

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

FIRST TRANSIT RAIL
ADVISORY COMMITTEE for SAFETY
(TRACS) MEETING
U.S. DEPARTMENT OF TRANSPORTATION

FRIDAY, SEPTEMBER 10, 2010

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

ATKINSON-BAKER, INC.
COURT REPORTERS
Telephone: 1-800-288-3376
www.depo.com

REPORTED BY: DONNA M. LEWIS, RPR

FILE NO: A408239

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

FIRST TRANSIT RAIL
ADVISORY COMMITTEE for SAFETY
(TRACS) MEETING
U.S. DEPARTMENT OF TRANSPORTATION

FRIDAY, SEPTEMBER 10, 2010
THE RENAISSANCE WASHINGTON, D C
DOWNTOWN HOTEL
999 NINTH STREET N W
WASHINGTON, D C 20001

1 BEFORE BOARD COMPOSED OF THE FOLLOWING:

2 MIKE FLANIGON, TRACS Chairman
3 Director Office of Safety and Security
4 Telephone: (202) 366-0235
5 Email: Mike.Flanigon@dot.gov

6 WILLIAM BATES,
7 AMTRAK AND UNITED TRANSPORTATION UNION
8 Region: VA/SO (MID-A)
9 1307 Brookland Parkway,
10 Richmond, VA 23227
11 Telephone: (804)920-0691
12 Email: Sonywill12@verizon.net

13 BERNADETTE BRIDGES,
14 MARYLAND TRANSIT ADMINISTRATION (MDTA)
15 Region: MD/SO (MID-A)
16 5602 Birchwood Avenue,
17 Baltimore, MD 21214
18 Telephone: (410)454-7145
19 Email: bbridges1@mta.maryland.com

20 ERIC CHENG,
21 UTAH DEPARTMENT OF TRANSPORTATION (UDOT)
22 Region: UT/W
23 1639 East Shadow Cove,
24 Salt Lake City, UT 84121
25 Telephone: (801)965-4284
26 Email: echeng@utah.gov

27 RICHARD W. CLARK,
28 CALIFORNIA PUBLIC UTILITIES
29 COMMISSION (CPUC)
30 Region: CA/W
31 505 Van Ness Avenue
32 Room 2205
33 San Francisco, California 94102
34 Telephone: (415)703-2349
35 Email: richard.clark@cpuc.ca.gov

BOARD PARTICIPANTS: (Continued)

DIANE DAVIDSON,
OAK RIDGE NATIONAL LAB (OAKRIDGE)
Region: TN/SO
2360 Cherahala Boulevard
Room J-16,
Knoxville, TN 37932

JAMES M. DOUGHERTY
WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY (WMATA)
Region: DC/SO (MID-A)
600 Fifth Street, N W
Washington, D C 20001
Telephone: (202)962-2297
Email: Jmdougherty01@comcast.net

DAVID GENOVA,
REGIONAL TRANSPORTATION DISTRICT (RTD)
Region: CO/W
1600 Blake Street,
Denver, CO
Telephone: (303)628-9000
Email: David.Genova@rtd-denver.com

GEORGETTA GREGORY
METROPOLITAN ATLANTA TRANSPORTATION
RAPID TRANSIT AUTHORITY (MARTA)
Region: GA/SO
2424 Piedmont Road, NE
Atlanta, GA 30324-3311
Telephone: (404)848-3112
Email: Ggregory@itsmarta.com

BOARD PARTICIPANTS: (Continued)

WILLIAM GRIZARD
AMERICAN PUBLIC TRANSPORTATION
ASSOCIATION (APTA)
Region: DC/SO (MID-A)
1666 K Street, NW
11th Floor
Washington, D C 20006
Telephone: (202)496-4800
Email: wgrizard@apta.com

LEONARD HARDY
BAY AREA TRANSIT AUTHORITY
Region: CA/W
1000 Froyd Road
Concord, CA 94521
Telephone: (510)874-7426
Email: Lhardy@bart.gov

HENRY HARTBERG
DALLAS AREA RAPID TRANSIT
Region: TX/SO
P.O BOX 660163
Dallas, TX 75266-7244
Telephone: (214)749-3150
Email: HHartber@dart.org

RICK INCLIMA
BROTHERHOOD OF MAINTENANCE OF WAY
EMPLOYEES DIVISION (BMWED)
Region: DC/SO (MID-A)
25 Louisiana Avenue, NW
7th Floor
Washington, D C 20001
Telephone: (202)508-6449
Email: Ricki@bmwewash.org

BOARD PARTICIPANTS: (Continued)

JACKIE JETER
AMALGAMATED TRANSIT UNION
Region: DC/SO (MID-A)
2701 Whitney Place,
Forestville, MD 20747
Telephone: (301)568-6899
Email: JackieJeter@atulocal689.org

AMY S. KOVALAN
CHICAGO TRANSIT AUTHORITY (CTA)
Region: IL/MW
P. O. Box 7567
Chicago, IL 60680-7567
Telephone: (312)681-2830

RICHARD KRISAK
METROPOLITAN ATLANTA TRANSPORTATION
RAPID TRANSIT AUTHORITY (MARTA)
Region: GA/SO
2424 Piedmont Road, NE
Atlanta, GA 30324-3311
Telephone: (770)559-4658
Email: Rkrisak@itsmarta.com

PAMELA McCOMBE
GREATER CLEVELAND REGIONAL TRANSIT
AUTHORITY (GCRTA)
Region: OH/MW
1240 West 6th Street,
Cleveland, OH 44113-1331
Telephone: (216)566-5100 Ext. 5279
Email: Pamelamccombe@sbcglobal.net

BOARD PARTICIPANTS: (Continued)

ALVIN H. PEARSON
MEMPHIS AREA TRANSIT AUTHORITY (MATA)
Region: TN/SO
296 Lawndale Drive,
Nashville, NT 37211
Telephone: (615)406-2122
Email: Apearson@MATATRANSIT.com

ED WATT,
TRANSPORT WORKERS UNION of AMERICA (TWU)
Region: NY/NE
1700 Broadway, 2nd Floor,
New York, NY 10019
Telephone: (212)259-4900
Email: EWatt@TWU.org

JIM SOUTHWORTH,
Chief of Railroad Division
National Transportation Safety Board

ALSO PRESENT:

TOM PRENDERGAST,
METROPOLITAN TRANSPORTATION
AUTHORITY (MTA)
Region: NY/NE
347 Madison Avenue,
New York, New York 10017-3739

BOARD PARTICIPANTS: (Continued)

SEAN LIBBERTON,
DEPUTY ASSOCIATE ADMINISTRATOR,
OFFICE OF PROGRAM MANAGEMENT
Telephone: (202) 366-5122
Email: Sean.Libberton@dot.gov

DORVAL CARTER

LINDA FORD
ACTING DEPUTY DIRECTOR,
OFFICE OF CIVIL RIGHTS
Telephone: (202) 366-1674
Email: Linda.Ford@dot.gov

ROBERT ADDUCI
VOLPE CENTER, RVT-62
U.S. DEPARTMENT OF TRANSPORTATION
55 Broadway
Cambridge, MA 02142-1093
Telephone: (617) 494-2251
Email: Robert.j.adduci@dot.gov

1 P- R-O-C-E-E-D-I-N-G-S

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

10 Again, I will emphasize, this is a
11 public meeting and we have set aside some time at
12 9:45 for any public comments. And so if anyone in
13 the audience non-members of the TRAC would like to
14 address the committee, make any public comments,
15 you're more than welcome to do that.

16 It will help us in our planning and time
17 management if you would please let Ms. Ester White
18 know and we will get you on the list and we will
19 do that. We've already got one person who will
20 make some comments, Jim Bartek some of you may
21 know from the MTA.

