**RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)**

 **Minutes of Meeting**

 **April 7, 2016**

**Washington, D.C.**

The fifty-fifth meeting of the Railroad Safety Advisory Committee (Committee) was convened at 9:00 a.m., in the Constitution A and B Rooms of the Grand Hyatt Hotel, 1000 H Street, NW, Washington, D.C. 20001, by the Federal Railroad Administration’s (FRA) RSAC Chairperson Robert (Bob) Lauby (FRA–Office of Railroad Safety, Associate Administrator for Railroad Safety/Chief Safety Officer). Also in attendance are the Federal Railroad Administrator Sarah Feinberg (FRA), Amitabha (“Amit”) Bose (FRA–Office of Chief Counsel, Chief Counsel), Thomas Herrmann (FRA–Office of Chief Counsel, Assistant Chief Counsel Safety Law Division), John (Karl) Alexy (FRA–Office of Railroad Safety, Director of Safety Analysis), and Larry Woolverton (FRA–Office of Safety, RSAC Coordinator and RSAC Facilitator).

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. 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 under FRA Docket #2000-7257 ([http://www.regulations.gov](file:///C%3A%5CWPDATA%5CNEW%20RSAC%5C%28http%3A%5Cwww.regulations.gov.%29)). Meeting documents are also available on FRA’s RSAC Internet Web Site ([http://rsac.fra.dot.gov](file:///C%3A%5CWPDATA%5CNEW%20RSAC%5C%28http%3A%5Crsac.fra.dot.gov)), under “Committee Documents”.

For the April 7, 2016, meeting, eight of the fifty-six voting RSAC members were absent: American Short Line and Regional Railroad Association (1 of 3 seats absent); Association of State Rail Safety Managers (1 seat); Association of Tourist Railroads and Railway Museums (1 seat), Railway Passenger Car Alliance (1 seat), Safe Travel America (1 seat), The Transport Workers Union of America (2 seats) and The Transportation Communications International Union/Brotherhood of Railway Carmen

(1 of 3 seats absent). Seven of the seven non-voting/advisory 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, National Transportation Safety Board, Secretaria de Communicationes y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 95.

Chairperson Lauby welcomes RSAC (The Committee) members and attendees to the 20th anniversary and 55th meeting of The Railroad Safety Advisory Committee. He asks meeting attendees to identify themselves and the organizations they represent.

Chairperson Lauby asks Larry Woolverton (FRA–Office of Railroad Safety) for a meeting room safety briefing.

Larry Woolverton (FRA) identifies the meeting room’s fire and emergency exits and an external meeting location where members should gather in the event of a building evacuation. He asks for volunteers with cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) qualification to identify themselves. A large number of attendees acknowledge having completed this training.

Chairperson Lauby says there are members of the press at today’s meeting, some with camera equipment. He says the Committee meetings are open to the public and the press. However, he requests that members of the press and non-Committee members remain in the seating areas or designated press areas at the rear of the meeting room. He says if non-Committee members and the press have questions concerning today’s meeting to please direct those questions Matthew Lehner, FRA’s Associate Administrator for Communications.

Chairperson Lauby says as RSAC members know, this is the 20th anniversary of RSAC. He says the first RSAC meeting took place on April 1, 1996. He says some folks in this room were at that meeting and started the RSAC process that has gone on now for 20 years. He asks RSAC members who were present at the first meeting to raise their hands.

Chairperson Lauby says this meeting should have been a purely joyous occasion, but the joy is tempered by the tragic accident that occurred last Sunday near Philadelphia. He says that accident resulted in the death of two Amtrak roadway workers and multiple injuries to Amtrak passengers and operating crew members. He says “Our prayers go out to the victims and their families.” He says the accident is under investigation by the National Transportation Safety Board (NTSB), so FRA will not have much to say about the details of the accident.

[Note: On Sunday, April 3, 2016, at approximately 8:00 am, Amtrak Train 89 struck an Amtrak maintenance of way backhoe, killing two Amtrak roadway worker employees and hospitalizing 35 of the onboard 341 passengers and 7 crew members. The NTSB has recovered the locomotive data event recorder and inward-facing and forward-facing video data, and is investigating the accident.]

Chairperson Lauby says accidents like these are reminders of the important work that the Committee does to prevent these accidents from occurring. He says, “Unfortunately, these accidents are a constant reminder of how much more work there remains to be done.” He says as RSAC celebrates its anniversary milestone, please remember the victims of the Amtrak accident and all the victims of the other tragic railroads accidents that have taken place over the last 20 years. He says it is important that we remember these victims as we move forward with our work because these victims provide substance and purpose for the work that is done in this Committee.

Chairperson Lauby says it is his pleasure to introduce FRA Administrator Feinberg for opening remarks. He says Sarah Feinberg served as the Acting Administrator for FRA between January 11, and October 28, 2015, when she was confirmed as the thirteenth FRA Administrator. He says FRA is very lucky to have Sarah Feinberg leading the agency. He says she is absolutely passionate about railroad safety and because of that passion and enthusiasm, she inspires us to do our best work and makes all of us better safety professionals.

Administrator Feinberg says “It’s a pleasure to see you all again.” She thanks Chairperson Lauby for the introduction. She says Mr. Lauby always jokes that he remembers when I started at FRA because it was on his birthday. She says she is not certain that she was exactly what he wanted for his birthday, but knows that FRA is truly grateful for Chairperson Lauby’s leadership at FRA and the work he does to help keep RSAC moving forward.

Administrator Feinberg says “This is my third RSAC meeting, but more significantly, RSAC was established 20 years ago this month.” She says that is quite a milestone. She says next year, when RSAC will be 21, the Committee will “legally” be able toast its achievements.

Administrator Feinberg says RSAC’s achievements are many. For example, she says, since the establishment of RSAC, rail accidents per million train miles are down by nearly 30 percent as total miles and passenger counts increased significantly. She says the number of total train miles increased by nearly 9 percent, and the number of total passengers transported by rail increased by a staggering 43 percent. She says this is in no small part due to the time and energy put in by RSAC’s working groups, each one looking at different disciplines of rail safety. She says the past 20 years have proven that industry and government can accomplish much when they work together and when they check their egos at the door and work toward a common goal. She says the collaborative process established by RSAC has been a key to its success. She says FRA’s rulemaking benefits from your input, and knowing that both labor and industry has a voice in that process makes implementing new safety initiatives and establishing safety goals more efficient.

Administrator Feinberg says while RSAC continues to make great progress, everyone in this room knows we face significant challenges. She says everyone is aware that Amtrak Train 89 derailed on Sunday, April 3, 2016, in Chester, Pennsylvania, killing two and injuring dozens more. She says this terrible accident serves as another reminder that we can always do more to make safety a priority. She says RSAC must make its focus on safety relentless, because the country is depending on rail more and more.

Administrator Feinberg reiterates that the number of passengers transported by rail has increased by 43 percent over the past 20 years, and that passenger rail traffic growth will continue to grow. She says the Department of Transportation’s report, *Beyond Traffic 2045*, which looks 30 years into the future, finds that during the next 30 years, the population of the United States will increase by 70 million people. She says that is more than the current population of New York, Texas, and Florida combined.

Administrator Feinberg says a recent study found that workers who drive to work in urban areas lose an average of 42 hours per year stuck in traffic. Here in Washington, DC, she says traffic costs workers an average of 82 hours per year. She says a skyrocketing population is only going to make this problem worse, and ultimately drive more commuters to rail.

Administrator Feinberg says on the freight side, by 2045, freight volume will increase 45 percent. She asks, “How many of you have purchased something online in the past week or month.” She says, “I see a lot of hands.” She says that is one big reason why there is such an increase in freight rail volume. And, she says rail dominates when it comes to moving significant quantities over significant distances, because it is safer, cheaper and more environmentally friendly.

Administrator Feinberg says the rail industry is not only expected to meet the challenge of this increasing volume, but will have to do it under an intensifying public spotlight. She says the public expects that trains will travel hundreds of millions of miles, transporting hundreds of millions of passengers and carrying millions of tons of freight, without any derailments. She says she knows that well over 99.99 percent of passengers and freight make it to their destination without incident. But, she adds, the small percentage of traffic that does not make it to its final destination, as seen this past weekend is a big deal to the public, to Congress, and to FRA.

Administrator Feinberg says RSAC must continue to lead the way and be productive for the next 20 years. She says she will take this opportunity to update RSAC members on some of the work underway at FRA.

Administrator Feinberg says one of the critical rules FRA wants RSAC input on is sleep apnea. She says she knows this is a tough issue for a lot of folks in this room. However, she adds, she wants to be clear: FRA wants to help. She says if a worker has sleep apnea, FRA wants them to know that, and more importantly, FRA wants them to be treated so they can be more alert, more productive and safer when on the job. She says during the next three months, FRA will hold three meetings across the country with its sister agency, The Federal Motor Carrier Safety Administration (FMCSA). She says she encourages *everyone* attending today’s meeting to help FRA and FMCSA find the best path forward to address sleep apnea.

Administrator Feinberg says if there is one issue that can end a party quickly, e.g., the RSAC 20th anniversary celebration, it is probably FRA’s rule on train crew size. She says this is an important topic. She says last month, FRA issued a draft rule to establish a baseline train crew size, and a safety review and approval process for railroads which want to transition to less than two-person operations. She says FRA believes that there is no substitute for having a second person on a train crew. She says the fundamental question to be addressed by the crew staffing rule, however, is whether or not the federal government and the American public should have a voice as railroads make decisions to transition from two person crews, to one person crews, or even to fully automated operation. She says the proposed rule would give FRA a seat at the table as railroading operations continue to evolve and as technologies like Positive Train Control (PTC) come online.

However, Administrator Feinberg says, “As we have seen, the prospect for PTC being fully implemented in the United States is, unfortunately, a ways away.” She says, “Yes, Congress granted an extension until at least 2018,” but as she said the last time she spoke on this topic, “the extension should not be your primary focus.” She says she knows, especially, for commuter railroads and short lines that the costs for PTC are significant. She says FRA just announced that $25 million is available to help implement PTC. And, she says, FRA expects to announce another $199 million specifically for commuter and short line railroads soon. She says she knows that this is just a drop in the bucket of what it will take to implement PTC. She says this Administration has made it clear to Congress year after year that more significant funding is needed. Accordingly, in the president’s budget for the next fiscal year, the Administration is proposing $1.25 billion—yes, billion—to make PTC happen.

Administrator Feinberg says as railroads work toward implementing PTC, FRA will be releasing quarterly reports on the progress of each railroad. She says as Congress debated whether to grant a PTC implementation extension last year, FRA heard over and over again from the public and Congress that they wanted more frequent updates and more transparency on the progress railroads are making. She says Positive Train Control has been one of her top priorities, and that FRA will continue to be a partner to help railroads meet or exceed the new 2018 deadline.

Administrator Feinberg says in addition to PTC, reducing deaths at highway-rail grade crossings has been, and will continue to be a top priority, until she leaves FRA. She says the 2015 statistics for these accidents show that the industry is heading in the right direction, but also that the work for this topic is far from done. She says too many people are still injured or killed at railroad crossings. She says of the 244 people who died at highway-rail grade crossings in 2015, most of them did not have to because most of those fatalities are preventable. She says it is our job to try everything we can to prevent these fatalities.

Administrator Feinberg says while it is true that many highway-rail grade crossing fatalities can be attributed to driver error, that should not be the end of the conversation or a reason why we accept that a certain number of people will die each year. She says “We can, and we must, do more.” She requests that RSAC members search for more innovative engineering and to build stronger partnerships as FRA continues its “all-of-the-above approach” to address this decades-old safety challenge.

Administrator Feinberg says she continues to be focused on the safe transportation of crude oil. She notes that while the amount of crude oil being transported has diminished, FRA’s and her attention on this issue has not. She says the rule FRA issued nearly a year ago was an important step and milestone. However, she says, other steps still needed to be taken. She says she witnessed first-hand in Mount Carbon, West Virginia, the catastrophic impacts that a derailment of a crude oil train can have on a local community. She says out of that derailment, FRA announced that it would move forward to establish rail-head wear standards. She says she knows that RSAC’s Rail Integrity Working Group is actively participating in providing input as FRA moves forward on this topic. She says FRA will keep to its aggressive pace to get this task accomplished.

“Finally,” Administrator Feinberg says, another priority she has is to use advanced technology and data to make rail safer. She offers the following example: Google has agreed to integrate FRA’s Geographical Information System data on highway-rail grade crossings and to add alerts to its map application. She says for drivers and passengers who are driving an unfamiliar route, traveling at night, or who lose situational awareness at any given moment, receiving an additional alert about an upcoming crossing could save lives.

Administrator Feinberg says railroads also have data and metrics that provide insight into what can lead to accidents and how they can be prevented. She says she fully understands the concept of proprietary information. She says she would not want any railroad to put themselves at a competitive disadvantage by giving up trade secrets. However, she says, “We are all in this together.” She says, “If one railroad has information that could help prevent an accident involving another railroad if it was shared, it is in everyone’s interest for it to be shared.” She says when a derailment happens to one railroad, it happens to all railroads. She says the public and Congress do not make a distinction. She says right or wrong, every railroad is lumped together. She says anything that can be done to prevent accidents and bolster public confidence in the rails should be a top priority. She says when Congress and the public see railroads leading the way on safety, it lessens the need and pressure for additional regulations.

