chairman, Montana State Legislative Board) for their report.

Terry Briggs (BLET) says he is a locomotive engineer. As a result of safety training, he has observed air brake settings, which are not safe. He asks Craig Gilchrist to continue the talking points with a Microsoft PowerPoint presentation, while he assists.

Craig Gilchrist (BLET) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Train Air Brakes," Mr. Gilchrist explains that trains are equipped with a brake pipe that extends

from the locomotive to the last car of the train. The brake pipe supplies compressed air from the locomotive to every rail car in the train. The brake equipment on the rail car responds to a change in the brake pipe pressure. When the pressure in the brake pipe is reduced, the brakes on each rail car apply with a pressure that corresponds to the amount of the pressure reduction in the brake pipe.

Under the viewgraph, "Train Air Brake Controls," Mr. Gilchrist says locomotives are equipped with an automatic air brake valve. The automatic air brake valve is used by the locomotive engineer to adjust the pressure of the brake pipe to apply and release the train air brakes. When the train is operating normally with no air brakes applied on the train, the automatic brake valve is said to be in "release" position.

The BLET presentation includes pictures/diagrams of the 26L-type brake valve in the release position and showing other 26L-type brake valve positions, referred to as a "quadrant." A picture is also shown for the Knorr CCB II Brake Valve, manufactured by New York Air Brake Company.

Under the viewgraph, "Unattended Trains," Mr. Gilchrist says leaving trains unattended is a standard operating procedure for all trains in the United States. He adds, trains are left unattended for long periods. Often the trains are in remote locations where unauthorized persons may go unnoticed. This practice has been documented by the International Brotherhood of Teamsters (IBT) in a report titled, "High Alert: Workers Warn of Security Gaps on Nation's Railroads." Mr. Gilchrist says unattended trains provide an opportunity for unauthorized persons, even a terrorist, to commandeer a train.

Under the viewgraph, "Are The Trains Secured?," Mr. Gilchrist says railroad operating rules and federal regulations require that trains be secured by fully applying the train air brakes before the train can be left unattended. In addition, hand brakes must be applied to a portion of the rail cars in the trains. The locomotive cab doors and windows must be locked, if they are equipped with locks. Finally, certain other procedures, such as positioning certain switches in the "off" position, must also be completed before leaving the train.

Under the viewgraph, "So What's the Problem?," Mr. Gilchrist says that all of the procedures used to secure an unattended train are either already publicly known or can be readily found on the internet. Locomotive operating manuals, which give detailed instructions on how to operate the locomotive including the air brake equipment, are sold on the internet and posted on rail fan web sites. In addition, railroad rule books that describe the train securement procedures, as well as training manuals for brakemen and switchmen, are also available to the public.

Under the viewgraph, "Reversers," Mr. Gilchrist says locomotive reversers, which are levers needed to operate a locomotive, are for sale on the Internet. He adds that the normal operating procedure for most railroads is to leave the reverser on board the locomotive for the new train crew to use.

Under the viewgraphs, "Train Simulators," "Train Simulator Controls," "Locomotive Control Stand," and "Train Simulator Demo," Mr. Gilchrist says train simulator programs are available, including a realistic replica of a locomotive control console. In addition, the Microsoft Train Simulator computer program displays a nearly exact replication of the engineer's controls on board a modern locomotive. Even a full size, fully

functioning, engineer's control stand can be purchased on the Internet. Finally, even the AAR's Train Simulator Demo is available on the Internet.

Under the viewgraph, "Problems Continued," Mr. Gilchrist says although some railroad operating rules require that the doors and windows be locked on unattended locomotives, in most cases (89 percent), they are not locked. He adds, newer locomotives are not equipped with a locking front door. Because locomotives are operated on different railroads, even if the door is equipped with a lock, the operating crew may not have the right key. And even with a locked door, railroad keys are in unauthorized hands.

Under the viewgraph, "Switch Keys," Mr. Gilchrist has found keys on the Internet, which can unlock current railroad switch locks.

Under the viewgraphs, "What Can be Done?," and "The Key to More Secure Trains," Mr. Gilchrist says a new safety/security device is needed that will prevent an unauthorized person from hijacking a train or locomotive by releasing the train's air brakes. The device must be: (1) effective; (2) secure against unauthorized use; (3) easily adapted to new and existing equipment used by all railroads in the United States; and (4) able to provide a high degree of safety for a reasonable costs. He believes that locking the automatic air brake valve whenever it is not in use may be one safety/security locking device that should be considered. Already, these locking automatic brake valves are being used in parts of Europe and in India.

Under the viewgraph, "Concerns & Solutions," Mr. Gilchrist says the European-style automatic brake valve is not compatible with equipment used by U. S. Railroads. However, most of the newer air brake control equipment in the U.S. can be easily retrofitted with a similar locking device. New locomotives could be equipped with a locking automatic air brake valve when built. Retrofitting older automatic air brake valves is more difficult. While research and development of a locking air brake valve for the U.S. rail industry has not yet been done, Mr. Gilchrist believes that manufacturers, principally New York Air Brake Company (a subsidiary of Knorr-Bremse), and Westinghouse Air Brake Company (WABTEC), will respond if a market for the locking automatic air brake valve develops.

