362890

27th Meeting of the Railroad Safety Advisory Committee

Almas Temple
1315 K Street, NW
Washington, DC 20005

FRA - 00-7257-80

October 11, 2005
AGENDA

9:30 a.m.	**MEETING CONVENES**	*Chairperson*
	Opening Remarks	*Dan Smith*
	Passenger Safety Working Group - Crashworthiness/Glazing - **VOTE Crashworthiness** - Mechanical-**VOTE** - Track Vehicle Interaction - Emergency Preparedness Task Force - **VOTE Rescue Window Access Timeline**	*Charles Bielitz/Cindy Gross* *Gary Fairbanks* *George Scerbo* *John Mardente* *Brenda Moscoso*
	Railroad Operating Rules Working Group	*Doug Taylor*
11:00-11:15	**BREAK**	
	Roadway Worker Working Group	*Chris Schulte*
	SAFETEA-LU issues briefing	*Mark Yachmetz*
	Track Safety Standards (CWR) task	*Grady Cothen*
12:00-1:00 p.m.	**LUNCH**	
	National Rail Safety Action Plan Update -National Inspection Plan	*Dan Smith* *Gary Connors*
	Rail Safety Oversight - New Process	*Dick Clairmont*
	Remote Control Locomotives	*Doug Taylor*
	Congressional Reports - Safe Placement of Trains - Dedicated Train Study	 *Grady Cothen* *Michele Sampson*
2:15-2:30	**BREAK**	
	Other Regulatory Activity - Status Report	*Grady Cothen*
	Industry Response to Natural Disasters (Katrina Report)	[General discussion]
	Recap and General Discussion Planning-Scheduling-Administrative	*Chairperson*
4:00 p.m.	**ADJOURN**	

Union Railroad Company

Waiver Petition Docket Number FRA–2005–21013

The Union Railroad Company (URC), further herein identified as the railroad, seeks approval for a waiver of compliance with the requirements of Reflectorization of Rail Freight Rolling Stock contained in 49 CFR part 224. Specifically, URC seeks a waiver from the requirements of 49 CFR part 224 for 154 slab rack cars, 238 coke rack hopper cars and 283 gondola cars. The railroad asserts that these cars travel exclusively on their property at speeds of 20 mph or less and that there are only three public road crossings over which the cars traverse. The railroad has requested that it be exempt from applying the required retro-reflective material tape to the sides of these freight cars.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested Party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA–2005–21013) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.) You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on September 12, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–18483 Filed 9–15–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257; Notice No. 37]

Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of the Railroad Safety Advisory Committee (RSAC) meeting.

SUMMARY: FRA announces the next meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics include a briefing on the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; the National Rail Safety Action Plan; the new precess for rail safety oversight; Congressional reports; and the railroad industry's response to natural disasters. Status reports will be given on the Passenger Safety, Railroad Operating Rules, Roadway Worker, and other active working groups. The Committee will be asked to vote on the Passenger Safety Working Group (1) Emergency Preparedness recommendations for a proposed rescue window access time line, (2) Mechanical recommendations and (3) Crashworthiness recommendations for the notice of proposed rulemaking.

DATES: The meeting of the RSAC is scheduled to commence at 9:30 a.m., and conclude at 4 p.m., on Tuesday, October 11, 2005.

ADDRESSES: The meeting of the RSAC will be held at the Almas Temple Sphinx Grand Ballroom, 1315 K Street, NW., Washington, DC 20005, (202) 898–1688. The meeting is open to the public on a first-come, first-serve basis and is accessible to individuals with disabilities. Sign and oral interpretation can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Patricia Butera, RSAC Coordinator, FRA, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590, (202) 493–6212 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6302.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the RSAC. The meeting is scheduled to begin at 9:30 a.m., and conclude at 4 p.m., on Tuessday, October 11, 2005. The meeting of the RSAC will be held at the Almas Temple Sphinx Grand Ballroom, 1315 K Street, NW., Washington, DC 20005, (202) 898–1688.

RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. The Committee consists of 48 individual voting representatives and five associate representatives drawn from among 30 organizations representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico, and other diverse groups. Staffs of the National Transportation Safety Board and the Federal Transit Administration also participate in an advisory capacity.

See the RSAC Web site for details on pending tasks at: *http://rsac.fra.dot.gov/.* Please refer to the notice published in the **Federal Register** on March 11, 1996, (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on September 12, 2005.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 05–18486 Filed 9–15–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–980X]

Santa Clara Valley Transportation Authority—Abandonment Exemption—In Santa Clara and Alameda Counties, CA

On August 29, 2005, Santa Clara Valley Transportation Authority (SCVTA), a noncarrier, filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. SCVTA seeks to abandon all common carrier obligations over a 1.19-mile line of railroad, extending from milepost 16.30 to milepost 17.49 in Santa Clara County, CA (Industrial line), and a 2.77-mile line of railroad, extending from milepost 2.61 near Paseo Padre Drive to milepost 5.38 near

Railroad Safety Advisory Committee (RSAC)
Tasks - Accepted as of October 10, 2005

Task 96-1 **Revision of Freight Power Brake Regulations** - Formally withdrawn 6/97. FRA is proceeding with issuance of NPRM reflective of what FRA has learned through the collaborative process.

Task 96-2 **Revision of Track Safety Standards** - To promote the safe movement of trains.

Task 96-3 **Railroad Communications** - To recommend revisions to the Radio Standards and Procedure and consider communications capability required to support emergency preparedness functions, including emergency preparedness plans for rail passenger service.

Task 96-4 **Tourist, Excursion, Scenic and Historic Service**
To ensure appropriate applicability of FRA regulations to tourist, excursion and historic railroads on and off the general rail system.

Task 96-5 **Revision of Steam-Powered Locomotive Inspection Standards**
To promote the safe operation of tourist and historic rail operations.

Task 96-6 **Revision of Qualification and Certification of Locomotive Engineer Regulations** - To promote railroad safety by improving the regulations based on additional knowledge and experience gained since the original effective date.

Task 96-7 **Safety Standards for Track Motor Vehicles and Self Propelled Roadway Equipment** - To promote the safe operation of track motor vehicles and self propelled roadway equipment.

Task 96-8 **Locomotive Crashworthiness and Working Conditions Planning Task**
To evaluate the need for action responsive to recommendations contained in the Report to Congress entitled *Locomotive Crashworthiness & Working Conditions.*

Task 97-1 **Locomotive Crashworthiness** - To promote the safe operation of trains and the survivability of locomotive crews where train incidents do occur.

Task 97-2 **Locomotive Cab Working Conditions** - To safeguard the health of locomotive crews and promote the safe operation of trains.

Task 97-3 **Revision of Event Recorder Requirements** - To enhance rail safety through appropriate revision and/or addition to existing event recorder requirements to improve accident investigation, reconstruction, and analysis

methodologies. To consider, and as appropriate act upon, National Transportation Safety Board recommendation for locomotive cab voice recorders.

Task 97-4
Task 97-5
Task 97-6

Positive Train Control Systems - To facilitate understanding of current Positive Train Control (PTC) technologies, definitions, and capabilities. To address issues regarding the feasibility of implementing fully integrated PTC systems. To facilitate implementation of software based signal and operating systems through consideration of revisions to the Rules, Standards and Instructions to address processor-based technology and communication-based operating architectures.

Task 97-7

Definition of Reportable "Train Accident" - 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.

Task 2000-1

Railroad Operating Practices - Blue Signal Protection of Workmen - To promote the protection of persons who work on, under, or between rolling equipment and the safety of persons applying, removing or inspecting rear end marking devices.

Task 2001-1

Accident/Incident Reporting /Conformity -To conform FRA's regulations for accident/incident reporting (49 CFR Part 225) to revised regulations of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, and to make appropriate revisions to the *FRA Guide for Preparing Accident/Incident Reports* (Reporting Guide).

Task 2003-1

Amendments to the Passenger Equipment Safety Standards and the Passenger Train Emergency Preparedness - FRA recognizes that these regulations can be refined and improved, especially to take advantage of advancing technologies.

Task 2005-1

Review of Roadway Worker Protection Issues - Review the existing regulation, technical bulletins, and safety advisory dealing with on-track safety. Consider implications and as appropriate consider enhancements to the existing regulation.

Task 2005-2

Reduce Human Factor-Caused Accidents/Incidents - To reduce the number of human factor-caused train accidents and employee injuries.

RSAC Organization Summary

Organization	Seats	Voting/Non-Voting
American Association of Private Railroad Car Owners (AAPRCO)	1	Voting
American Association of State Highway & Transportation Officials (AASHTO)	1	Voting
American Public Transportation Association (APTA)	2	Voting
American Short Line & Regional Railroad Association (ASLRRA)	3	Voting
American Train Dispatchers Association	1	Voting
Association of American Railroads (AAR)	12	Voting
Association of Railway Museums (ARM)	1	Voting
Association of State Rail Safety Managers	1	Voting
Brotherhood of Locomotive Engineers and Trainmen (BLET)	3	Voting
Brotherhood of Maintenance of Way Employes Division (BMWED)	2	Voting
Brotherhood of Railroad Signalmen (BRS)	2	Voting
Federal Transit Administration	1	Non-Voting
High Speed Ground Transportation Association	1	Voting
International Association of Machinists & Aerospace Workers	1	Voting
International Brotherhood of Elecrical Workers (IBEW)	1	Voting
Labor Council for Latin American Advancement	1	Non-Voting
League of Railway Industry Women	1	Non-Voting
National Association of Railroad Passengers (NARP)	1	Voting
National Association of Railway Business Women	1	Non-Voting
National Conference of Firemen & Oilers	1	Voting
National Railroad Construction & Maintenance Association	1	Voting
National Railroad Passenger Corporation (AMTRAK)	1	Voting
National Transportation Safety Board (NTSB)	1	Non-Voting
Railway Supply Institute (RSI)	1	Voting
Safe Travel America	1	Voting
Secretaria de Communicaciones y Transporte (Mexico)	1	Non-Voting
Sheet Metal Workers International Association	1	Voting
Tourist Railway Association Inc.	1	Voting
Transport Canada	1	Non-Voting
Transport Workers Union of America (TWU)	2	Voting
Transportation Communications International Union/BRC	3	Voting
United Transportation Union (UTU)	3	Voting

RSAC Membership List

Organization		Voting/Non-Voting	Seats
American Association of Private Railroad Car Owners (AAPRCO)		Voting	1
Elliott, Diane	Member		
DeVerter, Paul L, II	Alternate		
American Association of State Highway & Transportation Officials (AASHTO)		Voting	1
Worley, Paul	Member		
Penne, Leo	Alternate		
American Public Transportation Association (APTA)		Voting	2
Cannito, Peter A.	Member		
Waters, Kathryn D.	Member		
Conley, Yvette	Alternate		
Hooper, Fran	Alternate		
Peacock, Thomas	Alternate		
Yoder, Allen	Alternate		
American Short Line & Regional Railroad Association (ASLRRA)		Voting	3
Buss, Mike	Member		
Gibson, Gary	Member		
Streicher, Thomas E.	Member		
Vaughn, Gary C.	Alternate		
American Train Dispatchers Association		Voting	1
Pardlo, Greg A	Member		
McCann, F. Leo	Alternate		
Association of American Railroads (AAR)		Voting	12
Ameen, Patrick T.	Member		
Bernard, R. A. (Bob)	Member		
Claytor, Preston	Member		
Duffy, Dennis	Member		
Fisk, James	Member		
Hill, Jim	Member		
Ice, Carl	Member		
Keane, Bob	Member		
Lewis, Ted R.	Member		
McIntosh, Kevin	Member		
Pagano, Philip A.	Member		
Samuels, John M.	Member		
Schulze, Mark	Member		
VanderClute, Bob	Member		
Winter, Brock	Member		
Ackermans, Faye	Alternate		
Aumend, Lee	Alternate		
Berrada, Sam	Alternate		
Browder, Bill	Alternate		

Corcoran, Andrew P., Jr.	Alternate		
Drake, John	Alternate		
Grady, James	Alternate		
Grimaila, Robert	Alternate		
Kienzler, Jim	Alternate		
Lindsey, Alan	Alternate		
Marzec, Dennis	Alternate		
Mogan, Dennis	Alternate		
Moller, Jeffrey F.	Alternate		
Northcraft, James	Alternate		
Wehrmeister, Charles J.	Alternate		
Wills, Doug W.	Alternate		
Wimmer, Bill	Alternate		
Association of Railway Museums (ARM)		Voting	1
Johnson, Julie Ann	Member		
Becker, Scott	Alternate		
Association of State Rail Safety Managers		Voting	1
Baldwin, Ira	Member		
Marvin, Robert E.	Alternate		
Sokolsky, Joseph	Alternate		
Brotherhood of Locomotive Engineers and Trainmen (BLET)		Voting	3
Hahs, D. M.	Member		
Holmes, Raymond A.	Member		
Pontolillo, Tom	Member		
Harvey, Robert A. (Bob)	Alternate		
Brotherhood of Maintenance of Way Employes Division (BMWED)		Voting	2
Inclima, Rick A.	Member		
Simpson, Fred	Member		
Bolton, Bernadette	Alternate		
Gates, Danny	Alternate		
Wise, Henry	Alternate		
Brotherhood of Railroad Signalmen (BRS)		Voting	2
Mattingly, Joe L.	Member		
Pickett, Dan	Member		
DePaepe, Timothy J.	Alternate		
Federal Transit Administration		Non-Voting	1
Fisher, Jerry	Member		
High Speed Ground Transportation Association		Voting	1
Bravo, Raul V.	Member		
Olekszyk, Phil	Alternate		
International Association of Machinists & Aerospace Workers		Voting	1
Cronk, Jay R.	Member		

Filipovic, Mark	Alternate		
International Brotherhood of Elecrical Workers (IBEW)		Voting	1
Cobb, Ray	Member		
Bowgren, Michael	Alternate		
Buxton, Robin	Alternate		
Heinz, Glenn	Alternate		
Reid, Ray	Alternate		
Labor Council for Latin American Advancement		Non-Voting	1
Sanchez, Oscar	Member		
Padilla, Tony	Alternate		
League of Railway Industry Women		Non-Voting	1
Keeney, Kathy	Member		
Sumara, Connie	Alternate		
National Association of Railroad Passengers (NARP)		Voting	1
Capon, Ross	Member		
Briers, Ken	Alternate		
Johnson, David	Alternate		
National Association of Railway Business Women		Non-Voting	1
Hall, Sandra	Member		
Harper, Theresa	Alternate		
National Conference of Firemen & Oilers		Voting	1
Edmonds, Richard	Member		
Larreau, Jimmy D.	Alternate		
National Railroad Construction & Maintenance Association		Voting	1
Hasenstab, Michael D.	Member		
Baker, Chuck	Alternate		
Chambers, Ray	Alternate		
Meddin, CSP, CHCM, Jeffrey D.	Alternate		
National Railroad Passenger Corporation (AMTRAK)		Voting	1
Strachan, R. Stephen	Member		
Robusto, Ron	Alternate		
Scott, Donald C.	Alternate		
National Transportation Safety Board (NTSB)		Non-Voting	1
Chipkevich, Robert J.	Member		
Hynes, Ron	Alternate		
Remines, Jim	Alternate		
Railway Supply Institute (RSI)		Voting	1
McDaniel, Ronald	Member		

Brewin, Nicole	Alternate		
Simpson, Thomas D.	Alternate		
Safe Travel America		Voting	1
Johnson, Arthur	Member		
Horn, Roger A.	Alternate		
Secretaria de Communicaciones y Transporte (Mexico)		Non-Voting	1
Corzo-Cruz, Oscar S.	Member		
Lozada Bautista, Antonio	Alternate		
Sheet Metal Workers International Association		Voting	1
Fraley, Charles	Member		
Bauman, Richard S.	Alternate		
Garland, Dewey	Alternate		
Tourist Railway Association Inc.		Voting	1
McKenna, Francis G.	Member		
Payne, George	Alternate		
Transport Canada		Non-Voting	1
Bourdon, Luc	Member		
Pulciani, Don D.	Alternate		
Transport Workers Union of America (TWU)		Voting	2
Maslanka, Gary	Member		
McDonald, George J.	Member		
Fink, Fred	Alternate		
Transportation Communications International Union/BRC		Voting	3
Johnson, Richard A.	Member		
Napier, Marvin	Member		
Tingle, Carl A.	Member		
Friedman, C. Marshall	Alternate		
McDermott, Thomas P.	Alternate		
Novakovic, Alex	Alternate		
Scardelletti, Bobby	Alternate		
United Transportation Union (UTU)		Voting	3
Brunkerhoefer, James M.	Member		
Stem, James A.	Member		
Thompson, Paul C.	Member		
Mann, Lawrence M.	Alternate		
Sullivan, Tom	Alternate		

Passenger Equipment Crashworthiness Task Force

Railroad Safety Advisory Committee

October 11, 2005

1

Overview

- Development of Cab Car End Frame Optimization standards
- Cab Car End Frame Tests
- Adoption of Standard
- Issues identified regarding test protocol
- Recommendations from RSAC

2

Development of Cab Car End Frame Optimization standards

- Consensus on Fundamental Technical Requirements
- Consensus on Recommended "Home" for Standards
  - Dynamic Standard
    - FRA Regulation
  - Quasi-Static Standard
    - APTA Standard
  - Approach Parallels FRA's NPRM/AAR S-580
- Consensus Achieved on Values for Energy Absorption
- Consensus not yet achieved for Dynamic Standard

3

Cab Car End Frame Tests

- Quasi-Static Tests to Help Define APTA Standard
  - M-7 Collision Post (Completed, Bombardier)
  - M-7 Corner Post (Planned, Bombardier)
  - SOA Corner Post (Tentatively Planned, FRA)
  - TBD Collision Post (Tentatively Planned, FRA)
- Dynamic Tests to Help Define Recommendations for FRA Regulation
  - 1990's Corner Posts (Completed, FRA)
  - SOA Corner Posts (Completed, FRA)
  - TBD Collision Post (Tentatively Planned, FRA)

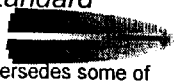
4

Overview of Draft Cab Car End Frame Standards

- Dynamic Standard
  - Cab Car Impact with Rigid Object with Prescribed Initial Locations, Weights and Impact Speed
  - Criterion: No More Than 10 Inches Deformation of Collision/Corner Post
- Quasi-Static Standard
  - Corner/Collision Post Severely Deformed for Load Applied 30 Inches Above Deck
  - Criteria
    - Minimum Prescribed Energy Absorbed
    - No More Than 10 Inches Deflection of Collision/Corner Post into Operator's Cab
    - No Complete Separation of Attachments

5

Adoption of Standard



- Adoption of this standard supersedes some of requirements currently in the CFR
  - FRA will resolve these differences when drafting the NPRM
- TF will review draft text for the NPRM at future meeting
- FRA and APTA have concerns related to the dynamic test
  - TF and WG could not agree on inclusion of the dynamic performance load case
    - FRA desires the dynamic performance load case, APTA does not

6

Action Items

- FRA agreed that the values used in the August 10th APTA Standard are numbers that could also be used in the Dynamic Test
- FRA will do a dynamic test, paying the cost, using state of the art model
  - Up until now all values have been derived from analysis modeling

7

Issues identified regarding test protocol

- FRA wants the Dynamic Test included as an option to the Static Test
  - FRA stated that the Dynamic is a performance standard, contending that the static test is more prescriptive and could possible restrict development of new equipment
  - Also, the static test is not appropriate for nose type designs and other configurations that exist or are in development
- APTA opposed the inclusion of the Dynamic Test as an option
  - They stated it will add cost and, without a test performed using a "production model design", they believe the numbers are good as presented by FRA for the Dynamic Test but are not completely comfortable

8

Issues identified regarding test protocol

- Additionally, APTA believes that if dynamic testing is an option, customers when ordering cars will request both tests with the advice of a consultant
  - It will require an actual car be used increasing cost, if the test would happen to fail, then a second car would also have to be used to repeat the test, doubling cost
- For the additional Dynamic Test that FRA has offered to conduct and pay for, APTA members objected to the use of SOA design instead of a production model

9

Recommendations from RSAC

10

PS-05-0907-11

TF agreed on recommending requirements for the quasi-static performance load case as stated in APTA SS-C&S-034-99 Rev.1, Standard for the Design and construction of Passenger Railroad Rolling Stock, Dated August 10, 2005 Section 5.3.1.3.1 Cab-end collision posts (49 CFR238.211 b) and 5.3.2.3.1 Cab end corner posts.

NOTE: Adoption of this standard supersedes some of requirements in the CFR, FRA will resolve these differences when drafting the NPRM.
TF will review NPRM at future meeting.

Passenger Equipment Crashworthiness Task Force

Passenger Safety Working Group

September 7, 2005

1

Overview

- Development of Cab Car End Frame Optimization standards
- Cab Car End Frame Tests
- Adoption of Standard
- Action Items
- Issues identified regarding test protocol
- Recommendations from Working Group

2

Development of Cab Car End Frame Optimization standards

- Consensus on Fundamental Technical Requirements
- Consensus on Recommended "Home" for Standards
  - Dynamic Standard
    - FRA Regulation
  - Quasi-Static Standard
    - APTA Standard
  - Approach Parallels FRA's NPRM/AAR S-580
- Consensus Achieved on Values for Energy Absorption
- Consensus not yet achieved for Dynamic Standard

3

Cab Car End Frame Tests

- Quasi-Static Tests to Help Define APTA Standard
  - M-7 Collision Post (Completed, Bombardier)
  - M-7 Corner Post (Planned, Bombardier)
  - SOA Corner Post (Tentatively Planned, FRA)
  - TBD Collision Post (Tentatively Planned, FRA)
- Dynamic Tests to Help Define Recommendations for FRA Regulation
  - 1990's Corner Posts (Completed, FRA)
  - SOA Corner Posts (Completed, FRA)
  - TBD Collision Post (Tentatively Planned, FRA)

4

Overview of Draft Cab Car End Frame Standards

- Dynamic Standard
  - Cab Car Impact with Rigid Object with Prescribed Initial Locations, Weights and Impact Speed
  - Criterion: No More Than 10 Inches Deformation of Collision/Corner Post
- Quasi-Static Standard
  - Corner/Collision Post Severely Deformed for Load Applied 30 Inches Above Deck
  - Criteria
    - Minimum Prescribed Energy Absorbed
    - No More Than 10 Inches Deflection of Collision/Corner Post into Operator's Cab
    - No Complete Separation of Attachments

5

Adoption of Standard

- Adoption of this standard supersedes some of requirements currently in the CFR
  - FRA will resolve these differences when drafting the NPRM
- TF will review draft text for the NPRM at future meeting
- FRA and APTA have concerns related to the dynamic test
  - TF could not agree on inclusion of the dynamic performance load case
    - FRA desires the dynamic performance load case, APTA does not

6

Action Items

- FRA agreed that the values used in the August 10th APTA Standard are numbers that could also be used in the Dynamic Test
- FRA will do a dynamic test, paying the cost, using state of the art model
  - Up until now all values have been derived from analysis modeling

7

Issues identified regarding test protocol

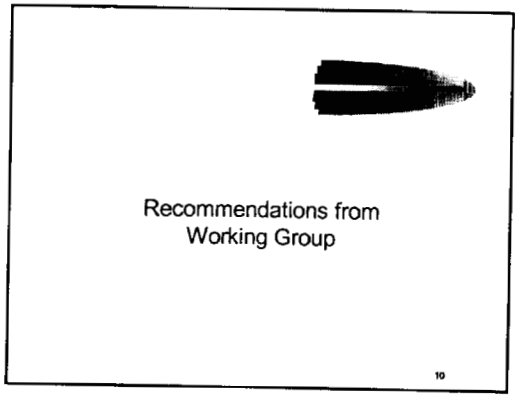
- FRA wants the Dynamic Test included as an option to the Static Test
  - FRA stated that the Dynamic is a performance standard, contending that the static test is more prescriptive and could possible restrict development of new equipment
  - Also, the static test is not appropriate for nose type designs and other configurations that exist or are in development
- APTA opposed the inclusion of the Dynamic Test as an option
  - They stated it will add cost and, without a test performed using a "production model design", they believe the numbers are good as presented by FRA for the Dynamic Test but are not completely comfortable

8

Issues identified regarding test protocol

- Additionally, APTA believes that if dynamic testing is an option, customers when ordering cars will request both tests with the advice of a consultant
  - It will require an actual car be used increasing cost, if the test would happen to fail, then a second car would also have to be used to repeat the test, doubling cost
- For the additional Dynamic Test that FRA has offered to conduct and pay for, APTA members objected to the use of SOA design instead of a production model

9


Recommendations from
Working Group
10

EXCERPT FROM *DRAFT* PASSENBER SAFETY WORKING GROUP MINUTES

Facilitator Gross asks Gary Fairbanks (FRA–Office of Safety) for a report on Passenger Equipment Crashworthiness TF activities.

Gary Fairbanks (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Photocopies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees as Meeting Document PS-05-0907-09. All meeting handouts will be accessible on the WG Internet Web Site and are not excerpted in their entirety in the WG Minutes. Under the viewgraph, "Overview," Mr. Fairbanks says his presentation will include: (1) development of cab car end frame optimization standards; (2) cab car end frame tests; (3) adoption of standard; (4) action items; and (5) issues identified regarding test protocol. Under the viewgraph, "Development of Cab Car End Frame Optimization Standards," Mr. Fairbanks says the TF has reached consensus on fundamental technical requirements. In addition, the TF has reached consensus on the recommended "home" for the standards–the dynamic standard will be through FRA regulation; the quasi-static standard will be the APTA standard. The TF has also reached consensus on values for energy absorption. However, the TF has not reached consensus for the dynamic standard. Under the viewgraph, "Cab Car End Frame Tests," a series of quasi-static tests, i.e., M-7 collision post, M-7 corner post, state of the art (SOA) corner post, etc., are helping to define the APTA Standard with the following criteria: minimum prescribed energy absorbed; no more than 10-inches deflection of collision/corner post into operator's cab; and no complete separation of attachments. A series of dynamic tests, i.e., 1990's corner posts, SOA collision posts, etc., are helping to define recommendations for FRA regulation with the following criterion: no more than 10-inches deformation of the collision/corner post. Under the viewgraph, "Adoption of Standard," Mr. Fairbanks says that adoption of the APTA Standard will supersede some of the requirements currently in the CFR. FRA will resolve these differences when drafting the NPRM. FRA and APTA have concerns related to the dynamic test–FRA desires the dynamic performance load case; APTA does not. Under the viewgraph, "Action Items," Mr. Fairbanks says that FRA agrees that values used in the August 10, 2005, APTA Standard are numbers that could also be used in the dynamic test. FRA will do a dynamic test, paying the cost, using a state of the art (SOA) model. Under the viewgraph, "Issues Identified Regarding Test Protocol," Mr. Fairbanks says that FRA wants the Dynamic Test included as an option to the Static Test. FRA believes that a dynamic test is a performance standard, adding that a static test is more prescriptive and could possibly restrict development of new equipment. Also, the static test is not appropriate for nose-type designs and other configurations that exist or are in development. APTA opposed the inclusion of the Dynamic Test as an option. APTA says the dynamic test will add cost and, without a test performed using a "production model design," APTA will not be comfortable with the results of the dynamic test. Additionally, APTA believes that if dynamic testing is an option, customers, when ordering cars, will request both tests. Because a slight variation in speed and other variables can alter the dynamics of crashworthiness, and because of the difficulty in maintaining these variables in a dynamic test, APTA believes dynamic tests will need to be repeated, adding to the cost of acquiring passenger equipment.

Gary Fairbanks (FRA) asks for questions.

Thomas Peacock (APTA) asks why FRA is not specifying testing standards.

Mr. Fairbanks responds that FRA wants to provide options to the industry and its customers.

Larry Kelterborn (APTA) says the passenger car industry has reservations about FRA testing a SOA design because none of the car builders contemplates using a SOA design.

David Tyrell (Volpe) say the SOA design has been fully discussed and fully described.

Larry Kelterborn (APTA) believes a prototype SOA design may perform differently than designs currently under manufacture.

Grady Cothen (FRA) says the TF has approved a static test for cab car end frame designs. He understands that APTA will complete its tests and then FRA will adopt the APTA Standards. He says the issue before the WG is whether the WG wants to proceed with this process for a rulemaking. Several months ago, the Locomotive Crashworthiness WG completed a task for crashworthiness standards for freight locomotives. He asks if FRA can provide a further assistance in this matter to the passenger area?

Thomas Peacock (APTA) expresses his concerns. He says the performance option will allow weaker performance standards for collision posts and corner posts. He believes the APTA Standard will provide a greater amount of safety for people standing behind the collision posts and corner posts than the performance standard.

Robert McCown (AAPRCO) asks what makes that so? Is it the test method? Is it the performance method?

Robert Harvey (BLET) says a performance standard needs to describe what is being protected. He does not need a performance standard for a collision post if he is standing in a corner.

Gary Fairbanks (FRA) believes that Mr. Peacock is trying to say that a dynamic standard is not the "safety-equivalent" of a quasi-static standard. FRA believes that a dynamic standard is the "safety-equivalent" of a quasi-static standard.
Rich Stegner (APTA) says a dynamic impact test is not repeatable. There are too many variables. From his perspective, he prefers a quasi-static test is a performance-based test that is based on dynamic testing. He says that at the Transportation Technology Center in Pueblo, Colorado, the Federal government can conduct dynamic tests. But from a safety and insurance standpoint, General Motors Corporation's Electro-Motive Division cannot perform dynamic tests.

Thomas Peacock (APTA) adds that in the past five years, major rail car manufacturers have been forced out of business by the inability to do performance tests. It is very difficult to keep all the variables standard. An increase in vehicle speed could greatly increase the amount of energy in an accident. If a manufacturer fails a dynamic test because of a 1 mile-per-hour (mph) overspeed, it will be very costly to re-test. Gary Fairbanks (FRA) says when car manufacturers put in their "bid" to supply equipment, it can be based on either the dynamic test or the quasi-static test.

Al Bieber (APTA) says rail equipment manufacturers want to build cars to railroad specifications and regulations. Car builders do not do "alternate designs." He asks what future designs does FRA envision for rail cars?

Grady Cothen (FRA) explains there may be car designs not yet available that might be better than what is in use today. FRA should allow for the possibility of new passenger car designs. FRA is not trying to force any particular design on the industry. Considering the time that Federal regulations remain in force, Mr. Cothen believes it is reasonable to craft regulations that allow for change.

Larry Kelterborn (APTA) says at the last Passenger Equipment Crashworthiness TF meeting, each of the three car builders said they did not want dynamic testing standards. The railroads expressed the same. In dynamic testing, an impact scenario can be crafted such that collision post deformation results are only valid for that test. If a dynamic test is required, there can be problems with safety–the bigger the locomotive or cab nose, the more likely a derailment will occur.

David Tyrell (Volpe) asks what is the danger of a dynamic test?

Mr. Kelterborn responds designing a test where the car will derail, or roll over on its side is not safe.

Mr. Tyrell responds that he believes that quasi-static testing can be more dangerous than dynamic testing.

Ken Mannen (APTA) says Kawasaki Rail Car has crashed a full car shell, which passed a dynamic test.

William Verdeyen (BLET) asks how Bombardier performs a quasi-static test on a passenger car?

Mr. Kelterborn describes the Bombardier quasi-static test procedure.

Mr. Verdeyen (BLET) says in the AAR's S-580 locomotive crashworthiness standards, a survivable area of 24 inches was achieved. He asks if a "survivable area" can be measured in quasi-static testing?

Rich Stegner (APTA) responds yes, it can be measured.

Mr. Kelterborn says anytime there is a severe deformation test, there are safety issues. He says there is more control over a quasi-static test, than a dynamic test. A quasi-static test can be stopped. He believes the dynamic test option being proposed by FRA is not realistic. If the test vehicle is 1 mph over the speed "standard," there will be a lot of test failures. He does not want the regulations to allow the dynamic testing option. He believes the regulations should only require quasi-static testing.

