

## **Talking Points for the Administrator**

### **21st Meeting of the Railroad Safety Advisory Committee May 20, 2003**

- Good morning. Thank you for being here. With every passing month at FRA I am more and more impressed with the commitments that you keep to the work of this Committee and to the work of railroad safety across the Nation.
- This morning, I'd like to talk with you briefly about--
  - ( The environment in which we are working;
  - ( The progress that we can celebrate;
  - ( The challenges we face; and
  - ( Where I think we need to go with a particular topic that is no stranger to this Committee.

#### **[Work Environment]**

- This is a time of decision for transportation policy.
- First, we remain committed to doing something to radically change the manner in which governments invest in passenger rail. I use the term "radical," because after 30 years, we are convinced that change must take place--
  - ÷ change in the relationship between states and the federal government and between governments and railroad operators;
  - ÷ change in the decision making process by which passenger rail projects are considered and begun;
  - ÷ change in the basic policy debate, so that policymakers can consider what's best to do for passenger rail, and not for any particular operator.

- We are working to prepare legislation to put additional details on the ideas first outlined by the Secretary last summer and explained in slightly more detail a few weeks ago in DOT testimony to authorizing committees. We are working with many stakeholders to gather detailed ideas for our consideration as we draft this legislation. Stay tuned for future developments.
- Speaking of legislation and public disclosure, just last week, the Administration released our SAFE TEA proposal for reauthorization of the Federal surface transportation program. This proposal asks for a sharper focus on transportation safety at a time when deaths on the highways remain above 40,000 each year.
- SAFE TEA provides a record \$201 billion in funding for highway and safety programs, a 50 percent increase in safety funding over any previous legislation. It also gives state and local officials the flexibility to use the funds to face their unique safety issues. In addition to saving lives, this proposal will reduce congestion, increase funding flexibility for local decision makers, increase environmental protections, and create a more seamless transportation network.
- The committees of Congress will be busy looking at this and other approaches to reauthorization.
- The background against which this is happening is fascinating. Recently, the American Association of State Highway and Transportation Officials, a member of this Committee, released its ***Freight-Rail Bottom Line Report*** stating that “freight rail is critical to the freight transportation system, the competitiveness of many industries, and the economies of most States.”
- The report concluded that “the public sector and the private freight transportation community must advance public policy options that improve capacity, productivity and security of the freight-rail system as an integral part of the national freight transportation system.”
- AAHSTO has also issued a separate report on Intercity Passenger Rail Transportation.

- I don't know about you, but I find it to be pretty heady stuff when an organization originally organized around highway concerns focuses so strongly on the role of railroads in meeting our national transportation needs.
- It certainly reminds us that we are in the middle of an important debate, during a time when resources are limited, and when listening to one another is especially important.
- If that were not enough, each of our organizations has its own unique issues related to the pace of change in the railroad industry.

[Progress]

- But somehow we manage to maintain our focus on safety, and the results are there to prove it.
- The most recent revisions of the preliminary data for calendar 2002 shows—  
  
*Train accidents* down 12% and the rate per million train miles down almost 14%.  
  
*Employee on duty cases* down 16%, and the rate per 200,000 employee hours down 12%.  
  
*Highway-rail* incidents down 5%, fatalities down almost 16% (to 355), and injuries down 14% for historic low numbers and rates. Yes, they are still too high, but seeing that we continue to drive them down fortifies us to take the next steps.
- Most unfortunately, however, *trespasser fatalities* were up 6% (to 544) and continue to constitute the largest single category of rail-related deaths. As a result, the decline in total rail-related casualties was less than 1%.

[Partnership successes]

- Here in the RSAC and in other collaborative forums, we continue to do good things. On May 1, your revisions to the accident/incident reporting system went into effect.
- Later today, you will be briefed on consensus recommendations from the Cab Working Conditions group for measures to limit the occupational noise exposure of railroad operating employees.
- Other working groups are closing in on (1) a final rule for Processor-Based Signal and Train Control Systems, (2) a proposed rule to improve locomotive crashworthiness, and (3) a proposed rule for next-generation event recorders.
- And, since we met last, many of you who served on the Department's Technical Working Group for Highway-Rail Crossing Safety have seen your efforts finally rewarded through publication of the group's excellent report.

