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RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
September 8, 1999

The twelfth meeting of the RSAC was convened at 9:45 a.m., in the Monticello West Ballroom of the Wyndham Hotel (Washington, D.C.), 1400 M Street, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Associate Administrator for Safety, George Gavalla.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are a permanent part of the RSAC Docket. Eight of the forty-eight voting RSAC members were absent: The American Short Line and Regional Railroad Association (1 of 3 seats absent), The Association of Railway Museums (1 seat), The Brotherhood of Maintenance of Way Employes (1 of 2 seats absent), The Hotel Employees & Restaurant Employees International Union (1 seat), The International Brotherhood of Boilermakers and Blacksmiths (1 seat), The International Brotherhood of Electrical Workers (1 seat), The National Conference of Firemen & Oilers (1 seat), and Safe Travel America (1 seat). One of four non-voting RSAC members were absent: Secretaria de Comunicaciones y Transporte (Mexico). Total meeting attendance, including presenters and support staff, was approximately 80.

Chairperson Gavalla welcomes RSAC Members and attendees. Mr. Gavalla asks Patricia Paolella (FRA Office of Safety) to present a safety briefing.

Ms. Paolella describes available safety exits from the Monticello West Ballroom. She asks for two volunteers with knowledge of cardiopulmonary resuscitation (CPR) to be designated to perform this lifesaving function, should the need arise. Forrest L. Becht (American Short Line and Regional Railroad Association (ASLRRA)), Roby Brown (Association of American Railroads (AAR)), and Daniel Smith (FRA) volunteer to perform CPR.

Chairperson Gavalla explains that his introductory remarks will be brief. One of today's agenda items involves Positive Train Control (PTC). An implementation task force has prepared a report. FRA knows that producing the PTC Report was a long, deliberative process. However, the working group was able to produce a draft document which reflects a fact-based analysis, openness, and efforts to reach a consensus-all components of the RSAC process. Assuming approval by the full RSAC today, the report will be forwarded to the Administrator and then sent to Congress. Looking over

the report, PTC appears to be a more reliable and secure train control system than is currently available today.

There are several PTC demonstration projects underway. We need a concerted effort, through the Michigan PTC project and other venues, to bring **mature,** cost effective technology to market. But just as important, there needs to be a corporate vision to ensure that these systems are deployed. There needs to be coordinated efforts and vision from the top that looks for ways to integrate communication, command and control systems-rather than relying on each department of the railroad to do its own thing with the hope that optimum results may emerge. PTC can save lives; it can integrated with Intelligent Transportation System (ITS) technology to reduce and prevent highway-rail grade crossing accidents.

In addition, the PTC Standards Working Group has been working on standards that will help suppliers and railroads make decisions on moving PTC and other new technologies forward.

Another Task before RSAC today is Revisions to Blue Signal Regulations. . These rules help protect employees working around moving equipment. While FRA has regulations in place, there are emerging technologies that can improve safety.

Because it was not possible to arrange full stakeholder participation within RSAC on issues related to highway-rail grade crossings, FRA has worked with you in other ways on this topic. First, FRA will issue, very shortly, a Notice of Proposed Rulemaking (NPRM) regarding the use of train horns at highway-rail grade crossings. “Quiet, liveable environments” changes the demands on us to accommodate the needs of communities. FRA has completed a national study of the effect of whistle bans, finalized important train horn research, and prepared a draft environment impact statement for the rule. Second, FRA has concluded research and is conducting an economic analysis on the use of retro-reflective material on freight cars to reduce highway-rail grade crossing collisions in which an automobile hits the side of a train. Third, over the next few months FRA will be reviewing key National Rail Passenger Corporation (Amtrak) corridors for exposure risk to collisions at highway-rail grade crossings. While FRA continually works with States to help eliminate these hazards, this new effort will encourage States to “flex” their Surface Transportation Program funds to address areas of acute need that would not be addressed under traditional resource allocation formulas. Finally, Intelligent Transportation Systems (ITS) will be employed in the future to address highway-rail grade crossing needs. Many of you participated in a Workshop this past summer to prepare for the production of standards under User Service Number 30, Highway-Rail Intersections. FRA will tap into this information to improve highway-rail grade crossing safety and take advantage of the ITS technology.

Ross Capon (National Association of Railroad Passengers (NARP) asks if FRA has determined which Amtrak corridors will be examined and if these will be identified.

Chairperson Gavalla responds that the Amtrak corridors that will be examined are under review, but that the corridors under review will be announced.

Chairperson Gavalla announces some housekeeping items. He recognizes attendees Jack Wells (House Committee on Transportation and Infrastructure), and Pat Sullivan (National Transportation Safety Board (NTSB)). Mr. Gavalla announces that this will be the last RSAC meeting for FRA Deputy Administrator, Donald M. Itzkoff. Mr. Itzkoff is leaving government for a private sector job.

Chairperson Gavalla asks Edward English, Director, FRA's Office of Safety Assurance and Compliance, to brief RSAC on the status of Task No. 97-3, Revision of Event Recorder Requirements. Information related to this topic are part of the materials inserted at Tab 12 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. English explains that the Working Group has developed specific standards for locomotive event recorders. A draft of the event recorder standards has been issued by the Working group and is undergoing review by FRA's Office of Chief Counsel. After the review, FRA will ask RSAC to vote on whether the draft standards should be sent to the FRA Administrator.

With no questions of Mr. English, Chairperson Gavalla asks Chairperson Gavalla asks Brenda Hattery (FRA's Office of Safety) and Christine Beyer (FRA's Office of Chief Counsel) to brief RSAC on the status of Locomotive Cab Working Conditions, Task No. 97-2. Task Statements, Working Group membership composition, and a brief synopsis of Working Group activities related to locomotive crashworthiness are part of the materials inserted at TAB 10 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Chairperson Gavalla announces that Christine Beyer is the replacement for Lawrence Wagner, who retired in May, as FRA's Safety Law Division's Deputy Assistant Chief Counsel.

Ms. Hattery explains that FRA is presently in the process of modifying the draft regulatory text to reflect the consensus of the Working Group. The Working Group will complete preparation of a package for presentation to the full RSAC shortly.

Ms. Hattery asks if there are any questions?

Rick Inclima (Brotherhood of Maintenance of Way Employes (BMWE)) asks Ms. Hattery if there is a final date for accepting comments to the Working Group draft?

Ms. Hattery responds September 15, 1999, or as soon as possible.

Mr. Inclima indicates he has a draft of BMWE comments and will give it to Ms. Hattery today.