Administrator Feinberg says she hopes whoever her successor is, standing before you in 20 years, he (or she) will see that RSAC has remained productive, and that the industry did not back down from its many challenges. She says she hopes that PTC is implemented and saving lives; that fatalities at railroad crossings are eliminated; that crude oil is being transported safely; and that the rail industry is harnessing technology and data so that 100 percent of people and freight made it to its destination safely. She says this sounds like a lofty goal, but she really thinks it is possible. After all, she says, this is an industry that conquered the west, ushered in the industrial revolution, and helped win two world wars.

Administrator Feinberg says to her, all of these goals sound like a really good 40th birthday present to RSAC and a lasting, positive legacy for all of us to leave the United States. She says she looks forward to spending her remaining time as FRA Administrator working with RSAC members on advancing ideas to achieve these goals.

Chairperson Lauby thanks Administrator Feinberg for her opening remarks.

Rick Inclima (Brotherhood of Maintenance of Way Employes Division (BMWED)) asks for unanimous consent for a moment of silence to honor the Roadway Workers who were lost over the past few weeks.

Chairperson Lauby announces a moment of silence to honor roadway workers who lost their lives.

THERE IS A MOMENT OF SILENCE TO HONOR ROADWAY WORKERS WHO LOST THEIR LIVES.

Chairperson Lauby thanks RSAC members for their participation.

Chairperson Lauby says, “This morning, I had intended to go over many of the accomplishments of the RSAC program.” He says RSAC accomplishments are outlined in a Microsoft PowerPoint Presentation “20th Anniversary Meeting of the Railroad Safety Advisory Committee,” which has been distributed to Committee members and meeting attendees. He says excerpts of these accomplishments are also displayed on storyboards mounted on easels throughout the meeting room. However, he says, FRA is pleased to be able to go directly to a presentation by the man who was instrumental in getting RSAC up and running 20 years ago and who ran the program for the first 15 years.

Chairperson Lauby asks Grady Cothen (FRA–Office of Railroad Safety, Deputy Associate Administrator for Safety Standards and Program Development (retired)) for opening remarks.

Grady Cothen (FRA–Office of Railroad Safety) addresses RSAC as follows:

“Administrator Feinberg, Mr. Lauby, distinguished members of this committee, and other colleagues, I want to thank you for including me in this 55th meeting of the Railroad Safety Advisory Committee. As some here will remember, I earned this grey hair in large part tending the vineyard we know as the RSAC. Although I retired from FRA in 2010, I have continued to have a strong interest in the success of this body.

The RSAC is one tool that FRA and its partners use to advance safety, and we need every effective tool we can get. Let me speak briefly, particularly for the benefit of those of you who were not here 20 years ago at the inception, first about how we got here, second why that matters, and finally a little about what we need to do to keep the RSAC relevant and effective.

First, some history; just the high points, since this is a full agenda today. The RSAC was something of a surprise to all of its parents. It wasn’t planned. It sprang from good intentions and lots of desperation. The good intentions were bestowed by the Clinton Administration, most particularly by Vice President Gore and his plan to transform government. All citizens were now “customers,” and our success was dependent upon the customer’s satisfaction—an awkward posture if you are operating under authorities that mandate regulation and enforcement. About this time, I had written myself a job description as regulatory czar in the Office of Safety. (Well, they didn’t know what to do with me.) So you can imagine my sense of desperation. The regulatory program, with lots of “to dos” already listed, was dead in the water as statutory deadlines floated by. The Administrator didn’t want to roll out new rules—several of which were already

about finished—because they might offend “customers.”

The matter of perhaps greatest urgency was roadway worker protection, a matter of life and death, for sure, as the tragic circumstances of this last weekend once again declare. There were calls for an emergency order. When we couldn’t agree what to do internally, I suggested a formal negotiated rulemaking to get things moving. The Administrator concurred; and the parties, to their credit, accepted the challenge. The product was a clear step forward, but there were issues that had not been sufficiently developed under the pressure to agree. Neutral facilitation produced movement but not clarity. Both litigation and further rulemaking ensued.

So from this initial experience it was clear that the industry parties were game for getting in there and working on problems, and it was clear the FRA had learned a lot from the parties during the process. But we could hardly afford to do formal negotiated rulemakings for every topic on the agenda, and it was not clear from the roadway worker outcome that that particular process was the best. So desperation led to some degree of hard-won inspiration in the form of the RSAC. FRA invited the industry parties to join a broader advisory committee to work on most of the regulatory agenda. This was met with a firm “yes, but” from management and labor, in particular. So we almost literally had to negotiate the shape of the table first. Nobody wanted to be out-voted, and the Class I railroads and labor were not so sure anybody else should be at the table. FRA wanted the committee to include every legitimate interest affected, and probably couldn’t have gotten the RSAC chartered on any other basis. All of the industry parties were obviously fearful that their constituencies would blame them for any unfavorable outcome they could not block. FRA had a non-delegable responsibility to decide at the end of the day, whether or not the RSAC came up with a recommendation, and couldn’t just let the process run amok.

The result was a unique structure –with no precedent under the Federal Advisory Committee Act, so far as we have been able to determine. If just you looked at it on paper, it was apparently designed to fail miserably.

Under the bargain worked out with the industry parties, FRA would reserve the right to offer tasks, after prior informal consultation. The committee would consist of organizational representatives, not individuals. The organizations would include more than the usual suspects, with the National Association of Railroad Passengers playing an active role, Safe Travel America keeping all us mindful that our inaction can have consequences, and the governments of Canada and Mexico invited to work on harmonization of standards—just as examples. Over time additional organizations would be added in an attempt to benefit from, and promote, the diversity of the industry.

Under this construct, FRA would chair the committee and vote along with everyone else. The RSAC would establish working groups where the heavy lifting would occur, comprised exclusively of those parties with a stake in the subject matter—always including FRA. Complete consensus would be required to discharge a recommendation from a working group, and a simple majority would be required to get it accepted in the full RSAC. The full RSAC could remand the issue once, by a unanimous vote, but the working group product would not be subject to amendment in the full body. FRA committed to using the resulting recommendations to formulate proposals whenever possible.

These principles were embodied in a document called “The RSAC Process.” Over the years the committee, to my knowledge, has deviated only slightly from this prescription, and then only by unanimous consent. Notably, parties have often been generous by entering into partial consensus when they have felt unable to support the entirety of a proposed working group recommendation. In some cases, parties have remained in a negotiation even when they knew (and privately warned us) that factors external to the negotiation would prevent them from reaching a final consensus—just to ensure FRA got the best picture of how their legitimate interests might be protected.

When this process was hammered out, there were many voices within and outside the Department that said we couldn’t do business that way. Consider—

∙ Forming a Federal Advisory Committee comprised of organizations was unusual, to say the least. By tradition, advisory committee members were supposed to be selected individually for their expertise and would “serve the public interest.”

∙ The idea that members would carry their interests into the meeting openly and proudly, rather than in their back pockets, was anathema. To mix metaphors, you were supposed to leave your hat at the door—good luck with that if you are an elected union officer or trade association staffer!

∙ The idea that the agency would really manage and participate in the committee was shocking—you know, somebody could say something that would embarrass or overcommit the Department; and what we would do then? Bureaucrats are supposed to be seen but not heard on any “controversial issue.”

These concerns were not without *some* basis, of course, but the notion that the Federal Advisory Committee Act did not permit this kind of body, just because it had not been done quite this way before, was just flat wrong—as I insisted. So, without getting into a blow-by-blow, let’s just say we won the battle. The RSAC commenced operations on April Fool’ Day, 1996.

Over time, the RSAC process forced major changes in how FRA did business internally. At least when the process worked well, silos fell and the Administrator’s office became involved, materially, much earlier in the process. The responsible FRA senior executives had to ensure that the Administrator was briefed when useful and that the FRA team operated within the Administrator’s instructions at all times.

The RSAC Process also required investments in training for all concerned. FRA made “interest-based bargaining” the engine of working group activities.

So my second point is that history matters because—through whatever serendipity— form followed function. The industry and FRA were at a point where we needed something like the RSAC very badly.

∙ Many FRA staff members had been Federal civil servants for quite a while and needed to be updated on the state of the industry. FRA lawyers, economists and analysts needed a rapid education in the particulars of the issues before the agency. The RSAC provided that mechanism.

∙ Industry personnel in departments such as transportation, engineering and mechanical were often wary of their counterparts in labor—and the anxiousness was, let us say, “reciprocated.” Particularly in the early days, when working groups went on the road, members got to spend time together socially, barriers began to fall, and mutual respect—on a personal level—often flourished. Good relationships do not guarantee good outcomes, but they greatly facilitate that result. It may be growing trust at this level helped, at least a little, to enable Confidential Close Call Reporting and other risk reduction elements.

∙ State rail program representatives, some suppliers, and other stakeholders were alienated from the regulatory process, sometimes questioning FRA’s good faith as steward of the national rail safety program. The RSAC let everybody see the process of making regulations close up, and if you wanted to you could pitch in! Many did.

∙ The issues coming before the agency were becoming more complex and highly technical. FRA could get expert advice from its own staff, including the Office of R&D and the Department’s Volpe Center; but how much better to have access to industry experts, as well! Real time peer review, iterative analysis, and reference to international standards sometimes permitted the RSAC working groups and task forces to advance the state of the art.

∙ Technology was rapidly outstripping FRA’s ability to cabin risk using traditional, prescriptive regulations and at times, existing regulations threatened to constrain progress. So RSAC working groups helped fashion processes and standards for approval of new and alternative technology that FRA would have struggled to conceive by itself. Dialogue within the working groups helped to educate all of us regarding the need to migrate in the direction of performance-based regulations.

Now, I am painfully aware that the RSAC is not an emblem of unvarnished success. Consensus has not been achieved for every task. Things have taken too long. For some, traveling to high-cost D.C. so FRA could save money has been galling. Despite the training and hand holding, members have sometimes had to endure ad hominem attacks issued by other members who were desperate to protect their interest and unable to muster a better argument. We could add a number of other “cons” to the list, but this is supposed to be a day of celebration.

So this takes me to my final point, which is this: If we—all of us—take this process for granted it can rapidly fail and become a fading memory. But if we remember where we came from, and how far backwards we could go, I submit we will want to look forward and try to make it work. For that to happen, everybody will have to give a little and some a lot.

∙ The Department of Transportation needs to give the most, because this process serves its mission.

o Efforts to rebuild internal silos need to be stopped cold. Tasks can only be accomplished if FRA teams—specialists, engineers, lawyers and economists drawn from disparate organizational elements—work well together and pull in the same direction. Team members must be willing, and their immediate supervisors have to buy in, or at least act like it.

o The Administrator must be empowered to guide the agency’s participation, and consensus outcomes must be supported within the Executive rather than second-guessed by lawyers upstairs or analysts across town, most of whom have scant domain knowledge.

o FRA must ensure that its budget requests support a robust RSAC schedule of activities, including opportunities for working groups and task forces to get out on the railroad and into the supply community to gain first-hand familiarity with the subject matter of pending tasks. Taking a national program across the Nation also provides the opportunity for system and local union officers to participate and grow in their leadership positions and come to understand “what’s going on in Washington.”

o FRA’s Senior Executive corps needs to be properly appointed and tasked, and incumbents need to be supported. FRA should ensure that each working group is sponsored by a senior executive or other senior officer who is willing to roll up their sleeves and learn the issues with a degree of granularity that will permit that individual to provide the necessary liaison between the Administrator and the working group, subject to the guidance of the Chief Safety Officer.

o FRA must keep offering well-timed proposals to focus working group discussion and crystalize the issues.

o However unpopular, FRA must hold the working groups to reasonable timetables while recognizing exceptions when it makes sense.

o But FRA needs to step up the pace of production. When consensus is in hand, the proposed and final rules need to be produced in a timely manner. The RSAC can’t be prodded to work more briskly if FRA can’t produce. That will happen only if individual counsel and staff are held accountable, and, importantly, if OST and OMB behave sensibly, reserving formal review for rules that are truly significant and keeping to their own deadlines without manipulation of the process to make the agency look like the culprit.

o Finally, FRA must continue to speak for those who are not directly represented in the process.

∙ Industry parties need to play their part, as well.

o Nothing tears at the fabric of RSAC more than surprises. Each party representative needs to keep that individual organization briefed on the issues in play and needs to seek support for pending consensus recommendations before final working group action. The whole idea, beyond good outcomes on paper, is *buy-in* for implementation.

o Nothing drains energy and good feeling from a process more than collateral attacks that are unfair. RSAC participants need to ensure that their lobbyists and press offices know about the good work going on within the RSAC. That does not mean all will be sweetness and light, but in some cases we can save everybody embarrassment—and that will increase the likelihood that we will be able to control our own futures, collectively.

∙ Everybody, let it be noted, will need to take a breath when the opportunity presents itself, and make a serious effort to simplify the growing corpus of regulations already on the books, to relieve unnecessary regulatory burdens, and to ensure that remaining regulations are as progressive and robust as the industry they govern.