Under the viewgraph, "Why We Are Here," Mr. Gilchrist says the BLET wants to: (1) raise the awareness that there is a need for a simple device to prevent unauthorized release of train air brakes; (2) show that such a device exists and that it can be adapted for use in the United States; (3) solicit assistance at the Federal level for BLET's continuing effort to increase rail safety/security; and (4) offer assistance and expertise in any effort to preempt acts of vandalism or terrorism involving rail equipment.

Under the viewgraph, "Summary," Mr. Gilchrist says (1) trains are vulnerable to unauthorized access because all current railroad operating procedures are publicly known or publicly available; (2) it is impossible to remove all of this knowledge from the public realm; (3) steps must be taken to improve this situation; (4) new safety/security procedures and/or devices, which are unknown publicly, are the only answer; and (5) the locking air brake valve is one such device.

Craig Gilchrist (BLET) asks for questions.

Rick Inclima (BMWED) thanks the BLET for their informative presentation.

Timothy DePaepe (BRS) says he performed a search for signal equipment and found many switch lock keys and signal light lenses available for purchase on the Internet. These items could be used by vandals to cause train accidents.

Craig Gilchrist (BLET) says this subject is very near and dear to his heart.

Terry Briggs (BLET) says he does not want to single any particular railroad out, but that the many BNSF rule books are available on the Internet.

Bob VanderClute (AAR) agrees that there are numerous items that can be purchased on eBay, an online Internet auction service. He asks for a copy of the BLET Presentation so that he can present it to the AAR's Safety and Security Committee.

Levern McElveen (FTA) asks if the TSA representative wants to speak on this topic?

Chairperson Cothen says TSA is scheduled to make a presentation during the afternoon session of the RSAC Meeting. He asks Cynthia Gross (FRA) for a presentation of Passenger Safety Working Group activities.

Cynthia Gross (FRA) says the Passenger Safety Working Group last met in March, in Fort Lauderdale, Florida. It will meet next in September in Orlando, Florida. She says the Working Group will be asked to form a new General Passenger Safety Task Force. The principal areas that the Task Force would examine include: (1) door securement; (2) passengers walking over tracks in train stations; and (3) equipment issues. She says the Track Vehicle Interaction (TVI) Task Force has met several times and should have a final draft on proposals for this highly technical area by the September Working Group meeting. She says a matrix of TVI activities is included in the handout materials that were given to each RSAC attendee. Finally, she says, the Emergency Preparedness Task Force has a Notice of Proposed Rulemaking in for Agency review on a number of topics. It is completing work on emergency signage, low level exit path lighting, and emergency lighting. Next, the Emergency Preparedness Task Force will take up issues involving removable panels for emergency egress, automated external defibrillators (AED), and wireless communications. Cynthia Gross asks for questions.

With no questions of Cynthia Gross on Passenger Safety Working Group activities, Chairperson Cothen announces the lunch break.

L U N C H B R E A K 11:55 A.M. - 1:05 P.M.

Chairperson Cothen reconvenes the meeting. He asks Christopher Schulte (FRA—Office of Safety) for a report on Roadway Worker Protection Working Group activities.

Christopher Schulte (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Before beginning the Presentation, Mr. Schulte explains that as a former track inspector, he was repeatedly cautioned about touching an electrified third rail. To do so, could have fatal consequences. He uses this analogy to acknowledge that the Roadway Worker Protection Working Group has come close to touching the "third rail" several times

during its deliberations on revisions to roadway worker protection rules. Under the viewgraph, "Session Status," Mr. Schulte says the Roadway Worker Protection Working Group met five times in calendar year 2005, and has met four times in 2006. The next scheduled meeting will be August 22-23, 2006, at Overland Park, Kansas. He estimates that up to three additional meetings will be necessary to complete RSAC Task No. 05-01, Review of Roadway Worker Protection Issues. Under the viewgraph, "Consensus & Progress," Mr. Schulte says the Working Group has reached consensus on 19 items, most recently for (1) information on the accessibility of the roadway worker-in-charge and alternative procedures in the event the roadway worker-in-charge is no longer accessible to the members of the roadway work group, and (2) using a manned locomotive as an inaccessibility instrument for inaccessible track.

Under the viewgraph, "Under Discussion," Mr. Schulte says substantial progress has been made on procedures to safely move weed sprayers and snow throwers on non-controlled track. But there is not yet consensus on these issues. He says a contentious issue, which will need additional time to resolve, involves the on-track training of other-than-roadway workers who provide protection for roadway work groups.

