

**Remarks As DELIVERED**  
**for**  
**Federal Railroad Administration Administrator Sarah**  
**Feinberg**  
**Railroad Safety Advisory Committee (RSAC)**  
**Washington, D.C.**  
**November 5, 2015**

Good morning. It's a pleasure to see you all again. I'm glad to be with all of you again this morning.

I want to acknowledge the great team from FRA that is with me today. There are actually many people from FRA here, but I want to acknowledge the safety team in particular: Bob Lauby, our Chief Safety Officer, Larry Woolverton, Devin Rouse, who is running our PTC task force.

So thank all of you for being here.

This is my second RSAC meeting. Right when I sat down, I was confirming with Bob that the last one was in May, which actually doesn't sound like it was that long ago. But it feels like it was actually about a year ago.

Back at that meeting, I said my goal was to do everything I can to make sure RSAC continues to be proactive and effective in the pursuit of safety improvements.

A few things have changed since that time. Some of the major issues we were all facing have evolved, some have become more pronounced. But, the RSAC mission, and my plea and message

for all of you remains the same: which is that we still must continue to work together to continue to achieve significant safety results.

I want to spend my time with you this morning going over a few key safety challenges still facing us today, two of which will not surprise that they are on the agenda: PTC and crude oil, and one of which may feel like a bit of a surprise but I think it's important that we talk about.

First, PTC.

I know there were probably more than a few sighs of relief from the folks in this room last week when Congress passed the PTC extension.

But I would urge you not to make the extension your primary focus.

The focus must remain on getting PTC up and running as soon as possible. The Amtrak accident in Philadelphia remains a stark reminder of both what can happen without PTC, and the sense of urgency required to prevent a similar accident in the future.

In the coming weeks, you will hear more from us at FRA about how we intend to approach the new deadline and our expectations for you in the coming years.

Over the last year, I am sure you have observed that FRA is in a much more aggressive posture on PTC, and everyone should expect for that posture to continue.

We have engaged with railroad CEOs and COOs, and I will continue to do so. Our safety team will stay in close touch with their points of contact at each railroad. Our PTC task force will remain active and engaged, and will continue to work closely with railroads. Our regional offices will continue to coordinate with all class ones and commuters. And our technical staff will remain available to all of you.

As I said, in the coming weeks, you will hear more specific details from us on how we plan to work with railroads on their new implementation plans and schedules, how often we will expect to hear from you, and with what kinds of updates, what you can expect from us, and how we will continue to try to be a resource.

In the meantime, I appreciate that railroads are continuing to provide monthly PTC updates to FRA. Many of these reports are showing the type of progress and urgency that, frankly, has been required for some time.

To be clear: As railroads contemplate the new PTC deadline, I would urge them to view that new date – 3 years from now – as the absolute latest moment for implementation.

Do not make it your goal, please, to be the last one to cross the finish line in December of 2018. Make it your goal to beat the

deadline, by as much as possible, and as safely and efficiently as possible

The public deserves it, your shareholders deserve it, and the Congress expects it.

My promise to you is that you will continue to have a partner in FRA. We're here to help in any way we can. We want your feedback and your input on what we can do to be more effective and more helpful to you as you implement PTC. And we will do everything we can to help keep you on pace.

Now, I want to turn to Crude oil for a moment.

On issues related to the safe transport of hazardous materials, we recognize that you have more on your plates than ever.

As it relates to the RSAC, the RSAC Hazardous Materials Working Group will be reviewing PHMSA's hazmat regulations and determining if adjustments are needed.

This is one of the areas that really show the value of RSAC, in my opinion. Regulations can become outdated over time with the change in operating practices and equipment.

As the front line shippers and transporters of hazardous material, you're in the best position to point out inconsistencies or outdated information. We want your feedback. Tell us what you see, share with us your concerns, and be prepared to move ahead with us.

I know the Track Working Group also has a lot to talk about following the release of FRA's Mount Carbon, West Virginia report and safety advisory on internal rail flaws, particularly on crude routes.

FRA's Carlo Patrick will be talking about the safety advisory this afternoon. And, I'll be checking in with railroads making sure that everyone is taking the necessary steps in training and actions to prevent similar accidents on crude routes going forward.

As part of the response to the Mount Carbon investigation results, we'll also be exploring the need for rail-head wear standards that define requirements when rail wear poses a safety risk.

The third issue I want to mention is really a combination of issues: its bridges and grade crossings, specifically blocked crossings.