David Elliott (APTA) believes there should be "physical validation" of design in order to meet requirements.

Grady Cothen (FRA) says FRA wanted to provide guidance. FRA has things to think about, including dynamic testing. He believes that the WG should recommend that FRA adopt the APTA Standard for passenger equipment crashworthiness, when it is available.

Facilitator Gross asks for a motion to approve the Passenger Equipment Crashworthiness TF recommendation regarding adopting the APTA Standards for passenger equipment crashworthiness, i.e., APTA SS-C&S-034-99 Rev. 1, Standard for the Design and Construction of Passenger Railroad Rolling Stock, Dated August 10, 2005, Section 5.3.1.3.1 Cab-end collision posts (49 CFR § 238.211(b) and 5.3.2.3.1 Cab end corner posts, when available. The recommendation was distributed to meeting attendees as Meeting Document PS-05-0907-11. All meeting handouts will be accessible on the WG Internet Web Site and are not excerpted in their entirety in the WG Minutes.

> BY UNANIMOUS HAND VOTE, THE WG APPROVES THE PASSENGER EQUIPMENT CRASHWORTHINESS TF RECOMMENDATION THAT FRA ADOPT APTA STANDARDS FOR QUASI-STATIC TESTING OF PASSENGER EQUIPMENT CRASHWORTHINESS, WHEN AVAILABLE.

General Mechanical

Tom Herrman/George Scerbo

Federal Railroad Administration

October 11, 2005

1

General Mechanical

Freight Power Brake Regulations require that handbrakes be tested annually, similar language is purposed for Part 238 to address passenger equipment. The added language requires that the hand or parking brake be tested at the 184 day inspection, and that an inspection and test of the hand or parking brake be performed and documented at each annual inspection.

General Mechanical

Potential Draft Regulatory Language for which consensus has been reached by the Passenger Equipment Working Group.

Working Group approved the draft language at their September 6, 2005, meeting in Chicago,

2

General Mechanical

A new definition of DMU was added to the Locomotive Safety Standards as part of new event recorder requirements.

Language purposed to clarify the definition of MU locomotive in § 229.5 as to distinguish the difference between MU, DMU, and Control Cab locomotive.

4

General Mechanical

Purposed language 229.47 Emergency brake valve added DMU to requirement to be equipped with an emergency brake valve that is accessible to another crew member in the passenger compartment or vestibule and the words "Emergency Brake Valve" shall be legibly stenciled or marked near each valve or shall be shown on an adjacent badge plate.

5

General Mechanical

Continued; to be consistent exemptions added DMU to Sanitation, general requirements 229.137 (vi) so that MU's, DMU's, and control cab locomotives designed for passenger occupancy and used in intercity push-pull service that are exempt where employees have ready access to railroad-provided sanitation in other passenger cars on the train or at frequent intervals during the course of their work shift.

6

General Mechanical

Due to a number incidents of runaway passenger equipment the Working Group approved purposed draft language related to securement of unattended equipment similar to language found in the Freight Power Brake Regulations.

7

Recommended Regulatory Changes by the PESS Mechanical Issues Task Force

I. Handbrake Inspection

II. Securement of Unattended Equipment

III. DMU additions to 49 CFR part 229

IV. Part 229 - MU Definition Clarification

I. Inserts Related to Handbrake Inspection

Insert at:

§ 238.231 Brake system.

* * * * *

(h) * * *

(3) Except for MU locomotives, on locomotives so equipped, the hand or parking brake as well as its parts and connections shall be inspected, and necessary repairs made, as often as service requires but no less frequently than every 368 days. The date of the last inspection shall be either entered on Form FRA F 6180-49A, suitably stenciled or tagged on the equipment, or maintained electronically provided FRA has access to the record upon request.

* * * * *

§ 238.307 Periodic mechanical inspection of passenger cars and unpowered vehicles used in passenger trains.

* * * * *

(c) * * *

(13) The hand or parking brake shall be applied and released to determine that it functions as intended.

(d) At intervals not to exceed 368 days, the periodic mechanical inspection shall specifically include the following:

(1) Inspection of the manual door releases to determine that all manual door releases operate as intended; and

(2) Inspection of the hand or parking brake as well as its parts and connections to determine that they are in proper condition and operate as intended. The date of the last inspection shall be either entered on Form FRA F 6180-49A, suitably stenciled or tagged on the equipment, or maintained electronically provided FRA has access to the record upon request.

* * * * *

II. Insert related to Securement of Unattended Equipment

Insert § 238.231(h)(4) to read as follows:

§ 238.231 Brake system.

* * * * *

(h) * * *

(4) A train's air brake shall not be depended upon to hold unattended equipment (including a locomotive, a car, or a train whether or not locomotive is attached). For purposes of this section, "unattended equipment" means equipment left standing and unmanned in such a manner that the brake system of the equipment cannot be readily controlled by a qualified person. Unattended equipment shall be secured in accordance with the following requirements:

(i) A sufficient number of hand or parking brakes shall be applied to hold the equipment. Railroads shall develop and implement a process or procedure to verify that the applied hand or parking brakes will sufficiently hold the equipment with the air brakes released;

(ii) Except for equipment connected to a source of compressed air (e.g., locomotive or ground air source), prior to leaving equipment unattended, the brake pipe shall be reduced to zero at a rate that is no less than a service rate reduction;

(iii) At a minimum, the hand or parking brake shall be fully applied on at least one locomotive or vehicle in an unattended locomotive consist or train;

(iv) A railroad shall develop, adopt, and comply with procedures for securing any unattended locomotive required to have a hand or parking brake applied when the locomotive is not equipped with an operative hand or parking brake;

(v) A railroad shall adopt and comply with instructions to address throttle position, status of the reverser lever, position of the generator field switch, status of the independent brakes, position of the isolation switch, and position of the automatic brake valve, or the functional equivalent of these items, on all unattended locomotives. The procedures and instruction shall take into account winter weather conditions as they relate to throttle position and reverser handle; and

(vi) Any hand or parking brakes applied to hold unattended equipment shall not be released until it is known that the air brake system is properly charged.

* * * * *

III. DMU additions to 49 CFR part 229

Insert at the following:

§ 229.47 Emergency brake valve.

* * * * *

(b) DMU, MU, and control cab locomotives operated in road service shall be equipped with an emergency brake valve that is accessible to another crew member in the passenger compartment or vestibule. The words "Emergency Brake Valve" shall be legibly stenciled or marked near each valve or shall be shown on an adjacent badge plate.

* * * * *

§ 229.137 Sanitation, general requirements.

* * * * *

(b) * * *

(vi) Except as provided in § 229.14 of this part, DMU, MU, and control cab locomotives designed for passenger occupancy and used in intercity push-pull service that are not equipped with sanitation facilities, where employees have ready access to railroad-provided sanitation in other passenger cars on the train at frequent intervals during the course of their work shift.

* * * * *

IV. Part 229 - MU Definition Clarification

Amend the definition of MU locomotive in § 229.5 to read as follows:

§ 229.5 Definitions.

* * * * *

MU locomotive means a multiple unit operated electric locomotive –

(1) With one or more propelling motors designed to carry freight or passenger traffic or both; or

(2) Without propelling motors but with one or more control stands and a means of picking-up primary power such as a pantograph or third rail.

* * * * *

PASSENGER SAFETY WORKING GROUP UPDATE to the
27th Meeting of the RSAC MAIN BODY
Washington Plaza Hotel
Washington D.C.
October 11, 2005

PASSENGER SAFETY TRACK VEHICLE INTERACTION TASK FORCE

By John J Mardente, Task Force Leader,
(Track Safety Specialist, FRA)

1

Items still under Task Force consideration as of August 24, 2005

ITEM G1-1: Wheel Flange Angle
ITEM G1-2: Wheel Conicity APTA PRESS
ITEM G1-3: Truck Equalization

ITEM G2 – Qualification and Testing Requirements
(*tied to Item G5-1*; draft language being crafted for next Task Force meeting- involves also rewriting 213.333 VTI Limits)

ITEM G3-1: CFR 213/ 238 Language Consolidation

Language drafted and accepted by Task Force

ITEM G3-2 – Revision of Carbody and Truck Acceleration Criteria
(Partially Closed; Truck Acceleration value to be recommended at next Task Force meeting)

2

Items still under Task Force consideration as of August 24, 2005, cont'd

ITEM G3-3 - Net Axle Load

(Item closed; Recommendation accepted by Task Force)

ITEM G4 – Reconsider adequacy of track geometry limits
(Modeling continuing-recommendations possibly at next TF meeting)

ITEM G5-1 – Cant deficiency – Qualification Process
– Regulatory Language
(Cant Deficiency and resulting NAL is directly related to curve geometry; TF has reached tentative consensus on some parts; draft language being crafted for recommendation at next TF meeting)

3

ITEM G7 – Elimination of Class 9 Reference
(Item Closed; Draft Language accepted in Task Force meeting 04/07/05)

4

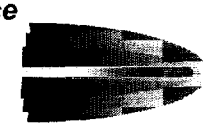
Next PSVTI Task Force Meeting is in Washington, DC November 3-4, 2005.

5

END

6

Emergency Preparedness Task Force



Rail Safety Advisory Committee

October 11, 2005

1

Notice of Proposed Rulemaking

- Emergency Window Exits
- Rescue Access Windows
- Emergency Communications
- Emergency Roof Access
- Inspection and Repair of Emergency Systems

2

Notice of Proposed Rulemaking

- Status
  - RSAC Approved NPRM Rule Text May 2005
  - Working Group Recommends Extending Rescue Access Window Implementation Period for Existing Single Level Cars

3

Rescue Access Window Implementation

- Previously Approved: Effective date of rule
- Proposed Revision: Extend effective date to 18 months after publication of final rule for existing cars with at least 2 exterior side doors, with manual releases, located in diagonally opposite quadrants of single level cars
- Purpose: To allow sufficient time for replacement of polycarbonate glazing with glass that can be broken on 482 cars

4

Topics Under Consideration

- Number and location of exterior side doors
- Removable panels/windows in passageway doors
- Emergency Lighting
- Low-Location Emergency Exit Path Markings
- Emergency Signage

5

Questions?

6

§ 238.114 Rescue access windows.

(a) *Number and location.* Except as provided in paragraphs (a)(1) and (a)(3) of this section, the following requirements apply on or after [EFFECTIVE DATE OF RULE]-

(1) *Single-level passenger cars.* Except as provided below and in paragraph (a)(5), each single-level passenger car shall have a minimum of two rescue access windows. At least one rescue access window shall be located in each side of the car entirely within fifteen feet of the centerline of the car, or entirely within seven and one-half feet of the centerline if the car does not exceed 45 feet in length. If the seating level is obstructed by an interior door or otherwise partitioned into separate or auxiliary seating areas, each separate seating area shall have a minimum of one rescue access window in each side of the seating area, located as near to the center of the car as practical.

(i) For **a** passenger car~~s~~ ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], ~~**or**~~ **and** placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], rescue access windows may be located within exterior side doors if at least one rescue access window is located within each end (half) and each side of the same passenger compartment.

(ii) For a passenger car ordered prior to September 8, 2000, and placed in service prior to September 9, 2002, the requirements of paragraph (a)(1) apply on or after [INSERT DATE 18 MONTHS FROM PUBLICATION OF FINAL RULE] if the car has at least two exterior side doors (or door leaves), each with a manual override device, and such doors (or door leaves) are located one on each side of the car, but in opposite ends (halves) of the car (*i.e.*, in diagonally opposite quadrants). The manual override device shall be:

(A) capable of releasing the door (or door leaf) to permit it to be opened without power from outside the car,

(B) located adjacent to the door (or door leaf) which it controls, and

(C) designed and maintained so that a person may access the override device from outside the car without requiring the use of a tool or other implement.

(2) *Multi-level passenger cars - main levels.* Each main level in a multi-level passenger car is subject to the same requirements specified for single-level passenger cars in paragraph (a)(1) of this section**, with the exception of paragraph (a)(1)(ii), which is not applicable.**

(3) *Multi-level passenger cars - other levels (auxiliary seating areas).*

(i) Except as provided below, any other level used for passenger seating in a multi-level passenger car shall have a minimum of two rescue access windows in each seating area. The rescue access windows shall permit emergency responders to gain access to passengers in the seating area without requiring movement through an interior door or to another level of the car. At least one rescue access window shall be located in each side of the seating area. A rescue access window may be located within an exterior side door in the passenger compartment if it is not practical to place the access window in the side of the seating area.

(ii) Only one rescue access window is required in a seating area in a passenger compartment if:

(A) It is not practical to place a rescue access window in a side of the passenger compartment due to the need to provide accessible accommodations under the Americans with Disabilities Act;

(B) There are no more than 4 seats in the seating area; and

(C) A suitable, alternate arrangement for rescue access is provided.[7]

(iii) For passenger cars ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], only one rescue access window is required in a seating area in a passenger compartment if it is not practicable to place an access window in a side of the passenger compartment (due to the presence of such structures as a bathroom, electrical locker, or kitchen) and there are no more than 8 seats in the seating area.

(4) *Cars with sleeping compartments or similar private compartments.* Each level of a passenger car with a sleeping compartment or a similar private compartment intended to be occupied by passengers or train crewmembers shall have a minimum of one rescue access window in each such compartment. For purposes of this paragraph, a bathroom, kitchen, and locomotive cab are not considered "compartments."

(5) *Dual-function windows.* If on any level of a passenger car the emergency window exits installed to meet the minimum requirements of § 238.113 of this part are intended to function as rescue access windows, the rescue access window number and location requirements of paragraphs (a)(1) through (a)(4) of this section are met for that level.

(b) *Ease of operability.* On or after [EFFECTIVE DATE OF FINAL RULE], each rescue access window must be capable of being removed without undue delay by an emergency responder using either:

(1) a provided external mechanism; or

(2) tools or implements that are commonly available to the responder in a passenger train emergency.

(c) *Dimensions.* Each rescue access window in a passenger car, including a sleeping car, ordered on or after [ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service for the first time on or after [THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], shall have an unobstructed opening with minimum dimensions of 26 inches horizontally by 24 inches vertically. A rescue access window located within an exterior side door, in accordance with the requirements of paragraph (a)(3)(i) of this section, may have an unobstructed opening with minimum dimensions of 24 inches horizontally by 26 inches vertically. A seat back is not an obstruction if it can be moved away from the window opening without requiring the use of a tool or other implement.

(d) *Marking and instructions.* Each rescue access window shall be marked with a retroreflective, unique, and easily recognizable symbol or other conspicuous marking. Legible and understandable window-access instructions, including instructions for removing the window, shall be posted at or near each rescue access window.[8]

---

7 Kawasaki presented a car design to the task force that contained an emergency window exit in the vestibule side door and an interior door with a removable window panel (with pull handles on both sides) that leads to the seating area.

8 The requirements of § 223.9(d)(2), which concern rescue access window marking and instructions, have been moved here. As a "rescue access window" is defined as a window intended for

ORIGINAL CONSENSUS RULE TEXT

§ 238.114 Rescue access windows.

(a) *Number and location.* Except as provided in paragraphs (a)(1) and (a)(3) of this section, the following requirements apply on or after [EFFECTIVE DATE OF RULE]—

(1) *Single-level passenger cars.* Except as provided below and in paragraph (a)(5), each single-level passenger car shall have a minimum of two rescue access windows. At least one rescue access window shall be located in each side of the car entirely within fifteen feet of the centerline of the car, or entirely within seven and one-half feet of the centerline if the car does not exceed 45 feet in length. If the seating level is obstructed by an interior door or otherwise partitioned into separate or auxiliary seating areas, each separate seating area shall have a minimum of one rescue access window in each side of the seating area, located as near to the center of the car as practical. For passenger cars ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], rescue access windows may be located within exterior side doors if at least one rescue access window is located within each end (half) and each side of the same passenger compartment.

(2) *Multi-level passenger cars - main levels.* Each main level in a multi-level passenger car is subject to the same requirements specified for single-level passenger cars in paragraph (a)(1) of this section.

(3) *Multi-level passenger cars - other levels (auxiliary seating areas).*

(i) Except as provided below, any other level used for passenger seating in a multi-level passenger car shall have a minimum of two rescue access windows in each seating area. The rescue access windows shall permit emergency responders to gain access to passengers in the seating area without requiring movement through an interior door or to another level of the car. At least one rescue access window shall be located in each side of the seating area. A rescue access window may be located within an exterior side door in the passenger compartment if it is not practical to place the access window in the side of the seating area.

(ii) Only one rescue access window is required in a seating area in a passenger compartment if:

(A) It is not practical to place a rescue access window in a side of the passenger compartment due to the need to provide accessible accommodations under the Americans with Disabilities Act;

(B) There are no more than 4 seats in the seating area; and

(C) A suitable, alternate arrangement for rescue access is provided.[7]

---

emergency access by emergency responders, the text of § 223.9(d)(2) fits logically here. The last sentence of the paragraph reflects the TF agreement to require the instructions "at or near" each such window.

[7] Kawasaki presented a car design to the task force that contained an emergency window exit in the vestibule side door and an interior door with a removable window panel (with pull handles on both sides) that leads to the seating area.

(iii) For passenger cars ordered prior to [INSERT DATE ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service prior to [INSERT DATE THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], only one rescue access window is required in a seating area in a passenger compartment if it is not practicable to place an access window in a side of the passenger compartment (due to the presence of such structures as a bathroom, electrical locker, or kitchen) and there are no more than 8 seats in the seating area.

(4) *Cars with sleeping compartments or similar private compartments.* Each level of a passenger car with a sleeping compartment or a similar private compartment intended to be occupied by passengers or train crewmembers shall have a minimum of one rescue access window in each such compartment. For purposes of this paragraph, a bathroom, kitchen, and locomotive cab are not considered "compartments."

(5) *Dual-function windows.* If on any level of a passenger car the emergency window exits installed to meet the minimum requirements of § 238.113 of this part are intended to function as rescue access windows, the rescue access window number and location requirements of paragraphs (a)(1) through (a)(4) of this section are met for that level.

(b) *Ease of operability.* On or after [EFFECTIVE DATE OF FINAL RULE], each rescue access window must be capable of being removed without undue delay by an emergency responder using either:

(1) a provided external mechanism; or

(2) tools or implements that are commonly available to the responder in a passenger train emergency.

(c) *Dimensions.* Each rescue access window in a passenger car, including a sleeping car, ordered on or after [ONE YEAR AFTER EFFECTIVE DATE OF FINAL RULE], or placed in service for the first time on or after [THREE YEARS AFTER EFFECTIVE DATE OF FINAL RULE], shall have an unobstructed opening with minimum dimensions of 26 inches horizontally by 24 inches vertically. A rescue access window located within an exterior side door, in accordance with the requirements of paragraph (a)(3)(i) of this section, may have an unobstructed opening with minimum dimensions of 24 inches horizontally by 26 inches vertically. A seat back is not an obstruction if it can be moved away from the window opening without requiring the use of a tool or other implement.

(d) *Marking and instructions.* Each rescue access window shall be marked with a retroreflective, unique, and easily recognizable symbol or other conspicuous marking. Legible and understandable window-access instructions, including instructions for removing the window, shall be posted at or near each rescue access window.[8]

---

8 The requirements of § 223.9(d)(2), which concern rescue access window marking and instructions, have been moved here. As a "rescue access window" is defined as a window intended for emergency access by emergency responders, the text of § 223.9(d)(2) fits logically here. The last sentence of the paragraph reflects the TF agreement to require the instructions "at or near" each such window.

RSAC Task No. 05-02

- Purpose: To reduce the number of human factor-caused train accidents / incidents and related employee injuries.
- February 10, 2006: On schedule to present the report to the full committee.

Task 05-02 Meeting Timeline

- Past Meeting dates:
  - July 12 - 13: Initial RSAC Meeting
  - August 31 - September 1:
  - September 28 – 29:
- Future Meeting Dates:
  - October 25 – 26
  - November 16 – 17
  - December 6 –7:
  - January 18 – 19:

Railroad Operating Rules Working Group

1. Shoving or Pushing Movements
2. Leaving Equipment in the Clear
3. Switches and Derails
4. Good Faith Challenge
5. Review of Training Requirements
6. Improve Operational Testing

Federal Railroad Administration

October 11, 2005

Railroad Safety Advisory Committee

Roadway Worker Protection Regulation
Working Group Report

1

Session Status

- **Sessions to date**
  - April 12 - 13, 2005, Washington, DC
  - June 22 - 24, Washington, DC
  - August 8 - 11, Chicago
  - September 20 - 22, Washington, DC
- **Scheduled**
  - November 8 - 9, Chicago

2

Initial Eleven Sections

214.7 Definitions

- Automatic & manual interlocking [ongoing]
- Controlled point [ongoing]
- Switch arrangement [ongoing]
- Fouling the track [tabled]
- Effective securing device [consensus]
- Maximum authorized speed [consensus]
- On-track safety manual [consensus]
- Hump yard facility [non consensus]
- Roadway worker [to be discussed]

3

Initial Eleven Sections

214.309 On-track safety program documents
- Lone worker provision [consensus]
- On-track safety rule revisions [consensus]

214.317 On-track safety procedures, generally
- Tunnel niches [tabled]
- Crossing tracks [consensus]

4

Eleven Sections

214.319 Working limits, generally
- Fouling behind [task group]

214.321 Exclusive track occupancy
- Data transmission [tabled]
- Crew or worker name on authority [consensus]

5

Eleven Sections

214.337 On-track safety procedures for lone workers
- Switch arrangements and control points without switches [ongoing]
- Rendering track impassible [future discussion]

214.339 Audible warning from trains
- Revised and clarified section [consensus]

6

Eleven Sections

214.343 Training and qualification, general

- RWP training and qualification of other than roadway workers that provide on-track safety [management caucus review]

214.323 Foul time

- Clarification of foul time provisions [consensus]
- Introduction of "verbal protection" [consensus]

7

Eleven Sections

214.327 Inaccessible track

- Consideration of train crew with locomotive as a "physical feature" [tabled]

214.329 Train approach warning

- The use of a touch warning [consensus to not include in rule]
- Rendering track impassible [labor request further discussion]

8

Requested Future Discussion

- Labor
  - **Adjacent track with respect to large scale and small scale work**
  - **Location of the roadway worker in charge in relation to work activity**
  - **Training records and minimum requirements for basic roadway worker**

9

Requested Future Discussion

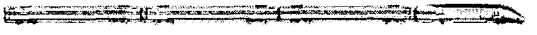
- Contractors
  - Training frequency for basic workers
- Railroad management
  - Individual train detection at controlled points at the end of a controlled siding
  - On-track weed sprayers and snow blowers on non-controlled track

10

U.S. Department of Transportation
Federal Railroad Administration

SAFETEA-LU

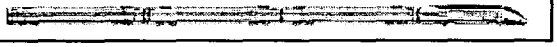
Mark Yachmetz
Associate Administrator
Office of Railroad Development
October 11, 2005



U.S. Department of Transportation
Federal Railroad Administration

Overview of Act

- Affects highway, highway safety, transit, and other programs
- Authorizes and appropriates funds for programs and projects for basically FY 2005-2009
- Includes a section dedicated to rail transportation for first time



U.S. Department of Transportation
Federal Railroad Administration

Title IX: Rail Transportation

- **High-speed Rail Corridor Development (FY 2006-2013)**
  - Authorizes $70 million/year for development
  - Authorizes $30 million/year for technology improvements
- **Capital Grants for Rail Line Relocation Projects**
  - Authorizes $350 million/year for FY 2006-2009
  - Provides financial assistance to states for local rail line relocation and improvement projects
- **Rehabilitation and Improvement Financing**
  - Expands authority for RRIF loan program
  - Increases loan limit from $3.5 billion to $35 billion
- **Grants to Alaska Railroad**
  - Authorizes funds for capital rehabilitation and improvements benefiting passenger operation

U.S. Department of Transportation
Federal Railroad Administration

Title IX: Rail Transportation

- **Train Travel in Communities without Grade Separation**
  - Requires study of the impact of blocked highway-rail grade crossings on emergency responders
  - Requires a report within 1 year
- **Welded Rail**
  - Directs FRA to require railroads to include in their procedures for inspecting CWR track improved procedures to identify cracks in rail joint bars within 90 days
  - Instructs FRA inspectors to obtain a copy of railroads' programs for inspecting CWR
  - Requires FRA to set-up a program to review FRA data on CWR
  - Directs FRA to require railroads to increase frequency of inspections of rail joint bars in CWR, when necessary or appropriate

U.S. Department of Transportation
Federal Railroad Administration

Title IX: Rail Transportation

- **Tank Car Safety Improvements requires FRA to:**
  - Validate a predictive model to quantify relevant dynamic forces acting on tank cars under accident conditions within 1 year
  - Develop and implement design standards for pressurized tank cars within 18 months
  - Analyze steels used in shells of pre-1989 pressure tank cars to determine impact resistance within 1 year
  - Submit a report to Congress including recommendations on how to reduce the risk of catastrophic failure of tank cars within 6 months after analysis is completed

U.S. Department of Transportation
Federal Railroad Administration

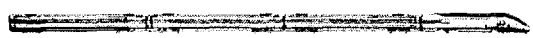
Tank car crashworthiness

- Evaluate and determine the adequacy of non-normalized steels to resist fracture propagation below the ductile-to-brittle transition temperature and it's significance to overall risk

U.S. Department of Transportation
Federal Railroad Administration

FRA Activities

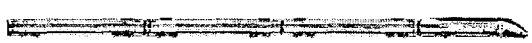
- **Modeling**
  - Develop and validate a physics-based model to calculate dynamic forces that may be expected in train derailments
- **Laboratory Testing Program**
  - Perform material testing to determine the dynamic fracture toughness of various tank car steels
- **Risk Analysis**
  - Rank the tank cars that are perceived to be the most vulnerable to catastrophic failure



U.S. Department of Transportation
Federal Railroad Administration

Milestones

- **Modeling**
  - Compare predicted and observed deformations in the Graniteville tank cars
  - Due October 2006
- **Laboratory Testing Program**
  - Depends on availability of material
- **Risk Analysis**
  - Level 1 – Completed
  - Level 2 – Due December 2005
  - Level 3 – Due six months after completing test program



U.S. Department of Transportation
Federal Railroad Administration

Title IX: Rail Transportation

- **Study of Rail Transportation and Regulation**
  - Enter an arrangement with Transportation Research Board (TRB) within 180 days
  - Study the railroad transportation systems since 1980 (include the performance of railroads, the projection of demand for freight, comparison of adequate returns vs. rates and service, the future role of STB)
  - Requires submission of report within 1 year after arrangement with TRB
  - Authorizes $1 million for FY 2006 and $800,000 for FY 2007

U.S. Department of Transportation
Federal Railroad Administration

Title V: Research and Development

- **Strategic plan for research and development**
  - Develop a 5-year strategic plan within 1 year
- **National Cooperative Freight Transportation Research Program**
  - Enter an agreement with National Academy of Science for administrative and management activities relating to governance

U.S. Department of Transportation
Federal Railroad Administration

Other Rail Related Items

- **Establishes a freight intermodal distribution pilot grant program**
- **Provides for deployment of magnetic levitation projects**
- **Authorizes funds for Operation Lifesaver**
- **Establishes a Gateway Rural Improvement Pilot in VT**
- **Amends purpose of hazardous materials "to protect against the risks to life, property, and the environment that are inherent"**
- **Funds earmarks for numerous rail projects**

U.S. Department of Transportation
Federal Railroad Administration

Summary

- Authorizes and appropriates many rail related opportunities and challenges
- Establishes a tank car program in cooperation with AAR Tank Car Committee to:
  - Rank tank cars that are perceived to be most vulnerable to catastrophic failure
  - Implement measures to eliminate or mitigate risk of tank car failure

U.S. Department
of Transportation

**Federal Railroad
Administration**

Railroad Safety Advisory Committee
Task Statement:
Management of Continuous Welded Rail

Task No.: 05-03

Date presented to the RSAC: October 11, 2005

Purpose:

To reduce derailments and consequent injuries and damage caused by defective conditions, including joint failures, in track using continuous welded rail (CWR).

Description:

- Review Interim Final Rule (IFR) on inspection of joint bars in CWR territory, and comments on the IFR, and advise FRA regarding preparation of a final rule.
- Review pertinent accident/incident data and reporting criteria, railroad CWR programs and engineering standards, and FRA inspection data.
- Evaluate further enhancements for management of CWR to prevent track buckling and joint failures, including design, maintenance and inspection.

Issues requiring specific report:

The committee should consider, and specifically report on, the following issues:
(1) Actions FRA should take in finalizing the pending rulemaking on prevention and detection of joint failures in CWR territory.
(2) Suitability of railroad programs for management of CWR.
(3) Safety enhancements that should be proposed to further improve management of CWR.

Source:

Section 9005(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), (Public Law 109-59, August 10, 2005).
National Transportation Safety Board Recommendations R-04-01, R-04-02.

Refer to/establish following working group: Track Safety Standards Working Group

Target Date:

May 8, 2006: Report working group recommendations to full Committee for item (1) above.

Disposition: **Date:**

Federal Railroad Administration

National Inspection Plan

October 2005
John Leeds
Gary Connors
FRA Office of Safety Analysis

Federal Railroad Administration

What Is The NIP?

- The National Inspection Plan (NIP) uses historical information to estimate how inspection levels affect accident rates.
- With these estimates, we can optimally assign resources.
- Goal: Lower fatality, injury, and accident rates.

Background and Objective

Federal Railroad Administration

- Background
  - FRA Regional Administrators.
  - Office of Management and Budget wants FRA to:
    - Relate resources to agency goals.
    - Launch an initiative that improves efficiency.
  - Office of the Inspector General.
    - Rely less on individual discretion and more on data analysis (i.e. National Inspection Plan (NIP)).
    - FRA responds with the Rail Safety Action Plan which includes an implementation schedule for NIP.
  - Congressional interest.
- Objective

Develop a plan to target inspection resources to achieve agency goals. → Minimize:
-Total Accident/Incident Rate
-HAZMAT Release Rate

3

National Inspection Plan Three Steps

Federal Railroad Administration

- Optimization model provides a baseline. (The numbers part of the process.)
  - One plan for operating practices, track, and MP&E in each region.
  - Plans for hazmat and signal to follow.
  - Targets the mix of inspections, not the amount.
  - Federal inspectors only.
  - Generally, changes limited to +/- 10%.
- Administrators' make adjustments to the baseline to produce the final plan. (The human judgment part of the process.)
- Execution tracking. (The performance part of the process.)

4

Baseline Plan and Regional Adjustments

Federal Railroad Administration

- Baseline plan was issued Aug 1, 2005.
- FRA Regions made adjustments.
  - No restrictions.
  - Adjustments must balance.
  - Adjustments must be explained by a brief remark.
- Plans were locked in mid-September.
- Execution tracking.
  - Begins Oct 2005.
  - YTD percentages will show progress towards final target.
- No mid-year update is planned. ← Let's try this process for a year and see if this is really needed.
- End of year reconciliation.

5

Summary of FY 06 Plan

Federal Railroad Administration

- Operating Practices.
  - More focus on major freights, especially big yards.
  - Less focus on regional and short line RRs.
- Track.
  - Mixed results.
- MP&E
  - Less focus on major freights in general.
  - More focus on regional and short line RRs.

6

National Inspection Plan Summary

Federal Railroad Administration

- Uses historical information and data analysis in the first step of the planning process.
- Three steps in the process.
  - Optimization model provides a baseline (FY 06 baseline issued August 1).
  - Administrators make adjustments to the baseline to produce the final plan (Adjustments were locked in mid-September).
  - Execution tracking starts October 2005.