Chairperson Gavalla asks Shraham (Sean) Mehrvazi (FRA's Office of Safety) to brief RSAC on the status of Locomotive Crashworthiness, Task No. 97-1. Task Statements, Working Group membership composition, and prior synopses of Working Group activities are part of the materials inserted at TAB 10 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Mehrvazi uses overhead viewgraphs for his presentation. He explains that at the April RSAC Meeting, he contrasted the standards under S-580 and the proposed revisions. While the Working Group thought all the issues were resolved, apparently they are not. However, the Working Group is close to consensus on all the requirements, except one. The revised S-580 standards will further improve locomotive crashworthiness. The Association of American Railroads is adopting the new S-580 standard and FRA will incorporate the S-580 standard by reference into its final rule. The proposed rules will apply to all new locomotives, freight and passenger. Still under discussion if the section on Switcher/Intermediate Service and Yard Switcher locomotives. The Switcher locomotive section deals with narrow nose, short hood configurations which increase visibility during switching operations. The proposed requirements will improve the crashworthiness of locomotives in the following areas: (1) collision posts, (2) short hood structure, (3) cab structure including window and corner posts, (4) interior configuration, (5) emergency interior lighting, (6) emergency egress, (7) under-frame strength, (8) anti-climbers, and (9) fuel tanks. In addition, FRA is completing a review of collisions in support of its economic analysis of the proposed rule. FRA hopes to complete a draft Notice of Proposed Rulemaking by December 1999.

Mr. Mehrvazi asks if there are any questions?

Thomas Peacock (American Public Transit Association (APTA)) asks for clarification that the new standards will not apply to all locomotives.

Mr. Mehrvazi answers that is true. For example, the revised standards will not apply to MU units.

With no additional questions, Chairperson Gavalla asks FRA Systems Support Division Staff Director Robert L. Finkelstein to make a presentation on Task No. 97-7, Definition of Reportable "Train Accident." The materials related to this task are inserted at TAB 14 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Finkelstein explains that the purpose of the Accident/Incident Reporting Working Group is to evaluate the current concept of a reportable "train accident" to determine whether clarification of the means used by railroads to estimate railroad property damage could improve the consistency of reporting. Under present accident/incident reporting guidelines, damages from two accidents of roughly equal value can vary widely. Depending upon the age of the equipment and the depreciation method used, one accident might be reportable to FRA while the other is not. At the last meeting of the Working Group, significant progress was made. However, there continue to be definition problems.

With no questions, Chairperson Gavalla announces that FRA's Associate Administrator for Railroad Development James T. McQueen is retiring. A reception for him will be held starting at 2:00 p.m. today at FRA. RSAC members are invited to attend the reception.

Chairperson Gavalla asks George Scerbo (FRA's Office of Safety) to brief RSAC on the status of Revision of Steam-Powered Locomotive Inspection Standards, Task No. 96-5. Task Statements, Working Group membership composition, and prior synopses of Working Group activities are part of the materials inserted at TAB 8 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Scerbo reports that the NPRM was published in the Federal Register in 1998 (63 FR 51404, published 9-25-98). On February 4, 1999, there was a public hearing. A Task Force developed recommendations in response to the comments received at the public hearing. The Task Force recommendations were transmitted to the Working Group on September 7, 1999. Working Group ballots on the recommendations are due to FRA on September 17, 1999.

Using overhead viewgraphs, Mr. Scerbo briefly describes the recommended changes. These include proposed changes to 49 Code of Federal Regulations (CFR) Part 230.3, Implementation; 49 CFR 230.9, Definitions for "Fire" and "Heavy Repair;" 49 CFR 230.12, Movement of Defective Locomotive; 49 CFR 230.17, 1472 Service Day Inspection; 49 CFR 230.36, Hydrostatic Testing of Boilers; 49 CFR 230.71, Orifice Testing of Compressors; 49 CFR 230.72, Testing Main Reservoirs; 49 CFR 230.82, Fire Doors and Mechanical Stokers; 49 CFR 230.86, Required Illumination; 49 CFR 230.106, Steam Locomotive Frame; and 49 CFR 230.109, Tender Trucks.

In order to expedite the process, Chairperson Gavalla asks for agreement to circulate a mail ballot to the full RSAC on Revisions to the Steam Locomotive Standards.

> AFTER THE MOTION WAS MADE AND SECONDED, RSAC APPROVED THE RECOMMENDATION TO DISTRIBUTE A MAIL BALLOT TO RSAC MEMBERS BY UNANIMOUS VOICE VOTE. THE BALLOT WILL BE USED FOR VOICING APPROVAL OF PROPOSED CHANGES TO THE NPRM'S REVISIONS TO STEAM LOCOMOTIVE STANDARDS.

Chairperson Gavalla announces the Morning Break.

M 0 R N I N G B R E A K (10:30 A.M. - 10:50 A.M.)

Chairperson Gavalla reconvenes the meeting. Mr. Gavalla asks FRA's Deputy Assistant Chief Counsel, Safety Law Division, Billie Stultz to describe the Clinton Administration's railroad safety reauthorization bill that was submitted to Congress in July.

Ms. Stultz thanks those in the audience who have shared their thoughts with FRA on what rail safety issues this legislation should address and how it should address them. She explains that FRA has made a number of changes to its proposed 1998 reauthorization legislation in hopes that it will be enacted. Known as the Federal Railroad Safety Enhancement *Act* of *1999*, the legislation was introduced in the U.S. House of Representatives on August 3, 1999, as H.R. 2683, and in the U.S. Senate on August 4, 1999, as S. 1496. A press release and a synopsis of the legislative proposal are part of the materials distributed to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. Copies of the bill itself are available on request by signing the request sheet at the registration table.

Ms. Stultz continues. The bill recognizes the need to get to zero accidents, injuries, and deaths in the railroad industry. Each year about a third of all train accidents are caused by human factors. For this reason, FRA's safety reauthorization legislation concentrates the agency's new safety efforts on two key human-factor issues: fatigue and safety culture. In 1998 almost half of all rail-related fatalities involved highway-rail crossings, For that reason, FRA's third major initiative focuses on crossing safety.

