

**65th Meeting of the Railroad Safety Advisory Committee (RSAC)
National Association of Home Builders (NAHB) National Housing Center
October 26, 2023
Minutes of Meeting**

On October 26, 2023, the 65th meeting of the Federal Railroad Administration's (FRA) Railroad Safety Advisory Committee (RSAC), was held at the National Association of Home Builders (NAHB) National Housing Center at 1201 15th Street, NW in Washington, DC 20005, beginning at 9:30 am Eastern Daylight Savings Time, and adjourning at 1:45 pm. The meeting was also livestreamed on Zoom.

What follows is a summary of the major items discussed at the meeting; it is not a word-for-word transcription.

Participants

Listed below, in alphabetical order by last name, are key attendees, and the companies and/or organizations they represent. Attendance during the meeting was about 175, including those on Zoom.

- Karl Alexy (FRA)—Chair
- Steve Albright (CN)
- Zach Allen (FRA)
- Patrick Ameen (Amsted Rail)
- John Angel (AAR) (via Zoom)
- Michael Bachmeier (NTSB)
- Ryan Bailey (CN)
- Daniel Baker (FRA)
- Josh Banks (DOT)
- Michael Barron (FRA)
- Vincent Bellomo (DOC)
- Rachel Boose (U.S. Senate)
- Amit Bose (FRA)
- JaQuinton Braswell (NS)
- Matthew Brewer (FRA)
- Ken Briers (RPA)
- Tristan Brown (PHMSA)
- Jared Cassity (SMART)
- Prabh Chawla (FRA)
- Jim Cohen (FRA)
- Barry Cross, Jr (ATDA)
- Herman Crosson (Anacostia Rail)
- Brian DeLucia (TWU) (via Zoom)
- Brandon Denucci (ATDA)
- Lori Ebbighausen (LIRR)
- Kyle Fields (U.S. Senate)
- Susan Flanagan (IME)
- Warren Flatau (FRA)
- John Fleps (NS)
- Allison Fultz (FRA)
- Robert Galbraith (Atkins) (via Zoom)
- KellyAnne Gallagher (CRC)
- Kar Gazarov (FRA)
- J.J. Giuliano (IBEW)
- Kevin Goldsmith (CN)
- Joe Gordon (NTSB)
- Stephen Gordon (AAR)
- Randall Gustafson (HeritageRail)
- Carolyn Hayward-Williams (FRA)
- Chris Hand (BRS)
- Paul Hartman (API)
- Brian Heanue (APTA)
- Dale Hein (CRC) (via Zoom)
- Travis Herod (Watco)
- Damon Hill (PHMSA)
- Chris Holt (FRA)
- Michael Hunter (FRA)
- Greg Hynes (SMART)
- Ron Hynes (AAR)
- Jennifer Hu (APTA)
- Kenneth Jones (CPKC)

- Brian Kelly (Wabtec)
- Kenton Kilgore (FRA)
- Robyn Kinsley (Chlorine Institute)
- Miriam Kloeppe (FRA)
- Hilary Konczal (APTA)
- Carl Lakin (BRC)
- Patty Long (RSI)
- Cameron Lonsdale (Amsted Rail)
- Justin Louchheim (Fertilizer Institute)
- Mark Maday (FRA)
- Amanda Maizel (FRA)
- Larry Mann (SMART)
- Jim Mathews (RPA) (via Zoom)
- Karen McClure (FRA)
- Sabrina McNeal (FRA)
- Justin Meko (Amtrak) (via Zoom)
- Michael Mills (UP)
- Roy Morrison (BMWED)
- Brenda Moscoso (AAR)
- Patrick Musselman (FRA)
- Gabe Neal (FRA)
- Randy Noe (NS)
- James Orwan (IAMAW)
- John Peternel (FRA)
- Tim Presser (FRA)
- Donald Roach (SMART)
- Devin Rouse (DeRail Advisory)
- Mike Rush (AAR)
- Mark Schulze (BNSF)
- Rocky Scott (FRA)
- Jeffery Sloan (ACC)
- Michael Somersall (ASRSM) (via Zoom)
- Brian Sooter (APTA)
- Jo Strang (ASLRRA)
- Walt Stringer (ASLRRA) (via Zoom)
- Patricia Sun (FRA)
- Darren Treiber (TCU/BRC)
- Brian Ulrich (APTA)
- Vince Verna (BLET)
- Kara Waldrup (NTSB)
- Daniel Wanke (AASHTO)
- Julia Wascom (OIG)
- David Weisblatt (CSX)
- Nina Wells (FRA)
- Ashley Wieland (NRC) (via Zoom)
- Greg Wilson (Iowa Interstate RR)
- Katey Wilson (TTD)
- Ben Wright (TX State Legislative Board)
- Andrea Wohleber (FRA)
- Khaled Zaazaa (FRA)
- Thomas Zoeller (NS)
- Steve Zuiderveen (FRA)
- Evan Zucarelli (APTA)

Introduction

- At 9:30 am, Karl Alexy (FRA) began the meeting.
- Kenton Kilgore (FRA) provided a safety briefing.
- Karl Alexy (FRA) made opening remarks on topics to be discussed at today's meeting.