Under the viewgraph, "Future Discussion Points," Mr. Schulte outlines the following: (1) definition of "roadway worker" and work preparation activities; (2) assignment of roadway worker-in-charge for contractors; (3) electronic documentation; (4) roadway worker limitations when warned by a watchman/lookout; (5) use of individual train detection (ITD) at controlled points; (6) maximum training time span for roadway workers; (7) snow removal at passenger station platforms; (8) training frequency of contractors; (9) yard limits—controlled/non-controlled; (10) block register territory; and (11) railroads informing contractors of on-track safety requirements.

Under the viewgraph, "Other Activities," Mr. Schulte says railroads have been asked to provide a sample of practices regarding switch manipulation for maintenance purposes. He says this is a fact gathering exercise.

Christopher Schulte (FRA) says the Working Group has a lot of "homework" to complete before its next meeting. But, he believes the Working Group's efforts will be successful. He adds, there have been no roadway worker fatalities in 2006. Mr. Schulte asks for questions.

With no questions of Christopher Schulte, Chairperson Cothen introduces Tom Schick as the new RSAC Member representing the American Chemistry Council. He asks James Clarkson, General Manager, Freight Rail Security of the Transportation Security Administration (TSA), for an overview of the Homeland Security Action Plan.

James Clarkson (TSA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Before beginning the presentation, Mr. Clarkson explains that he looks at the cargo side of rail transportation, while TSA's Peter Loverso looks at the passenger and mass transit side of rail transportation. He adds that at TSA, there is a "government" side and a "private sector" side. Under the viewgraph, "Freight Rail Security Group," Mr. Clarkson says the mission of the Freight Rail Security Group is to (1) protect the Nation's freight rail network from terrorists or criminal attacks; (2) prevent terrorists from using the rail network to attack the public or the Nation's critical infrastructure; and (3) maintain the economic viability of the rail

network. He adds that the modus operandi of terrorists is generally to attack people. Mr. Clarkson says the strategic goals are to: (1) raise the security baseline across the industry; (2) minimize exposure in high risk areas; and (3) improve the ability to respond to threats and events.

Under the viewgraph "Priorities," Mr. Clarkson says TSA security emphasis will be placed on the following: (1) hazardous material shipments, including toxic inhalation hazards (TIH); (2) critical infrastructure, i.e., bridges; (3) food and agricultural shipments; (4) radiological and nuclear shipments; and (5) military shipments.

Under the viewgraph, "TIH Action Plan," Mr. Clarkson outlines the following elements for Toxic Inhalation Hazards (TIH) Action Plans: (1) publish final security action items derived from rail corridor assessments; (2) define high-risk urban areas; (3) issue Department of Transportation (DOT)/Department of Homeland Security (DHS) regulations; (4) develop detailed performance standards to expedite the movement of TIH trains and minimize the duration of TIH shipments in the transportation cycle; (5) implement secure storage area concepts; (6) leverage existing tracking capability—a potential topic for an RSAC Working Group (i.e., establish standards for Global Positioning System (GPS) tracking. Adoption would be voluntary like Positive Train Control Standards); (7) enhance security training programs; and (8) continue to work with industry.

Under the viewgraph, "Security Action Items," Mr. Clarkson says on March 30, 2006, DHS and DOT shared its list of Security Action Items with the railroad industry. The final list of Security Action Items will be published in May 2006. The Security Action Items are derived from the findings of TSA-led rail corridor assessments and FRA security plan compliance inspections. With respect to high-risk cargos, the Security Action Items will need to three operational areas: (1) system security; (2) access control; and (3) enroute security.

Under the viewgraph, "High Risk Urban Areas," Mr. Clarkson says 50 High Risk Urban Areas have been identified. From a geographical perspective, he cites New York City and Washington, D. C. as being High Risk Urban Areas. The "risk" to these areas is a function of "threat," "consequences," and "vulnerability."

Under the viewgraph, "Regulatory Initiatives," DOT and DHS are proposing regulations that clarify and enhance existing rules. In addition, DHS is considering the proposal of additional rules concerning security requirements relating to the TIH supply chain.

Under the viewgraph, "Expedite Movement—Minimize Duration," Mr. Clarkson says DHS and DOT will need additional input for recommendations on performance standard development for: (1) expediting the movement of trains transporting rail cars containing TIH materials in High Risk Urban Areas, i.e., where tank cars may be used as "storage facilities;" and (2) minimizing the duration that TIH materials are in the transportation cycle, i.e., minimizing time in transit between origin and destination.

Under the viewgraph, "Secure Storage Areas," Mr. Clarkson says there is a need for standards for a Secure Storage Area, i.e., determine what constitutes a secure storage area and when a secure storage area must be used. He says DHS has funded a secure storage area pilot project to help determine standards.

Under the viewgraph, "Tank Car Tracking," Mr. Clarkson says (1) TSA is conducting a GPS tracking pilot project in partnership with a shipper; (2) FRA, with support from TSA is piloting the development of Freight Scope tracking software; and (3) TSA is seeking one performance-based standard for the rapid reporting of tank car locations.

