FIRST TRANSIT RAIL

ADVISORY COMMITTEE for SAFETY

(TRACS) MEETING

U.S. DEPARTMENT OF TRANSPORTATION

FRIDAY, SEPTEMBER 10, 2010

8:00 -- 12:00 p.m.

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FRIDAY, SEPTEMBER 10, 2010

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DOWNTOWN HOTEL

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MR. FLANIGON: A couple of quick announcements. Bob Adduci is circulating our membership list and we would like you to confirm that we've got all your right information and initial it. And Bob will be making a copy of the various folks that signed in yesterday to visit our meeting and we will supply that and we will have guests sign in today too.

Again, I will emphasize, this is a public meeting and we have set aside some time at 9:45 for any public comments. And so if anyone in the audience non-members of the TRAC would like to address the committee, make any public comments, you're more than welcome to do that.

It will help us in our planning and time management if you would please let Ms. Ester White know and we will get you on the list and we will do that. We've already got one person who will make some comments, Jim Bartek some of you may know from the MTA.
I want to shift our agenda just a little bit today. What we have lined up first is discussing the inputs that should be considered, in this case, by the work group and one of the handouts that were sent to you earlier were a list of industry NTSB recommendations. And I don't want to go through all of the 10 pages of them and I don't want to go through them all.

But I think as I looked through them last night, there are a number of them that I think help inform one or the other of the two tasks that are before us; either the right kind of safety model for the industry or the right kind of state oversight agency model.

And you know, speaking to Jackie's comment yesterday, what are the functions, what are the ideal functions of a state oversight agency and might it identify systemic weaknesses or problems before there's an accident which is really, I think, all of our goals. Whether we are talking about the safety planning model for the
agency or the kind of oversight that should be in place.

So we want to get more towards the early warning system and not the reactive and forensic task of figuring out what went wrong and fixing it after people get hurt or injury has occurred. That was one of the things that Robert Sumwalt mentioned to me yesterday. That he felt particularly strong as he approaches his work at the NTSB, that it's kind of easy to identify technical problem, you know, what's the failure in the circuit board or what's the metallurgical failure in the, in the piece of track.

But it's much more challenging and much more productive to find out what is it about the system they didn't find, before the accident and try to address that. So I think that's part of our charge as well.

So in looking at that material that I sent out, looking at our agenda item as well as our discussion yesterday on the state oversight
agency, I started kind of compiling a list of things -- inputs, if you will, that this state oversight work group should be looking at.

And that includes there's a number of documents on our public website, an implementation guide and tool kit, a hazard management system letter, actually the hazard management process might be good information for both, both work groups to consider. And then a number of things you all mentioned yesterday, like the other best practices that we might have identified for state oversight agencies as well as some exemplary documents, like audit reports that we think highlight best practices on the part of state oversight agencies.

So that's kind of a list that is percolating over here inside of Mike's head. But let me make sure that I'm capturing anything you all think ought to be on that list, on our list, and if I have I will accept that.

MR. INCLIMA: I -- I mean, when we
talked, I think I mentioned yesterday the possibility of either a straw man --


MR. INCLIMA: Okay.

MR. FLANIGON: I'm sorry, that is, that's in one of my documents, straw man, okay. Straw person. Okay. Then the next thing I would like to do, you know, we took a lot of notes as we had our conversation yesterday on scoping out this second task that the administrator discussed yesterday.

And Bob was kind enough to send me last night a lot of those notes and I took a stab at creating that same kind of scope document. And what Bob will do is put it up on the screen and let me just present it to you and see if you have any comments.

While waiting for that to come up, I'm told there was a mention on the local radio station at 6:35 this morning, of this meeting that
occurred yesterday. It talked about the secretary's presentation. Okay.

MR. INCLIMA: Excuse me, Mike?

MR. FLANIGON: Yes.

MR. INCLIMA: Yeah. I don't mean to interrupt, but I just wanted to raise a point while it's early and we're all fresh, then we can move on. And, you know, we've talked, we've kind of danced around this a little bit, but, you know, I think in fairness to everybody in the room, you know, the issue of process and procedure does need to be clarified and solidified, you know, in order to move forward.

And, you know, I think we need to get the horse out in front of the cart on that because frankly, the process and procedure of how this group operates is really the foundation of everything we're going to do as far as the work product. And so I would like to put to the group, perhaps in the form of a motion, if that will be the process, that, you know, FTA draft the written
procedures for operation of TRACS and distribute those draft procedures to the members of this group prior to the next meeting and put discussion of those procedures on the agenda for the next meeting.

And this way here, we can continue our discussions here today but know that we've got a place-holder for that very important aspect of the process at the next meeting.

MR. LIBBERTON: Okay. Yeah. We're with you. What our intention is to have draft procedures out to the group within 30 days. We ask that you review and, and comment in fairly short order, so that those will be at least interim, kind of, procedures that will guide the work groups through the next several months and then we can have a discussion, if necessary, amongst the entire TRACS committee at the next full meeting.

MR. INCLIMA: Thank you, Sean. I, you know, I appreciate that. And you've obviously
given it some thought and I thank you for that.

My only question or concern is without the group, you know, getting their arms around the procedures, I'm concerned that if I send you comments and everybody sends in comments, well, you know, it's like throwing stuff at the docket. I mean, we don't know what comes out at the end. And to me, at least in my mind, it will be difficult to get the working groups really moving along when the process and procedure is still, you know, in some, you know, fluidity and we don't have it, you know, buttoned down, the four corners of how do we make motions, how do we make proposals, how do we, you know, vote and break up and do all of the things we need to do.

So I would encourage that, I mean, I think your process in many ways is right what I was thinking except we need to all come to some agreement or understanding on what the process is going to be in the end.

Now, you know, FDA may say, well, this
particular area, we can't go where the group goes, you know, for whatever reason. And I certainly respect that. But I do think that the process and procedures have to be discussed, because there may be certain ideas and there might be other colleagues here who say, Oh, that can't work for me because I'm running a three-car trolley system in one state versus a guy who's running the New York city transit system.

And, I mean, basically I think we just need to get that done on the front end and as a foundation for everything we're going to do forward.

MR. LIBBERTON: I know and I agree. And I think what we want is the same absolute objective. I would appreciate some feedback on how we can accomplish that before the next full TRACS meetings. So again, our thought is that you would have some documented interim procedures that would guide the development of working group products and then ask for comments that might lead
to improvements and, and we can talk about them again at the next full committee meeting.

MR. INCLIMA: Okay. And it would -- just as a suggestion, possibly move the ball along go down the road that you've laid out, we submit comments to the extent that we feel the need and then maybe summarize the comments in some form or fashion and have a conference call before the next TRACS meeting.

I mean, that might be one way to do it. Just because it's only fair that as we begin the process of starting having input and, and voting on things and saying, yeah, this is where we need to go, you know, it's just -- we just need to know what that is and where our authority lies and doesn't lie as a committee and as individual members of the committee, so.

MR. LIBBERTON: Yeah.

MR. INCLIMA: Maybe you can consider that process to streamline and move things along. I know you want to move things along and it's not
my intent to slow it down.

MR. LIBBERTON: No. And we also don't want you to feel that you are moving along a path and that it's not going to come to fruition in terms of the net product, so I'm not insensitive to that and again, our apologies for not having something documented beyond the charter for this particular meeting.

MR. FLANIGON: So up on the screen is in the same format that was passed out to you for task number 10-1, is now task number 10-2. And I will read it and pause and accept any comments. Transit rail adviser for committee tasking statement, develop consensus advice to FTA on the best state oversight agency organization model. What is the ideal state safety partner?

Identify the challenges that may be faced implementing this model along with potential ways the challenges may be overcome.

So that was what I tried to pull out of the notes from yesterday. Any thoughts, comments?
Does that provide clear enough direction for a work group?

MR. INCLIMA: Mike, would it -- possible to get the task statement in writing, I mean, where we can look at it and maybe make some suggestions? And the reason I asked that is just based on experience. As the groups move forward and you begin to have dialogue and discussion and all of that, sometimes the groups may desire to expand the scope of the discussion, other things come into play and they may be limited by the task statement.

And of course, the opposite could be true, where you want to keep it narrow and the task statement is too big, too broad. So in my experience, the task statement is the, I mean, that's the focus of the group and, and generally speaking, if you want to go beyond the task statement, you know, you have to get approval, of the group to do it.

So again, as we start this process along
and begin to develop tasks, I think it's fair for the group and the constituents and caucuses, whatever the verbiage is, to take a look and consider it in front of them on paper and be able to at least offer some amendments.

MR. FLANIGON: That's the idea, is that we would actually print this and hand it out here today. I thought it was worthwhile to just let everybody look at it first.

MR. INCLIMA: Thank you.

MR. FLANIGON: So then, to, to kind of help clarify the issues requires specific report to include what are the essential functions that an SSO must be able to perform, what are the current SSO best practices, what technical capacity is needed to be an effective SSO, what considerations relate to the use of consultants or contractors, what role might DOT or FTA play in providing expert assistance and state oversight funding.

It has to be structured to -- I think
I've got an extra best in there -- to avoid conflicts of interest. And can the recommended model be scaled? Kind of the same approach we're taking with the safety planning model for the, for the transit agencies to fit states with different systems that they oversee.

MR. INCLIMA: Mike, just one question if I can. Do -- is it the intent of FTA or this group to, in both of these task statements, to just come up with one model or, or might it be appropriate or do we at least want to leave the door open to look at several models?

I mean, is there any logic, and again, excuse me for not fully appreciating the relationship between the states and FTA, but might it be something where if this group would find it beneficial to have maybe a model for small states or a model for small -- I mean, states that have very minor transit systems as opposed to New York?

And so my thought is does one size fit all really get us where we need to be or should we
allow both of these task statements to talk about best safety plan models that could be considered? And then down the road we can figure out is it only one or is it a couple, so.

MR. FLANIGON: I think the last bullet there is meant to address that, so if we need to clarify that or any suggestions on -- does that need to be clarified any further?

MR. PRENDERGAST: I think there was enough discussion yesterday to deal with the scalability issue, that there's a recognition that we've got to have something that isn't one size fits all that can accommodate all of the different needs. The only other comment was there has to be some measure of consistency so we're not all over the map. So, you know, I think the statement as worded provides enough room. I think maybe you might want to make sure that the issue of consistency is addressed to some degree.

MR. FLANIGON: Okay. All right. We will --
MR. KRISAK: Hey, Mike.

MR. FLANIGON: Yes.

MR. KRISAK: The thing I don't see up there is what we discussed yesterday a couple of times of looking at models outside of the U S as well. I would put that in this category we should look at both Europe and Asia and look at the best practices they have.

MR. FLANIGON: Yeah. We might just add that let's do it. What are current SSO best practices what are the best oversight, regulatory oversight best practices both in the current U S program and elsewhere, words to that effect. Instead of saying SSO, how about just oversight?

MR. LIBBERTON: Safety oversight.

MR. FLANIGON: And then to add to the -- let's see, I guess we should add a sentence on consistency. Maybe that goes up in the tasking statement, we insert the word consistent somewhere. Or do we need a separate sentence down in the issues. I guess the question I'm hearing
is how can the oversight model ensure consistency across the nation so maybe we should just put that.

MR. LIBBERTON: What, just make another bullet?

MR. FLANIGON: Yeah.

MR. PRENDERGAST: Or put it in the last statement because if, you are going through that, there are models, you just want to make sure there is consistency between them, that's all.

MR. LIBBERTON: How to achieve consistency?

MR. FLANIGON: And still achieve consistency.

MR. PRENDERGAST: And still achieve consistency.

MR. FLANIGON: How about saying, adding that to the end of that sentence? And still achieve consistency. Does that capture it?

MR. PRENDERGAST: Yes.

MR. FLANIGON: Bill.
MR. GRIZARD: Yeah. I was just going to say something smart like maybe we need a consultant to do this for us. But I wanted to go back and look at the task statement because the last part of the last sentence there, I wanted to, to discuss. I'm on board with identifying the challenges that may face the implementation of this model.

I would like to put a period there, because I'm not sure that we could find and come up with answers to all of the possible challenges that might face it, either in the infancy or down the road. And I think that would take us too far from the scope of this, getting involved in all of the different challenges.

I think identifying them in the beginning of this program is going to be different than in the implementation of the program. So I would just suggest that we identify what the challenges might and if we can come up with suggestions on that. I think that's fine, but I
don't know that we could address all of them.

MR. FLANIGON: I think our intent was that it can be easy to identify challenges and what's wrong and what's not working. It hard work so what do we do about that. But I want to -- understand that we may not have all of the answers even though we are the TRACS center, the smartest group in the industry.

Somehow I want to keep that as the mission, to identify solutions as well as challenges, but I'm open to ways to modify that. I understand that we may sometimes say we just don't know what we're going to do to solve that problem but I think it's important that we give it a lot of thought prior to crisis, that is my sense.

Does anybody else have a thought on that? If so, now you've got your chance.

MS. KOVALAN: I thought that this statement, although I think, reflects what the administrator said yesterday, does sort of set aside the question of the way the legislation was
initially put forward by the DOT with the sense of the opt out provision. So I think -- I don't know if it's in this task or in a separate task, I think we should look at alternative models.

I think this locks us in to some extent what we have and perhaps it doesn't preclude but it certainly doesn't encourage discussion about some of the things that we talked about yesterday like FTA having a set of their own experts to draw from or a state where maybe only one agency is subject to SSO, perhaps just directly dealing with the FTA so that you can cut out some layers and some costs.

