

DRAFT
RAILROAD SAFETY ADVISORY COMMITTEE (RSAC)

Minutes of Meeting
December 10, 2008
Washington, D.C.

The thirty-seventh meeting of the RSAC was convened at 9:35 a.m., in the Salon A, B, C, and D Ballroom of the Marriott Hotel at Metro Center, 775 12th Street, 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 Committee meeting are part of the permanent RSAC Docket. The records, reports, transcripts, minutes, and other documents that are made available to, or prepared for or by, the Committee are available for public inspection at the U. S. Department of Transportation docket management system Internet Web Site under FRA Docket #2000-7257 (<http://www.regulations.gov>.) Meeting documents are also available on FRA's RSAC Internet Web Site (<http://rsac.fra.dot.gov>).

For the December 10, 2008, meeting, twelve of the fifty-four voting RSAC members were absent: The American Association of Private Railroad Car Owners (1 seat), The American Association of State Highway and Transportation Officials (1 seat), The American Petroleum Institute (1 seat), The Association of Railway Museums (1 seat), The International Association of Machinists and Aerospace Workers (1 seat), National Conference of Firemen and Oilers (1 seat), Railway Supply Institute (1 seat), Safe Travel America (1 seat), The Sheet Metal Workers International Association (1 seat), The Transport Workers Union of America (TWU) (1 of 2 seats), The Transportation Communications International Union (TCIU)/ Brotherhood of Railway Carmen (BRC) (1 of 3 seats) and the U. S. Transportation Security Agency (1 seat). Six of seven non-voting/advisory RSAC members were absent: The Federal Transit Administration, The Labor Council for Latin American Advancement, The League of Railway Industry Women, The National Association of Railway Business Women, Secretaria de Comunicaciones y Transporte (Mexico), and Transport Canada. Total meeting attendance, including presenters and support staff, was approximately 150.

[Note: From approximately 8:00 am until 8:45 am, there was an Association of American Railroads (AAR) Microsoft PowerPoint Presentation on Positive Train Control (PTC). Introductory remarks were provided by Gerhard Thelen (AAR) and the presentation was

made by Jeff Young (AAR). The AAR will provide a copy of the PTC presentation to FRA for placement on the RSAC Internet Web Site.]

Chairperson Cothen welcomes RSAC Members and attendees. He asks Larry Woolverton (FRA–Office of Safety) for a meeting room safety briefing.

Larry Woolverton (FRA) identifies the meeting room's fire and emergency exits. He asks for volunteers with cardiopulmonary resuscitation (CPR) qualification to identify themselves. A large number of attendees acknowledge having completed this training. No volunteers are designated to perform CPR. The Marriott Hotel Metro Center does not have an automated external defibrillator (AED).

Chairperson Cothen asks Acting FRA Administrator Clifford Eby for opening remarks.

Clifford Eby (FRA) explains that former FRA Administrator Joseph Boardman has left FRA for a new position as President and Chief Executive Officer for the National Railroad Passenger Corporation (Amtrak). At Amtrak, Mr. Boardman replaces Alex Kummant, who resigned on November 14, 2008. Mr. Boardman's appointment is for one year, while Amtrak's Board of Directors searches for a permanent replacement. Mr. Eby is happy to be present at today's meeting as Acting FRA Administrator. However, he knows that Mr. Boardman regrets not being able to thank the Committee and to say goodbye to this group.

Clifford Eby (FRA) explains that the transition team for President-Elect Barack Obama is already at the U.S. Department of Transportation. He believes there will be an announcement within two weeks on the selection of a new Secretary of Transportation. He relates that he was asked to participate in a review of the U.S. Federal Aviation Administration's (FAA) regulatory process, especially the effectiveness of the FAA's air worthiness directives. During this contact, he says, the transition team has been informed that FRA's RSAC process works well and that it should continue.

Clifford Eby (FRA) announces that the Tank Car Rule will be issued shortly and is an important safety priority. In addition, he says, the enactment of The Rail Safety Improvement Act of 2008 [H.R. 2095, Public Law No.: 110-432], requires FRA to issue rules in a number of areas in a short amount of time. He says FRA's four priorities will be rulemaking efforts in (1) Positive Train Control (PTC); (2) Changes to Hours of Service Act requirements; and (3) Certification for train conductors; and (4) Inspection requirements for railroad bridges.

Clifford Eby (FRA) says in October 2008, FRA issued a final rule on electronically controlled pneumatic (ECP) brakes that will enable locomotive engineers to have better train control, lower the risk of derailment, and allow trains to safely travel longer distances between required brake tests. He says the rules for ECP Brakes will complement the efforts that are soon to begin for PTC.

Clifford Eby (FRA) says when he leaves FRA in January 2009, he will leave behind an agency that is well prepared to do its part in building safety into the future of rail transportation designs. He hopes that FRA's new leadership will ask a great deal of FRA and this Committee, because there is much that must be done. He thanks the Committee for being a part of that future and looks forward to the Committee's success in achieving the challenges placed before it.

Chairperson Cothen offers thanks, on behalf of FRA's senior staff, for the leadership efforts of Clifford Eby and Joseph Boardman. He says FRA's staff appreciates the access to, and support by, Clifford Eby and Joseph Boardman.

Chairperson Cothen acknowledges a number of individuals in attendance of today's meeting including: Former FRA Administrator Alan Rutter, Former FRA Deputy Administrator Donald Itzkoff, Ryoichi Akimoto (representing the Minister of Transportation (Japan), Melissa Porter (U.S. Senate Commerce, Science and Transportation Committee), Joyce Rose (U.S., House Committee on Transportation and Infrastructure), John Meenan (U.S., House Committee on Transportation and Infrastructure), a new representative for the Association of State Rail Safety Managers, Robert Marvin, and a new representative for the Brotherhood of Locomotive Engineers and Trainmen (BLET), Steve Bruno.

Chairperson Cothen asks David Johnson (National Association of Railroad Passengers (NARP)) for an announcement on the Annual Dr. Gary Burch Award.

David Johnson (NARP) announces that NARP is accepting nominations for the 15th annual Dr. Gary Burch Memorial Award. This award recognizes the individual railroad employee judged to have done the most to improve the safety of railroad passengers in the year just concluded, i.e., 2008. He says organizations are encouraged to submit more than one nomination. This year, as was the case last year, nominations also will be accepted from individuals. Nominations are due Friday, March 13, 2009. The award will be presented during NARP's 2009 Annual Congressional Reception, generally held in April, at the Rayburn House Office Building in Washington, D.C. Additional information on this topic can be found at NARP's Internet Web Site, i.e., www.narprail.org.