So here we have a collaborative forum consisting of those affected by regulations who are willing to invest time and effort to make them better, which came into being out of unusual circumstances, and which has achieved a record much more distinguished than many of us might have expected. It calls to mind that oft-cited legend about Benjamin Franklin, as he left the constitutional convention in Philadelphia. He is said to have bumped into his friend Elizabeth Powell, who inquired about the form of government produced inside. He replied, “A republic, madam, if you can keep it.”

Well, colleagues, I know I am no Franklin, but this is a demonstrably successful collaborative body — if you can keep it.

Now, before I sit down,

∙ Tip of the hat to John Sneed, who has been RSAC’s faithful and ever so discrete and diplomatic scribe since its inception;

∙ Thanks to Larry Woolverton, who has kept us on track for a number of years now, in the great tradition of Vicky McCully, Cindy Gross, Trish Butera, Lydia Leeds, Marvin Stewart, and many others on the FRA staff; and

∙ To you all, thank you for your service; and best wishes from this old pensioner as you embark on the RSAC’s third decade!”

FOLLOWING THE REMARKS OF GRADY COTHEN, THERE IS A STANDING OVATION FROM ALL MEETING ATTENDEES.

Chairperson Lauby thanks Mr. Cothen for the historical overview of RSAC. He says Mr. Cothen was at the first RSAC meeting in 1996. He asks other RSAC meeting attendees who also attended that meeting to please raise their hands.

A LARGE NUMBER OF MEETING ATTENDEES RAISE THEIR HANDS.

Chairperson Lauby acknowledges Andrew Corcoran (Association of American Railroad–Norfolk Southern Corporation) who has recently retired. He says Mr. Corcoran attended the first meeting and every meeting in between except for one. He says he believes that will remain the record for a while. He thanks Mr. Corcoran for his many years of service to RSAC.

KellyAnne Gallagher (American Public Transportation Association (APTA)) introduces a new member of the APTA team, Randy Clarke, who joins APTA from the Massachusetts Bay Transportation Authority.

Chairperson Lauby announces the morning break.

 M O R N I N G B R E A K 10:30 A.M. - 10:50 A.M.

Chairperson Lauby reconvenes the meeting. He says later in today’s meeting, the full RSAC will be asked to accept a new Task No.: 16-01, Speed Enforcement Wayside Warning Signs. He says in support of this new task, FRA included a letter in the materials handed out at today’s meeting from the Sheet Metal, Air, Rail and Transportation Workers (SMART), dated February 26, 2016. He asks RSAC members to read this letter as background material before voting on RSAC Task No.: 16-01. He asks Devin Rouse (FRA–Office of Railroad Safety) for a report on Engineering Task Force (ETF) activities.

Devin Rouse (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Engineering Task Force Update.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Outline,” Mr. Rouse says he will cover the following topics: (1) Task Force Introduction and Background; (2) Status of Current Tasks; and (3) Update from March 2016 Meeting.

Under slide 3, “ETF Background,” Mr. Rouse says the following: (1) The Engineering Task Force (ETF) was established by the Passenger Safety Working Group (PSWG) on August 12, 2009 to develop technical criteria and procedures for the crashworthiness of alternatively-designed Tier I equipment (published October 28, 2011); and (2) The ETF was re-tasked by the PSWG on July 28, 2010 to provide recommendations for revised equipment regulations, including the completion of Tier III equipment regulations.

Under slide 4, “Passenger Equipment Rulemaking Regulatory Plan,” Mr. Rouse lists the following components for the “first Notice of Proposed Rulemaking (NPRM)” and the “second NPRM” for Tier III equipment: (1) NPRM 1 (Under Review): (a) Tier I alternative crashworthiness standards; (b) Tier III crashworthiness standards; (c) Align Tier II MAS [maximum allowable speed] with new VTI [Vehicle Track Interaction] rule (160 mph);

(d) Codify Tier III Glazing and NPRM 1 consensus items; and (e) Tier III Braking Systems; and (2) NPRM 2 (In Development)): (a) Tier III Safety Appliances;

(b) Incorporate 49 *Code of Federal Regulations* (CFR) Part 229 for Tier III;

(c) Alternative crashworthiness for single car/locomotive; (d) Tier III Inspection, Testing and Maintenance (ITM) Requirements; (e) Update testing/Commissioning Requirements; and (f) Tier I passenger trainset/locomotive safety appliances.

Under slide 5, “Progress of NPRM 2 Topics to Date,” Mr. Rouse give the status on the following ETF assignments: (1) Substantially complete: (a) Tier III safety appliances;

(b) Incorporate 49 CFR Part 229 for Tier III equipment; and (c) Tier III Inspection, Testing and Maintenance; (2) Pending approval: (a) Alternative crashworthiness for single car/locomotive; and (b) Tier III Safe Operation Plan (Subpart J); and (3) In Progress (under development): (a) Update 49 CFR 238.111 and other 238 miscellaneous requirements; and (b) Tier I passenger trainset/locomotive safety appliances.

Under slide 6, “Objectives from March [2016] Meeting,” Mr. Rouse lists the following:

|  |  |
| --- | --- |
| **Objective** | **Result** |
| Review and finalize proposal for passenger equipment electronics safety requirements. | Agreed on approach. Proposal to be taken up at next ETF meeting. |
| Discuss and develop draft requirements for Tier III reporting (e.g. blue card equivalent). | Agreed on path forward. FRA to draft proposal for next ETF meeting. |
| Resolve open issues to Tier III Safe Operation Plan proposal. | Complete. |
| Discuss proposed approaches to single car/locomotive crashworthiness. | Agreed on approach. Proposal to be taken up at next ETF meeting. |

Under slide 7, “New Safety Requirements for Passenger Equipment Electronics,” Mr. Rouse says (1) The ETF recommends that new electronics requirements be adopted for all passenger equipment; (2) These requirements would: (a) Be based on Part 229 Subpart E; (b) Replace Part 238.105 (current hardware/software requirements.); and

(c) Reduce confusion over applicability for cab cars, MUs [multiple units], and passenger locomotives; and (3) Industry and FRA experts worked to develop a draft proposal for passenger equipment electronics safety requirements–to be presented for approval at the next ETF meeting.

Under slide 8, “Tier III Reporting,” Mr. Rouse says (1) The ETF is examining the options for effective record keeping and information conveyance for high-speed rail Multiple Units; (2) The March 2016 ETF working session focused on: (a) Identifying critical information needs; and (b) Potential alternatives to paper forms (e.g., blue card); and (3) Existing method for reporting may be used if no effective alternative is reached, but new Part 238 requirements are necessary to separate Tier III passenger equipment from Part 229.

Under slide 9, “A Brief Review of FRA’s Inspection, Testing, and Maintenance Approach for High-Speed Rail Operations,” Mr. Rouse outlines the following:

(1) Regulations set minimum requirements for plan contents and describe approval/renewal process; (2) The process includes collaborative review involving FRA, the railroad (or its contractors), labor, and the manufacturer; and (3) The approach:

(a) Safety Management–establish appropriate technology specific requirements and audit against the approved plan; (b) Technology Neutral–recognize that some metrics must be defined by the system and technology implemented not prescribed; and

(c) Annual Review–allows for changes over time due to statistical performance, lessons learned, and component/design changes.

Under slide 10, “Tier III Safe Operation Plan (Subpart J),” Mr. Rouse says (1) Safe Operation Plan purpose: (a) Establishes HSR safety thresholds from a systematic level (i.e., not specific to a particular trainset design); an d(b) Tier III Safe Operation Plan compliments the ITM Plan; (2) Initially, the ETF had concerns that proposed ruletext would unintentionally invoke or conflict with 49 CFR Part 270–System Safety Plans; and (3) The March 2016 ETF working session refined draft ruletext to remove potential conflicts but maintains purpose–a final proposal to be presented at the next ETF meeting.

Under slide 11, “Single Car/Locomotive Alternative Crashworthiness,” Mr. Rouse says (1) Alternative crashworthiness in NPRM 1 is based on trainset configurations;

(2) The March 2016 ETF working session focused on establishing needs based on a Crash Energy Management (CEM) overlay (on traditional carbody) versus true alternative designs; and (3) Current Resolution: (a) APTA to explore the development of a new standard for true alternative designs; and (b) FRA to develop a proposed approach for CEM overlay designs and present at the next ETF meeting.

Under slide 12, “Application of Existing Regulations to Tier III,” Mr. Rouse displays a bar chart depicting the 153 individual sections from 49 CFR Part 229 and 49 CFR Part 238 and whether they apply to Tier III equipment, apply to Tier III with modification, do not apply to Tier III equipment, or are superseded.

Under slide 13, “Status of NPRM 2 – Specific to Tier III (Parts 229 and 238),” Mr. Rouse displays a bar chart depicting: (1) 146 sections under Parts 229 and 238 which are closed for integration into Tier III rules; (2) 30 sections under Parts 229 and 238 which remain open; (3) 10 sections under Parts 229 and 238 which have been deferred; and (4) One section under Parts 229 and 238, which is pending.

Under slide 14, “Future Meetings,” Mr. Rouse says the ETF has meetings scheduled along a timeline as follows: (1) For the October 21-22, 2015, ETF meeting, FRA received ETF approval for draft ruletext for: (a) Tier III 229 regulations; (b) Tier III safety appliances; (c) Tier III ITM Plan; and (d) Tier III Safe Operation Plan; (2) For the proposed Fall 2016, ETF meeting, FRA hopes to receive ETF approval for NPRM 2.

Devin Rouse (FRA) asks for questions.

Chairperson Lauby says FRA has a draft regulation for NPRM 1, which is moving forward through the approval process.

Chairperson Lauby introduces John (Karl) Alexy (FRA–Office of Railroad Safety) as the new Director of Safety Analysis. He says Mr. Alexy has replaced Brenda Moscoso who has moved to a position at the Association of American Railroads. He says Mr. Alexy was formerly the Staff Director of FRA’s Hazardous Materials Division.

Chairperson Lauby asks Devin Rouse (FRA–Office of Railroad Safety) for a report on Positive Train Control (PTC) Implementation.

Devin Rouse (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “PTC Implementation RSAC Update, Train Control and Communication.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Outline,” Mr. Rouse says he will cover the following topics: (1) Current implementation landscape; (2) PTC Extension Legislation–What’s in it and what does it mean; (3) Areas of focus for FRA; and (4) Issues and risks related to implementing.

Under slide 3, “PTC Railroads and Nationwide Implementation,” Mr. Rouse says the following: (1) 41 active railroads are currently implementing PTC: (a) 7 Class I freight railroads; (b) 28 passenger/commuter railroads (including Amtrak); and (c) 6 regional/ shortline and terminal railroads; and (2) “New Start” railroads are currently developing PTC systems: (a) Denver-Regional Transit District (RTD) (estimated 2016);

(b) Sonoma-Marin Area Rail Transit (SMART) (estimated 2016); (c) All Aboard Florida/Florida East Coast Industries (AAF/FEC) (estimated 2017); and (d) TexRail (Fort Worth, Texas) (in development).

Under slide 4, “What Types of Systems Are Currently Under Development,” Mr. Rouse lists the following:

|  |  |  |  |
| --- | --- | --- | --- |
| **Railroad** | **System** | **Type** | **Status** |
| BNSF | I-ETMS | Non-Vital overlay | Certified for Use |
| UP, CSX, NS CN, CP, KCS, and most non-Northeast Corridor passenger commuter service | I-ETMS | Vital Overlay (some carriers may elect to implement a non-vital version of I-ETMS) | Type Approved (in development) |
| Northeast Corridor carriers (except NS, MARC, Conrail | ACSES /cab signals | Vital overlay | Certified for use |
| Amtrak (Michigan) | ITCS | Vital overlay | Approved for use |
| PATH | CBTC | Vital stand alone | In Development |
| Caltrain, New Mexico Rail Runner | I-ETMS/ITCS combined | Vital overlay | In Development |
| TRI-MET, SMART, AAF | EATC | Vital overlay (some carriers may elect to implement a non-vital version of I-ETMS) | Type Approved |

ETMS = Electronic Train Management System; I-ETMS = Interoperable Electronic Train Management System; ITCS = Incremental Train Control System; ACSES/ACSESII = Advanced Civil Speed Enforcement System; CBTC = communications based train control; and EATC = Enhanced Automatic Train Control.

Under slide 5, “PTC Extension–What’s in It,” Mr. Rouse says the Surface Transportation Extension Act of 2015, signed November 20, 2015, does the following: (1) The deadline for PTC implementation is extended to December 31, 2018:

(a) Includes option for “alternative schedule” request to allow for up to an additional 24 months; and (b) Shortline provision extended an additional 3 years; (2) New Law Requires: (a) Submission of Revised PTC Implementation Plan within 90 days, i.e., January 27, 2016–complete; (b) Expanded reporting requirements–in progress; and

(c) Annual FRA compliance reviews and a Report to Congress by July 1, 2018; and

(3) Provides option for: (a) Provisional operation (limited revenue service before certification); and (b) Relief from certain operational restrictions for those who implement early–up to one year after the last Class I system is certified.