Remarks from FRA Administrator

- Amit Bose, the FRA Administrator, addressed RSAC:
 - Mr. Bose mentioned recent rail accidents in Colorado and Nebraska, three rail-related employee deaths, and 27 major injuries to rail employees thus far in 2023. He said that FRA will continue to act to make rail safer.
 - Mr. Bose said that as part of the Biden Administration's response to the February 2023 accident in East Palestine, OH, FRA has conducted an assessment of

BNSF's safety culture. FRA also announced focused inspections on routes that carry large volumes of hazardous materials.

- Secretary Buttigieg and Mr. Bose encourage all Class I railroads to join FRA's Confidential Close Call Reporting System (C3RS).
- The Secretary and Mr. Bose urge all Class I railroads to grant employees paid sick days.
- Mr. Bose asked that any members of the Track Standards Working Group who wish to comment on BMWED's report on autonomous track geometry measurement system data please do so by November 17, 2023.
- FRA's recent efforts are all part of a comprehensive compliance and enforcement approach which can include new regulations, refinements to existing regulations, and other forms of direct engagements. FRA has issued recent safety advisories.
- FRA is growing concerned about long trains, especially with regard to blocked crossings.
- Earlier in 2023, FRA issued a supplemental notice of proposed rulemaking that would require railroads to provide emergency escape breathing apparatus to train crews when transporting certain hazardous materials.
- In May 2023, FRA issued notices of proposed rulemakings regarding certifications of dispatcher and signal employees.
- In October 2023, FRA published a final rule requiring installation of locomotive video recording devices on passenger trains, implementing Congress's requirement from the 2015 FAST Act.
- FRA is finalizing a rule requiring a minimum level of crews on trains.
- FRA is funding improvements in rail safety with funds from the Bipartisan Infrastructure Law.
- Railroads and communities need to work together to drive down the unacceptable status quo of over 2,000 collisions and 200+ casualties at grade crossings every year. FRA will continue to work to reduce these numbers.
- FRA is working with railroads to ensure that their safety programs address fatigue.
- RSAC's charter was recently renewed for another two years.

Remarks from the PHMSA Administrator

- Mr. Bose introduced Mr. Tristan Brown, the Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA), who addressed RSAC:
 - Mr. Brown said that the last eight months have probably been the busiest, most productive rail safety period in the agency's history. PHMSA has been working hand-in-hand with FRA to advance safety of rail and hazardous materials.
 - This year is the 10th anniversary of the Lac-Mégantic rail disaster. The PHMSA Administrator that that time said that changes to the tank car standards are not enough, because no tank car can be built to withstand some of the tragic incidents that occur. We must also consider operational issues associated with rail movement of high hazardous materials, as well as rail-, car placement-, and buffer

car standards, and we need to answer the tough questions about the existing fleet of hundreds of thousands of tank cars, as well as the adequacy of the newly-proposed changes to those standards.

- In 2015, PHMSA proposed, in partnership with FRA, a high-hazard flammable train rule, which received a great deal of pushback. Help us to not just know what doesn't work, from your perspective, to improve safety, but what can work.
 - We need everyone to think outside the box, and outside our comfort zones, and outside the traditional walls of our agencies to come up with solutions that work for all.
- Karl Alexy (FRA) led an introduction of those present in the room. Kenton Kilgore (FRA) announced those who were attending via Zoom.

Update from the Hazardous Materials Working Group

- Mark Maday, Staff Director of FRA's Hazardous Materials Division presented the latest status of the Hazardous Materials Working Group. See the RSAC website for the PowerPoint presentation.
 - The Working Group's kickoff meeting was held on August 22, 2023.
 - Three general safety issues were presented for discussion/feedback:
 - Expansion of hazardous train designations to include Division 2.1 flammable gases, and/or other non-flammable hazardous materials;
 - Phase out of DOT-111 tank cars; and,
 - Emergency Preparedness and Emergency Planning.
 - The second meeting is scheduled to be held in the first half of November 2023.
- After Mark's presentation, a question was asked if the current DOT-111 tank cars would be allowed to live out their current service life before being phased out in favor of newer tank cars. Mark said he believes that will be the case, but it is the purpose of the Working Group to determine if that is the best course of action.