[Note: The Dr. Gary Burch Memorial Safety Award is an annual award granting \$1,000 to the railroad worker who has done the most to improve the safety of railroad passengers. Dr. Burch was chief, of the Ear, Nose, and Throat Clinic at the Eisenhower Hospital at Fort Gordon, Georgia. He was one of eight passengers who died July 31, 1991, at Lugoff, South Carolina, while traveling on Amtrak's Silver Star. It derailed at a switch that the National Transportation Safety Board (NTSB) later said was "poorly maintained." Dr. Burch's wife, Bette, was traveling with him and was injured. Later, she and her children (Michael Burch and Kathryn Pettyjohn) decided to do what they could

to improve passenger rail safety. Their effort resulted in the award. A selection committee solicits nominations from railroad companies and operating agencies and selects someone to receive the award at NARP's annual Washington, D.C., reception in April of every year.]

David Johnson (NARP) asks for questions, or comments.

With no questions or comments for Mr. Johnson, Chairperson Cothen says the meeting attendance sheets are circulating in two different folders. The "red" folder is for visitors; the "blue" folder is for RSAC Members. He requests that all meeting attendees sign the appropriate attendance sheet in one of the two folders.

Chairperson Cothen makes a presentation on "Rail Safety Improvement Act: Initial Tasks." He uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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 slide, "Hours of Service," Mr. Cothen identifies the following: (1) new statutory restrictions on hours of service for freight railroad employees take effect in 9 months (on July 16, 2009); (2) FRA has 6 months to get record keeping requirements in place, and the Agency may skip publication of a proposed rule if an RSAC Working Group is employed; (3) There is to be a separate rulemaking for passenger railroads within 3 years; (4) There is a potential further FRA rulemaking possible for scheduling; and (5) There may be potential pilot projects.

Chairperson Cothen explains that FRA's Office of Railroad Development is working on collecting data on "split shifts" to assist a potential Hours of Service Working Group with deliberations on this topic.

Chairperson Cothen asks the full RSAC to look at proposed new Task No.: 08-06, Hours of Service Record Keeping and Reporting. The "Purpose" of Task No.: 08-06 reads as follows: "To develop revised record keeping and reporting requirements for hours of service of railroad employees." He says Mark McKeon (FRA—Office of Safety) will lead the proposed Hours of Service (HOS) Working Group (WG). He envisions the HOS WG meeting for the first time on January 22-23, 2009. If the Task is accepted by RSAC, he requests that organizations submit nominations for the HOS WG to Larry Woolverton (FRA—Office of Safety) by January 3, 2009. He says an interim Final rule will be issued in April 2009, as the output of the HOS WG.

Chairperson Cothen asks for a motion to accept RSAC Task No.: 08-06, Hours of Service Record Keeping and Reporting, as presented.

James Stem (United Transportation Union (UTU)) moves to accept RSAC Task

No.: 08-06, Hours of Service Record Keeping and Reporting, as presented.

Steve Bruno (BLET) seconds the motion.

BY VOICE VOTE, THE RSAC ACCEPTS TASK NO.: 08-06, HOURS OF SERVICE RECORD KEEPING AND REPORTING, AS PRESENTED.

Chairperson Cothen continues with the Microsoft PowerPoint Presentation, "Rail Safety Improvement Act: Initial Tasks." Under the slide, "Positive Train Control," Mr. Cothen says PTC is required by the statute on the following: (1) Main lines used for scheduled intercity and commuter passenger service; and (2) Class 1 trackage with 5 million gross tons or more per year of freight traffic over which is transported any quantity of toxic inhalation hazard (TIH) material; and (3) other lines as FRA requires. Mr. Cothen says railroads must submit plans to FRA within 18 months on how railroads will implement PTC rules, i.e., April 2010. However, FRA must first issue PTC rules, which it intends to do by October 2009.

Chairperson Cothen notes that FRA has issued guidelines for PTC. The regulatory requirements to establish the standards for development and use of processor-based signal and train control systems are described in 49 Code of Federal Regulations (CFR) Part 236 Subpart H. This subpart, adopted on March 7, 2005 along with amendments to 49 CFR Parts 209 and 234, prescribes minimum, performance-based safety standards for safety-critical products, including requirements to ensure that the development, installation, implementation, inspection, testing, operation, maintenance, repair and modification of those products will achieve and maintain an acceptable level of safety. However, Mr. Cothen says, the rules for PTC will be different from the guidelines that the agency has already produced. He says there will be different risk environments. But, he says, 49 CFR Part 236 Subpart H is a good starting point. He asks, (1) What do we do with trains that are unequipped with PTC equipment? He knows there will be unequipped trains in the mix; (2) What do we do with the occasional use of a shortline railroad train over Class I railroad main line; (3) What do we do about switching and terminal companies that look like Class I railroads; (4) What do we do about Amtrak passenger trains operating over freight lines; and (5) What will the program look like in 18 months. He adds, FRA needs to know what each railroad system architecture will look like.

Chairperson Cothen asks the full RSAC to look at proposed new Task No.: 08-04, Implementation of Positive Train Control Systems. The "Purpose" of Task No.: 08-04 reads as follows: "To provide advice regarding development of implementing regulations for Positive Train Control (PTC) systems and their deployment under the Rail Safety Improvement Act of 2008."

Joseph Mattingly (Brotherhood of Railroad Signalmen (BRS)) believes that a lot of these issues are already addressed under 49 CFR Part 236 Subpart H, which provides the

basis for moving this Task forward. He says from the Association of American Railroads (AAR) presentation on PTC issues made in advance of today's RSAC meeting, the Class I railroads have already agreed on the issue of onboard interoperability of PTC equipment. He understands that a Product Safety Plan can be submitted to FRA to assess the interoperability issues.

Kelly Haley (BRS) says the BRS has a direct interest in PTC. He does not want the RSAC process to "water-down" the guidelines that have been established under 49 CFR Part 236 Subpart H.

Chairperson Cothen agrees. He says there is a simplified process to implementing this regulation.