1 I want to shift our agenda just a little
2 bit today. What we have lined up first is
3 discussing the inputs that should be considered,
4 in this case, by the work group and one of the
5 handouts that were sent to you earlier were a list
6 of industry NTSB recommendations. And I don't
7 want to go through all of the 10 pages of them and
8 I don't want to go through them all.

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

15 And you know, speaking to Jackie's
16 comment yesterday, what are the functions, what
17 are the ideal functions of a state oversight
18 agency and might it identify systemic weaknesses
19 or problems before there's an accident which is
20 really, I think, all of our goals. Whether we are
21 talking about the safety planning model for the

1 agency or the kind of oversight that should be in
2 place.

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

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

19 So in looking at that material that I
20 sent out, looking at our agenda item as well as
21 our discussion yesterday on the state oversight

1 agency, I started kind of compiling a list of
2 things -- inputs, if you will, that this state
3 oversight work group should be looking at.

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

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

21 MR. INCLIMA: I -- I mean, when we

1 talked, I think I mentioned yesterday the
2 possibility of either a straw man --

3 MR. FLANIGON: Straw man. Yeah. You
4 did mention that.

5 MR. INCLIMA: Okay.

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

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

19 While waiting for that to come up, I'm
20 told there was a mention on the local radio
21 station at 6:35 this morning, of this meeting that

1 occurred yesterday. It talked about the
2 secretary's presentation. Okay.

3 MR. INCLIMA: Excuse me, Mike?

4 MR. FLANIGON: Yes.

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

14 And, you know, I think we need to get
15 the horse out in front of the cart on that because
16 frankly, the process and procedure of how this
17 group operates is really the foundation of
18 everything we're going to do as far as the work
19 product. And so I would like to put to the group,
20 perhaps in the form of a motion, if that will be
21 the process, that, you know, FTA draft the written

1 procedures for operation of TRACS and distribute
2 those draft procedures to the members of this
3 group prior to the next meeting and put discussion
4 of those procedures on the agenda for the next
5 meeting.

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

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

20 MR. INCLIMA: Thank you, Sean. I, you
21 know, I appreciate that. And you've obviously

1 given it some thought and I thank you for that.
2 My only question or concern is without the group,
3 you know, getting their arms around the
4 procedures, I'm concerned that if I send you
5 comments and everybody sends in comments, well,
6 you know, it's like throwing stuff at the docket.

7 I mean, we don't know what comes out at
8 the end. And to me, at least in my mind, it will
9 be difficult to get the working groups really
10 moving along when the process and procedure is
11 still, you know, in some, you know, fluidity and
12 we don't have it, you know, buttoned down, the
13 four corners of how do we make motions, how do we
14 make proposals, how do we, you know, vote and
15 break up and do all of the things we need to do.

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

21 Now, you know, FDA may say, well, this

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

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

14 MR. LIBBERTON: I know and I agree. And
15 I think what we want is the same absolute
16 objective. I would appreciate some feedback on
17 how we can accomplish that before the next full
18 TRACS meetings. So again, our thought is that you
19 would have some documented interim procedures that
20 would guide the development of working group
21 products and then ask for comments that might lead

1 to improvements and, and we can talk about them
2 again at the next full committee meeting.

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

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

18 MR. LIBBERTON: Yeah.

19 MR. INCLIMA: Maybe you can consider
20 that process to streamline and move things along.
21 I know you want to move things along and it's not

1 my intent to slow it down.

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

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

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

20 So that was what I tried to pull out of
21 the notes from yesterday. Any thoughts, comments?

1 Does that provide clear enough direction for a
2 work group?

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

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

21 So again, as we start this process along

1 and begin to develop tasks, I think it's fair for
2 the group and the constituents and caucuses,
3 whatever the verbiage is, to take a look and
4 consider it in front of them on paper and be able
5 to at least offer some amendments.

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

10 MR. INCLIMA: Thank you.

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

21 It has to be structured to -- I think

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

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

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

20 And so my thought is does one size fit
21 all really get us where we need to be or should we

1 allow both of these task statements to talk about
2 best safety plan models that could be considered?
3 And then down the road we can figure out is it
4 only one or is it a couple, so.

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

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

20 MR. FLANIGON: Okay. All right. We
21 will --

1 MR. KRISAK: Hey, Mike.

2 MR. FLANIGON: Yes.

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

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

15 MR. LIBBERTON: Safety oversight.

16 MR. FLANIGON: And then to add to the --
17 let's see, I guess we should add a sentence on
18 consistency. Maybe that goes up in the tasking
19 statement, we insert the word consistent
20 somewhere. Or do we need a separate sentence down
21 in the issues. I guess the question I'm hearing

1 is how can the oversight model ensure consistency
2 across the nation so maybe we should just put
3 that.

4 MR. LIBBERTON: What, just make another
5 bullet?

6 MR. FLANIGON: Yeah.

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

11 MR. LIBBERTON: How to achieve
12 consistency?

13 MR. FLANIGON: And still achieve
14 consistency.

15 MR. PRENDERGAST: And still achieve
16 consistency.

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

20 MR. PRENDERGAST: Yes.

21 MR. FLANIGON: Bill.

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

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

16 I think identifying them in the
17 beginning of this program is going to be different
18 than in the implementation of the program. So I
19 would just suggest that we identify what the
20 challenges might and if we can come up with
21 suggestions on that. I think that's fine, but I

1 don't know that we could address all of them.

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

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

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

18 MS. KOVALAN: I thought that this
19 statement, although I think, reflects what the
20 administrator said yesterday, does sort of set
21 aside the question of the way the legislation was

1 initially put forward by the DOT with the sense of
2 the opt out provision. So I think -- I don't know
3 if it's in this task or in a separate task, I
4 think we should look at alternative models.

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

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

20 MS. KOVALAN: I think --

21 MR. FLANIGON: Build on it.

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

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

12 MR. FLANIGON: How would you suggest
13 phrasing it?

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

1 have state safety oversight, what's the best model
2 and that is fine.

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

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

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

16 MR. FLANIGON: Uh huh.

17 MS. KOVALAN: There were at least two
18 options and this, this looks at one of those two
19 options. I'm suggesting that I think that was an
20 interesting thought, obviously FTA thought it was
21 an interesting thought, that's why it must have

1 been included in the original bill and it's worth
2 having a discussion even though it didn't come out
3 of markup about that, because it I would hope
4 there's some industry input into what some of the
5 options are.

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

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

17 So I think if we -- and let me make sure
18 everybody's okay with this, if we leave it at
19 that, then should the bill, should the original
20 administration proposal pass and certain states
21 opt out, we would still have the group identify

1 what are the, again, best practices, what are the
2 essential functions and whoever does it that's
3 what they are. That's okay.

4 MS. McCOMBE: Mine's on the floor.

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

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

1 analyzed.

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

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

18 So it's kind of like one is, what the
19 regulative entity is doing to assure safety and
20 then the other task, task two is, what is the
21 oversight agency doing to ensure that the

1 regulative entity is ensuring safety. That's kind
2 of how I am framing it.

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

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

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

1 the appropriate knowledge and that they understand
2 it.

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

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

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

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

1 MR. FLANIGON: Donald.

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

17 So I mean, I think we have to approach
18 this from a standpoint that there needs to be some
19 level of oversight. The legislation wouldn't have
20 appeared out of no where if there weren't some
21 concern on the part of the public. So whether

1 it's a state agency, whether it's a local agency,
2 whether it's the FTA itself, if you take the word
3 state out and you focus on what are the proper --
4 what's the proper relationship, what's the proper
5 role, I think that's what the focus should be and
6 leave room for whether there should or should not
7 be a state.

8 MR. FLANIGON: Okay.

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

17 So with that in mind, I don't want to
18 waste my time. I don't want to waste my time
19 doing something that is going to inhibit us from
20 getting able to get the work that we do passed.
21 And whether we consider it or not money is always

1 a factor. And I just think that we have to think
2 about it.