7

Railroad System Oversight:

A Safety Initiative

RSAC Presentation – Washington, D.C.
October 11, 2005

Moving From SACP to Railroad System Oversight

- Where We Are Today – About SACP
- Challenges Driving Change
- Saving What Works Well
- Moving to RSO
- Value Added
- Implementation
- End Results

Moving Beyond SACP To RR System Oversight

Why Change?

- A need to modify FRA's safety program to address changing conditions and environment
- Better integration of overall safety program

SACP Since The Beginning

- SACP implemented in 1995
- Opened communication between FRA/RR Mgmt/Labor
- Initiated collaborative safety problem solving
- Improved understanding
- Improved safety

Where We Are Today

- Maturing relationships between Labor, Management, and FRA
- Hundreds of safety issues resolved
- Industry responsive as a whole
- Dedicated people involved
- More positive relationships
- Objective safety dialogue
- Working well overall with less FRA facilitation needed

Challenges Driving Change

- Greater Congressional expectations
- Greater DOT expectations
- Additional focus on FRA's safety program goals and accomplishments
- Development of FRA's National Inspection Plan
- Internal and external concerns/input
  - -Issue resolution time
  - -safety issues becoming "captive"

Challenges (continued)

- Change in nature of issues
  - -environmental
  - -fatigue
  - -work life concerns
- More complex issues and regulations
- Need to focus resources/staff
- New issues often involve contract considerations outside FRA area

Addressing The Challenges

- Internal work group studied SACP performance, structures, alternatives
- Recommended FRA process changes and role reduction in SACP
- Saw value in collaborative process and other SACP elements

Saving What Works Well

- Maintain FRA SACP Managers as FRA single point of contact
- Maintain collaborative process
  - Important non-regulated issues
  - Major regulatory issues
- Continue to assist with productive Labor/Management relationships
- Continue regulatory guidance and assistance

How RSO Will Function

- Include in RSO those processes that work well in SACP
- Use safety data to better identify and focus on most significant industry safety problems and emerging safety concerns
- Hold annual Safety Performance meetings with FRA and railroad senior managers (e.g., COO)

Function (cont.)

- Revised internal and external processes:
  - Improve communication
  - Increase FRA internal accountability
  - Improve resource utilization
  - Add focus on defined DOT/FRA safety goals and metrics
  - Improve coordination between FRA regions, HQ, RR management, and labor

Value Added

- Make use of safety data to better focus resources, activities, and common interests
- Better safety analysis of railroad operations
- Additional focus on safety issues of greatest concern
- Earlier identification of emerging safety concerns and issues

Value Added (cont.)

- Greater emphasis on resolution of more selective safety issues
- Annual RR Safety Performance Reviews with RR/FRA senior management – the good/bad/ugly
- Realign FRA resources with agency goals where appropriate

Implementation

- October 1, 2005 implementation date
- FRA sent a letter to labor organizations and railroads in September to explain changes
- RSO Manager will make a presentation to RR Oversight Groups at next regular meeting

Implementation (cont'd)

- RSO Manager (RSOM) will justify each collaborative effort against other FRA program resource needs
- RSO effort competes for priority with other FRA activities in broad safety program (GPRA)
- RSOM will focus activity on high priority safety issues and activities

End Results

- Process changes will occur – but:
- FRA remains committed to RR labor/management safety programs
- FRA Railroad System Oversight Manager will remain involved in substantive issues
- FRA will continue to be available where safety will be best served

Railroad System Oversight:

A Safety Initiative

RSAC Presentation – Washington, D.C.
October 11, 2005

Remote Control Locomotive Operations

Congressional Report Highlights

Railway Safety Advisory Committee
October 11, 2005

1
10/7/2005

Accident/Incident Rates

- Findings for 13 month period (12/1/03 through 12/31/04)
  - –RCL vs. Conventional operations
    - RCL train accident rate – 25% higher
    - Weighted accident data
      - RCL – 24.09/mysm
      - Conv – 24.52/mysm
    - RCL employee injury rate – 20% lower

2
10/7/2005

RCL Main Track Operations

- FRA September 9, 2005 letter to industry mirrors recommendations in RCL Final Report
- Letter was meant to give Rail Industry advance notice prior to issuing the Final Report to Congress
- Letter expresses FRA's concern and very conservative approach to main track operations using current technology

3
10/7/2005

September 9th Letter

- Recommended restrictions on moves subject to Part 232
  - –Ho rsepower limitations
    - No more than 3000 hp distributed over 8 axles
  - –T rain size limitations (1000ft)
  - –15 m ph maximum speed
  - – No grades of 0.5% or greater for .25 miles or m ore

4
10/7/2005

September 9th Letter (Cont)

- FRA open to restriction modifications
  - provided railroad shows movements can be co nducted safely
    - Track profile considerations
    - Science on in-train force limitations
    - Controlled oversight on operations

5
10/7/2005

September 9th Letter (Cont)

- FRA has already met with one major RR
  - Discussed RCL main track applications
  - Discussed New technology development
    - FRA to work closely with RR during development stages
      - FRA is open to technological advances
  - Discussed importance of advance planning & co ntrol during implementation
    - RCL technology will not work everywhere

6
10/7/2005

September 9th Letter (Cont)

- Training (Part 240)
  - –Cl assroom - Same classroom training as conventional engineers
  - –O JT - Minimum of 120 hours actual documented operating time
    - Existing operations, RCOs grandfathered

7
10/7/2005

September 9th Letter (Cont)

- FRA to meet with AAR to discuss issues

8
10/7/2005

Human Factors Accidents

- Leading cause of all accidents
- Appears to be equal in both RCL and conventional operations

9
10/7/2005

Human Factor Causes

- Switch improperly lined
- Shoving movement, absence of employee on or at the leading end of movement
- Shoving movement, employee on or at the leading end of movement, but fails to control
- Switch previously run through
- Car left to foul

10
10-7-2005

Regulation of Certain Rules

- FRA is federalizing certain operating rules to address human factor accidents
  - RSAC working group to write regulation
    - FRA
    - Unions
    - Railroads

11
10-7-2005

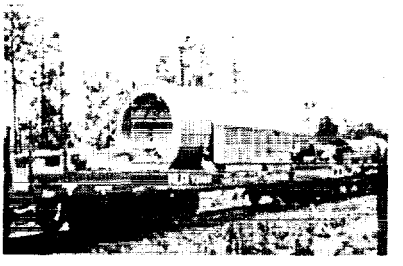
Discussion

- Questions?

12
10-7-2005

Dedicated Train Study

Michele Sampson
October 11, 2005



History

- Study mandated by HMTUSA 1990
- Contracted to VOLPE
- 1st Draft dated February 1993
- Coordination within DOT
- Coordination with DOE and NRC
- Final Report dated March 2005
- Transmittal to Congress 9/22/05

Study Methodology

- 3 Types of train service
  - Regular trains
  - Key trains
  - Dedicated trains
- Comparison of radiation dose risk
  - Incident-free (normal) transportation
  - Accident conditions
- Operational safety consideration

Findings

"The Volpe Study indicates that risk to employees and the public from the transportation of SNF/HLRW is low, but on a comparative basis dedicated trains appear to offer advantages over general consists."

Available online www.fra.dot.gov under Safety – Publications
"Use of Dedicated Trains for Transportation of High-Level Radioactive Waste and Spent Nuclear Fuel"

Path Forward

- Determine if rulemaking is warranted
  - Evaluate cost/benefit data associated with dedicated service
  - Review AAR operating and maintenance standards published post-study
  - Review DOE and industry shipment planning documents
- Review and update FRA's SCOP

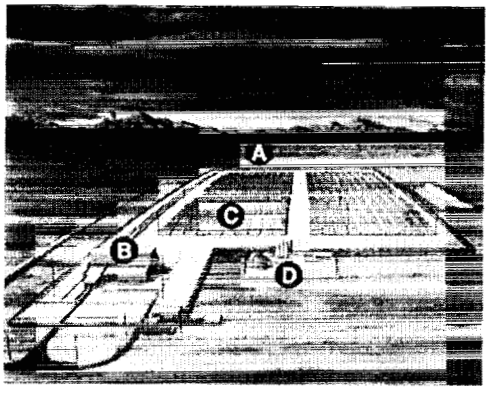
Shipment of SNF

- DOE's Yucca Mountain project
  - Facility opening not anticipated until after 2012, due to unresolved
    - Delays in licensing process
    - Funding issues
  - Policy Statement for Use of Dedicated Trains for Waste Shipments to Yucca Mountain, issued July 2005

Shipment of SNF

- Private Fuel Storage, LLC
  - 8 electric utilities partnered with the Skull Valley Band of Goshute Indians
  - Sept. 9, 2005, received NRC approval for issuance of a license to build and operate an interim storage facility on the Skull Valley reservation in Tooele Co., Utah
  - Committed to use of dedicated train service

PFS Facility Illustration



A. Rail line entering PFS from the west
B. Cask Transfer Building
C. Reinforced concrete storage pads
D. Concrete manufacturing batch plant

and also must be received by 5 p.m., October 21, 2005. Oral testimony before the GSP Subcommittee of the TPSC will be limited to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if they conform with the regulations cited below and are submitted, in English, by 5 p.m., November 14, 2005. Parties not wishing to appear at the public hearing may submit post-hearing written briefs or statements, in English, by 5 p.m., November 14, 2005.

Requirements for Submission

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic e-mail submissions only in response to this notice. Hand-delivered submissions will not be accepted. These submissions should be single-copy transmissions in English with the total submission not to exceed 20 single-spaced standard letter-size pages. E-mail submissions should use the following subject line: "2005 GSP Review" and, as appropriate "Notice of Intent to Testify" or Written Comments." Documents must be submitted in English in one of the following formats: MSWord (.DOC), WordPerfect (.WPD), or text (.TXT) files. Documents may not be submitted as electronic image files or contain imbedded images (for example, ".JPG," ".TIF," ".PDF," ".BMP," or ".GIF"). Supporting documentation submitted as spreadsheets are acceptable as Excel files, formatted for printing on 8½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

If the submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted. In addition, the confidential submission must be clearly marked "BUSINESS CONFIDENTIAL" at the top and bottom of each page of the document. The non-confidential version must also be clearly marked at the top and bottom of each page (either "PUBLIC VERSION" or "NON-CONFIDENTIAL"). Documents that are submitted without any marking will be considered public documents. For any document containing business confidential information submitted as an electronic attached file to an e-mail transmission, the file name of the business confidential version should begin with the characters "BC–", and the file name of the public version should begin with the characters "P–". The "P–" or "BC–" should be followed by the name of the party (government, company, union, association, etc.) making the submission.

E-mail submissions should not include separate cover letters or messages in the message area of the e-mail; information that might appear in any cover letter should be included directly in the attached file containing the submission itself, including the sender's e-mail address and other identifying information.

The e-mail address for these submissions is *FR0052@USTR.EOP.GOV*. Documents not submitted in accordance with these instructions might not be considered in this review. If unable to provide submissions by e-mail, please contact the GSP Subcommittee to arrange for an alternative method of transmission.

Public versions of all documents relating to this review will be available for review approximately two weeks after the relevant due date by appointment in the USTR public reading room, 1724 F Street NW., Washington, DC. Appointments may be made from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, by calling (202) 395–6186.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Regina Teeter, (202) 395–9681. All other questions should be directed to Marideth Sandler, Executive Director of the GSP Program, Office of the United States Trade Representative, 1724 F Street, NW., Room F–220, Washington, DC 20508, (202) 395–6971.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 05–20089 Filed 10–5–05; 8:45 am]

BILLING CODE 3190–W5–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Safety Advisory 2005–04

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of Safety Advisory 2005–04.

SUMMARY: FRA is issuing Safety Advisory 2005–04 advising shippers, consignees, and railroads of the dangers of allowing cars of "time-sensitive" chemicals to remain undelivered beyond their anticipated date of placement and to recommend enhanced procedures to avoid such occurrences. This action is being taken to improve the safety and reliability of hazardous materials shipments by railroad.

FOR FURTHER INFORMATION CONTACT: Thomas A. Phemister, Railroad Safety Specialist (Hazardous Materials), Hazardous Materials Division, Office of Safety Assurance and Compliance, Federal Railroad Administration, U.S. Department of Transportation, 1120 Vermont Avenue, NW., Washington, DC 20590–0001 (telephone: (202) 493–6050; e-mail: *tom.phemister@fra.dot.gov*).

SUPPLEMENTARY INFORMATION:

Background

At 6:40 p.m. EDT on August 28, 2005, in Cincinnati, OH, fire department personnel responded to a report of smoke coming from a tank car in a railroad yard (Linwood Yard [1]) operated by the Indiana and Ohio Railway Company (IORY). As shipped, tank car PLCX 224841 contained 23,543.97 gallons of styrene monomer, stabilized (170,966.7 pounds at the loading temperature of 60° F.). Styrene monomer, stabilized, is a class 3 (flammable liquid) material. As a result of the release residents were evacuated within a 1 mile radius, later reduced to a ½ mile radius and, by the end of the fourth day, the exclusion zone was reduced further to the immediate area around the car. The Environmental Protection Agency's Pollution Report indicates that, initially, 800 people were evacuated. In addition, four schools closed, and the Ohio River was closed to traffic for a short time. The incident lasted approximately 5 days.

FRA's preliminary investigation indicates that the cause of the incident was a polymerization of the styrene monomer in the tank car due to the deterioration of the inhibiting agent (para-tertiary butylcatechol) as a result of the extended time in transportation. The shipment consisted of 99.91% Styrene Monomer and .09% of other components (the largest identifiable component was the inhibiting agent) and was offered into transportation on December 30, 2004 by Westlake Styrene, Sulphur, LA, and consigned to Queen City Terminals, Cincinnati, OH, under bill of lading number 80435877. Movement records show that the car made a normal trip to the IORY, arriving at interchange between the Norfolk Southern Railway Company and the IORY (at Sharonville, OH) on January 21, 2005. IORY records show the car was moved from the interchange yard to

[1] Linwood Yard on the Indiana & Ohio Railway is also known as Undercliff Yard.

DRAFT
RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
May 18, 2005

The twenty-sixth meeting of the RSAC was convened at 9:31 a.m., in the Franklin Room of the Washington Plaza Hotel, 10 Thomas Circle, N.W., Washington, D.C. 20005, by the RSAC Chairperson, the Federal Railroad Administration's (FRA) Deputy Associate Administrator for Safety Standards and Program Development, Grady C. Cothen, Jr.

As RSAC members, or their alternates, assembled, attendance was recorded by sign-in log. Sign-in logs for each daily meeting are part of the permanent RSAC Docket. Eight of the forty-eight voting RSAC members were absent: The American Short Line and Regional Railroad Association (ASLRRA) (1 of 3 seats), The Brotherhood of Locomotive Engineers and Trainmen (BLET) (1 of 3 seats), The Brotherhood of Maintenance of Way Employes Division (BMWED) (1 of 2 seats), The International Association of Machinists and Aerospace Workers (1 seat), The National Conference of Firemen and Oilers (1 seat), The National Railroad Construction and Maintenance Association (1 seat), Safe Travel America (1 seat), and The Transport Workers Union of America (TWU) (1 of 2 seats). Five of seven non-voting/advisory RSAC members were absent: The Federal Transit Administration (FTA), The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Association of Railway Business Women, and Secretaria de Communicationes y Transporte (Mexico). Total meeting attendance, including presenters and support staff, was approximately 115.

Chairperson Cothen welcomes RSAC Members and attendees. He asks Alan Misiaszek (FRA Office of Safety) to give a hotel meeting room safety briefing.

Mr. Misiaszek identifies the hotel meeting room's fire and emergency exits. He asks for volunteers with cardiopulmonary resuscitation (CPR) qualification to identify themselves. A large number of RSAC attendees acknowledge having completed this training. Mr. Misiaszek advises that a large number of RSAC attendees have cellular telephones, but volunteers himself to call the emergency telephone number, 911, should an emergency occur.

Chairperson Cothen makes opening remarks. He informs RSAC members that Acting FRA Administrator Robert D. Jamison regrets that he is unable to attend today's meeting. He responds to queries that FRA Administrator Designate, Joseph H. Boardman's first official day of duty will be June 1, 2005. Chairperson Cothen looks forward to a full and productive day. He introduces Daniel C. Smith as FRA's Office of Safety's new Associate Administrator for Safety. Mr. Smith is familiar to RSAC

members having formerly been the Assistant Chief Counsel for Safety in FRA's Office of Chief Counsel. He asks Mr. Smith for a presentation on the National Rail Safety Action Plan.

Daniel Smith (FRA) relates that ordinarily the Associate Administrator for Safety is also the RSAC Chairperson. However, he has asked Grady Cothen to remain in that role as long as he is willing to serve. In addition, Acting FRA Administrator Jamison had planned to make the presentation on the National Rail Safety Action Plan before RSAC. However, a new arrival to his family occurred on May 15, 2005, and he is attending to the many responsibilities that accompany the addition of a baby to a family. Mr. Smith says the National Rail Safety Action Plan had its formal introduction in Columbia, South Carolina, on May 16, 2005, not far from the tragic January 6, 2005, Graniteville, South Carolina, train accident. That accident released chlorine gas from a ruptured tank car, resulting in nine fatalities, including one railroad employee, and the evacuation of more than 5,000 residents. Introduced by U.S. Secretary of Transportation Norman Mineta and Acting FRA Administrator Jamison, the National Rail Safety Action Plan will target the most frequent, highest-risk causes of rail accidents, focus Federal oversight and inspection resources, and accelerate research into new technologies that can vastly improve rail safety.

Mr. Smith uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. In addition, the U.S. Department of Transportation (DOT) press release related to the introduction of the National Rail Safety Action Plan, with Internet links to Secretary Mineta's speech and the National Rail Safety Action Plan is available at FRA's Internet Web Site (click-on "Safety," click-on "National Rail Safety Action Plan), or at www.dot.gov/affairs/dot7805.htm.

Under the viewgraph, "Introduction," Mr. Smith says that rail safety measures are generally moving in a positive direction. Between 1994 and 2004, total rail accidents/incidents declined 39 percent. However, there has been little improvement in the rate of train accidents since the early 1990s and significant train accidents continue to occur. With the increase in both rail traffic and highway traffic, the exposure to potential train accidents/incidents at highway-rail grade crossings is also rising. FRA's National Rail Safety Action Plan is designed to drive down the risk of train accidents, including the consequences from the release of hazardous materials (hazmat), and the risk of collisions at highway-rail grade crossings. Under the viewgraph, "Delivering Results," a bar chart shows the decline of total rail accidents/incidents from 19,592 in 1995 to 13,737 in 2004. Under the viewgraph, "Train Accident Rate," train accidents per million train miles were 3.67 in 1995 and preliminary results for 2004 report the rate to be 4.09. But the trend throughout the 1995-2004 period shows the train accident rate to be stubbornly fixed. Under the viewgraph, "Major Causes of Train Accidents," 38.4 percent of train accidents between 2000 and 2004 (values for 2004 are preliminary), excluding highway-rail grade crossing accidents, are related to human

factors and 33.9 percent are related to track. FRA's strategy to reduce train accidents is to: (1) target the most frequent, highest risk causes of train accidents, i.e., human factor and track; (2) focus oversight and inspection processes; and (3) accelerate research that has the most potential to mitigate the largest risks. Under the viewgraph, "Reducing Human-Factor Accidents," FRA's accident/incident database shows that the top 10 human-factor cause-codes account for 59 percent of human-factor accidents. The leading human-factor caused accident category is "switch improperly lined," with 16.6 percent of reported accidents/incidents attributed to this class. To address human factor accidents, FRA will ask RSAC, at today's meeting, to accept a Task to produce a proposed rule that establishes greater accountability for railroad operating rules compliance. Should RSAC not accept the Task, or produce timely recommendations, FRA will act without RSAC's advice. FRA is considering (1) mandatory compliance with major rules, i.e., "Federalizing" certain railroad operating rules, and (2) a review of railroad training and oversight requirements. In addition, in March 2005, FRA signed a "Memorandum of Understanding," with several railroad labor organizations and management to develop pilot programs to document "close calls," i.e., unsafe events that do not result in a reportable accident but very well could have. In other industries such as aviation, implementation of "close call" reporting systems, which shield the reporting employee from discipline (and the employer from punitive sanctions levied by the regulator), have contributed to major reductions in accidents. The idea is: "what is causing the cause." Finally, to reduce human-factor accidents, FRA will continue to encourage the development and deployment of positive train control systems, which are made possible by the nationwide differential global positioning system (NDGPS). Under the viewgraph, "Reducing Human-Factor Accidents–Role of Fatigue," (1) railroad operating crews work long and often unpredictable schedules; (2) employee "hours of service" are governed by a 1907 law that was last updated in 1969; (3) the service demands for railroads and railroad employees are growing; (4) rail employee education and awareness of fatigue issues is well developed; (5) there remains significant pockets of fatigued employees due to crew calling practices and collective bargaining agreements; (6) fatigue is believed to be a significant contribution to human factor accidents; (7) solutions to fatigue is a continuing effort of the North American Rail Alertness Partnership; and (8) once validated, a fatigue model for the railroad industry will be made available for evaluation and planning of crew scheduling practices. Under the viewgraph, "Improving Track Safety," Mr. Smith explains that total track-caused accidents for Class I railroads decreased slightly between year 2000 and 2004, while revenue ton-miles of freight, i.e., traffic volume, increased. Nevertheless, track-caused accidents remain a leading cause of train accidents/incidents. FRA knows that the Agency needs to increase track structure flaw detection capabilities, especially for joint bar cracks and internal rail flaws. FRA is also accelerating research on methods of detecting track geometry defects that are not easily spotted. Under the viewgraph, "Automated Track Geometry Program," Mr. Smith says that as of May 18, 2005, a new self-propelled Gage Restraint Measurement System (GRMS) track inspection vehicle (T-18) was put into full time service by Secretary of Transportation Mineta during ceremonies in Baton Rouge, Louisiana. The T-18 utilizes a specially designed fifth axle that applies continuous loads to each rail–regardless of the roll, pitch or vertical

movement of the carbody, or curvature of the track–to detect weak ties and fasteners. Two additional T-18 GRMS track inspection vehicles are under construction–one will be a towed vehicle; one will be a self-propelled vehicle–and are expected to be placed into service within 18 months. The T-18 fleet will target major hazardous materials and passenger routes and are part of the National Rail Safety Action Plan. FRA's T-18 vehicle is owned by the Agency's Office of Railroad Development. Under the viewgraph, "Track Research," FRA is accelerating research on methods of detecting major causes of track defects that are not spotted easily such as cracked joint bars and internal rail flaws. A new photo imaging device will aid in the detection of cracks.

A large part of the National Rail Safety Action Plan deals with hazmat transportation. Under the viewgraph, "Hazardous Materials Transportation," hazmat releases in train accidents and other hazmat releases from rail cars are both at or near all-time lows. However, recent train accidents and fears of terrorism have heightened concerns about hazmat releases. Under the viewgraph, "Hazardous Materials Safety," efforts are proceeding to ensure that emergency responders have access to hazmat information (a pilot project will be put in place in July 2005), and tank car structural integrity research is being accelerated (to the extent funds permit). Under the viewgraph, "Non-Accident Release Trends," releases between year 1995 and 2004 are reduced, but rail employees are still being injured.

Under the viewgraph, "Focused Inspections," DOT's Office of the Inspector General issued a report suggesting that better use of FRA's accident/incident databases was needed to help FRA allocate its inspector resources. FRA has fewer than 400 inspectors who are responsible for administering rules that cover intercity passenger and commuter service and freight service involving 140,000 route miles of track, 1.3 million pieces of rolling stock, 1.7 million hazardous materials shipments annually, and over 200,000 rail employees. To help FRA apply its limited inspector resources, Mr. Smith briefly describes FRA's new National Inspection Plan. It is data-driven; allocation of inspector resources is by railroad and by State within inspection disciplines; and the plan can be adjusted as new information is provided.

Under the viewgraph, "Highway-Rail Grade Crossing Safety," Mr. Smith says that FRA works with States, local governments, railroads, and other DOT administrations to improve safety at over 148,000 public grade crossing and 98,000 private grade crossings. Compared to 1994, preliminary data for 2004 show that highway-rail grade crossing incidents are down 39 percent and fatalities are down 40 percent. However, there was an increase in highway-rail grade crossing incidents and fatalities in 2004, compared to 2003, particularly involving pedestrians. Under the viewgraph, "Improving Grade Crossing Safety," although fatalities from highway-rail grade crossing accidents have trended in the right direction for many years, these accidents are still causing over 300 deaths per year. Under the viewgraph, "Improving Grade Crossing Safety," (1) FRA continues to build partnerships with State and local law enforcement, i.e., a Safety Advisory was issued on May 2, 2005 (Safety Advisory 2005-03; Highway-Rail Grade Crossing Safety), to facilitate improved cooperation in the investigation of

collisions at highway-rail grade crossings; (2) FRA continues to improve data available for safety analysis, i.e., the Train Horn Rule will help update the highway-rail grade crossing inventory; (3) FRA is working with the State of Louisiana on its State Action Plan (the first pilot for this approach) to improve grade crossing safety; and (4) FRA is using data to focus on pedestrian fatalities at highway-rail grade crossings. Under the viewgraph, "Summary," Mr. Smith says FRA intends to reduce accidents and casualties by: (1) focusing resources on major risks through better use of data; (2) using technology and new products of research strategically; and (3) forming partnerships with State and local agencies and others to prevent and mitigate the consequences of accidents. In conclusion, Mr. Smith announces that the narrative summary of the National Rail Safety Action Plan can be found on FRA's Internet Web Site (click-on "Safety," click-on "National Rail Safety Action Plan.)"

Mr. Smith asks for questions.

Rick Inclima (BMWED) says as he looks through the National Rail Safety Action Plan, there is an emphasis on human factors. He believes that human factor-related accidents are the result of the failings of something other than the individual worker. He believes the interplay of railroad operating rules is important in examining human factor-caused accidents.

Mr. Smith agrees and says that FRA has received a directive from the Secretary of Transportation to look at human factor-caused accidents. A Human Factors-related Task will be proposed today that will ask an RSAC Working Group to look into the details of this topic. He believes that RSAC and FRA need to elevate those railroad operating rules that can help reduce this type of accident.

Mr. Inclima references hazardous materials releases. He asks if there is any move by FRA or the rail industry to provide "escape packs," or "escape hoods," for train crew member use in train accidents such as the Graniteville, South Carolina, accident in which deadly chlorine gas was released?

Mr. Smith responds that a train crew member's mother expressed that comment to the Secretary of Transportation during the introduction of the National Rail Safety Action Plan in Columbia, South Carolina. He does not know the particulars of what apparatus is appropriate considering the potential releases of different kinds of hazmat.

Ross Capon (National Association of Railroad Passengers (NARP)) asks if FRA has given consideration to notifying communities about the types of hazmat that are transported on a regular basis through their communities?

Mr. Smith responds that railroads will need to provide input to this subject. The Circular that the Association of American Railroads (AAR) issued recently may deal with this topic.

Michael Rush (AAR) explains that railroads have been sitting down with communities for years. Each railroad does it in its own particular way.

John Samuels (AAR) says that FRA has a strong research program. However, he sees a problem. He asks: How does FRA get the "research" side of its efforts over to the "safety" side to produce fact-driven rules? There is an absence of DOT modal Administrators when accidents are being investigated. He believes there is a need to better link government modal Administrators to accident investigations. The rail industry needs to share its problems, for example, trespassers being struck on railroad property by moving equipment, with different DOT modal Administrators. This is not just a problem for the "railroad" modal Administrator.

Mr. Smith responds that FRA has a good working relationship with the Federal Highway Administrator. But it may not be apparent to parties outside of DOT. He adds that FRA's Office of Safety employees have a "passion" about safety. Sometimes the passion may not be based on facts. But FRA agrees that safety requirements must be supported by facts and reasonable inferences from those facts.

With no further questions of Mr. Smith, Chairperson Cothen asks Charles Bielitz (FRA–Office of Safety) for an activity report on Passenger Safety Working Group (WG) activities.

Charles Bielitz (FRA) explains that the General Mechanical Task Force has a delay in completing its work. It has been asked to look into testing requirements for locomotive hand brakes and baggage car standards, i.e., adding inspections for adequate heat, lighting, and operable doors. He asks Al MacDowell (FRA–Office of Safety) and Larry Kelterborn (American Public Transportation Association (APTA)–LDK Engineering) to report on Track Vehicle Interaction (TVI) Task Force (TF) activities.

Al MacDowell (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Mr. MacDowell explains that the TF has been meeting about every two months. The first meeting was April 20, 2004, and the most recent meeting was April 7, 2005. Generally, a technical subgroup of the TF meets at about the same intervals. Under the viewgraph, "Task Force Ongoing Issues," Mr. MacDowell explains that Items G1-1, Wheel Flange Angle, G1-2, Wheel Conicity, and G1-3, Truck Equalization, are still being debated at the APTA PRESS (Passenger Rail Equipment Safety Standards) Committee. Therefore, there is nothing to report to the full RSAC on these items at this time. For WG Item G3-1, 49 Code of Federal Regulations (CFR) § 213/ § 238 language consolidation, the TF has drafted a Proposed Consolidation/Revision of TVI Requirements in Parts 213 and 238. However, the Working Group is still cross referencing these changes and there is nothing to report to the full RSAC on this item. Under the viewgraph, "Item G2: Instrumented Wheelset (IWS) Testing Requirements," Mr. MacDowell explains that a lot of research

and Modeling is required before the TF can report progress on this issue. However, the TF is considering (1) surrogate IWS testing measures; (2) how to revise qualification requirements for new equipment on Class 6 track (90-110 mph), i.e., for Class 6 track and cant deficiencies up to 5 inches, the IWS testing requirement has been replaced with simulation of performance with no requirement for re-qualification on other tracks; and (3) simulation of performance, in which IWS measurements, or accelerometer measurements will be conducted using an industry-recognized methodology on a segment representative of the full route on which the equipment is intended to operate. Under the viewgraph, "Item G2–Qualification Requirements," Mr. MacDowell explains that four tests will be applied to new equipment, based on the amount of cant deficiency. They are: (1) static lean test; (2) acceleration test; (3) simulation; and IWS test. Mr. MacDowell says that simulations and examination of the route track geometry will be used to determine a segment statistically representative of the route and inclusive of the most severe conditions. Simulations will also be conducted on an analytically-defined track segment representative of minimally compliant track conditions for the respective track class. Any IWS or accelerometer test must be accompanied by a track geometry survey within two weeks of the test. The TF is also working on establishing procedures for allowing qualified equipment to be run on other tracks of the same class without the use of IWS testing. For Class 6 track and cant deficiencies up to 5 inches, the IWS testing requirement has been replaced with "simulation-of-performance" with no requirement for re-qualification on other tracks. The technical sub group of the TF will establish predefined analytical anomalies representative of minimally acceptable conditions for each track class. Finally, the simulation of vehicle performance over the developed analytical geometry as well as over actual track, along with acceleration measurements, will be used to extend equipment qualification to untested tracks. The TF discussion on this issue is ongoing; there are no proposals to present to the full RSAC at this time.

Mr. MacDowell asks Larry Kelterborn to continue the presentation on Track Vehicle Interaction TF activities.

