

# **RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)**

## **Minutes of Meeting September 19, 2002**

The twentieth meeting of the RSAC was convened at 9:50 a.m., in the Grand Ballroom at Almas Temple Club, 1315 K Street, NW, Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Safety, George Gavalla.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Eighteen of the forty-eight voting members were absent: American Association of Private Railroad Car Owners (AAPRCO) (1 seat), American Association of State Highway and Transportation Officials (AASHTO) (1 seat), American Short Line and Regional Railroad Association (ASLRRA) (2 seats), Association of Railway Museums (ARM) (1 seat), Association of State Rail Safety Managers (1 seat), Brotherhood of Locomotive Engineers (BLE) (1 seat), Brotherhood of Maintenance of Way Employees (BMWE) (2 seats), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), National Association of Railroad Passengers (NARP) (1 seat), National Railroad Construction & Maintenance Association (1 seat), Safe Travel America (1 seat), Transport Workers Union of America (TWC) (2 seats), Transportation/Communications International Union/BRC (2 seats). Five of the seven associate RSAC members were absent: The Federal Transit Administration, The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Association of Railway Business Women, and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 104 persons.

Chairperson Gavalla welcomes RSAC members and attendees. He indicates that this is the twentieth meeting of the RSAC since its inception in 1996. He reflects that in the beginning there were some skeptics about this process, but over the years RSAC has achieved a number of significant accomplishments, and progress on several fronts. He notes that we now are recording the lowest number of fatalities and injuries in the industry's history. He then calls upon Ed Pritchard (FRA's Director Office of Safety Assurance and Compliance), to provide the members and attendees with a safety briefing.

Mr. Pritchard identifies where the fire and emergency exits are located. He asks each person to note who is located to their right and to their left, so that if it would be necessary to leave the building, we have a means of accounting for everyone. He asks those in attendance who are trained in cardiopulmonary resuscitation (CPR) to raise their hands. He notes that there were several qualified persons qualified in CPR in the room. He indicates that the building is not equipped with an automated external defibrillator (AED)

device. He indicates that he has a cellular telephone, and would take the responsibility for dialing the emergency telephone number, 911, in event such a need would arise.

George Gavalla indicates that he wishes to recognize some distinguished guests in the audience. He recognizes Don Itzkoff (former FRA Deputy Administrator) as being present and notes that Mr. Itzkoff was on board with the FRA when the RSAC began in 1996. He thanked Mr. Itzkoff for attending. Mr. Gavalla then recognizes Mr. Antonio Lozada, representing the Secretaria de Comunicaciones y Transport for the Government of Mexico, and thanks him for attending. Mr. Gavalla then states that it was his pleasure to announce that he no longer has to use the word "Acting" when he introduces Ed Pritchard. He said that Mr. Pritchard had been serving in two positions, Acting Director for FRA's Office of Safety Assurance and Compliance, and as Executive Assistant to the Associate Administrator for Safety. Mr. Gavalla indicates that Mr. Pritchard has been officially appointed as Director of the FRA's Office of Safety Assurance and Compliance. He acknowledges Ed Pritchard's long year's of dedication, his vast experience and knowledge of the workings of FRA's Office of Safety, and that Ed is a perfect choice for Ed English's vacated position. Those in attendance gave Mr. Pritchard a round of applause.

Chairperson Gavalla mentions that FRA Administrator Alan Rutter will be in attendance at this meeting at 1 p.m., this afternoon, and he will provide a presentation on fatigue. He says that the agenda for today's meeting should move quickly, and that we will probably finish before 4 p.m. At this point, Mr. Gavalla notes that the first item on today's agenda is a presentation concerning FRA's Railroad-Highway Grade Crossing and Trespasser Prevention Programs. He states that this area is the largest area of rail-related fatalities, when we consider those that arise from grade crossing collisions, and those involving unauthorized persons trespassing on railroad property. Mr. Gavalla said that we as a group, the railroads, labor, and FRA, have made significant progress, noting that there has been a one-third reduction in the last six years in fatalities arising from grade crossing accidents. He introduces Ron Ries (FRA Staff Director, Highway-Rail Crossing and Trespasser Division), and indicates that the purpose of Mr. Ries' presentation will be to share some of the best practices in preventing accidents of this type.

Ron Ries thanks Chairperson Gavalla, and indicates to the members and attendees that it is his pleasure to be here today. Mr. Ries states that the bulk of the presentation today will be given by two of FRA's Highway-Rail Crossing and Trespasser Regional Managers, and by a law enforcement officer, Mr. Hanagriff, who is serving as a part-time FRA liaison officer on FRA's Region 5. Mr. Ries states that during the presentations when the word "we" is used in conjunction with the accomplishments and successes achieved, we are not referring only to FRA. He indicates that when we do use "we", we will be referring to the railroads, labor organizations, Operation Lifesaver, Inc., suppliers, as well as FRA personnel. Many of these accomplishments and successes could not have been achieved without the active participation and efforts by all organizations in the railroad community.

Ron Ries begins the formal presentation, using a series of overhead view graphs. He states that he believes that FRA was the first federal agency to get a grade crossing and trespass prevention program together. He said that there are Regional Managers of Highway-Rail Crossing and Trespasser Safety, and Assistant Grade Crossing Managers on each of FRA's eight regions. Additionally, he says that FRA has part-time law enforcement liaison officers on three of the eight regions, and that FRA is actively looking for liaison officers for the other five regions. At this point, Mr. Ries introduced FRA Headquarter staff personnel of the Highway-Rail Crossing and Trespasser Division who were in attendance: Tom Woll, Beverly Lee, Brian Gilleran, and Beth Boardman; and thanked each for their hard work and effort in this work.

Mr. Ries notes that 96% of the rail-related fatalities in calendar year 2000 arose from highway-rail grade crossing collisions and persons trespassing on railroad property. He directs the attention of the members and attendees to various slides entitled "Delivering Results," which demonstrated areas of substantial reduction in the number of grade crossing collisions, resulting fatalities and injuries, with a corresponding increase in rail and highway traffic volume. He also notes that while some improvement has been made in the reduction of trespasser fatalities, this rate of reduction has not been as great as for fatalities that arose from highway-rail grade crossing collisions. Mr. Ries then introduced three members of FRA's regional staffs that would be today's presenters: Tammy Wagner, FRA Crossing Manager, Region 4; Deborah Wojnicz, FRA Crossing Manager Region 8; and Officer Jack Hanagriff, Houston (Texas) Police Department, Liaison Officer for FRA Region 5. Mr. Ries then calls on Tammy Wagner to continue the presentation.

Tammy Wagner thanks Ron Ries and greets the RSAC members and attendees. She indicates she would like to share some highlights of what we do to reduce grade crossing collisions and trespasser accidents on Region 4 of the FRA. Utilizing a series of overhead view graphs, Ms. Wagner indicates that there are several safety partners involved in this effort, to include the various railroads, labor organizations, law enforcement agencies, and Operation Lifesaver, Inc. She explains that FRA's crossing managers work with state, local and federal agencies as well, in such areas as:

- S Community concerns (train horns, blocked crossings, safety awareness)
- S Crossing improvements
- S Plan corridor programs
- S Advance public education and awareness
- S Focused efforts

As examples of recent involvements to advance public education and awareness, Ms. Wagner mentions two large scale mock accident simulations that were held in the Chicago area. One involved a mock collision between a Metra commuter train and a highway vehicle. This involved 30 local fire departments being on the scene to provide simulated emergency medical services to an approximate 150 staged injuries. Another simulation

was staged on the Elgin, Joliet and Eastern Railroad, involving a mock collision between a freight train and a bus at a grade crossing. She indicates that both of these simulations served to heighten the awareness of the general public, and to provide training to emergency response personnel.