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

7 MR. FLANIGON: Okay.

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

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

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

17 MR. FLANIGON: That would --

18 MS. McCOMBE: To --

19 MR. FLANIGON: That would fit with
20 qualifications. Okay. So let's look -- we've got
21 a couple of things holding. I'm making notes to

1 myself I don't want anybody to think I'm blowing
2 off any thoughts you have because I'm still
3 thinking about Bill's thing and so we have
4 certification, qualification, training and with
5 Bill it was, remind me again. I know you had
6 something.

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

9 MR. FLANIGON: Oh yeah.

10 MR. WATT: And Tom wanted to put state.

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

14 MR. PRENDERGAST: Going back to the
15 issue, I agree with Rick. We can get caught up in
16 a lot of detailed discussions if we talk about
17 certifications versus qualifications. Which we
18 really, shouldn't even need to have that
19 discussion, but it also has to fall from the
20 discussion upon what's the proper role for the
21 state to have.

1 If a decision is made or you go down a
2 path that it's more of an audit function and it's
3 more of a professional review of a plan as
4 established by an agency, there's a certain skill
5 level required. If it's to a greater level of
6 detail and you're actually getting into the inner
7 workings of how the agency does it's track, how it
8 does it's signals, it's a whole different
9 discussion of what the qualifications are of the
10 individuals.

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

21 MR. FLANIGON: Okay. Good thought. Ed.

1 MR. WATT: I just want a little clarity
2 on the oversight function. Are we limiting --
3 maybe I misheard Tom, but are we limiting the
4 models that people can come back with on this,
5 that the work group can come back with on this?

6 MR. FLANIGON: Limiting in what way?

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

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

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

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

14 MR. WATT: You don't see it limiting.
15 All right. Maybe --

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

18 MR. WATT: Sorry.

19 MR. PRENDERGAST: It wasn't intended to
20 be. It could be state. It very definitely could
21 be state.

1 MR. WATT: It could be state but it
2 could not be state. It could be FRA model, it
3 could be --

4 MR. PRENDERGAST: Some level of
5 oversight.

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

8 MR. FLANIGON: Diane. I'm sorry.

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

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

20 MS. DAVIDSON: Resources, training and
21 qualifications.

1 MR. FLANIGON: People like that? I see
2 a lot of -- okay. Any nods. I define that as
3 consensus. Could you give those words to Thomas?

4 THE WITNESS:

5 UNIDENTIFIED SPEAKER: Yes.

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

1 One answer.

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

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

19 MR. FLANIGON: I'm reminded that at this
20 point in time we would not have any authority to
21 consider anything other state safety oversight.

1 That's our current authority. And so --

2 MS. FORD: And proposal.

3 MR. FLANIGON: And what?

4 MS. FORD: And proposal.

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

15 MR. PEARSON: Well, what I was going to
16 say is I think we're making it a little more
17 cumbersome then we have to. I was under the
18 impression that we were going to come up with a
19 basic format and look at what's successful, what
20 hasn't been successful, look at the states and
21 then we could spin off from that.

1 It's inevitable that where I have a
2 small transit agency and New York has this huge
3 transit agency, that you're going to have
4 similarities, but there's no way that one's going
5 fit the other.

6 Now, I'm thinking that when we start
7 talking all of this technical training and maybe
8 New York and Chicago and DC, they can afford to
9 have a rail specialist, a car specialist and all
10 of this stuff but if you have FRA certified
11 specialists in your area. I was thinking that we
12 come up with a basic program and from the state
13 monitor your program, to make sure you're
14 following your rules and regulations that you have
15 determined that you wanted to use off of
16 information that has been given from FTA in the
17 beginning, because the state should have its own
18 program. Now if I'm going in the right direction,
19 that means that you have a monitor and then that
20 monitor should use common judgment and pull in the
21 people with key expertise to help them decide if

1 this is correct or if that's right or wrong,
2 because most monitors are not going to have that.

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

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

15 MR. FLANIGON: Okay. Thanks. I think
16 that's very on point to the scalability question
17 and I know all of us tend to be problem solvers
18 and we probably won't have too much trouble coming
19 up with potential solutions. What I want to
20 emphasize, kind of is our job at this level, at
21 the TRACS level, is to kind of define the scope

1 and then the work group starts solving the
2 problems and getting into the details of how we
3 might work. And so. Eric.

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

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

16 MR. CHENG: Yeah.

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

19 MS. GREGORY: Thanks, Mike. Just a
20 couple of things. My recollection of the
21 administrators comments yesterday, a couple of

1 things; he wanted the definition of what a quality
2 SSO is.

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

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

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

1 in those roles.

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

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

1 is to make sure that it's consistent nationwide.

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

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

10 MS. GREGORY: I can't see it?

11 MR. PRENDERGAST: It is hard to read.

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

14 MR. HARTBERG: Thank you. Has there
15 been a version of this legislation that didn't
16 assume state safety oversight? I understood the
17 legislation to pretty much point to state safety
18 oversight as the basis for what we are going to
19 begin to do. Furthermore, I believe I heard
20 Mr. LaHood say that he's intending to push real
21 hard and might even get something out in a few

1 months.

2 And maybe I'm misunderstanding, but I
3 think we're broadening our scope hugely if we go
4 we're going to do a state safety oversight type
5 model and try and see what's ideal there but at
6 the same time we also want to also see about any
7 number of other models that might be out there. I
8 guess I did not understand, and correct me if I'm
9 wrong, but I believe all of this is predicated on
10 the assumption that we're going to begin with
11 state safety oversight and granting regulatory
12 authority through the FTA to improve their ability
13 to get things done.

14 Along with that, of course, you have
15 training and those issues. So I think both tasks
16 are pretty well framed for where we're at which is
17 we're just beginning. And if we keep adding a lot
18 of detail to each and every one of those, it's
19 going to become at some point, sort of
20 unmanageable. We've got an elephant we're going
21 to have to eat, you know, a small slice at a time.

1 And in my opinion, probably the best
2 thing do is start where we're at and move forward
3 and make improvements from there.

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

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

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

1 thought. Ed.

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

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

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

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

19 MR. WATT: Maybe I will take a stab at
20 it then, Mike. When he said what defines the
21 relationship, I'm sure he wasn't talking about

1 what defines the relationship to anything else but
2 the FTA. So, what defines the relationship
3 between the FTA and the various state partners.

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

6 MR. WATT: Right. State partners.

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

11 MR. WATT: Right.

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

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

21 MR. FLANIGON: Yeah. So we should add

1 the FTA in there. So between the FTA, the state
2 and --

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

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

9 MR. PRENDERGAST: A quality.

10 MR. LIBBERTON: Or an effective.

11 MR. FLANIGON: Or effective.

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

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

17 MR. GRIZARD: Okay. Thanks. I just
18 wanted to say that I'm pretty much on board with,
19 what Jackie was expressing on the whole principle
20 of oversight. And establishing what that is. And
21 then determining from that, suitable models that

1 are going to work. I think using the state
2 oversight, as we've come to know it would work in
3 most cases but not at all.

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

15 And then once we have got that then we
16 will get the various applications which leads me
17 back to this whole business about solving all of
18 the problems and challenges that we come up to.
19 Because there are going to be so many of them and
20 I see most of them as having a better solution at
21 the local level than at top level committees such

1 as this. And I have the ugly feeling that most of
2 it's going to come down to funding and political
3 things and I don't think that we need to get
4 wrapped up in those areas.

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

16 What are the expertise requirements,
17 what are the funding requirements and what is the
18 relationships between federal agencies and the
19 transit agencies and the state agencies. So I
20 thought those were the principle areas that he was
21 asking us to look at.