#### [Challenges]

- But we as an agency, and we as a transportation sector, have many challenges ahead of in the fields of safety and security over the coming months.
- Once again proving that imitation is a very sincere form of flattery, the Congress has asked the Secretary to provide a new Action Plan for Highway-Rail Crossing Safety with the next budget submission. We are pleased that the Congress has affirmed the Department's leadership in this area, and you will be invited this morning to join in this effort.
- Please note that we will be including trespass prevention in this effort. I very much hope this will be the beginning of the end of rising casualties resulting from trespassing on railroad property. We need to find new ways to enlist a broad range of partners to end this loss of life.
- Of immediate interest to this Committee, FRA has been challenged by the Secretary of Transportation to clean up our regulatory agenda. He has given us this opportunity because he himself is being challenged by Congressman

Oberstar and others in Congress to be more productive and resolute in departmental performance in administrative rulemaking.

- Between now and next May, we will be taking the next step – whether a final rule, an NPRM, or a termination or withdrawal notice – in each of our regulatory proceedings.
- We have directed the FRA staff to determine milestones that will permit us to meet this goal in a manageable, phased way so that everything doesn't crowd in on us toward the end of this 12-month period.
- You have previously heard me talk about the need to make prompt decisions after the facts have been gathered and everyone has had their say. Thank you for taking this to heart.
- Now I have to ask you to redouble your efforts to help us clean up our regulatory backlog.
- Some of this just means we need to deliver for you. Let me repeat that: we are not looking at our regulatory calendars and glaring at this committee or others, patting our feet impatiently. Instead, we recognize that we owe you better performance when it comes to doing the things only we can do in translating consensus into rulemaking documents. We are committed to push through to get more visible results from our collective RSAC efforts.
- Let me say a few things about some of the more visible and critical regulatory and RSAC processes that have our attention.
- We owe you a final rule implementing your recommendations on Roadway Maintenance Machines. I will sign it not later than August 1, and hopefully before.
- The PTC Working Group has been putting in lots of effort with FRA staff to get over the last hurdle in the Performance Standards rulemaking. We look forward to the working group, and this committee, reviewing a recent agreement out of the "Risk 2 Team" that we believe provides the last building block for the final rule. FRA is already proceeding under the assumption

that this dialogue will conclude favorably, because we owe the Office of the Secretary a final rule document this September for publication within a short time thereafter.

- The Cab Working Group has put us in a position to publish an NPRM on hearing conservation at an early date. I ask the Committee to support the recommendations that will be reported to you today. FRA commits to taking any public comments back to the working group for final recommendations. We will do all we can to get those recommendations translated into published rulemaking proceedings as soon as possible.
- We have been trying to find the right combination to improve Locomotive Event Recorders for several years now. FRA has been trying to listen carefully to concerns from the railroads and from the National Transportation Safety Board, as well as consider the interests of employees whose performance is being monitored. I hope we are on the threshold of a breakthrough. Breakthrough or no breakthrough, FRA will issue a proposed rule before this Thanksgiving.
- Both FRA and the AAR have hesitated over the proposed rule on locomotive crashworthiness. No more. FRA will be forwarding an NPRM to the working group very shortly. I ask the AAR to give us a final draft of your revised "S-580" standard so that we can match up the agreed-upon performance standards with engineering criteria that would be authorized for implementation.

FRA will publish the NPRM in this proceeding by not later than the first of April next year, and if possible before that date.

- For many months now we have said we would reopen the passenger safety discussion in a second phase of activity. Today, you will be offered a general planning task that is broad enough to allow plenty of flexibility for the future. I ask you to sign up for this new activity so that we can start to talk about priorities and begin any further data collection or research we need to sort them out. Due to the other work I have described, any specific projects will have to come on line some months hence. The difference in this request is that we will jointly agree on what's most important and launch rulemaking

efforts in a targeted manner that respects people's limited resources of time, money and patience.