Joseph Mattingly (BRS) says labor is not opposed to assisting management and suppliers. However, he adds, labor does not want system safety "watered-down" by changing the 49 CFR Part 236 Subpart H guidelines, which took 7 years to develop.

Chairperson Cothen believes everyone is on the same page.

Robert VanderClute (AAR) agrees that railroads do not want to change the guidelines listed under 49 CFR Part 236 Subpart H.

Chairperson Cothen says the requirement for FRA to issue rules for PTC is on a very short "fuse." He explains that railroads need to provide final plans for implementing PTC by April 2010. He says that means that FRA needs to issue a PTC Rule by October 2009. He says should RSAC accept Task No.: 06-04, the PTC WG will hold its initial meeting on January 26-27, 2009. In advance of that meeting, he says, FRA will circulate a draft "strawman" PTC rule. He proposes a draft Notice of Proposed Rulemaking (NPRM) on PTC by April 2009. He describes the rule clearing process. FRA must receive clearance for major rules from both the U.S. Department of Transportation's Office of the Secretary, and the U.S. Office of Management and Budget, which could consume 4-5 months of time.

Gerherd Thelen (AAR) says there will be a daunting task facing railroads to equip locomotives and install wayside detectors that will be necessary for PTC to work. He agrees that the regulatory process needs to proceed as rapidly as possible.

Kelly Haley (BRS) asks how often the PTC WG will meet.

Chairperson Cothen envisions one date in January 2009, two dates in February 2009, and two dates in March 2009.

Chairperson Cothen asks for a motion to accept RSAC Task No.: 08-04, Implementation of Positive Train Control Systems, as presented.

William Bohné (International Brotherhood of Electrical Workers (IBEW)) moves to accept RSAC Task No.: 08-04, Implementation of Positive Train Control Systems, as presented.

Kelly Haley (BRS) seconds the motion.

BY VOICE VOTE, THE RSAC ACCEPTS TASK NO.: 08-04, IMPLEMENTATION OF POSITIVE TRAIN CONTROL SYSTEMS, AS PRESENTED.

Chairperson Cothen continues with the Microsoft PowerPoint Presentation, "Rail Safety Improvement Act: Initial Tasks." Under the slide, "Conductor Certification," Mr. Cothen says a Final Rule for Conductor Certification is required by April 16, 2010. He says FRA may follow the 49 CFR Part 240 locomotive engineer certification requirements as a template for conductor certification because that rule works well. However, he says, there is concern over the number of appeals that currently exist for locomotive engineer certification. Therefore, if a new regulation is issued for conductor certification, he asks, should this change?

Chairperson Cothen asks for questions on conductor certification.

Scott Hinckley (AAR) asks if "conductor" is a generic term, or is it a title of a term?

Chairperson Cothen says that is something the proposed Conductor Certification Working Group will decide.

John Tolman (BLET) says the Rail Safety Improvement Act of 2008 specifies "conductor, or other craft" certification. He asks what other crafts are under consideration for certification?

Chairperson Cothen says FRA needs to submit a report within six months on what other crafts should be required to undergo a certification process. He says FRA will not meet the legislation's requirement for this report. He says there is not enough time. Therefore, he says, FRA will concentrate on conductor certification. However, he adds, downstream, this is an issue that FRA needs to address. Under consideration for certification will be railroad signalmen, train dispatchers, and car forces that do inspections.

Kelly Haley (BRS) asks, by how many months will FRA miss the six month goal for this report to Congress?

Chairperson Cothen says he could probably write a report himself over the weekend on this topic. But, he adds, it would not be the best report. He believes that as conductor

certification reaches a certain point, the proposed Conductor Certification Working Group could consider what other crafts need to have certification programs.

Chairperson Cothen asks the full RSAC to look at proposed new Task No.: 08-07, Conductor Certification. The "Purpose" of Task No.: 08-07 reads as follows: "To develop regulations for certification of railroad conductors, as required by the Rail Safety Improvement Act of 2008, and to consider any appropriate related amendments to existing regulations.

Chairperson Cothen asks for a motion to accept RSAC Task No.: 08-07, Conductor Certification, as presented.

Joseph Mattingly (BRS) moves to accept RSAC Task No.: 08-07, Conductor Certification, as presented.

James Stem (UTU) seconds the motion.

BY VOICE VOTE, THE RSAC ACCEPTS TASK NO.: 08-07, CONDUCTOR CERTIFICATION, AS PRESENTED.

Chairperson Cothen asks Gordon Davids (FRA–Office of Safety) to continue with the Microsoft PowerPoint Presentation, "Rail Safety Improvement Act: Initial Tasks," with the next topic, "Railroad Bridge Safety."

Gordon Davids (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation were not distributed to meeting attendees. However, all meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under the slide, "Railroad Bridge Safety–Accomplishments," Mr. Davids says the RSAC Railroad Bridge Working Group accomplished the following: (1) Updated the nationwide railroad bridge count; and (2) Made a recommendation on the "Essential Elements of a Railroad Bridge Management Program." Mr. Davids says FRA is incorporating the "Essential Elements of a Railroad Bridge Management Program" into the Agency's "Statement of Policy on Railroad Bridge Safety."

Under the slide, "Railroad Bridge Safety–Challenges," Mr. Davids explains that the Rail Safety Improvement Act of 2008, provides a legislative mandate for railroad bridge regulations, which are required by October 16, 2009. He adds, the law specifies detailed provisions to be incorporated into the regulation, which are mostly related to inspection and management of railroad bridges.

Under the slide, "Railroad Bridge Safety–Plan," Mr. Davids explains that the provisions for railroad bridge safety required under the Rail Safety Improvement Act of 2008, are

very close to what RSAC's Railroad Bridge Working Group has recommended that railroads do voluntarily. He says FRA is inserting the Railroad Bridge Working Group's recommendation into the Agency's Statement of Policy on Railroad Bridge Safety because it gets this process headed in the right direction. He says FRA requests the services of RSAC's Railroad Bridge Working Group to develop the necessary rules required under the Rail Safety Improvement Act of 2008.

Gordon Davids (FRA) says if RSAC accepts new Task No.: 08-05, Railroad Bridge Safety Assurance, the Railroad Bridge Working Group will meet January 28-29, 2009.