1 MR. FLANIGON: Okay. Do you see
2 something, based on that, is there something to
3 add that's not there that we would needed to guide
4 the work group doing the work -- we want to keep
5 it open enough for the work groups flexibility.

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

20 There's different values over there. So
21 I think it's good to take into account, but I

1 don't think in the final analysis that anybody has
2 the best answer someplace else. I think we're
3 going to have to define what that is for
4 ourselves. So I'm for shorting things up here a
5 little bit here and cutting some of that out.

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

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

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

14 MR. PRENDERGAST: Mike.

15 MR. FLANIGON: Go ahead, Tom.

16 MR. PRENDERGAST: I think there are
17 examples. We can look in Europe, they have a much
18 better balance between (inaudible) and collision
19 avoidance. I think in terms of the number of
20 measures, Hong Kong uses (inaudible) looking and
21 trying to get exhaustive information about their

1 performance that's enlightening. You can always
2 decide to accept or reject it, but it's
3 enlightening to try to expand your knowledge to
4 see what other people are doing. If they're doing
5 something well, why not take advantage of it.

6 MR. FLANIGON: Rich.

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

14 MR. FLANIGON: I think, I think where we
15 tried to capture that was in, and I think knowing
16 the administrator's position and what he's said on
17 many occasions, that I think it's already a
18 recognition that it's an unfunded mandate and
19 certainly the administration's proposal, as well
20 as the center's proposal that's, you know, being
21 addressed in terms of funding to support the

1 agency, but I think, I think what he was aiming at
2 was more along the lines of avoiding conflicts of
3 interest.

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

14 MS. FORD: Right. Mr. Inclima.

15 MR. INCLIMA: Thanks, Mike. If we can
16 scroll to the, the previous bullet that we added
17 that discusses relationships, I mean, you know, I
18 really think what we're trying to define are, you
19 know, what attributes define a quality and
20 effective relationship. And, and if we talk about
21 attributes, then it, I think it gives us the

1 ability to, you know, to roll all -- a number of
2 things in.

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

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

19 MR. FLANIGON: Anybody not like that
20 idea.

21 MR. LIBBERTON: You might want to

1 elevate that to the -- a higher maybe in -- the
2 problem --

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

5 MR. FLANIGON: Okay.

6 MR. LIBBERTON: Objective.

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

14 MR. PRENDERGAST: I think you have to
15 deal with them. I mean, I -- there's going to
16 certainly going to be some that you're going to
17 say that's a very difficult problem and we're
18 going to have to put it at the back of the agenda
19 because there's other items but we're going to
20 prioritize. But I think, you know, problem
21 identification is the first thing but then you

1 quickly have to start working on what you're going
2 to do to overcome and deal with them.

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

11 MR. FLANIGON: Okay. Any other
12 thoughts.

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

20 But I certainly think that the
21 administrator would expect that this group would

1 define those attributes and make recommendations
2 on how to enhance those or additional ones that
3 don't exist now, that need to be brought into the
4 program.

5 MR. FLANIGON: Okay.

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

11 MR. FLANIGON: Okay. All right. Well,
12 we will print that up at the break. All right.
13 Good work, good work team, all right. It's
14 probably a good time. We're a little ahead of
15 schedule for a break but I think we are at a
16 natural breaking point so let's take 15 minutes
17 and, and before, before we break, I will announce
18 again that at 9:45 we have an opportunity for any
19 members of the public interested observers to make
20 statements to the TRACS committee please let
21 Ms. Ester White know.

1 Ester is in the green back there and we
2 will get you a microphone and set some time limits
3 for 9:45. Thank you. So let's take 15 minutes.
4 That's back at 9:35.

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

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

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

21 MR. BARTEK: Thank you. Thank you very

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

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

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

19 Track worker skill's as was stated here
20 is a critical issue the industry has been facing.
21 End results and outcomes as again has been stated

1 here, this committee's work as stated is
2 paramount. I mean, the outcome of what we do here
3 and the results that are shown are very important.

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

17 They had pretty close if not more of the
18 same types of fatalities on the tracks that we are
19 still facing today, as we have been facing for
20 many years. So under the European standard, they
21 set a standard which is NDN61337BEE0115106

1 (phonetic). It required the use of secondary
2 warning technology be added to existing
3 procedures.

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

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

20 So several agencies here in the United
21 States have either implemented or are implementing

1 or piloting the same model and some of those
2 agencies are the MTA Maryland, the greater
3 Cleveland, Los Angeles, MBTA SEPTA, Amtrak to name
4 a few. And want to also mention the NTSB has
5 recognized and unanimously recommended the use of
6 these types of technologies under R0804
7 regulation.

8 So I ask the committee as part of its
9 work to consider secondary warning technology as a
10 key part of solving this very important issue.
11 Thank you very much.

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

18 So now what we want to do is develop a
19 schedule work plan and establish work groups as
20 appropriate. That's what's on the agenda. We are
21 now a little ahead of schedule so that's good. We

1 have two tasks and therefore two, two work groups.
2 So starting with task one, I think what we want to
3 do first is, from the standpoint of the committee,
4 perhaps first we can revisit the kind of work
5 group process that's laid out so far knowing that
6 within a couple weeks, hopefully within a couple
7 of weeks --

8 MR. LIBBERTON: Yeah.

9 MR. FLANIGON: We will have more detail.

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

18 And we can convene a conference call
19 to -- we would ask for comments and, and convene a
20 conference call to attempt to reach consensus then
21 on a set of operating procedures that would guide

1 at least the work of the, of the two working
2 groups. And the, and the next TRACS meeting. And
3 then we can also have that, you know -- a need for
4 any further revisions those procedures as an
5 agenda item at the next TRACS meeting.

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

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

18 MR. LIBBERTON: Yeah, yeah.

19 MR. INCLIMA: Thank you.

20 MR. LIBBERTON: Sure.

21 MR. FLANIGON: Okay. What, what --

1 anything else?

2 MR. LIBBERTON: Well, so that's, okay.
3 So, kind of a preview of, of where we are on the
4 procedures, I think what we would like to get out
5 of this session is again we're confirming the two
6 work groups, but then to identify the working
7 group members from TRACS, so basically we will
8 self select one or two or both working groups to
9 participate in.

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

21 And then we will be committing FTA

1 support to those meetings. Any questions, Rick.

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

15 So I do think we need a facilitator,
16 maybe more than a chair. At least speaking out
17 loud here. Because each one of us, whether or not
18 we want to admit it or recognize it, each one of
19 us are being paid by someone, and we all come in
20 the room with some baggage. As much as we all
21 want to say we don't have it, let's be real, you

1 know, it's the job, you know, that you do. And
2 you can ignore that fact or not, but we all have
3 those things, they're part of our nature.

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

17 And the last thing I just want to ask
18 is, we have two task statements that have been
19 drafted. We haven't really dis -- we, you know,
20 we discussed one in some detail this morning, but
21 we don't have it in print. I don't know that

1 we've adopted those as a committee and again,
2 going back, and I hate to keep kicking this horse,
3 but going back to procedure, what is the procedure
4 today. Because I know we want to get the task
5 statements done.

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

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

21 MR. LIBBERTON: FTA will be providing

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

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

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

21 As far as the tasks, the tasks are --

1 have been, have been delivered to you from the
2 administrator. Do we, and I'm looking at Linda,
3 should we do a formal acceptance of those tasks,
4 knowing that we don't have a, a final version of
5 the tasks, of the second task yet. We have a
6 95 percent draft which we need to confirm with the
7 FTA administrator that that is indeed the
8 direction.

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

19 MS. GREGORY: Well, I actually want to
20 talk about a different subject and I apologize for
21 that. I think we need to get it on the table and

1 look at it. We want quality people in this
2 working groups. And I know that everybody in this
3 room is here either at their own expense or the
4 expense of their employer.