The first major initiative attacks fatigue, which significantly reduces the alertness of employees, causes railroad incidents and is one of the most pervasive safety issues in the railroad industry. The hours of service laws are about 100 years old; the scheme of

maximum on-duty periods and minimum off-duty periods that they establish was last substantially modified about 30 years ago. These basic statutory protections need to be supplemented with more comprehensive measures. Under the proposed legislation,, each major railroad would have to submit a fatigue management plan covering its train, dispatching service, signal, and track maintenance employees. A fatigue management plan should discuss a variety of topics related to fatigue including, but not limited to: (1)) education and training; (2) labor-management initiatives on sleep disorders; (3) alertness strategies, e.g., napping; (4) lodging facilities; (5) scheduling practices to improve work/rest cycles; (6) staffing levels; and (7) minimizing disturbances during rest periods. In addition, the legislation would require annual reports from railroads describing the effectiveness of fatigue mitigation measures and annual reports from FRA to Congress on fatigue management progress. To deter violations, FRA would be authorized to take enforcement action, such as assessing civil penalties. If a railroad failed to submit a plan at all or failed to substantially implement a plan in good faith, FRA would be permitted to issue a compliance order imposing restrictions more stringent that the existing statutory scheme, such as minimum advance notice to the employee of the employee's reporting time.

The second major initiative of FRA's safety reauthorization legislation addresses safety culture. In this context, "safety culture" is the aspects of corporate culture that affect the safety of railroad operations. "Corporate culture" is the pattern of beliefs, values, attitudes, and practices shared by the employees and officials of a corporation. It influences the behavior of all individuals and groups within the corporation. Culture impacts most aspects of corporate life, such as how decisions are made, who makes them, how rewards and/or punishments are distributed, who is promoted, how people are treated, and how the corporation responds to its environment. All of this has an impact on safety, and it is reflected in how individuals perform their duties, both as a manager and as an employee. [Note: Among the materials distributed to RSAC Members is *Safety Culture* Review, Final Report, September 1998 (Evans Planning Group). This report is part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.] A proposed Congressional finding in the bill would encourage the industry's efforts to sustain and achieve a positive safety culture, using such methods as railroad employee mentoring and counselling programs. The bill also would expand and strengthen existing "whistleblower" protections to deter discrimination that adversely affects the industry's safety culture.

The third major initiative of FRA's safety reauthorization legislation involves three provisions to improve highway-rail grade crossing safety. First, this year as last year, FRA is promoting the Federal program on "1-800" toll-free telephone notification of railroads of highway-rail grade crossing emergencies. The bill would facilitate expansion of that program railroad by railroad, instead of State by State. Second, the bill would deter grade crossing signal violations by having FRA write model legislation for States to use to deal with highway-rail grade crossing violations. FRA believes that

fines are too low and that photographic enforcement of crossing safety laws should be considered. Third, the bill would provide a better basis for identifying high-risk crossings by requiring States and railroads to file initial and updated reports to FRA's National crossing inventory. Currently, providing this information is voluntary. With complete and current information on the Nation's crossings, the limited funds for crossing improvement or elimination could be allocated to the most dangerous crossings.

Other provisions of FRA's safety reauthorization bill are summarized in the handouts. These sections include regulatory authority for high-speed rail noise and broadened authority to monitor railroad radio communications.

Ms. Stultz concludes her presentation by asking for questions.

Phil Olekszyk (High-Speed Ground Transportation Association) asks, if the authority for high-speed rail noise regulation is not approved in FRA's safety reauthorization legislation, will FRA proceed to regulate high-speed rail noise through cooperative efforts with the EPA (Environmental Protection Agency), the agency which currently has authority to regulate noise?

Ms. Stultz responds that, apart from FRA's legislation itself, she is not aware of any FRA efforts to request that EPA commence a rulemaking.

Chairperson Gavalla states that the EPA is aware of FRA's concerns about the regulation of noise from high-speed trains. FRA would pursue EPA regulation, if it does not receive authority under its proposed safety reauthorization legislation.

Chairperson Gavalla reminds RSAC participants and attendees that there are copies of all handout materials at the table being staffed by Vicky McCully and Patricia Paolella. In addition, FRA has published Railroad *Safety Statistics, Annual Report 1998, dated* July *1999*. Copies of this publication are also available at the table being staffed by Vicky McCully and Patricia Paolella.

Chairperson Gavalla asks FRA's Assistant Chief Counsel, Safety Law Division, Dan Smith to describe the FRA/Federal Transit Administration (FTA) proposed joint policy statements on Shared Use of General System by Light Rail and Conventional Equipment.

Mr. Smith references a Press Release and Federal Register Notice (64 FR 28238, dated May 25, 1999), which are part of the materials distributed to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. He explains that FRA is seeing demands for increased use of railroad rights-of-way for light rail (i.e., commuter rail) use by communities. Because

the jurisdiction of light rail operations falls to FTA, while intercity freight and passenger operations falls to FRA, some joint agency accommodation must be made as light rail operations seek permission to use main line railroad tracks. Mr. Smith highlights the most important safety issues related to shared use. These include: (1) the potential for a catastrophic collision between light rail and conventional equipment; (2) shared use of highway-rail grade crossings; (3) shared infrastructure; and (4) employee safety. The FRA/FTA proposed joint policy statements discuss how the two agencies will apply safety laws in different shared use scenarios. Briefly, FRA will assert jurisdiction over all light rail operations on trackage shared with conventional railroads, including compliance with its highway-rail grade crossing rules. However, FRA and FTA will coordinate oversight where there are concerns about sufficient intrusion detection between parallel operations, and where there are concerns with safety at highway-rail grade crossings, if that is the only connection between the two operators.

Mr. Smith adds that FRA will issue its own policy statement shortly. It will look similar to the proposed FRA/FTA joint policy statements. FRA will amend 49 CFR Part 209, Appendix A to expand its jurisdictional influence.

Mr. Smith asks if there are any questions?

Gary Maslanka (Transport Workers Union of America (TWU)) asks, with reference to the Waiver Table in the Federal Register Notice (64 FR 28238, dated May 25, 1999), if the availability of waivers will apply, only if there is time separation?

Mr. Smith responds that is true. However, if the carriers can accomplish a separation of time, the Federal Register Notice shows maximum number of waivers that carriers can receive.

Mr. Maslanka asks why FRA would require compliance with main line rules, but waive 49 CFR 218 operating practice rules?

Mr. Smith responds that FRA will look at how the operator will improve safety, if a waiver is granted.

Finally, Mr. Maslanka asks Mr. Smith to clarify that FRA has jurisdiction over commuter railroads.

Mr. Smith responds that is FRA's position.

Lawrence Mann (United Transportation Union (UTU)) asks if there will be any impact on the 1978 Policy Statement of the Occupational Safety and Health Administration (OSHA)?

Mr. Smith responds that the policy statement will clarify things that pertain to FRA.

Robert Harvey (Brotherhood of Locomotive Engineers (BLE)) asks if FRA reviews waiver requests on a case-by-case basis, will fatigue issues exacerbate as traffic density increases?

Mr. Smith responds that FRA wants to keep incompatible vehicles apart. If that increases fatigue, FRA needs to look at it. Freight density could be light, or heavy.