MR. FLANIGON: Okay. I think where we tried to capture that was in one of the issue statements or issue questions, if you will, what role might the DOT and FTA play in providing expert assistance. Hopefully that's open-ended enough to let the work group --

MS. KOVALAN: I think --

MR. FLANIGON: Build on it.
MS. KOVALAN: I think it doesn't leave room for a robust discussion around the best model to have an actual physical agency in a state that's called state safety oversight. And staff up with all of these different credentials and experience and abilities to oversee maybe one agency complex or not.

So, I mean, perhaps that discussion will happen in a work group or not, but if it doesn't, it might be worth another task, is what I'm suggesting.

MR. FLANIGON: How would you suggest phrasing it?

MS. KOVALAN: Well, you could broaden the topic statement by taking out the phrase, you could change state safety agency organization model. I mean, that's essentially what you're talking about, so that precludes a different model, to say what is -- talk about the oversight model. But perhaps that's not what was intended here. Perhaps the focus was if you're going to
have state safety oversight, what's the best model and that is fine.

But I think that it precludes this other question and I think that there should be robust discussion by this group about this other question.

MR. FLANIGON: Okay. I think if I heard you right and, and if I recall the administrators direction that he was looking at the current state oversight system and what you're suggesting is what's best safety oversight, not necessarily state safety oversight model. Is that what you're saying?

MS. KOVALAN: Well, I think if you go right back to the original proposed legislation --

MR. FLANIGON: Uh huh.

MS. KOVALAN: There were at least two options and this, this looks at one of those two options. I'm suggesting that I think that was an interesting thought, obviously FTA thought it was an interesting thought, that's why it must have
been included in the original bill and it's worth having a discussion even though it didn't come out of markup about that, because it I would hope there's some industry input into what some of the options are.

So again, if this isn't the right place to do it, if it broadens the scope, I just raise it as something that I would like to keep on the table for discussion.

MR. FLANIGON: Okay. Okay. I guess as I'm looking at it I'm thinking the model, particularly if we look at what are the essential functions that a state safety oversight must be able to perform, if you just eliminate state from that, then it's really going to answer both questions in my mind.

So I think if we -- and let me make sure everybody's okay with this, if we leave it at that, then should the bill, should the original administration proposal pass and certain states opt out, we would still have the group identify
what are the, again, best practices, what are the essential functions and whoever does it that's what they are. That's okay.

MS. McCOMBE: Mine's on the floor.

Thank you Eric. Actually I had, based on -- that was a good segue, because I thought that model one or task one might incorporate the different models. And I was thinking that, first task would lend itself to looking at the different types of models.

For instance, having, you know, whether we should have SSOs or if it should be just FTA and the regions implementing the regulations, so that's where I thought that it should or might lie in task one. That was my thought on it. Because I don't think -- I know that some people think it's a forgone conclusion that the state safety oversights would be handling the regulations for FTA, but it may be that in task one, when one does the analysis, that another model might be more beneficial. So that's where I thought it would be
analyzed.

MR. FLANIGON: And that is a good discussion because it just shows everybody looks at it a little different. I guess my take on task one is it's more about looking at system safety programs and safety management systems, high reliability organization principles and how would that roll into what the transit agency does.

What is the best model for the transit agency to implement internally. And, and I guess an element, certainly an element of that is if okay, the transit agency is doing X, Y and Z, who's providing oversight, what does that oversight look like and what are the essential functions they are providing to ensure that at the transit agency level, the right things are being done.

So it's kind of like one is, what the regulative entity is doing to assure safety and then the other task, task two is, what is the oversight agency doing to ensure that the
regulative entity is ensuring safety. That's kind
of how I am framing it.

MS. McCOMBE: Well then, has the group
decided that the states would be enacting this,
these regulations on behalf of FTA? Is that what
we've decided?

MR. FLANIGON: I don't know that -- I
mean, that's not a decision that this group would
necessarily make. It's right now before Congress
to make a decision on how that's going to be
coming out. And absent any change in the
regulatory structure, the states are in business
to provide oversight and would continue to do so.

MS. McCOMBE: My next question was
actually on the technical capacity. We talked
yesterday about consistency and knowledge and I
thought we could enhance that third bullet where
we say what technical capacity is needed. Perhaps
we could say also something about certification,
that -- certification or technical capacity and
certification is needed to ensure that they have
the appropriate knowledge and that they understand it.

So it's not just technical capacity but also certification in my mind.

MR. FLANIGON: Any other thoughts on certifications or is that the right term that people are comfortable with?

MR. INCLIMA: Mike, if I might. I know other tents are up but I think they were up before your question. Certification and qualification I think are distinctly different. So we might want to think about, you know, which one we want. I mean, do you want to certify the state agencies or do you want to make sure that they're qualified, knowledgeable and have the capacity.

So hey, I thought that out because we run into questions on the FRA side about the difference between certification and qualification. And there it is a distinction, I don't know if it is here, but it's just something to think about.
MR. FLANIGON: Donald.

MR. PRENDERGAST: I want to go back to the earlier question, which is -- I think the way you proposed the wording is to take the word state out and oversight provides the proper focus. In some cases it will be a state, in some cases it may not be a state. But I think if this committee and I'm hoping there is nobody in this committee that wants to go back to the older 15, 20 year posture that the rail transit industry took which was no one really oversees us other than FTA and then FTA was caught in the quandary of not having the regulatory authority and even one property's ETA took the FRA to court about they don't have regulatory authority over rail rapid transit, we would be deceiving ourselves.

So I mean, I think we have to approach this from a standpoint that there needs to be some level of oversight. The legislation wouldn't have appeared out of no where if there weren't some concern on the part of the public. So whether
it's a state agency, whether it's a local agency, whether it's the FTA itself, if you take the word state out and you focus on what are the proper -- what's the proper relationship, what's the proper role, I think that's what the focus should be and leave room for whether there should or should not be a state.

MR. FLANIGON: Okay.

MS. JETER: That is along my lines too, because whether we're charged with doing it or not, it has to be in the back of our mind as to whether or not we're going to draft language in a way that it's going to be passable or it's not. Everybody's aware of the climate of what's going on and what's taken place and how things are getting passed in the senate.

So with that in mind, I don't want to waste my time. I don't want to waste my time doing something that is going to inhibit us from getting able to get the work that we do passed. And whether we consider it or not money is always
a factor. And I just think that we have to think about it.

I know that it's somebody's, it's LaHood's job to get the money, I understand that. But I think it's also our job to put language in there so he can get the money.

MR. FLANIGON: Okay.

MS. McCOMBE: Just getting back to the technical capacity and certification, perhaps we need to say something along the lines of what training is required to ensure consistency. Perhaps that's a way to say it.

MR. FLANIGON: Technical capacity and training or training and technical capacity.

MS. McCOMBE: To ensure consistency. Just similar --

MR. FLANIGON: That would --

MS. McCOMBE: To --

MR. FLANIGON: That would fit with qualifications. Okay. So let's look -- we've got a couple of things holding. I'm making notes to
myself I don't want anybody to think I'm blowing off any thoughts you have because I'm still thinking about Bill's thing and so we have certification, qualification, training and with Bill it was, remind me again. I know you had something.

MR. WATT: He wanted to put a period at the end of model.

MR. FLANIGON: Oh yeah.

MR. WATT: And Tom wanted to put state.

MR. FLANIGON: Okay. State versus just oversight and solution. Okay. So we won't loose track of those, let's go around this way. Tom.

MR. PRENDERGAST: Going back to the issue, I agree with Rick. We can get caught up in a lot of detailed discussions if we talk about certifications versus qualifications. Which we really, shouldn't even need to have that discussion, but it also has to fall from the discussion upon what's the proper role for the state to have.
If a decision is made or you go down a path that it's more of an audit function and it's more of a professional review of a plan as established by an agency, there's a certain skill level required. If it's to a greater level of detail and you're actually getting into the inner workings of how the agency does it's track, how it does it's signals, it's a whole different discussion of what the qualifications are of the individuals.

So I agree with you, there needs to be a discussion, but it should follow suit, but I also feel pretty strongly because once you use words like certification, they take on a totally different meaning in terms of who grants that certification and what are the requirements to get that in place. Being a professional engineer, a lot of us are engineers, but we're not professional engineer's. And it's not a threshold we should cross lightly.

MR. FLANIGON: Okay. Good thought. Ed.
MR. WATT: I just want a little clarity on the oversight function. Are we limiting -- maybe I misheard Tom, but are we limiting the models that people can come back with on this, that the work group can come back with on this?

MR. FLANIGON: Limiting in what way?

MR. WATT: Limiting the models to leaving state oversight as a possibility.

MR. FLANIGON: I don't see it, I don't see this I guess my thing is --

MR. WATT: You don't see it as --

MR. FLANIGON: I don't see it as limiting.

MR. WATT: You don't see it limiting.

All right. Maybe --

MR. PRENDERGAST: It wasn't intended to be.

MR. WATT: Sorry.

MR. PRENDERGAST: It wasn't intended to be. It could be state. It very definitely could be state.
MR. WATT: It could be state but it could not be state. It could be FRA model, it could be --

MR. PRENDERGAST: Some level of oversight.

MR. WATT: A level of oversight, obviously. Okay.

MR. FLANIGON: Diane. I'm sorry.

MS. DAVIDSON: In addition to consistency, I would like to focus on end results and outcomes somewhere in the statement to help guide the work. And we suggest a statement to the order of what qualifications, resources and training are needed to ensure effective adequate and consistent safety oversight of passenger rail transportation. So you're guided by the end results and end product in doing your development.

MR. FLANIGON: That addresses training and qualification and --

MS. DAVIDSON: Resources, training and qualifications.
MR. FLANIGON: People like that? I see a lot of -- okay. Any nods. I define that as consensus. Could you give those words to Thomas?

THE WITNESS:

UNIDENTIFIED SPEAKER: Yes.

MR. FLANIGON: Okay. So that was one of our sticking points. The other is state versus -- and I think the suggestion that we just talked about, the oversight model, whether that be state or not state, and I'm thinking that, I don't know how much flexibility the administrators verbal tasking had, but it seems to me either approach is going to yield what should it look like. Whether it's the state or somebody else I'm not sure how differently the work group would approach this if it didn't say state oversight, if it just said oversight? Would there be a different way to approach what are the essential functions, what are the types of training that should support and how should consultants be used or not be used. Let me ask that question and Rick has the answer.
One answer.

MR. INCLIMA: I don't have the answer. I don't have any answers, Mike. But I, frankly think if state comes out, it leaves the flexibility to look at state and other than state. Maybe the model is not only state or if there's the opt out provision we talked about where a state can opt out they won't have an organization perhaps, so I think the real keyword there is what is the best oversight agency organizational model. Whether that be a federal organization, a state organization, some multi-state organization, you know, it's we're going to look at the model.

And, and if we limit ourselves to state, then down the road we may be prohibited from dealing with the opt out provisions or maybe there's a federal model that everybody would rather see than what is more or less status quo.

MR. FLANIGON: I'm reminded that at this point in time we would not have any authority to consider anything other state safety oversight.
That's our current authority. And so --

MS. FORD: And proposal.

MR. FLANIGON: And what?

MS. FORD: And proposal.

MR. FLANIGON: And also our tasking from the administrator. But, having said that, I think the way so far this is being structured is by identifying best practices, mission essential functions, supporting technical assistance, use of consultants that really is a broader model. But currently that means that the law is that the states do this and so I think from that standpoint, states ought to stay involved. Alvin has another answer.

MR. PEARSON: Well, what I was going to say is I think we're making it a little more cumbersome then we have to. I was under the impression that we were going to come up with a basic format and look at what's successful, what hasn't been successful, look at the states and then we could spin off from that.
It's inevitable that where I have a small transit agency and New York has this huge transit agency, that you're going to have similarities, but there's no way that one's going fit the other.

Now, I'm thinking that when we start talking all of this technical training and maybe New York and Chicago and DC, they can afford to have a rail specialist, a car specialist and all of this stuff but if you have FRA certified specialists in your area. I was thinking that we come up with a basic program and from the state monitor your program, to make sure you're following your rules and regulations that you have determined that you wanted to use off of information that has been given from FTA in the beginning, because the state should have its own program. Now if I'm going in the right direction, that means that you have a monitor and then that monitor should use common judgment and pull in the people with key expertise to help them decide if
this is correct or if that's right or wrong, because most monitors are not going do have that.

And most states are not going to be willing to fund it. And since you don't have a regulatory authority, per se, to do it, the answer, the quick answer would be having a regional thing where somebody in the region would do it, but since you don't have that right now — therefore; each state has to be independent or the states are going to have to opt.

I think what's most urgent is for us to put together a packet that's tight, that can meet the basic standards where there can be variations when necessary and move forward.

MR. FLANIGON: Okay. Thanks. I think that's very on point to the scalability question and I know all of us tend to be problem solvers and we probably won't have too much trouble coming up with potential solutions. What I want to emphasize, kind of is our job at this level, at the TRACS level, is to kind of define the scope
and then the work group starts solving the
problems and getting into the details of how we
might work. And so. Eric.

MR. CHENG: I think there's one thing
missing. It's that this group is not informed of
the existing FRAs participation program.
Basically they have opt out or not opt out.
Basically, it's a monetary thing to participate in
their inspection system. So that can be a model
that this group is not informed of but if FRA
made a presentation about that we would see, it
can reveal the advantages and the disadvantages of
that.

MR. FLANIGON: That might be one of the
inputs --

MR. CHENG: Yeah.