Under slides 6-7, “PTC Extension–What It Means,” Mr. Rouse says the following:

(1) Revised PTC Implementation Plans must include: (a) Information on spectrum acquisition and schedule (if used); (b) Hardware installation quantities and schedule;

(c) Employee training details (staff quantities and schedule); and (d) Identification of potential risks to schedule; (2) In order to request and “alternative schedule,” railroads must have: (a) Completed hardware installation, acquired necessary spectrum, and completed training; (b) Certified to the Secretary of Transportation in writing that it will be in compliance on or before the date provided in the “alternative schedule;” and

(c) Implemented PTC or Initiated Revenue Service Demonstration (RSD) testing on:

(i) Class I freight railroads and Amtrak–the majority of its territories; and (ii) All others–at least 1 territory or other criteria established by FRA; (3) Railroads must submit implementation progress reports by March 31, 2016, and annually thereafter, to include: (a) Updates on spectrum acquisition, hardware installation, employee training, and schedule and sequence compliance; (b) Description of resources allocated; and

(c) Total route miles implemented (or in RSD) compared to total required; (4) Provision operation: (a) Allows for revenue operations with PTC technology prior to completion of the PTC Safety Plan review/certification; and (b) Must be approved by FRA; and

(5) Certain relief for “early adoption:” (a) Relieves railroads of operational restrictions due to en route failures; (b) Must fall back to existing (pre-PTC) safety level and conditions; (c) Operational rules for such occurrences must be detailed in the approved PTC Safety Plan; and (d) Effective for 1 year until final Class I system is certified.

Under slide 8, “FRA Continues to Process PTC-Related Plans,” Mr. Rouse says the following: (1) 37 revised PTC Implementation Plans have been submitted per requirements of the Surface Transportation Extension Act of 2015 (covering 41 railroads): (a) Surge staff used to help review non-technical information (schedule and quantities); and (b) Some plans requested amendments to their Implementation Plans (Request for Amendment (RFA))–these will be addressed after FRA reviews revisions required by the new law; and (2) 4 PTC Safety Plans have been submitted for certification: (a) BNSF Railway Company, SEPTA [Southeastern Pennsylvania Transportation Authority], CSX Transportation, and Metrolink (resubmitted); and

(3) Railroad submittals (Request to Test, Request for Amendments, PTCDP [PTC Development Plan], TA) are continuously received and reviewed by PTC staff.

Under slide 9, “Particular areas of focus for FRA Over the Next Year,” Mr. Rouse lists the follow areas of focus for FRA: (1) Standardization of procedures and reporting where practical (e.g., progress reports); (2) PTC Test Monitoring: (a) Maximizing efficiencies in test plan review/approvals; and (b) Reducing administrative burden to allow test monitors to focus on monitoring and working with railroads; and (3) Safety Plan (PTC Safety Plan) Review/Certification: (a) Providing additional guidance to industry based on “lessons learned” from Early implementers; and (b) Work with industry to refine templates and develop tools to enhance submission focus/quality.

Under slide 10, “Implementation Risks–Spectrum Interference,” Mr. Rouse says any railroad trying to operate ITC [Interoperable Train Control] radios and non-ITC radios with less than 1MHz of spectral separation will encounter problems. He says reallocation requests and waivers are: (1) Time consuming; (2) Not guaranteed solutions; and (3) Could represent significant schedule risk.

Under slide 11, “Implementation Risks–Schedule and Timing,” Mr. Rouse says the following: (1) Do not underestimate the time required for testing and validation; (2) Early and frequent coordination with FRA and host/tenant railroads will help avoid unnecessary delays; and (3) Ensure plans are submitted in a timely manner, and be of good quality for FRA review–numerous revisions to submittals are often the leading cause for delay in approval.

Under slide 12, “Implementation Risks–Interoperability,” Mr. Rouse says all railroads must comply with the interoperability agreements in their approved plans. He says railroads should: (1) Ensure time is factored in to allow for interoperability testing with tenants; and (2) Timely sharing of information/data is paramount.

Under slide 13, “Implementation Risks–Common Observed Reasons for Delays,” Mr. Rouse says lists the following reasons for delays: (1) Railroads which have made little progress have a tendency to delay key decisions: (a) The value of time is often discounted; and (b) Decisions are often major milestones and should be scheduled and tracked as such; (2) Waiting too long to submit documents: (a) There is a difference between quality and perfection; and (b) It is better to get your document in the queue for review then to wait for others to resolve your issues; and (3) Lack of executive staff oversight–projects with strong executive oversight tend to display the most progress.

Devin Rouse (FRA) asks for questions.

Lawrence (Larry) Mann (Sheet Metal, Air, Rail and Transportation Workers (SMART)) asks, “How many staff persons at FRA are working on a daily basis on the review of PTC-related plans.

Devin Rouse (FRA) replies, “Approximately 20 people.”

Chairperson Lauby says FRA has adequate staff to do what is necessary and the ability to add contractors to meet unexpected demand.

Chairperson Lauby asks Christian Holt (FRA–Office of Railroad Safety) for a presentation on Remote Control Locomotive Working Group activities.

Christian Holt (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Remote Control Locomotive Operations Working Group Update.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Holt says the RSAC Task for Remote Control Locomotive (RCL) operations is an opportunity to take a close look at RCL operations, since rules covering this equipment first went into place. He says, in the interim, FRA has issued RCL Safety Advisories and guidance documents on RCL operations. He says this is a good time to take a look and see if FRA and industry are where they need to be. He says the railroad industry has reported several fatalities during RCL operations, if not directly related to RCL operations. He says there is no Congressional mandate to look at RCL operations. He says there are no time scales or deadlines to meet to complete the review of RCL operations. He says FRA could “tweak” the regulations, but, if everything is working well, there may be no reason to change the regulations. He says in RSAC Task No.: 14-03 Remote Control Locomotive Operations, the Railroad Safety Advisory Committee is responding to a suggestion to convene an RCL Working Group (WG) to see where industry, labor and FRA are today and if anything needs to be changed. He says the RCL WG will also look at guidance documents and see if anything needs to be put into the regulations.

Under slide 3, Mr. Holt shows an illustration of meshing gears with each “gear” representing what the RCL WG should review and understand as follows: (1) Review 49 CFR §§ 217, 218, 229, 240, 242, and 243 in regards to RCL Operations codified into the regulations to date; (2) Review other industry or FRA studies and reports (Safety Advisories) regarding RCL Operations for clarification or review; and (3) Address other issues identified by the working group.

Under slide 4, Mr. Holt says the RCL WG has met twice–a kick-off meeting on September 30, 2015, and a meeting on December 10-11, 2015.

Under slides 5-6, Mr. Holt outlines the following highlights of the December 10-11, 2015, RCL WG meeting: (1) FRA presented safety data relevant to RCL accidents and injuries; (2) FRA discussed Switching Operations Fatality Analysis (SOFA) reports which identified fatalities and amputations that are particular to RCL operations;

(3) Comments on Remote Control Operator (RCO) training programs that have been submitted to FRA were discussed; (4) Three RCL equipment manufacturers made presentations; and (5) The Union Pacific Railroad demonstrated its laptop computer-based RCL simulator program.

Under slides 7-12, Mr. Holt says at the next meeting, the RCL WG will begin tackling the following topics: (1) Does the RCL WG want to formalize the AAR letters and existing restrictions on RCL operations on mainline track in regulations or a guidance document; (2) Does the RCL WG want to formalize the RCL guidance document for training plan development; (3) Is a separate classification, or certification for RCL operators necessary; (4) Do accident reporting forms need to be updated to make reporting better; (5) Should current regulations that govern RCL operations be codified in one place; (6) Should the RCL WG review and discuss existing regulations that impede or restrict RCL operations; (7) Should RCL maintenance programs be standardized and regulated; and (8) How to promote safety in RCL Zones.

Under slide 13, Mr. Holt says the next RCL WG meeting is scheduled for May 23-24, 2016, in Washington, DC.

Christian Holt (FRA) asks for questions.

Chairperson Lauby announces the lunch break.

 L U N C H B R E A K 11:55 A.M. - 1:10 P.M.

Chairperson Lauby reconvenes the meeting. He says Carlo Patrick (FRA–Office of Railroad Safety, Staff Director Rail Integrity) has left FRA for another job. He says Kenneth Rusk (FRA–Office of Railroad Safety, Staff Director Track) has retired. He says until the Staff Director positions can be filled, the Rail Integrity Working Group co-team leaders will be James Hanson (FRA–Office of Railroad Safety) and Larry Kish (FRA–Office of Railroad Safety) and the Track Standards Working Group co-team leaders will be David Kannenberg (FRA–Office of Railroad Safety) and Arthur Clouse (FRA–Office of Railroad Safety).

Chairperson Lauby asks James Hanson (FRA) for a report on Rail Integrity Working Group activities.

James Hanson (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Rail Integrity Working Group.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Task 15-03,” Mr. Hanson says the purpose of RSAC Task No.: 15-03 is to consider specific improvements to Track Safety Standards Subpart A-G, designed to enhance rail safety by improving rail defect remedial actions and by requiring internal rail inspection on track Class 2 track.

Under slide 3, “Title 49 CFR Part 213.113 Defective Rails,” Mr. Hanson says the RIWG will review, investigate, and discuss regulatory language that would require railroads to provide rail defect and failure information to FRA when verifying compliance with the performance-based inspection frequencies.

Under slide 4, “Title 49 CFR Part 213.241 Inspection Records,” Mr. Hanson says the RIWG will review, investigate, and discuss regulatory language that would require railroads to provide rail defect and fracture information to FRA when verifying compliance with the performance-based inspection frequencies.

Under slide 5, “Title 49 CFR Part 213.237 Inspection of Rail,” Mr. Hanson says the RIWG will review, investigate, discuss, and consider updates to require rail inspection on Class 2 track based on tonnage and type of traffic over the track.

Under slide 6, “Meetings to Date,” Mr. Hanson says the RIWG has met twice–November 19, 2015, and February 23-24, 2016.

Under slide 7, “Accomplishments,” Mr. Hanson lists the following: (1) Established Data Collection Task Force; and (2) The RIWG agreed to discuss rail head wear regulations.

James Hanson (FRA) asks for questions.

Chairperson Lauby says rail head wear has been in process for an NPRM. He says the RIWG will look at the NPRM rule text for rail head wear before this rule is issued. He says FRA wants to “fast track” rail integrity issues.

Chairperson Lauby asks Arthur Clouse (FRA–Office of Railroad Safety) for a presentation on Track Standards Working Group activities.

Arthur Clouse (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Track Standards Working Group Update.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Clouse outlines the presentation as follows: (1) Background; (2) Task Statement and Status; (3) Progress; and (4) Key Dates.

Under slides 3-4, “Background,” Mr. Clouse says the following: (1) Part 213, Subpart F Inspection–prescribes the frequency and manner of inspecting track in FRA Track Classes 1 through 5; (2) Track-caused derailments have occurred involving detectable noncompliant track conditions, especially at Class 3 and 4 speeds whereby the derailment consequence is high; (3) Proper recognition and understanding of degrading track conditions or combinations could have improved the detection and implementation of proper remedial action to address such conditions before accidents occurred;

(4) Since the 1968 track standards rule change, the use of electronic recordkeeping management technology to document and maintain track inspection records has substantially changed and improved, requiring regulatory revision or amendment;

(5) RSAC Task No.: 15-01 Track Subpart F Inspection, will look at the following National Transportation Safety Board (NTSB) Recommendations: (a) R-14-11 High density commuter railroads exemption to traverse adjacent tracks; and (b) R-14-76 Combination of track conditions; and (6) The TSWG will look at inspection frequency for infrequent operations such as Tourist/Historic railroads.

[Note: 49 CFR § 213.9 Classes of track: operating speed limits.

|  |  |  |
| --- | --- | --- |
| **Over track that meets all of the requirements prescribed in this part for—**  | **The maximum allowable operating speed for freight trains is—**  | **The maximum allowable operating speed for passenger trains is—**  |
| Excepted track | 10 m.p.h. | N/A |
| Class 1 track | 10 m.p.h. | 15 m.p.h. |
| Class 2 track | 25 m.p.h.  | 30 m.p.h. |
| Class 3 track | 40 m.p.h. | 60 m.p.h. |
| Class 4 track | 60 m.p.h. | 80 m.p.h. |
| Class 5 track | 80 m.p.h. | 90 m.p.h. |

49 CFR § 213.307 Class of track: operating speed limits.

(a) Except as provided in paragraph (b) of this section and as otherwise provided in this subpart G, the following maximum allowable speeds apply:

|  |  |
| --- | --- |
| Over track that meets all of the requirements prescribed in this subpart for | The maximum allowable operating speed for trains **1** is |
| Class 6 track | 110 m.p.h. |
| Class 7 track | 125 m.p.h. |
| Class 8 track | 160 m.p.h. **2** |
| Class 9 track | 220 m.p.h. **2** |

**1** Freight may be transported at passenger train speeds if the following conditions are met:

(1) The vehicles utilized to carry such freight are of equal dynamic performance and have been qualified in accordance with Sections 213.329 and 213.345.

(2) The load distribution and securement in the freight vehicle will not adversely affect the dynamic performance of the vehicle. The axle loading pattern is uniform and does not exceed the passenger locomotive axle loadings utilized in passenger service, if any, operating at the same maximum speed.

(3) No carrier may accept or transport a hazardous material, as defined at 49 CFR 171.8, except as provided in Column 9A of the Hazardous Materials Table (49 CFR 172.101) for movement in the same train as a passenger-carrying vehicle or in Column 9B of the Table for movement in a train with no passenger-carrying vehicles.