Larry Kelterborn (APTA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Mr. Kelterborn explains that most Track Vehicle Interaction TF activities involve technical issues that need to be studied before they can be resolved. Under the viewgraph, "Item G3-2: Revision of Acceleration Criteria," carbody accelerations and truck stability issues are being studied for passenger carrying equipment and non-passenger carrying equipment, under transient acceleration and sustained acceleration conditions. The TF discussion on this issue is ongoing; there are no proposals to present to the full RSAC at this time. Under the viewgraph, "Item G3-3: Revision of Wheel-to-Rail Forces in TVI Limits Table of 49 CFR § 213.333," ongoing further analysis is needed involving proposed net axle limits with dependency on vehicle weight. Analysis shows that the current single limit may be sufficiently conservative for all vehicle types. There is also a proposal for single wheel

unloading limit to 20 percent of nominal static weight–the existing rule may not have a sufficient margin of safety. The TF discussion on these issues is ongoing; there are no proposals to present to the full RSAC at this time. Under the viewgraph, "Item G4: Reconsider Adequacy of Track Geometry Limits," very time-consuming Modeling is underway to show what happens when factors are varied. The TF is establishing a matrix of track conditions over which vehicles will be modeled and to validate the relationship between TVI safety limits and track geometry limits. Analysis will consider limits for short warp for Track Class 6 and higher. "Warp" is the difference in cross level in two segments of track, i.e., anything less than 60 feet. The TF is attempting to determine the relationship between track geometry and cant deficiency by Modeling. Computer Models will include Amtrak's Acela Power Car, Amtrak's Acela trailer car, Amtrak's AEM-7, FRA's T-16 track geometry car, and Amtrak's Amfleet cars. The TF discussion on this issue is ongoing; there are no proposals to present to the full RSAC at this time. Under the viewgraph, "Item G5–1–Cant Deficiency Regulations," the TF is proposing to establish minimum requirements of track maintenance based on the maximum cant deficiency allowed. Presently Track Class is based solely on speed. Ultimately, Track Class may be determined by either cant deficiencies or speed. The TF discussion on this issue is ongoing; there are no proposals to present to the full RSAC at this time. Under the viewgraph, "Item G7–Elimination of Class 9 Track Standards Reference," the TF accepted the APTA recommendation that FRA delete all requirements and references to Class 9 Track Standards (maximum allowable speed is 200 miles per hour (mph)) from the current Track Safety Standards and reduce the maximum operating speed for Class 8 Track to 150 mph (currently 160 mph). At the April 7, 2005, TF meeting, FRA presented draft rule text language to accomplish this change, which was accepted and will be forwarded to the Working Group for consideration at its next scheduled meeting, September 6-8, 2005. Finally, in recommending the elimination of requirements and references to Class 9 Track Standards, Mr. Kelterborn notes that FRA requires a rule of particular applicability for any operations above 150 mph to address safety issues presented by the system at those operating speeds.

Mr. Kelterborn asks for questions.

With no questions of Mr. Kelterborn, Chairperson Cothen announces a 10-minute break.

MORNING BREAK 11:05 A.M. - 11:18 A.M.

Mr. Cothen calls the meeting to order. He recognizes the following meeting attendees: Tom Streicher (ASLRRA), Robert Smith (AAR–Canadian Pacific Railroad), Bill Parsons (AAR–Metra North), and Ken Briers (NARP).

Chairperson Cothen asks David Tyrell (DOT–Volpe National Transportation Systems Center (Volpe)) for a report on Crashworthiness/Glazing TF activities.

David Tyrell (Volpe) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Outline," Mr. Tyrell's presentation will touch on the following topics: (1) glazing; (2) fuel tanks; (3) cab car end frames; (4) crash energy management; and (5) next steps. Under the viewgraph, "Glazing Issues," Mr. Tyrell says the TF has reached consensus for the criteria for the Large Object Impact Test, contingent on conducting the test under prescribed conditions. The test is to be conducted this summer. The following issues remain open: (1) should locomotive side windows meet the more stringent front facing glazing requirements; (2) should there be a higher ballistic test velocity, more representative of current .22 caliber (long rifle) bullets; and (3) should end facing windows in trailing passenger cars be subject to side facing glazing requirements? Under the viewgraph, "Overview of Proposed Glazing Standard," (1) glazing is to be certified by an independent laboratory; (2) glazing material will be recertified every three years using the following criteria: penetration of a 2-mil thick aluminum foil "witness plate," and three of four test samples must pass each test. Under the viewgraph, "Overview of Recommended Front Facing Glazing Tests," Mr. Tyrell describes the Ballistic Impact Test (22 caliber long rifle, using a 40 grain bullet, having an impact velocity of 960 feet per second (fps) and the Large Object Impact Test (12 pound solid steel ball, having an impact velocity of 62.5 fps (43 mph), which tests the glazing system, including glazing, gasket, and frame). Under the viewgraph, "Overview of Recommended Side Facing Glazing Tests," Mr. Tyrell describes the Ballistic Impact Test (22 caliber long rifle, using a 40 grain bullet, having an impact velocity of 960 feet per second (fps), the Large Object Impact Test (12 pound solid steel ball, having an impact velocity of 17 fps (11.6 mph), and the Small Object Impact Test (0.42 pound solid aluminum sphere with an impact velocity of 80.7 fps (55 mph).

Under the viewgraph, "Fuel Tanks," Mr. Tyrell explains that the TF has received presentations on accident survey data and the development of generic passenger and freight locomotive fuel tank crush models.

Under the viewgraph, "Cab Car End Frame Optimization," Mr. Tyrell says the TF has reached tentative consensus on fundamental technical requirements and on the recommended "home" for the standards, i.e., Dynamic Standard (FRA Regulation), Quasi-Static Standard (APTA Standard). This approach parallels the approach taken in the Locomotive Crashworthiness rulemaking, with FRA providing performance standards and AAR's revised S-580 Standard providing a recognized means of implementation. However, consensus has not yet been achieved on values for energy absorption–additional testing is needed. Under the viewgraph, "Cab Car End Frame Tests," Mr. Tyrell outlines the following progress. For Quasi-Static Tests (to help define the APTA Standard), the M-7 collision post test is completed; the M-7 corner post test is planned; the State-of-the-Art (SOA) design corner post test is tentatively planned; and the a further collision post test is tentatively planned. For Dynamic Tests (to help define recommendations for FRA regulations), the 1990's corner posts test is completed; the

SOA corner posts test is completed; and a further collision post test is tentatively planned. Under the viewgraph, "Overview of Draft Cab Car End Frame Standards," Mr. Tyrell describes the Dynamic Standard, which applies to any shape cab car, as cab car impact with a rigid object with prescribed initial locations, weights, and impact speed. Under the "dynamic standard test conditions," there shall be no more than 10 inches of deformation of the collision/corner post. For the Quasi-Static Standard, which applies to flat nose cab cars, the collision/corner post is severely deformed by a load applied 30 inches above the car deck. Under the "quasi-static test conditions," a minimum prescribed amount of energy must be absorbed; no more than 10 inches deflection of the collision/corner post into the operator's cab is allowed; and there shall be no complete separation of cab car attachments. Under the viewgraph, "Crash Energy Management," a summary of research and development has been presented to the TF. An Ad Hoc working group is being formed by FRA, the Federal Transit Administration, APTA, and Metrolink to develop crash energy management specifications. Under the viewgraph, "Crashworthiness-Glazing Task Force Next Steps," Mr. Tyrell says the TF is working towards consensus on both glazing standards and cab car end frame optimization. In addition, the TF will start to develop recommendations for interior occupant protection requirements.

Mr. Tyrell asks for questions.

With no questions of Mr. Tyrell, Chairperson Cothen explains that there is intense interest in push-pull train operations (Locomotives can be positioned at the front of a train consist to "pull" cars, or at the rear of a train consist to "push" cars. When used in commuter rail service, the locomotive will typically "pull" cars in one direction of the commuter train's origin and destination, and then "push" the cars in the opposite direction of the commuter train's service. There are cost savings to commuter rail authorities by operating commuter trains in push-pull service. But critics say that having a locomotive "pull" commuter rail cars are safer.) There is a team activity within the Passenger Safety Working Group that is looking into push-pull operations that hopes to present data analysis shortly. He adds that FRA need to move on implementing crashworthiness standards, either the APTA Standard, or FRA Regulations by the TF's next meeting (August 11-12, 2005). He asks Brenda Moscoso (FRA–Office of Safety) to report on Emergency Preparedness TF activities.

Brenda Moscoso (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "WG Recommended Notice of Proposed Rulemaking," Ms. Moscoso says in March 2005, the WG reached consensus for rules in the following areas: (1) emergency window exits; (2) rescue access windows; (3) emergency roof access; (4) emergency communications; and (5) inspection and repair of emergency systems. Under the viewgraph, "Revised Definition," "main level" means a level of a passenger car that contains a passenger compartment whose length is equal to or greater than half the

length of the car. Thus, intermediate/mezzanine levels on existing equipment are not main levels. Under the viewgraph, "Emergency Window Exits," Ms. Moscoso outlines proposed emergency window exit rules as follows: (1) non-main levels–two in each seating area accessible to passengers without having to pass through an interior door or go to another level; one in each side of the seating area; and may be in an exterior side door in the passenger compartment if it is not "practical" to place in the side of the seating area. (2) non-main level exception for existing equipment–only one required in a seating area if not "practicable" to place in a side of the passenger compartment (due to the presence of such structure as a bathroom, electrical locker, or kitchen) and there are no more than 8 seats in the seating area. (Note: from a dictionary, "practical" means capable of being used or put into effect. "Practicable" means feasible. "Practical" is more flexible.) (3) non-main level exception for new equipment (to address limited space)–only one emergency exit window is required in a seating area if: (a) it is not "practical" to place in a side of the passenger compartment due to the need to provide accessible accommodations under the Americans with Disability Act (ADA) regulations; (b) there are no more than 4 seats in the seating area; and (c) a suitable, alternate arrangement for emergency egress is provided. (4) there is added flexibility for emergency window exit dimensions–26 inches horizontally by 24 inches vertically; however, if located within an exterior side door, the dimensions may be 24 inches horizontally by 26 inches vertically. (5) to address potential hindrances to window removal (e.g., seatbacks, headrests, luggage racks, etc.)–instructions in either written or pictorial format shall state/show the method for allowing rapid and easy removal of the window, taking into account the fixture (hindrance). Under the viewgraph, "Rescue Access Windows," Ms. Moscoso outlines proposed rescue access window rules as follows: (1) for single-level passenger cars and main levels–two rescue access windows, one in each side entirely within 15 feet of the centerline of the car (within 7.5 feet, if the car is less than or equal to 45 feet in length); if the seating level is partitioned into separate seating areas, each separate seating area shall have one in each side, as near to the center of the car as "practical." (2) exceptions to the location requirement for single-level passenger cars and main levels–if 4 emergency window exits also serve as rescue access windows, the requirement is met; for existing equipment, if the rescue access windows are located within exterior side doors, and at least one is in each end and each side of the car, the requirement is met. (3) for non-main levels–the requirements and exceptions are the same as for "emergency window exits in non-main levels." (4) for ease of operability–rescue access windows should be capable of being removed without undue delay by an emergency responder using tools or implements that are commonly available to an emergency responder at the scene, or a provided mechanism. (5) marking and instructions–instructions are to be posted at or near each rescue access window; placement of instructions at car ends only is not sufficient to meet this requirement. Under the viewgraph, "Emergency Roof Access," Ms. Moscoso outlines proposed emergency roof access rules as follows: for new passenger cars–two, as "practical," in diagonally opposite quadrants of the roof; minimum size should be 24 inches laterally and 26 inches longitudinally; there should be instructions and reflective markings for each emergency roof access point, whether it is a roof hatch, or structural weak point in the roof structure. Under the viewgraph, "Emergency

Communications," Ms. Moscoso outlines proposed emergency communication rules as follows: (1) public address systems–will be required on all new cars; existing cars will need to be retrofitted by year 2012 (note: it is expected that cars currently without public address systems will be retired by year 2012). (2) intercom systems–for new passenger cars, one transmission point in each end (half), unless the car is less than or equal to 45 feet in length. Under the viewgraph, " Inspection and Repair," Ms. Moscoso outlines proposed inspection and repair requirements for emergency systems as follows: (1) for rescue access markings and instructions–check for presence daily; repair by the 4th Calendar Day Inspection; rules provide greater repair flexibility for sleeping cars and cars with significantly more rescue access windows than required. (2) for public address and intercom systems–as part of the daily inspection, public address and intercom systems should operate and function as intended; if defects are found, provide train crew written notification of the non-complying condition; repair by the 4th Calendar Day Inspection (exception: for long distance intercity trains, repair by the 8th Calendar Day Inspection). (3) for doors–new requirement to provide train crews with written notification of non-complying conditions. (4) for roof access markings–determine presence at the Periodic Mechanical Inspection, but not less frequently than every 184 days. Under the viewgraph, "Other Progress," Ms. Moscoso explains that the Emergency Preparedness TF is working on the following topics: (1) promoting use of doors for emergency egress; (2) enhancing emergency lighting; (3) incorporating APTA standards; and (4) addressing the Transportation Security Administration (TSA) Directive to lock cab operator doors. Under the viewgraph, "Use of Door Exits," Ms. Moscoso explains that the TF reached consensus for removable windows/panels in vestibule doors to provide access to side and end frame door exits. The TF has under consideration removable windows/panels in end frame doors that are potentially the preferred exit route from cars that have rolled onto their sides. Under the viewgraph, "Emergency Lighting," Ms. Moscoso says the goal of this issue is to provide a well-protected emergency power supply for emergency lighting. The TF has agreed in principle to the use of a self-contained power source, i.e., either battery or capacitor, pending a review of cost and a determination of feasibility. Under the viewgraph, "Incorporation by Reference of APTA PRESS Standards," FRA intends to incorporate by reference, APTA PRESS Standards regarding emergency lighting, emergency signage, and low-location exit path markings (LLEPM). Ms. Moscoso explains that the APTA PRESS Standards for lighting will require emergency lighting to be installed by year 2015 or when equipment is conveyed/transferred/leased, whichever occurs first. Because existing non-HPPL (high-performance photoluminescent lighting) signage stocks are likely exhausted, APTA PRESS Standards will no longer grandfather the use of this signage. Finally, APTA PRESS is still working on an implementation schedule for LLEPM. Some larger railroads may need more time to implement this technology.

Under the viewgraph, "TSA Security Directive," Ms. Moscoso explains that on May 20, 2004, TSA sent the following Directive to passenger railroads: "if equipped with locking mechanisms, lock all doors which allow access to the engineer's cab or compartment." In addition, TSA asked for alternative recommendations to mitigate the effect of this Directive to address any safety concerns. Subsequently, TSA met with the

TF and clarified the directive as follows: (1) the Directive is limited to controlling cabs; (2) if the equipment that is necessary to operate from that cab is removed, the cab is not a controlling cab; and (3) affected commuter railroads need to submit requests for alternative safety measures to TSA on their own, or through APTA, i.e., exemptions for cab doors with no quick release mechanism and exemptions for freight locomotives borrowed for passenger service.

Ms. Moscoso asks for questions.

Dennis Mogan (AAR) references public address system requirements for existing equipment, i.e., 49 CFR § 238.117A(1). He asks for confirmation that the proposed new rules do not require the retrofit of existing cars with intercom systems in each half of the cars.

Ms. Moscoso responds yes, that is correct.

With no further questions of Ms. Moscoso, Chairperson Cothen asks for a motion to approve draft rule text to amend 49 CFR § 238 regulations, as recommended by the Passenger Safety Working Group.

> A copy of the draft rule text to amend 49 CFR § 238 regulations, as recommended by the Passenger Safety Working Group, and an accompanying explanation, Emergency Preparedness Notice of Proposed Rulemaking, were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

James Stem (United Transportation Union (UTU)) moves that draft rule text to amend 49 CFR § 238 regulations, as recommended by the Passenger Safety Working Group be approved by the full RSAC.

Dennis Mogan (AAR) seconds the motion.

> BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES DRAFT RULE TEXT TO AMEND 49 CFR § 238 REGULATIONS, AS RECOMMENDED BY THE PASSENGER SAFETY WORKING GROUP.

Chairperson Cothen thanks the Passenger Safety Working Group for their efforts to advance these rules to the full RSAC. He thanks the full RSAC for approving the draft rule text to amend 49 CFR § 238 regulations.

Chairperson Cothen asks Jeffrey Horn (FRA–Office of Safety) for a presentation on Locomotive Cab Working Conditions Working Group activities.

Jeffrey Horn (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting

attendees. In addition, a document that summarizes "Issues from Public Comments to FRA's Occupational Noise Exposure NPRM" was also distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Previously, the Notice of Proposed Rulemaking for 49 CFR Parts 227 and 229, Occupational Noise Exposure for Railroad Operating Employees, was distributed to meeting employees. This document can also be found on FRA's Internet Web Site. Mr. Horn's introductory remarks review the history of occupational noise exposure for railroad operating employees and repeats the portion of RSAC Task Number: 97-2, Locomotive Cab Working Conditions, i.e., Noise, that is nearing completion. The Working Group member organizations were identified and a brief history of the rulemaking was offered as follows: The NPRM was published in the *Federal Register* (FR) on June 23, 2004 (69 FR 35146). The public comment period for the NPRM ended September 21, 2004. Task Force and Working Group meetings were held to review the public comments and recommend a final rule. The Working Group reached consensus on all issues and its report is forwarded to the full RSAC today for approval. Under the viewgraph, "Statistical Summary of the Public Comments," Mr. Horn says about 50 entities submitted comments to the Public Docket. The comments address approximately 65 recommendations/issues. The Working Group rejected 36 requests for changes to the proposed rule, but accepted (in whole/part or modified) 19 recommendations. Under the viewgraph, "Comment Recommendations that were Accepted," Mr. Horn describes the following: (1) new definitions for "audiogram," "audiometry," and "professional supervisor of the audiometric monitoring program;" (2) a revised definition for "audiologist;" (3) permitting American National Standards Institute (ANSI) Method B for evaluating hearing protector attenuation; (4) adding 8,000 Hertz to audiometric testing frequency requirements; (5) permitting insert earphones for audiometric tests; (6) adding a mandatory Appendix with guidelines for audiometric revisions; (7) revising the upper limit for noise measurement to a sound pressure level of 140 dB(A), from 130 dB(A); and (8) changing the annual offering of hearing conservation training and audiometric testing to "once each calendar year," with the interval between the date offered for a test in a calendar year, and the date offered in the subsequent calendar year to be not more than 15 months. Under the viewgraph, " Comment Recommendations that were Not Accepted," Mr. Horn describes the following: (1) revise the exchange rate, i.e., the manner in which the exposure dose is calculated, from 5dB to 3dB; (2) revise the sound level filter from A-Scale to C-Scale; (3) make the effective date for development and implementation of a noise monitoring program sooner; (4) require 100 percent monitoring instead of a statistical sampling approach to monitoring; (5) change the term (definition), "noise operational controls," to "administrative controls;" (6) require annual audiometric (hearing) tests; (7) eliminate the Occupational Safety and Health Administration (OSHA) age correction charts (Appendix F); (8) require static noise test for all locomotives instead of a statistical sample; (9) mandate relocation of cab roof-mounted horns to the back of the cab on the engine compartment hood; (10) require the railroad industry to use noise canceling headsets with built-in communication; and (11) use the OSHA Hierarchy of Noise Controls instead of the specific requirements in the FRA rule. Mr. Horn concludes his presentation by saying today, the full RSAC will be asked to approve the rule revisions

for noise in locomotive cabs. After the FRA Administrator receives and reviews the RSAC recommendation, the rule will enter a clearance process. FRA hopes that the rule will be published in the *Federal Register* in February 2006. The effective date of the rule will be 90 days after publication in the *Federal Register*. The 49 CFR § 229 noise-related build requirements for locomotives will become effective 18 months after the rules are published in the *Federal Register*.

Mr. Horn asks for questions.

Dennis Mogan (AAR) asks if the requirement to move train horn location would apply to cab cars?

Mr. Horn responds that the public comment recommendation that train horn location be moved was not accepted. There are no rules for train horn re-location.

Robert Harvey (BLET) asks why the publication of the Final Rule is delayed until February 2006?

Chairperson Cothen responds that FRA hopes that it does not take that long. However, the rule is on the agenda as a "significant rule." Therefore, there will be additional scrutiny before the rule can be published.

Daniel Smith (FRA) explains the "significant" rule category. The rule will be reviewed thoroughly by the Office of the Secretary of Transportation and by the Office of Management and Budget. If FRA can move more quickly, it will.

Mr. Harvey says there are a large number of brand new employees that are entering this industry. He wants to help protect their hearing.

With no further questions of Mr. Horn, Chairperson Cothen asks for a motion from the full RSAC to accept the Final Rule for 49 CFR Parts 227 and 229, Occupational Noise Exposure for Railroad Operating Employees.

Jeffrey Moller (AAR) moves that the full RSAC accept the Final Rule for 49 CFR Parts 227 and 229, Occupational Noise Exposure for Railroad Operating Employees.

Robert Harvey (BLET) seconds the motion.

> BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES THE LOCOMOTIVE CAB WORKING CONDITIONS WORKING GROUP RECOMMENDATIONS FOR FINAL RULES FOR 49 CFR PARTS 227 AND 229, OCCUPATIONAL NOISE EXPOSURE FOR RAILROAD OPERATING EMPLOYEES.

Chairperson Cothen thanks the Locomotive Cab Working Conditions Working Group for their efforts to advance these rules to the full RSAC. He thanks the full RSAC for approving the final rule text to amend 49 CFR Parts 227 and 229 regulations.

Chairperson Cothen asks Edward Pritchard (FRA–Office of Safety) and Thomas Herrmann (FRA–Office of Chief Counsel) for a presentation on Event Recorder Work Group activities.

Edward Pritchard (FRA) thanks the 35 members of the Working Group for their hard work to complete this task.

Thomas Herrmann (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. In addition, copies of the proposed final rule for Locomotive Event Recorders were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Brief History/Background," Mr. Herrmann explains that the impetus for this proceeding was several National Transportation Safety Board (NTSB) recommendations to develop and implement crashworthiness standards for event recorders in all new locomotives. This rulemaking task was presented to and accepted by the full RSAC in 1997. In November 2003, the full RSAC unanimously voted to concur with the Event Recorder Working Group's recommendation and submitted an NPRM to FRA. On June 30, 2004, the Locomotive Event Recorder NPRM was published in the *Federal Register*. FRA received comments from 22 parties in response to the NPRM. On September 30, 2004, a public hearing was conducted; the public comment period closed on October 11, 2004. On December 15 and 16, 2004, the Event Recorder Working Group held a meeting to discuss and address the comments received in response to the NPRM. On May 2, 2005, the Event Recorder Working Group reached consensus on the draft final rule proposal, which has been distributed to all members of the full RSAC. Under the viewgraph, "Major Provisions of Final Rule," Mr. Herrmann describes the following: (1) requires replacement, over a four-year period (from the effective date of the rule), of each event recorder utilizing magnetic tape as a storage medium with a certified crashworthy event recorder memory module (ERMM) capable of recording at least the same data elements as the recorder it replaces; (2) requires all new lead locomotives, lead manned helper locomotives, and controlling distributive power locomotives (ordered one year after or placed in service four years after the effective date of the rule) to be equipped with a certified crashworthy ERMM capable of recording up to 25 data elements for traditional locomotives and 22 data elements for multiple unit (MU) and diesel MU (DMU) locomotives; (3) requires all remanufactured locomotives (two years after effective date of rule) to be equipped with a certified crashworthy ERMM capable of recording at least the same data elements as the event recorder on that locomotive prior to re-manufacture; (4) requires event recorders originally manufactured after January 1, 2010, and installed on a covered locomotive to be equipped with a certified crashworthy ERMM; (5) contains specific performance criteria for determining

the crashworthiness of an ERMM. These include criteria for fire, impact shock, static crush, fluid immersion, and hydrostatic pressure and contains testing sequence requirements. The criteria are based on existing crashworthiness standards of the Institute of Electrical and Electronics Engineers, Inc. (IEEE), modified for the locomotive environment; (6) requires preservation of event recorder data for a period of one year for any locomotive involved in an accident or incident required to be reported to FRA under Part 225; and (7) provides relief from the periodic inspection requirements for micro-processor based event recorders with self-monitoring features. Requires inspection of these types of event recorders annually.

Mr. Herrmann asks for questions.

Patrick Ameen (AAR) wishes to clarify that the regulations do not contain two testing system requirements. Instead, there is one testing sequence requirement, with a choice. That issue was a major point of the discussions that took place.

With no further questions or comments for Mr. Herrmann, Chairperson Cothen explains that the full RSAC has already given its approval to vote on the final rules for locomotive event recorders by mail ballot. He asks the full RSAC to affirm its prior approval to vote on this issue by mail ballot.

BY UNANIMOUS VOICE VOTE, THE FULL RSAC APPROVES VOTING ON FINAL RULES FOR LOCOMOTIVE EVENT RECORDERS BY MAIL BALLOT.

Chairperson Cothen announces a lunch break.

LUNCH BREAK 12:22 P.M. - 1:25 P.M.

Chairperson Cothen reconvenes the meeting. He asks Daniel Smith to introduce to topic of human-factor-caused accidents/incidents.

Daniel Smith (FRA) says he was with Secretary Mineta in Columbia, South Carolina, on May 16, 2005, when the National Rail Safety Action Plan was inaugurated. At that gathering, Secretary Mineta said that he would ask the full RSAC to look at human factor issues during its May 18, 2005, meeting. FRA has been given a deadline of September 2006, by the Secretary of Transportation to act on this topic.

Chairperson Cothen asks Douglas Taylor (FRA–Office of Safety) to continue with a data presentation on human factor-related train accidents.

Douglas Taylor (FRA) uses a series of Microsoft PowerPoint presentations, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are

not excerpted in their entirety in the RSAC Minutes. He explains that FRA looked at the Agency's accident/incident database and captured those accidents/incidents attributed to human factors as determined by accident/incident cause codes. The study period was calendar years 2000 through 2004. However, human factor-related accidents/incidents increased from calendar years 2001 through 2004. While preliminary annual data for calendar year 2005 will not be available until early 2006, the number of highly publicized train accidents/incidents that have already occurred in 2005, which may have a human factor element, are cause for concern at FRA. These are railroad-supplied data. Nothing has been changed. Under the viewgraph, "HF Accidents, All Class of Track By Cause Code," Mr. Taylor shows the most frequent type of HF accident is cause code H702, Switch Improperly Lined. Between 2001 and 2004, there was a 29.5 percent increase in this type of accident. The second most frequent type of HF accident is cause code H306, Shoving Movement, Absence of Man. Between 2001 and 2004, there was a 45.0 percent increase in this type of accident. Under the viewgraph, "HF Accidents, Class 1 Track By Cause Code" [maximum allowable operating speed for freight trains on Class 1 track is 10 mph; for passenger trains, 15 mph (49 Code of Federal Regulations (CFR) § 213.9(a)], Mr. Taylor explains that eight accident cause codes, related to HF accidents on Class 1 track accounted for 49.2 percent of reported accidents. They are: (1) H702, switch improperly lined; (2) H704, switch previously run through; (3) H703, switch not latched or locked; (4) H306, shoving movement, absence of man; (5) H307, shoving movement, failure to control; (6) H302, cars left foul; (7) H301, car(s) shoved out and left out of clear; and (8) H303, derail, failure to apply or remove. Under the viewgraph, "5 Year HF Trends Per Million Train Miles," the rate of HF-related accidents remained low and fairly constant for main line operations between year 2000 and 2004. However, the rate of HF-related accidents in yard operations, already many times higher than main line operations, has been consistently climbing since year 2001. Under the viewgraph, "2001–2004 Totals, HF Accidents on Class 1 Track," Mr. Taylor shows that between 2001 and 2004, 3,515 of 4,548 reported HF accidents (77.3 percent) occurred on Class 1 track. Using a series of bar chart viewgraphs, Mr. Taylor displays the number of HF-related accidents for both yard and main line operations between years 2001 and 2004 for each of the eight major HF cause codes, i.e., (1) H702, switch improperly lined; (2) H704, switch previously run through; (3) H703, switch not latched or locked; (4) H306, shoving movement, absence of man; (5) H307, shoving movement, failure to control; (6) H302, cars left foul H303, derail, failure to apply or remove; (7); and (8) H301, car(s) shoved out and left out of clear. Under the viewgraph, "Cost, HF Accidents, Class 1 Track, 2001-2004," Mr. Taylor says that between 2001 and 2004, railroads reported $74.3 million in damages resulting from accidents involving the eight major HF cause codes. Under the viewgraph, "2001–2004: Percent of Cost by Cause Code, Total = $74,261,854," 46 percent of total HF accident cost is attributed to cause code H702, switch improperly lined. Under the viewgraph, "HF Injuries, Class 1 Track," a bar chart shows the distribution of HF-related injuries by the eight major HF cause codes for the years 2001–2004. There were 52 employee injuries (including 1 fatality in 2001), distributed as follows: 2001, 11 injuries and 1 fatality; 2002, 12 injuries; 2003,

11 injuries; and 2004: 17 injuries. Finally, under the viewgraph, "Operating Practices; Inspection Defects by Cause Code," H702, switch improperly lined, has by far the greatest number of reported inspection defects. Mr. Taylor concludes his presentation by emphasizing the three major areas of concern: (1) switches improperly lined, (2) shoving movements, and (3) cars left to foul.

Mr. Taylor asks for questions.

With no questions of Mr. Taylor, Chairperson Cothen asks RSAC members to look at proposed Task Statement Number 05-02, Reduce Human Factor-Caused Accidents/Incidents. Mr. Cothen says the proposed Task Statement combines a previous task statement presented to the Human Factors Workshop on April 14, 2005, and a compromise Task Statement offered by the participants of the Human Factors Workshop. FRA wants an RSAC Working Group to examine only those railroad operating rules that apply to human factor-related activities. Proposed RSAC Task No. 05-02 is intended to be a flexible task statement. The view of FRA today is that some railroad operating rules need to be incorporated into Federal regulations. Over the years, this has been done in other areas, i.e., Blue Signal regulations.

Chairperson Cothen asks for questions.

Robert Harvey (BLET) says that during the Human Factors Workshop, Rick Inclima (BMWED) mentioned that "human factors" is not about "human error." It is about the underlying factors that lead to these errors. Under "issues requiring specific report:" in RSAC Task Statement No.: 05-02, Item (3) reads: "What underlying factors contribute to unsafe actions in violation of railroad operating rules." Mr. Harvey believes that this issue will require much deliberation.

Chairperson Cothen responds that the Working Group does not have to agree on all of the issues by some deadline.

Rick Inclima (BMWED) observes that the focus appears to be on 8-10 human factor accident/incident cause codes and the operation of trains in the railroad environment. He asks what is the scope of this assignment? Is it narrowly focused on the 8-10 human factor cause codes presented at this meeting and the Human Factors Workshop, or is it more global?

Chairperson Cothen responds that the Working Group will initially focus on the 8-10 human factor accident/incident cause codes, as reported.

Daniel Smith (FRA) adds that under the "Description" of Task Statement No.: 05-02, is the following instruction: "Review the "***primary***" (emphasis added) human factor causes of rail accidents/incidents and existing railroad operating rules relevant to ***primary*** causes."

Mr. Inclima says when he looks at the first bullet under "Description" in Task Statement No.: 05-02, he is troubled by "rail" accidents/incidents. He asks if "rail" can be changed to "train" accidents/incidents?

Chairperson Cothen says FRA has made a preliminary sort of data that the proposed new Working Group will use as it begins work on this task.

Mr. Inclima says he is just trying to narrow the scope of the task. He believes that by substituting "train" for "rail" will narrow the scope.

Joe Mattingly (Brotherhood of Railroad Signalmen (BRS)) believes that under "Purpose" of Task Statement No.: 05-02, "related" should be inserted before "employee," i.e., To reduce the number of human factor-caused train accidents and *"related"* employee injuries.

Chairperson Cothen thanks Mr. Mattingly. He recalls that an example of the improper use of a rail cut-out device was given in the Human Factors Workshop. He hopes the Working Group could help answer this issue.

Dennis Mogan (AAR) suggests that some pre-work needs to be accomplished before convening a Working Group. He asks if there are inconsistencies in railroad operating rules? He asks what is the time of day, time of week, and time of year for the human factor-related accidents/incidents? He believes that where the proposed Task Statement uses "operating rules," it should also include "maintenance of way" rules. He does not believe that pocket of railroad employees should be left out of this activity.