MR. FLANIGON: That this group should
look at. Georgetta.

MS. GREGORY: Thanks, Mike. Just a
couple of things. My recollection of the
administrators comments yesterday, a couple of
things; he wanted the definition of what a quality SSO is.

MR. FLANIGON: Definition of, I'm sorry?

MS. GREGORY: The definition of a quality state safety oversight agency and that is the model thing there. Then he also was seeking goals for improvement. I guess my vision is to find that model or to describe that model, to find that model, then a lot of the things that are being mentioned, for instance the FRA model, which I think if we were in favor of an FRA model, we would just all say well, let's join the FRA and be done with it.

This industry is unique in there are huge differences in a transit agency and a railroad so that, I think we're all in agreement that won't work. But they do have some good things to draw from. You and I've had discussions about their certification programs. What that would do for a state's safety oversight agency it would lend credibility to those people functioning
in those roles.

    It's not your typical certification like an engineer's certification or something like that. It's a training, an ongoing continuous training program that those inspectors are required to participate to maintain their FRA certification. I think that would be really good for this industry, so that would contribute towards the consistency. But I think a lot of comments this morning could be rolled into the goals for improvement, in that each state is unique, a different number of properties, a different number of resources.

    A possible goal might be a federal program that would augment the state's program with those other resources. If it may be inspectors, so it would be inspectors. My personal opinion is each state has a responsibility to provide safety to their citizens and so I personally believe that the oversight role does need to stay within the state. Our task
is to make sure that it's consistent nationwide.

He also spoke about the relationships with the -- federal and state relationships, with the transit agency. So, you know, I think you've captured most everything, but I would suggest adding in those goals for improvement and, and the definitions.

MR. FLANIGON: Okay. Do you have a specific spot to put some words?

MS. GREGORY: I can't see it?

MR. PRENDERGAST: It is hard to read.

MR. FLANIGON: At the break, why don't we print it out. Henry.

MR. HARTBERG: Thank you. Has there been a version of this legislation that didn't assume state safety oversight? I understood the legislation to pretty much point to state safety oversight as the basis for what we are going to begin to do. Furthermore, I believe I heard Mr. LaHood say that he's intending to push real hard and might even get something out in a few
And maybe I'm misunderstanding, but I think we're broadening our scope hugely if we go we're going to do a state safety oversight type model and try and see what's ideal there but at the same time we also want to also see about any number of other models that might be out there. I guess I did not understand, and correct me if I'm wrong, but I believe all of this is predicated on the assumption that we're going to begin with state safety oversight and granting regulatory authority through the FTA to improve their ability to get things done.

Along with that, of course, you have training and those issues. So I think both tasks are pretty well framed for where we're at which is we're just beginning. And if we keep adding a lot of detail to each and every one of those, it's going to become at some point, sort of unmanageable. We've got an elephant we're going to have to eat, you know, a small slice at a time.
And in my opinion, probably the best thing to do is start where we're at and move forward and make improvements from there.

MR. FLANIGON: I think two things I would just add to that comment. One is that I don't think we should try to second guess what the legislation's going to look like. We will see what the administration proposes, we will see what the senate has proposed what comes out the other end, we would just be guessing.

And I don't think it would be a productive use of time. It's interesting, great conversation we can talk about it, but I don't think it's real productive to try to build a foundation on what might be, so I would agree with that. And then secondly, I think it's a good point that we don't want to get too detailed here because that's the work group's job, to dig deeper in.

We want to frame it in a way that gives them enough direction to go forward. So good
thought. Ed.

MR. WATT: Yes. Thank you. I mean perhaps this is one of the problems with an audible, as the administrator coined it. But I thought, I heard the words that said what defines the relationships and I thought that, I could be wrong, but I thought that sufficiently brought to include at least the discussion.

MR. FLANIGON: That is it and I do recall that is a good catch. So if we can -- you got a suggestion where that would fit in? Maybe.

MR. WATT: I think I can hand it off to you, Mike. Go ahead.

MR. FLANIGON: Maybe let's go to the top Bob and so we will say the ideal state partner, how about if we said the ideal -- well, maybe just -- what -- how can, let's see. What is in effective state-transit agency relationship.

MR. WATT: Maybe I will take a stab at it then, Mike. When he said what defines the relationship, I'm sure he wasn't talking about
what defines the relationship to anything else but the FTA. So, what defines the relationship between the FTA and the various state partners.

MR. FLANIGON: I think I would also add the transit agencies. I think --

MR. WATT: Right. State partners.

MR. FLANIGON: When I think about this, where it seems to work well, is if there's a good working relationship at the oversight agency to the transit agency.

MR. WATT: Right.

MR. FLANIGON: And certainly our relationship. So we will put all three in there.

MR. WATT: Or maybe the committee could remand this back to the administrator and respectfully ask him to re-issue. I mean, I think that would be fine. Because I really do want to get to what he wanted to get to as opposed to we go off on our own on the first try. I don't think that would be a good start to our relationship.

MR. FLANIGON: Yeah. So we should add
the FTA in there. So between the FTA, the state and --

MR. PRENDERGAST: Among the states we have the agencies and the FTA.

MR. LIBBERTON: I mean it's the quality of that relationship, correct? I mean, it's not just the relationship but how we can define a good or quality relationship.

MR. PRENDERGAST: A quality.

MR. LIBBERTON: Or an effective.

MR. FLANIGON: Or effective.

MR. LIBBERTON: So you've got what defines a quality and --

MR. FLANIGON: All right. Bill is up next. I haven't forgot about your parking lot issue.

MR. GRIZARD: Okay. Thanks. I just wanted to say that I'm pretty much on board with, what Jackie was expressing on the whole principle of oversight. And establishing what that is. And then determining from that, suitable models that
are going to work. I think using the state oversight, as we've come to know it would work in most cases but not at all.

I think that problematic areas where we've seen the break downs have been in areas where there's been several states trying to provide oversight over a single transit operation. And so I don't think states is going to work in all cases. So, I think the first charge is to look at it from an oversight basis and establish what that expectation and from a number of different areas the public interest, for the agencies, for the people that work at the agencies and what that needs to encompass.

And then once we have got that then we will get the various applications which leads me back to this whole business about solving all of the problems and challenges that we come up to. Because there are going to be so many of them and I see most of them as having a better solution at the local level than at top level committees such
as this. And I have the ugly feeling that most of it's going to come down to funding and political things and I don't think that we need to get wrapped up in those areas.

That's the reason I wanted to put the period at the end and just say okay, it's good enough to identify the challenges. Certainly we could offer some suggestions on how those might be solved but I think the list is going to grow and, and take us away from the main issue. So I'm all for getting rid of the term state safety oversight and just looking at oversight. I also heard the same thing that Georgetta heard and I wrote it down as what defines a quality state safety oversight agency, and I had three parts of that:

What are the expertise requirements, what are the funding requirements and what is the relationships between federal agencies and the transit agencies and the state agencies. So I thought those were the principle areas that he was asking us to look at.
MR. FLANIGON: Okay. Do you see something, based on that, is there something to add that's not there that we would needed to guide the work group doing the work -- we want to keep it open enough for the work groups flexibility.

MR. PRENDERGAST: No, no, no, not necessarily. I'm kind of like in Henry's camp. Let's chop it down to size here. Let's not get -- try to take in everything. I appreciate the thoughts about what do they do in other countries and of course we audit in other countries and we audit to what the expectations and requirements and their system safety program fund states that they're going to do. Some of those things far surpass what we do here in the U S, others fall, I mean, we would never do it in the U S. But I think it takes us away. Those other countries are not how we're structured and how we operate and how we value safety here.

There's different values over there. So I think it's good to take into account, but I
don't think in the final analysis that anybody has
the best answer someplace else. I think we're
going to have to define what that is for
ourselves. So I'm for shorting things up here a
little bit here and cutting some of that out.

  MR. FLANIGON: So you would cut out
other countries, is that what you're saying?

  MR. PRENDERGAST: I think for looking
for best practices, it fits in that area, and
that's, as far as it goes.

  MR. FLANIGON: So in other words, if we
just said looking for current -- you did say
current. I don't know. Let me ask others.

  MR. PRENDERGAST: Mike.

  MR. FLANIGON: Go ahead, Tom.

  MR. PRENDERGAST: I think there are
texts. We can look in Europe, they have a much
better balance between (inaudible) and collision
avoidance. I think in terms of the number of
measures, Hong Kong uses (inaudible) looking and
trying to get exhaustive information about their
performance that's enlightening. You can always decide to accept or reject it, but it's enlightening to try to expand your knowledge to see what other people are doing. If they're doing something well, why not take advantage of it.

MR. FLANIGON: Rich.

MR. KRISAK: Yeah. I was just going to say that the only thing that's not up there that the administrator was speaking to was funding. That's one area we haven't covered. So I think there was an expectation of us giving them some idea of what, what funding there should be for the effort.

MR. FLANIGON: I think, I think where we tried to capture that was in, and I think knowing the administrator's position and what he's said on many occasions, that I think it's already a recognition that it's an unfunded mandate and certainly the administration's proposal, as well as the center's proposal that's, you know, being addressed in terms of funding to support the
agency, but I think, I think what he was aiming at was more along the lines of avoiding conflicts of interest.

We did try to capture that with the bullet. You know, because in some cases the transit agency directly funds state oversight and in some cases that could lead to actually, you know, arguing over the budget, you know. You're doing too good a job, I'm cutting you back next year or at least the perception that that could happen. I think that's where he was coming from with funding. Do you think that is where he was coming from?

MS. FORD: Right. Mr. Inclima.

MR. INCLIMA: Thanks, Mike. If we can scroll to the, the previous bullet that we added that discusses relationships, I mean, you know, I really think what we're trying the define are, you know, what attributes define a quality and effective relationship. And, and if we talk about attributes, then it, I think it gives us the
ability to, you know, to roll all -- a number of things in.

You know, funding is an attribute, qualification is an attribute, oversight is attributes, enforcement authority are all attributes that may define an effective relationship in this, in this three-party system. And so, you know, the, the verbiage there is just, you know, it's just incorrect. What defines quality and effective relationship. So I would propose that we just revise that. Say what attributes define a quality and effective relationship.

Continue on with the rest of the sentence, allow the working group to define those attributes which would include the things I mentioned and many other things I didn't mention and may not even know about.

MR. FLANIGON: Anybody not like that idea.

MR. LIBBERTON: You might want to
elevate that to the -- a higher maybe in -- the problem --

MR. FLANIGON: (continuing) Yeah. That's the fundamental --

MR. FLANIGON: Okay.

MR. LIBBERTON: Objective.

MR. FLANIGON: So what attributes define -- and how do I, I really don't want to leave Bill in the lurch even though he left it. How do folks feel about some -- about the direction of trying to find solutions, potential solutions to challenges that are found. That's different.

MR. PRENDERGAST: I think you have to deal with them. I mean, I -- there's going to certainly going to be some that you're going to say that's a very difficult problem and we're going to have to put it at the back of the agenda because there's other items but we're going to prioritize. But I think, you know, problem identification is the first thing but then you
quickly have to start working on what you're going
to do to overcome and deal with them.

So I'm not -- I wish he were here
because I would like to have a dialogue as to why
he took the position, because I'm -- I -- it was
just contrary to what I've basically been tasked
to do in other assignments like this where you do
have to deal with those tough problems. So I
was -- that's what I was confused at. That was
me.

MR. FLANIGON: Okay. Any other
thoughts.

MR. LIBBERTON: Yeah. Mike, Peter
certainly wants ideas from this group and, and,
and their ideas and they're not -- I would
characterize them as recommendations, I mean,
essentially that's what this group is tasked to
do, is to provide recommendations, not solutions,
which is -- takes us up to a, a different level.

But I certainly think that the
administrator would expect that this group would
define those attributes and make recommendations
on how to enhance those or additional ones that
don't exist now, that need to be brought into the
program.

MR. FLANIGON: Okay.

MR. INCLIMA: Mike, just an
administrative matter on that one bullet. What
attributes, take the S off of define, insert the
letter A, define A quality, add a D to the word
and, and we've got it. Thank you.

MR. FLANIGON: Okay. All right. Well,
we will print that up at the break. All right.
Good work, good work team, all right. It's
probably a good time. We're a little ahead of
schedule for a break but I think we are at a
natural breaking point so let's take 15 minutes
and, and before, before we break, I will announce
again that at 9:45 we have an opportunity for any
members of the public interested observers to make
statements to the TRACS committee please let
Ms. Ester White know.
Ester is in the green back there and we will get you a microphone and set some time limits for 9:45. Thank you. So let's take 15 minutes. That's back at 9:35.

(Whereupon, a recess occurred from 9:20 a.m. until 9:49)

MR. FLANIGON: Mr. Vice Chairman, please take your seat. All right. Well thanks for the good input. We're having that tasking statement printed you up to distribute to you. When we go back to the ranch, we will, we will review that with Peter as well to make sure we are capturing what he is after.

At this point we have on our agenda an opportunity for public comment, public statements to the, to the committee. We don't have, well, we have one individual, Mr. Peter Bartek, who would like to make a statement. Peter if you could come right up to that chair right there and somebody can, Bob, Bob is going to get you a microphone.

MR. BARTEK: Thank you. Thank you very
much. First, let me say I'm very pleased with the fact that the TRACS committee has been formed. I think it's going to be very useful, useful for the industry. Well, what I wanted to, the statement I want to make this morning, was again my name is Peter Bartek, I'm the director of technology for Pro-Tran.