**2** Operating speeds in excess of 125 m.p.h. are authorized by this part only in conjunction with FRA regulatory approval addressing other safety issues presented by the railroad system. For operations on a dedicated right-of-way, FRA's regulatory approval may allow for the use of inspection and maintenance criteria and procedures in the alternative to those contained in this subpart, based upon a showing that at least an equivalent level of safety is provided.

(b) If a segment of track does not meet all of the requirements for its intended class, it is to be reclassified to the next lower class of track for which it does meet all of the requirements of this subpart. If a segment does not meet all of the requirements for Class 6, the requirements for Classes 1 through 5 apply.]

Under slides 5-6, Mr. Clouse says the following: (1) RSAC Task No.: 15-01 Track Subpart F Inspection and RSAC Task No.: 15-02 Track Geometry were both accepted by electronic ballot on July 31, 2015 [Note: work on RSAC Task No.: 15-02 will not begin until work on RSAC Task No.: 15-01 is substantially complete]; (2) The purpose of RSAC Task No.: 15-01 is to consider specific improvements to the Track Safety Standards in Subpart F of Part 213 or other responsive actions designed to enhance rail safety by improving track inspection methods, frequency, and documentation; and (3) The target date to report initial recommendations to the Committee is no later than one-year from the initial TSWG meeting, i.e., November 20, 2016.

Under slides 7-10, Mr. Clouse says the TSWG met on February 24-25, 2016, and discussed the following topics: (1) Whether to revise Part 213.7 Designation of Qualified Persons to Supervise Certain Renewals and Inspect Track; (2) Economic considerations of changes to track safety standards: (a) Cost/benefit analysis;

(b) Regulatory Impact Analysis; and (c) Small business impact analysis; and (3) Whether the Part 243 Training Rule, which ensures that any person employed by a railroad or a contractor of a railroad as a “safety-related railroad employee” is trained and qualified to comply with any relevant Federal railroad safety laws, supersedes training requirements under current Track Safety Standards.

Under slide 11, “Future Meetings,” Mr. Clouse says FRA hopes to arrange the next combined TSWG/RIWG meeting for July 19-21, 2016.

Arthur Clouse (FRA) asks for questions.

Chairperson Lauby asks John (Karl) Alexy (FRA–Office of Railroad Safety) for a report on Hazardous Materials Issues Working Group (HMIWG) activities. He says Karl Alexy (FRA) and Ben Supko (Pipeline and Hazardous Materials Safety Administration (PHMSA)) are the co-team leaders of the HMIWG.

Karl Alexy (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Hazardous Materials Working Group.” A copy of the Microsoft PowerPoint Presentation was distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes. He asks Ben Supko (PHMSA) to join him at the podium to help answer questions.

Under slide 2, “Agenda,” Mr. Alexy outlines the agenda topics from the March 10, 2016, HMIWG meeting as follows: (1) RSAC Task Statement; (2) Meeting Objectives;

(3) Priority Ranking; (4) One Time Movement Approval (OTMA) Task Force (Section 174.50); (5) Completed Actions; and (6) Next Steps.

Under slide 3, “Task Statement Overview,” Mr. Alexy explains how Task No.: 15-04 Hazardous Materials Issues was presented to the HMIWG as follows:

(1) Retrospective review: (a) Consistency to terms and concepts; and (b) Accommodate modern operating practices; (2) Task No.: 15-04 covers a review of the following Hazardous Materials Regulations (HMR): (a) Part 171 of the HMR covers general information and definitions; (b) Part 173 covers shipper requirements; (c) Part 174 covers carrier requirements; (d) Part 179 covers specifications for tank cars; and

(d) Part 180 covers the continuing qualification and maintenance of tank cars; and

(3) FRA and PHMSA identified 20 separate topics for review–new topics can be added at the will of the HMIWG.

Under slide 4, “Meeting Objectives,” Mr. Alexy explains how the initial HMIWG was conducted as follows: (1) Present topics; (2) Caucus; (3) Identify priority topics;

(4) Consider topics related to the Fixing America’s Surface Transportation (FAST) Act [Public Law 114-94, 12/04/2015]; (5) Review current rulemakings; and (6) Begin discussions of proposed regulatory changes.

Under slide 5, “Topics Were Presented as Follows,” Mr. Alexy says the 20 topics were presented to the HMIWG as follows: (1) Description: (a) Summary of requirement; and (b) Issue being raised; and (2) Justification: (a) Reasons for raising issue; and

(b) Examples.

[Note: a description of the 20 initial topics, i.e., “The List of Issues,” follows:]

**LIST OF ISSUES**

|  |  |
| --- | --- |
| Regulation | Description |
| § 174.14 | Review the 48-hour and forwarding order rules as they relate to the storage of tank cars in transportation. |
| § 174.67 | Address cargo tank to tank car transfers, review prescriptive operational procedures, and review track securement standard for consistency and clarity. |
| § 174.83 | Clearly differentiate the definitions of “train” and “switching” to eliminate confusion about when various HM rules apply, such as buffer cars, and notification of train crews. |
| § 174.83 | Consider a new requirement to identify high impact forces during switching, including a requirement to transmit that information to the tank car owner so that it may be incorporated into the maintenance and inspection program. |
| § 174.85 | Review buffer car standard as it applies to separating HM cars from train crews, internal combustion engines, and cabooses. |
| § 174.50 | Incorporate exceptions to the requirement for a One-Time Movement Approval for nonconforming tank cars. Update the regulation to reference the new eOTMA [electronic OTMA] application system and HMG-127 [Hazardous Materials Guidance] process. |
| § 174.9 | Enhance the carrier accountability for performance of ground level inspections. |
| § 174.16 | Consider removal of the regulations that apply to “agency stations”. |
| § 174.59 | Review the placard replacement requirement to clarify the locations where missing or damaged placards must be replaced. |
| § 174.24§ 174.26 | Review practical regulatory solutions to satisfying the statutory mandate in the FAST Act to make train consist and shipping paper information immediately available to the emergency response community. |
| § 174.63 | Consider additional exceptions to the existing requirement to obtain FRA approval COFC/TOFC service [container on flat car/trailer on flat car]. Review portable tank valve accessibility regulation as it pertains to flat cars. |
| Part 107 | Consider new Tank Car Facility Registration requirement. |
| § 171.7 | Discuss future approach to IBR of M-1002 [Incorporation by Reference] to ensure the regulations are consistent and regularly updated to reflect changing industry safety standards. |
| § 172.101(j) | Review the relevance of Column 9 of the HMR to carriage of HM by passenger carrying rail cars. |
| § 172.820 | Review the risk assessment and route planning regulations as they apply to RRR with only one route option. |
| § 173.31 | Review and clarify the expectations of the shipper with regard to the required pre-trip inspection of the tank car and tank car components. |
| § 173.31 | Consider regulations to establish safe operating procedures for loading/unloading unit trains of tank cars with an operational locomotive attached. |
| Part 179 | Review and clarify the scope and definitions with regard to DOT tank car and tank car component specifications. Reorganize and clarify Part 179 to make it easier to understand and follow. |
| Part 179Appendix B | Clarify procedural requirements for performance of the Simulated Pool and Torch Fire tests for thermal protection systems. |
| Part 180 | Revise definition and reorganize to make the regulations clearer and easier to follow. |

Under slide 6, “Working Group Priorities,” Mr. Alexy says the HMIWG prioritized (ranked in order of importance) the “List of Issues” as follows: (1) Part 174.85 (Buffer Cars);

(2) Part 174.83 (Coupling Speed and Definitions); (3) Part 179 Appendix B (Thermal Protection Test Procedures); (4) Definition of “Failure; (5) Documentation of Training Requirements; (6) Part 171.7 (Incorporation by Reference (IBR): —1002 Tank Car Manual); (7) Part 174.50 (OTMA Task Force); (8) Parts 174.24, 174.25, and 174.26 (Immediate Notification Emergency Response (ER)); and (9) Part 173.31 (Tank Car Pre-Trip Inspection).

Under slide 7, “OTMA Task Force Established,” Mr. Alexy says (1) The HMIWG established a Task Force to consider changes to Part 174.50 (one-time movement authority process) and to consider harmonization or reciprocity with practices in Canada; and (2) Membership in the OTMA Task Force includes: FRA, PHMSA, Railway Supply Institute, Association of American Railroads, Chlorine Institute, The Fertilizer Institute, and the American Petroleum Institute.

Under slide 8, “Completed Actions,” Mr. Alexy says the HMIWG accepted a motion to remove and reserve Part 174.16 Removal and disposition of hazardous materials at destination (Agency Stations).

Under slide 9, “Next Steps,” Mr. Alexy outlines the following: (1) The OTMA Task Force will have its initial virtual meeting (Skype for Business) on April 26, 2016; and (2) The next HMIWG meeting will be May 5, 2016, in Washington, DC to cover the following topics: (a) PHMSA and FRA will developed “suggested text” for all issues presented during the March 10, 2016 HMIWG meeting; (b) The HMIWG will receive the text prior to the May 5, 2016, meeting for review; and (c) The HMIWG will revise the “suggested text” during the May 5, 2016, meeting.

Karl Alexy (FRA) asks for questions.

Chairperson Lauby says this is the first time there has been a joint FRA/PHMSA activity.

Ben Supko (PHMSA) says this has been an interesting exercise from PHMSA’s perspective so far. He says he is tired of battling with everyone after a Notice of Proposed Rulemaking is issued.

Chairperson Lauby says Jim Mathews (National Association of Railroad Passengers) wishes to announce the recipient of the annual Dr. Gary Burch Memorial Award.

Jim Mathews (National Association of Railroad Passengers (NARP)) announces the recipient of the 22nd Annual Dr. Gary Burch Memorial Award to be Shamonda Jones, Senior Manager of Train Operations at Metra Railroad. He says this award recognizes the individual railroad employee judged to have done the most to improve the safety of railroad passengers in the year just concluded, i.e., 2015. He says the award will be presented during NARP’s 2016 Annual Congressional Reception and Council Meeting. He says additional information on this topic can be found at NARP’s Internet Web Site, i.e., [www.narprail.org](http://www.narprail.org).

[Note: The Dr. Gary Burch Memorial Safety Award is an annual award granting $1,000 to the railroad worker who has done the most to improve the safety of railroad passengers. Dr. Burch was chief, of the Ear, Nose, and Throat Clinic at the Eisenhower Hospital at Fort Gordon, Georgia. He was one of eight passengers who died July 31, 1991, at Lugoff, South Carolina, while traveling on Amtrak’s Silver Star. It derailed at a switch that the National Transportation Safety Board (NTSB) later said was “poorly maintained.” Dr. Burch’s wife, Bette, was traveling with him and was injured. Later, she and her children (Michael Burch and Kathryn Pettyjohn) decided to do what they could to improve passenger rail safety. Their effort resulted in the award. A selection committee solicits nominations from railroad companies and operating agencies and selects someone to receive the award at NARP’s Annual Spring Congressional Reception at the Rayburn House Office Building in Washington, D.C., to be held on Tuesday, April 12, 2016.]

Chairperson Lauby thanks Jim Mathews for that announcement. He says he remembers Dr. Burch as the physician who removed his wife’s tonsils.

Chairperson Lauby asks Mark Patterson (FRA–Office of Railroad Safety, Executive Officer for Safety Operations) for a presentation on the FAST Act and Bridge Reporting Requirements.

Mark Patterson (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Fixing America’s Surface Transportation (FAST) Act–Summary of Rail Provisions.” A copy of the Microsoft PowerPoint Presentation was distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Overview,” Mr. Patterson lists some of the FAST Act provisions for rail transportation, as follows: (1) The FAST Act was signed by President Obama on December 4, 2015; (2) Authorizes $305 billion over 5 years (FY 2016-2020) for surface transportation programs; (3) First time intercity passenger rail included in a comprehensive, multi-modal surface transportation authorization; (4) Includes $10.4 billion authorization in the Rail Title for intercity and freight rail; (5) Commits $199 million in FY2017 from the Mass Transit Account of the Highway Trust Fund to assist commuter railroads in implementing PTC (grants or Rehabilitation and Improvement Financing, Credit Risk Premium); and (6) Up to $500 million is available for freight rail, intermodal, and port projects under the Office of the Secretary of Transportation’s Nationally Significant Freight and Highway Projects Program.

Under slide 3, “Required DOT/FRA Actions,” Mr. Patterson says the Fast Act requires FRA/DOT to complete a total of 80 rail-related actions including: (1) 13 rulemakings;

(2) 25 Reports to Congress; (3) 10 studies; (4) 2 guidance documents; and (5) 30 other actions.