Chairperson Cothen asks the full RSAC to look at proposed new Task No.: 08-05, Railroad Bridge Safety Assurance. The "Purpose" of Task No.: 08-05 reads as follows: "Develop a draft rule encompassing the requirements of section 417, Railroad Bridge Safety Assurance of the Rail Safety Improvement Act of 2008 (Division A, Public Law No. 110-432). This Act directs the Secretary of Transportation to promulgate regulations, not later than 12 months after the October 16, 2008 date of enactment, requiring owners of track carried on one or more railroad bridges to adopt a bridge safety management program to reduce the risk of human casualties, environmental damage, and disruption to the Nation's railroad transportation system that would result from a catastrophic bridge failure."

Chairperson Cothen asks for comments on RSAC Task No.: 08-05, Railroad Bridge Safety Assurance.

Thomas Streicher (American Short Line and Regional Railroad Association (ASLRRA) asks if any of the proposed Shortline Railroad bridge elements for inspection and maintenance will be incorporated into the regulation?

Gordon Davids (FRA) says that will be left up to the Railroad Bridge Working Group. He notes that going from the voluntary "Essential Elements of a Railroad Bridge Management Program," to a regulation is a parallel process. He adds that he would be surprised if the proposed Shortline Railroad bridge elements for inspection and maintenance are not incorporated into the regulation.

Chairperson Cothen asks for a motion to accept RSAC Task No.: 08-05, Railroad Bridge Safety Assurance, as presented.

Kelly Haley (BRS) moves to accept RSAC Task No.: 08-05, Railroad Bridge Safety Assurance, as presented.

Ken Briers (NARP) seconds the motion.

BY VOICE VOTE, THE RSAC ACCEPTS TASK NO.: 08-05, RAILROAD BRIDGE SAFETY ASSURANCE, AS PRESENTED.

Chairperson Cothen asks Jo Strang (FRA—Associate Administrator for Safety) for comments on the Rail Safety Improvement Act of 2008's requirements for a Risk Reduction Program.

Jo Strang (FRA) says FRA has four years to issue rules on Risk Reduction. Therefore, she adds, Risk Reduction will not be an RSAC Working Group topic for 2009. She says Miriam Kloeppel (FRA—Office of Safety) will head-up this effort. However, presently there is no staff assigned for this purpose. Ms. Strang says, FRA will be concentrating its rulemaking efforts in 2009, in the areas with the shortest Congressional deadlines, i.e., PTC, HOS, Conductor Certification, and Railroad Bridges. However, she adds, there will be a second Risk Reduction pilot project undertaken in 2009.

Robert VanderClute (AAR) asks if Risk Reduction and PTC will run parallel to each other?

Jo Strang (FRA) replies, No, Risk Reduction and PTC will be separated, with PTC rules taken-up first.

With no further questions on the Risk Reduction Program, Chairperson Cothen continues with the Microsoft PowerPoint Presentation, "Rail Safety Improvement Act: Initial Tasks." Under the slide, "Work already underway that supports mandated actions," Mr. Cothen lists the following: (1) Rules for concrete crossties; (2) Rules for rail integrity; (3) Passenger station platform gap study—the foundation of the study is complete, but Americans with Disability Act requirements need to be incorporated; and (4) Locomotive cab environment study—already under consideration in the Locomotive Safety Standards Work Group, which meets next on January 6-7, 2009.

Under the slide, "Future tasking possible," Mr. Cothen outlines the following: (1) Hours of Service for passenger train employees (Spring/Summer 2009); (2) A report to Congress which recommends whether other railroad employee crafts, other than locomotive engineers and train conductors, need to be certified; (3) Minimum training standards; (4) Dark (non-signal) territory rail safety technology; and (5) Critical Incident Stress Debriefing.

Chairperson Cothen announces the morning break.

M O R N I N G B R E A K 11:00 A.M. - 11:20 A.M.

Chairperson Cothen reconvenes the meeting. He asks Larry Woolverton to announce January 2009 meeting dates for RSAC Working Group Meetings.

Larry Woolverton (FRA) says there is a January 6-7, 2009, meeting of the Locomotive Safety Standards Working Group scheduled for the Marriott Metro Center Hotel in Washington, D.C. He says there is a January 22-23, 2009, meeting of the Hours of Service Working Group scheduled for the M Street Renaissance Hotel in Washington, D.C. He says there is a January 26-27, 2009, meeting of the Positive Train Control Working Group scheduled for the Holiday Inn Georgetown in Washington, D.C. He says there is a January 28-29, 2009, meeting of the Railroad Bridge Working Group scheduled for the Holiday Inn Georgetown in Washington, D.C.

James Stem (UTU) says there is a 3-day Operating Rules meeting of the Switching Operations Fatality Analysis (SOFA) group that overlaps the announced meeting dates.

Chairperson Cothen says FRA will make an accommodation for those participants that need to attend both the SOFA and Working Group meetings. He requests that RSAC organizations submit nominations for the two new Working Groups, i.e., PTC and HOS, to Larry Woolverton by January 2, 2009.

James Stem (UTU) asks about the Conductor Certification Working Group.

Chairperson Cothen says the first meeting for the Conductor Certification Working Group will be held before the next full RSAC meeting, now tentatively scheduled for April 2, 2009.

Chairperson Cothen asks George Scerbo (FRA–Office of Safety) for a report on Locomotive Safety Standards (LSS) Working Group (WG) activities.

George Scerbo (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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 a series of slides, "Locomotive Working Group Report," Mr. Scerbo explains that since the last report to the full RSAC on LSS WG activities, the LSS WG met once, on October 22-23, 2008, in Overland Park, Kansas. At that meeting, he says, the LSS WG approved draft language to clarify 49 CFR § 229.27, Annual tests for load meters. Mr. Scerbo explains that the language was clarified so that load meters that indicate current or amperage being applied to traction motors must be tested. He adds, most load meters have been replaced with thermal protection devices in the traction motor circuit and that tractive effort devices are measuring kilo-pounds of force.

George Scerbo (FRA) says the LSS WG agreed on draft language for requiring locomotive alerters in freight locomotives. He says there will be requirements for each new freight locomotive, operated at speeds in excess of 25 mph, be equipped with an alerter. The rule will also require that within five years, each existing freight locomotive

operated in the lead position at speeds in excess of 25 mph be equipped with an alerter. Mr. Scerbo says passenger locomotives were not included, because they are already required to have alerters under Part 238 rules.