Tammy Wagner mentions that in FRA Region 4, she has working partnerships with the railroads in her territory. She indicates that these partnerships involve several prevention activities, that include:

- S Educational Outreach
- S Safety committees
- S Site distance and vegetation control
- S Crossing improvement programs
- S Crossing closures
- S Corridor projects
- S Near-miss reports
- S Identify high profile crossings
- S Advance grade crossing technology

She indicates that among the educational programs, the Grade Crossing Safety Programs carried out include:

- S Commercial Drivers License (CDL) Drivers
- S Professional Sport Teams
- S Targeted Audiences
- S Public Education and Enforcement; Research Study (PEERS) project
- S Special projects (billboards, PSAs, public displays)
- S Pilot projects (Washington, Illinois, Minnesota, California)

To elaborate more fully about some of the above programs, Ms. Wagner used overhead view graphs and discussed:

- S A large Operation Lifesaver, Inc., billboard that was placed along a major highway. It contained a picture of a train and an automobile on a scale supported by a railroad crossing signal. The billboard indicates the train weighs 12,000,000 pounds, and the automobile 3,000 pounds, with a message indicating, "Weigh the odds." She indicates this type of promotion reaches several thousand vehicle drivers and occupants and has been a very successful means of increasing safety awareness.
- S A wrecked automobile on a trailer, with an Operation Lifesaver, Inc., sign. Ms. Wagner indicated that this automobile was involved in an actual grade crossing collision, and was acquired for use in displays at schools and other public

gatherings. She indicates this type of display provides a very realistic example for persons to witness concerning what can result in a train/vehicle collision.

- S A photo of the type of booth that FRA often sets up at large public gatherings, such as at State Fairs. Ms. Wagner states that FRA personnel will be present at booths of this type to distribute grade crossing accident prevention material and discuss this and other issues with the general public.
- S Professional Trucker Blitz, Midwest Steel - Portage, Indiana. Ms. Wagner explains that after a collision between a commuter train and a tractor-trailer truck occurred at this location, it was decided to conduct a safety blitz at this location. During the day long blitz, from 6 a.m., until 3 p.m., 325 tractor-trailer units were stopped when entering or leaving Midwest Steel. Each driver was provided with an FRA Ticket Jacket, and was asked questions. When asked what the length of the unit was, several of the drivers could not answer that question. Ms. Wagner indicates that the Indiana Department of Transportation has a \$10.5 million plan to construct an overpass at this location to eliminate the grade crossing at this location.
- S An example of a summary report of Near-Miss Reports. Ms. Wagner states that FRA analyzes this type of information provided by the railroads to determine if certain crossings have a high incidence of near-misses, and what corrective action can be taken.

Tammy Wagner mentions some of the Current Trespass Prevention Efforts that Region 4 is engaged in. Some of these involve Video Monitoring, Demographic Studies, and Law Enforcement Outreach. She shows an overhead view graph of a trespasser crossing the main line at the Northern Indiana Commuter Transportation District's (NiCD) Hegewisch, Indiana, Station. Ms. Wagner explains the Public Education and Enforcement Study (PEERS), which consists of monitoring motorist and pedestrian behaviors on Burlington Northern Santa-Fe Railway (BNSF), the Union Pacific Railroad (UP) and the Northeast Illinois Regional Commuter Rail Corporation (METRA).

Ms. Wagner mentions work involving Engineering matters. She indicates these include, but are not limited to:

- S National Crossing Inventory
- S Crossing Closures
- S Corridor Projects
- S New Technology (wayside horns, median barriers, grade crossing video surveillance)
- S Emergency Notification System

She mentions the Fargo, North Dakota, and Moorhead, Minnesota, Quiet Zone Project.

This project involves:

- S Partnership with BNSF
- S Diagnostic review of 20 crossings
- S Determine Supplemental Safety Measures and crossing closures
- S Location of grade crossings included in video monitoring for pilot study
- S Application process and implementation

Ms. Wagner mentions a successful crossing closure project that FRA was involved with at Homan Avenue, Chicago, Illinois. She mentions that the National Transportation Safety Board (NTSB) recently concluded an investigation of a grade crossing collision between an train and a truck that got hung up on a humped crossing, in Intercession City, Florida,. She indicates that the issue of identifying locations with humped crossings is one that deserves further prevention activity.

Ms. Wagner mentions as an example of new technology, a wayside horn has been installed at Mundelein, Illinois, and has now been in place nearly one year. Other examples of new technology are "4 Quadrant Gates," and "Median Barriers." Ms. Wagner provides an overhead view graph showing a location having "4 Quadrant Gates," and another showing the installation of median barriers at Cortland, Illinois.

Tammy Wagner then turns to the issue of Enforcement, mentioning the following types of involvement by FRA:

- S Liaison Positions
- S Roll Call Training
- S Targeted Videos
- S Crossing Investigation Courses
- S Automated Enforcement

Ms. Wagner mentions a successful enforcement activity that the Police Department in Madison County, Indiana, became involved. In checking their files, they determined that in calendar year 1999, they had issued 66 citation for motorists driving around lowered gates. The Police Department engaged in a public education campaign, and increased their enforcement activity in this area. CSX donated two-way railroad radios to the Police Department so they could determine when trains would be approaching crossings in the county. As a result of this activity, in calendar year 2001, the number of citations issued to motorists driving around lowered gates increased to 415.

She mentions a successful photo enforcement installation at Fairview Avenue, Downers Grove, Illinois. A camera mounted at this crossing is linked directly to the Downers Grove Police Department. Photos are automatically taken when vehicles drive around lowered gates, which reveals the license number of the vehicle, with citations sent to the registered

owner of that vehicle. Ms. Wagner shows an overhead view graph of a vehicle driving around the lowered gates at Fairview Avenue, as captured in a photo. She shows another overhead view graph of a similar photo enforcement project at Naperville, Illinois, which is marked with a sign reading, "WARNING - Video Crossing Enforcement - \$500 Fine." Ms. Wagner also mentions that video monitoring is also used to advantage with respect to trespassing, and shows an overhead view graph of an incident at Pittsford, New York, where trespassers on a railroad bridge were captured in a photo.

Ms. Wagner mentions that the FRA Regional Managers are also involved in resolving complaints. She indicates that this team:

- S Provides data and technical support
- S Reviews accident and complaint reports
- S Provides assistance or coordinates highway-rail crossing accident investigations and complaints

She concludes her presentation by mentioning that data is utilized in the following ways:

- S Provide data to partners in crossing safety and trespass prevention
- S Access computer databases on railroad accident reports and crossing inventory
- S Encourage accurate DOT crossing inventory
- S FRA's Personal Computer Accident Prediction System (PCAPS)
- S Provide information to Operation Lifesaver volunteers
- S Media contact

Tammy Wagner thanks the RSAC members and attendees for their attention. The RSAC meeting participants provided Ms. Wagner with a round of applause.