Under the viewgraph, "Enhanced Security Training," Mr. Clarkson says TSA intends to: (1) leverage existing industry training; (2) utilize DHS security expertise for explosive detection and suspicious behaviors; and (3) offer Improvised Explosive Device (IED) recognition training for car inspectors and operating employees.

Under the viewgraph, "Building the Partnership," Mr. Clarkson says that TSA intends to reach out to RSAC and other Freight Rail Coordinating Councils to help achieve the Agency's mission goals. He asks for questions.

James Stem (UTU) asks if Mr. Clarkson can share information on the proposed Transportation Worker Identity Card?

James Clarkson (TSA) responds that the Transportation Worker Identity Card applies across all transportation modes. However, initially the Transportation Worker Identity Card will be issued to railroad employees operating in rail yards or facilities that are within the foot print of a port. The identity card will confirm that (1) you are, who you say you are; and (2) you are not a "bad" guy. He says it will be a "smart card" device. There will be a fee for the card, perhaps \$100. It will be rolled-out from the maritime industry. However, he does not know yet where railroad employees will fall within the queue. He says there remains a lot of work before identity cards can be issued; there are questions, such as what constitutes a background check? How far back does the background check go? How to deal with contractors?

Mr. Stem says for the last 30 months, no one has had an opportunity to participate in the implementation of the Transportation Worker Identity Card Program. He says labor believes it can help with educating its membership and with implementing the identification card program.

Mr. Clarkson agrees. He recognizes that TSA has not had a lot of engagement with labor or shippers.

Rick Inclima (BMWED) has questions about the responsibility of railroad employees and security. His membership is asking him about training. He says labor wants to help protect the railroads. But the people moving the cars need to know something about the threats. He says, "If you have boots on the ground, let's not keep them in the dark."

Mr. Clarkson says Mr. Inclima's point is well taken. He says training has to be managed. There are certain kinds of jobs in a position to do this. He adds, this is the sort of thing that TSA wants to do.

With no further questions of Jamie Clarkson, Chairperson Cothen asks Medenia Dashiell (FRA—Office of Safety) for a report on Continuous Welded Rail Working Group activities.

Medenia Dashiell (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are

not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "SAFETEA-LU," Ms. Dashiell says on August 10, 2005, President Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU). This legislation required FRA to issue rules regarding the inspection of continuous welded rail within 90 days to improve the identification of cracks and other incipient failures in bolted joints within continuous welded rail. FRA published an Interim Final Rule (IFR) on this topic on November 2, 2005, i.e., 70 *Federal Register* (FR) 66288. The compliance date for track owners with the IFR is January 3, 2006.

Medenia Dashiell (FRA) explains that on February 22, 2006, the full RSAC accepted Task No.: 06-02, Track Safety Standards and Continuous Welded Rail. The first item on the Continuous Welded Rail (CWR) Working Group's agenda is to resolve comments on the IFR. Under the viewgraph, "Comments to the Docket (IFR)," Ms. Dashiell says FRA received 17 comments to the IFR. These include: (1) inspection frequency; (2) training/retraining; (3) availability of individual railroad Continuous Welded Rail Inspection Plans—now available on FRA's secure Internet Web Site; (4) economic analysis; and (5) joint bar inventory and recordkeeping requirements.

Under the viewgraph, "CWR Working Group Tasks," are 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 management of CWR to prevent track buckling and joint failures, including design, maintenance and inspection.

Under the viewgraph, "Work in Progress," Ms. Dashiell explains that a small business task force has been established for short line and commuter railroad interests and that data analysis by the Volpe National Transportation Systems Center (Volpe Center) and the Working Group have included the following: (1) risk-based approaches to establish CWR joint bar inspection intervals; (2) fracture mechanics of joint bars; (3) alternative approaches to joint bar inventory requirements; (4) accident/incident data and reporting criteria for joint bar-caused derailments; and (5) review of FRA inspection data for trends in reporting joint bar failures.

Under the viewgraphs, "Working Group Update," and "Next Steps," Ms. Dashiell says the CWR Working Group has held two meetings—April 3-4, 2006, and April 26-28, 2006. The next meeting will be May 24-25, 2006, in Washington, D.C. She says the Working Group needs to complete its review of the IFR by June 2, 2006. Then, the Working Group will tackle other Track Safety Standards issues beginning with its July 2006, meeting.

Chairperson Cothen says the CWR Working Group is reviewing a model for the propagation of joint bar cracks being undertaken by the Volpe Center. He says the trend line of Working Group discussions is that the IFR requirements for a joint bar inventory system might be set aside for periodic inspections. This would be accompanied by greater emphasis on inspection of higher classes of track, i.e., freight and passenger trains are permitted to operate at higher speeds at higher track classes and tonnage. He asks if there are any questions for Medenia Dashiell?