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

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

17 MR. FLANIGON: And I think the, the, the
18 idea for if working groups is try to maximize the
19 technology in conference calls and those kinds of
20 things. But I think when we talk about how, how
21 the meeting should go, we will have a better sense

1 of just what, how, how that would work and what
2 the costs might be. But at this point the folks
3 who are nominated are on -- that's their, their
4 contribution to the committee.

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

11 MR. FLANIGON: Tom.

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

17 And in the definition of what the
18 attributes of the role of that person is, you
19 don't want a chair or a leader that's autocratic,
20 biased and narrow minded. You want somebody
21 that's open objective and stimulates discussion

1 but also moves toward an end game. So, I think
2 there's other ways we can do it without
3 necessarily saying it has to be an FTA person. I
4 share Georgetta's concern.

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

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

1 MR. FLANIGON: Okay. Jackie.

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

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

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

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

14 MS. JETER: Okay. Okay. That's what I
15 understand. Thank you.

16 MR. FLANIGON: I think, I think what
17 Sean was saying with the, with the first task was
18 that it's through Peter. He saw it before it was
19 finalized. The second task we have started,
20 started with Bob's notes last night at
21 10:00 o'clock, revise by Mike at 6 a.m. this

1 morning and revised by y'all at 8:00 o'clock this
2 morning so he hasn't seen this and we want to make
3 sure he sees it.

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

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

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

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

21 MR. FLANIGON: So on that question,

1 given the first task is it the consensus of the
2 committee that you would adopt that task? I see
3 quite a few heads. Any objections to, to, to
4 adopting the task? Rick.

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

16 In other words, there -- what I said
17 earlier, there may be more than one model and, you
18 know, so do we say on the best safety planning
19 models for the rail transit industry to include
20 but not be limited to safety management systems
21 blah, blah, blah?

1 And again, if you -- everybody thinks
2 its is not a good idea and you don't want to go
3 there, so be it. But my experience has been once
4 you adopt the task statement, you are complying to
5 that task and if anyone in the group takes
6 exception to broadening the task later, you know,
7 at the working group, there -- I've seen
8 objections time and time again that we can't
9 discuss that because it's not part of our task.

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

19 And he frames the problem, you know, in
20 a draft. We, you know, we refine put the finer
21 points on the problem, if you will, and as a group

1 adopt the task statement sign on members and go to
2 work. I mean, that's, that's the way I envision
3 it. So, I mean, my thought is, is that this
4 should be -- include, but not be limited to safety
5 management systems, because in the first issue, it
6 says how can high reliability organizations and
7 SMS principles.

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

17 And so I would propose, in the first
18 task statement that you just say include but not
19 be limited to and then that gives the task group
20 some authority to look beyond safety management
21 system principles to include other things that may

1 or may not be appropriate, but at least they have
2 the opportunity to look at those things. And
3 that's, that's all I've got to say.

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

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

19 MR. FLANIGON: All right. Diane.

20 MS. DAVIDSON: I agree that just the
21 addition of --

1 MR. FLANIGON: I can't hear you, Diane.

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

10 So maybe as we go back and, and look at
11 this in more detail, we need to make sure that
12 they're very distinct taskings, so we don't
13 duplicate efforts. The third issue of the, the
14 working group governance type structure, I think
15 there does need to be a chair to represent the
16 working group back to the full TRACS committee
17 and -- but in addition an FTA facilitator and
18 possibly an attorney, an FTA attorney assigned to
19 each working group would be -- since our ultimate
20 recommendations come back and are related back to
21 the legislation. That would --

1 MR. LIBBERTON: Yeah. Each working
2 group will have the benefit of and FTA attorney
3 and a safety subject matter expert from FTA, so
4 you will be supported by two FTA folks. But
5 again, to provide technical assistance to, to, to
6 really serve the needs of the working group and
7 not to direct.

8 MR. FLANIGON: Ed.

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

14 As an example the -- we got a little
15 appetizer yesterday, in terms of some of the SMS
16 and the high reliability people, but, you know, in
17 a, in a, a, a minor, a small medium or large
18 literature search, could be done, for example,
19 what level is, is, is going to be available and I
20 don't need to know budget numbers or any of that
21 stuff, just saying how can we use -- is it pretty

1 open ended that, within reason, what the group
2 asks for would be provided or at least requested
3 by the FTA of certain, you know, experts in the
4 field to come and give a presentation or provide,
5 you know, some, some of the more, not ministerial,
6 but certainly not processes that could bog each
7 person on the group down for weeks.

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

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

1 all we can to support to work group information.

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

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

17 MR. FLANIGON: Jackie.

18 MS. JETER: So my question becomes if
19 in -- how will we choose a chair, what will the
20 chair's role be? Will they just be someone to set
21 the time of the meetings, you know, make sure that

1 all of the information is gathered or will that be
2 a chair to vote on different issues when maybe we
3 become bogged down with, you know, one side or if
4 you want to say sides, but, you know, you have one
5 group of people voting one way and one group of
6 people voting another way to accept or not accept
7 certain things.

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

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

19 That, that's one of the really, key
20 benefits, I think, of the working group, is
21 getting -- making sure that, that the broad

1 prospective is provided to the full committee and
2 that then when they deliberate, decide if they
3 want to advance the recommendation to the FTA for
4 consideration. Thank you for asking that.

5 MR. FLANIGON: Len.

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

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

1 be the facilitator and the taker of the minutes?

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

5 MR. HARDY: The FTA? Okay.

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

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

16 MR. LIBBERTON: Yeah. It's, it's --
17 yeah, it's, it's really who is then representing
18 the working group at the TRACS meeting. Who is,
19 who is communicating on behalf of the work being
20 group during the working groups work back to the
21 chair. And, and our strong feeling coming in was

1 that that would be a TRACS member and not somebody
2 from the federal transit administration.

3 MR. FLANIGON: Rick.

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

13 I put that on the floor, there were some
14 expressions that that may a good idea, but we
15 still haven't gotten to it. And I know the day is
16 running quick and we want to get it done. Let's
17 figure out at least for the moment, what is
18 consensus in this room this morning for the
19 purpose of adopting these task statements and get
20 that done. Then with can get all leave here
21 knowing we've got two tasks and we will move

1 forward.

2 I agree that, you know, the, the, the
3 chairperson may be a, a perfunctory position at
4 the working group. I think we should have a
5 facilitator because it's very difficult for anyone
6 in this group to represent their positions and be
7 the chair facilitator at the same time. I mean, I
8 don't think you can do both, you can't wear both
9 hats. And so I think a facilitator would be the
10 appropriate neutral to, to bring the group, you
11 know, towards a consensus.

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

21 We will agree on what the record should

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

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

19 So, I mean, I think the, logically, the
20 process is there once we, once we get the, you
21 know, procedures in place. But getting to the

1 task at handed today, I suggest we, you know, I
2 mean, let's discuss the, the issue on task one,
3 see if we can button that down.

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

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

16 MR. PRENDERGAST: I propose in response
17 to Rick's issue, we ought to either vote or we
18 just -- you asked -- we put the wording up there
19 and see if everybody can live with it, we see if
20 there's any strong dissent take note, but we vote.
21 And let's just move it.

1 Move it on and on the two, on the two
2 tasks that are at hand, because I believe he's got
3 a valid issue about closure and we know what's in
4 and what's out.

5 MR. FLANIGON: Okay.

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

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

1 where your going to get everyone agreeing on
2 everything.

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

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

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

21 MS. McCOMBE: Okay. I agree with what's

1 been said. I would -- about -- I would like to
2 talk about the issue of task number one and adding
3 a bullet to task one after the first bullet to
4 include training resource and funding
5 requirements. That wasn't identified in the task
6 one at all.

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

15 Do you as the TRACS, adopt task one at
16 least in principle, with the understanding that
17 it's not intended to be so limiting that a work
18 group could not look beyond the boundary of what
19 is technically in a safety management system as
20 defined in whatever literature you want to look
21 at. Or do, do you want us to take it back to the

1 administrator and rework it on that point. So
2 that's.

