

2024 Current Fiscal Year Report: Railroad Safety Advisory Committee

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1. Department or Agency

Department of Transportation

2. Fiscal Year

2024

3. Committee or Subcommittee

Railroad Safety Advisory
Committee

**3b. GSA Committee
No.**

2099

| 4. Is this New During Fiscal Year? | 5. Current Charter | 6. Expected Renewal Date | 7. Expected Term Date |
|---|-------------------------------|-------------------------------------|----------------------------------|
| No | 10/25/2021 | 10/25/2023 | |

| 8a. Was Terminated During FiscalYear? | 8b. Specific Termination Authority | 8c. Actual Term Date |
|--|---|---------------------------------|
| No | | |

| 9. Agency Recommendation for Next FiscalYear | 10a. Legislation Req to Terminate? | 10b. Legislation Pending? |
|---|---|--|
| Continue | Not Applicable | Not Applicable |

11. Establishment Authority Agency Authority

| 12. Specific Establishment Authority | 13. Effective Date | 14. Committee Type | 14c. Presidential? |
|---|-----------------------------------|-----------------------------------|-------------------------------|
| Agency Decision Document | 02/08/1996 | Continuing | No |

15. Description of Committee National Policy Issue Advisory
Board

**16a. Total
Number of
Reports** No Reports for
this FiscalYear

17a. 0 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 0

Meetings and Dates

No Meetings

Current **Next**

FY **FY**

| | | |
|---|--------|--------|
| 18a(1). Personnel Pmts to Non-Federal Members | \$0.00 | \$0.00 |
| 18a(2). Personnel Pmts to Federal Members | \$0.00 | \$0.00 |
| 18a(3). Personnel Pmts to Federal Staff | \$0.00 | \$0.00 |
| 18a(4). Personnel Pmts to Non-Member Consultants | \$0.00 | \$0.00 |
| 18b(1). Travel and Per Diem to Non-Federal Members | \$0.00 | \$0.00 |
| 18b(2). Travel and Per Diem to Federal Members | \$0.00 | \$0.00 |
| 18b(3). Travel and Per Diem to Federal Staff | \$0.00 | \$0.00 |
| 18b(4). Travel and Per Diem to Non-member Consultants | \$0.00 | \$0.00 |
| 18c. Other(rents,user charges, graphics, printing, mail, etc.) | \$0.00 | \$0.00 |
| 18d. Total | \$0.00 | \$0.00 |
| 19. Federal Staff Support Years (FTE) | 0.00 | 0.00 |

20a. How does the Committee accomplish its purpose?

The Railroad Safety Advisory Committee (RSAC) continues to provide for greater collaboration with the regulated community to ensure a more inclusive rule development process. The RSAC's recommendations reflect the careful evaluation by the participants of a myriad of significant and controversial regulatory issues. Regulations resulting from this process are more readily implemented. Acceptance and understanding are widespread and compliance is at high levels from the start. RSAC Regulatory Philosophy Federal agencies should promulgate only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need, such as material failures of private

markets to protect or improve the health and safety of the public, the environment, or the well-being of the American people. In deciding whether and how to regulate, agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating. Costs and benefits shall be understood to include both quantifiable measures (to the fullest extent that these can be usefully estimated) and qualitative measures of costs and benefits that are difficult to quantify, but nevertheless essential to consider. Further, in choosing among alternative regulatory approaches, agencies should select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity), unless a statute requires another regulatory approach. The resultant rules must be reasonable, clear, effective, and enforceable; impose as small a burden as is practicable; and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt. The RSAC will provide advice and recommendations to the Federal Railroad Administration (FRA) regarding the development of the railroad safety regulatory program, including issuance of new regulations, review and revision of existing regulations, and identification of non-regulatory alternatives for improvement of railroad safety. Of course, RSAC's own resource limitations will not permit FRA to refer every safety regulatory task to the RSAC. Moreover, on occasion, the need to address a safety issue in a very expedited way will preclude such a referral. It is FRA's policy to utilize consensus recommendations of RSAC as the basis of proposed and final agency action,