Under slide 4, “Required Rulemakings,” Mr. Patterson lists the following for the 13 required rulemakings:

|  |  |  |
| --- | --- | --- |
| **Section** | **Rulemaking Topic** | **Due Date** |
| 7304 | Tank Car Retro-fit Schedule | Immediately |
| 7305 | Thermal Blankets | 06/01/2016 |
| 7302 | Real-Time Emergency Response Information | 12/04/2016 |
| 7308 | Tank Car Modification Reporting Requirements | 12/04/2016 |
| 11412 | Railroad Police Training Provisions | 12/04/2016 |
| 11503 | Categorical Exclusions for Rail Projects | 12/04/2016 |
| 11307 | Pilot Program for Amtrak Long-Distance Route Competition | 06/04/2017 |
| 11408 | Signal Protections for Workers | 06/04/2017 |
| 11411 | Passenger Locomotive Inward and Outward Facing Cameras | 12/04/2017 |
| 11401 | State Highways-Rail Grade Crossing Actions Plans | 06/04/2018 |
| 7306 | Minimum Requirements for Top-Fitting Tank Car Valves | N/A |
| 11407 | Alerters on Older Passenger Locomotives | N/A |
| 11409 | Commuter Rail Track Inspections (report or regulation) | N/A |

Under slide 5, “Key Highway-Rail Grade Crossing Safety Provisions,” Mr. Patterson lists the following: (1) Requires DOT to develop and distribute a model state highway-rail grade crossing safety action plan; (2) Requires all States to submit (and update) a State Highway-Rail Grade Crossing Safety Action Plan; (3) Requires a study on data availability and engineering practices for private grade crossings; and (4) Requires a study on the effectiveness of PTC at grade crossings.

Under slide 6, “Key Passenger Rail Safety Requirements,” Mr. Patterson lists the following: (1) Requires inward- and outward-facing locomotive cameras on passenger trains; (2) Requires alerters to be installed on older locomotives; (3) Report to Congress on actions taken in response to Safety Advisories 2013-08 (Metro-North Railroad) and 2015-03 (Amtrak); (4) Requires all commuter and intercity passenger operations to submit speed limit action plans by July 4, 2016, to FRA for approval; (5) Conduct a post-accident assessment of the Amtrak Train #188 derailment (May 12, 2015), in cooperation with the NTSB and Amtrak.

Under slide 7, “Other Key Rail Safety Provisions,” Mr. Patterson lists the following:

(1) Requires DOT to provide a State or State public entity with a public version of a railroad’s bridge inspection report, upon request; (2) Requires redundant signal protection for maintenance-of-way workers; (3) Amends railroad police training provisions; and (4) DOT report to Congress on research conducted to develop a system to measure vertical track deflection from a moving rail car.

Under slide 8, “Electronically Controlled Pneumatic (ECP) Brakes Provisions (with PHMSA),” Mr. Patterson lists the following: (1) Requires DOT to contract with the National Academy of Sciences to conduct a derailment test and an independent evaluation to investigate ECP braking technology requirements; (2) Requires General Accountability Office (GAO) to conduct an independent evaluation of issues related to ECP brake systems; and (3) Following DOT/GAO studies, requires DOT to update the regulatory impact analysis of the May 2015 High-Hazard Flammable Train rule and determine whether ECP requirements are justified.

Under slide 9, “Other Key Hazardous Materials Provisions (with PHMSA),” Mr. Patterson lists the following: (1) Requires all legacy DOT-111 tank cars in flammable liquids service to be upgraded to new retrofit standards; (2) Requires new tank cars to be equipped with “insulating blankets;” (3) Requires DOT to report on industry-wide progress and capacity to modify DOT-111 tank cars; (4) Requires DOT to set minimum requirements for the protection of certain top-fitting tank car valves; and (5) Requires Class I railroads to generate real-time electronic train composition [consist] information for first responders.

Under slides 10-13, “Bridge Reporting Requirements,” Mr. Patterson says Section 11405, “Bridge Inspection Reports,” of the FAST Act provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to the Federal Railroad Administration (FRA). He says the FAST Act requires the following information to be included in a public version of a bridge inspection report: (1) The date of the last inspection; (2) Length of bridge; (3) Location of bridge; (4) Type of bridge (superstructure); (5) Type of structure (substructure); (6) Features crossed by the bridge; (7) Railroad contact information; and (8) A general statement on the condition of the bridge. He says FRA has received 46 requests to date for railroad bridge inspection reports, approximately 10 per week.

Mark Patterson (FRA) asks for questions.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) says the FAST Act requires signal protection for roadway workers by 2017 and redundant protection for maintenance of way employees. He asks if these are one and the same.

Mark Patterson (FRA) replies, “Yes.”

Thomas Herrmann (FRA) says the FAST Act requires railroads to have redundant protections in place.

Chairperson Lauby says FRA has been working on a roadway worker rule. He says because of the FAST Act, FRA has pulled-back its roadway worker rule in order to make changes. He says this rule will probably be issued before 2017.

Chairperson Lauby announces the afternoon break.

 A F T E R N O O N B R E A K 1:55 P.M. - 2:10 P.M.

Chairperson Lauby reconvenes the meeting. He says the next topic on today’s meeting agenda is a discussion on uniform warning speed restriction signs. He says the topic is supported by a letter to FRA, dated February 26, 2016, from the Sheet Metal, Air, Rail and Transportation (SMART) Workers. A copy of the SMART letter was distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Chairperson Lauby says SMART withdrew a petition to take this topic directly to a rulemaking. Instead, he says, SMART is favor of an RSAC to handle this topic.

Chairperson Lauby reads proposed RSAC Task No.: 16-01, Speed Enforcement Wayside Warning Signs, as follows: (1) Purpose: To consider specific improvements to enhance rail safety by standardizing the design and placement of railroad speed signs for both temporary and/or permanent speed restrictions; (2) Background: Although many railroads do post speed restriction signage, some railroads have elected not to utilize such signage or use a variety of signs in limited circumstances and varying locations. This may present an issue for operating crews operating in unfamiliar territory or in extreme weather conditions as it may be difficult for the operating crews to determine the exact location of a speed restriction. Where mile posts are used to identify speed restrictions in conjunction with train orders, missing or obscured mile posts could result in operating crews overlooking the restriction entirely; (3) Description: Review and consider the following: (a) FRA and railroad accident data to identify incidents involving excessive speed or improper braking where speed restriction signage may have prevented or mitigated the incident; (b) Current policies and practices of Class I railroads regarding speed restriction warning signage and identify best practices; (c) The safety and economic implications related to the standard placement of speed restriction warning signs either ahead or behind a speed restriction to allow for proper train handling; (d) If signage design and placement should be standardized for both temporary and/or permanent speed restrictions; (e) If standard timelines for replacement or repair are necessary if speed restriction warning signs are missing, damaged, or unrecognizable; and (f) Impact of technology, such as PTC implementation, on the necessity of speed restriction warning signs; (4) Issues requiring specific report: The Warning Signs Working Group will consider the issues presented in the description above, specifically report its recommendations to the Committee, and if appropriate, develop guidance, voluntary standards or draft regulatory to address these issues; and (5) Target Dates: Report initial recommendations and ongoing work plan to the Committee by no later than one year from the kick-off meeting date of the Warning Signs Working Group.

Chairperson Lauby asks John Risch (Sheet Metal, Air, Rail and Transportation (SMART) Workers) to discuss this topic.

John Risch (SMART) says locomotive engineers can depend on excellent speed signs, such as he experienced on the BNSF Railway Company. However, he adds, he has been receiving complaints from SMART membership about the lack of signage, or poor sign maintenance for restricted speed signs. He says part of a good railroading is good signage.

Chairperson Lauby says this proposal is for freight railroads. He says FRA has issued a Safety Advisory on speed restrictions.

Michael (Mike) Rush (Association of American Railroads (AAR)) says the AAR will approach this issue as with any other topic. He asks, “What is the evidence supporting this proposal.” He says the AAR wants to see the data that supports this subject as a topic for regulation. He asks, “Should RSAC be adding this topic to our plate.”

Vince Verna (Brotherhood of Locomotive Engineers and Trainmen) says he agrees with John Risch’s comments. As a locomotive engineer, he says he relies on signage to assist with getting trains over the road safely. He says if a train goes more than 10 mph over the speed limit, FRA gets involved. However, he adds, he does not know how the Warning Signs Working Group will collect data on signs.

James Cline (American Public Transportation Association) asks if this topic extends to passenger railroads, or will it be limited to freight railroads.

Chairperson Lauby says the Task Statement for RSAC Task No.: 16-01 is not saying FRA is going to write a rule. He says some railroads are removing signage and FRA thinks a working group should talk about this. He says the presence of signs could mitigate risks on certain railroads.

Rick Inclima (Brotherhood of Maintenance of Way Employees Division) says there are rules for temporary speed restriction. However, he says the rule says “Place signs, if practicable.” He says the phrase “if practicable” may negate the rule.

Chairperson Lauby says expanding “super pools” may be a reason for keeping signage that is already in place.

Mike Rush (Association of American Railroads) asks if Class I freight operations would be covered by this task.

Chairperson Lauby says, “We are probably looking at freight.”

Mike Rush (Association of American Railroads) asks if RSAC Task No.: 16-01 covers Class I freight and passenger, but not shortline railroads.

Thomas Herrmann (FRA) says because of the FAST Act, this proposal would probably not apply to passenger railroads.

Lawrence (Larry) Mann (Sheet Metal, Air, Rail and Transportation Workers) says there is a wealth of data available on excessive speed and improper braking, which properly placed and maintained speed restriction signs might prevent.

John Risch (Sheet Metal, Air, Rail and Transportation Workers) says both “extra boards

and “super pools” that require signage.

Mike Rush (Association of American Railroads) says we should be able to look at railroads with good signage and those with poor/no signage. Therefore, he says, a comparison of data should be easy.

Vince Verna (Brotherhood of Locomotive Engineers and Trainmen) says a sign is a tool. He says some railroads are saying, “We are taking signs away because you don’t need them.”

Chairperson Lauby says when we have PTC, we would have overspeed enforcement. However, he adds, a sign may help.

Chairperson Lauby requests a motion to accept RSAC Task No.: 16-02 Speed Enforcement Wayside Warning Signs, as presented.

John Risch (Sheet Metal, Air, Rail and Transportation Workers) motions to accept RSAC Task No.: 16-02 Speed Enforcement Wayside Warning Signs, as presented.

Rick Inclima (Brotherhood of Maintenance of Way Employes Division) seconds the motion.

BY VOICE VOTE, THE FULL RSAC ACCEPTS RSAC TASK NO.: 16-01, SPEED ENFORCEMENT WAYSIDE WARNING SIGNS, AS PRESENTED.

Chairperson Lauby thanks the full RSAC for their support of this topic.

Chairperson Lauby asks Alan Nagler (FRA–Office of Chief Counsel) for a presentation on the Train Crew Staffing Notice of Proposed Rulemaking (NPRM).

Alan Nagler (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Train Crew Staffing NPRM.” A copy of the Microsoft PowerPoint Presentation was distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Alan Nagler (FRA) says it is an honor to make this presentation to the Railroad Safety Advisory Committee. He says he knows many meeting attendees from meetings going back to 1996 when RSAC was still in its infancy. He says he has been FRA’s attorney on 5 tasks to date: (1) Task 1996-06 to revise part 240, the qualification and certification of locomotive engineers regulation; (2) Task 2005-02 to reduce human factor-caused train accidents and incidents, which led to the promulgation of Part 218, Subpart F; (3) Task 2010-01 to address a statutory requirement to create minimum training standards and plans, which led to the promulgation of Part 243; (4) Task 2014-03 which is an evaluation of remote control locomotive operations and an active task; and (5) Task 2013-05 train crew size, which he is here to talk about today - as FRA recently published a proposed rule.

Under slide 2, “Chronology,” Mr. Nagler outlines the following events leading up the publication of the train crew staffing NPRM on March 15, 2016: (1) July 6, 2013: Lac-Mégantic (Quebec Canada) train accident; (2) August 29, 2013: Emergency RSAC meeting; (3) October 29, 2013: First RSAC Working Group (WG) meeting;

(4) December 30, 2013: Casselton, North Dakota, train accident; (5) March 31, 2014: Last of 5 WG Meetings–no RSAC Consensus; (6) August 20, 2014: Transportation Safety Board of Canada’s Report on Lac-Mégantic; and (7) March 15, 2016: NPRM published.

Alan Nagler (FRA) says RSAC convened an emergency session on August 29, 2013, to discuss issues related to the Lac-Mégantic catastrophic train accident. He says in the aftermath of the Montreal, Maine and Atlantic Railway (MMA) derailment at Lac-Mégantic, Transport Canada issued an order for all Canadian railroad companies to provide for minimum operating crew requirements considering technology, length of train, speeds, classification of dangerous goods being transported, and other risk factors. He says RSAC accepted Task No. 13-05 titled “Appropriate Train Crew Size. The task statement clarified that “[i]n light of the recent Canadian train incident and the subsequent emergency directive issued by Transport Canada, FRA believes it is appropriate to review whether train crew staffing practices affect railroad safety.” As the WG deliberated, the accident at Casselton, North Dakota occurred. This accident involved trains carrying multi-person crews and is illustrative of the positive mitigation measures multi-person train crews can take. The NPRM describes in detail the many mitigation measures taken, including the movement of approximately 70 loaded crude oil tank cars out of harm’s way – a mitigation measure that would have been much more time consuming and logistically difficult with only a one-person crew. After 5 working group meetings over 7 months, RSAC was unable to reach a consensus recommendation. He says of note, there were additional accidents where multi-person crews were able to take mitigation measures that are not listed on the slide or discussed in the NPRM. For instance, the Mount Carbon, West Virginia accident occurred on February 16, 2015 and the two-person crew of that crude oil train was able to separate the train, moving the two engines and one coupled buffer car approximately 1,000 feet away from the accident site, a mitigation measure that allowed the event recorder to be safely downloaded. Also, while awaiting emergency responders, the train crew directed motorists away from the accident site. Mr. Nagler says the Transportation Safety Board (TSB) of Canada report on the Lac-Mégantic accident found that it could not be concluded that a one-person crew contributed to the accident. However, TSB of Canada found that the risk of implementing single-person train operations is a risk that must be addressed because it is related to unsafe acts, unsafe conditions, or safety issues with the potential to degrade rail safety. TSB of Canada concluded that addressing the risk of one-person operations is essential to preventing future similar accidents, even if the risk itself cannot be determined to directly have led to this accident. Mr. Nagler says that FRA has received a steady uptick in complaints from the general public about blocked crossings and that this proposed rule raises safety concerns with one-person crews more likely to block additional highway-rail grade crossings, especially when a grade crossing fails to activate and the railroad has not made arrangements for an equipped flagger or uniformed law enforcement officer to be at the crossing to flag.