In other topics, Mr. Scerbo says the LSS WG discussed (1) Standards for Safety Critical Electronic Locomotive Control Systems; (2) Draft language for Remote Control Locomotives; and (3) Locomotive cab temperature. He says the LSS WG received a presentation on locomotive cab seat design.

George Scerbo (FRA) says the next LSS WG meeting will be held on January 6-7, 2009, in Washington, D.C. A tentative meeting date is scheduled for April 15-16, 2009, at a location to be determined. He asks for questions.

With no questions of George Scerbo (FRA), Chairperson Cothen asks Charles Bielitz (FRA–Office of Safety) for a update on Passenger Safety (PS) Working Group (WG) activities.

Charles Bielitz (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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 slide, “Crashworthiness TF,” Mr. Bielitz says comments received from the Notice of Proposed Rulemaking (NPRM) on improving the crashworthiness of passenger equipment were evaluated by the Crashworthiness Task Force on September 9-10, 2008, and a final rule was drafted. He says the draft final rule was approved with minor edits by the PS WG at its meeting on November 13, 2008. He says the Final Rule on passenger equipment crashworthiness will be presented for full RSAC approval at today’s meeting.

Under the slide, “Vehicle-Track Interaction TF,” Mr. Bielitz says an NPRM is being prepared based on recommendations by the Vehicle-Track Interaction Task Force (TF) approved by the full RSAC on February 20, 2008.

Under the slide, “Emergency Preparedness TF,” Mr. Bielitz says the efforts of the Emergency Preparedness (EPREP) Task Force (TF) resulted in a Final Rule being published on February 1, 2008, on a variety of passenger car safety topics, which responded to National Transportation Safety Board’s (NTSB) safety recommendations. As a result of this rulemaking, the NTSB closed a number of its outstanding safety recommendations. Mr. Bielitz says NTSB Safety Recommendation R-03-01, was listed as “Closed–Exceeds Recommended Action. Mr. Bielitz says this is the first time he has seen an “exceeds recommended action” notation from the NTSB. Finally, Mr. Bielitz says the EPREP TF is preparing a second NPRM based on recommendations approved by the full RSAC on February 20, 2008.

Under the slide, "General Passenger Safety Task Force," Mr. Bielitz says the General Passenger Safety (GPS) Task Force (TF) is working on a variety of issues including warning systems for second train in/approaching stations, right-of-way fatality and trespass prevention, and passenger train station safety, including high-level platform gap. He says there are two Sub-groups within the GPS TF. These are the Operational Emergency Preparedness Sub-group, currently assessing elements for inclusion in railroad System Safety Program Plans and the Train Door Assessment Sub-group, which is assessing the practice of operating passenger trains between certain train stations with doors open. Mr. Bielitz says on April 1-2, 2008, there was a Right-of-Way Fatality and Trespass Prevention Workshop, held at Caltrain Headquarters in San Carlos, California. He says the Workshop Report is undergoing review and will be posted on the FRA Internet Web Site. He says the Workshop Report will outline methods for securing the railroad right-of-way, securing railroad passenger stations, and approaches to suicide reduction on railroad rights-of-way.

Under the slides, "GPS Operational Emergency Preparedness Sub-group," Mr. Bielitz says specifications for Emergency Plans are being developed that include the following: (1) Special needs passengers; (2) Changes to review/approval process; (3) Enhancements to Control Center emergency preparedness training; and (4) Efficiency testing for emergency preparedness. Mr. Bielitz says regulatory proposals for all four items were approved by the GPS TF on December 3, 2008, and will be presented to the full Passenger Safety Working Group at its next meeting.

Under the slides, "GPS Train Door Assessment Sub-group," Mr. Bielitz says the following items are being discussed: (1) Side door operational and mechanical issues; (2) Mechanical issues including inspection and maintenance of door systems; (3) Safety standards for new equipment; and (4) Proper utilization of safety features on existing (mixed vintage) equipment, i.e., address train movement with door traps up and doors open; use of throttle-door interlocking.

Charles Bielitz (FRA) asks Daniel Alpert (FRA—Office of Chief Counsel) and Eloy Martinez (FRA—Office of Railroad Development) to discuss proposed rule text for passenger equipment crashworthiness.

Daniel Alpert (FRA) and Eloy Martinez (FRA) use a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation were not distributed to meeting attendees. In addition, RSAC attendees were given a Microsoft Word Document copy of the proposed rule text, e.g., new rules, amendments, and revisions, for 49 CFR Part 238 concerning passenger equipment crashworthiness. All meeting handouts will be entered into the RSAC Docket and are not excerpted in their entirety in the RSAC Minutes.

Under the slide, "Crashworthiness Task Force Update," Mr. Alpert says for Passenger Equipment Safety Standards; Front-End Strength of Cab Cars and Multiple-Unit Locomotives: (1) A Notice of Proposed Rulemaking (NPRM) was published in the *Federal Register* (FR) on August 1, 2007 (72 FR 42016); (2) The comment period closed on October 1, 2007; (3) There were more than 15 comments entered into Docket Number FRA-2006-25268; and (4) FRA has recommended revisions to the Rule text based upon the comments received.

Eloy Martinez (FRA) continues. Under the slide, "Improved Structural Requirements," Mr. Martinez says to assess the structural requirements of the rule, FRA conducted three additional tests at Transportation Technology Center, Incorporated in 2008, as follows: (1) Quasi-static corner post test; (2) Quasi-static collision post test; and (3) Dynamic collision post test. He adds, following the testing the Crashworthiness TF met on September 9-10, 2008, in Cambridge, Massachusetts to review the test results, discuss comments to the docket, and seek consensus on revisions to the proposed rule text.

Under the slide, "Status of Rule Text," Mr. Martinez says on November 13, 2008, with substantial input from the Crashworthiness TF, the revised rule text was presented to and approved by the Passenger Safety (PS) Working Group (WG).