Chairperson Cothen says that 49 CFR § 217, Railroad Operating Rules, are the "operating rules," which FRA wishes to address in this RSAC Task. [Editorial note: FRA's construction of Part 217 has historically contemplated that all rules pertinent to the safety of switching operations and train operations should be comprehended within the part. Accordingly, the chairperson's response was not intended to exclude rules placed elsewhere in railroad rule books.]

Mr. Mattingly believes there is probably a relationship between the amount of freight and ton-miles moved by railroads, the number of employees available to move the freight, and the number of human factor-caused train accidents/incidents. He hopes that this relationship will be examined.

Chairperson Cothen acknowledges that it will not be an easy process.

Robert Chipkevich (NTSB) says as the proposed Task is written, the scope is very broad. He asks if FRA wants the scope to be broad?

Chairperson Cothen responds that FRA wants a narrow focus on this activity within a tight time frame for Agency action.

William Parsons (Metro-North) says that employees who are working in other areas and then transferred to a new job assignment may need training.

Dennis Mogan (AAR) reiterates that "time of day" information needs to be entered into the equation when examining accident/incident data. If the accidents are all occurring at night, that may be the problem that needs addressing.

Chairperson Cothen says there are many things the Working Group will need to examine.

With no further questions or comments, Chairperson Cothen goes over recommended changes to Task Statement No.: 05-02. These include (changes in bold italics): (1) changing the Task Statement to read "Reduce Human Factor-Caused ***Train*** Accidents/Incidents; (2) changing the Purpose Statement to read "To reduce the number of human factor-caused train accidents and ***related*** employee injuries; and (3) substituting "train" for "rail" wherever "rail" appears before "accidents/incidents" in the remainder of the Task text. He offers Revised Task Statement No.: 05-02 to the full RSAC with a notation that there will be a February 10, 2006, Working Group target date for recommendations. He asks for a motion to accept RSAC Task Statement No.: 05-02, Reduce Human Factor-Caused Train Accidents/Incidents, as modified.

Ira Baldwin (Association of State Rail Safety Managers) moves that the full RSAC accept Task Statement No.: 05-02, Reduce Human Factor-Caused Train Accidents/Incidents, as modified.

Ken Briers (NARP) seconds the motion.

> BY UNANIMOUS VOICE VOTE, THE FULL RSAC ACCEPTS TASK NUMBER 05-02, REDUCE HUMAN FACTOR-CAUSED TRAIN ACCIDENTS/INCIDENTS, AS MODIFIED.

A copy of Revised Task Statement No.: 05-02 will be posted on FRA's Internet Web Site (WWW.FRA.DOT.GOV). It will also be entered into the RSAC Docket and is not excerpted in its entirety in the RSAC Minutes.

Chairperson Cothen thanks RSAC for accepting this task. He says that Douglas Taylor will be FRA's voting member on the Working Group and that members wishing to send representatives to the Working Group should forward their nominations to FRA's Inga Toye, E-Mail Address is: Inga.Toye@FRA.DOT.GOV. Her telephone number is: (202) 493-6305.

Daniel Smith (FRA) says that "training" and "oversight" may be the key outcomes from the Working Group's examination of this issue.

Rick Inclima (BMWED) asks if there is a need for additional information before members sign-up for participating in the Working Group?

Chairperson Cothen says the revised task statement will be circulated to RSAC members and each can make a decision on whether this is necessary.

Chairperson Cothen asks Christopher Schulte (FRA–Office of Safety) for a presentation on Roadway Worker Protection (RWP) Working Group activities.

Christopher Schulte (FRA) uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Session Status," Mr. Schulte explains the first Working Group meeting was held April 12-13, 2005, in Washington, DC. Additional meetings are scheduled as follows: June 22-24, 2005 (Washington, DC), July 11-14, 2005 (Chicago, IL), August 8-11, 2005 (Overland Park, KS), and September 21-23, 2005 (Washington, DC). Under the viewgraph, "Task Framework," Mr. Schulte explains that the Working Group agreed to start discussion on eleven areas of 49 CFR § 214, which need clarification and to include additional items within these areas as necessary. Under the viewgraph, "Initial Eleven Sections," Mr. Schulte outlines the items as follows: (1) Under 49 CFR §214.7, new definitions, or clarification is needed for: interlocking (proposed new); controlled point (proposed new); effective securing device, i.e., a derail (clarification); on-track safety field manual (proposed new); remotely controlled hump yard facility (clarification; and automatic switch or "switch arrangement" (proposed new); (2) Under 49 CFR § 214.309, On-Track Safety Program Documents, clarification of what is required in the document and its accessibility at work sites is needed; (3) Under 49 CFR § 214.317, On-Track Safety Procedures, Generally, clarification is needed for roadway worker use of tunnel niches and crossing tracks when not engaged in work activities; (4) Under 49 CFR § 214.319, Working Limits, Generally, clarification is needed for fouling behind trains; (5) Under 49 CFR § 214.321, Exclusive Track Occupancy, the WG needs to clarify the issue of using work gang number versus employee name; (6) Under 49 CFR § 214.323, Foul Time, the WG needs to clarify the type of work permissible and type of occupancy (if any) within foul time; (7) Under 49 CFR § 214.327, Inaccessible Track, the WG needs to clarify this train coordination issue; (8) Under 49 CFR § 214.329, Train Approach Warning Provided by Watchmen/ Lookouts, clarification is needed for the use of a tactile (touch) warning, provided directly by a watchman/lookout, as an acceptable alternative to visual and audible warnings; work activities that can render the track unsafe for the passage of trains; use of radios by watchmen; and temporary speed restrictions linked to sight distance; (9) Under 49 CFR § 214.337, On-Track Safety Procedures for Lone Workers, clarification is needed for individual train detection at automatic switches and speed restrictions linked to sight distance, i.e., is a speed restriction a maximum authorized speed? (10) Under 49 CFR § 214.339, Audible Warning From Trains, clarification is needed for the term, "on or about the track," the duration/pattern of train whistling, and

electric multiple units without bells; and (11) Under 49 CFR § 214.343, Training and Qualification, General, clarification is needed for on-track safety training of employees associated with RWP, training records for basic employees, and contractor training. Under the viewgraph, "Consensus Items," Mr. Schulte explains the following: (1) clarification of the regulatory language with respect to the On-Track Safety Manual (new term)–elements required to be in the manual (on-track safety protection rules and measures); exception for lone workers when impracticable to have the manual readily available by providing access to information by alternative means; and provision for revisions to on-track safety manual to be in temporary bulletins as long as they are carried with the manual; and (2) provision enabling roadway workers to walk across any track without on-track safety protection. Under the viewgraph, "Items Drafted," Mr. Schulte explains that the Working Group is close to drafting language for "fouling behind"–that establishes working limits while a train is already moving through the same segment of track. Finally, under the viewgraph, "Initial State of Discussion," an informal group of labor and railroad partners within the Working Group is researching the issue of tunnel niches. This issue focuses on clearing the track in areas where a roadway worker might be a few inches closer to the track than the 4-foot fouling zone (but clear of passing equipment). Mr. Schulte concludes his presentation by announcing that the zero (0) roadway worker casualties record that was reported in 2004, has continued through today's meeting date, i.e., May 18, 2005.

Mr. Schulte asks for questions.

With no questions of Mr. Schulte, Chairperson Cothen asks Al MacDowell (FRA–Office of Safety) for a presentation on Rail Integrity Task Force activities.

Al MacDowell (FRA) uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Origins," Mr. MacDowell explains that the Rail Integrity Task Force convened in April 2002, to address the increase in broken rail train derailments. Under the viewgraph, "Charter," the Rail Integrity Task Force goal is to reduce harm resulting from broken rail train derailments. Under the viewgraph, "Harm derivation," Mr. MacDowell outlines the economic costs associated with any accident. For a fatality, the economic cost is $3 million. For injuries, the economic cost is $507,000 for serious injuries and $36,000 for non-serious injuries. If evacuation of residents is necessary because of hazmat involvement, the economic cost is $500 per evacuee. And the economic cost of property and equipment damage is as reported. Between 1975 and 2004, broken rail accidents comprised 27 percent of all track-caused accidents (for Class 3, 4, and 5 Track only). Between 1990 and 2004, broken rail train accidents comprised 31 percent of all track-caused accidents (for Class 3, 4, and 5 Track only). However, the "harm," i.e., economic cost, from broken rail train accidents represented 36 percent of all track-caused accidents between 1975 and 2004, and 45 percent of all track-caused accidents between 1990 and 2004. Under the viewgraph, "Accomplishments,"

Mr. MacDowell listed the following: (1) with railroad participation, collected data on non-accident broken rail occurrences and railroads' inspection strategies; (2) Determined that most broken rail train derailments are due to certain internal railhead defects which can be difficult to detect reliably; (3) further study focused on this subset of rail defects; (4) developed first draft of updated report on railroads' performance in rail defect management, i.e., an update to the 1994 audit. Certain railroads are performing better than others in rail defect management; (5) held meetings with participation of rail inspection service providers to ensure that all facets of rail defect management were investigated; (6) developed computer programs for distribution to the railroads to assist them in establishing rational inspection intervals and asset management; (7) reviewed railroads' practices regarding the use of plug rails and inspection of joint bars; (8) investigated the effects of wheel impact (dynamic) loads on rail defect growth using railroad-supplied data; (9) developed reporting scheme for use by railroads and FRA field staff to obtain additional accident details not currently required by FRA regulations; (10) helped refine specifications for FRA's R&D Project to develop and test a "smart," i.e., pre-instrumented, rail plug to monitor rail longitudinal force; (11) considered strengths and weaknesses of current inspection technologies and steps to improve detector car utilization; (12) discussed railroads' requirements for qualification and certification of detector car operators; (13) considered safety benefits of various concepts for delayed remedial actions, i.e., detect now–repair later; (14) evaluated railroad field experience in sizing of defects and comparison with actual defect size; (15) obtained information on rail defect management procedures outside North America; (16) discussed railroads' cold weather rail break repair procedures and current NTSB recommendations for inspection of joint bars in continuously welded rail; (17) solicited input from railroads on areas upon which to focus FRA's R&D efforts; and (18) developed an outline of "best practices" for successful rail defect management. Under the viewgraph, "Selected Best Practices," railroads should: (1) follow-up on missed detections aggressively to maintain confidence in inspection quality; (2) adopt procedures for adjustment of rail inspection frequencies based on observed defect rates and seasonal effects; and (3) consider qualification criteria for inspection ***systems***, i.e., technology, as well as for operators.

Mr. MacDowell asks for questions.

Daniel Smith (FRA) asks if the Task Force found any predictors for rail failures, such as age of rail, or tonnage?

Mr. MacDowell responds that tonnage, not age, is the most important factor in predicting rail failure.

Rick Inclima (BMWED) asks if the Task Force is looking at criteria for worn rail and will there be changes to 49 CFR § 213?

Mr. MacDowell responds that the Task Force will recommend a "best practices" approach for worn rail and that the Task Force will recommend changes to

49 CFR § 213.

With no further questions of Mr. MacDowell, Chairperson Cothen announces an afternoon break.

AFTERNOON BREAK 2:50 P.M. - 3:00 P.M.

Chairperson Cothen reconvenes the meeting. He asks Tom McFarlin (FRA–Office of Safety) for a presentation on the Final Rule for Processor-Based Signal and Train Control Systems.

Tom McFarlin (FRA) uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Mr. McFarlin says the Final Rule is commonly called the "PTC Rule" (Positive Train Control Rule). Under the viewgraph, "Synopsis," Mr. McFarlin explains that the Final PTC Rule was published on March 7, 2005, and will become effective on June 6, 2005. The scope of the rule covers: (1) future signal and train control systems (including conventional ones) with processor-based elements; and (2) some processor-based highway-rail grade crossing warning systems. Exemptions from the rule include: (1) systems in revenue service before June 6, 2005; and (2) systems in design and development prior to March 7, 2005, that will be placed in service before March 7, 2008. Primary actions/requirements of the Final PTC Rule include: (1) software management control plans; (2) Railroad Safety Program Plans (RSPP), a formal document describing a railroad's system-wide strategy for addressing safety hazards associated with covered products, which shall be submitted to FRA for approval; (3) Product Safety Plans (PSP), which provides a complete description of, and establishes the standards for, a product; (4) an Operations and Maintenance Manual that catalogs and maintains all documents as specified in the PSP for the installation, maintenance, repair, modification, inspection, and testing of a product; and (5) a Training and Qualification Program. In addition, all highway-rail grade crossing processor-based warning systems using new or novel technology, defined as technology not previously recognized for use prior to March 7, 2005, or providing safety-critical data to any signal or train control system governed by subpart H, are subject to the rule. Under the viewgraph, "Major Changes from NPRM," Mr. McFarlin describes the following changes: (1) the time frame for creating and implementing the Software Management Control Plan was changed from 24 months to 36 months in total; (2) the responsibility for training and qualifications programs is changed to reflect any employer, rather than the railroad solely; (3) software hazard reporting is added; (4) conditions for abbreviated risk assessment are more flexible in the Final Rule, compared to the NPRM; and (5) the Final Rule expressly addresses adjustment of the "Base Case" to be used in comparative risk assessment. Under the viewgraph, "Next Steps," Mr. McFarlin says that FRA would like to reconvene the PTC Working Group for the following purposes: (1) to develop and recommend cost

effective technical guidelines for implementation and compliance with the rules; and (2) to monitor implementation of new systems and consider any further action that FRA should take to encourage deployment of PTC.

Mr. McFarlin asks for questions.

Robert Harvey (BLET) states that during the deliberations on locomotive event recorders, there was a discussion on PTC elements. It now seems that the Product Safety Plan will be the source for the railroads to submit provisions on PTC elements.

Chairperson Cothen responds yes, that is correct.

With no further questions of Mr. McFarlin, Chairperson Cothen asks Miriam Kloeppel (FRA–Office of Safety) for a presentation on the highlights of the Final Train Horn Rule.

Miriam Kloeppel (FRA) uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. Under the viewgraph, "Overview," Ms. Kloeppel says the Final Rule on the use of locomotive horns at highway-rail grade crossings was published on April 27, 2005, and becomes effective on June 24, 2005. There are three objectives: (1) ensure a high level of public safety; (2) respond to the many communities that have continued to press for relief from unwanted train horn noise; and (3) take into consideration the interests of localities with existing whistle bans. Under the viewgraph, "What the Rule Does," trains approaching public crossings are required to sound horns to provide a warning. Horns may not be sounded more than one-quarter mile from the crossing. Under the viewgraph, "What's New in the Final Rule?," (1) pedestrian crossings are covered; (2) partial (less than 24-hour) quiet zones are allowed; (3) credit is given to pre-existing supplemental safety measures (SSMs) in calculating the Nationwide Significant Risk Threshold (NSRT); and (4) an intermediate quiet zone category is created (areas without train horns after October 9, 1996 and before December 18, 2003). Under the viewgraph, "Notifications," Ms. Kloeppel describes the following: (1) notice of intent (new Quiet Zone (QZ); (2) Notice of QZ continuation; (3) notice of detailed plan; and (4) notice of QZ establishment. Under the viewgraph, "Quiet Zones: Three Types," are the following: (1) Pre-Rule QZ–areas without train horns on October 9, 1996, and on December 18, 2003; (2) Intermediate QZ–areas without train horns after October 9, 1996, and before December 18, 2003; and (3) New QZ–quiet zones that do not qualify as Pre-Rule, or Intermediate QZs. Under the viewgraph, "QZ Qualifying Conditions," Ms. Kloeppel describes the following conditions that qualify a crossing to be a QZ: (1) supplemental safety measures (SSMs) at each public crossing; (2) a quiet zone risk index (QZRI) that is less than or equal to the nationwide significant risk threshold (NSRT) without additional safety measures; (3) a QZRI that is less than or equal to the NSRT with additional safety measures; and (4) a QZRI that is less than or equal to the Risk Index with Horns (RIWH)–safety measures that reduce QZRI to the risk level that would exist with horns.

Under the viewgraph, "QZs by NSRT," there will be an annual review of all QZs with recalculations of NSRT and QZRI for each QZ. There is no guarantee that a QZ will remain qualified. If a QZ is decertified, it has 3 years to re-certify. FRA may review any QZ at any time. Under the viewgraph, "Risk at Pre-Rule Quiet Zones," pre-rule quiet zones are qualified for automatic approval if: (1) QZRI is less than or equal to the NSRT; or (2) QZRI is less than or equal to two times the NSRT, and there have been no relevant collisions in the past 5 years; and (3) QZRI is less than or equal to RIWH. Under the viewgraph, "Alternative Safety Measures (ASMs)," are the following: (1) non-complying SSMs (e.g., shorter traffic channelization devices); (2) photo enforcement; (3) programmatic education and awareness; (4) programmatic enforcement; and (5) engineering treatments. Education and enforcement options must demonstrate a statistically significant improvement in effectiveness and must be approved by FRA. Under the viewgraph, "Pre-Existing SSMs," included the following: (1) SSMs that comply with Appendix A; (2) SSMs installed before December 18, 2003; and (3) credit given by increasing RIWH to show what risk would have been without the pre-existing SSM. Under the viewgraph, "Partial QZs," (1) horns are not sounded for a specific period of time each day; (2) new and pre-rule partial QZs must meet all of the requirements for 24-hour QZs; and (3) risk is calculated the same way and over the entire 24-hour period. Under the viewgraph, "New Partial QZs," (1) all open public crossings must have gates; and (2) the train horn can only be silenced from 10:00 pm to 7:00 am. Under the viewgraph, "Intermediate QZ," (1) apply to horn restrictions initiated after October 9, 1996, but before December 18, 2003; (2) horn restrictions may be 24 hour or partial; (3) horns will remain silent for 1 year, i.e., until June 24, 2006, if required notification is made; and (4) other than the additional year, an Intermediate QZ is treated exactly like a New QZ. Under the viewgraph, "Notice of Intent," (1) a Public Authority (PA) must provide written Notice of Intent to establish a New QZ to: (a) all railroads operating over crossings; (b) state highway and road safety agencies; and (c) the state agency responsible for crossing safety; (2) the purpose of a Notice of Intent is to provide the opportunity for comments and recommendations to the PA as it plans the QZ; (3) the PA will allow 60 days for responses to a Notice of Intent; and (4) If there is no Notice of Intent–there can be no QZ. Under the viewgraph, "Pedestrian Crossings New QZs," Ms. Kloeppel says pedestrian crossings at new QZs: (1) must have a diagnostic review and be equipped per the recommendations; (2) must invite State agencies and railroads into the review process; and (3) at a minimum, "signs," which are Manual on Uniform Traffic Control Devices (MUTCD) compliant, will advise pedestrians that train horns are not sounded. Under the viewgraph, "Pedestrian Crossings Pre-Rule QZs," Ms. Kloeppel says pre-rule QZ pedestrian crossings: (1) must be equipped with MUTCD compliant signs by June 24, 2008, advising that horns are not sounded; and (2) if the QZ does not qualify for automatic approval, pedestrian crossings will undergo a diagnostic team review and be treated per the team's recommendations. Under the viewgraph, "Notice of QZ Continuation (Pre-Rule)," Ms. Kloeppel says a Notice of QZ Continuation (Pre-Rule): (1) must be provided or train horns will sound; (2) must be sent by June 3, 2005; (3) may be sent prior to knowing if the QZ will automatically qualify or not; and (4) establishment of a QZ by automatic approval must be accomplished by December 24, 2005. Under the

viewgraph, "FRA Assistance," Ms. Kloeppel states the following: (1) FRA personnel will be available to help local governments assess safety measures for their crossings; (2) FRA has provided a Quiet Zone Calculator, available on its Internet Web Site, that can be used to develop and store multiple scenarios for each proposed Quiet Zone; and (3) the Internet Web Site address for the Quiet Zone Calculator is: http://safetydata.fra.dot.gov/quiet.

Ms. Kloeppel asks for questions.

Timothy DePaepe (BRS) asks if FRA will be compiling data on Quiet Zones, for each specific Quiet Zone, to determine if the rules are working?

Ms. Kloeppel responds FRA is compiling data; reports will be generated.

Mr. DePaepe asks who will be able to access the data?

Chairperson Cothen responds that he does not know how this information will be made available. The rule requires that data be updated. FRA welcomes suggestions on what people want to see in reports that are generated.

Dennis Mogan (AAR) asks about the Chicago, Illinois, area exemption from train horn rules.

Chairperson Cothen responds that six counties surrounding Chicago are exempt from train horn rules. [Editorial note: This exception applies only to pre-rule no-whistle crossings at which railroads retain the option to sound the horn and which remain subject to Illinois Commerce Commission jurisdiction. See final rule for specifics.]

Mr. Mogan responds that counties presently with no Quiet Zones will want Quiet Zones.

Charles Wehrmeister (AAR) asks what State agencies are responsible for Quiet Zones?

Chairperson Cothen responds that in most States, it is the State Department of Transportation; in California, it is a Public Utility Commission (PUC).

Robert Harvey (BLET) references presentation viewgraph four, "What the Rule Does." He has observed field testing of the train horn rule requirements and believes that at train speeds of 45 mph or below, a train engineer can count down the 15-20 seconds as soon as the locomotive reaches one-quarter mile from the crossing. With States' help, he believes the horn sounding requirements will work with visible cues, i.e., sign placement, in the field.

Chairperson Cothen thanks Mr. Harvey for his counsel.

Michael Rush (AAR) agrees that railroads can comply with the 15-20 second "window." However, if the train is not traveling at normal track speeds, railroads are likely to be subject to litigation.

With no further questions of Ms. Kloeppel, Chairperson Cothen asks George Scerbo (FRA–Office of Safety) for a presentation on FRA Safety Advisories.

George Scerbo (FRA) uses a Microsoft PowerPoint presentation, projected onto a screen. Copies of the Microsoft PowerPoint viewgraphs and copies of the *Federal Register* Notice of Safety Advisory 2005-02 (70 FR 20632) were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. In addition, the Notice of Safety Advisory can be found on FRA's Internet Web Site. On April 20, 2005, FRA issued Notice of Safety Advisory 2005-02, which provides information on the potential catastrophic failure of locomotive main reservoir tanks manufactured by R&R Metal Fabricators, Incorporated, and installed on General Electric Transportation System (GETS) locomotives. The GETS has informed FRA that a total of 5,826 suspect main reservoir tanks were manufactured between 1988 and 1995. To date four of these main reservoir tanks have failed catastrophically while in service, and additional tanks have been removed for leaking through the welded seams. Under a series of viewgraphs entitled, "MR (Main Reservoir) Failures on GE (General Electric) Locomotives," Mr. Scerbo expands on the Safety Advisory as follows: (1) GE Rail issued a letter on December 16, 2004, reporting four main reservoir failures due to splitting along the longitudinal weld; (2) although none of the failures resulted in any injury, GE warned that the rapid deformation had the potential to cause serious injuries or death; (3) GE identified 2,700 locomotives that have likely been equipped with the suspect reservoirs; (4) Other GE locomotives may have been equipped with these MRs during maintenance and repair; (5) Installation on a General Motors Electromotive Division locomotive would require major modifications, and is considered unlikely; (6) all R&R Metal Fabricators main reservoirs are identified by a name plate on the skin of the tank; (7) GE has concluded that an out-of-round condition is sufficient to identify reservoirs which are at risk of failure; (8) GE has provided a gauge and Field Maintenance Instruction (FMI-24-15309) to the railroads to locate suspect reservoirs; (9) replacement reservoirs are being provided for those that fail the gauge test; and (10) GE recommended a 120-day cycle for completing the inspection of suspect main reservoirs and replacing those failing the test. This inspection and testing cycle should now be over.

Mr. Scerbo asks for questions.

With no questions of Mr. Scerbo, Chairperson Cothen discusses FRA Safety Advisory 2005-03, Highway-Rail Grade Crossing Safety (warning devices not operating properly). Copies of the *May 2, 2005, Federal Register* Notice of Safety Advisory 2005-03 (70 FR 22750) were distributed to meeting attendees. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes. In

addition, the Notice of Safety Advisory can be found on FRA's Internet Web Site. Safety Advisory 2005-03 facilitates improved cooperation in the investigation of collisions at highway-rail grade crossings. The advisory describes the roles of the Federal and State governments and of the railroads in highway-rail grade crossing safety. FRA reminds railroads of their responsibility to: properly report any accident involving grade crossing signal failure; properly maintain records relating to credible reports of grade crossing warning system malfunctions; properly preserve the data from all locomotive-mounted recording devices following highway-rail grade crossing collisions; and cooperate fully with local law enforcement authorities during their investigations of such accidents. FRA also offers assistance to local authorities in the investigation of highway-rail grade crossing collisions where information or expertise within FRA's control is required to complete the investigation. Mr. Cothen adds that when warning devices are not operating properly, FRA will go out and investigate this issue. A highway-rail grade crossing warning device activation failure needs to be reported to the National Response Center within 24 hours.

In addition to Notice of Safety Advisory 2005-03, Mr. Cothen says that letters have been sent to various unions and other organizations regarding the following topics: (1) improper use of a manual cut-out at a highway-rail grade crossing; (2) train crew encroachment on a fouling circuit; and (3) design errors in circuits for highway-rail grade crossing warning devices. Mr. Cothen concludes by saying there is an excellent record with highway-rail grade crossing warning devices. Unfortunately, FRA and the rail industry are not "graded" by their successes.

Daniel Smith (FRA) adds that letters were sent to those who these topics affect the most, rather than issue another Safety Advisory.

Timothy DePaepe (BRS) references Safety Advisory 2005-03. He is unhappy with language in the Safety Advisory, which seems to place blame for warning device problems on BRS employees first.

Chairperson Cothen responds that FRA tries to maintain complete objectivity. FRA has no problem working with any organization. However, the public's perception is that FRA has been favoring the railroad industry when it comes to this type of incident.

Mr. DePaepe expresses concern with the way the Safety Advisory is written. BRS would like to see the exemption eliminated. He believes the Safety Advisory has been issued in response to "bad press" (media reports). He sees his co-workers not only subject to railroad rules and discipline, but now civil action as well.

Daniel Smith (FRA) says the Safety Advisory was to make clear that FRA's rules will not impede police investigations. FRA wanted to demonstrate a willingness to sort these things out. His guess is that if someone takes up FRA's offer to assist in these matters, the Agency will give perspective to what is happening. He is sorry that the Safety Advisory is being viewed as a negative.

Robert Harvey (BLET) says that once a month, he sees an instance where a police officer considers a locomotive to be a "motor" vehicle, and therefore, wants to "test" train engineers for drug and alcohol use, following a highway-rail grade crossing accident. Federal law does not require the railroad employee to be tested following a highway-rail grade crossing accident. However, some State criteria may allow the police officer to "test" to determine if someone is "under the influence."

Mr. Smith responds that a fair reading of the Safety Advisory is an explanation of existing law. He is surprised that the interpretation is for the Safety Advisory to open another door.

Mr. Harvey says that law enforcement officers are asking locomotive engineers to submit their "Driver's Licenses," following a highway-rail grade crossing accident. Ultimately, the collection of this data is influencing the "automobile" insurance rates for locomotive engineers.

John Samuels (AAR) responds that the Norfolk Southern Company (NS) dispatches a railroad security officer to the scene of a highway-rail grade crossing accident to assist local law enforcement investigations. He adds that after Quiet Zones are in effect for a couple of years, NS locomotives will be equipped with cameras, which will be helpful to assess Quiet Zone data.

James Stem (UTU) says he has heard this discussion before–about how post-accident testing is to be accomplished. He asks about a "letter" that was being prepared regarding post-accident testing.

Chairperson Cothen says he remembers working on a letter on post-accident testing. He asks that Mr. Stem's request regarding a "letter," be submitted to Mark Tessler in FRA's Office of Chief Counsel.

Dennis Mogan (AAR) says that Metra furnishes all train engineers with a "railroad engineer's license" that can be used in lieu of a State Driver's License. The "railroad engineer's license" says railroad engineers are not required to submit a State Driver's License and are subject to drug and alcohol testing requirements under Federal law.

With no further questions or comments, Chairperson Cothen asks if there are any corrections to the Minutes for the 25th RSAC Meeting? He asks for a motion to approve the Minutes for the 25th RSAC Meeting.

Patrick Ameen (AAR) asks that either "enhanced" or "revised" be inserted before "S-580 Standards" to his comments on Page 22 of the meeting Minutes.

BY UNANIMOUS VOICE VOTE, THE MINUTES FOR THE 24TH RSAC MEETING ARE APPROVED, AS CORRECTED.

Chairperson Cothen asks for a date for the next RSAC Meeting. After a brief discussion involving members' schedules and schedule conflicts, Chairperson Cothen announces that FRA will try to arrange the next RSAC Meeting for October 4 or 5, 2005, in Washington, D.C. [Editorial note: The meeting was later scheduled for October 11, 2005, in Washington, D.C.]

With no further business, Chairperson Cothen adjourns the 26th RSAC Meeting at 4:20 p.m.

MEETING ADJOURNED 4:20 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, Contractor.

U.S. Department
of Transportation

**Federal Railroad
Administration**

REGULATORY OVERVIEW

(Safety Rulemaking, Reports, and Program Development)

September 8, 2005

Office of Safety

Legend

ANPRM	**Advance Notice of Proposed Rulemaking**
Italics	***Indicates project has been identified for development through the Railroad Safety Advisory Committee or a similar forum for collaborative rulemaking***
AAR	**Association of American Railroads**
APTA	**American Public Transportation Association**
BLE	**Brotherhood of Locomotive Engineers and Trainmen**
BMWE	**Brotherhood of Maintenance of Way Employes**
FMCSA	**Federal Motor Carrier Safety Administration**
FHWA	**Federal Highway Administration**
FRA	**Federal Railroad Administration**
FTA	**Federal Transit Administration**
NPRM	**Notice of Proposed Rulemaking**
NTSB	**National Transportation Safety Board**
RSAC	**Railroad Safety Advisory Committee**
RSPA	**Research and Special Programs Administration**
OMB	**Office of Management and Budget**
OST	**Office of the Secretary of Transportation**
RSI	**Railway Supply Institute**
SACP	**Safety Assurance and Compliance Program**
UTU	**United Transportation Union**

Table of Contents

NOTES:

Centralized Docket Management System - Dockets established after October 7, 1998, are available on the DOT Centralized Docket Management System facility and can be accessed over the Internet (http://dms.dot.gov). Detailed information is available at the Web site to assist in viewing documents.

Revised Docket Filing Procedures for FRA Rulemaking and Adjudicatory Dockets - Final Rule (64 FR 70193) - This final rule amends certain FRA rules to provide accurate information to the public regarding filing requirements for FRA proceedings. The final rule is effective 2/14/00.

RSAC Website - See the RSAC website for details on pending tasks at: http://rsac.fra.dot.gov. Public Website contains all of the documents provided at meetings. The secured site is accessible by Working Group and task force members and provides minutes and working documents and information from Working Group and task force meetings.

SUMMARY OF ONGOING CONSENSUS RULEMAKING EFFORTS

Railroad Safety Advisory Committee:

The last full Committee meeting was held on January 26, 2005. Since its first meeting in 1996, the RSAC has accepted twenty tasks. Below is a summary review of the RSAC initiatives to date. For complete information, see the status section in Safety Rules and Reports.

Last RSAC Working Group Activity Update published in the *Federal Register* on April 12, 2005, (70 FR 19145).

Next RSAC meeting: October 11, 2005.

For a summary of previous consensus rulemaking activity, see entries under Passenger Safety and Roadway Worker Protection, below.

The list below is a summary of the current status of each RSAC task. For more information and the history on each task, please reference the "Safety Rules and Reports - General" section of this report.