Under slide 3, “NPRM,” Mr. Nagler says the Public Docket may be accessed at:

(1) [www.regulations.gov](http://www.regulations.gov) and enter “FRA-2014-033" in the search box; and

(2) [www.federalregister.gov](http://www.federalregister.gov) and enter “81 FR 13918 in the search box. He says comments are due by May 16, 2016.

Alan Nagler (FRA) says because we are in the comment period, it is best to file a written comment in the docket if you have any comments. However, if you don’t understand what FRA is proposing to require, he hopes you will have a better understanding after he finishes this presentation.

Under slide 4, “Overview,” Mr. Nagler says the proposed requirements: (1) Largely developed during the RSAC WG meetings; (2) Capture the many exceptions deliberated by the RSAC WG and are based on perceived safe, industry practices with one-person operations; (3) There are two options for continuing existing freight operations; and (4) There are two options for the special approval procedure.

Alan Nagler (FRA) says overall, most of the proposed requirements should be familiar to the RSAC WG members because they were largely developed during RSAC WG meetings. He says the proposed requirements capture the many exceptions deliberated by the RSAC WG and are based on perceived safe, industry practices with one-person operations. He says the NPRM offers Options for an FRA approval process for continuing existing freight operations and any new operations with less than two crewmembers. He says Option 1 looks like the option FRA put before the RSAC WG, and a second option, Option 2, has also been added for consideration.

Under slide 5, “Purpose,” Mr. Nagler says under proposed Part 218 Subpart G Train Crew Staffing, Section 218.121 Purpose reads as follows: “Ensure each train is adequately staffed and has appropriate safeguards in place when using fewer than two crewmembers.”

Under slides 6-8, “General,” Mr. Nagler says under proposed Part 218 Subpart G Train Crew Staffing, Section 218.125 establishes a minimum two-person crew requirement for each train, unless an exception in the subpart applies. He says the proposed general train crew staffing requirement establishes that there is no exception for trains transporting certain specified amounts of hazmats. The note explains that the hazmat prohibition also applies to existing operations and railroads seeking relief under the special approval process. He summarizes the proposed general train crew staffing roles and responsibilities for the second crewmember when the train is moving. He says four conditions apply. He says a train crewmember that is not operating the train may be located anywhere outside of the operating cab of the controlling locomotive when the train is moving as long as: (1) the train crewmember is on the train, except when the train crewmember cannot perform the duties assigned without temporarily disembarking from the train; (2) The train crewmember has the ability to directly communicate with the crewmember in the cab of the controlling locomotive; (3) The train crewmember can continue to perform the duties assigned; and (4) The location does not violate any Federal railroad safety law, regulation or order.

Under slide 9, “General Exceptions,” Mr. Nagler says Section 218.127 lists the following general exceptions to the rule: (1) Helper service; (2) Tourist; (3) Lite locomotive;

(4) Work train; and (5) Remote control operations.

Alan Nagler (FRA) says the general exceptions to the two-person proposed crew requirement should look familiar to the RSAC WG members. He says it is the same as FRA suggested to the WG, including requiring certain conditions during remote control operations. He says there are exceptions for helper service, tourist operations not on the general system, lite locomotives, work trains, and remote control operations.

Under slide 10, “Specific Passenger Exceptions,” Mr. Nagler says Section 218.129 lists

specific passenger train exceptions to the two-person proposed crew requirement that should look familiar to the RSAC WG members because it is the same as FRA suggested to the WG. There is an empty passenger train exception when the train is not moving to pick up or drop off passengers. He says there is an exception for a single self-propelled car or married-pair unit, whether diesel or electric, where the locomotive engineer has direct access to the passenger seating compartment and (for passenger railroads subject to 49 CFR part 239) the passenger railroad’s emergency preparedness plan for this operation is approved under 49 CFR 239.201. As of today, he says, this exception covers only one passenger railroad, the Capital Metro Transportation Authority in Austin, TX, which operates single train units—basically, two multiple-unit locomotives that share an articulated connection. He says there is also a passenger train exception for a rapid transit operation in an urban area when Federal Transit Administration standards are met.

Under slides 11-12, “Train Crew Staffing,” Mr. Nagler says Section 218.131, lists

specific freight train exceptions to the two-person proposed crew requirement that should look familiar to the RSAC WG members because it is the same as FRA suggested to the WG. He says there are two proposed small railroad exceptions. He says both exceptions to the general two-person train crew staffing proposal require that a freight train is operated on a railroad and by an employee of a railroad with less than 400,000 total employee work hours annually and the maximum authorized speed of the train is limited to 25 miles per hour or less. He says under those conditions, a railroad would also need either no heavy grades or a second shadowing crewmember with the ability to directly communicate with the crewmember in the cab of the controlling locomotive. Mr. Nagler says the mine load out, plant dumping exception should look familiar to the RSAC WG members because it is the same as FRA suggested to the WG.

Under slide 13, “Existing Operations,” Mr. Nagler says Section 218.133 (Continuance of freight operations staffed without a two-person train crew prior to January 1, 2015) says FRA is willing to propose a process for approving existing freight operations and letting them continue uninterrupted. He says FRA proposes two options, but they both contain these three elements. He says the NPRM does not permit continuing existing operations with less than a 2-person train crew when a train is transporting 1 loaded PIH car or 20 loaded hazmat cars as proposed and described in 218.125(c). He says both options require filing a description of the operation that should present a basic picture of the operation and the safety concerns. The requirement is intended to solicit significant information that FRA will need to make an objective decision on whether to allow the continuance of an operation established prior to January 1, 2015. FRA can approve, disapprove, or approve existing operations with conditions.

Under slides 14-15, “New Operations,” Mr. Nagler lists the requirements under Section 218.135 for new, less than 2-person operations. He says for new operations, the NPRM includes two options for the public to comment on. He says under the first option, a railroad seeking to operate with fewer than two crew members would have to petition FRA. He says the petition would need to include a detailed description of the train operation proposed, covering any data and analysis showing an appropriate level of safety to that of two crewmembers. He says the railroad would be required to serve the relevant labor organization’s president with the petition and FRA would seek comment through a Federal Register notice. He says FRA would normally issue approval in 90 days, but if that 90 days is up without an FRA decision, a railroad could request an FRA decision in no more than an additional 30 days. Mr. Nagler says for new operations, the second option’s main provisions include a petition with a similar description to option 1, a requirement that a safety analysis be completed, but not submitted. The safety analysis must be made available if FRA requests it. He says in proposing that a new operation could be implemented upon submission of a special approval petition, FRA proposes that it receive a statement signed by the railroad officer in charge of operations attesting that a safety analysis of the start-up operation with less than two crewmembers has been conducted and that the operation provides an appropriate level of safety. He says the petition would then be implicitly approved upon filing. He says FRA would only disapprove after an investigation, and FRA explained in the section-by-section analysis what kind of evidence would support a disapproval.

Under slides 16-18, “Comments/Info Requested,” Mr. Nagler asks RSAC members to provide more information to the Train Crew Staffing Docket about current practices. He asks, “Did FRA propose to cover all the necessary exceptions? Are there existing operations that commenters think are safe that would not be permitted by the proposed rule?” He says FRA’s Regulatory Impact Analysis addresses the international experience with trains with less than two crewmembers but FRA would certainly appreciate comments containing additional information or data on the safety of such international operations. He says for approval of existing and new operations, FRA would appreciate comments expressing any preferences for either option 1 or option 2, a combination of the two options, or some other procedure. Mr. Nagler says because we are in the comment period, it is best to file a written comment in the docket if you have any comments.

Alan Nagler (FRA) asks for questions.

Lawrence (Larry) Mann (Sheet Metal, Air, Rail and Transportation Workers) asks if anyone has requested a Hearing on the Train Crew Size Rule.

Alan Nagler (FRA) replies, “No.” [Note: Since April 7, 2016, the AAR and ASLRRA have requested that FRA conduct a Hearing on Train Crew Size.]

Vince Verna (Brotherhood of Locomotive Engineers and Trainmen) asks if FRA has defined “new operation.”

Alan Nagler (FRA) says any operation starting on, or after January 1, 2015, would be considered a new operation, according to the NPRM.

Chairperson Lauby asks everyone to give their best comments on this rule.

Chairperson Lauby asks Larry Woolverton (FRA– Office of Safety) for an update on FRA Regulatory Activity.

Larry Woolverton (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “FRA Regulatory Activity Update.” Photocopies of the Microsoft PowerPoint Presentation were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, Mr. Woolverton says the following: (1) FRA continues to prioritize its rulemakings according to: (a) Greatest effect on safety while promoting economic growth, innovation, competitiveness, and job creation; (b) Expressed Executive Branch and Congressional interest; and (c) Statutory deadlines; (2) Despite its priorities, FRA does not control the timelines for coordination/publication of its rules; and (3) Office of Management and Budget (OMB) designation plays a great part in how quickly FRA’s rules are published.

Under slide 3, “OMB Designation,” Mr. Woolverton gives an explanation to the question: “What does it mean when a regulatory action is determined to be ‘significant.’” He answers: “Under Executive Order 12866, the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) is responsible for determining which agency regulatory actions are “significant” and, in turn, subject to interagency review. Significant regulatory actions are defined in the Executive Order. When determined significant, such rules must undergo full review by OMB (adding considerable time to the process).”

Under slide 4, “FRA Priority of Importance–(6) Significant,” Mr. Woolverton lists the following priority for significant rulemakings: (1) Locomotive Recording Devices (NPRM); (2) Passenger Equipment Alternative Compliance (TIER III) (NPRM);

(3) System Safety Programs (Final Rule); (4) Risk Reduction Programs (Final Rule);

(5) Fatigue Management Plans (NPRM); and (6) Rail Integrity Amendments (NPRM) (on hold for review by RSAC).

Under slides 5-6, “FRA Priority of Importance–(7) Non-Significant,” Mr. Woolverton lists the following priority for non-significant rulemakings: (1) Grade Crossing Inventory–Response to Petitions for Reconsideration (Final Rule); (2) Roadway Worker Protection; Miscellaneous Revisions (Final Rule); (3) Controlled Substance Testing– Maintenance of Way (MOW) Employees (Final Rule); (4) Accident/Incident Reporting Threshold (NPRM); (5) Engineer Qualification Revisions (Retrospective Regulatory Review (RRR)) (NPRM); (6) Horns and Highway Rail Crossing Revisions (NPRM); and (7) Hours of Service Recordkeeping Amendments (RRR) (NPRM).

Under slide 7, “Locomotive Recording Devices,” Mr. Woolverton describes the upcoming significant FRA Rulemaking for Locomotive Recording Devices as follows:

(1) NPRM Expected–Summer 2016; (2) This rulemaking would require the installation of inward- and outward-facing locomotive video cameras on controlling locomotives of trains traveling over 30 mph. The recordings would be used to help determine the cause of railroad accidents in order to prevent the occurrence of similar accidents. They would also be used to ensure railroad employee compliance with applicable Federal railroad safety regulations and railroad rules, particularly regulations prohibiting the use of personal electronic devices. This rulemaking would amend 49 CFR Parts 217, 218, and 229; and (3) Fixing America’s Surface Transportation (FAST) Act [Public Law No.: 114-94, dated 12-4-2015] requirements are addressed in this rule.

Under slide 8, “Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets,” Mr. Woolverton describes the upcoming significant FRA Rulemaking for Passenger Equipment Safety Standards; Standards for Alternative Compliance and High-Speed Trainsets as follows: (1) NPRM Expected– Summer 2016; (2) Amends FRA’s Passenger Equipment Safety Standards by adding a new equipment tier (Tier III) to facilitate the safe implementation of high-speed rail at speeds up to 220 mph; (3) Establishes alternative crashworthiness performance requirements for Tier I passenger trainsets (operating at speeds not exceeding 125 mph); and (4) Proposes to increase the maximum speed for Tier II operations from 150 mph to 160 mph.

Under slide 9, “Railroad System Safety Program,” Mr. Woolverton describes the upcoming significant FRA Rulemaking for the Railroad System Safety Program as follows: (1) Final Rule expected–Near Future; (2) This rulemaking improves passenger railroad safety through structured, proactive processes and procedures developed by passenger railroads; (3) Requires each passenger railroad to establish a system safety program that would systematically evaluate and manage risks in order to reduce the number and rates of railroad accidents, incidents, injuries and fatalities; and (4) This rulemaking was bifurcated from the Risk Reduction Program rulemaking, to specifically implement the RSIA’s risk reduction mandate for passenger rail operations.