Eloy Martinez (FRA) says the BLET had several concerns regarding the rule. Under the slides, "The Brotherhood of Locomotive Engineers & Trainmen Concerns," Mr. Martinez says (1) There was discussion at the PS WG meeting regarding the proposed rule text that allows for stepwell configurations with two corner posts, the rear corner post being stronger than the forward one; (2) The issue focused on a scenario posted by an object intruding into the stepwell area after complete separation of the forward corner post and allowing the object to impact the engineer and/or trap the engineer in the cab or cause a roll-over of the vehicle; (3) FRA believes that, based on the available historical testing and analyses, that this stepwell and corner post configuration will provide improved protection for the engineer; (4) To further alleviate the BLET's concern, FRA has proposed to review the analyses and testing conducted to date on the stepwell and corner post configuration and to discuss with the industry the need to undertake any additional analysis and/or testing; and (5) Should this new review and discussion identify a safety concern that has not been sufficiently addressed, FRA would initiate additional analysis and/or testing and modification to the Rule as appropriate.

Daniel Albert (FRA) continues the presentation. Under the slide, "Proposed Changes to Title 49 Code of Federal Regulations," Mr. Alpert summarizes the proposed changes to the Code of Federal Regulations as follows: (1) Amend: (a) § 238.205 Anti-climbing mechanism; (b) § 238.209 Forward-facing end structure of locomotives including cab cars and MU (multiple unit) locomotives; and (c) § 238.211 Collision posts; (2) Revise: (a) § 238.213 Corner posts; and (b) Figure 1 to Subpart C of Part 238; and (3) Add new

Appendix F to Part 238—Alternative Dynamic Performance Requirements for Front End Structure of Cab Cars and MU locomotives.

Under the slide, “Summary & Concurrence Sought,” Mr. Albert says (1) The revised Rule Text is based upon computer modeling and full-scale testing; (2) The Passenger Safety Working Group concurred with the proposed txt as presented; and (3) FRA requests the concurrence of the full Committee to proceed with the final rule using the revised Rule Text.

Chairperson Cothen asks for comments on FRA’s proposed rule changes to passenger equipment crashworthiness under 49 CFR § 238.

Chairperson Cothen asks for a motion to accept FRA’s proposed rule changes to passenger equipment crashworthiness under 49 CFR § 238, as presented.

Thomas Peacock (American Public Transportation Association (APTA)) moves to accept Haley (BRS) moves to accept FRA’s proposed rule changes to passenger equipment crashworthiness under 49 CFR § 238, as presented.

Thomas Streicher (ASLRRA) seconds the motion.

BY VOICE VOTE, THE RSAC ACCEPTS FRA’S PROPOSED RULE CHANGES TO PASSENGER EQUIPMENT CRASHWORTHINESS UNDER 49 CFR § 238, AS PRESENTED.

Chairperson Cothen announces the lunch break.

L U N C H B R E A K 11:50 A.M. - 1:00 P.M.

Chairperson Cothen reconvenes the meeting. He says FRA will try to maintain the scheduled January 2009, meeting dates for both the Switching Operations Fatality Analysis (SOFA) group and the new PTC WG. He reminds meeting attendees to sign the appropriate attendance sheet in one of the two folders that are circulating. The “red” folder is for visitors; the “blue” folder is for RSAC Members. He thanks Catherine Buckley (FRA—Office of Safety), Larry Woolverton (FRA—Office of Safety), and Marvin Stewart (FRA—Office of Safety) for their logistical support to today’s meeting.

Chairperson Cothen asks Kenneth Rusk (FRA—Office of Safety) for a report on the Track Safety Standards (TSS) Working Group (WG) activities.

Kenneth Rusk (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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 slide, "Background," Mr. Rusk says (1) The TSS WG was re-activated by the full RSAC on February 22, 2006, by the acceptance of RSAC Task No.: 06-02, to review and revise the continuous welded rail (CWR)-related provisions of the Track Safety Standards; (2) On December 1, 2008, FRA published a Notice of Proposed Rulemaking (NPRM) which addresses CWR issues; (3) On February 22, 2007, the full RSAC approved Task No.: 07-01, tasking the TSS WG to: (a) Review controls applied to the reuse of "plug rail;" (b) Review the issue of cracks emanating from bond wire attachments; (c) Consider improvements in the Track Safety Standards related to fastening of rail to concrete crossties; and (d) Ensure a common understanding within the regulated community concerning requirements for internal rail flaw inspections; and (4) On September 10, 2008, the full RSAC approved Task No.: 08-03, tasking the TSS WG to: (a) Determine factors that can and should be included in determining the frequency of internal rail flaw testing and a methodology for taking those factors into consideration with respect to mandatory testing intervals; (b) Whether the quality and consistency of internal rail flaw testing can be improved and how; (c) Whether adjustments to current remedial action criteria are warranted; and (d) The effect of rail head wear, surface conditions and other relevant factors on the acquisition and interpretation of internal rail flaw test results.

Kenneth Rusk (FRA) says the TSS WG established the Concrete Crosstie Task Force and the Rail Integrity Task Force both of which were staffed with experts from management, labor and the Volpe National Transportation Systems Center, to help respond to the RSAC Task Statement requirements.

Under the slides, "Rail Integrity Task Force," Mr. Rusk says RSAC Task No.: 07-01 asked the TSS WG to review the issue of cracks emanating from bond wire attachments. He says the National Transportation Safety Board (NTSB) recommended that FRA consider cracks at bond wires as rail defects. To respond to the NTSB safety recommendation, Mr. Rusk says FRA established both a defect code in its inspection manual, and an accident cause code in its reporting system for derailments that result from cracks at bond wire attachments. In addition, Mr. Rusk says the single bond wire vendor mentioned in the NTSB report has implemented the NTSB recommendations. Consequently, Mr. Rusk says, there was Rail Integrity Task Force consensus to recommend to the full TSS WG that all defects associated with bonds will be reported to FRA in a single category, and that the recommendations concerning rail bonds under RSAC Task No.: 07-01, be considered completed, i.e., no regulatory change. On November 20, 2008, the LSS WG approved the Rail Integrity Task Force recommendation for bond wires.

Under the slides, "Concrete Crosstie Task Force," Mr. Rusk says RSAC Task

No.: 07-01 requests the TSS WG to consider improvements in Track Safety Standards related to fastening of rail to concrete crossties and to respond to an NTSB safety recommendation calling for specific limits of rail seat abrasion, pad wear, missing or broken fasteners, loss of toeload pressure, improper fastener configuration, and excessive lateral rail movement in all Track Classes.