Open RSAC Tasks

Task No.	Subject	Status
96-4	Tourist Railroads	Open task to address needs of tourist and historic railroads. On 4/1/96 the RSAC authorized the formation of a Working Group to monitor and assist completion of the steam locomotive regulations task. Planned future activities involve review of other regulations for possible adaptation to the safety needs of tourist and historic railroads.
97-1	Locomotive Crashworthiness	The NPRM was published on 11/2/04 (69 FR 63890). The comment period ended on 2/3/05. The Working Group met to review public comments on 6/27-28/05. The Working Group reached consensus on 7/1/05. The Working Group's recommendations were adopted by the full RSAC, by mail ballot, on 8/5/05.
97-2	Locomotive Cab Working Conditions	Task accepted 6/24/97; Working Group held initial meeting 9/10-11/97. The Working Group established task forces on noise and temperature. **[Sanitation: Completed.]** **Noise:** The NPRM was published in the *Federal Register* on 6/23/04 (69 FR 35146). The comment period ended 9/21/04. Task Force and Working Group meetings were held 3/1, and 3/2-3/05, respectively, to review the public comments and recommend a final rule. The Working Group reached agreement on all issues. The Working Group's recommendations were adopted by the full RSAC on 5/18/05. FRA is preparing the final rule, which will then undergo review and clearance within the Executive Branch. **[Cab Temperature: Task Withdrawn.]** **Future Actions:** FRA will request the Working Group to review data and analysis regarding the effect of vibrations on health following the conclusion of the Noise task.

97-4, 97-5, 97-6	Positive Train Control	**[Report to Congress: Completed.]** **Roadway Worker Terminal:** A task force on protection of roadway workers through use of advanced technology is completing a report to the Working Group. **Other activity:** Following publication of the final rule described below, FRA may request the Working Group to undertake additional activities to advance PTC. RSAC PTC Working Group met on 7/14-15/05. **Rulemaking:** FRA submitted the final rule on Performance Standards for Processor-Based Signal and Train Control Systems to OST on 9/29/03, and OMB completed review on 12/29/04. The final rule was published in the *Federal Register* on 3/7/05 (70 FR 11051), effective 6/6/05.
03-01	Passenger Safety Issues for the 21st Century	First meeting held 9/9-10/03. Consolidated list of issues completed. Second meeting held 11/6-7/03. Five task groups established: 96-6/glazing; emergency preparedness; mechanical–general issues; mechanical–safety appliances; and track/vehicle interaction. Task groups met and reported on activities for Working Group consideration at third meeting held 5/11-12/04, and a fourth meeting held 10/26-27/04. Initial recommendations on mechanical issues (revisions to 49 CFR Part 238) were approved by the full Committee on 1/26/05. At the Working Group meeting held 3/9-10/05, the Working Group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency egress and rescue access and supported the Task Force's request to being working on an NPRM. The Working Group's recommendations were presented to and approved by the full Committee on 5/18/05. An NPRM is now under development. The Working Group met on 9/7-8/05.
05-01	Roadway Worker Protection	Task accepted on 1/26/05, to review 49 CFR 214, Subpart C, Roadway Worker Protection, and related sections of Subpart A; recommend consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general system of railroad transportation, including clarification of existing requirements. The Working Group met on 4/12-13/05, 6/22-24/05, and 8/8-11/05. The next Working Group meeting is scheduled for 9/20-22/05.
05-02	Operating Practices (Human Factors)	Task was accepted by RSAC on 5/18/05, to reduce the number of human factor-caused train accidents and employee injuries. Working Group meetings were held on 7/12-13/05 and 8/31-9/1/05. Initial recommendations are required by 2/06. The next Working Group meeting is scheduled for 9/28-29/05.

Completed RSAC Tasks

Task No.	Subject	History
96-1	Power Brake Regulations, Freight, General Revision	Final rule published 1/17/01 (66 FR 4104). An amendment, extending the effective date of the final rule until 5/31/01, was published on 2/12/01 (66 FR 9905); and a subsequent amendment further deferred the compliance date for providing a written record of a test required under 232.409(c) until further notice (66 FR 29502; 5/31/01). FRA reviewed petitions for reconsideration and published amendments to Subpart D of the final rule (66 FR 36983; 8/1/01).

		Remaining responses to petitions for reconsideration were published 4/10/02 (69 FR 17556). **(Completed)**
96-2	Track Safety Standards, General Revision	Final rule published 6/22/98; effective 9/21/98. The Gage Restraint Measurement System (GRMS) final rule amendment was published 1/10/01(66 FR 1894). On 1/31/01, FRA published a notice extending the effective date of the GRMS amendment to 4/10/01 (66 FR 8372). On 2/8/01, FRA published a notice delaying the effective date until 6/9/01, in accordance with the Regulatory Review Plan (66 FR 9676). **(Completed)**
96-3	Railroad Communications (including revision of Radio Standards and Procedures)	Final rule published 9/4/98 (63 FR 47182). Effective 01/4/99. **(Completed)**
96-5	Steam-Powered Locomotives, Revision of Inspection Standards	Final rule published 11/17/99 (64 FR 62828). Effective 1/18/00. **(Completed)**
96-6	Locomotive Engineer Qualification and Certification, General Revision	Final rule published 11/8/99 (64 FR 60966). Effective 01/7/00. **(Completed)**
96-7	Roadway Maintenance Machines (On-Track Equipment) Safety Standards	The NPRM was published on 1/10/01 (66 FR 1930). The final rule was published on 07/28/03 (68 FR 44388). Response to petitions for reconsideration was published on 2/26/04 (69 FR 8834). Effective 4/26/04. **(Completed)**
96-8	Locomotive Crashworthiness and Working Conditions (planning task)	Planning task accepted 10/31/96; planning group met 1/23/97; two task statements were accepted by the full Committee at the 6/24/97 meeting [see 97-1, 97-2]. **(Completed)**
97-7	Calculation of Damages for Reportable Train Accidents	The full RSAC, at the 2/13/02 meeting agreed to terminate action based on consensus recommendations from the Working Group. **(Completed.)**
97-3	Event Recorders (data survivability)	Final rule published 6/30/05 (70 FR 37920). Effective 10/1/05. **(Completed)**
00-1	Blue Signal Protection of Workers	First meeting held 10/16-18/00, followed by five additional meetings. Working Group was unable to achieve consensus on recommendations. The Administrator announced at the full RSAC meeting on 12/02/03 that the issue may be pursued at a later date. **(Completed - task withdrawn.)**
01-1	Accident/Incident Reporting; conformity with OSHA injury/illness amendments; updates to Guide	The NPRM was published in the *Federal Register* on 10/9/02. Final rule published 3/3/03. Effective 5/1/03. **(Completed)**

SAFETY RULES AND REPORTS - GENERAL

Accident/Incident Reporting - COMPLETED

General Revision

Summary: The Rail Safety Enforcement and Review Act of 1992 (Pub.L. No.102-365) barred FRA from adjusting the monetary threshold for reporting of train accidents until the methodology was revised. In addition, FRA identified the need to comprehensively revise these regulations, which had not been revised since 1974. The report of the Committee of Conference on the Department of Transportation and Related Agencies Appropriation Act, 1996, directed FRA to issue a final rule in this proceeding by 6/1/96.

History: An NPRM was issued 8/19/94, followed by public hearings and written comment. A public regulatory conference was convened 1/30-2/3/95 in an effort to resolve outstanding issues. A notice of decision to issue a supplemental NPRM was published 7/3/95, but was withdrawn in a notice published on 1/24/96.

Status: Completed. Final rule was issued 5/30/96 and published 6/18/96 (61 FR 30940). Stay requests were denied, and technical amendments were published 11/22/96 (61 FR 59368). A notice of availability of custom software was also published 11/22/96 (61 FR 59485). On 12/16/96, the Administrator signed final rule amendments, which were published 12/23/96 (61 FR 67477). Final rule became effective 1/1/97.

Reporting Threshold (RSAC Task 2000-1) - **COMPLETED**

FRA offered RSAC a task on 9/30/97 to review the definition of events required to be reported as train accidents, as requested by the Committee on 6/24/97. By request of the Committee, the task was limited to determination of damages qualifying an event as a reportable train accident. The Working Group held its initial meeting 2/8/99. The Working Group designed a survey form to collect specific data about damages on railroad equipment. The survey began 8/1/00 and ended 1/31/01. The survey was voluntary, but most of the larger freight railroads participated, as well as four passenger railroads. Report was completed the last week of April 2001. The Working Group met 5/21-23/01 to review the report. Pilot proved to be unworkable. The Working Group agreed to terminate action after reviewing the comments. A close-out report was provided to the Working Group for sign-off on 12/02/01. The full RSAC approved termination at the 2/13/02 meeting.

Status: Completed.

Accidents/Incidents Revision of Monetary Reporting Threshold for Rail Equipment

Summary: In this rule, FRA will establish a revised formula for calculating the monetary threshold for reporting certain railroad accidents/incidents involving railroad property damage.

History: An Interim Final Rule (IFR) with a request for comments was published on 12/30/02 (67 FR 79533), effective 1/1/03. The IFR established at $6,700 the monetary threshold for reporting certain railroad accidents/incidents involving railroad property damage that occurred during calendar year 2003 and, until further notice, during subsequent calendar years. The rule was issued because the Bureau of Labor Statistics (BLS) ceased collecting and publishing certain rail industry wage data that was previously used in the formula for calculating the reporting threshold. The IFR established a temporary threshold to give FRA time to find and evaluate a new data source, and to revise the formula for calculating the threshold, as necessary.

Status: The NPRM was published in the *Federal Register* on 4/19/05 (70 FR 20333). Comment period closed 6/20/05. No comments received.

***OSHA Conformity and Misc. Revisions (RSAC Task 2001-1)* - COMPLETED**

Summary: FRA offered an additional task at the RSAC meeting of 4/23/01, which was accepted by the full RSAC and assigned to the Accident/Incident Working Group. The task concerns amendments needed to conform Part 225 to the Occupational Safety and Health Administration's revised record keeping and reporting rule (1/18/01). In addition, the RSAC approved the review of, need for, and content of, various proposed changes to the Reporting Guide. The Working Group met initially on 5/21-23/01 and reached consensus at a final meeting 4/24-26/02. A briefing was held at the full RSAC meeting held on 5/29/02 and agreement was reached to use a ballot for approval. The full RSAC approved the Working Group recommendations on the draft NPRM on 7/19/02 by letter ballot. The NPRM was published in the *Federal Register* on 10/9/02 (67 FR 63022), and a correction notice was published 11/26/02 (67 FR 70809). Working Group met to go over the comments on 12/4/02 and reached agreement on recommendations for resolution. Final rule published 3/3/03 (68 FR 10108), effective 5/1/03.

Status: Completed.

Adjustment of Civil Monetary Penalties for Inflation, 2004 - COMPLETED

Summary: In this rule, FRA adjusted the minimum and maximum civil monetary penalties it issues for violations of railroad safety statutes.

Status: Completed. Final rule published 5/28/04 (69 FR 30591), which became effective 6/28/04, except for the amendments to 49 CFR Part 222, which are effective 12/18/04.

Adjustment of Civil Monetary Penalties for Inflation, 2005 - WITHDRAWN

Summary: In this rule, FRA adjusted the minimum and maximum civil monetary penalties it issues for violations of railroad safety statutes.

Status: FRA has reviewed the penalties and determined that the ordinary maximum civil penalties need to be adjusted. An appropriate notice is expected to be issued in 2005. Final rule published 6/8/05, (70 FR 33380), with an effective date of 7/8/05.

Update: This rule has been withdrawn due to an error made in the initial review of the ordinary maximum civil penalty. A final rule withdrawing the previous publication (70 FR 33380), was published on 7/6/05.

Adjustment of Hazardous Materials Civil Penalties for Inflation - COMPLETED

Summary: This rule adjusted the minimum and maximum civil monetary penalties FRA issues to mirror the Research and Special Programs Administration's increase in its civil monetary penalties for its enforcement of hazardous materials transportation laws and regulations.

Status: Completed. Final rule published 5/28/04 (69 FR 30590), which became effective 6/28/04.

Blue Signal Protection (RSAC Task 2000-1 [withdrawn])

Summary: This proceeding considered possible revisions to the blue signal regulations contained in 49 CFR Part 218.

Background: On 8/16/93, FRA published a final rule (58 FR 43292, as amended at 60 FR 11049, 3/1/95) permitting one or more utility employees to associate themselves with a train crew for the purpose of performing normal operating functions that require employees to go on, under or between rolling stock, without use of blue signal protection (which is ordinarily appropriate for mechanical duties). During the proceeding it was noted that rules for locomotive engineers working alone were not clearly defined. FRA published a final rule amendment governing single engineers working alone on 3/1/95 effective 5/15/95 (60 FR 11050), but granted a requested suspension of the amendment on 6/9/95 effective 5/15/95 (60 FR 30469), pending development of additional facts. Since that time, additional blue signal issues have continued to emerge, including application of the requirements to contractors performing the subject functions on railroad property.

Status: The Administrator announced the decision at the full RSAC meeting on 12/02/03 that the issue may be pursued at a later date. Task withdrawn.

Bridge Displacement Detection Systems (Report) - COMPLETED

Summary: The Federal Railroad Safety Authorization Act of 1994 (Pub.L. No.103-440, Title II), required FRA to submit a report on systems to detect bridge displacement of the type that caused the derailment of the Sunset Limited at Mobile, Alabama 9/22/93.

Statutory deadline: 5/2/96

Status: Completed. A technical evaluation report was published 6/23/94 and made available to the respective committees. A formal report was issued and forwarded to the Congress on 4/11/00.

Bridge Worker Safety - Fall Protection - COMPLETED

Summary: FRA amended its regulation on Roadway Workplace Safety to clarify an ambiguous provision concerning the circumstances under which life vests or buoyant work vests are required for bridge workers working over water.

Status: The Interim Final Rule was published 2/10/05 (70 FR 7047), with written comments due no later than 3/28/05. No comments were received and the IFR became effective 4/11/05. The DOT DMS Docket Number is FRA-2001-10426. The final rule was published on 7/27/05 (70 FR 43325).

Control of Alcohol and Drug Use - Foreign Crews - COMPLETED

Summary: This rulemaking addresses the application of random testing and other requirements to employees of a foreign railroad who are based outside the United States and perform train service in the United States. FRA's regulation on the control of alcohol and drug use (49 CFR Part 219) applies to all railroads that operate on the general rail system of transportation in the United States. However, part 219 had exempted from certain subparts, operations of foreign railroads employing crews based outside the U.S. Such an employee whose primary reporting point is outside the U.S. but who performs service in the U.S. subject to the hours of service laws (train, dispatching, or signal) was exempt from pre-employment and random testing. FRA prepared a rule proposing to limit the exemption to foreign railroad's foreign-based employees who perform signal service in the U.S.

Status: Completed. The NPRM was published 12/11/01 (66 FR 64000). On 02/14/02, FRA conducted a public hearing on the NPRM. The comment period was extended through 03/14/02 in order to receive post-hearing submissions. On

7/10/02, the Canadian Human Rights Commission published its policy on alcohol and drug testing. On 12/10/02, FRA issued a *Federal Register* notice inviting comment on the policy and extending the comment period until further notice while it engaged in further consultations with the Governments of Canada and Mexico on safety issues in the NPRM (67 FR 75966). On 7/28/03, FRA published a *Federal Register* notice setting the deadline for comment submissions as 8/27/03 (68 FR 44276). The final rule was published on 4/12/04, effective 6/11/04 (69 FR 19270).

Event Recorder Next-Generation Performance Standards (RSAC Task 97-3) - COMPLETED

Summary: The NTSB has noted the loss of data from event recorders in several accidents due to fire, water and mechanical damage. In issuing final rules for event recorders which became effective 5/5/95, FRA noted the need to provide more refined technical standards. In a letter to FRA, NTSB proposed performance standards for data survivability.

Background: Conducted an initial meeting of an informal Working Group comprised of AAR, RSI, and labor, and co-chaired by NTSB and FRA experts, on 12/7/95 to consider development of technical standards. At the RSAC meeting on 7/24-7/25/96, the AAR agreed to continue this inquiry, and on 11/1/96, AAR reported to the RSAC the status of work on proposed industry standards. On 3/5/97, NTSB issued recommendations regarding testing and maintenance of event recorders as a result of finding in the investigation of the BNSF accident of 2/1/96 at Cajon Pass, California. On 3/24/97, the RSAC indicated its desire to receive a task to consider NTSB recommendations with respect to crash survivability, testing and maintenance.

Status: RSAC accepted task 6/24/97. The Event Recorder Working Group first met 9/12/97. The Working Group and a Task Force have conducted meetings and a draft proposed rule is being reviewed. NPRM drafts were circulated to the Working Group on 5/21/01 and again on 1/30/02 (accompanied by a draft regulatory evaluation). Working Group meetings were held 3/28/02, 4/23/02, and 5/30-31/02. FRA circulated a final draft to Working Group on 10/08/03. NPRM received concurrence by full RSAC 1/13/03. The executive branch completed its review of the NPRM and approved it on 06/14/04. An NPRM was published on 6/30/04 (69 FR 39774). Comment period ended 8/31/04. Requests for public hearing ended 8/15/04. A public hearing was conducted on 9/30/04 and the comment period was extended to 10/11/04. Comments were reviewed and summarized.

The Working Group met 12/15-16/04, and agreed upon recommendations for resolution of the comments submitted in response to the NPRM. The Working Group approved the draft final rule by mail ballot on 5/9/05. The full committee was briefed on the Working Group recommendations on 5/18/05. The Committee

approved the draft final rule by mail ballot on 6/6/05. The final rule was published on 6/30/05 (70 FR 37920), effective 10/1/05.

Florida Overland Express - COMPLETED

Summary: FRA received a petition for a rule of particular applicability for operations over a new high-speed railroad between Miami and Tampa via Orlando. The State of Florida had established a dedicated funding stream of $70 million per year towards creation of this new private/public partnership.

Status: Received petition for rule of particular applicability 2/18/97. FRA issued NPRM 12/12/97 (62 FR 65478). Comment period closed. FRA reviewed comments received and held a public hearing on 11/23/98 to discuss a variety of issues. The State of Florida withdrew its support and funding for this project 01/99, suspending all activity on development. **The rulemaking was terminated** (65 FR 50952; 8/22/00).

Freight Car Safety Standards; Maintenance-of-Way Cars - COMPLETED

Summary: Cars not in compliance with the Freight Car Safety Standards may be operated at track speed in revenue trains if they are company-owned, stenciled cars. FRA published an NPRM 3/10/94 to close this loophole. FRA requested the AAR to amplify its comments by letter of 12/20/94. AAR response received 8/4/95. FRA offered a task to the RSAC to resolve final rule issues on 9/30/97, but objection was made by the AAR.

Status: Completed. FRA published termination notice in the *Federal Register* on 3/27/02 (67 FR 14665).

Locomotive Crashworthiness and Working Conditions

Summary: The Rail Safety Enforcement and Review Act of 1992 (Pub.L. No.102-365) required FRA to conduct a proceeding regarding locomotive crashworthiness and working conditions and to issue regulations or submit a report. Areas for consideration included structural means of preventing harm to crew members in collisions (collision posts, anticlimbers, etc.) and matters related to safety, health and productivity (e.g., noise, sanitation).

Statutory deadline: 3/2/95 (report or regulations)

Background: FRA conducted research, outreach, and a survey of locomotive conditions and finalized a report to Congress transmitted by letter of 9/18/96. The report conveyed data and information developed by FRA to date, closed out those areas of investigation for which further action is not warranted, and defined issues that should be pursued further in concert with the industry parties, either for voluntary or regulatory action. On 10/31/96, the RSAC accepted a preliminary

planning task. The Locomotive Crew Safety Planning Group met 1/23/97, and subsequent consultations led to preparation of task statements.

Status: RSAC accepted two tasks 6/24/97, and those tasks are being pursued through two separate Working Groups as set forth below.

Locomotive Crashworthiness (RSAC Task 97-1)

Working Group met initially 9/8-9/97 and established a task force on engineering issues that reviewed collision history and design options. The Working Group reviewed the results of research and is drafting performance-based standard. The review of collision data for use in the regulatory action was completed in 9/00. An accident review task force has evaluated the potential effectiveness of suggested improvements. A draft NPRM was circulated to the Working Group, which met 10/9-10/10/01 to review the draft and consider economic issues. Next meeting was held 1/17-18/02 to go over proposed drafts. AAR and the railroad members of the Working Group presented revised crashworthiness standards for consideration by the Working Group. The Working Group reached tentative agreement on the elements of a proposed rule. The Working Group approved the NPRM on 3/21/04. The full RSAC approved the NPRM on 4/14/04. The FRA sent the NPRM to OST on 5/27/04. On 7/20/04, OST sent the NPRM to OMB, which approved it on 10/18/04. The NPRM was published on 11/2/04 (69 FR 63890). The comment period ended on 2/3/05. The Working Group met to review public comments on 6/27-28/05. The Working Group reached consensus on 7/1/05. The Working Group's recommendations were adopted by the full RSAC, by mail ballot, on 8/5/05.

Locomotive Cab Working Conditions (RSAC Task 97-2)

Working Group met for the first time 9/10-11/97 and established task forces on noise and temperature, while the Working Group focused on sanitation.

Sanitation. The Working Group approved a draft NPRM on cab sanitation, which was approved by the full committee on 12/7/00. The NPRM was published 01/02/01 (66 FR 136). A public hearing was held 4/2/01; and the docket remained open through 5/1/01. Refinement and substantive changes were incorporated into the rule language. A meeting was held 8/2/01 to discuss the comments in response to the NPRM. Agreement was reached on resolution of the comments to the NPRM, subject to review of meeting minutes capturing agreements. Verbal consent given by the Working Group to send to full RSAC for ballot vote. Full RSAC approved by ballot voting on 1/02/02. Ballots were due by 12/10/01. Final rule published 4/4/02 (67 FR 16032). Rule was effective 6/3/02. **(Completed)**

Noise. The Cab Working Group met in Chicago on 11/12-11/14/02 and reached tentative consensus on draft rule text. The NPRM was published in the *Federal*

Register on 6/23/04 (69 FR 35146). The comment period ended on 9/21/04. Task Force and Working Group meetings were held 3/1, and 3/2-3/05, respectively, to review the public comments and recommend a final rule. The Working Group reached agreement on all issues. The Working Group's recommendations were adopted by the full Committee on 5/18/05. FRA is preparing the final rule.

Temperature. The Cab Working Group has also considered issues related to cab temperature, but could not reach agreement to proceed. The temperature task was withdrawn from RSAC and terminated by FRA (05/03). The Cab Working Group is expected to consider additional issues (such as vibration) in the future. **(Terminated).**

Locomotive Engineer Certification; Revisions (RSAC Task 96-6) - COMPLETED

Summary: The final rule for locomotive engineer certification became effective in 1991, but certain issues were left unresolved. Unresolved or difficult issues associated with the rule were not recognized until it was implemented. FRA issued two Interim Final Rules as temporary solutions to these unresolved problems. The final interim rule published 4/93 (58 FR 18982) limited certification to operators of traditional locomotives and refined the types of conduct for which decertification is appropriate. The second interim rule published 10/12/95 (60 FR 53133) refined agency practice and procedure concerning the dispute resolution process for engineer certification, recertification and revocation appeals. In 1996, the RSAC agreed to review all aspects of the rule including any comments received with regard to the two interim rules.

Status: Completed. Based on the RSAC's consensus recommendations, an NPRM was published 9/22/98 (63 FR 50625). The RSAC's Working Group met to resolve issues presented in public comments to the NPRM, and on 8/99 the RSAC voted to transmit recommendations regarding issues for which the Working Group had received comments. The final rule was published 11/8/99 (64 FR 60966); effective date 1/7/00. (FRA Docket No. RSOR-9. Notice 12).

Mail delays: On 01/2/02 (67 FR 22), FRA issued an Interim Final Rule to deal with the problem of significant mail delivery delays caused by domestic terrorism that could potentially harm petitioners under FRA's dispute resolution process; this interim rule amended the definition of "filing."

Locomotive Headlights - COMPLETED

Summary: It was determined that headlight lamps offered to primary vendors may not meet the regulatory criteria of 200,000 candela. FRA reviewed the issue to determine under what circumstances current headlights should be considered adequate.

Status: Completed. Interim Final Rule published 8/19/03 (68 FR 49713). Comment period closed 9/18/03. Final rule published 3/16/04 (69 FR 12532). Effective date 3/16/04.

Northeast Corridor (NEC) Signal & Train Control - COMPLETED

Summary: In 1998, FRA issued an Order of Particular Applicability (Order) requiring all trains operating on the Northeast Corridor (NEC) between New Haven, CT and Boston, MA to be equipped to respond to the new Advanced Civil Speed Enforcement System (ACSES) (63 FR 39343).

In August of 2001, Amtrak requested that FRA temporarily suspend the Order's requirement to enforce temporary speed restrictions through the use of temporary transponders on the North End of the NEC. After reviewing the data that Amtrak provided in 08/2003 on its current transponder attrition rate, FRA has decided to grant the requested relief until 4/1/05 (69 FR 52, effective 3/17/04). Prior to this action, FRA has amended the Order eight times to reset the implementation schedule and make technical changes as follows: 64 FR 54410, 10/6/99; 65 FR 62795, 10/19/00; 66 FR 1718, 01/09/01; 66 FR 34512, 6/28/01; 66 FR 57771, 11/16/01; 67 FR 6753, 2/12/02; 67 FR 14769, March 22, 2002; and 67 FR 47884, July 22, 2002.

Status: Completed. The system has been cut over between New Haven and Boston and on certain high-speed segments south of New York City. FRA continues to work with parties on implementation issues, and future proceedings may consider extension of the system to the entire NEC.

Northeast Corridor Safety (NEC) Committee

Summary: This committee had not met recently because of funding constraints under the advisory committee cap (now removed) and as a result of the need to intensively address specific issues with Amtrak and other NEC operators related to recent corridor improvements and the beginning of Acela Express service at speeds to 150 mph. Issues addressed in past years included signal/train control criteria to support these new high-speed operations, emergency response, coordination of freight and passenger service on the NEC, vandalism and trespassing. The committee's work has prompted important safety research, legislative proposals and regulatory action. An NEC forum was held on 12/11/02.

Background: The NEC Safety Committee was originally created pursuant to the Railroad Safety Improvement Act of 1988 (Pub.L. No.100-342), as amended by the Rail Safety Enforcement and Review Act of 1992 (Pub.L. No.102-365). The statute provided for the Committee to expire on 01/01/99, or on such date as the Secretary deems to be appropriate. It has served as an effective forum for interested parties to address safety issues related to the operation of the Nation's foremost high-speed passenger line. There is a continuing need for advice on

safety issues, but since it is not necessary to re-activate the statutory Committee, it has been re-established as a discretionary committee. An NEC forum was held 12/11/01.

Operating Practices (Human Factors)

Summary: To reduce the number of human factor-caused train accidents and employee injuries. Review the primary human factor causes of rail accidents/incidents and existing railroad operating rules relevant to primary causes; determine the sufficiency of railroad operating rules that address major categories of human factor train accidents and the extent to which improved compliance with existing railroad operating rules would contribute to reductions in human factor accidents and incidents; review railroad programs of operating rules instruction, training, and oversight related to principal human factor causes and relevant portions of the Code of Federal Regulations; determine means of improving accountability for compliance with critical operating rules; and consider the sufficiency of rules and training for railroad operating employees regarding interface with automated warning systems at highway-rail crossings.

Status: Task accepted by RSAC 5/18/05; Working Group formed; initial recommendations of Working Group required 2/06, consistent with the Secretary's Rail Safety Action Plan. Working Group meetings were held on 7/12-13/05 and 8/31-9/1/05. The next Working Group meeting is scheduled for 9/28-29/05.

Passenger Equipment Safety Standards - COMPLETED

Summary: The Federal Railroad Safety Authorization Act of 1994 (Pub. L. 103-440, Title II) required FRA to issue initial passenger safety standards within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

Statutory deadline: 11/2/97 (initial); 11/2/99 (final).

Status: Completed. An initial meeting of the Passenger Equipment Safety Working Group (passenger railroads, operating employee organizations, mechanical employee organizations, and representatives of rail passengers) was held on 6/7/95, and the group met regularly to develop an NPRM. Manufacturer/supplier representatives served as associate members. FRA prepared an ANPRM indicating the issues under review by the Working Group, which was published 6/17/96 (61 FR 30672). The Working Group held its final meeting on the NPRM 9/30-10/2/96, having reached consensus on a portion of the issues presented. An NPRM was published 9/23/97 (62 FR 49728). A public hearing was held 11/21/97 (62 FR 55204; 10/23/97). Comments were due 11/24/97. Final Working Group meeting on the initial standards was held 12/15-

16/97, and an additional meeting on intercity and high speed issues was held 1/6/98. The final rule was published 5/12/99 (64 FR 25540). Final rule amendments responsive to petitions for reconsideration on issues regarding inspection, testing and maintenance of passenger cars were published 7/3/00 (65 FR 41284). FRA's notice responding to all remaining issues except for fire safety issues was published in the FR on 4/23/02 (67 FR 19970). Fire safety amendments were published 6/25/02 (67 FR 42892).

Passenger Train Emergency Preparedness - COMPLETED

Summary: The Federal Railroad Safety Authorization Act of 1994 (Pub.L. No.103-440, Title II) required FRA to issue emergency preparedness standards for passenger service. Initial standards were required within 3 years and complete standards within 5 years. The agency was authorized to consult with industry parties outside the Federal Advisory Committee Act, making it possible to conduct an informal negotiated rulemaking.

Statutory deadline: 11/2/97 (initial); 11/2/99 (final)

Background: An initial meeting of the Working Group for passenger train emergency preparedness standards was held on 8/8/95. The group met 2/6-7/96 to develop elements of an NPRM and met jointly with the Passenger Equipment Safety Standards Working Group on 3/26/96 to consider related issues, including the implications of Emergency Order No. 20 and recommendations of the NTSB. The Working Group included representatives of passenger railroads, operating employee and dispatcher organizations, and rail passenger organizations, and an advisor from the NTSB. The Working Group approved draft rule text, which was incorporated in an NPRM forwarded for review and clearance. Changes requested during review and clearance were provided to the Working Group during the week of 12/16/96.

Status: Completed. The NPRM was published 2/24/97 (62 FR 8330), and a notice of public hearings was published 3/6/97 (62 FR 10248). Public hearings were held in Chicago on 4/4/97 and in New York City on 4/7/97. Written comments were due by 4/25/97. The Working Group met 8/28/97 and agreed in principle to revisions for inclusion in the final rule. The final rule was published 5/4/98 (63 FR 24630), and a correction notice was published 7/6/98 (63 FR 36376). Effective date: 7/6/98.

NOTE: The following order is closely associated with the two prior entries:

Emergency Order No. 20 - COMPLETED

Summary: This order deals with the safety of push/pull and electric multiple unit service. The order was issued 2/20/96 (61 FR 6876; 2/22/96), and amended 2/29/96 (61 FR 8703; 3/5/96). Intercity and commuter passenger railroads were

required to adopt operating rules providing for observance of reduced speed where delays are incurred in blocks between distant signals and signals at interlocking or controlled points. Marking of emergency exits and testing of emergency windows was required. Interim system safety plans were required to be filed.

Status: Completed. The order has been fully implemented. On 3/26/96, the Passenger Equipment Safety Working Group and the Emergency Preparedness Working Group met jointly to consider implementation issues and crossover issues with the two rulemaking proceedings and recent recommendations of the NTSB. The APTA and its members have undertaken a number of actions in response to (but not required by) the emergency order, including development of comprehensive system safety plans. Codification, revision or termination of provisions will be considered by the Passenger Safety Working Group under Task No. 2003-1.