whenever possible, consistent with applicable law, including guidance from the President. In considering whether to adopt RSAC recommendations, the Administrator weighs the interests of the public at large and the ability of the agency to administer, and, if necessary, to enforce, any requirements that would result from final agency action. The FRA will consult with RSAC on a periodic basis regarding the development of its regulatory program, advising RSAC of emerging issues, statutory requirements, and other identified needs. It is the intent of FRA to consider the views of RSAC members in determining regulatory priorities. The RSAC provides advice and recommendations on specific tasks assigned to it by FRA. Whenever possible, FRA will consult with RSAC prior to assigning a task to the committee. As each task is assigned, RSAC may elect to accept or reject the task, or to recommend that the task be restructured. When a task is assigned, FRA sets a target date for the presentation of RSAC's recommendations to the Administrator. The target date is based on consultation with RSAC and may be adjusted by FRA based on further consultation. The FRA may withdraw a task from RSAC at any time. The FRA will provide the RSAC an explanation when it does so. Since RSAC was chartered on March 25, 1996, more than 50 tasks have been accepted and over 700 Committee, working group and task force meetings have been conducted to address critical railroad safety issues.

20b. How does the Committee balance its membership?

The RSAC is comprised of representatives from all segments of the railroad industry that are directly affected by the issues being addressed. The RSAC will comprise organizations

representing all aspects of the railroad industry including Class I, short line, and commuter railroads; labor; shippers; and suppliers. The committee will be balanced by ensuring parity between the number of railroad management and labor seats. If additional organizations seek membership, or are later identified, that fit into one of the categories for membership, and the Administrator determines they have a significant interest in rail safety, they may be added as committee member organizations. Agency key staff involved in determining balance for the committee are the Deputy Associate Administrator, the RSAC Designated Federal Officer, and attorneys from the Office of Chief Counsel.

20c. How frequent and relevant are the Committee Meetings?

The meetings are normally held on a quarterly basis with normally no less than three meetings during a calendar year. The meetings are kept timely and relevant by being scheduled for final recommendations/decisions based on the progress made on proposed rulemaking by the subordinate Working Groups and Task Forces. Due to COVID restrictions, this committee met twice in FY22. RSAC resumed regular operations in FY23, meeting twice, on December 12, 2022; and on March 27, 2023.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

The industry representatives are best positioned to inform the agency of the issues about which it is interested. To ensure the production of the best, most enforceable rules, the agency seeks to allow the industry to participate and contribute their views up-front. The resulting rules are, ideally,

easier to understand and more acceptable to the regulated community. This can only be accomplished by the regulated community's participation from the start.

20e. Why is it necessary to close and/or partially closed committee meetings?

N/A

21. Remarks

The Railroad Safety Advisory Committee continues to provide for greater collaboration with the regulated community to ensure a more inclusive rule development process. The RSAC's recommendations reflect the careful evaluation by the participants of a myriad of significant and controversial regulatory issues. Regulations resulting from this process are more readily implemented. Acceptance and understanding are widespread and compliance is at high levels from the start.

Designated Federal Officer

Kenton T Kilgore RSAC Administrative Officer/Coordinator, Office of Safety, Federal Railroad Administration

| Committee Members | Start | End | Occupation | Member Designation |
|--------------------------|--------------|------------|---------------------|---------------------------|
| Brewin, Nicole | 10/25/2021 | 10/25/2023 | VP, Govt Affairs | Representative Member |
| Gill, Kirk | 10/25/2021 | 10/25/2023 | Canadian National | Representative Member |
| Salvey, J.T | 10/25/2021 | 10/25/2023 | ATDA Vice President | Representative Member |
| Sholler, Colby | 10/25/2021 | 10/25/2023 | IME | Representative Member |