As a result of management, labor, and FRA deliberations during the course of six meetings since November 2007, Mr. Rusk says the Concrete Crosstie Task Force reached consensus and approved regulatory language for concrete crossties. The consensus regulatory language was approved by the full TSS WG on November 20, 2008, and is being offered today as consensus language of the TSS WG to satisfy the section of RSAC Task No.: 07-01, pertaining to concrete crossties.

Kenneth Rusk (FRA) notes that the Rail Safety Improvement Act of 2008, requires that regulations for concrete crossties be enacted no later than April 2010.

Kenneth Rusk (FRA) highlights recommended changes to 49 CFR Part 213 regulations for concrete crossties as follows:

§ 213.109 Crossties...(e) Concrete crossties counted to satisfy the requirements set forth in the table in paragraph (c), of this section, shall not be: (1) Completely broken through; (2) Deteriorated or broken off in the vicinity of the shoulder or insert so that the fastener assembly can either pull out or move laterally more than 3/8 inch relative to the crosstie; (3) Deteriorated such that the base of either rail can move laterally more than 3/8 inch relative to the crosstie on curves of 2 degrees or greater, or can move laterally more than 1/2 inch relative to the crosstie on tangent track or curves of less than 2 degrees; (4) Deteriorated or abraded at any point under the rail seat to a depth of 1/2 inch or more; (5) Deteriorated such that the crosstie's fastening or anchoring system is unable to maintain longitudinal rail restraint, or maintain rail hold down, or maintain gage due to insufficient fastener toeload; (i) If rail anchors are applied to concrete track, the combination of the crosstie, fastening, and rail anchor shall provide effective longitudinal restraint; (ii) Where fastener placement impedes insulated joints from performing as intended, the fastener may be modified or removed, provided that the crosstie supports the rail; (6) So deteriorated that the pre-stressing material has separated from or lost bond with the concrete resulting in the crosstie's partial break-up, or cracks, which visibly expose pre-stressing material; and (7) Configured with less than two fasteners on the same rail, except as provided in e(5)(ii) of this paragraph.

§ 213.234 Automated inspection of track constructed with concrete crossties...(a) In addition to the track inspection required under § 213.233 of this part, on Class 3 main track over which regularly scheduled passenger service trains operate, and for Class 4 and 5 main track, automated inspection technology shall be used as indicated in paragraph (b) below as a supplement to visual inspection. Automated inspection shall identify and report exceptions to conditions described in § 213.109(e)(4) of this part;

(b) Automated inspections shall be conducted at the following frequencies: (1) At least twice each calendar year, with no less than 160 days between inspections. If annual tonnage on Class 4 and 5 main track and Class 3 main track with regularly scheduled passenger service exceeds 40 mgt annually; and (2) At least once each calendar year, if annual tonnage Class 4 and 5 main track and Class 3 main track with regularly scheduled passenger service is less than 40 mgt annually; (3) On Class 3, 4, and 5 main track with exclusively passenger service, either an automated inspection or walking inspection must be conducted once per calendar year; and (4) Track not inspected in accordance with (b)(1) and (b)(2) of this paragraph because of operational discontinuity shall be inspected within 45 days by a walking or automated inspection. If this inspection is conducted as a walking inspection, the next frequency inspection shall be an automated inspection as prescribed in this paragraph;

(c) Sections of tangent track 600 feet or less, constructed of concrete crossties, including but not limited to, isolated track segments, experimental or test track segments, highway/rail crossings, and wayside detectors, shall be excluded from the requirements of this paragraph;

(d) The automated inspection measurement system of concrete crossties must be capable of determining exceptions to § 213.109(e)(4) of this part;

(e) Reserved;

(f) The automate inspection measurement system shall produce an exception report containing a systematic listing of all exceptions to § 213.209(e)(4) of this part, identified so that an appropriate person(s) designated as fully qualified under § 213.7 of this part could field verify each exception; (1) Each exception must be located and field verified no later than 48 hours after the automated inspection; and (2) All field-verified exception are subject to all the requirements of part 213;

(g) The track owner shall maintain a record of the inspection data and the exception record for the track inspected in accordance with this paragraph for a minimum of two (2) years. The exception reports must include: (1) Date and location of limits of the inspection; (2) Magnitude and location of each exception; and (3) Results of field verification, and remedial action, if required;

(h) The track owner shall institute the necessary procedures for maintaining the integrity of the data collected by the measurement system. At a minimum, the track owner shall: (1) Maintain and make available to FRA documented calibration procedures by the measurement system which at a minimum, shall specify an instrument verification procedure that will ensure correlation between measurements made on the ground and those recorded by the instrumentation; and (2) Maintain each instrument used for

determining compliance with this section such that it is accurate to within 1/8th of an inch for rail seat abrasion;

(i) The track owner shall provide training for handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 of this part and whose territories are subject to the requirements of § 213.234. At a minimum, the training shall address: (1) Interpretation and handling of the exception reports generated by the automated inspection measurement system; (2) Locating and verifying exception in the field and required remedial action; and (3) Record keeping requirements.

Kenneth Rusk (FRA) asks for questions.

With no questions of Mr. Rusk, Chairperson Cothen asks for a motion to approve proposed rule text for 49 CFR Part 213, as it pertains to concrete crossties, as presented.

James Stem (UTU) moves to approve proposed rule text for 49 CFR Part 213, as it pertains to concrete crossties, as presented.

Gregory Kreie (Brotherhood of Maintenance of Way Employees Division (BMWED)) seconds the motion.

BY VOICE VOTE, THE RSAC APPROVES PROPOSED RULE TEXT FOR 49 CFR PART 213, AS IT PERTAINS TO CONCRETE CROSSTIES, AS PRESENTED.

Kenneth Rusk (FRA) asks for permission to close the bond wire issue assigned to the TSS WG under RSAC Task No.: 07-01, i.e., Review the issue of cracks emanating from bond wire attachments.

Chairperson Cothen asks if there are objections to close the bond wire issue assigned to the TSS WG under RSAC Task No.: 07-01? With none, Chairperson Cothen approves the TSS WG request to close out the bond wire issue assigned to the TSS WG under RSAC Task No.: 07-01.

Chairperson Cothen asks Joe Gallant (FRA–Office of Safety) for a report on the Railroad Operating Rules (ROR) Working Group (WG) activities.