Passenger Safety Issues for the 21st Century (RSAC Task 03-01)

Summary: On 5/20/03 the full RSAC agreed to assign RSAC the task of considering enhancements to the passenger safety standards (Passenger Equipment Safety Standards and Passenger Train Emergency Preparedness), based on ongoing research, development of detailed standards by the American Public Transportation Association (APTA) Passenger Rail Equipment Safety Standards (PRESS) task force, and other identified needs.

Status: Nominations for membership to the Passenger Safety Working Group were submitted by 6/05/03. The Working Group met on 9/9-9/10/03 and completed a consolidated list of issues. The Working Group next met on 11/6-11/07/03 and established five task groups to focus on the following areas: crashworthiness/glazing; emergency preparedness; mechanical–general issues; mechanical–safety appliances; and track/vehicle interaction. The Working Group identified other issues for consideration at a later date, taking into account whether additional study/research was needed, priorities, and available resources. The task groups met and reported on their activities for consideration at a third Working Group meeting held 5/11-5/12/04, and the fourth meeting held 10/26 - 10/27/04. The Working Group itself reports to the full Committee at each scheduled Committee meeting, including providing milestones for completion of projects and progress toward completion. All but the mechanical task groups will continue meeting and have reported on their activities at the Working Group meetingS held 3/9-10/05 and 9/7/05.

Emergency Preparedness Task Force

Status: At the Working Group meeting of 3/9-10/05, the Working Group received and approved the consensus report of the Emergency Preparedness Task Force related to emergency egress and rescue access and supported the Task Force's request to begin working on an NPRM. The Working Group's

recommendations were presented to and approved by the full Committee on 5/18/05. An NPRM is now under development.

Mechanical Task Force

General Issues - Miscellaneous Amendments

Summary: FRA is proposing to clarify and amend its existing regulations in an effort to address various mechanical issues relevant to the manufacture, efficient utilization, and safe operation of passenger equipment and trains that have arisen since FRA's original issuance of the Passenger Equipment Safety Standards. FRA proposes miscellaneous amendments to its existing regulations in four areas: (1) by clarifying the terminology related to piston travel indicators; (2) by providing alternative design and additional inspection criteria for new passenger equipment not designed to allow inspection of the application and release of the brakes from outside the equipment; (3) by permitting some latitude in the use of passenger equipment with redundant air compressors when a limited number of the compressors become inoperative; and (4) by recognizing current locomotive manufacturing techniques by proposing an alternative pneumatic pressure test for main reservoirs. This action is based on recommendations of the Passenger Safety Working Group that were approved by the full Committee on 1/26/05. The NPRM was submitted to OMB designation list (60-day list) as non-significant on 4/21/05. At the Working Group meeting of 9/7/05, the Task Force presented additional perfecting amendments that will be included in the NPRM, contingent upon the concurrence of the RSAC on 10/11/05.

Safety Appliances

Summary: FRA is also proposing to clarify the existing regulatory requirements related to the attachment of safety appliances and is proposing an identification and inspection protocol to address existing passenger equipment containing welded safety appliances or welded safety appliance brackets or supports.

Status: This item has been removed from the RSAC due to lack of consensus and FRA has an NPRM under development.

Positive Train Control (PTC)

Evaluation of needs and feasibility (implementation)(RSAC Tasks 97-4 and 97-5)

Summary: These tasks involve defining PTC functionalities, describing available technologies, evaluating costs and benefit of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment.

Status: Accepted by RSAC 9/30/97. Monitoring of implementation continues. Data and Implementation Task Force completed report on future of PTC, which as accepted by the full RSAC on 9/8/99. Working Group meeting were held 10/22-23/02, 3/4-3/6/03, and 7/8-7/9/03.

Performance Standards for PTC Systems (RSAC Task 97-6) – COMPLETED

Summary: Existing signal and train control regulations are built around relay-based controllers and traditional track circuits, but technology is rapidly advancing. This task requires revising various regulations, including 49 CFR Part 236, to address the safety implications of processor-based signal and train control technologies, including communication-based operating systems. The purpose of the effort is to encourage deployment of innovative technology by providing a predictable environment. The concept of PTC refers to the ability to prevent train-to-train collisions, over speed derailments and casualties to roadway workers who are within authorized work zones along the railroad.

Status: Accepted by RSAC 9/30/97. The proposed rule on processor-based signal and train control systems was approved by consensus at the full RSAC meeting on 9/14/00. The NPRM was published in the *Federal Register* on 8/10/01 (66 FR 42352). The comment period was extended until 11/8/01. The Working Group met 12/4-6/01 in San Antonio, TX, and efforts continue to develop recommendations for resolution of issues raised by the public comments. Full RSAC briefed on the "base case" on 5/29/02. Consultations on "base case" issue continue; team met 10/1-4/02 in Chicago to prepare suggestions for consideration by the full Working Group. Full Working Group met 10/22-23/02 and 3/4-3/6/03 and 7/8-7/9/03 to consider resolution of remaining issues. Full RSAC disapproved the consensus recommendations by mail ballot on 8/14/03. FRA completed the final rule and placed it in review and clearance within the Executive Branch on 9/29/03. OMB completed review of the final rule on 12/29/04. The final rule was published on 3/7/05 (70 FR 11051), effective 6/6/05.

Update: RSAC PTC Working Group met on 7/14-15/05 to consider implementation guidance for the rule..

Progress Report to the Congress–COMPLETED

Summary: The Swift Rail Development Act of 1994 (Pub.L. No.103-440, Title I) required FRA to submit a status report on the implementation of positive train control as a follow-up to FRA's 7/94 Report to Congress entitled *Railroad Communications and Train Control.*

Statutory deadline: 12/31/95

Status: The Report was issued in letter format and forwarded to the Congress on 5/17/00. It enclosed the RSAC Report entitled ***Implementation of Positive Train Control Systems*** (approved 9/8/99).

2004 Report on Costs and Benefits of PTC–COMPLETED

Summary: The Appropriations Conferees included in their report on the FY 2003 DOT Appropriations Act (Pub.L. No.108-7, Title I) a requirement for a second review of the costs and benefits of PTC. On 8/17/04, FRA submitted the economic evaluation to Congress.

Status: The Accident Review Team of the PTC Working Group described two levels of PTC for study, with recommendations for estimation of safety benefits. FRA contracted for a study of costs and business benefits of PTC (to railroads, shippers and the public) and also conducted in-house analysis. A peer review workshop involving invited experts reviewed materials provided for development of the report on 4/13/04. The Report was delivered to the Appropriations Committees on 8/17/04.

Power Brakes - COMPLETED

Summary: The Rail Safety Enforcement and Review Act of 1992 (Pub.L. No. 102-365) required FRA to revise the power brake regulations. The statute required adoption of requirements for 2-way end-of-train telemetry devices (EOTs) and "standards for dynamic brakes."

Statutory deadlines: Final rule by 12/31/93; 2-way EOTs to be used on trains operating greater than 30 mph or in mountain grade territory to be equipped by 12/31/97.

Status: FRA published an NPRM 9/16/94 and conducted six days of public hearings ending 12/94. Due to strong objections to the NPRM, additional options were requested from passenger interests by 2/27/95 and from freight interests by 4/3/95. Further action is as follows:

1) ***Passenger standards revision:*** **Completed.** FRA requested the Passenger Equipment Safety Standards Working Group to incorporate new proposals for revisions of the power brake regulations in the NPRM for passenger equipment safety. Working Group proceedings on the elements of the NPRM concluded 10/2/96 without full agreement on power brake elements. See Passenger Equipment Safety Standards for final rule action.

2) ***Freight standards revision (RSAC Task 96-1)*:** **Completed.** On 4/1/96, the RSAC accepted the task of preparing a second NPRM. The Working

Group initiated its efforts in May, and on 10/31/96 the RSAC extended the deadline for a final report until 1/15/97. At the Working Group meeting 12/4/96, an impasse was declared, and subsequent efforts to revive discussions were not successful. On 5/29, FRA notified the Working Group by letter that the task will be formally terminated. FRA withdrew task at 6/24/97 full Committee meeting. FRA prepared second NPRM reflective of what was learned through the collaborative process. NPRM was published on 9/9/98 (63 FR 48294) (FRA Docket No. PB-9, Notice No. 13). (RSAC Task 96-1--terminated). Public hearings were conducted on 10/26/98 and 11/13/98 and a technical conference was held on 11/23-24/98. Final date for submission of comments was extended until 3/1/99. The final rule was published 1/17/01 (66 FR 4101). An amendment extending the effective date of the final rule until 5/31/01, was published on 2/12/01 (66 FR 9905); and a subsequent amendment further deferred the compliance date for providing a written record of a test required under 232.409(c) until further notice (66 FR 29502; 5/31/01) . FRA reviewed petitions for reconsideration and published amendments to Subpart D of the final rule (66 FR 36983; 8/1/01). Remaining responses to petitions for reconsideration was published in the *Federal Register* 4/10/02 (67 FR 17555).

3) ***Two-way end-of-train devices:*** **Completed.** FRA published notice on 2/21/96 that this issue would be separated from the balance of the freight issues and expedited for completion of a final rule. A public regulatory conference was convened 3/5/96 to explore remaining issues, and written comments were due 4/15/96. (Railroads also agreed to an expedited schedule that ensured application of this technology by 12/15/96 on 2% or greater grades and by 7/1/97 for other trains.) The final rule was published 1/2/1997 (62 FR 278) (FRA Docket No. PB-9, Notice No. 6), and it became effective 7/1/97. FRA received two petitions for reconsideration ("local train" definition and implementation date for smaller railroads). A notice denying the request to delete the tonnage restriction for local trains and granting extension of the compliance date for railroads with fewer than two million work hours was published 6/4/97 (62 FR 30461). On 11/4/97, FRA held a technical conference on the petition of American Short Line Railroad Association regarding operation of very light trains over grade territory (see 62 FR 52370; 10/7/97); FRA subsequently granted certain relief (66 FR 4193, 01/17/01, as amended at 67 FR 17584, 4/10/2002).

On 1/16/98, FRA published an NPRM to clarify application of two-way EOT requirements to intercity passenger trains with express equipment at the rear (63 FR 195). Final rule was issued 5/1/98 (63 FR 24130). (FRA Docket No. PB-9, Notice No. 11).

Note: On 2/6/96, the Administrator issued Emergency Order No. 18, requiring use by the BNSF of 2-way EOTs or equivalent protection for heavy grade operations over the Cajon Pass (61 FR 505; 2/9/96). BNSF has filed a request for recession of the Emergency Order based on changed circumstances. On January 15, 2004, FRA met with BNSF and two labor unions to discuss the potential recession. It was decided that BNSF will work with the labor unions to reach an acceptable solution, which FRA will then review for possible approval. On 10/12/04, FRA published a notice (69 FR 196) stating that it considered the emergency situation requiring the issuance of Emergency Order 18 to have abated at the conclusion of a 60-day interim transition period, beginning October 9, 2004, during which the BNSF would comply with a series of modified operational requirements before beginning full operation under the existing Federal regulations related to EOT devices.

Railroad Communications - COMPLETED (Including Radio Standards and Procedures)(RSAC Task 96-3)

Summary: In submitting the required report to the Congress on Railroad Communications and Train Control on 7/13/94, FRA noted the need to revise existing Federal standards for radio communications in concert with railroads and employee representatives. On 4/1/96, the RSAC accepted the task of preparing an NPRM, including consideration of communication capabilities required in railroad operations. The Working Group presented a consensus NPRM to the full Committee on 3/24/97, and the Committee voted to recommend issuance of the NPRM to the Administrator in balloting that ended 4/14/97. NPRM issued 6/11/97 and published 6/26/97 (62 FR 34544) (FRA Docket No. RSOR-12, Notice No. 4). Comment period closed 8/25/97. (FRA Docket No. RSOR-12, Notice No. 5).

Status: Completed. Final rule published 9/4/98 (63 FR 47182). Effective date: 1/4/99.

Reflectorization of Freight Rolling Stock

Summary: FRA first examined the use of reflectors in the early 1980's. The Federal Railroad Safety Authorization Act of 1994 (Pub.L. No.103-440, Title II) required the FRA to revisit the issue of railcar visibility. FRA conducted an additional study of railcar visibility which determined that technological advances in reflective material have made reflective material a more feasible and cost-effective option in enhancing rail safety.

Status: Cost-benefit analysis found that reflectors are a cost-effective method of enhancing railcar visibility. NPRM published on 11/6/03 (68 FR 62942). FRA

held a public hearing on 01/27/04. The comment period for the NPRM closed 3/5/04. The final rule was published 1/3/05 (70 FR 144). FRA is currently considering three petitions for reconsideration. On May 26, 2005, FRA published a stay of the effective date (70 FR 30378) pending resolution of the petitions. FRA is completing final rule amendments responsive to certain issues raised on reconsideration.

Regulatory Reinvention - COMPLETED

Summary: In response to the Administration's call for regulatory review, elimination and reinvention, FRA took several actions to repeal obsolete regulations and simplify agency processes that affect external customers. Major elements of this effort are included in regulatory revision efforts described under other headings.

Status: Completed. Interim Final Rule amendments reducing frequency of reporting regarding signal and train control systems (49 CFR Part 233), simplifying review requirements for certain modifications of signal systems (49 CFR Part 235), and making conforming changes regarding inspection of ATC/ATS/ACS (49 CFR Part 236) published 7/1/96 (61 FR 33871). These Interim Final Rule amendments were adopted as a final rule published 9/28/01 (66 FR 49556). Effective date: 9/28/2001.

Note: FRA's proposed 1999 rail safety reauthorization legislation, introduced in the 106th Congress as H.R. 2683 and S. 1496, included provisions to permit flexibility for railroads to make accident/incident reports less frequently than monthly (e.g., as in the case of a small railroad with nothing to report) and to eliminate outdated requirements for notarization of reports. No action was taken on this legislation. Section 104 of the Department's 2002 reauthorization proposal, which was transmitted to the Congress on 7/8/02, renewed this suggestion. The Department's 2003 reauthorization proposal contained similar language, which was incorporated into Section 206 of S. 1402, ordered reported by the Senate Commerce Committee on 7/17/03.

Roadway Maintenance Machines - COMPLETED *(RSAC Task 96-7)*

Summary: A 1990 petition to FRA from the Brotherhood of Maintenance ofWay Employes asked FRA, among other requests, to propose standards related to the safety of persons riding or operating MOW equipment. FRA elected not to immediately pursue that issue given other pending workload. However, this issue was renewed during the deliberations of the RSAC Track Safety Standards Working Group.

Status: Completed. On 10/31/96, the RSAC accepted a task of drafting proposed rules for the safety of this equipment. A task force of the Track Safety

Standards Working Group was formed to address this issue. The NPRM was approved by the full RSAC and the NPRM was published 1/10/01 (66 FR 1930). The task force met 2/27-3/1/02 to review comments FRA received in response to the NPRM and agreed to disposition of comments for the final rule. A ballot was issued to the Working Group and all responders concurred. The full RSAC approved the Working Group's recommendations for the final rule on 5/29/02. Final rule was published on 07/28/03 (68 FR 44388). FRA responded to two petitions for reconsideration on 2/26/04 (69 FR 8834). Effective date 4/26/04.

Roadway Worker Safety - COMPLETED

Summary: In requiring the review of the Track Safety Standards, the Rail Safety Enforcement and Review Act of 1992 (Pub.L. No.102-365) required FRA to evaluate the safety of maintenance- of-way employees. In addition, the Brotherhood of Maintenance-of-Way Employes and the Brotherhood of Railroad Signalmen petitioned FRA to issue "on-track safety" rules.

Background: FRA published a notice 8/17/94 initiating a formal negotiated rulemaking. The negotiated rulemaking committee reported a statement of principles 5/17/95 and completed an NPRM draft 8/95. NPRM published 3/14/96 (61 FR 10528); initial written comments were due 5/13/96. Public hearing held 7/11/96.

Status: Completed. The final rule was published 12/16/96 (61 FR 65959); effective 1/15/97. Petitions for reconsideration were denied in a notice published 4/21/97 (62 FR 19234). A consolidated hearing on waiver petitions was held 5/22/97, and written comments were due by 6/9/97. FRA issued decisions on individual petitions as investigations and analysis were completed.

Roadway Worker Protection–Review and Revision (RSAC Task 05-01)

Summary: To review 49 CFR 214, Subpart C, Roadway Worker Protection, and related sections of Subpart A; recommend consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general system of railroad transportation, including clarification of existing requirements.

Status: The Working Group met on 4/12-13/05, 6/22-24/05 and 8/8-11/05. The next Working Group meeting is scheduled for 9/20-22/05.

Safety Integration Plans - COMPLETED

Summary: In response to the proposed acquisition of Conrail by Norfolk Southern and CSX Transportation, FRA suggested, and the STB required, that the petitioners file with the Board of Safety Integration Plans (SIPs). In coordination

with the Board, FRA proposed regulations requiring preparation and FRA review of SIPs in connection with future railroad mergers.

Status: Completed. FRA and the STB jointly issued an NPRM 12/31/98 (63 FR 72225) to institutionalize the SIP process to ensure that proper safety planning and safety investments are undertaken during a merger. The proposed rule spells out the types of transactions that will require SIPs and outlines the roles of FRA and the STB in overseeing the SIP process. On 3/8/02, the FRA Administrator and the STB approved the SIP final rule to address safety concerns that may arise in railroad mergers. The final rule was published in the *Federal Register* on 3/15/02 (67 FR 11582). Responses to petition for reconsideration were published in the *Federal Register* on 11/08/02 (67 FR 68041).

Small Railroads; Final Policy Statement - COMPLETED

Summary: The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub.L. No.104-121, Title II) amended the Regulatory Flexibility Act and required, among other things, that each agency establish small business communication and enforcement programs.

Statutory deadline: 3/29/97

Status: Completed. Interim policy statement published 8/11/97 (62 FR 43024). Public meeting to address definition of "small entity" was held on 9/28/99. The final policy statement was published on 5/9/03 (68 FR 24891).

Steam Locomotives - COMPLETED (RSAC Task 96-5)

Summary: A committee of steam locomotive experts from tourist and historic railroads sought a partnership with FRA to revise the steam locomotive regulations. The revisions relieve regulatory burdens while updating and strengthening the technical requirements.

Status: Completed. Revision of the Steam Locomotive Inspection regulations was tasked to the RSAC on 7/24/96. A Task Force of the Tourist and Historic Railroads Working Group worked actively toward finalization of a final rule. NPRM rule text was agreed upon within the task force and was approved by the Tourist and Historic Working Group on 9/3/97 and provided to the RSAC on 9/30/97. The RSAC approved the consensus NPRM by mail ballot 2/17/98. NPRM published 9/25/98 (63 FR 51404) (FRA Docket No. RSSL 98-1, Notice No. 1). Public hearing was held 2/4/99. Task Force formulated recommendations in response to comments received. The recommendations were accepted by the Working Group, and the full Committee voted to incorporate the recommendations in the final rule. The final rule was published 11/17/99 (64 FR 62828) (FRA Docket No. RSSL 98-1, Notice No. 3); effective date 1/18/00.

***Inspection and Maintenance Standards for Steam Locomotives* - COMPLETED**

Summary: This rulemaking would correct FRA Form 4 in Appendix C of Part 230, which was published in the *Federal Register* on 11/17/1999 (64 FR 62828). Part 230 relates to inspection and maintenance standards of steam locomotives, and the form is used to record information about inspections of steam locomotives. Initially, a section on the form to record the shearing stress on rivets was inadvertently omitted.

Status: The NPRM was published in the *Federal Register* on 4/19/05 (70 FR 20337). Comment period closed 5/19/05. The final rule was published 7/21/05 (70 FR 41995), effective 8/22/05.

Tourist Railroad Report - COMPLETED/*Review of Regulatory Applicability (RSAC Task 96-4)*

Summary: The Swift Rail Development Act of 1994 (Pub.L. No.No.103-440, Title I) required FRA to submit a report to the Congress regarding FRA's actions to recognize the unique factors associated with these generally small passenger operations that often utilize historic equipment.

Statutory deadline: 9/30/95

Status: Completed. Report submitted to the Congress 6/10/96. The RSAC authorized formation of a Tourist and Historic Railroads Working Group 4/1/96. The Working Group held its initial meeting 6/17-6/18/96 and established a task force which prepared the first comprehensive revision of the Steam Locomotive Standards. The consensus products were published as a proposed rule on 09/25/98 (63 FR 51404) and a final rule on 11/17/99 (64 FR 62828).

The Working Group future tasks will include the possible development of requirements for the training of steam locomotive operators and maintenance personnel. Planned future activities involve review of other regulations ro possible adaptation to the safety needs of tourist and historic railroads.

Track Safety Standards - COMPLETED (RSAC Task 96-2)

Summary: The Rail Safety Enforcement and Review Act of 1992 (Pub.L. No.102-365) required FRA to revise the Track Safety Standards, taking into consideration, among other things, such issues as continuous welded rail and excepted track. FRA chose to use the project to issue track safety standards for high speed train service and to update safety standards addressing rail flaw detection and gage restraint measurement in light of products of research.

Statutory deadline: Final rule by 9/1/95.

Background: FRA published an ANPRM 11/6/92 and conducted workshops in the period 1/93-3/93. The RSAC accepted the task of preparing an NPRM on 4/2/96. The Track Safety Standards Working Group reported a draft NPRM to the full committee on 10/31/96. In balloting that concluded 11/21/96, RSAC voted to accept the Working Group report.

Status: Completed. NPRM was published 7/3/97 (62 FR 36138) (FRA Docket No. RST-90-1, Notice No. 5). Hearing held 9/4/97; comment period closed 9/15/97. Additional comment was invited regarding certain high-speed track geometry issues by notice of 12/12/97 (62 FR 65401) not later than 12/22/97. Final rule published 6/22/98 (63 FR 33991) (FRA Docket No. RST-90-1, Notice No. 8); effective 9/21/98.

Gage Restraint Measurement System amendment. Completed. The final rule amendment to the track safety standards which added Gage Restraint Measurement System (GRMS) standards was approved by the full RSAC and published 1/10/01(66 FR 1894). On 1/31/01, FRA published a notice extending the effective date of the GRMS amendment to 4/10/01 (66 FR 8372). On 2/9/01, FRA published a notice delaying the effective date until 6/9/01, in accordance with the Regulatory Review Plan (66 FR 9676). The GRMS rule was subsequently reviewed within the Department and is final.

U.S. Locational Requirement for Dispatching of U.S. Rail Operations - COMPLETED

Summary: New 49 CFR Part 241 requires all dispatching of railroad operations that occur in the United States to be performed in the United States, with certain exceptions.

Status: Completed. The Interim Final Rule (new Part 241) 12/11/01, prohibited dispatchers located in foreign countries from dispatching railroad operations that occur in the United States (extraterritorial dispatching), with limited exceptions. The interim rule solicited comments from the public that would be reviewed before issuance of a final rule; FRA held a public hearing on 2/12/02. On 12/10/02, FRA published a final rule that generally prohibits railroads from using dispatchers located outside the United States to dispatch railroad operations in the United States ("extraterritorial dispatching") (67 FR 75938). The interim rule had permitted Canadian railroads to continue extraterritorial dispatching of four short lines in the United States while comments were gathered. Under the final rule, the Canadian railroads can continue to extraterritorially dispatch there for a 90-day period to permit the filing of waiver petitions. If a petition is filed within the transitional period, the railroads may continue to conduct the extraterritorial dispatching until FRA acts on the waiver petition. The final rule also permits waivers to be granted for extraterritorial dispatching of cross-border operations in areas of the United States immediately adjacent to the border with Canada and Mexico to facilitate the hand-off of cross-border operations to domestic

dispatchers. Finally, the final rule permits extraterritorial dispatching in emergency situations.

HIGHWAY-RAIL CROSSING SAFETY

Commercial Driver Disqualification - Railroad-Highway Grade Crossing Violation - COMPLETED

Summary: To enhance the safety of commercial motor vehicle (CMV) operations on our nation's highways and complete action initiated in response to the requirements specified in section 403 of the ICC Termination Act of 1995) Pub.L. No. 104-88), the FMCSA revised its regulations (49 CFR Parts 383 and 384) to require that CMV drivers who are convicted of violating Federal, State, or local laws or regulations pertaining to railroad-highway grade crossings be disqualified from operating a CMV.

Status: Completed. Final rule published on 09/02/99 (64 FR 48104). Effective date: 10/4/99

Grade Crossing Signals (Inspection, Testing and Maintenance) - COMPLETED

Summary: FRA issued a final rule for inspection, testing and maintenance of automated warning devices 9/30/94, and the rule went into effect 1/1/95 (49 CFR Part 234). During the initial year, FRA worked with railroads and signal employees to disseminate information, conduct training, and identify any areas of ambiguity or weakness in the standards. At a technical resolution committee (TRC) meeting during the week of 3/13/95 that included participation by railroads, the Brotherhood of Railroad Signalmen, and States, several issues were identified that require clarification or refinement. An interim manual dated 4/14/95 incorporated the findings of the TRC.

Status: Completed. Interim Final Rule amendments published 6/20/96 (61 FR 31802). The final rule was adopted from the Interim Final Rule (66 FR 49557). Effective date: 9/28/01.

Locomotive Visibility/Auxiliary Alerting Lights - COMPLETED

Summary: In 1991, FRA initiated a new phase of research on locomotive conspicuity in relation to safety at highway-rail crossings. The Amtrak Authorization and Development Act of 1992 (Pub.L. No.102-533) mandated that the research be completed and that a regulation be issued to apply alerting lights to locomotives.

Statutory deadline: Final rule by 6/30/95.

Background: FRA published a "grand-fathering rule" on 2/3/93 (58 FR 6899) and amendments on 5/13/94 (59 FR 24960). After the research was substantially completed in early summer of 1995, FRA briefed the industry parties on the results, discussed options for regulatory action, and elicited additional information concerning railroads' progress in equipping their fleets. An NPRM was published on 8/25/95. The AAR and the ASTRA requested a technical conference to perfect the rule for final issuance, and that conference was held 11/28/95.

Status: Completed. Final rule was published 3/6/96 (61 FR 31802). Equipping of locomotives used as lead units at speeds exceeding 20 mph was required to be completed by 12/31/97, as provided by law.

Private Highway-Rail Grade Crossings

Summary: The Secretary's Action Plan for Grade Crossing Safety (6/94) commits FRA to conducting a special safety inquiry on private crossings.

Status: Conducted workshop on possible guidelines 7/93; timing of further action to be determined.

Ten Most Hazardous Crossings Report - COMPLETED

Summary: In the Appropriations Committees required submission of a report on the ten most hazardous highway-rail crossings in each state. The report was to be submitted jointly by FHWA and FRA.

Status: Completed. Report was submitted to the Committees on 11/20/02. The report is available on FRA's website http://www.fra.dot.gov/Content3.asp?P=803.

Selection of Grade Crossing Automated Warning Devices - COMPLETED

Summary: FRA published an NPRM on 3/2/95 (60 FR 11649) and received over 3,000 written comments through 6/14/95.

Status: Completed. Termination notice published 8/8/97 (62 FR 42733).

U.S. DOT Agencies Crossing Safety Action Plan - COMPLETED

Summary: As a part of its Conference Report for the Department of Transportation FY 2003 appropriations bill (Pub.L. No.108-7, Title I), the Senate directed the Secretary of Transportation to submit, at the time of the Department's FY 2005 budget request, an action plan outlining specific efforts to be pursued by the FRA, along with the FTA, the FHWA, the FMCSA, the NHTSA, and the ITS Joint Program Office, to improve safety at public and private highway-rail grade crossings.

Status: The 2004 Secretary's Action Plan for Highway-Rail Crossing Safety and Trespass Prevention was released on 6/7/04 and is available at http://www.fra.dot.gov/downloads/safety/action_plan_2004.pdf .

Use of Locomotive Horns (Whistle Bans)

Summary: Section 302 of The Federal Railroad Safety Authorization Act of 1994 (Pub.L. No.103-440, Title II), enacted with the Swift Rail Development Act of 1994, required FRA to issue regulations providing for the use of train horns at highway-rail crossings.

Statutory deadline: Final rule 11/2/96 (most hazardous crossings), 11/2/98 (other crossings). Note: deadlines were superseded by legislation (Pub.L. No. 104-264) barring FRA from issuing a final rule before 7/1/01.

Background: This legislative mandate anticipated FRA follow up to Emergency Order No. 15, which addressed local whistle bans on the Florida East Coast Railroad between Jacksonville and Miami. FRA released a report on the national impacts of local whistle bans on 6/1/95 and conducted an extensive program of public outreach to make communities aware of the forthcoming rulemaking and to seek information on supplementary safety measures that would support allowance of quiet zones in communities sensitive to train horn noise. Contacts were established with 160+ jurisdictions known to have whistle bans in place. FRA representatives met with or addressed forums of state and local officials and community groups. Met with AAR/BRS/AAHSTO/FHWA 12/13/95 to address technical specifications for 4-quadrant gates.

Numerous congressional offices encouraged FRA to continue outreach and data collection. FRA advised the Congress that the deadline for an initial final rule would not be met as a result. Immediately prior to adjournment, the 104th Congress enacted the FAA reauthorization bill (Pub.L. No. 104-264; 10/9/96), which included amendments to the original whistle ban legislation. In general, the legislation affirmed the latitude available to the Secretary to provide for phase-in of regulations and focus on safety results.

Status: NPRM published 1/13/00 (65 FR 2230) (Docket No. FRA-1999-6439, Notice No. 1). Written comments were due 5/26/00. FRA held 12 public hearings and a technical conference to receive oral comments. FRA received and reviewed more than 3,000 comments (combined for the NPRM and draft environmental impact statement). Labor, Health and Human Services Appropriations Act, 2001, prohibited issuance of final rule before 7/1/01 (Pub. L. No. 106-554; 12/21/00.) The Interim Final Rule was published 12/18/03 (68 FR 70585). FRA held a public hearing on the Interim Final Rule on 2/4/04 in Washington, D.C. The comment period for the Interim Final Rule was extended to 4/19/04 (69 FR 7169). The effective date of the Interim Final Rule was also

changed from 12/18/04 to 4/1/05 (69 FR 67858) and from 4/1/05 to 6/24/05 (70 FR 13117), to prevent the Interim Final Rule from taking effect before the final rule was issued. The final rule was submitted to OST for review on 10/4/04 and to OMB for review and clearance on 11/16/04. The final rule was withdrawn from OMB on 2/23/05 and re-submitted to OMB on 3/17/05. OMB cleared the final rule on 4/21/05. The final rule was published on 4/27/05 (70 FR 21843). FRA has responded by letter to petitions for reconsideration and is preparing final rule amendments responsive to certain issues presented in the petitions.

Department of Transportation's Technical Working Group (TWG) - COMPLETED

Summary: The TWG was established to develop recommendations on new standards for the use and implementation of highway-rail grade crossing warning devices (cross bucks, lights, gates, grade separation). The FRA and the FHWA are co-chairs of the Working Group, whose members include representatives of the FTA , the NTSB, the AAR, the American Shortline and Regional Railroad Association, state transportation agencies, county transportation agencies, the supply industry and academia. The Working Group completed its report in November of 2002, and the final report is available from FRA's Highway-Rail Crossing Safety Division.

HAZARDOUS MATERIALS

New Directions for Hazardous Materials Safety by Rail

Summary: The movement of hazardous materials throughout the railroad industry provides an excellent example of the dynamic interrelationship between shippers, carriers, freight car builders, repair companies, and Federal, State, and Tribal governments. Under authority delegated to us by the Secretary of Transportation, FRA administers a safety program that oversees the movement of hazardous materials (including dangerous goods), such as petroleum and chemical products and nuclear shipments throughout the Nation's rail transportation system. FRA also has authority to oversee the movement of a package marked to indicate compliance with a Federal or international standard, even if such a package does not contain a hazardous material. FRA's current hazardous materials safety regulatory program and standards-related partnerships include the following items:

- Hazardous Materials Incident Reduction Program
- Tank Car Facility Conformity Assessment Program
- Spent Nuclear Fuel and High-Level Nuclear Waste Program
- Rulemaking, Approvals, and Exemptions
- Standards-Related Partnerships

Rulemaking, Approvals, and Exemptions

Tank Car Crashworthiness and Retest

Summary: RSPA Dockets HM-175A and HM-201 addressed further improvements in tank car crashworthiness, and adoption of advanced non-destructive testing to improve tank retest procedures, respectively.