Mr. Olekszyk asks: In shared right-of-way, or corridors, what about compliance with the Hours of Service Act?

Mr. Smith responds if you increase density, you increase problems. We will work with FTA on what makes sense on a shared right-of-way with shared access.

Mr. Smith concludes that there are waiver provisions for pilot projects.

With no additional questions of Mr. Smith, Chairperson Gavalla announces that a photographer will be present during the afternoon session for official RSAC photographs.

Chairperson Gavalla asks Mary Plache (FRA Office of Safety) to present an update on freight car reflectorization.

Ms. Plache explains that a reflectorization workshop was held on July 28, 1999. Attendees included representatives from reflector manufacturing companies and suppliers, the NTSB, the House Transportation and Infrastructure Committee, National Highway Traffic Safety Administration (NHTSA), the American Trucking Associations, and the railroad industry.

Two of the authors of the Volpe National Transportation Systems Center's report, Freight Car *Reflectorization* were present to give a briefing of their report and to answer questions.

Mr. Pat Boyd from NHTSA gave a summary of the truck reflector rule and also answered questions from workshop attendees. NHTSA has had a rule requiring reflectors on all new trailers since December of 1993. This year, the Federal Highway Administration (FHWA) has issued a final rule requiring the retrofit of trailers within the next two years. NHTSA's studies predicted a reduction in accidents of at least 15 percent. Their follow-up studies show that their expectations are being met and exceeded in the real world.

Some challenges were raised at the workshop. The first was the EPA requirement to collect "gray water." Gray water is the runoff resulting from the cleaning of the cars. Cars may need to be cleaned before the application of the adhesive reflective material. Also according to the Volpe study, to maintain the minimum reflectivity, the material requires periodic cleaning. Manufactures present at the workshop mentioned coating materials that can keep the reflectors clean and greatly reduce the need for periodic cleaning.

Another issue raised at the workshop is that the railroad industry believes the application costs exceed the cost estimates provided in the Volpe study. FRA is currently examining different methods of application that will not require cleaning the car.

In conclusion, Ms. Plache requests RSAC members to offer additional data and information regarding the potential costs and benefits of Reflectorization to assist FRA's cost-benefit analysis.

With no questions of Ms. Plache, Chairperson Gavalla undertakes a presentation to address a request by several RSAC Members to add a Task for the Certification of Safety Critical Employees.

At the April 15, 1999 RSAC Meeting, there was a discussion on whether "Safety-Critical" Railroad Employees should be certified. The introduction of this topic before RSAC was requested by a March 26, 1999 letter from Congressman James Oberstar, Ranking Democratic Member of the U.S. House of Representatives Committee on Transportation and Infrastructure. A copy of this letter is part of the permanent RSAC Docket and is not excerpted in detail in the RSAC Minutes.

Over the last 15 years, many changes have occurred in the railroad industry. Some of these affect railroad safety. Based on generalized statistics presented by Mr. Gavalla at the April 15, 1999 RSAC Meeting, there is a suggestion that additional employee training may be necessary for safety-critical jobs.

Training and qualifications of rail employees are an important issue which needs to be explored further. Some of the questions that need to be answered are: Who are the employees? What are the crafts? What is the justification? What are the specific concerns? FRA needs fact-based information. FRA does not want "perceptions." FRA needs to know what areas need to be explored and why. Finally, FRA needs to focus only on "Safety" areas. This is the type of inquiry FRA is willing to undertake on this issue. In conclusion, Mr. Gavalla requested input from all the organizations affected by this issue.

Subsequently, FRA received letter petitions from the UTU, TWU, and Transportation Communications International Union/Brotherhood of Railway Carmen (TCIU/BRC) to add certification of conductors and Carmen to the RSAC task agenda. The AAR countered with a letter requesting FRA to proceed with the Certification of Safety Critical Employee Task only within the scope of its Charter, i.e., on the basis of data. Copies of these letters are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Chairperson Gavalla revisits the "Principles of Rulemaking," which were presented at the initial RSAC Meeting (April 1-2, 1996). Briefly, FRA must demonstrate a rational basis for a rule. Rules cannot be arbitrary or capricious. There must be an internal review of the rules within the Department of Transportation to determine that they meet appropriate criteria and by Executive Order. FRA is required to perform a regulatory analysis, which includes a calculation of societal costs and benefits of significant rules. Finally, parties can challenge FRA rules in court. Courts have authority to strike down Federal regulations that do not meet standards of reasonableness, or are found to be arbitrary or capricious. Also, regulations that do not comply with the Administrative Procedure Act can be overturned.

Chairperson Gavalla addresses the requests for adding Certification of Safety Critical Employees to the RSAC Task agenda by describing the fact-driven process. First, an objective needs to be defined. What is the nature of the problem? Is it human factor-caused accidents, mechanical defects, or other? What are the issues, why are they important, and what is the impact upon safety? Next, a series of related issues needs to be explored. For the Certification of Safety Critical Employees, these include: (1) training standards-assess the required levels of knowledge, skills and abilities which are necessary to perform safety-sensitive tasks; document the training program; (2) qualification standards-will there be a written test, or a proficiency demonstration; how will documentation of qualifications based on knowledge and proficiency occur; and what review procedures and due process protections will be afforded; and (3) certification-what knowledge, skills, abilities, physical qualifications and conduct are required; will certification be based on training, qualification and performance; and what review procedures and due process protections will be afforded.

Apart from accepting a Task, RSAC has a role to undertake a Planning Task, if it chooses to do so. A Planning Task will define objectives and identify an appropriate course of action. A Planning Task will: (1) examine data, evidence, and information, (2) define the scope of an issue; and (3) define regulatory objectives. An RSAC Working Group can draft recommendations for regulations or standards.

Chairperson Gavalla concludes that FRA is not prepared today to submit a Task Statement before RSAC on the Certification of Safety Critical Employees. He adds that the Agency would consider adding this topic as a Planning Task at a future date if,

through a fact-driven process, the objective and related processes can be clearly defined.

William Clifford (BLE/American Train Dispatchers Department (ATDD)) does not understand why it is taking FRA so long to put in a certification requirement for safety-critical employees. He sites a study by FRA in 1974, additional work in 1986, 1987, 1988, and another study released in 1990 all showing the need for employee training. The ATDD sought the certification requirement because the railroad industry has been unresponsive to providing employee training. FRA's reply to the ATDD was that because this issue only affected several railroads, there was no need to issue regulations. The Railroad Safety Act of 1993 (Section 17) required another study of the employee training issue. In each of these cases, the ATDD met with the FRA Administrator and pleaded their case that their membership would never get training unless there was "certification." FRA has repeated the ATDD's requests for employee training with more studies. In 1995, the current FRA Administrator commissioned the Foster-Miller Study (Training Requirements *for Railroad Dispatchers: Objectives, Syllabi* and Test Designs, Final Report, November 1998, DOT/FRA/ORD-98-08). Foster-Miller made recommendations for training.