Ron Ries introduces Debra Wojnicz, Grade Crossing and Trespass Prevention Manager, FRA Region 8, and calls upon Debra to provide her presentation

Debra Wojnicz thanks Ron Ries for the opportunity to share with the RSAC members and attendees some of the important and exciting projects she has been and is engaged in on FRA's Region 8. By using overhead view graphs, Ms. Wojnicz begins by showing and discussing the Closed Crossing Initiative that is on-going. She indicates that this project not only includes vehicle crossings, but that bicycle and pedestrian crossings are also given special consideration. She mentions that rail traffic on the west coast along the Interstate 5 corridor is increasing, that they have the new Sounder Transit Service in the Seattle area, and that priority is being given for crossing closures in this high speed corridor. She mentions the success of closing the crossing at 159<sup>th</sup> Street, in Marysville, Washington.

Ms. Wojnicz cites other projects that Region 8 has been involved in, these being:

- S The West Gaylor Overpass Project. She mentions that even though a new overpass was constructed for the purpose of closing the crossing at this location, the city passed an ordinance to keep the crossing open. She said that a coalition is working to change the ordinance and get the crossing closed.
  
- S Halsey, Oregon. Ms. Wojnicz indicates that the D Street crossing in Halsey was on the list of the top ten most hazardous crossings in Oregon, and that there had been two accidents at this location in the past five years. The crossing on trackage owned by the UP, which is an Amtrak route, and is a humped crossing. Ms. Wojnicz said that after contacting the UP and the City of Halsey, a public meeting was scheduled. During that meeting, it was learned that there had been several unreported incidents of trucks that were high-centered on the crossing, but had been able to clear themselves. As a result of this activity, the city of Halsey raised the adjacent road, and the UP completed repairs at the crossing to eliminate the previously humped crossing.
  
- S Fort Hall, Idaho. Debra Wojnicz mentions the involvement with an American Indian tribe at Fort Hall, Idaho. The tribe objected to sensitive (hazardous commodity) movements by the UP through their reservation. FRA facilitated a coalition with the Idaho DOT, FHWA, Tribal Planners, and the UP. As a result:
  - S signal upgrades were made near the school
  - S the adjacent highway grade was raised to reduce the humped crossings
  - S Operation Lifesaver was performed at the tribal schools and with the tribal police department
  - S Information on track safety was shared with the tribe.
  
- S The Columbia River Gorge. This project involved a 152 mile segment, which is very scenic and a haven for fishermen and tourists. FRA was involved in a coalition with law enforcement agencies, and received cooperation from the Fish and Wildlife Commission and the Army Corps of Engineers. Newspaper articles were published indicating the need for persons to exercise caution along the railroad tracks in this area. Crossing closures were also accomplished.

Ms. Wojnicz indicates that FRA's Region 8 as well as all Grade Crossing and Trespass Regional Managers utilize data to direct their activities. She explains that the data she uses consists of many different types, to include:

- S Highway-Rail Grade Crossing Accident/Incident Statistics, as published by FRA Washington
- S Reports of "Near-Hits" as reported by the railroads

Debra Wojnicz says that one of the unique methods of promoting prevention of grade



crossing collisions, and trespassing, came about through contact with one of the local dairies in the State of Washington. She mentions that in the grocery stores, you often see various advertising on milk cartons. She said when she approached the dairy, they agreed to allow an Operation Lifesaver message be posted on their cartons. Ms. Wojnicz says that once you think about it, a carton of milk is in nearly every household, and it seemed this would be a good way to get the prevention message out to a great number of persons.

She mentions another unique method of promoting the prevention of grade crossing collisions and trespassing on railroad property was through contact with the Seattle Seahawks Football Team. Upon contacting the Seattle Seahawk organization, they agreed to allow an Operation Lifesaver message to be aired during each Seahawk pre-game show, including the playoffs. The Seahawks also promoted Operation Lifesaver by placing information about prevention on their website, and in their Transportation Guide.

Ms. Wojnicz then mentions that FRA Region 5 had a successful "Trucker Outreach" program that resulted in the publication of a handout describing certain actions at railroad crossings that would result in Commercial Drivers License Disqualification. She says that FRA Region 8 took advantage of this excellent idea, and conducted a Northwestern Trucker Forum. This campaign, sponsored by the State of Washington Operation Lifesaver, Washington Trucking Association, Oregon Operation Lifesaver, and Oregon Trucking Association, and FRA, provided a series of OL presentations, including coverage of CDL rules and FRA statistics. This campaign reached 4,712 drivers in Seattle, 735 drivers in Spokane, and 350 drivers in Vancouver.

Debra Wojnicz mentions another area of interest was the support given by Swift Transportation, a major trucking company, which operates in 49 states. She mentions that this trucking firm, after being contacted, gave complete support to the Operation Lifesaver program. She says they provided training to over 15,000 of their drivers in 36 terminals. She says the company also painted one of their trailers, both sides and the rear, to show an Operation Lifesaver pictorial message. Ms. Wojnicz compared this to a traveling billboard. She states that this trailer has now operated over 80,000 miles in 20 states, with this Operation Lifesaver message displayed. She offers an idea by saying that she has wondered why the railroads haven't painted some of their cars or locomotives in a similar fashion, and throws out this challenge to the railroads.

Ms. Wojnicz also mentions that FRA Region 8 worked with the Washington and Oregon Trucker's Rodeo, by manning an Operation Lifesaver booth, distributing grade crossing accident prevention material, and information about those CDL disqualification aspects, such as driving around lowered gates at railroad crossings.

She mentions another advertising campaign that Albertson's Grocery Stores and Frito-Lay sponsored. They ran Operation Lifesaver ads, and established a contest for children to draw a suitable poster. She said these ads reached 3.3 million people in Washington,

Oregon and Northern Idaho. As an outgrowth of this contest, the winning poster was made into a billboard, and AK Media donated billboard space for this poster to be displayed. Ms. Wojnicz mentions that contact has also been made with Thrifty Rental Cars, who agreed to post this same winning poster in the shuttle buses that they operate at the airports.

Debra Wojnicz indicates that the rest of her presentation dealt with Law Enforcement Outreach. However, Officer Jack Hanagriff would be discussing the law enforcement aspects, she would conclude her remarks at this time. She thanked the RSAC members and attendees for their attention. The RSAC members and attendees provided Debra Wojnicz with a round of applause.

Chairperson Gavalla indicates that we would take a short break, and return at 11:30 a.m.

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M O R N I N G   B R E A K   11:00 A.M. - 11:30 A.M.

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Chairperson Gavalla reconvenes the meeting.

Ron Ries (FRA) announces that FRA's Grade Crossing Team has enlisted the help of the Law Enforcement community, and introduces Officer Jack Hanagriff, of the Houston, Texas, Police Department, and who is serving as Liaison Officer for FRA's Region 5. Ron Ries calls upon Officer Hanagriff to address the RSAC.

Jack Hanagriff thanks Mr. Ries, and the RSAC members and attendees for inviting him to speak today. He states that he has been a police officer for 19 years in one of the toughest neighborhoods of Houston. He mentions that he since has taken on the responsibility of bicycle and pedestrian safety, and railroad safety. In the safety realm, he mentions that he is basically involved in education and enforcement, although he does sometimes get involved in the engineering aspects.

Mr. Hanagriff utilizes a series of overhead view graphs. Utilizing an overhead, he explains that one of the first things he discovered when he took over the railroad safety aspects was that no one in Houston had knowledge of the location of schools in relation to active railroad lines. He says this led to the construction of an overlay map which plotted the location of all schools within 1/4th mile of an active railroad line.

Using another overhead, he indicates examples of the community education that the police department provides in Houston. One such use is the use of the Microsoft Train Simulator software. Officer Hanagriff says that during their outreach efforts, high school students using this software come to a deep sense of appreciate how difficult it is to stop a train when an automobile or truck stops on the track ahead.