Number of Committee Members Listed: 4

Narrative Description

The Railroad Safety Advisory Committee (RSAC) supports the Department's mission to develop and administer policies and

programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest cost consistent with the national objectives of general welfare, economic growth, and stability. The Department's strategic safety objective is to enhance public health and safety by working toward the elimination of transportation-related deaths and injuries. By law, FRA is responsible for promoting railroad safety nationwide and enforcing safety standards. FRA manages a substantial regulatory agenda, which includes items derived from Congressional mandates, as well as FRA's own ideas, and issues raised by various partners in the railroad community. To ensure that regulations meet safety needs while providing flexibility to choose the means of implementation, FRA established the RSAC. The RSAC is a collaborative effort that provides consensus recommendations from the industry on a wide range of regulatory issues. No recommendations were made in FY22. Also in FY 22, the Part 225 Working Group was deactivated; FRA determined that we had learned enough from the members to move forward with a rulemaking.

What are the most significant program outcomes associated with this committee?

| | Checked if Applies |
|---|-------------------------------------|
| Improvements to health or safety | <input checked="" type="checkbox"/> |
| Trust in government | <input checked="" type="checkbox"/> |
| Major policy changes | <input checked="" type="checkbox"/> |
| Advance in scientific research | <input type="checkbox"/> |
| Effective grant making | <input type="checkbox"/> |
| Improved service delivery | <input type="checkbox"/> |
| Increased customer satisfaction | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> |

Outcome Comments

NA

What are the cost savings associated with this committee?

Checked if Applies

| | |
|----------------------------|-------------------------------------|
| None | <input type="checkbox"/> |
| Unable to Determine | <input checked="" type="checkbox"/> |
| Under \$100,000 | <input type="checkbox"/> |
| \$100,000 - \$500,000 | <input type="checkbox"/> |
| \$500,001 - \$1,000,000 | <input type="checkbox"/> |
| \$1,000,001 - \$5,000,000 | <input type="checkbox"/> |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/> |
| Over \$10,000,000 | <input type="checkbox"/> |
| Cost Savings Other | <input type="checkbox"/> |

Cost Savings Comments

The principal benefits of the collaborative RSAC rulemaking processes are (i) the improved quality of the resulting rule (better safety results and fewer burdens on the regulated entity) and (ii) the extent to which the industry parties--having helped prepare the rule-- "buy in" and therefore comply more readily and completely with the rule's requirements. These are largely qualitative benefits that do not lend themselves to data collection.

What is the approximate Number of recommendations produced by this committee for the life of the committee?

41

Number of Recommendations Comments

1. RSAC Task 1996-01 - (Completed) Reviewed and provided recommendations to the Administrator regarding revising the Freight Power Brake Regulations. 2. RSAC Task 1996-02 - (Completed) Reviewed and provided recommendations to the Administrator regarding revisions to the Track Safety Standards (49 CFR Part 213).3. RSAC Task 1996-03 - (Completed) Reviewed and provided recommendations to the Administrator regarding revisions to the Radio Standards and Procedures (49 CFR Part 220).4. RSAC Task 1996-05 - (Completed) Reviewed and provided recommendations to the Administrator regarding revisions to Steam Locomotive Inspection Standards (49 CFR Part 230). 5. RSAC Task 1996-06 - (Completed) Reviewed and provided recommendations to the Administrator regarding revisions to miscellaneous aspects of the regulations addressing Locomotive Engineer Certification (49 CFR Part 240). 6. RSAC Task 1996-07 - (Completed) Provided recommendations to the Administrator on developing Roadway Maintenance Machines (On-Track Equipment) Safety Standards. 7. RSAC Task 1996-08 - (Completed) This Planning Task evaluated the need for action responsive to recommendations contained in a report to Congress entitled, "Locomotive