There is a pattern, started in 1970, in which there is no follow-up. There has only been studies. FRA does not need the ATDD to submit a detailed Task Statement on the need for employee training. All FRA needs to do is to go through its extensive archives for materials. There must be 20 years of research. The ATDD will now submit another request to FRA for employee training requirements and tie these requirements to employee certification.

Chairperson Gavalla appreciates Mr. Clifford's detailed historical description of this issue. In 1997, FRA made a brief presentation of this matter before RSAC. At that time, the Agency was looking at it from a non-regulation standpoint.

Mr. Clifford mentions recommendations from some of the reports including the need for proper rest, and provisions for food while employees are in "work status."

James M. Brunkenhoefer (UTU) observes that a barber is required to have a license to cut his hair. Also, the taxicab driver, who transported him to the RSAC Meeting is required to have two licenses-a driver's license and a taxicab license-to operate the taxicab. He believes there is a need for railroad employee certification, or licensing, as measured by employee injuries and fatalities. People who are called upon to perform certain tasks, should have qualifications to carry-out responsibilities, particularly when they are Federal regulations. Perhaps RSAC does need a Planning Task to scope out the issue, whether it is licensing, or certification, or whatever.

Chairperson Gavalla responds that the licenses of a barber or taxicab driver are "State" not "Federal" licenses.

Dan Pickett (Brotherhood of Railroad Signalmen (BRS)) believes that training is the important thing. If railroad employees could get training, there would be no need for certification. He cited knowledge of employees on short line railroads with no idea of what they were doing.

Charles Dettmann (AAR) referenced the AAR's July 1, 1999 letter to FRA on the employee training/certification issue. He said there was nothing to indicate that there is any cause, effect, or relationship between training and certification. In addition, there are 17 issues in a "holding pattern," which need to be addressed. He asks how everything should be prioritized?

Fran Hooper (APIA) asks how high this issue is on the safety agenda? APTA has worked hard for 3 years on certification for mechanical employees. APTA has moved on to help implement an industry-wide training program to include issues that are covered by this new rule. APTA thought this issue was put to rest.

Mr. Maslanka (TWU) reiterates that the TWU supports training and qualification. TWU needs comprehensive training and licensing, or whatever, to show that training has been completed. He adds that every issue before RSAC has proponents hoping to move an item up on the agenda list.

Mr. Clifford adds that an NTSB accident investigation report, as late as one year ago traced train accident fatalities in a particular accident to a lack of employee training.

Mr. Brunkenhoefer understands Mr. Dettmann's concern. He reads the NTSB accident investigation report citation linking the particular train accident to inadequate crew management training. He believes that through RSAC, the parties should be able to address this issue.

Mr. Dettmann responds that he did not say there are no employee training issues. He suggests that if, in its oversight role, of the thousands of pages of studies FRA finds appropriate justification for this issue, than it should be put before RSAC.

Chris Tully (TCIU/BRC) declares that he has seen mounds of data submitted to FRA, which document inspections by railroad employees, who are not qualified to perform inspections. Training is the key to determining employee qualifications to perform required inspections.

Chairman Gavalla remarks that everyone is committed to the principles of RSAC, which is more than looking at mounds of data. If FRA had a basis, the Agency would look at

this issue. We could have a Planning Task. The Planning Task Working Group would define the scope and objectives. Is what I am hearing that a Planning Task to look at Certification for Safety Critical Employees would be an acceptable alternative?

Mr. Dettmann responds in the affirmative. However, he reiterates that there are 17 other issues awaiting action, which may have a higher regulatory priority.

Ms. Hooper answers that APTA is not prepared to go forward with a Task on this issue.

Mr. Pickett appeals that this issue should not be put off much longer.

Chairperson Gavalla concludes by asking FRA to put together a Planning Task for Certification for Safety Critical Employees by the next RSAC Meeting.

Following some housekeeping and administrative announcements, Chairperson Gavalla announces the Lunch Break at 12:45 p.m.

L U N C H B R E A K (12:45 P.M. - 1:45 P.M.)

Chairperson Gavalla reconvenes the meeting. He introduces FRA Deputy Administrator Donald M. Itzkoff. Mr. Itzkoff has overseen FRA's rulemaking and legislative processes. He has been a strong advocate for rail financing and other innovative rail issues. This is his last scheduled appearance before RSAC. He is leaving government for the private sector.

Mr. Itzkoff appreciates all the attendees who are here today on a beautiful day, in contrast to the dreadful Labor Day weekend. He says that the FRA Administrator did not want to miss this event, but unfortunately she was ill. She also missed a Year 2000 (Y-2K) event at the Department of Transportation this morning, which Mr. Itzkoff attended. This is the 12th meeting of RSAC. The ability to put issues before this Committee and resolve them is vitally important. He asks RSAC to always remember the forces that put us together and the remaining issues that need to be addressed. Mr. Itzkoff is very grateful to having served and hopes that RSAC will continue working together.

Ms. Hooper expresses the appreciation of many people within the rail passenger arena, who have worked with Mr. Itzkoff over the past few months.

Chairperson Gavalla asks Steve Ditmeyer (Director, FRA's Office of Research and Development) to announce a workshop on Y-2K issues.

Mr. Ditmeyer announces that FRA will hold its Third Y-2K Workshop, beginning at 9:00 a.m. on Friday, October 8, 1999. The workshop will follow a panel format with discussions from the AAR, the Railway Progress Institute (RPI), APTA, and ASLRRA. FRA wants to know where railroads stand on Y-2K compliance and what contingency plans are in place should computer-related shutdowns occur.

Chairperson Gavalla announces that FRA will position personnel in the Emergency Response Center and at major Railroad Dispatch Centers on December 31, 1999.

Chairperson Gavalla asks Brenda Moscoso (FRA Office of Safety) to report on Passenger Equipment Safety Standards (PESS).

Ms. Moscoso summarizes PESS. A copy of this summary is part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes. FRA issued a Final Rule on May 12, 1999. The rule became effective on July 12, 1999. The Final Rule establishes comprehensive safety standards for railroad passenger equipment. FRA has received several petitions for reconsideration of the Final Rule. FRA is currently evaluating the petitions for reconsideration and expects to publish a response to the petitions by November 1999. A second phase of rulemaking effort in the PESS arena is expected to commence some time after November 1999. The Volpe Transportation Systems Center is conducting research on glazing, corner posts, interior crashworthiness, and emergency egress/fire safety. FRA and APTA are developing training modules on passenger equipment safety standards with rail labor.