Officer Hanagriff explains that another form of education utilized is to educate the police. He uses another overhead view graph to visually depict and further explain the types of education offered to the police officers, which consists of:

- Certification of Operation Lifesaver Presenters
- Roll Call Training
- Grade Crossing Collision Investigation
- Railroad Enforcement Issues
- Railroad Trespassing and Security
- Railroad Topics in Field Training
- Video Libraries in Police Academies

Jack Hanagriff mentions that the more police officers can learn about the rules railroad employees work under, the better they can spot potential problems. He provides the example of someone walking on the track structure. Typically, a police officer might say, oh, that is a railroad employee. However, if the police officer knows some of the rules that a railroad worker is to follow, and sees that the person is breaking a railroad rule, for example, walking between the rails of a track, this gives the officer a reason to question that person.

Officer Hanagriff also mentions that they employ various enforcement strategies, such as utilizing the Near-Hit Program forms that train crew members complete, and the collision prediction reports produced by FRA. He also mentions that they utilize such approaches as “Adopt a Crossing” and “Officer on a Train Campaigns.” As he ends his presentation, Officer Hanagriff thanks everyone for their attention. The RSAC members and attendees provide Officer Hanagriff with a round of applause.

Ron Ries (FRA) also thanks Officer Hanagriff for his excellent presentation. Ron Ries states that the Technical Working Group Report should be on FRA’s website within a couple of weeks. He also mentions the Canadian Rail Accident Protocol, that FRA is looking for ways to implement, and is actively looking to fill its vacancies for Law Enforcement Liaisons on five FRA regions. Ron Ries thanks everyone for their efforts, and encourages everyone to continue their support.

Chairperson Gavalla also thanks Ron Ries, and asks if anyone had questions or comments before our next topic.

Chuck Dettmann, Association of American Railroads (AAR) says, “Outstanding.”

George Gavalla says that he hoped that everyone had learned something more about the work of FRA’s Highway-Rail Grade Crossing and Trespass Prevention Team for the detailed presentations. He says that he also wanted to stress the importance that the role of the Law Enforcement Liaisons make to this overall program.

Chairperson Gavalla indicates that we were scheduled to break at noon for lunch. However, the Administrator has advised that he will not be here until 1:30 p.m. Therefore, George Gavalla proposes that we continue to go to 12:30 p.m., or so. There were no dissenters to this proposal, so Chairperson Gavalla introduces Mr. Jim Southworth of the NTSB and calls on him to provide his presentation.

Jim Southworth (NTSB) greets the RSAC members and attendees, advising that he had formerly been with the AAR prior to joining NTSB several years ago. He mentions that his presentation would be on five recent investigations that NTSB is conducting, and he would provide some of the preliminary findings. Mr. Southworth utilized a series of overhead view graphs in his presentation. He mentions the five accidents he will be discussing are:

- Clarkston, Michigan, November 15, 2001
- Crescent City, Florida, April 18, 2002
- Minot, North Dakota, January 18, 2002
- Placentia, California, April 24, 2002
- Kensington, Maryland, July 29, 2002

He mentions that two of the five accidents, the head-on collisions at Clarkston, Michigan, and at Placentia, California, are ones that could have been prevented by Positive Train Control.

By use of overhead view graphs, he visually depicts and explains the circumstances and initial determinations concerning:

- the head-on collision that occurred between two CN/IC freight trains at Clarkston, Michigan, at 5:53 A.M., on November 15, 2001. Mr. Southworth explained that the accident occurred on a single main track in traffic control territory, at the switch to Andersonville siding. He indicated the northbound train was operating through the Andersonville siding, and failed to stop short of the stop signal governing movement to the main track, and fouled the main track. The southbound train operating on the single main track at an estimated speed of 30 mph, struck the lead locomotive of the northbound train, causing a subsequent derailment of locomotives and cars of both trains. In this accident, the two crew members on the northbound CN/IC freight train were fatally injured. The two crew members on the southbound CN/IC freight train were seriously injured. He related that the focus of the investigation is on work-rest cycles of the employees involved, and on crew resource management.
- the derailment of an Amtrak passenger train while operating on CSX trackage at Crescent City, Florida, at 5:05 p.m., April 18, 2002. Mr. Southworth explains that a northbound Amtrak auto-train left the Amtrak Auto Train Facility at Sanford, Florida, enroute to Lorton, Virginia., with two locomotives, 16 passenger cars, and 24 auto carriers. While operating near Crescent City, the engineer stated that he saw both

rails out of line to the east approximately 10 inches. The locomotive was jarred passing over this anomaly, and the engineer placed the train into emergency brake application. The two locomotives and first two cars passed over the track mis-alignment without derailing. However 14 passenger cars and seven loaded auto carrier cars derailed. Four passengers were fatally injured, and 51 passengers and 24 crew members were injured. NTSB's investigation is focusing on the method that the rail was laid, and train make-up.

- the derailment of a Canadian Pacific freight train near Minot, North Dakota, on January 18, 2002. There were a total of 31 cars derailed, which included 18 tank cars transporting anhydrous ammonia. Three of the derailed anhydrous ammonia cars lost their entire contents, and three others released portions of their load. An evacuation was ordered affecting approximately 15,000 persons. In the interviews with the train crew members, the engineer indicated he was operating the train at approximately 40 mph, when he felt a rough spot in the trackage, and the derailment then occurred. NTSB's investigation is focusing on the manner in which the continuous welded rail was anchored.
- the head-on collision that occurred between a southbound BNSF freight train and a northbound Metrolink commuter train at Placentia, California, at 8:16 a.m., on April 24, 2002. Mr. Southworth explains that this collision occurred on BNSF trackage, on main track no. 2, in centralized traffic control territory. He explains that the Metrolink commuter train was operating northbound on main track no. 2, and was reducing speed to 25 mph to proceed through a turnout from main track no. 2, to the Olive Subdivision. The engineer observed a freight train approaching on main track no. 2, and initiated an emergency brake application, stopping his train. The engineer then left the control cab and ran toward the rear of the train to warn passengers of an impending collision. The BNSF freight train struck the lead cab control car of the Metrolink commuter train at approximately 20 mph. The force of the collision buckled the lead cab control car of the Metrolink train. Two passengers on the Metrolink train were fatally injured. A total of 163 passengers and four railroad employees were injured. NTSB's investigation is focusing on the key fact that the BNSF freight train did not slow at a yellow signal, and failed to stop short of a stop indication.
- the derailment of an Amtrak passenger train while operating on CSX trackage at Kensington, Maryland, at 1:55 p.m., July 29, 2002. Mr. Southworth states that eastward Amtrak passenger train, from Chicago destined to Washington, D.C., while operating at approximately 57 mph, derailed all 11 of the 13 cars of the train. The train was transporting 163 passengers and 12 crew members. There were 93 injuries to passengers and nine injuries to Amtrak employees. Mr. Southworth indicates that NTSB's investigation determined that as the engineer approached the point of derailment, he noticed the south side rail having a misalignment of

approximately 18 inches, and he initiated a full service application of the train's air brakes. After making this full service application, the train went into emergency application. NTSB's investigation is focusing on the fact that the roadbed had been previously disturbed by a CSX surfacing crew using a tamper on July 25, 2002. The tamper broke down, and the mechanized tamping operation could not be completed. The CSX foreman placed a 25 mph slow order on that portion of track until such time as the ballast tamping operation could be completed. However, on July 28, 2002, a CSX track inspector, thinking that the tamping operation had been completed, removed the 25 mph slow order, and restored the track to timetable speed. Mr. Southworth stated that the derailment occurred at the location where the mechanized tamping had stopped when the tamper had broken down four days earlier.