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

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

10 MR. FLANIGON: Okay. And any other.

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

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

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

21 MR. FLANIGON: Okay.

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

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

1 MR. INCLIMA: I would prefer to, to --

2 MR. FLANIGON: Okay.

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

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

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

16 MR. FLANIGON: Okay.

17 MR. INCLIMA: Giving flexibility.

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

21 MR. CHENG: Because if you make that

1 change, you know, you basically open a, a can of
2 worms there are so many things out there, so how,
3 how do you look at that. That's my comment.

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

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

16 MR. FLANIGON: Okay.

17 MR. LIBBERTON: I would suggest though,
18 by -- if added, then the working group has,
19 really, the discretion to scope out how far, Eric,
20 you want to go out and so I think the working
21 group can put the limits on what the task at hand

1 is. What, what the amendment simply does is
2 broaden it beyond the strict definition.

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

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

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

18 MR. FLANIGON: Okay. So how are --

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

1 funding requirements.

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

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

7 MR. FLANIGON: Anyone object to that
8 change?

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

12 MS. McCOMBE: Yes.

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

16 MS. McCOMBE: It's up there.

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

19 MR. FLANIGON: Georgette.

20 MS. GREGORY: I don't see how that
21 bullets connects with this task. I mean,

1 obviously that's something that this committee
2 will need to ponder and research and discuss. But
3 I don't, I don't see the connection within this
4 task for that bullet. So maybe Pam could
5 elaborate a bit more.

6 MR. FLANIGON: Pam.

7 MS. McCOMBE: Sure. Because it's at the
8 transit agency level, it does state that it -- how
9 those principles might be incorporated into
10 transit safety plans to enhance transit safety and
11 then identify the challenges that may be face in
12 implementing the model. And that is the, the core
13 issue, that there, there may be an SMS that we can
14 implement but at the agency level, we want to make
15 certain that the training requirements are similar
16 to the training requirements that are provided if
17 we decide on the SSO that that's similar training.

18 So that they are in step and equally
19 qualified with the SSOs and similarly for resource
20 issues, we don't want a situation where the
21 oversight has many more resources than the agency

1 itself, in terms of implementing an SMS. And so
2 those are some of the considerations that I would
3 like to see in task one?

4 MR. FLANIGON: Okay. Any others?
5 Alvin.

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

17 It's going to, all of this is going to
18 come out once we do our research. I think we need
19 a baseline and I also, I also agree with Rick that
20 when you put comments up in setting of this
21 nature, there had, there is a tendency that you

1 can't go beyond a certain perimeter. I, I really
2 feel that these were, this task was presented as a
3 thought provoking task, where you can bring in
4 other ideas without us being logistically point
5 one, point two, point three and only answering the
6 questions here.

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

15 Who's going to put a mandate out to tell
16 the states, hey, you will carve out X amount of
17 money out of certain pots and funds. The SSO or a
18 fund to train them for the SSO and things of that
19 nature, so we would have a standard baseline, so
20 I'm, I'm thinking more baseline, so if I'm out of
21 line please, for give me. But I'm think morning

1 of a baseline entity that we can use to get a
2 systematic start across the board that we have
3 everything we need, pretty much, and be able to ad
4 to it.

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

14 MR. FLANIGON: Okay. Richard.

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

1 to think more broadly about what it is that is
2 possible.

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

10 MR. FLANIGON: Rick.

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

18 And Pamela points out correctly the last
19 line of the opening paragraph, identify the
20 challenges that may be faced in implementing the
21 model. And, and, you know, those are. Training.

1 I mean, you can't, you can't implement a model
2 without having some mechanism to train the people
3 who are going to initiate the model, right.
4 Whether they be federal, or whether they be state,
5 whether they be the rank and file guys on the
6 ground.

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

15 So, I mean, I don't, I -- at the end of
16 the day, all we are is advisory and we can submit
17 the best report in the world, the most
18 comprehensive report in the world to the
19 administrator, at the end of the day, it's the
20 agency's decision to accept all or part or none of
21 that report.

1 So, I mean, we're not tying anybody's
2 hands, but I think, if we want to be honest with
3 ourselves and say we've been tasked to provide
4 recommendations and advice to the administrator, I
5 believe that Pamela's amendment is, is part of
6 that broad and thoughtful process of, of making
7 good recommendations and pointing out that, you
8 know, nothing's easy and there are challenges to
9 this, to these recommendations as well.

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

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

16 MS. JETER: In being a person that
17 brought, brought up the funding part, also brought
18 it up I should say, I, I don't want us to get
19 bogged down on that, in a sense. I, when I
20 thought about it afterward, I don't want it to be
21 the reason that we say don't do something, because

1 of the funding. I think that's where transit has
2 gotten to begin with. That's the reason why we're
3 here as a committee, because transit has gotten
4 so, we look, we look at money more than we look at
5 what's needed.

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

18 MR. FLANIGON: Tom.

19 MR. PRENDERGAST: When I read the
20 statement as Pamela suggested it, she didn't use
21 the word limitation, she uses the word

1 requirements, so I viewed it as an expansive
2 statement.

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

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

1 somebody has to fund it.

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

7 MR. FLANIGON: Ed.

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

18 So in that respect, with all due respect
19 to my, to my brother, I kind of moot the question.
20 We should vote on putting on there, and I vote in
21 favor putting in the bullet and letting the

1 administrator decide what level he wants to deal
2 with that on.

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

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

20 MR. INCLIMA: Thank you, Mike. I
21 understand the frustrations on all this and, and

1 maybe, maybe a resolve as we move forward here is,
2 you know, I'm not married to any one particular
3 model or one particular process and, and maybe FTA
4 should consider some preamble language or some
5 language in the procedures that we adopt that
6 essentially says the task, the task statements are
7 guidance documents but they are not intended to
8 be -- to limited the discretion of the, the
9 working groups to tackle and address matters
10 within, you know, within the task that they feel
11 important.

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

1 you know, based on the, you know, the intent of
2 the task.

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

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

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

19 MR. FLANIGON: So, getting back to the
20 task at hand, the way we've put that up there
21 can -- and actually I was going to try the answer

1 Alvin's question, is how long will it take for the
2 administrator take to look at this. We're hoping
3 that that won't be very long because we will have
4 to bring the other one back to him because we have
5 kind of created from what he said what we thought
6 that meant on paper.

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

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

16 MR. INCLIMA: As written?

17 MR. FLANIGON: As written.

18 MR. GRIZARD: As written up there.

19 MR. FLANIGON: As written up there. And
20 does anybody not accept it? Anybody thinks the
21 committee shouldn't accept it? Congratulations,

1 you accepted a task. Now get to work. Okay.

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

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

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

17 MR. GRIZARD: It's a nay.

18 MR. FLANIGON: Nay?

19 MR. GRIZARD: Nay.

20 MR. FLANIGON: Okay.

21 MR. DOUGHERTY: Task two, you're putting

1 it up.

2 MR. FLANIGON: What don't you like?

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

16 Our major issue with current state
17 oversight, so I don't think we're going to resolve
18 that by trying the develop a state oversight
19 organizational model. I think it should be
20 broader and just say oversight agency model. And
21 then down in the task area, if we wanted to put in

1 there, you know, like the current safety oversight
2 list prices in U S and, and if we wanted to put in
3 there state safety oversight, fine.

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

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

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

20 MS. FORD: We're legally bound by the
21 process now. So we hear what you're saying but

1 the law doesn't support. You would be developing
2 a recommendation that we wouldn't be able to get
3 action on.