With no questions of Ms. Moscoso, Chairperson Gavalla asks Edward R. English, Director, FRA's Office of Safety Assurance and Compliance, to discuss the activities of FRA's Technical Resolution Committees.

Mr. English explains that in 1994, FRA created Technical Resolution Committees (TRCs) in each of the five safety disciplines (track, operating practices, motive power and equipment, signal and train control, and hazardous materials) to resolve complicated questions of regulatory interpretation and application directly with the input and participation of rail labor and management. Like any agency that administers a complicated set of laws across a diverse nation, FRA has long confronted two recurring problems: (1) inconsistent application of established policy or law; and (2) unanswered questions of policy or law. TRCs serve as forums to identify and resolve these issues.

TRCs are extremely effective in resolving technical interpretations with labor and management representatives. For example, in April 1996, members of the TRC for the Track Discipline met to resolve 36 technical issues. TRCs represent an important component of FRA's initiative to ensure regulatory consistency, while at the same time

receive input, participation and support of the railroad community. This year, FRA reconvened TRCs. To date, TRCs for track, signal and train control, and hazardous materials have met. FRA hopes to convene TRCs for motive power and equipment and operating practices disciplines shortly.

Mr. English asks if there are any questions?

Mr. Maslanka (TWU) explains that the TWU's "plates are full." TWU wants to attend the TRCs. He requests that FRA give as much advance notice of convening a TRC as possible.

Mr. English responds that FRA will make every effort to schedule TRCs at a time that is convenient for all organizations wishing to attend the meetings.

Mr. Inclima (BMWE) asks for an explanation of the process for Technical Bulletins to be released.

Mr. English responds that FRA will send copies of the Technical Bulletins to railroads, labor organizations, participants of the TRCs, and to FRA's Internet Web Site, i.e., WWW.FRA.DOT.GOV

Mr. Inclima declares that the BMWE appreciates the TRC process, though it is cumbersome. However, many of the participants would like a different meeting facility.

Mr. English promises that FRA will not schedule another TRC meeting at the previous meeting facility.

Robert Matthews (RPI) adds that railroad suppliers are interested in TRCs.

Mr. Maslanka asks if FRA has identified the issues that will be discussed at the remaining TRCs? He also asks how participants can submit issues for discussion?

Mr. English responds that issues to be brought before TRCs can be sent to FRA, FRA Specialists in any of the regions, or directly to Mr. English.

Mr. Maslanka asks if FRA has identified motive power and equipment issues yet. He asks if these issues can be provided now.

Mr. English responds he does not have a listing of the motive power and equipment issues with him, but that he will provide them to participants in advance of the TRC meeting.

Mr. Dettmann (AAR) responds that the AAR commends FRA or reinstating TRCs.

With no additional questions, Chairperson Gavalla asks Joe Gallant (FRA Office of Safety) for a progress report from the Switching Operations and Fatality Analysis (SOFA) group. Presentation materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Following a review of all train and engine service employee fatalities for a six year period beginning in 1992, FRA formed a team to conduct a detailed analysis of each fatality. The SOFA Team was asked to determine whether trends or patterns to the accidents could be found, to identify the "best practices,, being used by railroads to avoid these accidents, and if possible, formulate recommendations for the entire industry based on the SOFA Team's analysis.

Mr. Gallant explains that the SOFA Team has completed its draft study, which contains seven recommendations. The recommendations are: (I) establish procedures which protect workers who must go between rail cars to make adjustments; (2) enhance the data collected on employee fatalities; (3) improve procedures which protect workers going between rail cars on the same or adjacent track when 2 crews are working in the same area; (4) place a stronger emphasis on job briefings; (5) require train engineers to acknowledge that a train stop signal has been received; (6) Re-emphasize specified distances, distance to. go, and mixing of hand and radio signals; and (7) emphasize on-the-job training, physical plant familiarity and safety awareness for train crew members with less than one year of service.

Mr. Gallant concludes that the Final SOFA Report will be available in October 1999. He asks if there are any questions?

Mr. Mann (UTU) asks if the formalized recommendations will be placed in the Federal *Register*?

Chairperson Gavalla explains that the SOFA Report and recommendations are not a rulemaking. FRA hopes that the railroad industry will help put the recommendations into practice. Fatalities in yard accidents account for around 45 percent of rail employee fatalities.

With no additional questions, Chairperson Gavalla asks Pat Sullivan (NTSB) to discuss the "open" NTSB Recommendations to FRA for 1999.

Mr. Sullivan explains that as of September 8, 1999, there are four "open,, NTSB Recommendations to FRA for 1999. Copies the open NTSB Recommendations for 1999 are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

NTSB Recommendation R-99-2, dated June 1, 1999, advises FRA to establish, within two years, scientifically-based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements. Preventing operator fatigue is on the NTSB's "10 Most Wanted List,, of priorities.

NTSB Recommendation R-99-3, dated July 16, 1999, advises FRA to review both the implementation and the management oversight of CSX Transportation Company's track inspection and maintenance programs for the Ohio River Subdivision and take the actions necessary to ensure the safe passage of trains and the safe shipment of hazardous materials through the area. This recommendation arose from the June 30, 1998 train derailment near Cox Landing, West Virginia, which was attributable to an unstable road bed due to inadequate maintenance.

Related NTSB Recommendations R-99-12 through R-99-14, dated July 29, 1999, advises FRA to review Norfolk Southern Railroad's 49 CFR 240 submission, Certification of Locomotive engineers, specifically "Section 5: Training, Testing, and Evaluating Persons Not Previously Certified," to determine whether the company's training program is adequate for training new engineers and require that any deficiencies found be corrected (R-99-12); in cooperation with Class I railroads, the ASLRRA, BLE, and UTU, develop and require, for all crew members, crew resource management training that addresses, at a minimum: (1) crew member proficiency, (2) situational awareness, (3) effective communication and teamwork, and (4)strategies for appropriately challenging and questioning authority (R-99-1 3); and direct Harmon Industries and the railroad carriers to identify and replace all faulty Electro Code 4 capacitors. Ensure, through follow-up inspections, that corrective actions have been taken (R-99-14). These recommendations arose from the collision between a Norfolk Southern train and a Consolidated Rail Corporation train on March 25, 1998, near Butler, Indiana.