Mr. Southworth concludes his presentation and thanks the RSAC members and attendees for their attention. Mr. Southworth was provided a round of applause.

Chairperson Gavalla indicates that we would break for lunch, and requested everyone return by 1:30 p.m.

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LUNCH BREAK 12:22 P.M. - 1:35 P.M.

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Chairperson Gavalla reconvenes the meeting, and thanks everyone for their promptness in returning to the meeting. He then advises that FRA Administrator Rutter is involved in the Amtrak Board Meeting today, but has taken time from that important meeting to provide us with his remarks. Mr. Gavalla then asks Administrator Allan Rutter to address RSAC.

Administrator Rutter thanks the RSAC members and attendees for allowing him to come into the meeting so very briefly. Mr. Rutter states that he would have liked to have been here for the morning session but the Amtrak Board of Directors meeting demanded his attention. He commented that the Board of Directors are discussing the budget, which appears to be much closer to that of the real world than in previous years. However, given that this afternoon's presentation is devoted to exploring innovative programs designed to reduce fatigue in the railroad industry, I felt that the importance of this topic warranted my being here. He acknowledges that he is very happy to be here this afternoon.

Administrator Rutter informs the RSAC members that the nice thing about FRA is that it works well without me. He states that the good news is that this group is getting things done. He compliments the RSAC members for all the work that you do, and that he cannot say enough good about what you do.

Despite recent declines in human-factor-caused train accidents, human performance still

accounts for nearly one-third of all train accidents, and the NTSB estimates that fatigue is a contributing factor in one-third of all human-factor-caused transportation accidents. Clearly, if we can find ways to effectively address fatigue, great strides can be made in improving all forms of transportation safety.

But as important as this issue is, he says that we at FRA view fatigue as just one of several very important factors related to human performance. While we work to develop more effective fatigue countermeasures, we are going forward with other important safety initiatives designed to prevent human-factors-caused train accidents. He says that he would like to take a moment to brief you on a few of the more important safety measures, especially those in which your organizations have been active partners.

Administrator Rutter reminds the RSAC members and attendees of the discussion at the last RSAC meeting about several serious train collisions, including four incidents involving passenger trains. Just prior to that meeting, he said that he sent a letter to all major railroads and rail labor organizations asking for your help in our efforts to prevent mainline train collisions. Specifically, he says that he had asked you to support our efforts to intensify and improve the quality of efficiency-testing activities involving mainline operations. (49 CFR, 217.9, Operational Testing). He says our goal is to ensure that these programs accomplish their intended purpose of monitoring and reinforcing compliance with railroad operating rules and safety rules.

He says that he is pleased to announce that your response to my call for assistance has been very positive, and wants to personally thank all of you who have responded with a show of support. As you know, we have begun a series of audits of various railroad efficiency-testing programs. Since these audits began, we have seen many railroads step up to the plate and carefully examine how their efficiency-testing programs are being implemented.

Administrator Rutter also says that he wants to thank the rail labor organizations that have helped spread our message about the importance of efficiency testing to their members. He acknowledges that he knows it is not a message that many rank-and-file railroad workers want to hear, but it is vitally important that they understand why we believe efficiency testing is so necessary in our drive to reduce human-factors-caused train accidents.

Administrator Rutter mentions that again, at the last RSAC meeting, I had asked for your help in forming a task force, similar to the SOFA Task Force, to study train collisions for the purpose of determining root causes and identifying preventative best practices. This new major safety activity is the Collision Analysis Working Group (CAWG), more commonly known as the "Son of SOFA." This is a more long-term partnership effort. In addition to FRA personnel, this group includes representatives from the American Short Line and Regional Railroad Association, the Association of American Railroads, the

Brotherhood of Locomotive Engineers, the United Transportation Union, and the Volpe National Transportation System Center. This group is going to come up with practical recommendations in a similar way as the SOFA Task Force made.

He mentions that the Working Group has met twice since its inaugural meeting this past July 17 and is in the process of reviewing data from forty-nine (49) incidents where human performance occurred, such as trains “exceeding their authority” by passing a stop signal; failing to comply with a signal requiring restricted speed; or by entering a territory without a train order, track warrant, or direct traffic control authority. Additional incidents since December 31, 2001, may also be added to the study.

He says that the CAWG review will provide the railroad industry with an opportunity to re-examine its safety practices and identify “best practices” to ensure that every reasonable precaution is being taken to prevent future collisions.

While these safety initiatives are designed to reduce human-factors accidents in the near and immediate future, we continue to work towards a long-term goal of developing effective and comprehensive fatigue-mitigation measures for our industry. As I have stated in the past, FRA views fatigue mitigation as one of the major challenges facing the transportation industry today. It cuts across all modes of transportation and is recognized as being an important component in human performance.

Administrator Rutter indicates that currently, FRA’s Office of Safety and the Office of Railroad Development are engaged in a wide spectrum of activities designed to address the many different facets of fatigue. These activities include:

- S Pilot programs in crew-resource management.
- S The development and validation of computer-based models to analyze the impacts of various work/rest cycles on fatigue.
- S The development of fatigue-investigation protocols to be used in accident investigations.
- S Fatigue-awareness education and training.
- S A study of the effects of fatigue among crew van drivers.

He says that these are just a few of the things we are working on in our efforts to address fatigue.

While much work has been done in this area, this is a very difficult issue that impacts many areas of railroad activity. One thing we learned over the years is that there are no simple solutions. The presentations you will see and hear today explore some innovative approaches to reducing fatigue in the railroad industry. We are also interested in innovative pilot programs currently underway in the railroad industry. We thought it would be worthwhile to share with you information on these programs to help us find solutions to



the fatigue question.

Administrator Rutter states that we are very pleased to have with us Dr. Drew Dawson, who will discuss his previous work with the Australian railways in developing innovative work/rest scheduling practices. Dr. Dawson is current working with the UP to see if those practices can be adapted to the U.S. railroad environment.

However, before Dr. Dawson delivers his presentation, Administrator Rutter says that we will have Dr. Pat Sherry discuss the use of actigraph technology as a tool to alter employee behavior to reduce fatigue and improve alertness. Dr. Sherry has an extensive background in working with the railroad industry on a number of fatigue-related issues. He is also a member of the AAR's Work/Rest Task Force and an original member of the North American Rail Alertness Partnership (NARAP).

Administrator Rutter concludes his remarks by again thanking the RSAC members and attendees for doing their work.

Chairperson Gavalla thanks Administrator Rutter for his comments. He then introduces Dr. Patrick Sherry, who is an Associate Professor and Director of Training at the University of Denver. Mr. Gavalla indicates that Dr. Sherry has long been involved in researching the extent of difficulties in fatigue and the development of effective fatigue countermeasures in the railroad industry. Chairperson Gavalla states that Dr. Sherry is currently conducting pilot projects with the CSX and the BNSF concerning actigraph technology, and will be making a presentation on that subject today. At this point, Mr. Gavalla welcomes Dr. Sherry, and calls upon him to begin his presentation.

Dr. Pat Sherry thanks Chairperson Gavalla for inviting him to this RSAC meeting. He indicates that he has been involved with an AAR task force and different railroads around the country looking at the effects of work schedules, noting his participation in the BNSF's Spokane, Washington, "windows" project a few years ago, that CSX had and still has an effective program. But today, he indicates that he wanted to discuss some recent advances in Actigraphy. Dr. Sherry then began his presentation using a series of overhead view graphs.