And I've been in the technology business for about 20 years. And we got into the business of track worker safety, really, from one, from one, one of my best friends that actually got killed up in Boston. That led us to a grant that transportation research board was offering that we were awarded to develop technology to do research for the very subject that everybody's here today for. Of course, amongst other things.

So I would like to add my years of experience and research to this issue.

Track worker skill's as was stated here is a critical issue the industry has been facing. End results and outcomes as again has been stated
here, this committee's work as stated is paramount. I mean, the outcome of what we do here and the results that are shown are very important.

To address what other countries are doing to address this issue as well as the Aviation Human Factor Division or the AHFD, and their success, I would like to share the following. The, in fact the A -- several years ago the AHFD problem statement was the problem with a short quote it states, Give that a certain type of class of human error has been identified as a major problem, i.e. decision errors, what kind of technologies will most likely help in alleviating the problem? About 15 years ago, other countries faced the same exact issue we're facing today.

They had pretty close if not more of the same types of fatalities on the tracks that we are still facing today, as we have been facing for many years. So under the European standard, they set a standard which is NDN61337BEE0115106
(phonetic). It required the use of secondary warning technology be added to existing procedures.

And the reason I bring this up is the results is really what matters. Ever since that they have added technology to existing procedures as a secondary warning, the results have been, have been phenomenal. So, as an example the Swiss railway prior to the standard being enacted they were averaging two to three worker deaths per year.

So for the past 15 years, the Swiss railway has had 0 fatalities since they added secondary warning to the existing procedures. The same results were found also in Germany and Europe, and now in Europe or in England I should say, but in Europe in general, you can't go out on the track for work zones without having a secondary warning system technology in place.

So several agencies here in the United States have either implemented or are implementing
or piloting the same model and some of those
agencies are the MTA Maryland, the greater
Cleveland, Los Angeles, MBTA SEPTA, Amtrak to name
a few. And want to also mention the NTSB has
recognized and unanimously recommended the use of
these types of technologies under R0804
regulation.

So I ask the committee as part of its
work to consider secondary warning technology as a
key part of solving this very important issue.

Thank you very much.

MR. FLANIGON: Thank you very much.
Okay. Now let's -- we're getting down to the -- I
think I. I think I described on the first day
we're going to start at 50,000 feet and we're
working our way towards the ground, so we're
going, we're getting real close.

So now what we want to do is develop a
schedule work plan and establish work groups as
appropriate. That's what's on the agenda. We are
now a little ahead of schedule so that's good. We
have two tasks and therefore two, two work groups. So starting with task one, I think what we want to do first is, from the standpoint of the committee, perhaps first we can revisit the kind of work group process that's laid out so far knowing that within a couple weeks, hopefully within a couple of weeks --

MR. LIBBERTON: Yeah.

MR. FLANIGON: We will have more detail.

MR. LIBBERTON: Yeah. At the, at the break we talked about the absence of the formal operating procedures. Earlier I mentioned we would get something out in 30 days. We will get something out to the group within two weeks. We would ask that the group comment, you know, be able to review that shortly thereafter and, and provide comment.

And we can convene a conference call to -- we would ask for comments and, and convene a conference call to attempt to reach consensus then on a set of operating procedures that would guide
at least the work of the, of the two working
groups. And the, and the next TRACS meeting. And
then we can also have that, you know -- a need for
any further revisions those procedures as an
agenda item at the next TRACS meeting.

That way, and we will talk a little
about the timing of the working group meetings,
except we think that we would have a set of final,
again, or at least interim, but documented
procedures that the working group can follow,
really beginning with their first, with their
meeting. Does that, does that sound like a, a, a,
a plan that the TRACS committee can live with?

MR. INCLIMA: Sean, will this committee
have an opportunity at the next meeting to
recommend, whether it be changes or to, on the
other hand adopt formally the procedures?

MR. LIBBERTON: Yeah, yeah.

MR. INCLIMA: Thank you.

MR. LIBBERTON: Sure.

MR. FLANIGON: Okay. What, what --
anything else?

MR. LIBBERTON: Well, so that's, okay.

So, kind of a preview of, of where we are on the
procedures, I think what we would like to get out
of this session is again we're confirming the two
work groups, but then to identify the working
group members from TRACS, so basically we will
self select one or two or both working groups to
participate in.

We would like to hear some of the
expressions of interest from any of you who would
like to chair those working groups, and then we
will take those expressions and we will make a
decision on later, who will be the chair.
Identify process and time line for selecting
additional working group members outside of TRACS,
that would support the group and then to talk
about what the, the format and the general time
line of when our initial working group meetings
will be held then.

And then we will be committing FTA
support to those meetings. Any questions, Rick.

MR. INCLIMA: I do have just some
questions Sean, thank you. You asked for a
chairperson of the committee, it's a little
different than what I'm used to, I'm not saying
it's right or wrong. I think really what we need
is a facilitator, a driver. And that, I mean --
and on the FRA side, the way it works is FRA
assigns a FRA facilitator to, you know, to help
the group reach consensus, to keep, you know, to
keep track of the, you know, of the discussions
and, you know, the positions of the various
parties and try to, you know, try to bring them
to, to middle ground.

So I do think we need a facilitator,
maybe more than a chair. At least speaking out
loud here. Because each one of us, whether or not
we want to admit it or recognize it, each one of
us are being paid by someone, and we all come in
the room with some baggage. As much as we all
want to say we don't have it, let's be real, you
know, it's the job, you know, that you do. And you can ignore that fact or not, but we all have those things, they're part of our nature.

So I think that a chairperson/facilitator should actually be, in my view, someone from FTA that moves the process along but doesn't have the constituency baggage of the voting members of the group. That's, that -- if anybody wants to disagree with that, certainly, certainly do that but these that -- these are just my thoughts. I think we need the support of FTA and I, I'm assuming that you, you've already got this in your minds, to take good minutes and that those minutes would be distributed and they would be approved, you know, in some process by, by the committee.

And the last thing I just want to ask is, we have two task statements that have been drafted. We haven't really dis -- we, you know, we discussed one in some detail this morning, but we don't have it in print. I don't know that
we've adopted those as a committee and again, going back, and I hate to keep kicking this horse, but going back to procedure, what is the procedure today. Because I know we want to get the task statements done.

I mean, is it majority vote, is it consensus vote, I mean, what is the procedure, even if it's interim for today, I mean, how, how do we adopt the task statement. And, you know, I imagine there may be people who want to look at the statement and maybe offer some amendment, so, you know, I just think that we ought to look at those things and sort of clarify that on the front end as far as the statements go.

But certainly the working groups, a facilitator, a minute taker and I think they need to be not voting members of TRACS. Those two positions really need to be driven by, you know, what I will call the neutral in the room, which is the FTA. That's -- those are just my comments.

MR. LIBBERTON: FTA will be providing
technical assistance to each working group. Our philosophy going into this meeting was that the working groups report to TRACS, okay. They don't report to FTA. So I would say that if it is the will of the working groups, I'm sorry of TRACS, to go to a model of facilitation rather than, than a formal chair, you know, that's fine.

We -- our, our idea going into this was that the chair, which is a member of TRACS, coordinates with the TRACS chair, and that's the, that's the liaison between working group and each working group and the rest of, of the committee. And again our sense was that that would be a TRACS member.

But that's certainly what we need to talk about if there's objection there. Minutes are required and our charter does talk about the requirements that minutes be taken in each working group meeting just as they are at each TRACS committee meeting.

As far as the tasks, the tasks are --
have been, have been delivered to you from the administrator. Do we, and I'm looking at Linda, should we do a formal acceptance of those tasks, knowing that we don't have a, a final version of the tasks, of the second task yet. We have a 95 percent draft which we need to confirm with the FTA administrator that that is indeed the direction.

I think it's useful to have the input of the group into that and my hope is that he sees that input and, and, and accepts that, because I think that that shows greater ownership from this committee on that particular task. So I think, let's put this out for discussion do -- and let's do the first task first. And maybe before we do that, I see a couple of cards or maybe they can provide some guidance and ideas on how we should proceed. Georgetta.

MS. GREGORY: Well, I actually want to talk about a different subject and I apologize for that. I think we need to get it on the table and
look at it. We want quality people in this working groups. And I know that everybody in this room is here either at their own expense or the expense of their employer.

It's going to be very difficult for us to get participants with the, with the, with the expertise to make the contributions we really need on our first two tasks here without some sort of funding supplement. Has there any thought been given tot that? I know we're committed to participating again it's either at our own expense or our employer's expense.

It's going to be very difficult particularly on the state safety oversight, the states and the agencies are equally strapped for cash right now.

MR. FLANIGON: And I think the, the, the idea for if working groups is try to maximize the technology in conference calls and those kinds of things. But I think when we talk about how, how the meeting should go, we will have a better sense
of just what, how, how that would work and what
the costs might be. But at this point the folks
who are nominated are on -- that's their, their
contribution to the committee.

MS. GREGORY: Well, while, while I
applaud, you know, technology, you know, we've all
been around enough years to know that it's not
quite as effective and that without some
face-to-face interaction you're going to get an
inferior product. That's just my concern.

MR. FLANIGON: Tom.

MR. PRENDERGAST: In response to some of
the comments Rick made, I -- there have been other
models, other than RSAC and in the standards
development, we will have chairs or leaders of
groups that aren't from the agency.

And in the definition of what the
attributes of the role of that person is, you
don't want a chair or a leader that's autocratic,
biased and narrow minded. You want somebody
that's open objective and stimulates discussion
but also moves toward an end game. So, I think there's other ways we can do it without necessarily saying it has to be an FTA person. I share Georgetta's concern.

The way we address that particular issue in the standards development is the properties donate the staff time of the individual, so the salary is paid by the, by the, by the agency and where there are acute problems with respect to travel, some of the AFTA funds are used to provide for some of that travel. There has to be some discretion, because if you open that, that, that door too wide, the money just is drained and you have to live within a budget.

But there are times that a property is willing to send somebody that has right level of expertise, but there are certain travel restrictions in place at that agency that limits their attendance. So, if some form of funding along those lines could be provided, it could be helpful.

MS. JETER: Is it, is it my, maybe, my confusion or based on what Sean said, no matter -- everything that we put forward, has to go back to Peter?

MR. LIBBERTON: No, I'm sorry. The task which is Peter's task has to be confirmed by them.

MS. JETER: Will there ever be a task that's not his? Would there be a task assigned that is not his?

MR. LIBBERTON: No. What -- now -- and the, the tasks come from the FTA administrator to TRACS.


MR. FLANIGON: I think, I think what Sean was saying with the, with the first task was that it's through Peter. He saw it before it was finalized. The second task we have started, started with Bob's notes last night at 10:00 o'clock, revise by Mike at 6 a.m. this
morning and revised by y'all at 8:00 o'clock this morning so he hasn't seen this and we want to make sure he sees it.

We think we're on target, so I guess we would call that the -- so I think what we would be asking to you do is adopt that task in principle, knowing that there might be a five percent modification to it.

MS. JETER: Okay. To add to that, and I'm know Amy's waiting, but what Rick was saying as far as -- I lost my train of thought, sorry. Go ahead. I will come back.

MR. FLANIGON: Okay. We will let Amy go.

MS. KOVALAN: I was --I was just going to suggest along those lines since, since that is the, the procedure, just -- thank you for the draft, but we should probably all write at the top of this draft that this was just circulated so it's clear as a public document this is a draft.

MR. FLANIGON: So on that question,
given the first task is it the consensus of the committee that you would adopt that task? I see quite a few heads. Any objections to, to, to adopting the task? Rick.

MR. INCLIMA: Mike, I, you know, again, I, I just want to ask if the first task limits us in any way? Because I don't know where this goes and probably nobody in the group knows. Is it consensus or the FTA are the best safety planning model and, and that we include safety management systems, principles only, or do we want to open this task to, to -- a little broader so that the working group can develop its recommendations in a, in a more, you know, in not such a narrowly defined way.

In other words, there -- what I said earlier, there may be more than one model and, you know, so do we say on the best safety planning models for the rail transit industry to include but not be limited to safety management systems blah, blah, blah?
And again, if you -- everybody thinks
its is not a good idea and you don't want to go
there, so be it. But my experience has been once
you adopt the task statement, you are complying to
that task and if anyone in the group takes
exception to broadening the task later, you know,
at the working group, there -- I've seen
objections time and time again that we can't
discuss that because it's not part of our task.

And we have to go back to the TRACS
group to get authority to broaden the task. So
I'm just cautioning the grype that that's been my
experience. If this group is going to operate in
a different way, you know, so be it. That's where
the procedures will probably be helpful to me an
everybody else. But the task is basically, in my
view, from the administrator, he says this is a
problem I would like the task group to tackle.

And he frames the problem, you know, in
a draft. We, you know, we refine put the finer
points on the problem, if you will, and as a group
adopt the task statement sign on members and go to work. I mean, that's, that's the way I envision it. So, I mean, my thought is, is that this should be -- include, but not be limited to safety management systems, because in the first issue, it says how can high reliability organizations and SMS principles.

The task paragraph above only talks about SMS so that this almost precludes dealing with high reliability organizations and other quality processes that you may want to use. You know, and I just throw it out there because you don't want to be hog tied by the task statement and, you know, maybe I'm seeing ghosts, but I'm also speaking on experience that it could slow the process down.

And so I would propose, in the first task statement that you just say include but not be limited to and then that gives the task group some authority to look beyond safety management system principles to include other things that may
or may not be appropriate, but at least they have
the opportunity to look at those things. And
that's, that's all I've got to say.