Related NTSB Recommendations R-99-31 through R-99-33, dated August 27, 1999 advises FRA to work together with the FHWA, the Indiana Department of Transportation, the National Steel Corporation, the Norfolk Southern Corporation, and the Northern Indiana Commuter Transportation District to make, within 2 years, permanent engineering changes to the Midwest Steel highway-rail grade crossing that will minimize or eliminate safety hazards at this crossing (R-99-31); determine the extent of the weld quality assurance inadequacies demonstrated by Nippon Sharyo Ltd. in its collision post welds, and implement corrective action as necessary to ensure the strength of the collision posts (R-99-32); and require 100 percent non-visual inspections of all collision post attachment welds made on multiple-unit locomotives and rail passenger cars during manufacture, and require that inspection records be retained for the life of the car (R-99-33). These recommendations arose from the collision of a Northern Indiana Commuter Transportation District two-car passenger train with a long

combination tractor trailer at a highway-rail grade crossing on June 18, 1998 near Portage, Indiana.

At the conclusion of his presentation, Mr. Sullivan asks if there are any questions?

Mr. Clifford (BLE/ATDD) asks in the case of the Butler, Indiana accident, did the Norfolk Southern Railroad explain to the NTSB how it intended to deal with recommended crew training issues?

Mr. Sullivan replies that the Full NTSB Report on the Butler, Indiana accident was being printed. All of Norfolk Southern Railroad's comments are in the full report.

With no further questions, Chairperson Gavalla asks Grady C. Cothen, Jr., FRA's Deputy Associate Administrator for Safety Standards and Program Development, to ask RSAC to approve the forwarding of the RSAC Working Group-generated report, *Implementation of Positive* Train *Control Systems,* to the FRA Administrator.

Mr. Cothen asks Dean Hollingsworth (FRA's Office of Safety) to assist with the overhead viewgraph presentation. Mr. Hollingsworth has been the facilitator for the "Data and Implementation" Task Force, which is working on RSAC Task No. 97-4, Positive Train Control (PTC) Systems Technologies, Definitions, and Capabilities, and Task No. 97-5, Positive Train Control Systems Implementation Issues. The "Standards" Task Force is assigned RSAC Task No. 97-6. The viewgraphs used in today's presentation and materials related to these topics are inserted at Tab 15 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Mr. Cothen and Mr. Hollingsworth explain that the Data and Implementation Task Force has completed the preparation of a PTC Progress Report for the Secretary of Transportation. The RSAC Working Group first met on November 17, 1997. Four teams were used to write specific parts of the PTC Progress Report: These are the RSAC Progress Report team, the accident review team, the PTC economic team, and the ITS/wayside detector team. Under "Report Highlights,,, the core functions of PTC Systems are to: (1) prevent train-to-train collisions; (2) prevent overspeed derailments; and (3) protect roadway workers and equipment within specific authorities. Additional PTC Systems functions may provide: (1) warnings of on-track equipment operating outside limits of authority; (2) ability to receive and act upon hazard information; and (3) the future capability to generate data for transfer to highway users to enhance warnings at highway-rail grade crossings. Mr. Cothen continues with PTC Report highlights by concluding that PTC Systems can be built to serve the needs of both freight and passenger railroads. However, interoperability between different PTC Systems is necessary to realize system wide railroad safety benefits. In addition, PTC architectures may be scaled to meet specific needs on individual railroads-small

railroads may not need the same investment or complexity as large railroads. Mr. Cothen points to the North American Project (in Illinois) and other PTC demonstrations and deployments, which are steering the way to successful outcomes using this technology. However, there remains the need to resolve several technical and economic issues before PTC Systems are likely to be deployed. The Working Group could not clearly define the business benefits, which might follow the deployment of PTC Systems. The PTC Report shows that under a 20-year life expectancy for the hardware components of four, differing-in-complexity, PTC Systems, the costs of deploying the PTC Systems exceed the 20-year accrued "Safety" benefits. From an economic viewpoint, quantified business benefits might need to be added to the safety benefits before railroads would embrace the deployment of this technology. Under "General Observations," Mr. Cothen notes that the costs for the electronic components of PTC Systems are likely to fall; that capacity constraints for railroads will continue to grow, leading railroads to consider the deployment of PTC Systems as an alternative to constructing more lines of track; and that there may be other technology integration savings that could speed the deployment of PTC Systems. Finally, Mr. Cothen describes the RSAC Role in PTC Systems development and offers a "Future View for PTC." RSAC is being asked to develop performance standards for processor-based systems, should railroads deploy these systems. A risk toolset for system implementation is also being developed. Eventually, RSAC will be asked to consider operating rules, human factor analysis, corridor risk assessment, and support and counsel to PTC developers, as it pertains to PTC Systems. The long-term view for PTC Systems includes deploying this technology progressively and linking it to the proposed Intelligent Transportation System concept.

Mr. Cothen concludes his remarks by urging all RSAC Members to read the PTC Report as a foundation for railroad safety of the future. He asks if there are any questions or comments.

Mr. Dettmann (AAR) announces that the U.S. rail and supplier industry have been talking to counterparts in the European Systems. In Europe, there is extensive use of in-track transponders for train control systems. In the U.S., communications-based Global Positioning System (GPS) and Differential GPS (DGPS) is under consideration for train control systems. Anything we can do to increase safety and reliability is important. He expects a world-wide conference on this topic next Spring in Madrid, Spain. For hardware and software solutions, we will reach out to the European community.

With no additional questions or comments, Mr. Cothen asks that RSAC adopt the draft report, *Implementation of Positive Train Control Systems,* August 1999, and send it to the FRA Administrator.

Chairperson Gavalla asks for a motion that RSAC adopt the Draft PTC Report and send it to the FRA Administrator.

> MR. DETTMANN MOVES THAT RSAC ADOPT THE DRAFT PTC REPORT AND SEND IT TO THE FRA ADMINISTRATOR

Ray Lineweber (UTU) seconds the motion.

> BY UNANIMOUS VOICE VOTE, RSAC APPROVES THE RELEASE OF THE DRAFT PTC REPORT TO THE FRA ADMINISTRATOR

Chairperson Gavalla announces the Afternoon Break.

A F T E R N 0 0 N B R E A K (3:05 P.M. - 3:25 P.M.)

Chairperson Gavalla reconvenes the meeting. Mr. Gavalla announces that FRA had intended to ask RSAC Members to undertake a new task, Revisions to Blue signal Protection of Workers, at today's meeting. However, FRA will postpone consideration of this request until the very next RSAC Meeting. Mr. Gavalla asks Mr. Cothen to discuss this proposed task item.