Dr. Sherry explains from an overhead view graph that this technology resembles a small wrist watch that a person wears 24 hours a day. He states that many people feel that it provides a good measure of your sleep activity. He indicates that it provides a guesstimate of "how full your battery is." He mentions that a pilot study was recently concluded at Galesburg, Illinois, involving BLE members on BNSF. He says that this study began in the latter part of May 2002, and originally involved 29 engineers. During the course of the study, nine engineers dropped out of the study, and 20 remained until completion. There were 19 men and one woman. Midway through the study, one half of the participating employees were provided watches that would provide feedback to the

participants. The other one half of the participants were provided watches that did not provide feedback. Preliminary results indicate that 83% of those employees having watches that provided feedback indicated “yes” to the question of whether the watch helped them make decisions to alleviate fatigue. But for those participants that had watches that did not provide feedback, 80% of those employees indicated “no” to the question of whether the watch helped them to make decisions to alleviate fatigue.

Chairperson Gavalla asks Dr. Sherry if he was able to document any appreciable amount of increase in sleep by the participants? Dr. Sherry responds that he just received the last actigraph in over the weekend, and has not had a chance to analyze these results. He says that he does have the feeling that it has had the effect of increasing sleep.

Tim DePaepe, Brotherhood of Railway Signalmen (BRS) asks Dr. Sherry how he picked the engineers, and if he felt that by having them on video influenced what they said? Dr. Sherry responds that the engineers were all volunteers - that we didn't want any people that would be going on vacation during the course of this study. And, Dr. Sherry says that he understands that although video-taping individuals could have the effect of influencing what a person says, he believes the responses are honest. He states further that this is why he included employees who made not only positive comments, but also the one employee who spoke somewhat negatively about any benefits from the study.

Dan Smith of FRA's Office of Chief Counsel asks Dr. Sherry if it is possible for the device to measure the quality of rest? Dr. Sherry responds that it is possible to build into the device a sleep quality index.

Chairperson Gavalla then thanks Dr. Sherry for an excellent presentation, and the RSAC members and attendees provide Dr. Sherry with a round of applause.

George Gavalla then introduces Dr. Drew Dawson, indicating that Dr. Dawson is a leading expert in fatigue and sleep research. He indicates that Dr. Dawson is actively working with the railroad industry in South Australia, and presently is on a twelve month sabbatical and is working in the United States at the Transport Research Center at Northwestern University in Chicago, Illinois.

Drew Dawson thanks the RSAC members and attendees for inviting him. He says that sometime during the last five or six years, there was a paradigm shift in the way fatigue was addressed in Australia, and that he desires to discuss how alternative compliance models were developed and implemented in Australia between 1995 and 2002. He begins using a series of overhead view graphs to assist in presenting his material. He says that beginning in 1993-1994, it was recognized that fatigue was a problem. There was a major governmental inquiry with the finding that our hours of service laws lacked any scientific basis, and that further prescriptive changes would not be successful. He says that there was a reluctance to develop complex regulatory rules that would result in reduced

operational flexibility, that would increase regulatory costs, and that did not improve safety. This shift then directed our thinking toward managing the risks associated with fatigue. This was an important shift. There was also a shift from an adversarial labor relations model, to a neutral Occupational Health and Safety (OHS) model. Fatigue was viewed as an “identified work place hazard” under Australia’s OHS legislation, and was seen being in the same category as the topic of “all employees should be fit-for-work.” Fatigue, he says, was then seen as a source of impairment - the same status as a drug or alcohol impairment. Thus, he says, we came to terms with the fact that safety is a shared responsibility, and that safety is not negotiable.

Dr. Dawson continues to describe their strategic plan, that involved the decision to trade improved flexibility for improved safety. There was a shift in thinking from reducing fatigue, to reducing the risks associated with fatigue. He elaborates on the following recognitions and responsibilities incorporated in the strategic plan:

- Recognition that different operators have different risks
- Recognition that a one-size-fits-all solution is unlikely to be practical
- Responsibility for employer to demonstrate a “safe system of work”
- Responsibility of the regulator to define a safe system of work

Dr. Dawson continues his explanation of the strategic plan noting that there was the decision made that unilateral change was unlikely to be successful, so a bi-lateral exchange strategy was proposed. This, he says, consisted of looking at those operations that were safe but not permitted, and exchanging them for operations that were unsafe but currently permitted. He says that the strategic plan incorporated the premise of shifting away from managing fatigue, to managing the risks associated with fatigue. He emphasizes this further by stating the following two points:

- Traditional approach - Fatigue reduction
- Additional approach - Fatigue - proofing

Dr. Dawson explains that the methodology used in developing the strategic plan consisted of:

- A consortium of operators, labor unions and researchers was formed to develop enabling technologies and policy.
- The goal was to answer two questions -
  - How tired are our staff? (Incidence, prevalence of fatigue)
  - How tired is too tired? (To undertake a specific task)

He explains that the outcomes were:

- A policy framework for alternative compliance to current Hours of Service (HOS)

## regulation

- Within current HOS - Use current guidelines, no additional requirements
- Outside current HOS - Show auditable fatigue management policies and programs in place that provide an equivalent or better level of safety than is currently in place under current HOS.
- The development of training and educational programs for all relevant staff who work, or are responsible for shift workers. These training and educational programs are:
  - ANTA accredited
  - Contemporary-based curriculum developed by certified trainers
  - Train the trainer model using peer support
  - Video-Workbook methodology
  - On-line web-based model
- Quantitative, audit-able modeling softwares to estimate the work-related fatigue associated with a given schedule (How tired?)
  - Any schedule that produced a fatigue “compliance score” below threshold was considered acceptable.
  - Regulator monitored both “scheduled” and “actual” work schedules where time tabling was in place.
- Risk Guidelines - What level of fatigue is acceptable (Is too tired?)
  - Consistent with AS4360 Risk Management Guidelines for likelihood and consequence
    - Disaggregated view of tasks
    - Consultative
  - Consistent with best scientific advice
    - Scientific Advisory panel
    - Initial simulator studies in freight and transit
    - Linkage of fatigue models with on-road performance data
    - Linkage with on-road accident and incident data
- Industry-wide agreement on how fatigue management should operate
- Basis of safety case for introduction of:
  - Aggregate wage/hourly pay rates
  - Extended shifts to reduce re-crew rate
  - Relay van work across Melbourne, Adelaide - Perth corridor (2,500

kilometers)

Dan Smith (FRA) asks Dr. Dawson if he could provide examples of how operational flexibility could be enhanced?

Dr. Dawson answers Dan Smith's question that if a crew was near their final tie-up point when their limitation on hours on duty was due to expire, it may be more safe to allow the crew to continue to bring their train in and exceed the prescription hours on duty limitation. He says that several re-crews could be eliminated without any risk to safety.

Dan Smith (FRA) asks Dr. Dawson how a departure from the hours of service limitation in Australia is accomplished in such cases. He asks is there a waiver process?

Dr. Dawson answers Dan Smith's question by indicating that the deviations for the hours of service limitation are based on substantial safety cases that are verified, and allow for alternative compliance.

Greg Stengem (AAR) asks Dr. Dawson, do you have data that demonstrates the safety of this alternative compliance?

Dr. Dawson answers Greg Stengem by saying yes, we have three to four years of data. He says that the trend is downward, however this is a relatively short time period to make judgments, and I am not confident that it is a good indicator.