Crashworthiness & Working Conditions.”8. RSAC Task 1997-01 - (Completed) Locomotive Crashworthiness, Final Rule published June 28, 2006 (71 FR 36887). 9. RSAC Task 1997-02 - (Completed) Locomotive Cab Working Conditions (Noise), Final Rule published October 17, 2006 (71 FR 63065). 10. RSAC Task 1997-02 - (Completed) Evaluated the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect the crew’s health and the safe operation of locomotives, and provided recommendations to the Administrator.11. RSAC Task 1997-03 - (Completed) Provided recommendations to the Administrator on developing event recorder data survivability standards. 12. RSAC Task 1997-04 and 1997-05 - (Completed) provided recommendations to the Administrator on defining Positive Train Control (PTC) functionalities, describing available technologies, evaluating costs and benefits of potential systems, and considering implementation opportunities and challenges, including demonstration and deployment. 13. RSAC Task 1997-06 - (Completed) Revising various regulations to address the safety implications of processor-based signal and train control technologies, including communications-based operating systems and provided recommendations to the Administrator.14. RSAC Task 1997-07 - (Completed) Determining damages qualifying an event as a reportable train accident and provided recommendations to the Administrator.15. RSAC Task 2001-01 - (Completed) Developing conformity of 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). 16. RSAC Task 2003-01 - (Open) Passenger Safety (General Mechanical), Final Rule published October 19, 2006 (71 FR 61835); 17. RSAC Task 2003-01 - (Open) Passenger Train Emergency Systems; Emergency Communication, Emergency Egress, and Rescue Access Final Rule published February 1, 2008 (73 FR 6370);18. RSAC Task 2005-02, (Open) Railroad Operating Practices: Handling Equipment, Switches and Fixed Derails Final Rule published February 13, 2008 (73 FR 8442);19. RSAC Task 2006-01, (Open) Locomotive Safety Standards Final Rule published October 19, 2007 (72 FR 59216).20. RSAC Task 2006-02, Track Safety Standards; Inspections of Joints in Continuous Welded Rail (CWR) Final Rule published October 11, 2006 (71 FR 59677); 21. RSAC Task 2006-02 (Complete) Track Safety Standards; Continuous Welded Rail (CWR) Final Rule published on August 25, 2009 (74 FR 42988);22. RSAC Task 2008-01 (Complete) Report on the Nation’s Railroad Bridges. Consensus report provided to the FRA Administrator September 10, 2008.23. RSAC Task 2008-04 (Complete) Positive Train Control Systems Notice of Proposed Rulemaking published on July 21, 2009 (74 FR 35950)Final Rule published on January 15, 2010. (75 FR 2598) Final Rule amendments published September 27, 2010. (75 FR 59108)24. RSAC Task 2008-05 (Complete) Bridge Safety Standards Notice of Proposed Rulemaking published on August 17, 2009 (74 FR 41558)