15-minute break

Update from the Track Standards Working Group

- FRA Track Specialist Daniel Baker presented the latest status of the Track Standards Working Group. See the RSAC website for the PowerPoint presentation.
 - The Working Group held its kickoff meeting on March 4, 2020 to develop rules/platform to enhance rail safety by improving track inspection methods, frequency, and documentation.
 - The Working Group has met 10 times since then to discuss this task.
 - These meetings have been primarily focused on reviewing data from the railroad test programs and waiver, and discussion on ways to incorporate automated inspections into the existing track inspection regulations.
 - BNSF, CN, CSX, CP, NS, and UP each conducted track inspection test programs starting and ending at various times between 2018 and 2022.
 - All test programs concluded as of November 23, 2022.

- FRA granted BNSF a 5-year waiver on January 19, 2021, to build on the methodology of the test program on its Powder River Division and Southern Transcon route.
- The latest meeting was held on October 24, 2023.
 - FRA presented its analysis of railroad test program- and waiver data.
 - The Working Group has decided to conclude the task without making a consensus recommendation to RSAC.
- Following the presentation, there were no questions from the RSAC members.

Update from the Wayside Detectors Working Group

- Carolyn Hayward-Williams, FRA Director of Office of Railroad Systems, presented the latest status of the Wayside Detectors Working Group. See the RSAC website for the PowerPoint presentation.
 - The Working Group held its kickoff meeting on August 31, 2023.
 - The Working Group determined six subtasks that need to be performed:
 - Task 1: Define and identify wayside detector types and quantities;
 - Task 2: Review and evaluate safety accident and incident history;
 - Task 3: Analyze installation, calibration, test, repair and maintenance processes and practices;
 - Task 4: Analyze communication and reporting methods;
 - Task 5: Analyze decision process for actions to avert accidents and incidents; and,
 - Task 6: Prepare recommendations to RSAC.
- Following the presentation, there were no questions from the RSAC members.

Update from the Confidential Close Call Reporting Systems (C3RS) Working Group

- Rob Castiglione, Staff Director of FRA's Human Performance Programs Division, presented the latest status of the C3RS Working Group. No PowerPoint presentation was provided for this update.
 - The Working Group had a kickoff meeting on March 14, 2023, and met in person in Louisville, KY on June 21-22, 2023. The Working Group had a virtual check-in meeting on July 21, 2023; and met in person on August 1-2, and August 30 in Washington DC, at NAHB.
 - The Working Group has been discussing the structure of the current interim memorandum of understanding (IMOU) for railroads looking to join FRA's C3RS program.
 - Currently, there are almost 30 short line- and passenger railroads who have joined. Others are joining over the next few months.
 - There has been some concern among the Working Group members about repeat offenders. Rob does not believe that there is significant evidence of recidivism, but there are strictures within the C3RS program to deal with them.
 - The current FRA C3RS program is a hybrid of the existing Aviation Safety Action Program (ASAP) and Aviation Safety Reporting System (ASRS), run by the Federal Aviation Administration (FAA). FRA is asking for C3RS to be accepted by major railroads so that a pilot program can be set up.

- The Working Group is attempting to standardize the MOU process so as to relieve the administrative burden surrounding participation, and to eliminate the need for waivers.
- FRA will ask FAA to a future meeting of the Working Group to explain how their reporting systems work, and to answer any questions that Working Group members may have.
- Following Rob’s discussion, he took questions and comments from the RSAC members.
 - Mike Rush (AAR) asked FRA to seriously consider allowing railroads to have individual pilot C3RS programs, in consultation with labor unions, as he does not believe a one-size-fits-all approach is optimal.
 - Vince Verna (BLET) acknowledged that there are differences among railroads that need to be addressed for C3RS, but that the plan needs to be national in scope, and not a patchwork of individual plans. He also said that FRA needs to be a full participant in the C3RS program.
 - Jared Cassity (SMART) concurred with Vince Verna, and said that he would like to have FAA present on their programs.
 - Mike Rush (AAR) reiterated that AAR is in favor of the C3RS program. Vince Verna (BLET) said that in Working Group meetings, AAR has not offered any compromises to further the adopting of C3RS. Mike Rush replied that the proposal that AAR put on the table in June 2023 is more lenient from an employee discipline perspective than the NASA program currently used by airlines; in his opinion, the AAR proposal is a compromise.
 - Rob Castiglione (FRA) said that having FAA present would probably answer many concerns that Working Group members have. He had hoped to have FAA present in December 2023, but it looked like there will be schedule conflicts that would push the next meeting off until early 2024.
 - Brandon Denucci (ATDA) said that his organization fully supports implementing the C3RS program that FRA proposes.
 - Mike Rush (AAR) said that while the railroad industry has made many improvements in safety, he believes that the proposed IMOU will actually be counterproductive and undermine safety. He reiterated his desire to have the railroads do individual pilot programs to figure out what works and what doesn’t with C3RS.
 - Vince Verna (BLET) said that while the proposed program isn’t perfect, there is no downside, in his opinion, to putting in pilot programs with an IMOU that’s been proven to work.