Rick Inclima (BMWED) asks for confirmation on dates for the next CWR Working Group meeting.

Ms. Dashiell responds May 24-25, 2006, in Washington, D.C.

With no further questions on the CWR Working Group activities, Chairperson Cothen asks George Scerbo (FRA—Office of Safety) for a report on Locomotive Safety Standards Working Group activities.

George Scerbo (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraphs, “Locomotive Standards Working Group Report,” Mr. Scerbo explains that the Locomotive Safety Standards (LSS) Working Group’s first meeting was May 8-10, 2006, in St. Louis, Missouri. RSAC Task No.: 06-01, Review and Revision of the Locomotive Safety Standards, was accepted by the full RSAC on February 22, 2006. As part of the task, the Working Group is considering an AAR Petition, i.e., Docket No. FRA-2004-18739, to eliminate 49 CFR § 229.131, Locomotive Sanders. The rule text states: “Except for MU (multiple unit) locomotives, each locomotive shall be equipped with operable sanders that deposit sand on each rail in front of the first power operated wheel set in the direction of movement.” Railroads say that they do not intend to remove sanders from locomotives. Rather, they want the ability to maintain, or service sanders on an “as needed” basis. The AAR’s position is that sanders do not provide a safety benefit—they provide an operational benefit assisting in traction effort. However, not all members of the Working Group agree with the AAR’s position. Some Working Group members believe that locomotive sanders do provide safety benefits, specifically when used in conjunction with dynamic braking at low speeds, although no studies have been commissioned to support this position.

Mr. Scerbo explains that the LSS Working Group has reached consensus on the concept to add additional text to 49 CFR § 229.131, which would allow railroads some leeway to maintain sanders on locomotives as follows: (1) all locomotives will have operating sanders at the initial terminal; (2) for road locomotives, the following triggers apply to lead locomotives when sanders become inoperative enroute after departure from the initial terminal: (a) must be serviced within 14 days; (b) must be serviced when placed in a facility with a sand delivery system; and (c) must be serviced at the periodic inspection; and (3) for trailing locomotives, the following triggers for servicing sanders: (a) at an initial terminal; (b) when placed in a facility with a sand delivery system; and (c) during periodic inspections. He says if a locomotive is put into a new train consist, the locomotive sanders would also need to be operable. Mr. Scerbo says there was some discussion on switching locomotives. The Working Group will continue this discussion during a conference telephone call scheduled for June 27, 2006.

FRA introduced a list of items it would like the Working Group to consider after the locomotive sanders issues is resolved. These include: (1) review all locomotive waivers and incorporate these into existing rules; (2) review locomotive Technical Bulletins and incorporate these into existing rules, i.e., alternating current (AC) locomotives with cut-out traction motors and testing of AC ampere meters; (3) provide locomotive electronics language similar to 49 CFR § 238.105, hardware software safety—at the manufacturer level; (4) consider requiring “alerters” in freight locomotives as they are already required in passenger locomotives; and (5) eliminate expired provisions of the existing rule. Mr. Scerbo says the next LSS Working Group meeting will be August 8-9, 2006, at a location to be determined.

Chairperson Cothen says FRA undertook the locomotive sander issue first because of a pending Petition of the AAR, which has been outstanding for 22 months. FRA is required to respond to Petitions within 9 months. He says FRA hopes that the LSS Working Group will be able to resolve the locomotive sander issue by the next full RSAC meeting. Consequently, FRA will ask permission for a mail ballot on this single issue for locomotive sanders.

But first, Chairperson Cothen asks for motion from the RSAC to vote on the CWR Working Group's resolution of comments to the Interim Final Rule on Continuous Welded Rail by mail ballot.

Ira Baldwin (Association of State Rail Safety Managers) moves that the full RSAC vote on the CWR Working Group's resolution of comments to the Interim Final Rule on Continuous Welded Rail by mail ballot.

Rick Inclima (BMWED) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES THE MOTION TO VOTE ON THE CWR WORKING GROUP'S RESOLUTION OF COMMENTS TO THE INTERIM FINAL RULE ON CONTINUOUS WELDED RAIL BY MAIL BALLOT.

Chairperson Cothen asks for a motion from the RSAC to vote on the LSS Working Group's resolution of the AAR's Petition for removing 49 CFR § 229.131, locomotive sanders, by mail ballot.

Bob VanderClute (AAR) moves that the full RSAC vote on the LSS Working Group's resolution of the AAR's Petition for removing 49 CFR § 229.131, locomotive sanders, by mail ballot.

Thomas Pontolillo (BLET) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES THE MOTION TO VOTE ON THE LSS WORKING GROUP'S RESOLUTION OF THE AAR'S PETITION FOR REMOVING 49 CFR § 229.131, LOCOMOTIVE SANDERS, BY MAIL BALLOT.

Chairperson Cothen announces the afternoon break.

AFTERNOON BREAK 2:15 P.M. - 2:30 P.M.