MR. FLANIGON: Well, I think our, our
intent is, is to allow the task -- the work group,
a fair amount of discretion in defining these
things. Mr. Dougherty.

MR. DOUGHERTY: Thank you. I just
wanted to comment. I think we could stay all day
and beat the dickens out of the process and what
we're going to do. I -- as I see it, we've been
given our charge, our charge is what we move
forward with. I serve also on many committees,
and, you know, we can get into hour and hours of
debate and I was -- certainly believe that the FTA
has laid out the process, we have the charge and I
think at this point we need to move forward and
get to the work at hand.

MR. FLANIGON: All right. Diane.

MS. DAVIDSON: I agree that just the
addition of --
MR. FLANIGON: I can't hear you, Diane.

MS. DAVIDSON: Include but not be limited to addresses those issues. In looking at the two tasks though, before we proceed, I think a main question just needs to be asked. Do these duplicate one another in any way. And in some of the discussions, I think they, they're kind of bleeding together in terms of the best models and the best framework.

So maybe as we go back and, and look at this in more detail, we need to make sure that they're very distinct taskings, so we don't duplicate efforts. The third issue of the, the working group governance type structure, I think there does need to be a chair to represent the working group back to the full TRACS committee and -- but in addition an FTA facilitator and possibly an attorney, an FTA attorney assigned to each working group would be -- since our ultimate recommendations come back and are related back to the legislation. That would --
MR. LIBBERTON: Yeah. Each working group will have the benefit of and FTA attorney and a safety subject matter expert from FTA, so you will be supported by two FTA folks. But again, to provide technical assistance to, to, to really serve the needs of the working group and not to direct.

MR. FLANIGON: Ed.

MR. WATT: The subject matter expert was good. It answers a little bit of, of my question. My question is what is the level of technical expertise that will be provided by the FTA to the working group?

As an example the -- we got a little appetizer yesterday, in terms of some of the SMS and the high reliability people, but, you know, in a, in a, a minor, a small medium or large literature search, could be done, for example, what level is, is, is going to be available and I don't need to know budget numbers or any of that stuff, just saying how can we use -- is it pretty
open ended that, within reason, what the group asks for would be provided or at least requested by the FTA of certain, you know, experts in the field to come and give a presentation or provide, you know, some, some of the more, not ministerial, but certainly not processes that could bog each person on the group down for weeks.

I mean, you could spend months on this -- some of these issues are dissertations in themselves so what, what's the level, is my question?

MR. FLANIGON: You know, I think, I think kind of within the realm of reason, we will do all we can to support the work group bringing in other folks to, to provide presentations or answer questions or dialogue with the group and certainly to, I mean, you know, some of these things you can get a Phd in, you know, over 16 years or something, so it's, it's going to be the balance between keeping moving forward and, and getting the right information but we want to do
all we can to support to work group information.

MR. LIBBERTON: And so for example, we will, we really didn't talk, I think, as much as, as maybe we planned to originally about some of the inputs to the working groups work but we will, in the next few weeks, be identifying resources, literature and make that available to the working groups so that they can begin -- and certainly if there are recommendations for the working group for specific additional resources, then we will, as Mike said, do our best to be able to provide them.

And -- but in, yeah -- that, that's really on us to support the working groups so that you're focused on outcomes and not all of the research aspects and tracking down documents.

MR. FLANIGON: Jackie.

MS. JETER: So my question becomes if in -- how will we choose a chair, what will the chair's role be? Will they just be someone to set the time of the meetings, you know, make sure that
all of the information is gathered or will that be a chair to vote on different issues when maybe we become bogged down with, you know, one side or if you want to say sides, but, you know, you have one group of people voting one way and one group of people voting another way to accept or not accept certain things.

So I would like to know what or have you all envisioned a chair and what would that role be and what would that person be charged with doing.

MR. LIBBERTON: Well, you will see, you will see a documented expectation of the chair within the couple of weeks. One of the things I do want to stress is that if there is not, we want to hear from working group members that dissent from recommendations so we want to make sure that those dissentions are clear in the working group deliverable.

That, that's one of the really, key benefits, I think, of the working group, is getting -- making sure that, that the broad
prospective is provided to the full committee and
that then when they deliberate, decide if they
want to advance the recommendation to the FTA for
consideration. Thank you for asking that.

MR. FLANIGON: Len.

MR. HARDY: Yeah. I have a, a similar
question and perhaps you've answered but just for
clarification, you know, I guess the odd 10 or 15
minutes ago the question of the chair came up and
then Rick brought up the, the, the proposal or the
thought, if you will, of having a facilitator and
somebody from the FTA to facilitate and also do
the minutes and I think he has a very good point.

I mean, it's a big chore, if you will,
to be a chair, be responsible for the group,
develop minutes, as well as be a working group
member so I'm just wondering is -- you know, I
heard the FTA talk about providing an attorney and
also a technical person so I guess the question
is, is there any reconsideration, perhaps from the
attorney's side or the technical person, to also
be the facilitator and the taker of the minutes?

MR. FLANIGON: Well, the minutes are covered. We will, we will, there will be minutes and those will be provided by FTA.

MR. HARDY: The FTA? Okay.

MR. FLANIGON: And the, the, the FTA, both the attorney and the FTA technical staff would have a role in, kind of, keeping the meeting on track trying to facilitate the challenges that come up.

MR. HARDY: So I guess the follow-up questions is do you really need a chair if they're going to facilitate and if the meet -- and, and if the minutes are covered, is that adequate or do we still need a chair?

MR. LIBBERTON: Yeah. It's, it's -- yeah, it's, it's really who is then representing the working group at the TRACS meeting. Who is, who is communicating on behalf of the work being group during the working groups work back to the chair. And, and our strong feeling coming in was
that that would be a TRACS member and not somebody from the federal transit administration.

MR. FLANIGON: Rick.

MR. INCLIMA: Yeah. Again, I apologize for, you know, kicking this thing as the gentleman said, he feels we're ready to go on, thought we had consensus and we're ready to move. I, you know, we don't have procedures, we don't have consensus there have been several motions or expressions of support for various proposals that have been discussed and, you know, I mean, the simple matter of what not limited to.

I put that on the floor, there were some expressions that that may a good idea, but we still haven't gotten to it. And I know the day is running quick and we want to get it done. Let's figure out at least for the moment, what is consensus in this room this morning for the purpose of adopting these task statements and get that done. Then with can get all leave here knowing we've got two tasks and we will move
I agree that, you know, the, the, the chairperson may be a, a perfunctory position at the working group. I think we should have a facilitator because it's very difficult for anyone in this group to represent their positions and be the chair facilitator at the same time. I mean, I don't think you can do both, you can't wear both hats. And so I think a facilitator would be the appropriate neutral to, to bring the group, you know, towards a consensus.

The working group can at any point in time if there is a TRACS meeting and the working group is going to provide a, a report or overview to TRACS, well that working group can decide, you know, amongst themselves, who is street spokesman for that working group at the next TRACS meeting. It might be, you know, a joint proposal, it might be, you know, it might settle on one person say, Bob, Mary why don't you present our report.

We will agree on what the record should
say and it goes forward. So, I mean, I think that's that is fairly easily done and it should be done at the working group. And I appreciate what you said about minority dissent, Sean, because that is a key component here. The reason we're, we're in this room is not to develop group think mentality. It's to put everything on the table and figure out the best approach to these things.

And that's what the consensus in -- at the working group, which in my mind is 100 percent consensus that either I can support it or I can live with it, that's consensus. And the thing that I or anybody else can't live with become non-consensus items in which any constituent or member of the group can provide or supplement the minutes to demonstrate to the administrator why we dissent or why I dissent on a particular matter or a particular issue.

So, I mean, I think the, logically, the process is there once we, once we get the, you know, procedures in place. But getting to the
task at handed today, I suggest we, you know, I mean, let's discuss the, the issue on task one, see if we can button that down.

Do we want to broaden this to, to say but not limited to or are, are we all satisfied that keeping it you know narrow to include safety management systems only, is the appropriate way? And get this one moved, take on the next one and we'll flush out all of the other details as we mature as a committee and as we mature in, in the development of our process and procedures.

MR. FLANIGON: I think we should take that up. Let me, let me call on Tom, and Ann. Got your name taped up there. And then we will take it up.

MR. PRENDERGAST: I propose in response to Rick's issue, we ought to either vote or we just -- you asked -- we put the wording up there and see if everybody can live with it, we see if there's any strong dissent take note, but we vote. And let's just move it.
Move it on and on the two, on the two tasks that are at hand, because I believe he's got a valid issue about closure and we know what's in and what's out.

MR. FLANIGON: Okay.

MR. PRENDERGAST: On the issue of chairmanship, I think we've got to recognize that at some levels we're going to be assigning working groups that have been involved in other activities and they will self-select, whatever we want to call it, the person that's going to, that's going to lead that effort.

But I do think the group does need to understand that someone has to be accountable for the relationship with the FDA and communicating how the working group is going. Is leading the effort in terms of trying the get and consensus and achieving a dialogue. So whether you want to call it chairman, facilitator, whatever, but the person also has to have some level of authority to be able to -- you're never going to get to a point
where your going to get everyone agreeing on

everything.

So -- but maybe the best way to deal
with that is after you establish the working
group, let the working group kind of go forward.
But with any committee structure, everything else
we do in standard development, like a (inaudible)
or whatever, there's a, there's a committee,
there's a committee chair, there are sub-tasks,
there are sub-committees and there are assigned
accountabilities.

And some of us have been involved in
that before, it will just, it will just fall, fall
into place. And I'm, and I'm not diminishing the
issue of structure because I agree with you.
Structure and governance, if you get it right at
the start, you have a problem.

MR. FLANIGON: Okay. And Pam and then
we will talk about adopting the task or not
adopting the task.

MS. McCOMBE: Okay. I agree with what's
been said. I would -- about -- I would like to talk about the issue of task number one and adding a bullet to task one after the first bullet to include training resource and funding requirements. That wasn't identified in the task one at all.

MR. FLANIGON: Okay. So if -- and, and, and let me be clear on that, if, if we make a change to task number one, which has been essentially blessed by the administrator, we need the take it back to the administrator and make sure that he would still support that. So, so let me just kind of ask the group -- well, I guess, maybe we will take one at a time.

Do you as the TRACS, adopt task one at least in principle, with the understanding that it's not intended to be so limiting that a work group could not look beyond the boundary of what is technically in a safety management system as defined in whatever literature you want to look at. Or do, do you want us to take it back to the
administrator and rework it on that point. So that's.

Do your accept it at is with that sort of explanation or do you feel it needs to be reworked and brought back to committee?

MR. HARDY: I would say, from my prospective, let's accept it the way it is. I mean, you basically put enough flexibility in there. So I'm fine with it the way it's written.

MR. FLANIGON: Okay. And any other.

MR. WATT: Is that A or B something different?

MR. KRISAK: I think it means written as is.

MR. PRENDERGAST: What's happened here is we're getting caught up and I literally don't know if you've added in but is not limited to. I literally don't know if you've added in the comment made over here. So what is it I'm voting for in, in, in, in -- with respect to that?

MR. FLANIGON: Okay.
MR. PRENDERGAST: And if you don't want to go to that level of detail, and you want to leave it general, if you leave it I understand that, but if, if, if you're incorporating those things and you would expect to make those changes, I would propose that we vote on that. Could you make those two changes specifically and then we vote -- is the consensus in support of that or not. Because in most -- whenever I've been involved with committees and we're talking about wording, we see the wording up there and we are voting at the time on the wording.

MR. FLANIGON: Okay. So, so to make it real clear, does, does the committee want to adopt the tasking as written, as it, as it was placed before you yesterday? And how about if, how about if you put your sign down and if anybody doesn't want, or I guess sort of, all in favor, do you want to adopt it raise your hand or so indicate. And those that think it needs to be changed or can't be adopted as is, raise your hands.
MR. INCLIMA: I would prefer to, to --

MR. FLANIGON: Okay.

MR. INCLIMA: As Tom said, let's, let's, let's agree on what, what we're going to do and if we're going to add the two amendments that are on the floor, let's put them in and take a vote.

MR. FLANIGON: Okay. So, so now, we don't have consensus that it's adopted as is. So there are two, two changes that, that have been suggested. One being if you could repeat that, Rick.

MR. INCLIMA: In the second line, after the word include insert, comma but not be limited to comma, safety management system and ongoing. Insert, but not be limited to --

MR. FLANIGON: Okay.

MR. INCLIMA: Giving flexibility.

MR. FLANIGON: Not be limited to. So would you as the committee adopt that change? Anybody object to adopting that change. So Eric.

MR. CHENG: Because if you make that
change, you know, you basically open a, a can of worms there are so many things out there, so how, how do you look at that. That's my comment.

MS. BRIDGES: I disagree. I mean, adding it is fine, but when you start to look at high reliability organizations and safety management systems, inside of those principles or elements inside of that, all of those things are going to come up when you do your research.

So it's already included so to just spell it out now is not going to really make a difference because it's going to come out in the discussion anyway when you do your research. So I really don't see a need to really add anything else. That's just my opinion.

MR. FLANIGON: Okay.

MR. LIBBERTON: I would suggest though, by -- if added, then the working group has, really, the discretion to scope out how far, Eric, you want to go out and so I think the working group can put the limits on what the task at hand
is. What, what the amendment simply does is broaden it beyond the strict definition.