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

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

15 MR. FLANIGON: I guess I would address
16 that two ways. One is that the tasking is not to
17 look at through a compare and contrast with all
18 across the 28 states that have programs but to
19 identify the, the ideal model what should be, not
20 necessarily what is. Not to do a critique of what
21 is, as much as look at what's the best. And then

1 the other suggestion that was made earlier by Rick
2 was if the FTA could provide sort of a starting
3 point for the work group to throw darts at. So to
4 speak, kind of put a dart board up and let the,
5 and let the work group start, have a starting
6 point. That that might help.

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

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

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

16 MR. GRIZARD: I can certainly accept the
17 explanation it's just that I think going back to
18 our previous discussion, I think some discussion
19 about the latitude that the working groups can
20 have towards meeting this and not get thrown by
21 what it actually says on paper but what we can

1 expect the outcome to be would be appropriate. So
2 yeah. I can, you know, I can live with it --

3 MR. FLANIGON: you can also abstain.

4 MR. GRIZARD: Barely.

5 MR. FLANIGON: Or you can an abstain.

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

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

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

18 MR. LIBBERTON: Right.

19 MR. FLANIGON: We're going to need. Why
20 don't we take a quick break a 10 minute break,
21 comfort break and then following that we are going

1 to figure out which individuals want to be on
2 which work group and we will poll you for advice
3 on other folks we should reach out to, support and
4 work group and then set some time lines. So
5 11:10.

6 MR. LIBBERTON: Sharp.

7 MR. FLANIGON: Sharp.

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

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

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

20 We also want you to think about
21 additional technical folks, additional folks from

1 the, from the industry who might be interested in
2 participating in work groups. The public may also
3 request participation on that work group and
4 originally I think it said that we would have
5 those working group nominees submitted to FTA but
6 I understand that we should do that through the
7 TRACS email.

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

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

20 MR. LIBBERTON: Well, a person can
21 nominate themselves.

1 MR. INCLIMA: Anybody, I mean, anybody
2 in the world?

3 MR. LIBBERTON: Let me finish, Rick.

4 MR. INCLIMA: Okay.

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

13 MR. FLANIGON: Bill.

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

18 MS. McCOMBE: I would like to
19 participate in task number one. And I nominate a
20 technical person for that group, V. J. Goiney
21 (phonetic)

1 MR. LIBBERTON: Okay. And Pam, please
2 do that formally through the TRACS website. So,
3 so to be clear we are, right now, accepting TRACS
4 members onto the work groups but for additional
5 working group members, you may do that through
6 there.

7 MS. McCOMBE: Okay.

8 MR. WATT: Put me on as well.

9 MR. FLANIGON: Ed?

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

11 MR. FLANIGON: I'm sorry?

12 MR. WATT: On one, work group one.

13 MR. FLANIGON: Jackie.

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

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

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

20 MR. FLANIGON: And Rick.

21 MR. INCLIMA: Yeah. I would, I would

1 volunteer to work on number two.

2 MR. FLANIGON: Okay.

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

11 MR. FLANIGON: Henry.

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

15 MR. FLANIGON: Okay.

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

20 MR. FLANIGON: Okay. Okay. Who's next?
21 Jim.

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

5 MR. FLANIGON: Okay.

6 MR. DOUGHERTY: Thank you.

7 MR. FLANIGON: And we've got Eric.

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

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

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

21 MR. FLANIGON: Oh. Those, those are our

1 subsets or elements to be considered in the over
2 all task.

3 MR. LIBBERTON: Objectives.

4 MR. CHENG: Okay.

5 MR. FLANIGON: Not separate tasks.

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

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

10 MR. CHENG: One. Yes.

11 MR. FLANIGON: Okay. And.

12 MR. CLARK: I will volunteer for
13 number two.

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

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

18 MR. FLANIGON: William Bates.

19 MR. BATES: Number one.

20 MR. FLANIGON: Okay. And Richard --
21 William.

1 MR. GRIZARD: One please. Okay.

2 MR. FLANIGON: Okay.

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

4 MR. FLANIGON: Oh, sorry.

5 MS. BRIDGES: Number one, please sir.

6 Thank you.

7 MR. FLANIGON: Absolutely.

8 MS. BRIDGES: That's my final answer.

9 MR. PEARSON: Put me on two, please.

10 MR. FLANIGON: Number two.

11 MR ADDUCI: Bernadette's going to go on

12 number one.

13 MS. BRIDGES: Number one.

14 MR ADDUCI: Okay. Who was next?

15 MR. FLANIGON: Diane is on number two

16 and Alvin's on number two.

17 MR ADDUCI: Okay.

18 MR. FLANIGON: Okay. Any more tent

19 cards set up I see. Okay. And we will advise you

20 through the email list on how to make suggestions

21 on additional, you know, people that we ought to

1 reach out to, to try to -- like VJ and Pam. Sure.
2 Here's, here's my list. Task one Pam, Ed Watt,
3 Henry Hartberg, Georgetta Gregory, Eric Cheng,
4 William Bates, Bill Grizard and Bernadette
5 Bridges.

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

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

10 MR ADDUCI: By web site.

11 MR. FLANIGON: Through the web site.

12 MR ADDUCI: Okay.

13 MR. FLANIGON: I would vote for VJ
14 myself.

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

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

1 MR. LIBBERTON: Okay.

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

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

8 MR. FLANIGON: Could I just make one
9 suggestion.

10 MR. LIBBERTON: Sure.

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

18 What we want to have in place before
19 leaving here today is, at least a schedule set up
20 by first -- on set -- well, we've got deliverables
21 that we're going to provide to you all. And then

1 some target dates for first meetings and questions
2 about how, you know, where we should do that,
3 what, what makes sense in terms of whether we try
4 the do it by telecon to kick things off or do
5 something first off.

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

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

1 MR. INCLIMA: The reports are due, based
2 on the task statements, March 15 --

3 MR. FLANIGON: Right.

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

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

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

20 MR. FLANIGON: Let's nail down the dates
21 we don't want the meet. I know -- we, we, we know

1 when passover is and when Easter is, so let's nail
2 down the dates we can't meet or the weeks we can't
3 meet, and then come up with a, at least a target
4 week that everybody could, could work with.

5 MR. PRENDERGAST: Are you looking at
6 April?

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

11 MS. BRIDGES: And furlough days.

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

14 MR. FLANIGON: Not offhand.

15 MR. INCLIMA: Okay.

16 MR. PRENDERGAST: Easter Sunday is the
17 24th.

18 UNIDENTIFIED SPEAKER: The 24th?

19 MR. PRENDERGAST: Yes. The 24th.

20 MR. FLANIGON: How about Passover?

21 UNIDENTIFIED SPEAKER: The 24th of April

1 or March.

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

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

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

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

12 UNIDENTIFIED SPEAKER: When's Passover?
13 Same week.

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

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

21 MR. FLANIGON: I'm recollecting that

1 passover is like the 23rd or something but I just
2 want to make sure. Somebody threw out the 14th
3 and it looks like the week of the 11th might be a
4 good week. We want to make sure we don't
5 conflict.

6 MS. FORD: April 19th.

7 MR. FLANIGON: April 19th is Passover?

8 MR. LIBBERTON: It's Passover.

9 MS. JETER: It begin on Sunday.

10 MR. FLANIGON: So would that mean the --

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

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

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

17 MR. FLANIGON: I knew you were trouble.

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

20 MS. KOVALAN: How about the week after
21 Easter? Passover ends on Monday the 25th.

1 MR. LIBBERTON: Twenty-eighth, 29th? By
2 the way is this helpful to have it towards the end
3 to end a Friday or would people prefer --

4 MS. KOVALAN: Yeah.

5 MR. LIBBERTON: To be midweek?

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

9 MR. LIBBERTON: Okay.

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

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

20 UNIDENTIFIED SPEAKER: Wednesday
21 Thursday?

1 MS. KOVALAN: That would work. Because
2 with passover ending on the 25th, you may have
3 people who may want to travel on the 26th.