Chairperson Cothen reconvenes the meeting. He asks Patrick Ameen (AAR) for a presentation on the AAR's Safety Appliance Petition. He says both the American Public Transportation Association (APTA) and the Association of American Railroads (AAR) have been helping FRA catch up with safety appliance issues.

Patrick Ameen (AAR) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. He says when describing safety appliances, it is the "clear length" of the safety appliance, i.e., a handhold, that is useful.

Under the viewgraph, "Background," Mr. Ameen says the AAR first met with FRA's Staff Director for Motive Power and Equipment (MP&E), Ronald Newman, on this topic in February 2002. In March 2002, the AAR's Equipment Engineering Committee commissioned a Task Force to help draft requirements for Freight Car Safety Appliances. In January 2004, labor organizations and Transport Canada were invited to participate. On June 9, 2004, industry comments were solicited on Draft AAR Standard S-2044: Requirements for Freight Car Safety Appliances. Finally, on March 28, 2006, the AAR petitioned FRA to amend 49 CFR §§ 231.1, 231.27, and 231.28.

Under the viewgraph, "AAR Safety Appliance Task Force," Mr. Ameen says the Task Force members are: (1) the American Railway Car Institute (ARCI)—six freight car manufacturers, including one Canadian builder; (2) FRA's MP&E Division staff—Ex Officio member; (3) Transport Canada—Ex Officio member; (4) the AAR's Equipment Engineering Committee, BNSF Railroad, CSX Transportation (CSXT), Norfolk Southern Railroad, and TTX Company; and (5) rail labor organizations, BLET, TWU, and UTU.

Under the viewgraph, "AAR Standard S-2044," Mr. Ameen says the following apply: (1) Requirements for FRA's Safety Appliance Standards will be restated in more contemporary terms; (2) car types not covered in 49 CFR § 231 will be addressed, i.e., double stack cars, spine cars, multi-level cars, center beam cars, and coil steel gondolas; (3) requirements will be added to the AAR Manual of Standards & Recommended Practices at Section C: Car Construction Fundamentals & Details; (4) requirements will be mandatory for new freight cars; (5) requirements will be in two main parts—(a) a base standard common to all car types, and (b) a series of appendices for individual car types; (6) vertical side handholds on bulkhead flat cars (including center beam) will be eliminated and four horizontal handholds will be required; and (7) the target date for implementation will be January 1, 2007.

Under the viewgraph, "AAR Petition," Mr. Ameen highlights the following: (1) portions of 49 CFR § 231 need to be amended to be consistent with S-2044; (2) there will be requirements for end platform centering: center between the end handholds rather than each end of the car; (3) for sill steps, the tread length and location will be 2-inches versus 11-inches between the outboard vertical leg and outboard clearances of the lowest handhold; (4) eliminate the FRA option of 10-inches for sill step minimum tread length and make it 12-inches; (5) for end and side handholds, locate relative to each other versus sides and ends of cars; (6) definition of "clear length" will not include handhold "feet;" (7) for painting cars greater than 16-feet, 10-inches ATR, allow reflectorized material in addition to reflectorized paint; and (8) for paint, allow 80 percent, or substantially covered, versus 100 percent. Mr. Ameen notes there is difficulty in applying paint over some surfaces, i.e., roof running boards.

Patrick Ameen (AAR) asks for questions.

James Stem (UTU) says he served on the AAR's Task Force at the request of FRA. He asks if FRA can explain the Petition and what it means? He asks if anyone who served on the Task Force considers the AAR's Petition to amend FRA's safety appliance standards to be a consensus document?

Chairperson Cothen says FRA will look at the document with interest. He believes it has been assigned a Docket Number. He asks Patricia Butera (FRA) to send out an E-Mail message to RSAC Members that identifies the Docket Number for the AAR's Petition to amend FRA's safety appliance standards.

Mr. Stem shares his concerns on one of the issues for which there was no consensus, i.e., welded hand hold safety appliances versus mechanically-fastened hand hold safety appliances. He recommends that an RSAC Working Group look at this issue. He believes that the AAR's Petition is asking too much, too soon. He says that the UTU will have to oppose the AAR's Petition with regard to the welding versus mechanically-fastened safety appliance issue.

Patrick Ameen (AAR) says he did not mean to imply that the AAR's Petition was a consensus document. He says, the Microsoft PowerPoint slides are just an overview. He adds that the AAR cannot adopt the proposed S-2044 Standards if they are in conflict with federal regulations at 49 CFR § 231.

James Stem (UTU) believes that FRA needs additional input from its MP&E Staff, including Ronald Newman and Stephen Carullo, and notes that they are absent from today's full RSAC meeting.

Chairperson Cothen responds that Ronald Newman and Stephen Carullo are part of FRA's team that will be reviewing the AAR's Petition. He says the AAR's Petition is the beginning of the next phase. He hopes that RSAC members will provide input. However, he adds, he does not believe it is useful to include massive amounts of details in Federal Regulations when things are changing so rapidly. He adds, it is not good for car builders, car owners, or car users. He believes that the AAR is going after the underlying "symptoms." He says currently, mechanical fasteners are the acceptable approach.