MR. FLANIGON: And I think, I think our intent is for the working group to have a degree of flexibility in looking at the models that might work best in the environment we're talking about. And by sort of opening, opening the door to a wider universe of things to look at doesn't mean that the working group has to look at all of those things.

So with that sort of framework, does that address you, so are we, as a group, are we good with that change then? Then the second change, if you could repeat that for us, Pam.

MS. McCOMBE: After the first bullet, include training, resource and funding requirements.

MR. FLANIGON: Okay. So how are --

MS. McCOMBE: Training coma, resource and funding requirements. And to follow the nomenclature, consider training resource and
funding requirements.

MR. FLANIGON: Okay. So as a committee the accept that task as written with that change? Rick.

MR. INCLIMA: I'm, I'm, I'm just giving an affirmative. I think it's a good change.

MR. FLANIGON: Anyone object to that change?

MR. CLARK: I'm not sure if I, I'm not sure understand the change. It's after the, the first bullet?

MS. McCOMBE: Yes.

MR. CLARK: So we're on task one and it's after the first bullet and what is the wording that you want to add?

MS. McCOMBE: It's up there.

MR. CLARK: Sorry. Consider training, resource and funding requirements.

MR. FLANIGON: Georgette.

MS. GREGORY: I don't see how that bullets connects with this task. I mean,
obviously that's something that this committee will need to ponder and research and discuss. But I don't, I don't see the connection within this task for that bullet. So maybe Pam could elaborate a bit more.

MR. FLANIGON: Pam.

MS. McCOMBE: Sure. Because it's at the transit agency level, it does state that it -- how those principles might be incorporated into transit safety plans to enhance transit safety and then identify the challenges that may be face in implementing the model. And that is the, the core issue, that there, there may be an SMS that we can implement but at the agency level, we want to make certain that the training requirements are similar to the training requirements that are provided if we decide on the SSO that that's similar training. So that they are in step and equally qualified with the SSOs and similarly for resource issues, we don't want a situation where the oversight has many more resources than the agency
itself, in terms of implementing an SMS. And so those are some of the considerations that I would like to see in task one?

MR. FLANIGON: Okay. Any others?

Alvin.

MR. PEARSON: One point. If we make all of these changes, what's the time frame before the administrator's going to be able to review it because he's going to have to review everything any way. And we're extending this time out we're already looking at scheduling other meetings and working meetings. I would like to know how much time will it take for him to review and give his approval of those changes and, kind of, the more I think about it, this last change, I have to kind of agree with Bernadette.

It's going to, all of this is going to come out once we do our research. I think we need a baseline and I also, I also agree with Rick that when you put comments up in setting of this nature, there had, there is a tendency that you
can't go beyond a certain perimeter. I, I really feel that these were, this task was presented as a thought provoking task, where you can bring in other ideas without us being logistically point one, point two, point three and only answering the questions here.

Because you can't answer these questions without being holistic in your research and look at all of this things. As far as the point of funding, it's evidence that if you're going to need training, you're going to have to have funding. Now, the other point being, I think the question to everybody is where is the funding going to come from, who's going to pay for it.

Who's going to put a mandate out to tell the states, hey, you will carve out X amount of money out of certain pots and funds. The SSO or a fund to train them for the SSO and things of that nature, so we would have a standard baseline, so I'm, I'm thinking more baseline, so if I'm out of line please, for give me. But I'm think morning
of a baseline entity that we can use to get a systematic start across the board that we have everything we need, pretty much, and be able to add to it.

And I think that we're all looking for FTA for that leadership to come in and say in the rule making process, you shall take X amount of money and dedicate to this. And that's probably not going to happen but, but that's where I think we're trying to go. I think that's one reason we're getting so convoluted in this and I think it's good for everybody to give their ideas and opinions but I just wanted to say what I'm saying.


MR. CLARK: I guess when I think about trying to develop models for implementing safety across the board, that, kind of, the last thing that I like to think about is what the cost is. And so, because I think it in -- looking at the cost and, and building that into your, your first take on an issue like this can limit your ability
to think more broadly about what it is that is possible.

So I would actually vote against including this bullet and would like for us to take the broader look and then deal with the realities after we've kind of established the, the perfect world of where it is we want to be, then look at how it is that we get there and what the cost would be.

MR. FLANIGON: Rick.

MR. INCLIMA: Thank you, Mike. I, you know, I would like to just speak in support of Pamela's amendment because I, I, I, you know, the purpose of this group is to, is to do research and make recommendations to, to the administration and to the administrator. I mean, that's basically what the task is all about.

And Pamela points out correctly the last line of the opening paragraph, identify the challenges that may be faced in implementing the model. And, and, you know, those are. Training.
I mean, you can't, you can't implement a model without having some mechanism to train the people who are going to initiate the model, right. Whether they be federal, or whether they be state, whether they be the rank and file guys on the ground.

So there's going to be some challenges on resources, there's going to be challenges on funding and I think it's incumbent upon this group to give the administrator a full picture. These are the recommendations, this is our report, these are the things that we believe need to be considered, including funding training and the like.

So, I mean, I don't, I -- at the end of the day, all we are is advisory and we can submit the best report in the world, the most comprehensive report in the world to the administrator, at the end of the day, it's the agency's decision to accept all or part or none of that report.
So, I mean, we're not tying anybody's hands, but I think, if we want to be honest with ourselves and say we've been tasked to provide recommendations and advice to the administrator, I believe that Pamela's amendment is, is part of that broad and thoughtful process of, of making good recommendations and pointing out that, you know, nothing's easy and there are challenges to this, to these recommendations as well.

I mean, you know, we shouldn't hide that from the administrator. We should assist him in identifying both the positives and the challenges to anything we recommend.

MR. FLANIGON: Okay. Let me go to Jackie and then Tom.

MS. JETER: In being a person that brought, brought up the funding part, also brought it up I should say, I, I don't want us to get bogged down on that, in a sense. I, when I thought about it afterward, I don't want it to be the reason that we say don't do something, because
of the funding. I think that's where transit has gotten to begin with. That's the reason why we're here as a committee, because transit has gotten so, we look, we look at money more than we look at what's needed.

Safety should not be about the dime. And, and I, and, you know, and I know that it's a component, I just don't want it to be -- I don't want us decision to boil down to -- I don't want -- we shouldn't, we shouldn't put that in for the secretary to consider because it's going to cost X number of dollars. I don't -- that's the part that I'm, you know -- so even though, I said it initially, I will pull back from what I said because I think that if we start doing that, you know, in the practical sense, we might get into that position and I don't want us to be there.

MR. FLANIGON: Tom.

MR. PRENDERGAST: When I read the statement as Pamela suggested it, she didn't use the word limitation, she uses the word
requirements, so I viewed it as an expansive statement.

And I totally agree with Richard's comment that you shouldn't lead with funding when it comes to safety. You should lead with what are the requirements you need to maintain in order to ensure an effective safety system. But if we as a group across the nation, at a local level are advocating, I don't want to use the word minimum, but a required set of oversight that needs to be done, we can make a strong case for the states to have to come -- or whomever the entity is -- have to come forward with the funding.

The issue of FTA oversight by the FTA, which started a long time ago, we all know some states didn't do it because they didn't want to spend the money or they said they couldn't afford to spend the money. So, when I see the statement, I don't deal with it as a limiting statement, I view it as one that can help support a requirement that needs to be met and then
somebody has to fund it.

And you know somebody yesterday made a statement bout unfunded mandates, there are certainly unfunded mandates that we live with but in principle the right for that mandate is there so we will find a way to fund it.

MR. FLANIGON: Ed.

MR. WATT: Yeah. This committee, this sub -- this work group is, in terms of its challenge to identify the challenge, is, is going to talk about funding one way or the other. So to the extent that putting in a bullet point is a political statement or not a political statement, I think is what we're dealing with at this point, instead of will the, will the work group discuss it because the work group obviously will discuss it.

So in that respect, with all due respect to my, to my brother, I kind of moot the question. We should vote on putting on there, and I vote in favor putting in the bullet and letting the
administrator decide what level he wants to deal with that on.

MR. FLANIGON: And let me just, just, just kind of clarify intent on, on, on certainly at the staff level and advising the administrator, that, that we're looking to use this task statement as, as a structure for the work group to work from, but not to be such a confining structure that they could or couldn't look at funding.

I mean, clearly, that's a challenge, that's, that's a requirement, that's, you know, that's the reality. So I think I would just caution this group of trying to be, you know, trying the thread this needle too fine on the, on the tasking statement and recognize that we at the, at the FTA are, are looking just a little more open-ended at the work group. We want them to be free to explore things, so. Rick.

MR. INCLIMA: Thank you, Mike. I understand the frustrations on all this and, and
maybe, maybe a resolve as we move forward here is, you know, I'm not married to any one particular model or one particular process and, and maybe FTA should consider some preamble language or some language in the procedures that we adopt that essentially says the task, the task statements are guidance documents but they are not intended to be -- to limited the discretion of the, the working groups to tackle and address matters within, you know, within the task that they feel important.

You know, so in other words if we don't get it all here, which is really the way FRA works, if it is not here you really can't do it, so we can adopt a position or a process through, through an agency statement that says, you know, the task group is not defined -- is not limiting, it doesn't -- it's not meant to be all encompassing, and the working groups have discretion to, you know, to talk about and include in their report what they think is appropriate,
you know, based on the, you know, the intent of the task.

That may be another approach to the same place where we don't have to, we don't have to beat it up here.

MR. FLANIGON: Let's see if we can try to, try to, let's put it on us to try to thread that needle between, you know, giving the work group's discretion but not to go on, you know, not to go to China when we're hoping we were going to go to Europe.

MR. INCLIMA: And, and keeping in mind that you always have, as the administrator, always have the ability or authority the reject anything that he doesn't think is appropriate so I mean, we are not going to spend time on work that we know is just out of the norm or outside of the realm of the task.

MR. FLANIGON: So, getting back to the task at hand, the way we've put that up there can -- and actually I was going to try the answer
Alvin's question, is how long will it take for the administrator take to look at this. We're hoping that that won't be very long because we will have to bring the other one back to him because we have kind of created from what he said what we thought that meant on paper.

So he's got to look at or he will just look at two instead of one, and we're, you know, I don't manage his schedule, so I can't say for sure if it's going to be today or Monday or Tuesday, but we will, we will accelerate it as best we can.

So given all of that, the task at hand is do you accept this tasking as the TRACS committee? All if favor.

MR. INCLIMA: As written?

MR. FLANIGON: As written.

MR. GRIZARD: As written up there.

MR. FLANIGON: As written up there. And does anybody not accept it? Anybody thinks the committee shouldn't accept it? Congratulations,
you accepted a task. Now get to work. Okay.

Task two. What time is it. All right. Task two, task two, because it has not been run by our administrator, we asked you to -- you're going to put that up right, Bob.

MR ADDUCI: Yeah. I just want to save this first.

MR. FLANIGON: We ask you to accept that in principle, understanding that it's somewhere in the 95 percent and it may need, may need some slight tweak. So, does the committee accept -- is it up there yet? Oh, it is in front of you, right? We passed it out. Yeah. Do you accept it as written, given that it's 95 percent, do you accept it in principle? Eye. Nay. Any nay? Is that a nay, Bill?

MR. GRIZARD: It's a nay.

MR. FLANIGON: Nay?

MR. GRIZARD: Nay.

MR. FLANIGON: Okay.

MR. DOUGHERTY: Task two, you're putting
it up.

MR. FLANIGON: What don't you like?

MR. GRIZARD: Well, I don't think it captured the essence of looking at oversight. The pass statement itself begins with, The state oversight agency organization model. I can accept that as a partial to what we need to do, but as I said before, sorry about that folks I forgot to turn it on, I can accept it as partial duty of what we need to define, but I think we need to, we need to look at oversight and then best state oversight works in many places but on all places, we've got several agencies that operate multi-state jurisdictional and that's always been the issue.

Our major issue with current state oversight, so I don't think we're going to resolve that by trying the develop a state oversight organizational model. I think it should be broader and just say oversight agency model. And then down in the task area, if we wanted to put in
there, you know, like the current safety oversight
list prices in U S and, and if we wanted to put in
there state safety oversight, fine.

But I think the issue is what are the
oversight requirements and then how can it be best
applied on a federal, regional or state or even
local level. I mean, what's acceptable?

MR. FLANIGON: The tasking however, from
the administrator was to look at the state
oversight system and the state oversight system
currently includes multi-state (inaudible). So
the, so the work group would be looking at the
multi state model as well as how or it's
implemented in multi-state situations.

And also the current law essentially
requires states to provide this oversight. So
we're not asking, the administrator's not asking
the committee to look at other than state
oversight. So -- did I say that right?

MS. FORD: We're legally bound by the
process now. So we hear what you're saying but
the law doesn't support. You would be developing a recommendation that we wouldn't be able to get action on.

MR. BATES: Mike, my question is during, in the research in researching this particular task, what would be the committee's role if they find deficiencies and what would the committee's role if we find deficiencies in any state safety oversight?

And we start comparing different states and one state has a good plan and another state has a bad plan, how do we adjust those different plans and should we have a baseline that the FTA adopts on the, the state safety plan.

MR. FLANIGON: I guess I would address that two ways. One is that the tasking is not to look at through a compare and contrast with all across the 28 states that have programs but to identify the, the ideal model what should be, not necessarily what is. Not to do a critique of what is, as much as look at what's the best. And then
the other suggestion that was made earlier by Rick was if the FTA could provide sort of a starting point for the work group to throw darts at. So to speak, kind of put a dart board up and let the, and let the work group start, have a starting point. That that might help.