Joe Gallant (FRA) says from the September 25-26, 2008, meeting of the ROR WG, there were three issues outstanding: (1) After arrival track warrant authority could not be resolved, therefore FRA will write a Notice of Proposed Rulemaking (NPRM) on this topic; (2) Highway-rail grade crossing activation failures–the ROR WG has established a Task Force to look into this issue; and (3) Cellular telephone use–FRA issued an Emergency Order on this topic, following the September 12, 2008, Metrolink commuter

railroad head-on collision into a Union Pacific freight train near Chatsworth, California, which killed 25 passengers. See Emergency Order No.: 26, Emergency Order to Restrict On-Duty Railroad Operating Employees' Use of Cellular Telephones and Other Distracting Electronic and Electrical Devices (73 FR 58702, dated October 7, 2008).

Mr. Gallant says FRA has received a Petition for Reconsideration from the BLET/UTU on Emergency Order 26, for the following:

(1) Use of cellular telephone built-in cameras can help crewmembers document accidents, or problems with equipment failures; (2) use of cellular telephone calculators; (3) Use of Global Positioning Satellite technology on cellular telephones to verify speed; and (4) Use of cellular telephones by some railroads to conduct train and switching operations and use while deadheading or while in yard offices, break rooms, etc...

Joe Gallant (FRA) asks for questions.

James Stem (UTU) asks if FRA has made a formal decision on the use of After Arrival Track Warrant Authority, i.e., that this is a bad idea?

Joe Gallant (FRA) says FRA is focusing on the "train meet" aspect of After Arrival Track Warrant Authority.

James Stem (UTU) asks if FRA's NPRM on After Arrival Track Warrant Authority will address the issue of Roadway Workers and After Arrival Track Warrant Authority?

Chairperson Cothen says FRA will look separately at this issue with the Roadway Worker Protection NPRM. He adds, FRA will need to look at these two NPRMs with the new incoming administration officials.

With no further questions of Joe Gallant, Chairperson Cothen asks Dr. Bernard Arseneau (FRA—Office of Safety) for a report on the Medical Standards (MS) Working Group (WG) activities.

Bernard Arseneau (FRA) uses a series of Microsoft PowerPoint Presentation slides, projected onto a screen. Photocopies of the Microsoft PowerPoint Presentation 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 says since December 12, 2006, there have been ten MS WG meetings and since July 24, 2007, there have been eleven Physicians' Task Force meetings.

For the MS WG, Bernard Arseneau says (1) Issues have been aired, and consensus has been reached, on some language during WG meetings; (2) FRA has identified the points of departure that continue to exist between the participants; and (3) FRA continues to work on the NPRM language internally and plans to complete a draft NPRM by May 2009 to be presented to the WG.

For the Physicians' Task Force (TF), Bernard Arseneau says the Physicians' TF: (1) Completed technical tasks concerning medical issues, definitions and the process for drafting rule language through April 2008; and (2) During their June 23-24, 2008 meeting, the Physicians' TF began work on the medical guidelines.

Under the slides, "The Medical Guidelines," Bernard Arseneau says (1) the medical guidelines are intended to be "standards of medical practice" for railroad Chief Medical Officers (CMOs) and railroad physicians who perform individualized assessments of the medical fitness-for-duty of safety-critical employees who have medical conditions and take prescription and over-the-counter (OTC) medications; (2) The Physicians' TF is prioritizing the development of medical guidelines for common medical conditions and medications that are commonly used in the railroad industry; (3) As part of its evidence-based process, the Physicians' TF considers: (a) Medical standards, rules, guidelines, criteria, and publications of foreign railroads, other U.S. Department of Transportation modes, and other sources, e.g., military; and (b) Relevant medical literature and position statements of medical professional organizations.

Under the slide, "Examples of some of the conditions that have been prioritized," Bernard Arseneau lists the following: (1) Sleep apnea; (2) Diabetes; (3) Seizure disorders; (4) Cardiovascular disorders; (5) Stroke; (7) Vision-related medical conditions; (8) Hearing-related medical conditions; and (9) Effects of medication.

Bernard Arseneau (FRA) says the Physicians' TF ambitiously plans to complete the medical guidelines by June 2009. He asks for questions.

With no questions of Bernard Arseneau, Chairperson Cothen mentions other regulatory activities. He says in October 2008, FRA issued a final rule on electronically controlled pneumatic (ECP) brakes. He says the Accident/Incident Reporting NPRM is on the "street," with a Public Hearing scheduled for December 18, 2008, in Washington, D.C. He says FRA has tried to conform its accident/incident reporting to the U.S. Department of Labor approach for reporting this data so that the U.S. Bureau of Labor Statistics can publish this data.

Chairperson Cothen asks for additions, or corrections to the Minutes for the September 10, 2008, meeting of RSAC, held in Washington, D.C.

Kelly Haley (BRS) says the word, "Physician's" on page 4, should be "Physicians'."

With that change noted, Chairperson Cothen asks RSAC permission to approve the Minutes for the September 10, 2008, meeting, as corrected.

There was no objection to this request.

Chairperson Cothen says the next meeting of the full Railroad Safety Advisory Committee will be held April 2, 2009, at the Washington Marriott Hotel, 1221 22nd Street, N.W., Washington, D.C. 20037.

Chairperson Cothen shops for a June 2009 meeting date.

There is a brief discussion about meeting dates after which Chairperson Cothen announces that FRA will try to arrange a meeting of the full Railroad Safety Advisory Committee for either June 24, or 25, 2009, in Washington, D.C. He says Larry Woolverton (FRA–Office of Safety) will advise Committee members when the meeting date and location is finalized.

Chairperson Cothen asks if there are any other issues or concerns that need to be brought before the full Committee?

James Stem (UTU) asks if FRA's Larry Woolverton (FRA–Office of Safety) can send out copies of the Microsoft PowerPoint Presentation on Positive Train Control (PTC), which was made by the AAR's Jeff Young (AAR) at a meeting held in advance of today's full RSAC meeting?

Representatives of the AAR have no objections to FRA distributing copies of its PTC PowerPoint Presentation.

Chairperson Cothen asks for other business. He says he would like at future RSAC meetings for representatives of the freight and passenger railroads to report on actions being taken on PTC.

Chairperson Cothen adjourns the meeting at 2:00 pm.

M E E T I N G A D J O U R N E D 2:00 P.M.

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

Respectively submitted by John F. Sneed, Event Recorder.