Chairperson Cothen asks John Conklin (FRA—Office of Safety) for a report on remote control locomotive operations.

John Conklin (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. On April 6, 2006, FRA transmitted *Safety of Remote Control Locomotive (RCL) Operations*, dated March 2006, to Congress. The report was requested by the U.S. Senate Committee on Commerce, Science, and Transportation. Based on the data collected from December 2003 through December 2004, RCL and conventional train accident rates were virtually identical for those major railroads that made extensive use of both types of operations. For the industry as a whole, RCL train accident rates were approximately 25 percent higher than the train accident rates for conventional switching operations, i.e., 22.42 versus 17.89 accidents per million yard switching miles (MYSM). The higher rate for RCL operations is largely because the railroad that historically has had the lowest human factor train accident rate relies almost exclusively on conventional switching. A closer look at data indicate that approximately 85 percent of the yard switching miles were generated by only three (BNSF, CSXT, and UP Railroads) of the 38 railroads evaluated. A comparison of accident rates for these three railroads indicates a rate of 24.09 accidents per MYSM for RCL operations and a rate of 24.52 accidents per MYSM for conventional operations. Employee injury rates were approximately 20 percent lower for RCL operations than for conventional switching operations.

Under the viewgraph, "RCL Main Track Operations," Mr. Conklin says restrictions are being recommended on moves subject to 49 CFR § 232. These are: (1) horsepower limitations, i.e., no more than 3,000 horsepower distributed over 8 axles; (2) train size

limitations, i.e., 1,000 feet; (3) maximum speed limitations, i.e., 15 mph; and (4) grade limitations, i.e., no grades of 0.5 percent or greater, for 0.25 miles or more. However, Mr. Conklin says FRA is open to restriction modifications, provided a railroad can show that movements can be conducted safely. For training (Part 240), RCL operators should have classroom training—the same as conventional engineers, and a minimum of 120 hours of actual operating time on-the-job-training.

Under the viewgraph, “Operating RCOs Riding Cars,” Mr. Conklin says riding cars was previously discouraged because FRA inspectors look for remote control operators (RCO) to have two feet and at least one hand securing the RCO’s position on a piece of rolling stock. This did not allow RCO’s to operate the remote control apparatus. Now that “speed control” exists, RCOs will be allowed to ride cars at their discretion.

Under the viewgraph, “Remote Camera X’ing Protection,” Mr. Conklin notes that RCL has not resulted in any adverse impacts on grade crossing safety. However, railroads are encouraged to follow the guidelines listed in FRA’s Report.

Under the viewgraph, “RCL Signal System Integrity,” Mr. Conklin says four RCL systems were evaluated, i.e., Canac, Cattron, General Electric, and Control Chief, and the following was noted: (1) security generally evaluated as good, but future generations of equipment could incorporate enhanced features; (2) recommended access control to systems, i.e., simple—beltpack numbering, login/logout procedures, —complex—smart cards, keys, biometrics, and personal identification numbers (pin).

Under the viewgraph, “Human Factors Accidents,” Mr. Conklin says “human factors” are the leading cause of all railroad accidents. He adds, the frequency of accidents appears to be equal in RCL versus conventional operations. However, RCL events may be more severe due to the loss of situational awareness, i.e., reduced feedback to the RCO. Under the viewgraph, “Human Factor Causes,” are the following: (1) switch improperly lined; (2) shoving movement, absence of employee on, or at the leading end of a movement; (3) shoving movement, employee on, or at the leading end of a movement, but fails to control; (4) switch previously run through; and (5) car left out to foul.

Under the viewgraph, “Fatalities,” Mr. Conklin says there were four fatalities between December 2003 and December 2004. Two involved RCL switching operations and two involved conventional switching operations. The average age of the deceased was 42.5; the average years of service was 11.

Under the viewgraph, “Actions Required by Railroads,” Mr. Conklin says if RCL movements are being conducted that require brake tests under 49 CFR § 232, railroads should: (1) amend training programs to address main track operations; (2) RCOs operating now must also receive additional classroom training on track-train dynamics, air brakes, and train handling; and (3) develop train handling instructions for this equipment.

Under the viewgraphs, “Training New-Hires,” and “Regulatory Follow-up,” Mr. Conklin says FRA is working with the AAR to develop an RCO training program—FRA is concerned about the experience of new hires. In addition, Operating Rules compliance for switch improperly lined, shoving movements, and car left out to foul issues are being addressed in a Notice of Proposed Rulemaking that is being drafted. FRA will also ask the LSS Working Group to look at locomotive control systems, including RCL.

John Conklin (FRA) asks for questions.