So that's how I would address that question. Does that make sense? Any other thoughts. Given all of that, in that conversation, does the TRACS committee want to adopt the task? Tom.

MR. PRENDERGAST: No, I thought we were voting.

MR. FLANIGON: Yes. With and of that conversation, do you want to adopt the task?

MR. GRIZARD: I can certainly accept the explanation it's just that I think going back to our previous discussion, I think some discussion about the latitude that the working groups can have towards meeting this and not get thrown by what it actually says on paper but what we can
expect the outcome to be would be appropriate. So yeah. I can, you know, I can live with it --

MR. FLANIGON: you can also abstain.

MR. GRIZARD: Barely.

MR. FLANIGON: Or you can an abstain.

So are we adopting this task? Okay. Any objection. Well, we are adopting. All right. Congratulations. Two tasks under your bolt and we're only -- it's only 11 O'clock. What's our, what is our -- are we scheduled through.

MR. LIBBERTON: We really have another half hour to talk about, you know, to self select really, which working group each of you want to participate on.

MR. FLANIGON: I'm just trying to look at the clock and the agenda. We have a lot of time to wrap up that I don't think --

MR. LIBBERTON: Right.

MR. FLANIGON: We're going to need. Why don't we take a quick break a 10 minute break, comfort break and then following that we are going
to figure out which individuals want to be on which work group and we will poll you for advice on other folks we should reach out to, support and work group and then set some time lines. So 11:10.

MR. LIBBERTON: Sharp.

MR. FLANIGON: Sharp.

(The proceedings recessed from 11:02 until 11:12)

MR. FLANIGON: We will go ahead and get started. What we want to do, we want to talk about any limitation we want to have, at least.

MR. LIBBERTON: Yeah. So we would like now for people to, if, if interested, and I'm reminded that if you're a -- there's no obligation that you participate in a working group. We certainly encourage you to if you desire. We are looking for a minimum of four members on each group.

We also want you to think about additional technical folks, additional folks from
the, from the industry who might be interested in participating in work groups. The public may also request participation on that work group and originally I think it said that we would have those working group nominees submitted to FTA but I understand that we should do that through the TRACS email.

In fact we will post that, a public notice that people wishing to participate on any of these working groups shall identify themselves through that vehicle.

MR. INCLIMA: Sean, did I understand your statement to say that the public may participate or attend? I thought I heard you say participate in the working group. So does that mean anybody off of the street can say I want to be on this committee and have a voice and vote and veto power over the folks that this committee assigns?

MR. LIBBERTON: Well, a person can nominate themselves.
MR. INCLIMA: Anybody, I mean, anybody in the world?

MR. LIBBERTON: Let me finish, Rick.

MR. INCLIMA: Okay.

MR. LIBBERTON: A person can nominate themselves to participate on the working group. Ultimately, the chair of TRACS will select the working group members. So if a member from the public is not deemed qualified to participate on the working group, that person will not be selected. They are -- the may attend working group meetings.

MR. FLANIGON: Bill.

MR. GRIZARD: Once on the working group, once a person is selected and put on the working group, are there any provision to vote them off of the island if they're being contrary?

MS. McCOMBE: I would like to participate in task number one. And I nominate a technical person for that group, V. J. Goiney (phonetic)
MR. LIBBERTON: Okay. And Pam, please do that formally through the TRACS website. So, so to be clear we are, right now, accepting TRACS members onto the work groups but for additional working group members, you may do that through there.

MS. McCOMBE: Okay.

MR. WATT: Put me on as well.

MR. FLANIGON: Ed?

MR. WATT: Yes. Put me on as well.

MR. FLANIGON: I'm sorry?

MR. WATT: On one, work group one.

MR. FLANIGON: Jackie.

MS. JETER: I would like to go on the TRAC number two, task number two.

MR. FLANIGON: Okay. And let's keep going around the table. Amy.

MS. KOVALAN: I would also like to be on TRACS question number two.

MR. FLANIGON: And Rick.

MR. INCLIMA: Yeah. I would, I would
volunteer to work on number two.

MR. FLANIGON: Okay.

MR. INCLIMA: And when we're done with this, I would like to have more discussion and dialogue about the process for, you know, to basically have voting members from the public attach themselves to the committee. You know, what is the process for that. I would like to talk about that after you get this section done. I think it is important.

MR. FLANIGON: Henry.

MR. HARTBERG: I dozed off for a second. I would like to be on one, please. I offer my services on it.

MR. FLANIGON: Okay.

MS. GREGORY: I would like to be offer my services on task one Rich Krisak had to leave for a funeral, he would like to participate in two.

MR. DOUGHERTY: I would like to serve on task two but if need be certainly can serve as a resource on one as well, but task two would be my choice as a member.

MR. FLANIGON: Okay.

MR. DOUGHERTY: Thank you.

MR. FLANIGON: And we've got Eric.

MR. CHENG: Task one. But I'm not sure if it's appropriate to bring this up because, you know, if you look at one and two, so one has three and four is count of eight. I'm not sure if this is the task, the worker is kind of balanced, you know, so if some people, you know, involved in two that -- to put lots of time in there. So is it appropriate to kind of separate into two groups, or something? I'm not sure.

MR. FLANIGON: I'm not quite understanding you.

MR. CHENG: Well, on task two you have eight tasks, eight items here.

MR. FLANIGON: Oh. Those, those are our
subsets or elements to be considered in the overall task.

MR. LIBBERTON: Objectives.

MR. CHENG: Okay.

MR. FLANIGON: Not separate tasks.

MR. CHENG: All right. So I will be on one.

MR. FLANIGON: So you want to on number one.

MR. CHENG: One. Yes.

MR. FLANIGON: Okay. And.

MR. CLARK: I will volunteer for number two.

MR. FLANIGON: Okay. Okay. Who else have we got there? Georgetta.

MS. GREGORY: I gave you mine, I will do one. Oh, forgive me.


MR. BATES: Number one.

MR. FLANIGON: Okay. And Richard -- William.
MR. GRIZARD: One please. Okay.

MR. FLANIGON: Okay.

MS. BRIDGES: No, I'm not okay.

MR. FLANIGON: Oh, sorry.

MS. BRIDGES: Number one, please sir.

Thank you.

MR. FLANIGON: Absolutely.

MS. BRIDGES: That's my final answer.

MR. PEARSON: Put me on two, please.

MR. FLANIGON: Number two.

MR ADDUCI: Bernadette's going to go on number one.

MS. BRIDGES: Number one.

MR ADDUCI: Okay. Who was next?

MR. FLANIGON: Diane is on number two and Alvin's on number two.

MR ADDUCI: Okay.

MR. FLANIGON: Okay. Any more tent cards set up I see. Okay. And we will advise you through the email list on how to make suggestions on additional, you know, people that we ought to
reach out to, to try to -- like VJ and Pam. Sure.


MR ADDUCI: And VJ is going to be the technical person?

MR. FLANIGON: Well, VJ is being nominated --

MR ADDUCI: By web site.

MR. FLANIGON: Through the web site.

MR ADDUCI: Okay.

MR. FLANIGON: I would vote for VJ myself.

UNIDENTIFIED SPEAKER: And Richard Krisak, Richard was going to be on two. Thank you.

MR. FLANIGON: Okay. Task two is Jackie Jeter, Amy Kovalan, Rick Inclima, Rich Krisak, Jim Dougherty, Richard Clark, Diane Davidson and Alvin Pearson.
MR. LIBBERTON: Okay.

MR. FLANIGON: So are you guys done yet? Is the task done? You've got your names on the list. Are we there yet?

MR. LIBBERTON: So, so Rick wanted to talk about working group membership. It's not. Sorry.

MR. FLANIGON: Could I just make one suggestion.

MR. LIBBERTON: Sure.

MR. FLANIGON: That we do that, you know, just kind of introduce the thoughts and before time gets too far away from us, we've got to nail down some scheduling stuff. Before we -- because I know we can, we can get sometimes, too, too engaged in process sorts of questions and not get to where we're going.

What we want to have in place before leaving here today is, at least a schedule set up by first -- on set -- well, we've got deliverables that we're going to provide to you all. And then
some target dates for first meetings and questions
about how, you know, where we should do that,
what, what makes sense in terms of whether we try
the do it by telecon to kick things off or do
something first off.

So with that concept, let me get to my
notes here, get a clean set of notes. The
tasking -- I guess maybe the first thing is, since
the deliverables from the work groups are going to
come back to us as the TRACS in six months, when
does, when does TRACS need to meet to receive
those deliverables?

So it seems to me as I'm thinking this
through that we as a full TRACS committee should
be meeting some time after those deliverables are
ready to receive them, which would bring us into
about March/April of next year. But not on
passover or Easter or any other holiday
identified. Does that make sense to you all?

Full TRACS committee meeting in March/April time
frame of next year. All right.
MR. INCLIMA: The reports are due, based on the task statements, March 15 --

MR. FLANIGON: Right.

MR. INCLIMA: And, you know, I think we need a little wiggle room beyond that. I propose we go to April to allow the administration and distribution and all of the other things that are going to need to happen, you know, between the deliver date and the meeting date.

MR. FLANIGON: Okay. Yeah, I think that, that, that sounds about right. So April for the TRACS but for the TRACS to have something to consider we've got to get our work groups, so --

MR. INCLIMA: Are we going to set a tentative date, Michael, before we move on. Can we set -- I know everybody in this room has got a crazy calendar, so if you don't button it down now, I'm afraid you will get half of the people falling off of the table.

MR. FLANIGON: Let's nail down the dates we don't want the meet. I know -- we, we, we know
when passover is and when Easter is, so let's nail
down the dates we can't meet or the weeks we can't
meet, and then come up with a, at least a target
week that everybody could, could work with.

MR. PRENDERGAST: Are you looking at
April?

MR. FLANIGON: April. Right. We don't
want to conflict with Easter. Probably not the
week of Good Friday or the week of Passover. But
I'm not trying the get the date for (inaudible)

MS. BRIDGES: And furlough days.

MR. INCLIMA: When is easier Sunday? Do
you know?

MR. FLANIGON: Not offhand.

MR. INCLIMA: Okay.

MR. PRENDERGAST: Easter Sunday is the
24th.

UNIDENTIFIED SPEAKER: The 24th?

MR. PRENDERGAST: Yes. The 24th.

MR. FLANIGON: How about Passover?

UNIDENTIFIED SPEAKER: The 24th of April
or March.

MR. INCLIMA: The 24th of April is Easter. It's late this year, I'm sorry, next year.

MR. FLANIGON: So we don't want the week before that because that gets into Good Friday. So --

MR. INCLIMA: Well, wait a minute, I'm not -- ohs, I'm sorry. You're talking about --

MS. JETER: The 14th which is that Thursday, two weeks Friday.

UNIDENTIFIED SPEAKER: When's Passover? Same week.

MR. FLANIGON: I just want to make sure we don't get into Passover. You have the internet there, Bill, that you can look that up?

MR. GRIZARD: Yeah. I've got the Ching Ming festival on that, I've got to switch over with my calendar. And the anniversary of Jose Saint George day.

MR. FLANIGON: I'm recollecting that
passover is like the 23rd or something but I just want to make sure. Somebody threw out the 14th and it looks like the week of the 11th might be a good week. We want to make sure we don't conflict.

MS. FORD: April 19th.

MR. FLANIGON: April 19th is Passover?

MR. LIBBERTON: It's Passover.

MS. JETER: It begin on Sunday.

MR. FLANIGON: So would that mean the --

MS. KOVALAN: It would begin at sundown April 18th.

MR. FLANIGON: So what about the week of April 11th?

MR. CLARK: That's not a good week for me.

MR. FLANIGON: I knew you were trouble.

MR. INCLIMA: How about the first week in April?

MS. KOVALAN: How about the week after Easter? Passover ends on Monday the 25th.
MR. LIBBERTON: Twenty-eighth, 29th? By the way is this helpful to have it towards the end to end a Friday or would people prefer --

MS. KOVALAN: Yeah.

MR. LIBBERTON: To be midweek?

MR. INCLIMA: If, if, if -- yeah. If I can, you know, just offer up, Friday travel is terrible --

MR. LIBBERTON: Okay.

MR. INCLIMA: You know, for folks. And usually if you've got meetings on Friday everybody's heading out of door at noon time. You know, I mean, I would suggest allowing people to at least travel on Mondays or you know, do our meetings midweek so you're not traveling on the weekends or you know, having to get on on Friday afternoon.

MR. FLANIGON: So if we did 27 and 28 April?

UNIDENTIFIED SPEAKER: Wednesday Thursday?
MS. KOVALAN: That would work. Because with Passover ending on the 25th, you may have people who may want to travel on the 26th.

MR. FLANIGON: I'm sorry, that would work or wouldn't work?

MS. KOVALAN: I think it would.

MR. FLANIGON: Would. Okay. Passover ends on what day?

MS. KOVALAN: Passover ends on April -- Monday, April 25th.

MR. FLANIGON: So, let's target that April 27th, 28th.

MR. DOUGHERTY: I think my, my, my only conflict might be that is my board meeting day on the 28th.

MR. FLANIGON: Say again.

MR. DOUGHERTY: I believe our board meetings are on the fourth Thursday.

MR. FLANIGON: And does that tie you up all day, or is that --

MR. DOUGHERTY: With our board
sometimes, I'm not sure. But I have some all
dayers --

MR. FLANIGON: (Inaudible)

MR. DOUGHERTY: But it's, it's a, you
know, typically a chunk of the morning, you know, anyway.