Under slide 10, “Risk Reduction Program,” Mr. Woolverton describes the upcoming significant FRA Rulemaking for the Risk Reduction Program as follows: (1) Final Rule Expected Summer 2016; (2) NPRM published February 27, 2015; (3) This rulemaking proposes appropriate contents for risk reduction programs for freight railroads and how they should be implemented and reviewed by FRA, as mandated by Rail Safety Improvement Act (RSIA) of 2008; (3) Public Hearing held August 27, 2015; and (4) Risk Reduction Working Group met September 28, 2015, to review comments to the NPRM.

Under slide 11, “Rail Integrity Amendments,” Mr. Woolverton describes the upcoming significant FRA Rulemaking for Rail Integrity Amendments as follows: (1) Proposes amendments to rail integrity inspection requirements to increase inspection frequency, allow for continuous rail testing, and to address rail head wear; and (2) An NPRM is drafted and on hold pending rail head wear progress in the Rail Integrity Working Group.

Under slide 12, “Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions,” Mr. Woolverton describes the upcoming non-significant FRA Rulemaking for Railroad Workplace Safety; Roadway Worker Protection Miscellaneous Revisions as follows: (1) Final Rule Expected–Near Future; and (2) The Final Rule is intended to incorporate dozens of miscellaneous revisions and additions to resolve interpretative issues that have arisen since the 1996 promulgation of the original regulation.

Under slide 13, “Control of Alcohol and Drug Use: Coverage of Maintenance of Way Employees, Retrospective Regulatory Review-Based Amendments,” Mr. Woolverton describes the upcoming non-significant FRA Rulemaking for Control of Alcohol and Drug Use: Coverage of Maintenance of Way Employees, Retrospective Regulatory Review-Based Amendments as follows: (1) Final rule expected Spring 2016;

(2) NPRM – July 28, 2014 (79 Federal Register 43829); (3) Expands the scope of FRA’s alcohol and drug regulations to cover employees who perform railroad maintenance-of-way activities as required by section 412 of the RSIA; and (4) Proposes certain substantive amendments that either respond to National Transportation Safety Board (NTSB) recommendations or update and clarify the alcohol and drug regulations based on a retrospective analysis.

Under slide 14, “Revision of Method for Calculating Threshold for Accident Reporting,” Mr. Woolverton describes the upcoming non-significant FRA Rulemaking for Revision of Method for Calculating Threshold for Accident Reporting as follows: (1) NPRM Expected–Spring 2016; and (2) The NPRM would update the method for calculating the monetary threshold for reporting rail equipment accidents and incidents; and (3) The NPRM would involve a minor technical correction to the existing threshold calculation formula.

Under slide 15, “Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions,” Mr. Woolverton describes the upcoming non-significant FRA Rulemaking for Qualification and Certification of Locomotive Engineers; Miscellaneous Revisions as follows: (1) NPRM Expected–Spring 2016; and (2) The NPRM would revise FRA’s regulation governing the qualification and certification of locomotive engineers to conform to the regulation governing the certification of conductors.

Under slide 16, “Passenger Train Exterior Side Door Safety,” Mr. Woolverton describes the published rulemaking for Passenger Train Exterior Side Door Safety as follows:

(1) Rule amends the passenger equipment safety standards to enhance safety standards as they relate to passenger door securement while a passenger train is in service based on search and experiences of FRA safety inspectors; (2) NPRM–March 26, 2014 (79 *Federal Register* (FR) 16978); and (3) Final Rule–December 7, 2015 (80 FR 76118).

Under slide 17, “Safety Glazing Standards,” Mr. Woolverton describes the published rulemaking for Safety Glazing Standards as follows: (1) The rule revises and clarifies existing regulations related to the use of glazing materials in the windows of locomotives, passenger cars, and cabooses. Rule reduces paperwork and other economic burdens on the rail industry by removing a stenciling requirement for locomotives, passenger cars, and cabooses that are required to be equipped with glazing; (2) NPRM–published September 26, 2014 (79 FR 57856); (3) Final Rule–February 9, 2016 (81 FR 6775); and (4) Final Rule is effective April 11, 2016.

Under slide 18, “Positive Train Control System (PTC) Revisions,” Mr. Woolverton describes the published rulemaking for PTC revisions as follows: (1) Rule modifies dates in existing regulations to conform to recent statutory modifications and extension; (2) Final Rule–February 29, 2016 (81 FR 10126); and (3) Final Rule is effective April 29, 2016.

Under slide 19, “Obstructive Sleep Apnea (OSA) ANPRM [Advance Notice of Proposed Rulemaking],” Mr. Woolverton describes the published rulemaking for Obstructive Sleep Apnea as follows: (1) Published March 10, 2016 (81 FR 12642); (2) This is a joint FRA and Federal Motor Carrier Safety Administration (FMCSA) rulemaking; and (3) The advance notice seeks information and opinion on the prevalence of moderate-to-severe OSA among individuals occupying safety-sensitive positions in highway and rail transportation and on its potential consequences for the safety of rail and highway transportation.

Under slide 20, “Train Crew Staffing NPRM,” Mr. Woolverton describes the published rulemaking for Train Crew Staffing as follows: (1) Published March 15, 2016 (81 FR 13918); and (2) Proposes to add minimum requirements for the size of different train crew staffs depending on the type of operation. The minimum crew staffing requirements would reflect the safety risks posed to railroad employees, the general public, and the environment.

Larry Woolverton (FRA) asks for questions.

Chairperson Lauby says the process for significant rulemakings is for rules to go through FRA’s senior staff review, then through the Secretary of Transportation’s office review, where changes are made, and then through the Office of Management and Budget where more changes are made.

Lawrence (Larry) Mann (Sheet Metal, Air, Rail, and Transportation Workers) asks about the status of the rule for Fatigue Management Plans.

Thomas Herrmann (FRA) says Fatigue Management Plans will be an add-in to the rules for System Safety Plans and Risk Reduction Plans. He says once these rules are issues, there will be no lag time for Risk Reduction Plans.

Chairperson Lauby asks Matthew Navarrete for a presentation on the Advance Notice of Proposed Rulemaking (ANPRM) for Obstructive Sleep Apnea.

Matthew Navarrete (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen for “Obstructive Sleep Apnea ANPRM.” A copy of the Microsoft PowerPoint Presentation was distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and posted on FRA’s RSAC Internet Web Site, under “Committee Documents,” and are not excerpted in their entirety in the RSAC Minutes.

Under slide 2, “Obstructive Sleep Apnea (OSA) ANPRM Joint Effort,” Mr. Navarrete says the Advance Notice of Proposed Rulemaking (ANPRM) on Obstructive Sleep Apnea (OSA) is a joint effort between FRA and the Federal Motor Carrier Safety Administration (FMCSA).

Under slides 3-4, “OSA ANPRM–Purpose,” Mr. Navarrete says the purpose of the ANPRM is: (1) To gather data and information concerning the prevalence of moderate-to-severe OSA among individuals occupying safety-sensitive positions in highway and rail transportation, and on its potential consequences for the safety of rail and highway transportation; and (2) To collect data and information on potential costs and benefits from regulatory actions that address the safety risks associated with motor carrier and rail transportation workers in safety sensitive positions who have OSA.

Under slides 5-6, “OSA ANPRM–Basis,” Mr. Navarrete says (1) Under Title 40 U.S.C. 20103, the Secretary of Transportation (Secretary) has broad authority to issue regulations governing every area of railroad safety; (2) The secretary has delegated rulemaking responsibility under Section 20103 to the Administrator of FRA (49 CFR 1.89(a)); and (3) There are risks to railroad safety posed by railroad employees who have undiagnosed/untreated moderate-to-severe OSA.

Under slides 7-8, “OSA–Background,” Mr. Navarrete says the following: (1) OSA is a respiratory disorder characterized by a reduction or cessation of breathing during sleep; (2) Affected individuals awaken partially and may experience gasping and choking as they struggle to breathe; (3) Individuals who have undiagnosed OSA are often unaware they have experience periods of sleep interrupted by breathing difficulties when they awake in the morning; and (4) As a result, the condition is often unrecognized by affected individuals and under diagnosed by medical professionals.

Under slide 9, “OSA–Safety Risks,” Mr. Navarrete says (1) For individuals with OSA, eight hours of sleep can be less restful or refreshing than four hours of ordinary uninterrupted sleep; and (2) Undiagnosed or inadequately treated moderate to severe OSA can cause unintended sleep episodes and resulting deficits in attention, concentration, situational awareness, and memory, thus reducing the capacity to safely respond to hazards when performing safety sensitive duties.

Under slide 10, “OSA-Related Incidents,” Mr. Navarrete says there are three rail incidents in which the National Transportation Safety Board concluded OSA played a role in causing the incident: (1) BNSF Railway Company collision in Red Oak, Iowa (2011); (2) Metro-North Railroad Derailment in the Bronx, New York (2013); and (3) The Union Pacific Railroad and BNSF Railway Company collision in Chaffee, Missouri.

Under slide 11, “OSA–DOT Actions,” Mr. Navarrete says the ANPRM will draw on the Federal Aviation Administration Standards and FMCSA’s actions.

Under slide 12, “OSA–FRA’s Fatigue-Related Actions,” Mr. Navarrete says the ANPRM will look at FRA’s Fatigue-related actions: (1) Hours of service regulations; (2) Fatigue Management Plans; (3) FRA Safety Advisory 2004-04; (4) RSAC’s Medical Standards Working Group discussions; and (5) The Railroader’s Guide to Healthy Sleep Website.

Under slide 13, “OSA ANPRM Request for Information,” Mr. Navarrete says the following: (1) The ANPRM contains 20 questions; however, any relevant information and data is welcome; and (2) The 20 questions are divided into five categories: (1) The Problem of OSA; (2) Costs and Benefits; (3) Screening Procedures and Diagnostics;

(4) Medical Personnel Qualifications and Restrictions; and (5) Treatment Effectiveness.

Under slide 14, Matthew Navarrete (FRA) says thee will three listening sessions in May 2016 in: (1) Washington, DC; (2) Chicago, Illinois; and (3) Los Angeles, California. He says the comment period for the ANPRM ends June 8, 2016. He says Public Docket may be accessed and comments filed at: [www.regulations.gov](http://www.regulations.gov) and enter

“FRA-2015-0111.”

Matthew Navarrete (FRA) asks for comments.

Lawrence (Larry) Mann (Sheet Metal, Air, Rail and Transportation Workers) asks if Matthew Navarrete can give the reference to the FAA guide containing references to sleep apnea for pilots.

Matthew Navarrete (FRA) says it is footnote 15 in the ANPRM on Obstructive Sleep Apnea, i.e., http://www.faa.gov/about/office\_org/headquarters\_offices/avs/offices/aam/ame/guide/media/guide.pdf

Lawrence Mann (Sheet Metal, Air, Rail and Transportation Workers) asks if the Medical Standards Working Group’s discussions on sleep apnea will be included in the docket.

Matthew Navarrete (FRA) replies, “Yes.”

Rick Inclima (Brotherhood of Maintenance of Way Employes Division) asks about the definition of “safety-sensitive. He asks, “How are you looking to apply “safety-sensitive.” He asks are you looking at a pilot, the person moving a vehicle, or everyone on a railroad property.

Thomas Herrmann (FRA) says FRA hopes to receive comments for the ANPRM on Sleep Apnea on what a safety-sensitive person is.

Chairperson Lauby asks for additional comments on the Sleep Apnea ANPRM. He says FRA is thinking about a regulation, but needs help in this ANPRM.

Chairperson Lauby asks if there are additions or correction to the Minutes for the November 5, 2015 meeting of the Railroad Safety Advisory Committee. He says FRA has received corrections from Cynthia Hilton (institute of Makers of Explosives).

With no further additions or corrections to the Minutes for the November 5, 2015, meeting of the Railroad Safety Advisory Committee, Chairperson Lauby asks for a motion to accept the Minutes for the November 5, 2015, meeting of the Railroad Safety Advisory Committee, as corrected.

Thomas Murta (Association of American Railroads) motions to accept the Minutes for the November 5, 2015, meeting of the Railroad Safety Advisory Committee, as corrected.

Rick Inclima (Brotherhood of Maintenance of Way Employes Division) seconds the motion.

BY VOICE VOTE THE COMMITTEE ACCEPTS THE MINUTES FOR THE NOVEMBER 5, 2015 MEETING, AS CORRECTED.

Chairperson Lauby thanks the full RSAC for approving this motion.

Chairperson Lauby asks members and alternates to check calendars for dates for the next meeting of the full Railroad Safety Advisory Committee.

There is a brief discussion about members’ availability for the next meeting, after which FRA announces that it will arrange the next meeting of the full Railroad Safety Advisory Committee for September 15, 2016.

Chairperson Lauby asks for comments or new business to be brought before the Committee.

Chairperson Lauby thanks RSAC members for attending today’s meeting. He asks for a motion to adjourn the meeting.

Michael (Mike) Rush (Association of American Railroads) motions to adjourn the meeting.

Thomas Murta (Association of American Railroads) seconds the motion.

Chairperson Lauby adjourns the meeting at 3:30 pm.

M E E T I N G A D J O U R N E D 3:30 P.M.

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

Respectively submitted by John F. Sneed, Event Recorder.