George Gavalla (FRA) asks Dr. Dawson about the recent hours of service regulation change in Canada, and why the Canadian Government has not followed Australia's lead?

Dr. Dawson answers George Gavalla by saying that he sees the regulation change in Canada as a transitional step towards the same objectives that are in effect in Australia.

Chairperson Gavalla mentions that there are a number of people involved in researching fatigue, and thanks Dr. Dawson for an excellent presentation, and the RSAC members and attendees provide him with a round of applause.

Bob Harvey (BLE) states that he had heard this same presentation last week in California. He says that earlier this month, the BLE was invited to Washington, and provided a plan to address fatigue, that stresses Education, Information, and Empowerment of Employees. He says that we should do this by collective bargaining agreements, and hopes to have more cooperation to get this issue addressed.

Fran Hooper, American Public Transit Association (APTA), mentions that about three years ago, we began seeing FRA's idea about Fatigue Management Plans being submitted as a bill before Congress. She says that while the commuter railroads have

perhaps a different type of operating constraint as opposed to the freight railroads, there are many similarities and we don't have to re-create the wheel. She said that based on the fatigue management approach advocated by FRA, we developed a toolbox. She says this is not new research, but understanding and learning from others. The toolbox for Transit Operator Fatigue basically consists of:

- S Understanding the issues
- S Risks in their Organization
- S How do you assess that plan once it is put into place

Ms. Hooper says that they are very proud of this toolbox approach right now. She concludes her remarks by stating that she appreciates Dr. Dawson's research and help.

Chuck Dettmann (AAR) states that it is important for this group to note that lots has been done on fatigue. He says that the BLE and the UTU came to the industry with data for five million locomotive engineer shifts. He says that all of us are eager to get on with this, but there is no silver bullet. He says that the answer lies in the cooperative approach. He says that NARAP is the industry leader in the world on this issue.

Chairperson Gavalla states that FRA is very supportive of the approach mentioned by Mr. Dettmann, but noted there are practical problems to deal with. He mentions that with respect to fatigue, if we are not successful in a cooperative approach, it is important to note that we are only one or two accidents away from someone imposing action on the fatigue issue in the railroad industry.

At this point, Chairperson Gavalla indicates we would take a short break, and asked everyone to return by 3:15 p.m.

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A F T E R N O O N   B R E A K   3:00 P.M. - 3:15 P.M.

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Chairperson Gavalla reconvenes the meeting, and introduces Jeff Horn, FRA Economist. He asks Mr. Horn to provide the RSAC members and attendees with an update on the Locomotive Cab Working Conditions rulemaking.

Jeff Horn thanks Mr. Gavalla, and indicates to the RSAC members and attendees that he promises to be brief. Mr. Horn states that the Locomotive Cab Working Conditions Working Group met in Las Vegas, Nevada, on July 24 and 25, 2002. He indicates this was the first meeting in over 15 months for this Working Group. Because of the long break in time between meetings and because of some new members, we got off to a slow start. During this meeting, the entire draft of the rule-text was reviewed. A Task Force was created to produce a revised draft of an Appendix on Test Protocols for In-cab Static Noise Measurements or as we refer to it "Appendix H." In general, some progress has

been made, but we have more work in front of us.

Jeff Horn says that he will give a quick walk-through of where we stand. Some of the areas of agreement are:

- S The Scope of which employees are covered by this program was for the most part agreed to.
- S Most of the definitions have been agreed to.
- S For locomotives that are not new, maintenance of items which contribute to noise levels, for example defective window or door seals, broken or inoperative windows, and deteriorated insulation,
- S The frequency of the audiometric (hearing) tests and the elements included in an audiometric test.
- S The frequency of the occupational noise and hearing loss training program for employees included in the Hearing Conservation Program.
- S Most of the Recordkeeping requirements.
- S In addition there are some much more technical issues that are agreed to by the Working Group. These include the 5 dB Exchange Rate or Doubling Rate; the Action Level of 85 dBA, time-weighted average (TWA);

Some of the areas of non-agreement or where we are still working on a Consensus are:

- Issues include baseline Audio grams (or Hearing tests). This includes how to handle employees that currently do not have a baseline audio gram.
- We are also working on getting consensus on the Training Program - the issues here are the elements that FRA is proposing in this standard which are not in the OSHA regulation.
- Finally, we are also working on developing an agreement on the build and maintenance requirements of new locomotives.

Mr. Horn then discusses Appendix H. He says that the Appendix H Task Force met this week for one day, September 16<sup>th</sup>, in Washington, D.C., to revise the draft. After this meeting all but five items of the draft were agreed to by the Task Force members. Through email and possibly a tele-conference call, FRA hopes to have this list down to one or two items by November 1.

Mr. Horn says that, in general, he would have to note that this was a very successful Task Force Meeting. Some of the issues where we don't have agreement include:

- which ANSI standard to require for the Noise Measurement Equipment (Type 1 or Type 2);
- another issue that needs to be resolved is number of locations that the static test is performed at in the locomotive.

- Finally, I think it is important to point out that we have consensus on almost all of the Test Site and Recordkeeping Requirements for Appendix H.

Mr. Horn says that currently, the FRA Team is preparing a revised draft of the Occupational Noise Exposure Notice of Proposed Rulemaking (NPRM). This draft will be made available to the Working Group members via the RSAC web page and email prior to the next meeting, which will be on November 12 - 14<sup>th</sup> in Chicago, IL. This draft will incorporate the concepts that have been agreed to up to the last meeting. It will also propose solutions to the issues that the Working Group has yet to reach consensus on.

Mr. Horn then thanks the RSAC members and attendees for their patience, time and attention, and states before I leave, are there any questions?

With no questions of Mr. Horn, Chairperson Gavalla thanks Mr. Horn for this update, and calls upon Grady Cothen to provide an update on other working groups. Grady Cothen thanks Mr. Gavalla, and asks FRA's Ed Pritchard, who heads up the Event Recorder task force, to address the current status of that rulemaking procedure.

Ed Pritchard informs the RSAC members and attendees that there have been three and one-half meetings held since January 2002, to review the various draft Notices of Proposed Rulemaking. He says that at the present time, FRA is awaiting comments from one of our stakeholders. With no questions of Mr. Pritchard, Mr. Cothen then begins his review of the other rulemaking areas.

Concerning Roadway Maintenance Machines, Grady Cothen indicates that recommendations for resolution of the public comments were approved by this Committee at its last meeting on May 29. FRA counsel and staff are drawing up the final rule and accompanying regulatory evaluation for early publication.

Concerning Positive Train Control, he mentions that at last report a major stakeholder had experienced "buyer's remorse" with respect to one element of the proposed rule – the base case for the risk assessment. FRA had endeavored to offer options for consideration that might alleviate the underlying concern. He said that he briefed the Committee in May on the nature of the problem, and helpful discussion ensued. We have since done some preliminary data analysis that supports the concern. The effort to close this gap has continued, but with somewhat remarkable results, as some of us at the FRA have come to believe that the problem raised by the stakeholder organization is really a manifestation of larger conceptual flaw. Fortunately the working group had authorized creation of a "RISK 2" team to engage these issues. The team will meet in early November (should be October) to consider options for a new approach, and the full working group will consider their report later in the month in Nashville. Mr. Cothen says that he doesn't know any reason why the working group shouldn't be able to resolve this, and it is important that we do so. We'll report to this Committee as soon as a resolution is



achieved. Meanwhile, the NPRM construct is being applied to the IDOT project; and my own take is that it should work acceptably in that particular setting as a means of teasing out the risks and evaluating them. As always, of course, the proof of the pudding is in the tasting; and risk assessment is a tremendous challenge for all of us.