And, again, as I mentioned at the top this might be a topic that you are surprised to hear about at RSAC. But that's how important I think it is. Because my message to you is that I hear about these two issues constantly.

At this point, FRA now hears about blocked crossings and bridge safety more than we are hearing from the public and from the Congress about PTC, which I think is significant.

Concerns about bridge safety and concerns about blocked crossings are the two issues that are now leading the complaints that we get at FRA.

And, as I see it, there are two reasons for that.

One, because the public is genuinely concerned, and it is genuinely impacting their lives, which means their representatives in Congress are genuinely concerned.

And, two, because railroads are not yet doing enough to ease the concerns of the public.

In nearly every single case, when I hear from the public or from a member of Congress, that individual has called the railroad first, and come away confused or exasperated. And, in some cases, they have also been ignored.

On blocked crossings, there may sometimes be legitimate reasons for the blockage, and the FRA understands that probably better than other entities. In some cases, they are not, of course.

Typically, in the case of a blocked crossing, we take a complaint from the public or a member of congress, and our regional safety office then contacts the railroad to work out a more feasible alternative.

The railroad is frequently responsive. This usually ends up being an informal, voluntary agreement from the railroad to keep the crossing unblocked. We often see is that an agreement stands

for about four to six months before the crossing may be blocked again.

But the issue is, in more extreme cases, railroads sometimes appear to make no attempt to address the crossing.

In one anecdote told to me by a fuming member of Congress, a community became so frustrated with a blocked crossing that the local sheriff started writing tickets to the railroad for blocking traffic.

The railroad's response was to, in front of the sheriff, inform the sheriff that he had no authority over the railroad, and to tear the ticket up and drop it on the ground, which then caused the community to call the member of Congress, who called me to which I said that was not exactly our best example of everyone getting along.

So that's one example on blocked crossings. And I wish that I only had one example, but part of my message to you is that I am starting to get these calls all the time.

So while I don't have a sense that things are getting worse, those calls are going to Congress and those calls from the Congress are coming to me. And there's a ton of scrutiny on this issue.

When FRA is asked about bridge safety, it's frequently because, again, the public or a member of Congress become concerned and has tried to get answers from a railroad, and they have been ignored or put off.

They are frustrated, and frequently they are scared – because the absence of information in this case leaves them imagining the worst.

The bridge looks terrible.

The bridge looks old.

That means the bridge is going to collapse.

It's going to collapse on that road I drive on, that my kid drives on, that my husband drives on.

It is a legitimate concern. Not because it is going to happen, at all, but because the public has no information to assure them that it will not happen.

And so again, they are aware that infrastructure is aging. The news each night talks about the fact that the Congress is unable to come up with a long term deal that will pay for infrastructure. They see regular bridges and highways crumbling. They assume the same must be the case for the railroad bridge that they are worried about.

Now, I know that railroads are expending significant resources on maintaining bridges. I know that just because a bridge isn't pretty doesn't mean it isn't in good shape and it isn't going to remain in good shape for decades to come.

But members of Congress come to the railroads to ask these questions, they are coming away unconvinced.

Though on the issues of blocked crossings and bridge safety, I'm not under any illusion that railroads are going to change their business model or take a new approach necessarily to bridge maintenance because of this meeting.

I also understand and believe that railroads have no interest in having a bridge problem because it's your business, after all, that will be affected if you have a collapse or an issue of any kind.

But I guess what I'm telling you is this is a warning that my phone is ringing off the hook. And I believe that Congress is increasingly seeing other safety issues with railroads where FRA has more direct authority, and they're generally pleased with the results or what we're working with you on to achieve better results.

But if railroads continue to respond with silence when it comes to bridge safety and blocked crossings, my sense is that Congress will ask us to step in more aggressively.

We've talked to you at various levels and asked you to be more open with information. I've sent you a letter, asking you to be more transparent in communicating bridge maintenance efforts.

I believe if you are more open with the public they will be reassured, they will understand that bridges are safe, and they will be content with your response.

As I've said previously, and in closing, as long as our shared goal is safety, the RSAC will be a model example of stakeholder input into regulatory actions.

So there are a number of important presentations for you today, and other issues facing your committees.

As you undertake all of these efforts, I would ask again that you keep our common safety goals in mind, work towards viable solutions in order to quickly and efficiently produce results.

I look forward to continuing to work with all of you. I know I speak for the FRA team when I say that we find these meetings productive. They are helpful in guiding our actions. We appreciate your feedback and working with you and we look forward to continuing to work with you in the future.