- FRA has lots of other regulatory work to do in this same period, and we have many other challenges mounting up on our “to do” list. While we will open a fresh dialogue on passenger safety if you are willing, our focus over the coming months will be cleaning house, and perhaps that provides a suitable transition to the next topic.

[Cab temperature]

- Early on, I'm told, the Cab Working Group discussed in some detail the issue of locomotive cab temperature. FRA had received requests to regulate in this area, and—after considerable discussion—it became apparent that the group could not find common ground.
- Part of the problem was evidently uncertain science, but there were also collateral concerns that kept the group from continuing the dialogue.
- FRA went back to the drawing board and commissioned some important research. Our Human Factors program manager, Dr. Tom Raslear, will be briefing you this morning on what we found.
- As you will see from Tom's briefing, what we found indicates that temperature extremes can degrade performance.
- Skipping to the chase, which I have to do because I have commitments away from this venue today, we have evaluated this information and here is where we come out:
  - ( We recognize that, at 50 degrees, the lower limit of our existing locomotive standards is too low. When this group next revisits Part 229, we need to specify a more reasonable lower limit.
  - ( However, the matter is not urgent because data collected in support of the RSAC effort showed that, if existing heaters are maintained—as they must be—cab temperatures even in very cold weather will be

maintained within an acceptable range. So we have an issue with the standard, but locomotive manufacturers and railroads have exceeded it, and wisely so.

- ( On the high end, we looked at what safety benefits we might squeeze out by some sort of performance standard to maintain cab temperature within the appropriate range [not exceed 86 degrees F. wet bulb globe temperature, which accounts for air movement and humidity].
- ( Where we came out is that we could *not* show that, based on the safety benefits, a regulatory mandate would pay for itself.
- ( So, that means we can all forget about it, right? Of course not.
- ( We need to take the lessons of this research to heart and put it with everything else we know to make good decisions for the future.
- ( We *know* that fatigue is an issue in this industry, and we know that high temperatures cause stress.
- ( We *know* that safety glazing won't work well if the window has to be open.
- ( We *know* that open windows make for more noise exposure and poorer communication between crew members.
- ( We *know* that the railroad industry invests tens of thousands of dollars training its employees and wants to retain them.
- ( We may not be able to prove that good working conditions improve productivity, but in most work settings we use that as an operative assumption.
- ( We *know* that increasing numbers of locomotives are used under shared power agreements and, in the future, may work anywhere railroads go on the North American continent.



( Now, if you are buying locomotives and I still have not made a sale for all-season temperature control, then consider that cab electronics generate heat and are more prone to fail if they get too hot.

- Obviously, most of you arrived at the conclusion that temperature control makes sense well ahead of us. Most new locomotives are equipped with integral HVAC systems, and you are making an effort to maintain them.
- These systems have gotten better—more maintainable—in recent years.
- Our effort today is to give you one more reason to do the smart thing and to encourage any who have held back from ordering locomotives fully equipped to do so in the future. I understand that after long years of thoughtful, but separate contemplation, labor and carriers are engaging again in conversations on this issue. My word to you is, “Go for it!”
- Frankly, I’m a bit flummoxed why this is considered a regulatory matter. It strikes me that it’s just common sense to provide your employees a working environment in which they can be safe and productive. If migrant agricultural harvesting contractors operate air-conditioned combines, then I can’t see why locomotive crews, which have a much harder job and whose operating performance poses higher stakes, can’t be treated similarly.
- So we will be officially announcing shortly that we will not issue any proposed rules regarding cab temperature, even though “not now” is not equivalent to “never ever.” But, I want to ask you to remember that safety does need to be factored into this equation; and come this July or August please make a special effort to verify that your employees have a favorable environment in which to do good work.

[Close]

- In closing, I want to thank you again for your contributions to railroad safety. This is important work, and we know that every increment of positive change gets a little harder.

- Fortunately, our skill sets are getting more finely honed; and we are working together to make sure that our decisions work for everyone.
- Keep up the good work, and best wishes for a very successful meeting today.

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