MR. FLANIGON: And we do have, we do
have I'm just wondering at what point if we are
going to find two days that all 21 people can
make. And if that isn't perhaps why we have this
alternate process?

UNIDENTIFIED SPEAKER: Mike, why don't
you try a half day on the 26th, it allows people
to travel in the morning hours and a full day on
the 27th then? Instead of doing a half day the
second day.

MR. FLANIGON: The only, the only
wrinkles are I know we have people on the West
Coast.

UNIDENTIFIED SPEAKER: Well, let's have
it on the west coast.
MR. FLANIGON: You can't get here by
noon from the west coast.

MR. HARDY: Let's just start tonight.

MR. FLANIGON: So let's, let's, let's
stick with 27, 28 and take it from there. So
then, I think, I think what we will do, we've self
identified, kind of, two groups here. How about
if we got two, two flip charts, let's, let's,
let's have task one group in that corner task two
group in that corner and we will come up with a
date for a first meeting. And then we will have
our, at least, a starting point on the schedule
and then we can talk, come back together and talk
about any process stuff we've got to nail down
before we take off.

MR. WATT: Mike, just a question. Over
here. Are there things that we will, is there a
time period for you, that you need to give us --
that we need to give you two or three weeks or
four weeks before we meet?

MR. FLANIGON: Yeah, I think -- we want.
Go ahead.

MR. LIBBERTON: My suggestion, again, would be in the absence of operating procedures, we will get those out in two weeks, ask for comments back on those within a week and hopefully formalize those, let's say within three and a half, four weeks. So my suggestion is that you look at about a month out for your first meeting. During that month, okay, we will be providing you documentation, other resource materials that should help facilitate and inform your work once you meet.

MR. FLANIGON: Okay. So group one, group two, pick a date for a first meeting. That's your mission.


(Group discussions from 11:29 until 12:04)

MR. FLANIGON: Could everybody retake your seats, please. Don't take those too far we
want to make sure those get into our minutes and
our note taker gets that information.

    All right. Good job TRACS. So we've
got meeting schedules set up, some planning done
and we owe you a couple of things. One will be
the notes of the meeting we will get out for you
to look at when they're ready, within a couple of
weeks, I would think.

    And then Sean's already promised a
deliverable on some operating instructions for
the, for work groups within two weeks and the you
will get back to us within about a week or so and
we will get those nailed down. We will also, on
short order, get the slightly revised tasking
statements in front of our administrator to make
sure that they meet the intent that he had in
mind.

    And if there is any wrinkle with that,
we will, we will get if touch with all of you by
email. And I will also, since we had three
members who weren't able to be here today and I
know Tom is an alternate for Linda Kleinbach, he will brief her but I will also reach out to her and the other two members that couldn't be here and just fill them in on what's outstanding. So this is our, our, our wrap up and a look at any unfinished business. I think there was a question that Rick wanted to explore on what was it again?

MR. INCLIMA: You know, just the, the process and the wisdom, if you will, of allowing the public to participate in the meeting. It wasn't clear to me whether they have voice or voice to vote, how they get to the table, you know, and that's the question.

MR. FLANIGON: Yeah. Let me answer that. It's, it's, it's not a public meeting in the sense of, like a public hearing where we would ask for, kind of, anybody's input. It is, we, we -- you know, our charter requires that it be public meeting, but that's just like our meeting today. It is open to the public, anybody want to sit and watch what's going on.
The actual participation of the work group, what we're asking you to do, is to make some recommendations to us on people within your organizations or who you know in the, in the industry or, or through professional connections who would add value, you think. And then we will, we will make those selections.

We can also be looking at some of the original folks who applied to be TRACS, you know, you are -- you were selected from amongst 80 or so folks and it was really a hard choice to make, even though you are, you know, you are our team and you're the best. But you -- it, it was, it was like, just a really hard choice to make because there are a huge number of very, very talented folks who asked or were self-nominated or were nominated by other members the committee, so we will look at that to see if there's any expertise that can be brought to bear on these two, these two efforts. So, that's that.

MR. LIBBERTON: Yeah. But I think --
Rick, did that answer your question? I'm not sure it did.

MR. INCLIMA: Well, I -- maybe I misunderstood the characterization earlier where I thought that Michael said that, that, you know, the public can basically, you know, become part of the committee. I mean, there's no problem with, with public being in the room and no there's problem with getting input, but, but how do you control a pile on in the agendas that might come in.

So if it's just the committee is the committee and, and the public is the public, that, that's probably the way it should be.

MR. LIBBERTON: The original thinking, and I know this is different than RSAC, it goes beyond back up, was that member could -- just as member, just as members of the public nominated themselves to be on TRACS, that they could do so for a working group, okay, that -- obviously we are looking for qualify people to contribute.
And so they, they may chose to nominate themselves but they would have to be, obviously qualify to be selected. That is something, you know, I think for that, for the first set of, of working groups, would but I do think that is something that we would revisit in subsequent meetings.

MR. FLANIGON: Also a part of our charge in trying to help shape the working group with the right folks with the right background is the right number. I mean, obviously if we get 300 people that want to be part of a work group, it's not going to be reasonable to have 300 people in the work group, so we will -- just as we had to really make some choices and in many cases very tough choices in selecting the current TRAC membership from amongst 80 very well qualified folks, we, we will probably have to make some of those same kinds of choices looking at the work groups.

You know, we might have more people than we think it's sort of logistically reasonable to
try to, you know, meet the task.

MR. LIBBERTON: We will select the most qualified people that again represent a diversity of interests for the work group.

MR. INCLIMA: Thank you.

MR. FLANIGON: Any other -- I'm sorry.

MS. KOVALAN: Yeah. I, I, I guess my concern is that you're going to have these working groups working then with perhaps one facilitator from FTA and a technical person from FTA in the room and we're tasked with an enormous amount of work in these tasks and you're asking that group to reach a consensus to bring to this group.

So, you know, it puts the TRACS members on those working groups in a potentially difficult situation depending on the number of additional people who are added into the mix of people who are, perhaps not at these discussions where the scope of those -- what we've, I've heard today might be not exactly the words on the paper, it can be, you know, changed.
I'm concern that if you have a large number of those additional people coming into those committees, you could end up with a scope of work and discussion that maybe the TRACS member on the working group are not comfortable with and, and you will have difficulty reaching consensus. I just throw that our there because I was surprised at, you know, the, the level -- and, and we as a group will work through these issues and be able to work, I think more efficiently towards reaching consensus, but I surely don't have -- and I'm just speaking for myself -- the time to, in the next six months, struggle with lots and lots of meetings and time and I caution you about the size and the make up of those groups, so.

MR. FLANIGON: Well, we will be mindful of that. I mean, the whole objective is have -- a work group is to get some work done and if we, if we have the wrong, the wrong folks on there or too many people to make it too cumbersome, we will recognize that. We will get in the way of the
purpose of the work group, which to get the work
done.

MR. LIBBERTON: The working group does
not necessarily need to reach consensus on the
product, on the report, or the recommendation
there in. That alternative views can be brought
to TRACS for their consideration.

MS. KOVALAN: But somebody's going to
have to compile that report and decide what's in,
what's out, what's the full scope of the question,
especially if we're not going to take a literal
approach to the letter of the, of the written
document, et cetera. So again, I was very
comfortable that we didn't need a chairperson for
these, that we just had a convener, but if it's
going to be expanded and there's going to be
people, you know, and these things are going to
vary from -- these are just the first two
topics -- from time to time to time, then the
TRACS members will need, I think, more assistance
with keeping the working group on task. Because
you're going to have people joining those groups who are going to, you know, sort of, you know, reconvene each time. And I'm just speaking practically.

MR. LIBBERTON: The larger the group the harder it is to logistically -- even though you're spreading the work, I understand the logic of that and we will consider that in the selections.

MR. FLANIGON: Okay. One last thing. Could, could someone from each of the two groups just share with the rest of us the, the, the plan over the next couple months. Starting with group number one.

MR. GRIZARD: It is all right here if you want to stop by and see it on the way to the air important.

MR. INCLIMA: That is your pocket sticky notes.

MR. GRIZARD: What we were concerned with the schedule and how to basically organize this. So we've decided on there would be at least
two face-to-face meetings on this. The first one we have tentatively scheduled here for October 26th. Should give us enough time to get the information out, people throughout apply get appointed and still make this, right.

MS. FORD: We don't have to --

MR. GRIZARD: We don't have to?

MR. LIBBERTON: No, we will just post it on the web.

MR. GRIZARD: And the likely spot would be Atlanta because it's good to be able to get in and out of there quickly it's low cost on the airlines. And then the second, second meeting would be in mid January where we will try to tag it to the TRB meeting in Washington, D C, to capture value of travel expense there. And then our -- the objective there would be to have our first draft pulled together at that meeting. Between the first and second meeting we are going to have a planning meeting next week to try to identify the folks that, that we would need to
talk to, that we consider subject matter experts in several of the areas we we're tasked with and get them lined up to attend our face-to-face meeting in October.

It going to be pretty tight it. Is only about a 30 day window there to be able to identify those folks and get them to this meeting. And also identify through our FTA as yet to be named liaison person, the resources, the literature review and stuff that we need to, to act to pull that together.

And then we're going to start identifying dates and times for having some virtual meetings to just and maybe take the -- break it down into subgroups so that we can maximize our time here. And pulling something together. So -- and then -- you holding up okay, here.

So and then our objective here is to have a final draft ready for March 15, as it states in, in, in this. And then at our next big
TRACS meeting which is sometime in April, I think, we should be able to have something that we can decide we're going to take up or down.

MR. FLANIGON: Good job. Task group one, good job.

MR. GRIZARD: What's that?

MR. FLANIGON: Good job.

MR. GRIZARD: Yeah. I didn't ask for questions because we're not taking any.

MR. FLANIGON: Task two group.

MS. McCOMBE: Bill, could you make certain that you give us the phone number to call in to for that first virtual meeting?

MR. GRIZARD: It's (800)377-8846.

MS. McCOMBE: What is it again?

MR. GRIZARD: It's right here on the email you're going to get.

MR. FLANIGON: Task group number two.

MR. DOUGHERTY: We decided that we are going to hold the teleconference call on October 8th, it used to be loud enough. Task
group two, we're holding a conference call on
October 8th at 3:00 p.m. eastern to set our agenda
and discuss the prework.

However we are going to be requesting
that the FTA provide us all of the SSO programs
that they could so that we have some prework and,
you know, work before the meeting, look at what we
need to do set our agenda. Then we are going to
meet on November 4th from 10 to 5, November 5th
from 8:30 to 12 noon at the Chicago transit
authority's headquarters and actually work to come
up with programs to decide at that point in time
what further meetings that we need and to
identify, actually to have look at all of the
tasks and requirements that we have, to actually
address those at that meeting.

And also the subject matter experts, we
will get recommendations for folks to attend that.

Did I miss anything from work group two?

MS. JETER: You got it.

MR. FLANIGON: Okay. Well, I think
everybody deserves around of applause here. Is there any other business we need to conduct, any other anything else?

MR. GRIZARD: Motion on floor to adjourn but we need a second.

MR. WATT: Well, I just want to personally thank everybody for -- I know it's a big chunk of time and for many of you travel. We really do appreciate it and I think we going to do some exciting things together. So, thank you.

MR. FLANIGON: Meeting adjourned.

(Whereupon, at 11:50 a.m., the above proceedings was adjourned.)
REQUESTED ATTACHMENTS

TASK GROUP 2.

Conference Call:
October 8, 2010 3:00PM EST.

Meeting:
November 4th, 2010 10:00 AM to 5:00 PM.
November 5th, 2010 8:30 AM to 12:00 PM.
Location CTA Headquarters.
WORKPLAN

TRACS Working Group 10-01: Safety Planning Model

Chair: W. P. Grizard

FTA Liaisons: TBD

Facilitators: TBD

Members:

Pamela McCombe

Eric Cheng

Georgetta Gregory

Henry Hartberg

Bernadette Bridges

Lenard Hardy

Ed Watts

William Bates

Diane Davidson

Virtual Meetings will cover planning and workgroup subtasks. The virtual meetings will be either teleconference meetings over the phone or combination of phone and electronic media over the internet.
The first virtual meeting will occur Friday, September 17th, 11 AM EST.
US toll free call in number 800-377-8846
Passcode 25020773#

The purpose of the call will be to identify resources and subject matter experts that the working group can assess at the first formal workgroup meeting scheduled for October.

Formal Workgroup Meetings will be face-to-face for discussion and development of work product.

The first meeting will be Tuesday, October 26th, thru XX, the full working group. Purpose will be to discuss and develop information on safety management systems pertinent to the task description. Outcome will be to refine the work plan and create any task forces. Meeting will be hosted by MARTA in Atlanta, GA. Logistics and travel information to be furnished at a later date.
The second meeting will be Wednesday January 26th & Thursday January 27th, the working group will meet to develop a first draft of the work product with meeting to be co-located with the Annual TRB meeting that week. Outcome is a working first draft.
REPORTER'S CERTIFICATE

I, DONNA M. LEWIS, RPR, Certified Shorthand Reporter, certify;

That the foregoing proceedings were taken before me at the time and place therein set forth;

That the statements made at the time of the meeting were recorded stenographically by me and were thereafter transcribed;

That the statements are an reflection of the edits furnished by one or more of the participants after a transcription of my shorthand notes so taken to the best of my ability.

Dated this 22nd day of September, 2010.

Donna M. Lewis, RPR