and Final Rule published July 15, 2010. (75 FR 41282)25. RSAC Task 2008-07 (Complete) Conductor Certification. Consensus draft language approved by RSAC Committee on March 18, 2010 by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting NPRM was published on November 10, 2010 (75 FR 69166) and the Final rule was published November 9, 2011 (76 FR 69802).26. RSAC Task 2008-06 Hours of Service Recordkeeping and Reporting. (Completed) Final Rule issued May 19, 2009 (74 FR 25330)27. RSAC Task 2003-1 (Open) Passenger Equipment Safety Standards and Passenger Train Emergency Preparedness. Consensus language regarding Track Safety Standards and Passenger Equipment Safety Standards applicable to high-speed and high cant deficiency train operations intending to improve the safe interaction of rail vehicles with the track over which they operate was approved by the Committee as the recommendation of the Committee to the FRA Administrator and the resulting NPRM was published on May 10, 2010. (75 FR 25928) The resulting Final Rule was published on November 29, 2013. 28. RSAC Task 2006-01 Review and Revision of the Locomotive Safety Standards. Consensus language approved by RSAC Committee on September 10, 2009 by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting Final Rule containing revisions to the Locomotive Safety Standards was published April 9, 2012 (77 FR 21312) And the resulting Final Rule was published November 29, 2013.29. Task 2007-01 Track Safety Standards. Consensus language approved by RSAC Committee by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting NPRM regarding specific requirements for effective concrete crossties, for rail fastening systems connected to concrete crossties, and for automated inspections of track constructed with concrete was published on August 26, 2010 (75 FR 52490) and the Final Rule was published June 15, 2011 (76 FR 34890) 30. Task 2005-1 Review of Roadway Worker Protection Issues. Consensus language approved by RSAC Committee by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting Final Rule was published January 10, 2014.31. Task 2008-03 Track Safety Standards – Rail Integrity. Consensus language was approved by RSAC Committee on September 23, 2010 by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting Final Rule was published January 24, 2014. 32. RSAC Task 2003-01 Passenger Safety Issues. Consensus language regarding railcar door securement was approved by the Committee on May 20, 2011 by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting NPRM was published March 26, 2014.33. RSAC Task 2010-01 (Open) Minimum Training Standards and Plans. Consensus language regarding development of minimum training standards for each class and craft of safety related railroad employee was approved by the Committee on December 14, 2010 by unanimous vote as the recommendation from

the Committee to the FRA Administrator and the resulting NPRM was published February 7, 2012 (77 FR 6412). Final Rule pending.³⁴ RSAC Task 2003-01 Consensus language regarding amendments to the Passenger Equipment Safety Standards intended to make the operating speeds for the Tier II safety standards consistent with those for Class 8 track in FRA's Track Safety Standards (§ 213.307), and also add Tier III safety standards for crashworthiness and occupant protection.³⁵ RSAC Task 2013-03 Consensus language regarding securement of unattended equipment was approved by the Committee by unanimous vote as the recommendation from the Committee to the FRA Administrator and the resulting NPRM was published September 9, 2014.³⁶ RSAC Task 2013-02 Consensus language regarding updates to the Hazardous Materials regulations was approved by the Committee by unanimous vote as the recommendation from the Committee to the FRA Administrator and in turn were transmitted to the PHMSA Administrator on July 21, 2014.³⁷ RSAC Task 2014-02 Consensus language regarding updates to the rail integrity regulations (49 CFR Part 213) in the areas of; Continuous Welded Rail (CWR), Plan Review and Approval, Inspection Records, Inspection of rail in service, and the definition of qualified operator. 38. Task 15-01 Track Subpart F Inspection; NPRM published 12/31/2019. 39. Task 15-03 Rail Integrity III; NPRM published 12/31/2019. 40. System Safety Program final rule published March 4, 2020 41. Risk Reduction Program final rule published April 20, 2020

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

90%

% of Recommendations Fully Implemented Comments

It is FRA's policy to utilize consensus recommendations of the RSAC as the basis of proposed and final agency action, whenever possible, consistent with applicable law, including guidance from the President. In considering whether to adopt RSAC recommendations, the Administrator weighs the interests of the public at large and the ability of the agency to administer and, if necessary, to enforce any requirements that would result from final agency action.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

10%

% of Recommendations Partially Implemented Comments

In the absence of consensus recommendations, FRA will determine the best course of action on a particular issue without the benefit of the RSAC's advice.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

FRA consults with the RSAC on a periodic basis regarding the development of its regulatory program, advising the RSAC of emerging issues, statutory requirements, and other identified needs. It is the intent of the FRA to consider the views of RSAC members in determining regulatory priorities.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

| | |
|-----------------------------------|-------------------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input checked="" type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Action Comments

NA

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

| | |
|---------------------------|-------------------------------------|
| Contact DFO | <input checked="" type="checkbox"/> |
| Online Agency Web Site | <input checked="" type="checkbox"/> |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site | <input checked="" type="checkbox"/> |
| Publications | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments

N/A