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

6 MS. KOVALAN: I think it would.

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

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

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

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

16 MR. FLANIGON: Say again.

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

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

21 MR. DOUGHERTY: With our board

1 sometimes, I'm not sure. But I have some all
2 dayers --

3 MR. FLANIGON: (Inaudible)

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

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

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

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

20 UNIDENTIFIED SPEAKER: Well, let's have
21 it on the west coast.

1 MR. FLANIGON: You can't get here by
2 noon from the west coast.

3 MR. HARDY: Let's just start tonight.

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

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

21 MR. FLANIGON: Yeah, I think -- we want.

1 Go ahead.

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

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

16 MR ADDUCI: Add Len Hardy to group two.
17 Robert J. Adduci.

18 (Group discussions from 11:29 until
19 12:04)

20 MR. FLANIGON: Could everybody retake
21 your seats, please. Don't take those too far we

1 want to make sure those get into our minutes and
2 our note taker gets that information.

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

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

18 And if there is any wrinkle with that,
19 we will, we will get if touch with all of you by
20 email. And I will also, since we had three
21 members who weren't able to be here today and I

1 know Tom is an alternate for Linda Kleinbach, he
2 will brief her but I will also reach out to her
3 and the other two members that couldn't be here
4 and just fill them in on what's outstanding. So
5 this is our, our, our wrap up and a look at any
6 unfinished business. I think there was a question
7 that Rick wanted to explore on what was it again?

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

14 MR. FLANIGON: Yeah. Let me answer
15 that. It's, it's, it's not a public meeting in
16 the sense of, like a public hearing where we would
17 ask for, kind of, anybody's input. It is, we, we
18 -- you know, our charter requires that it be
19 public meeting, but that's just like our meeting
20 today. It is open to the public, anybody want to
21 sit and watch what's going on.

1 The actual participation of the work
2 group, what we're asking you to do, is to make
3 some recommendations to us on people within your
4 organizations or who you know in the, in the
5 industry or, or through professional connections
6 who would add value, you think. And then we will,
7 we will make those selections.

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

21 MR. LIBBERTON: Yeah. But I think --

1 Rick, did that answer your question? I'm not sure
2 it did.

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

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

15 MR. LIBBERTON: The original thinking,
16 and I know this is different than RSAC, it goes
17 beyond back up, was that member could -- just as
18 member, just as members of the public nominated
19 themselves to be on TRACS, that they could do so
20 for a working group, okay, that -- obviously we
21 are looking for qualify people to contribute.

1 And so they, they may chose to nominate
2 themselves but they would have to be, obviously
3 qualify to be selected. That is something, you
4 know, I think for that, for the first set of, of
5 working groups, would but I do think that is
6 something that we would revisit in subsequent
7 meetings.

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

20 You know, we might have more people than
21 we think it's sort of logistically reasonable to

1 try to, you know, meet the task.

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

5 MR. INCLIMA: Thank you.

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

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

14 So, you know, it puts the TRACS members
15 on those working groups in a potentially difficult
16 situation depending on the number of additional
17 people who are added into the mix of people who
18 are, perhaps not at these discussions where the
19 scope of those -- what we've, I've heard today
20 might be not exactly the words on the paper, it
21 can be, you know, changed.

1 I'm concern that if you have a large
2 number of those additional people coming into
3 those committees, you could end up with a, a scope
4 of work and discussion that maybe the TRACS member
5 on the working group are not comfortable with and,
6 and you will have difficulty reaching consensus.
7 I just throw that out there because I was
8 surprised at, you know, the, the level -- and, and
9 we as a group will work through these issues and
10 be able to work, I think more efficiently towards
11 reaching consensus, but I surely don't have -- and
12 I'm just speaking for myself -- the time to, in
13 the next six months, struggle with lots and lots
14 of meetings and time and I caution you about the
15 size and the make up of those groups, so.

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

1 purpose of the work group, which to get the work
2 done.

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

8 MS. KOVALAN: But somebody's going to
9 have to compile that report and decide what's in,
10 what's out, what's the full scope of the question,
11 especially if we're not going to take a literal
12 approach to the letter of the, of the written
13 document, et cetera. So again, I was very
14 comfortable that we didn't need a chairperson for
15 these, that we just had a convener, but if it's
16 going to be expanded and there's going to be
17 people, you know, and these things are going to
18 vary from -- these are just the first two
19 topics -- from time to time to time, then the
20 TRACS members will need, I think, more assistance
21 with keeping the working group on task. Because

1 you're going to have people joining those groups
2 who are going to, you know, sort of, you know,
3 reconvene each time. And I'm just speaking
4 practically.

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

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

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

17 MR. INCLIMA: That is your pocket sticky
18 notes.

19 MR. GRIZARD: What we were concerned
20 with the schedule and how to basically organize
21 this. So we've decided on there would be at least

1 two face-to-face meetings on this. The first one
2 we have tentatively scheduled here for
3 October 26th. Should give us enough time to get
4 the information out, people throughout apply get
5 appointed and still make this, right.

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

7 MR. GRIZARD: We don't have to?

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

10 MR. GRIZARD: And the likely spot would
11 be Atlanta because it's good to be able to get in
12 and out of there quickly it's low cost on the
13 airlines. And then the second, second meeting
14 would be in mid January where we will try to tag
15 it to the TRB meeting in Washington, D C, to
16 capture value of travel expense there. And then
17 our -- the objective there would be to have our
18 first draft pulled together at that meeting.
19 Between the first and second meeting we are going
20 to have a planning meeting next week to try to
21 identify the folks that, that we would need to

1 talk to, that we consider subject matter experts
2 in several of the areas we we're tasked with and
3 get them lined up to attend our face-to-face
4 meeting in October.

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

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

19 So and then our objective here is to
20 have a final draft ready for March 15, as it
21 states in, in, in this. And then at our next big

1 TRACS meeting which is sometime in April, I think,
2 we should be able to have something that we can
3 decide we're going to take up or down.

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

6 MR. GRIZARD: What's that?

7 MR. FLANIGON: Good job.

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

10 MR. FLANIGON: Task two group.

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

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

15 MS. McCOMBE: What is it again?

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

18 MR. FLANIGON: Task group number two.

19 MR. DOUGHERTY: We decided that we are
20 going to hold the teleconference call on
21 October 8th, it used to be loud enough. Task

1 group two, we're holding a conference call on
2 October 8th at 3:00 p.m. eastern to set our agenda
3 and discuss the prework.

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

17 And also the subject matter experts, we
18 will get recommendations for folks to attend that.
19 Did I miss anything from work group two?

20 MS. JETER: You got it.

21 MR. FLANIGON: Okay. Well, I think

1 everybody deserves around of applause here. Is
2 there any other business we need to conduct, any
3 other anything else?

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

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

11 MR. FLANIGON: Meeting adjourned.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

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.

1 The first virtual meeting will occur
2 Friday, September 17th, 11 AM EST.

3 US toll free call in number 800-377-8846
4 Passcode 25020773#

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

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

12 The first meeting will be Tuesday,
13 October 26th, thru XX, the full working group.
14 Purpose will be to discuss and develop information
15 on safety management systems pertinent to the task
16 description. Outcome will be to refine the work
17 plan and create any task forces. Meeting will be
18 hosted by MARTA in Atlanta, GA. Logistics and
19 travel information to be furnished at a later
20 date.

21

1 The second meeting will be Wednesday
2 January 26th & Thursday January 27th, the working
3 group will meet to develop a first draft of the
4 work product with meeting to be co-located with
5 the Annual TRB meeting that week. Outcome is a
6 working first draft.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

1
2 REPORTER'S CERTIFICATE


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

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

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

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

15 Dated this 22nd day of September, 2010.
16
17

18
19 
20 Donna M. Lewis, RPR
21