Concerning Accident/Incident Reporting, Mr. Cothen says that this Committee approved the NPRM for revision of the accident/incident reporting regulations in balloting that ended July 19. FRA has finalized the regulatory evaluation and paperwork package and has assembled a full revised Reporting Guide responsive to your recommendations. He says that we have also added to the preamble of the NPRM some information and some questions addressing changes that OSHA has made to its reporting system related to occupational hearing loss. All of this is now ready to go, and you should be seeing the document in the Federal Register very shortly. Due to factors none of us could control, we have missed the first year of potential compatibility with the new OSHA rules. We are still working toward a January 1, 2003 effective date for the new system, although some allowance may be required for transition. In order to do that, we will need your indulgence, assuming for the present that this Committee will not reassemble until early in the next calendar year. What we would hope to do is to receive comments during a 30-day comment cycle, convene the working group to consider the comments (including the issues related to the most recent OSHA changes), and circulate the working group's recommendations for resolution of the comments back to this committee by mail, with return ballot enclosed. Clearly, this will not work if there are material issues that arise for which detailed briefing and discussion are necessary. But if the working group concurs in this process after review of the comments, that's the most expeditious way to do it.

Grady Cothen states, so Mr. Chairman, it may be in order to entertain a motion to this effect--

That the Committee agree to receive by mail a report of the Accident/Incident Working Group providing recommendations for resolution of issues presented by, and comments received on, the forthcoming notice of proposed rulemaking for revision of 49 Code of Federal Regulations Part 225, and that the Committee agree to vote on those recommendations by mail ballot.

It would be understood, of course, that if stakeholders felt the issues had become more complex or significant than expected, another procedure may be required.

Chairperson Gavalla states that he feels we could complete this in an expeditious manner, and believes that the type of motion suggested by Mr. Cothen would facilitate this. Mr. Gavalla asks, "Do I hear a motion to that effect?"

MATT REILLY (ASLRRA) MOVES THAT THE SUGGESTION MADE BY GRADY

COTHEN BE APPROVED.

BOB HARVEY (BLE) SECONDS THE MOTION.

BY UNANIMOUS VOICE VOTE, THE SUGGESTION BY GRADY COTHEN FOR A MAIL BALLOT ON THE ACCIDENT/INCIDENT RULEMAKING WAS APPROVED.

Mr. Cothen addresses Locomotive Crashworthiness. He says that at last report– AAR was to provide S-580 redraft and FRA to provide revised NPRM draft. The status remains unchanged as the organizations prepare for those deliveries.

Concerning Blue Signal Protection, Grady Cothen says that again, at last report the working group was awaiting an FRA proposal to resolve difficult issues that were keeping the working group from achieving consensus on a package of amendments responsive to changes in working conditions. Staff and counsel have invested significant effort, and we hope for good results. We still hope to be able to convene the working group before the year is over.

Mr. Cothen then addresses other FRA Rulemakings. He says that the following are completed actions with follow-up required:

Locomotive Sanitation. Petition for reconsideration from BMWF pending on the issue of effluent from toilets that use a biological treatment process. Preparing response.

Separately, FRA has conducted some field work and is awaiting promised information from the AAR on toilet utilization and related matters.

Mike Rush of the AAR mentions to Grady Cothen that as far as he knows, the AAR has provided everything that we owe to FRA. Grady Cothen acknowledges Mike Rush's comment and indicates he will check further into this.

Safety Integration Plans final rule. Petition for reconsideration from AAR pending. Preparing response.

Mr. Cothen then mentions those regulatory items that public comments are closed:

- U.S. Locational Requirement for Dispatching  
The Interim Final Rule remains in effect. Final rule in review and clearance within the Executive Branch.
- NPRM Part 219 alcohol/drug amendments related to foreign-based crews  
Received a diplomatic note from the Canadian embassy expressing objections to the proposal. Noted publication of a significant decision by the

Canadian Human Rights Commission. Considering implications of these developments for our proceeding.

- Locomotive horns

Grady Cothen indicates that other work in progress is:

- Freight rolling stock reflectorization / have continued to receive information from the AAR / decision still pending

Mr. Cothen mentions the resources available, and identifies the following:

- Overview of Regulatory Program is now on the Safety page of the FRA website.
- RSAC web site is increasingly useful for reference. If you have events for the RSAC calendar for your organization (dates to avoid), please provide them to Lydia Leeds or Trish Butera.

Tim Depaepe (BRS) states that the next Positive Train Control meeting is scheduled for October instead of November as Grady Cothen had indicated. Grady Cothen agrees and apologizes for making this mis-quote.

Grady Cothen refers the members and attendees to a one-page handout, with one-side entitled, "Briefing for the RSAC 9/19/02," and discussed the time lines for the various tasks assigned to RSAC working groups. He also noted the "Resource-Intensive Non-RSAC Rulemaking Projects," mentioning that once we are done with the Train Horn rule, we promised the NTSB that we would look at the Private Highway-Rail Crossing issue. He indicated this would be an opportunity to work together to achieve the desired results in this area.

Grady Cothen refers the members and attendees to the other side of this one-page handout entitled, "Examples: Possible Future RSAC Tasks for Discussion." He points out that several of the regulations listed have not been updated for a number of years, and these are mainly in the Motive Power and Equipment area. Mr. Cothen further mentioned that this is not an all inclusive list, but represents some possible new projects.

Mike Rush of the AAR notes the topic of Part 231, "Safety Appliances" on the list of possible future RSAC Tasks for Discussion, and mentioned that the AAR has a fairly high level of interest in discussing this topic. Grady Cothen acknowledged the input by Mr. Rush.

Robin Buxton of the IBEW noted the topic of Part 229, "Locomotive Safety Standards," on the list of possible RSAC Tasks for Discussion, and mentions that the IBEW has a number

of things that they would like to discuss concerning this topic. Grady Cothen acknowledges the input by Ms. Buxton.

Chairperson Gavalla then informs the members and attendees that since our last RSAC meeting, FRA did publish in the Federal Register the determinations under the various petitions for reconsideration involving the Passenger Safety Equipment Standards.

With no further questions of Mr. Cothen, or comments concerning RSAC tasks, Mr. Gavalla then thanks Lydia Leeds, Patricia Butera, and Robert Siegfried of FRA's Office of Safety, for all of their assistance in making arrangements for this RSAC meeting.

George Gavalla asks for approval of the Minutes from the 19<sup>th</sup> RSAC Meeting.

BOB HARVEY (BLE) MOVES THAT THE MINUTES OF THE 19<sup>th</sup> RSAC MEETING BE APPROVED.

CHUCK DETTMANN (AAR) SECONDS THE MOTION.

BY UNANIMOUS VOICE VOTE, THE MINUTES OF THE 19<sup>th</sup> RSAC MEETING WERE APPROVED.

Chairperson Gavalla asks for a tentative date for the next meeting of the full RSAC. After a brief discussion, he informs RSAC that FRA will look for a meeting facility in Washington, D.C. for the week beginning Monday, January 27, 2002.

With no further business, Chairperson Gavalla adjourns the 20<sup>th</sup> RSAC Meeting at 3:50 p.m.

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MEETING ADJOURNED 3:52 P.M.

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These minutes are not a verbatim transcript of the proceedings. Also, 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 always excerpted in detail in these minutes.

Respectively submitted by Robert L. Portsche (Acting Secretary).