Rick Inclima (BMWED) says if an RCL is brought out on a main line, it introduces a whole host of new hazards. He asks if any consideration has been given to operating RCLs on main lines?

John Conklin (FRA) says the issue of “Remote Control Zone” was to help with this concern. He says when a RCL goes out on a main line, there must be point protection. Only in yards, will relief be granted to the requirement for point protection.

Mr. Inclima says the BMWED has a lot of people working at night within “Track and Time” protection. He asks how do these people see each other and make their presence known without train illumination and train horns blowing? He asks if this has been discussed?

Mr. Conklin responds that most movements will be pulling movements, versus shoving movements. With a shove, the man on the point must work with the train engineer. In addition, they must comply with roadway worker protection rules.

Thomas Pontolillo (BLET) says the BLET has taken an exception to the metric that FRA used in normalizing the data for crew size. He asks how many railroads have submitted revisions to their Part 240 provisions?

Mr. Conklin responds, “None.”

Mr. Pontolillo asks if that is a violation?

Mr. Conklin responds, “Yes.”

Mr. Pontolillo says labor has a different view than FRA on this issue. Since there are guidelines, not regulations in place, he says some railroads are rushing this technology to the limits. He asks, “How does FRA plan to provide for new proposals for say, main track RCL operations? And, what sort of process does FRA intend from these developments?”

Chairperson Cothen responds that FRA will look at the programming of the Remote Control Systems, and the track conditions. He says railroads need to reach out and advise FRA of this information. He adds, FRA does not have track/train dynamics for either standard, or RCL operations. The issue is: Is the software up-to-date? He hopes there will be a willingness to share some of this thinking with FRA and other parties.

Mr. Pontolillo says because of railroad industry retirements, there are going to be large displacements of experienced personnel. He has heard of some employees being trained as an RCO, before they are qualified as a conductor. He believes safety will suffer if “the cart is placed before the horse.”

Preston Claytor (AAR) says Class III railroads are different. He says “certified train engineers” are being used as RCO’s. He says he would be happy to demonstrate this technology during a field trip to one of Rail America, Incorporated’s railroads.

With no further questions of John Conklin, Chairperson Cothen gives a status report on other regulatory activities. He says the Final Rule on Locomotive Crashworthiness is

cleared and ready for publication. The Occupational Noise Exposure Rule for railroad operating employees is awaiting clearance at the Office of the Secretary of Transportation. The Final Rule on Locomotive Horn Use has moved to the Office of Management and Budget for clearance. He says the "1-800, Emergency Call Report" is undergoing clearance. He says the "Push/Pull Locomotive Report" is entering clearance. On fatigue issues, he says the North American Rail Alertness Partnership continues work on validating a fatigue model and is working on sleep disorders with several railroads. He adds that FRA needs to respond to a medical standards presentation that was made to an earlier full RSAC meeting.

Chairperson Cothen asks for a motion to approve the Minutes for the February 22, 2006, meeting. He says David Elliott (High-Speed Ground Transportation Association (HSGTA)) requested changes to two entries attributed to him. He asks if there are additional corrections, or edits to the Minutes for the February 22, 2006, meeting?

David Elliott (HSGTA) moves that the Minutes for the February 22, 2006, meeting be approved, as amended.

Timothy DePaepe (BRS) seconds the motion.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES THE MINUTES FOR THE FEBRUARY 22, 2006, MEETING, AS AMENDED.

Chairperson Cothen introduces Robert Moore as the Alternate RSAC Member, representing the High-Speed Ground Transportation Association.

Chairperson Cothen asks for a date for the next full RSAC meeting. He suggests September 28, 2006.

There is a brief full RSAC discussion concerning meeting dates. It is noted that the American Railway Engineering Maintenance of Way Association (AREMA) is holding a its Annual Conference in Louisville, Kentucky on September 17-20, 2006.

Chairperson Cothen says FRA will try to arrange the next full RSAC meeting for September 21, 2006, in Washington, D.C.

Chairperson Cothen asks if there is any additional business?

Patrick Ameen (AAR) says he would like to allay James Stem's (UTU) concerns about AAR's proposed new standards, S-2044, for railroad safety appliances. He says there is no mention of "welding" in the "AAR's new Standard, S-2044. He says S-2044 defines "securely fastened," and "mechanically fastened." He adds, on railroad tank cars, the industry does not "mechanically fasten," because it does not want to put holes into the tanks.

James Stem (UTU) believes that a group consisting of car builders, labor, FRA, and the AAR needs to be convened to address individual cases of fastening railroad safety appliances.

Chairperson Cothen announces that FRA is offering a subscription service to receive personalized E-mail updates on the FRA Internet Web Site. He adjourns the meeting at 3:45 pm.

Timothy DePaepe (BRS) offers to move to adjourn the meeting.

Thomas Pontolillo (BLET) seconds the motion.

M E E T I N G A D J O U R N E D 3:45 P.M.

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

Respectively submitted by John F. Sneed, Event Recorder.