60-minute lunch break

Update from the Train Braking Modernization Working Group

- Karl Alexy (FRA) reconvened the meeting at 1:00 pm. He introduced Steve Zuiderveen, FRA Analyst, to present the latest status of the Train Braking Modernization Working Group. See the RSAC website for the PowerPoint presentation.
 - The kickoff meeting was held on September 14, 2023.

- At the kickoff meeting, New York Airbrake and Wabtec presented on changes to electronic controlled pneumatic (ECP) brakes since 2018.
- Also discussed at that meeting were changes in distributed power brakes that benefit brake modernization; and the effective use of current technologies and methods to enhance operational safety.
- The Working Group has set up three task forces to address ECP brakes, DP brakes, and operating practices.

Update from the Roadway Worker Protection (RWP) Working Group

- Tim Presser, FRA Supervisory Railroad Safety Specialist for Track, presented the latest status of the Roadway Worker Protection (RWP) Working Group. See the RSAC website for the PowerPoint presentation.
 - The Working Group had its kickoff meeting on January 26, 2023; subsequent meetings were held on May 11, 2023; and September 7, 2023.
 - The Working Group identified 17 action items, and broke them into three categories:
 - “Consensus Achieved”: 3 items;
 - “Consensus Not Achieved”: 10 items; and,
 - “Actions On-going”: 4 items.
 - At the next Working Group meeting, scheduled for November 16, 2023, the members will vote on the three consensus items, and will follow up on the four action items. FRA recognizes that no consensus will be reached on the other 10 items.
- Following the presentation, Tim took questions and comments from the RSAC members.
 - Jeff Moller (AAR) pointed out that on a number of the non-consensus items, railroad management shared the same positions as labor.
 - Amit Bose (FRA) said that there is a historic level of construction work that is currently or soon will be underway on the Northeast Corridor, and roadway workers will be key parts of those projects. FRA will be laser-focused on the safety of workers of those projects.
 - Jo Strang (ASLRRA) said that, in her opinion, roadway worker protection is the most important task that RSAC is currently addressing, and she encouraged RSAC to move quickly on it.

RSAC Task 2022-02: 220 Subpart C - Electronic Devices

- Karl Alexy (FRA) told RSAC that there are currently five acting Working Groups, but that FRA expects one (Track Standards) to sunset. When it does, FRA would like to start a new Working Group to address the Electronic Devices task previously approved by RSAC.
- Chris Holt, Staff Director for FRA’s Operating Practices Division, presented on RSAC Task 2022-02, on 220 Subpart C, Electronic Devices. See the RSAC website for the PowerPoint presentation.
 - As a reminder to the RSAC members, Chris presented the task’s purpose; background; description; issues requiring specific report; and target dates.

- Following the presentation, Chris took questions and comments from the RSAC members.
 - Larry Mann (SMART) said that he does not believe that the task is broad enough to include allowing train crew members to utilize electronic devices to pinpoint safety problems. Chris said that FRA will discuss that in meetings of the Working Group, after it is formed.

Other Regulatory Activity

- Lucinda Henriksen, FRA Senior Advisor, presented the latest status of several regulatory items currently under development within FRA. No PowerPoint presentation was provided for this update.
 - Priority rules for FRA concern: train crew size; signal and dispatcher certification; and emergency escape breathing apparatus. Notices of proposed rulemakings (NPRMs) have been issued for each.
 - FRA is also responding to petitions from ASLRRRA and AAR, and to mandates from the Infrastructure Investment and Jobs Act (IIJA).

Scheduling Future RSAC Meetings

- Karl Alexy (FRA) led a discussion on whether FRA should attempt to set up a fixed schedule of in-person RSAC meetings for Working Groups and the full Committee in 2024, perhaps in March, July and October. Members concurred with FRA's proposal. FRA RSAC Coordinator Kenton Kilgore was tasked to take up this effort.

Wrap-Up and Adjournment

- Minutes from the March 27, 2023 RSAC meeting were approved with no revisions.
- The meeting was adjourned at 1:45 pm, Eastern Daylight Time.