Mr. Cothen explains that at the October 31, 1996 RSAC Meeting, Doug Taylor, FRA's Office of Safety Operating Practices Division Staff Director, presented a discussion on Blue Signal Issues. FRA is approaching the time when addressing these issues is appropriate. A draft Task Statement and two briefing papers, part of the materials related to this topic, are inserted at Tab 13 of Notebooks given to each RSAC member. These materials are part of the permanent RSAC Docket and are not excerpted in detail in the RSAC Minutes.

Blue Signal is one of the most important safety assurances for the railroad worker engaged in the inspection, testing, repair and servicing of rolling equipment. While FRA has developed minimum standards deemed essential for protection of these workers, there are areas of this regulation that need to be revisited. Specifically, RSAC will be asked to consider and report on the following Blue Signal-related topics: (1) whether contractors (both on and off railroad property) should be included under the regulations; (2) the visibility of the blue signal; (3) amendments for one-person-crew operations; (4) treatment of rolling equipment in areas where movement is expected such as a locomotive servicing area, or car repair shop; (5) how blue signal protection should apply to remotely controlled switches; (6) how blue signal protection should apply to

inspections of markers at the rear end of trains; (7) how blue signal protections should apply to utility employees; (8) how the current rule and proposed changes are impacting small rail carriers; and (9) the feasibility of sunsetting existing waivers in favor of permanent regulatory changes.

Chairperson Gavalla thanks Mr. Cothen for his remarks and adds that FRA will put this Task before RSAC at the next meeting.

Chairperson Gavalla asks Vicky McCully (FRA Office of Safety) to present an update on the RSAC database and RSAC Internet Web Site.

Ms. McCully explains that a contractor is finalizing the development of the RSAC Database. FRA will be requesting RSAC member organizations to verify the nominations on record for members and alternates of the full Committee, Working Groups and Task Forces. Members and alternates will also be asked to verify mailing and phone information for database entry. FRA has selected a contractor for the RSAC Internet Web Site. Ms. McCully requests any RSAC members wanting to meet with the contractor to help influence the final appearance of the RSAC Internet Web Site, to contact her.

Chairperson Gavalla acknowledges the efforts of Vicky McCully and Patricia Paolella to make today's meeting successful.

Chairperson Gavalla asks for a motion to approve the Minutes of the 1 1th RSAC Meeting. A draft copy of the Minutes was mailed to RSAC Members in advance of today's meeting.

> MR. INCLIMA (BMWE) MOVES THAT THE MINUTES OF THE 1 1TH RSAC MEETING BE APPROVED

Mr. Harvey (BLE) seconds the motion.

In a discussion of the Minutes, Mr. Dettmann (AAR) asks, regarding GRMS (Gauge Restraint Measuring System)-is the product ready?

Mr. Inclima responds that he believes at the last full RSAC Meeting, it was indicated that questions regarding GRMS would be resolved. They are not.

Mr. Dettmann refers to the Minutes of the 1 1th RSAC Meeting saying that GRMS will be presented at the "next meeting." He asks if this means this meeting (12th RSAC Meeting), or will it not be presented until the 1 3th RSAC Meeting?

Mr. Inclima responds at the next (i.e., 1 3th) meeting.

WITH NO FURTHER DISCUSSION, THE MINUTES OF THE 11TH RSAC MEETING WERE APPROVED, BY UNANIMOUS VOICE VOTE.

Chairperson Gavalla requests a date for the next full RSAC meeting. The Month of December or January is suggested. After a short discussion, FRA agreed to schedule the next meeting during the last week of January 2000 in Washington, D.C. [Subsequently, FRA reserved the Monticello West Ballroom of the Wyndham Hotel (Washington, D.C.), 1400 M Street, N.W., Washington, D.C. 20005, for Friday, January 28, 2000, beginning at 9:30 a.m.]

Mr. Inclima explains that GRMS was suppose to be resolved by this meeting. As background, after the Track Working Group's efforts to revise Federal Track Safety Standards (FTSS) were successful the Working Group formed a Task Force to continue work on rules for the Gauge Restraint Measurement System (GRMS). The Task Force and Working Group have reached agreement on the preamble, section-by-section analysis, and the rule text. FRA has prepared the cost/benefit statement, as well as the other necessary legal requirements for amending the FTSS. Because GRMS is a part of FTSS, Notice of the proposed rule has already been given. Therefore, a Final Rule can be issued directly. FRA had planed to submit the GRMS amendment to the RSAC at this meeting. Mr. Inclima reveals that the GRMS Task Force hopes to complete its work this week. Work also continues on a Notice of Proposed Rulemaking for on-track equipment standards.

MR. INCLIMA MOVES THAT THERE BE A MAIL BALLOT TO THE FULL RSAC FOR VOTING ON THE GRMS AMENDMENTS AND FOR ON-TRACK EQUIPMENT STANDARDS

Mr. Lineweber seconds the motion

Mr. Inclima declares that the railroad industry wants GRMS and that labor organizations want on-track equipment standards. He asks if both items can be put on a single ballot?

Mr. Dettmann (AAR) asserts that these are separate issues on separate tracks.

Mr. Inclima asks if it would be acceptable to vote the on-track equipment standards first?

Mr. Cothen responds that under RSAC procedures, the Working Group must reach a consensus on issues before the full RSAC is requested to vote.

MR. LINEWEBER WITHDRAWS HIS "SECOND" OF MR. INCLIMA'S MOTION, EFFECTIVELY WITHDRAWING THE MOTION FOR A MAIL BALLOT TO BE SENT TO THE FULL RSAC FOR THE GRMS AMENDMENTSAND FOR ON-TRACK EQUIPMENT STANDARDS.

Chairperson Gavalla announces that since the FRA Administrator is absent today, FRA will postpone its presentation on the Safety Assurance and Compliance Program (SACP). He explains that FRA was prepared to discuss the BMWE harassment and intimidation issue.

Mr. Inclima (BMWE) asserts that a letter sent into FRA in conjunction with the discussion of SACP, i.e., harassment and intimidation within the scope of 49 CFR 225, was not just a BMWE issue; it is a labor organization issue.

Chairperson Gavalla apologizes for characterizing this as just a BMWE issue.

Mr. Lineweber (UTU) declares that there are 17 issues on the table. He would like the next RSAC Meeting to be moved forward to within the first two weeks of January 2000.

After a brief discussion, January meeting commitments of other RSAC Members dictated that the next full RSAC Meeting be held the last week of January 2000.

With no additional business, Chairperson Gavalla adjourns the 12th RSAC Meeting at 3:55 p.m.

MEETING ADJOURNED 3:55 P.M.

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

Respectively submitted by John F. Sneed, Secretary.