Status: Completed. Final rules published 9/21/95 (60 FR 49048).

Notices

Hazardous Materials: Enhancing Rail Transportation Security for Toxic Inhalation Hazard Materials

Summary: The RSPA and the Transportation Security Administration, Department of Homeland Security, are examining the need for enhanced security requirements for the rail transportation of hazardous materials that pose a toxic inhalation hazard. The departments are seeking comments on the feasibility of initiating specific security enhancements and the potential costs and benefits of doing so. Security measures being considered include improvements to security plans, modification of methods used to identify shipments, enhanced requirements for temporary storage, strengthened tank car integrity, and implementation of tracking and communication systems.

Status: Notice published 8/16/04 (69 FR 50988). Deadline to submit comments 10/18/04.

Standards-Related Partnerships

Chapter 9, Article 906(1) and (2), of the North American Free Trade Agreement (NAFTA), states:

Recognizing the crucial role of standards-related measures in promoting and protecting legitimate objectives, the Parties shall. . . .work jointly to enhance the level of safety and of the protection of human, animal, and plant life and health, the environment and consumers. . . . .the Parties shall, to the greatest extent practicable, make compatible their respective standards-related measures, so as to facilitate trade in a good or service between the Parties.

To accomplish the goals of NAFTA, the United States, Canada, and Mexico have agreed to develop standard-related measures, based on the *United Nations Recommendations on the Transport of Dangerous Goods* (orange book). One part of the standard concerns the design, construction, inspection, testing, and maintenance of tank cars. The development of the standard follows actions taken

by the North American Free Trade Agreement, Land Transportation Standards Subcommittee (LTSS), Working Group on the Transportation of Dangerous Goods (Group 5) on June 11, 1998, in Montreal, Quebec, Canada. To meet this objective, Canada, Mexico, and the United States agreed to promote the development of an industry-sponsored standard-related measure for tank cars (North American Model Standard for Tank Cars [NAMS-TC).

OTHER SAFETY PROJECTS AND PARTNERSHIP EFFORTS

Bridge Structural Safety

Summary: Following a survey of bridge conditions and railroad inspection practices, FRA determined that regulatory action is not necessary, but that FRA should continue to exercise an oversight role regarding bridge structural safety programs. FRA issued an interim **statement** of policy 4/27/95 (60 FR 20654), with comments due 6/26/95.

Status: Completed. Comments support continued FRA partnership role. FRA issued a final bridge statement of policy for safety of railroad bridges that establishes suggested criteria for railroads to use to ensure the structural integrity of bridges that carry railroad tracks. The statement was published in the *Federal Register* on 8/30/00 (65 FR 52667).

Movable Bridges: A nationwide review of movable bridges has been completed. Also reviewing the enforcement manual on movable bridges. New technical training course started this year on movable bridges.

Note: On 2/12/96, the Administrator issued Emergency Order No. 19, which removed from service a bridge on the Tonawanda Island Railroad in New York State pending necessary structural repairs (61 FR 628; 2/16/96). In 12/16/99, the Administrator reissued Emergency Order No. 22, which removed from service a bridge on the Oregon Pacific Railroad in Oregon State pending inspection of repairs to assure safety (64 FR 71844; 12/16/99). This Emergency Order was partially lifted on 1/20/2000 (65 FR 5018; 2/21/00).

Discolored Wheels - COMPLETED

Completed. FRA has granted a master waiver of the Freight Car Safety Standards permitting continued use of discolored heat-treated, curved plate wheels, which have superior resistance to thermal abuse. Data gathered under the waiver, together with results of analysis already provided, may support a permanent change in the regulation.

Environmental Impacts - COMPLETED

Completed. FRA revised its Procedures for Considering Environmental Impacts to update or eliminate outdated references to programs or statutory authorities that no longer exist and to correct inconsistencies with the Council on Environmental Quality's National Environmental Policy Act implementing regulations. The revised procedures were published in the *Federal Register* on 5/26/99 (64 FR 28545).

Hours of Service Electronic Recordkeeping

Current hours of service record keeping uses paper and ink, but four major railroads (UP, CSX, NS, and FEC) have been given relief to keep electronic records. Other railroads are in the process of preparing electronic recordkeeping programs and may seek similar relief. Permanent amendments to the recordkeeping and reporting requirements may be proposed. FRA is assisting railroads in developing electronic systems by providing guidance materials.

Remote Control Locomotives (RCL)

On 5/15/00, FRA published a notice of a technical conference to examine the current status of safety issues related to use of remote control locomotives (65 FR 31056). The technical conference was held on 7/19/00. The Technical Conference focused on the changes in RCL operations that have occurred over the past five years. A Notice of Safety Advisory 2001-01, which establishes recommended minimum guidelines for the operation of remote control locomotives was published 02/14/01 (66 FR 10340).

FRA continues to work with interested parties on best practices. FRA is also closely monitoring training required by 49 CFR Part 240 and conducting surveillance of new remote control operations. Furthermore, in response to a request from Senators John McCain and Ernest Hollings on September 2, 2003, FRA produced a preliminary report on the safety of remote control locomotives on 05/13/04, and will produce a more detailed report in 2005. The preliminary (or interim) report is available on FRA's website at http://www.fra.dot.gov/us/content/1462.

Shared Use of General Railroad System - Joint Statement of Agency Policy - COMPLETED

Completed. FRA and the FTA have worked together to develop a policy concerning safety issues related to light rail transit operations on the general railroad system, how the two agencies intend to coordinate use of their respective safety authorities, and the waiver process related to shared use operations. A proposed joint statement of policy was published 5/25/99 (64 FR 28238) with

comments due on 7/30/99. Comment period extended on 7/28/99 to10/29/99 (64 FR 40931). Additional extension on 10/28/99 to 1/14/00 (64 FR 58124). FRA issued a final joint policy statement describing the extent of its statutory jurisdiction over railroad passenger operations and explaining how it will exercise its jurisdiction. The statement was published 7/10/2000 (65 FR 42526). (Docket No. FRA-1999-5685.)

Shared Use of General Railroad System - FRA Jurisdiction Policy Statement - COMPLETED

Completed. FRA issued a proposed statement of agency policy on 11/1/99 (64 FR 59046) (FRA Docket No. FRA-1999-5685, Notice No. 4) describing the extent of its statutory jurisdiction over railroad passenger operations (which covers all railroads except urban rapid transit systems not connected to the general railroad system) and to explain how it will exercise that jurisdiction. Comments were due by 1/14/00. Final Policy Statement published 7/10/00 (65 FR 42529).

TOFC/COFC Securement - COMPLETED

Summary: Following a serious accident at Smithfield, N.C., on 5/16/94, FRA formed a partnership with major railroads and labor organizations to evaluate and improve securement of intermodal loads. A report to the Secretary dated 9/15/94 documented the initial results of that effort.

Status: FRA held a meeting on 2/22/95 that focused on an item-by-item discussion of the status and progress made within the industry with respect to the seven recommendations identified in the report to the Secretary. The AAR has established an Intermodal Equipment Handling Task Force that has developed a number of training aids. A follow-up TOFC/COFC loading and securement safety survey was conducted during 1996. FRA conducted additional loading and securement field evaluations during July-August 1997. Joint training activity brought together railroads, TTX and FRA to maintain strong emphasis on compliance with AAR loading requirements. FRA continues to monitor securement of trailers and trucks in transportation and to work on this issue through SACP's on individual railroads. In 8/99, FRA inspectors began bi-regional team audits, with 18 inspections per team completed by 08/01. To date, the survey of intermodal loading facilities is progressing as planned. The deficiencies found are tracking at a rate similar to previous studies. As of 8/01/01, the teams had surveyed 7,636 railcars, 3,745 trailer platforms, and 10,872 container platforms. A total of 3,095 deficiencies were noted. Team audits were scheduled to continue another eighteen months. A mid-point report was completed 1/30/02. Looking to see if railroads are complying with AAR guidelines IC 113 7/06/98. Final report was released July 2004.

Train Dispatcher Training

FRA submitted a report to the Congress on 01/5/95 regarding the functions of contemporary train dispatching offices. The report noted that traditional pools of candidates for recruitment of train dispatchers are no longer adequate to the need. In partnership with the American Train Dispatchers Department/BLE (ATDD), FRA identified the need for a model train dispatcher training program.

Experts from Amtrak, the ATDD, the Burlington Northern/Santa Fe Railroad and FRA developed a list of elements for dispatcher training programs. Required competencies and training program elements have been abstracted from this effort for a model program. The RSAC was briefed on this effort on 3/24/97, with participants in the training task force indicating reluctance to attempt a "one size fits all" regulatory approach. More recent discussion in the RSAC has indicated a renewed interest by the ATDD in development of uniform minimum standards for dispatcher training and qualification.

In 05/01, the FRA Office of Research and Development published ***Understanding How Train Dispatchers Manage and Control Trains*** (DOT/FRA/ORD-01/02), which is available at http://www.fra.dot.gov/downloads/Research/ord0102.pdf .

SAFETY ADVISORIES/DIRECTIVES/BULLETINS

No.	Subject
	Safety Advisories
2005-03	This notice facilitates improved cooperation in the investigation of collisions at highway-rail grade crossings. Published 5/2/05 (70 FR 22750).
2005-02	This notice provides information on the potential catastrophic failure of locomotive main reservoir tanks manufactured by R&R Metal Fabricators, Incorporated, and installed on General Electric Transportation System (GETS) locomotives. Published 4/20/05 (70 FR 20632).
2005-01	This notice advises all railroads to review their operating rules and take necessary action to ensure that train crews who operate manual (hand-operated) main track switches in non-signaled territory restore the switches to their normal position after use. Published 1/13/2005 (70 FR 2455).
2004-4	**Sleep Disorders.** This notice addresses suggested measures that railroads and employees should utilize to prevent work- related errors and on-the-job accidents as a result of sleep disorders. Published 10/1/2004 (69 FR 58995).

No.	Subject
2004-3	**Importance of Restoring Failed or Malfunctioning Highway-Rail Grade Crossing Warning Systems to Proper Operation Without Undue Delay.** Published 8/11/04 (69 FR 48904).
2004-2	**Importance of having clear safety and response procedures for use in the event of reports of railroad signal system problems.** Published 8/10/2004 (69 FR 48560).
2004-1	**Protection of Roadway Workers from Traffic on Adjacent Tracks and Heighten Awareness to Prevent Inadvertent Fouling of Track When On-Track Safety is not Provided.** Published 5/3/04 (69 FR 24220).
2003-03	**Additional Information on Potential Catastrophic Failure of 100-ton Truck Bolsters from National Castings of Sahagun, Mexico.** This advisory identifies another series of bolsters, AAR Identification B-2409 and National Pattern 52202, which pose a similar potential safety hazard to those referenced in Safety Advisory 2002-03. Published 11/24/03 (68 FR 65982).
2003-02	**Proper Use of Railroad Tank Car Excess Flow Valves.** This advisory advises all persons involved in loading and unloading products from railroad tank cars that they cannot rely on internal excess flow valves to stop the flow of product except under the limited conditions for which these valves were designed and installed. Published 9/4/03 (68 FR 52626).
2003-01	**Importance of Verifying Compatibility of Packaging Components when Haz Mat Commodity is Changed.** This advisory recommends that all persons involved in the packaging and offering of hazardous materials verify the compatibility of all tank car components, such as valves and gaskets , to resist corrosion, permeability, premature aging, pitting, or embrittlement. Published 01/23/03 (68 FR 3304).
2002-03	**Failures of 100-ton Truck Bolsters from National Castings of Sahagun, Mexico.** This advisory recommends that all railroads and car repair shops adhere to the instructions provided in AAR's maintenance advisory and early warning letters. AAR has identified a list of cars that may be equipped with the bolsters. Published 12/30/02 (67 FR 79686).
2002-01	**Importance of Clear Safety Procedures - Highway-rail grade crossing warning systems.** This advisory addressed the importance of clear, precise and unambiguous railroad safety procedures to ensure the safety of highway-rail grade crossing warning systems or wayside signal systems that are temporarily removed from service. Published 1/23/2002 (67 FR 3258).

No.	Subject
2001-3	**Failures of Airbrake Angle Cocks from Ellcon-National.** This advisory recommends the immediate replacement or installation of retrofit kit for Ellcon-National Model 7000 Thread-to-Thread and Model 7270 Thread-to-Flange Angle Cocks, at both ends of airbrake system. Published 05/01/01 (66 FR 21811).
2001-2	**Structural Integrity of Cast Steel Draft Sills.** This advisory establishes recommended minimal guidelines for inspection, and operation of Trinity Industries covered hopper cars, with draft sills manufactured by American Steel Foundries. Also guidelines if car is involved in derailment and/or found defective. Published 03/12/01 (66 FR 14432).
2001-1	**Remote Control Locomotives.** This advisory establishes recommended minimal guidelines for the operation of remote control locomotives. Published 02/14/01 (66 FR 10340).
2000-3	**Switching Operations.** This advisory provides safety practices to reduce the risk of serious injury or death both to railroad employees engaged in switching operations and to the general public. Published 11/2/00 (65 FR 65895).
2000-2	**Signal Units.** This advisory recommends replacement of certain components in Harmon Industries' "Electro Code 4" and "Electro Code 4 Plus" intermediate signal units. Published 6/2/00 (65 FR 35418).
2000-1	**Model B1 relays.** This advisory asks railroads to inspect and test certain relays for which there is a concern regarding potential malfunction. Published 5/11/00 (65 FR 30474).
99-3	**Securement of floor beam cross-members on RoadRailer trailers:** Safety practices to prevent the highway tandem wheel on RoadRailer trailers from falling onto the rails on moving trains. Published 11/10/99 (64 FR 61377).
99-2	**[Not issued.]**
99-1	**Lifting or jacking of railroad equipment:** Safety practices related to lifting or jacking of railroad equipment in order to remove trucks or repair other components on a piece of railroad equipment which requires individuals to work beneath railroad equipment while it is raised. Published 6/16/99 (64 FR 32300).
98-3	**Safe Use of Prescription and Over-the-Counter Drugs:** Safety practices for the safe use of prescription and over-the-counter drugs by safety-sensitive railroad employees. Published 12/24/99 (63 FR 71334)

No.	Subject
98-2	**Emergency application of airbrakes:** Safety practices to reduce the risk of casualties caused by failure to activate the available two-way end-of-train telemetry device (two-way EOT) to initiate an emergency brake application beginning at the rear of the train when circumstances require an emergency application of the train airbrakes. Published 6/5/98 (63 FR 30808).
98-1	**Vision standards of certified locomotive engineers:** Addresses the vision standards of certified locomotive engineers in order to reduce the risk of accidents arising from vision impaired engineers. Published 5/28/98 (63 FR 29297).
97-3	**Authorization of train movements past stop indications of absolute signals:** Safety practices to reduce the risk of accidents arising from conflicting train movements when train dispatchers and control operators authorize movements past a stop indication of an absolute signal. Published 9/18/97 (62 FR 49047).
97-2	**Failure to properly secure unattended rolling equipment:** Safety practices to reduce the risk of casualties from run away locomotives, cars, and trains caused by failure to properly secure unattended rolling equipment left on sidings or other tracks. Published 9/18/97 (62 FR 49046)
97-1	**Protection of trains and personnel from hazards caused by severe weather conditions:** Safety practices to reduce the risk of casualties from train derailments caused by damage to tracks, roadbed and bridges resulting from uncontrolled flows of water and similar weather-related phenomena. Note: This was amended on November 12, 1997, by revising the recommendations concerning the transmission of flash flood warning to train dispatchers or other employees controlling the movement of trains. Published 9/4/97 (62 FR 46794).
	Directives
97-1	**Review of operational tests and inspection programs and review of train dispatching procedures in non-signaled territory:** Safety practices to evaluate the integrity of all railroads' programs of operational tests and inspections to ensure that safety-critical information is accurately conveyed and acknowledged for operations in non-signaled Direct Train Control (DTC) territory. Published 6/30/97 (62 FR 35331).
97-2	**Initiating emergency application of train airbrakes descending heavy grades:** Safety practice to prevent run-away trains on heavy grades of 2 percent or greater by initiating emergency application of airbrakes whenever train speed exceeds maximum authorized speed by five miles or more. Published 2/27/97 (62 FR 9014).

No.	Subject
	Bulletins
97-1	**Loss of dynamic braking due to unintentional activation of emergency MU fuel-line cut-off device:** Safety practices for certain locomotives equipped with emergency MU fuel-line cut-off devices located inside the locomotive control compartment at a location which enables the cut-off device to be activated unintentionally. Published 1/30/97 (62 FR 4569).

Unnumbered: Recommended safety practices for Direct Train Control Operations. Published 12/3/96 (61 FR 64191).

PENDING PETITIONS AND SUGGESTIONS FOR RULEMAKING

Docket No.	Dated	Status
		Petitions for Rulemaking[1]
93-2	11/5/93	**BMWE Petition for Bridge Safety Standards** **Summary:** Requests issuance of rules for construction, maintenance, repair and inspection of structural components of railroad bridges. **Status:** FRA published a final policy statement on bridge structural safety 8/30/00 (65 FR 52667). FRA determined that regulations are not necessary at this time. FRA continues to address bridge safety issues directly with individual railroads and through emergency orders. **CLOSED.**
94-1	5/19/94	**BLE Petition for Positive Train Separation** **Summary:** Requests rulemaking to make changes to 49 CFR Part 236 (Rules, Standards and Instructions) to lower the speeds at which signal and train control systems are required, establish visibility standards for wayside signals, and require that at least two signals in advance display less than clear indications if a stop is required. **Status:** This petition was referred to the PTC Working Group. With BLE participation, RSAC has focused on use of innovative technology to address the purposes of the petition. *See* Report of the RSAC to the Federal Railroad Administrator entitled ***Implementation of Positive Train Control Systems*** (September 1999).

[1]FRA rules of practice (49 CFR Part 211) prescribe requirements that must be met by petitions for rulemaking. Some petitions do not contain all required information. FRA generally retains the those petitions for further consideration, rather than dismissing them, so that the issues can be more fully developed.

Docket No.	Dated	Status
96-1	8/22/96	**UTU Petition Regarding HelperLink Technology** **Summary:** Requests regulations governing use, testing and calibration of electronic devices used to control automatic airbrakes on helper locomotive consists. **Status:** This petition and issues regarding this technology were incorporated into the Freight Power Brake rulemaking and were addressed in the final rule (§232.219©); 66 FR 4104, 4206; 1/17/01). **CLOSED.**
98-1	12/23/97	**BMWE Petition; Bridge Worker Safety Amendments** **Summary:** Requests elimination of use of body belts to conform to OSHA rule amendment. **Status:** Interim Final Rule published 1/15/02 (67 FR 1903). Corrections published 3/12/02 (67 FR 11055) and 5/8/02 (67 FR 30819).
98-2	3/25/98	**BMWE Petition for Crane Safety and Training of Crane Operators** **Summary:** Requests rulemaking through RSAC to address crane operator training, crane inspection, and load rigging and hoisting issues. **Status:** Petition is pending consideration by the Roadway Equipment Task Force of the Track Safety Standards Working Group. Discussion in full RSAC indicated that informal consultations should assist FRA in describing need for and parameters of possible task. Members of the Track Safety Standards Working Group have been requested to consult.
98-3	4/14/98	**BLE Petition to Prohibit Operation of Locomotive in Position Opposite of Normal** **Status:** The FRA Administrator responded to the petition letter on 05/5/98. Issue was handled in SACP.
98-4	3/20/98	**UTU Petition for Exemption from Personal Liability** **Summary:** Requests rulemaking to exempt all train and engine service employees from personal liability for violations of FRA safety regulations "for which such employees have no power or authority to comply." Alternately, FRA is requested to grant the employees the power to refuse to operate equipment which is not in compliance with Federal law. **Status:** Pending.

Docket No.	Dated	Status
2000-8422	11/16/00	**BLE Petition for Rulemaking for Remote Control Locomotives.** **Summary:** BLE requests commencement of a rulemaking restricting use of remote control technology. **Status:** Safety Advisory 2001-1 was published 2/14/01. On March 11, 2003, the Transportation Trades Department, AFL-CIO, renewed this request. On May 1, 2003, FRA sent a letter to BLE responding to their request stating that FRA did not intend to take any further action in connection with BLE's rulemaking petition at this time. FRA also noted in the letter that they had declined to issue an emergency order because no emergency had been shown to exist.
2001-10494	8/14/01	**UTU Petition to repeal 49CFR § 240.7.** **Summary:** UTU requests that the FRA initiate a rulemaking to repeal 49 CFR § 240.7 governing movement of locomotives by non certified personnel. **Status:** Petition denied 6/18/2002.
2003-15103	5/2/03	**UTU Petition for Rulemaking To Cover Escape Hatches on Passenger Locomotives** **Summary:** UTU requests that all passenger cars be equipped with escape hatches, to prevent future fatalities and injuries in the event of a derailment where cars flip on their sides. **Status:** Referred to the new RSAC Passenger Safety Working Group for consideration.
2004-18738	6/28/04	**United Transportation Union - Petition to Amend the FRA's Alcohol and Drug Regulations** **Summary:** UTU requests that the FRA prohibit railroads from requiring or requesting employees to undergo alcohol or drug testing, other than those tests which are mandatory under Federal regulations. **Status:** Pending.
2004-18739	8/18/04	**Association of American Railroads - Petition to Delete 49 CFR § 229.131, Locomotive Sanders** **Summary:** AAR petitions the FRA to delete 49 CFR § 229.131. Section 229.131 requires that locomotives be equipped with operable sanders. AAR stated that the regulatory requirement for sanders be deleted because locomotive sanders do not serve a safety purpose.

Docket No.	Dated	Status
2004-19789	12/02/04	**Association of American Railroads - Petition to Delete the Requirement for a Glazing Stencil** **Summary:** AAR petitions the FRA to delete 49 CFR § 223.17. Section 223.17 requires a stencil on the interior wall of a locomotive indicating compliance with the applicable glazing standards. AAR requests that Section 223.17 be deleted because cab windows must be permanently marked with information indicating compliance with the glazing standards.
2005-20112-9	2/25/05	**Association of American Railroads - Restructure the Requirements for Locomotive Inspections** **Summary:** AAR requested that FRA institute a performance standard under which the railroads could devise their own inspection programs as long as their overall safety performance met set targets for both accidents and injuries. Under the railroads' proposal, each railroad would submit a risk management plan containing, *inter alia*, the railroad's inspection and testing requirements, maintenance policies, and employee training program. **Association of American Railroads - Facilitate Electronic Recordkeeping** **Summary:** AAR requested that FRA impose the same requirements on both electronic and paper recordkeeping systems. The only difference between the two systems would be that paper systems would use handwritten signatures, while electronic recordkeeping systems would need an adequate electronic signature as a substitute.
2005-21094	4/27/05	**Consumer Protection and Safety Division of the Public Utilities Commission of the State of California - Petition for Rulemaking** **Summary:** The Commission requests a rulemaking for unattended remote control locomotive operations at public highway-rail grade crossings.
2005-21016	4/20/05	**American Public Transportation Association - Petition for Rulemaking** **Summary:** The APTA requests that FRA consider amending 49 CFR 238 to add an out-of-service credit for passenger cars similar to those currently allowed for locomotives.

Other Suggestions for Rulemaking
Locomotive Safety Standards **Summary**: AAR suggested by letter that FRA undertake a review and revision of the Locomotive Safety Standards. **Status:** RSAC was advised of the request, and FRA has noted the need to include this activity in future planning. FRA anticipates offering a task to the RSAC in 2005.
Training and Certification of Safety-Critical Employees **Status**: By letter of 5/8/00, UTU and BRS requested that this topic be considered by the RSAC. FRA has presented to RSAC information regarding current regulatory requirements and possible areas of exploration. Parties have been invited to assist in refining and developing the suggestion. Item is carried on RSAC agenda.

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
RAUL V. BRAVO	HSGTA	Raulbravo@RVBA.com	none
John G. Bell	FTA-TPM	John.Bell@FTA.DOT.GOV	NON VOTING
Bob Scardelletti	BRC/TCU	scardellettib@TCUnion.org	
Rich Johnson	BRC/TCU	JohnsonR@TCUnion.org	NONE
Alex Novikov	BRC/TCU		
MARVIN NAPIER	BRC/TCU	NAPIERM@TCUNION.ORG	NONE

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Bob Harvey	BLET	harvey@ble.org	
Tom Pontolillo	BLET	pontolillo@ble-t.org	
Gregory Kreie	BMWED	gkreie@bmwewash.org	
Rick Inclima	BMWED	ricki@bmwewash.org	
Tim DePaepe	BRS	tjd@brs.org	
FRED FINK	TWU	F-FINK@TWU.ORG	

RAILROAD SAFETY ADVISORY COMMITTEE

October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Richard Edmonds	NCFO/SEIU	NCFOSC6@cox.net	~~PO Box 630~~ 972 Norbourne Ave Vinton VA 24179
Mike Bowgren	IBEW	MICHAEL_BOWGREN@IBEW.ORG	900 7th ST, NW Washington, DC 20001
Dewey Garland	SMWIA	dgarland@smwia.org	—
James Stem	UTU	jamesastem@Aol.com	—
Rick Marceau	UTU	RL_marceau@msn.com	—
Larry Mann	UTU	LM.MANN@VERIZON.Net	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Leo Penne	AASHTO	lpenne@aashto.org	
IRA BALDWIN	Association of State Rail Safety Managers	ibaldwin@psc.state.wv.us	
Fred OHLY	Amtrak	ohlyfe@amtrak.com	
Steve Strachan	Amtrak	strahs@amtrak.com	
MARK A. MURPHY	AMTRAK	MURPHYM@AMTRAK.COM	
Ed Dobrenetsky	NTSB	dobrenc@ntsb.gov	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
George F. Payne	Tourist Ry. Assoc.	gfp at 420 @ aol.com	
FRANK MCKENNA	tourist RR Assoc.	ANDPENDO ELINK1SP.COM	
Fran Hooper	APTA	fhooper@apta.com	
Kathy Waters	APTA/TRE	kwaters@dart.org	
Peter A. Cannito	MNRR/APTA	CANNITO @ MNR.ORG	
Brock Winter Brock Winter	CPR	Brock_Winter@CPR.CA	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
PRESTON CLAYTOR	RAILAMERICA	PRESTON.CLAYTOR@RAILAMERICA.COM	NONE
SAM BERRADA	CN	SAM.BERRADA@CN.CA	NONE
Tom STAEICHER	ASLRRA	TSTAEICHER@ASLRRA.ORG	
GARY GIBSON	ASLRRA	gary.gibson@ihbrr.com	
John Drake	CSX	John_Drake@CSXcom	
RONALD L. BATORY	CONRAIL	RONALD.L.BATORY@CONRAIL.COM	1000 HOWARD BLVD SUITE 400 MT. LAUREL, NJ 08054

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
CHUCK WEHRMEISTER (ALTERNATE)	NORFOLK SOUTHERN	cjwehrme@nscorp.com	—
JOHN SAMUELS	NORFOLK SOUTHERN	JOHN.SAMUELS@NSCORP.COM	—
ANDREW P. CORCORAN, JR.	NORFOLK SOUTHERN	ANDY.CORCORAN@NSCORP.COM	—
Al Lindsey	BNSF	Alan.Lindsey@BNSF.com	None
DAN BODEMAN	BNSF	Dan.Bodeman@BNSF.com	NONE
MARK A SCHULZE	BNSF	MARK.SCHULZE@BNSF.com	

RAILROAD SAFETY ADVISORY COMMITTEE

October 11, 2005

MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Bill Roe	Union Pacific RR	BILLROE@UP.COM	1400 Douglas St. - MC 910 Omaha, NE 68179
PATRICK AMEEN	AAR	PAMEEN@AAR.ORG	
ROBERT VANDERCLUTE	AAR	rvanderclute@aar.org	—
GREGORY PARDLO	ATDA	gapardlo@[illegible].NET	
Ken Briers	NARP	Ken.Briers@parsonskdm	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
STEVEN J. GOLDNER	FTSS	sgoldner@ftss.com	FIRST TECHNOLOGY SAFETY SYSTEMS, 47460 Galleon Drive, PLYMOUTH MI 48170
Jennifer Coyle	FRA - safety	JCoyle@fra.dot.gov	
MICHAEL MASOUDIAN	DOT OIG	michael.masoudian@oig.dot.gov	
John Gallagher	Traffic World	john_gallagher@trafficworld.com	1270 National Press Bldg. Washington DC 20045
JOHN MARDENTE	FRA	JOHN.MARDENTE@FRA.DOT.GOV	
MEDENIA DASHIELL	FRA	medenia.dashiell@fra.dot.gov	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Jim Ratzenberger	U.S. GAO	ratzenbergerj @gao.gov	Room 2T23B US GAO 441 G St NW Wash DC 20548
Judy Guilliams-Tapia	U.S. G.A.O.	guilliamstapiaj @gao.gov	"
Matthew Melzer	National Association of Railroad Passengers	mmelzer@ narprail.org	
KEN BRIERS	NARP	ken.briers @parsons.com	
CHRIS SCHULTE	FRA	CHRISTOPHER.SCHULTE @FRA.DOT.GOV	
Doug Taylor	FRA	DOUGLAS.TAYLOR@ FRA.DOT.GOV	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
DICK CLAIRMONT	FRA	dick.clairmont@fra.dot.gov	
YVETTE E. CONLEY	APTA	YCONLEY@APTA.COM	
DENNIS D. MARZEC	KCS	Dennis.D.Marzec@KCSR.com	
KEVIN D. MCINTOSH	KCS	KEVIN.D.MCINTOSH@KCSR.COM	
PATRICK SULLIVAN	NTSB	SULLIPA@NTSB.GOV	
LYDIA LEEDS	FRA	LYDIA.LEEDS@FRA.DOT.GOV	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Ray Rumsey	Norfolk Southern	rjrumsey@nscorp.com	
Tom Schnautz	Norfolk Southern	tom.schnautz@nscorp.com	
KAROL WEIGAND	NORFOLK SOUTHERN	karol.weigand@nscorp.com	
Stephanie Markos	USDOT Volpe	markos@volpe.dot.gov	
MICHAEL RUSH	AAR	MRUSH@AAR.ORG	
George Scerbo	FRA		

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Charles Bielitz	FRA	charles.bielitz @fra.dot.gov	
JIM REMINES	NTSB		
Brenda Moscoso	FRA	brenda.moscoso @ fra.dot.gov	
Miriam Klaeppel	FRA	miriam.klaeppel@fra.dot.gov	
ROBERT LAUBY	FRA	ROBERT.LAUBY@ FRA.DOT.GOV	
John Sneed	FRA	sneedJ@@@ Hawaii.RR.COM	

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
JF Molle	AAR	JMOLLE@AAR.ORG	
GARY FAIRBANKS	FRA	Gary.Fairbanks@FRA.DOT.GOV	
Grady Cothen	FRA		
Cliff Eby	FRA		
Daniel Smith	FRA		
Patti Sun	FRA		

RAILROAD SAFETY ADVISORY COMMITTEE
October 11, 2005

NON-MEMBER REGISTRATION

Name	Organization	E-mail Address	***ADDRESS CHANGES***
Dennis Yachechak	FRA		
Donald ITzkoff			
Inga Toye	FRA	INGA. TOYE @ FRA. DOT. GOV	
Mark Yachmetz	FRA		
Ron Newman	FRA		
Raymond Casey	FRA		