NORTHEAST CORRIDOR (NEC) SAFETY COMMITTEE CHARTER

1. COMMITTEE'S OFFICAL DESIGNATION

The committee's official designation is the Northeast Corridor (NEC) Safety Committee (Committee).

2. AUTHORITY

The Committee is established under the authority of the U.S. Department of Transportation (DOT) and in accordance with the provisions of the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) (section 212 of the Railroad Safety Enhancement Act of 2008 (Pub. L. No. 110–432), amending 49 U.S.C. § 24905(f)). The Committee is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

The formation and use of the Committee are determined to be in the public interest in connection with the performance of duties imposed on the Secretary of Transportation, and delegated to the Federal Railroad Administration (FRA) Administrator, by the Federal railroad safety statutes (49 U.S.C. §§ 20101–21311).

3. OBJECTIVE AND SCOPE OF ACTIVITIES

The Committee's objective is to make safety recommendations concerning rail operations on the NEC and report such recommendations to the Secretary. In consultation with the Transportation Security Administration (TSA), the Committee also will report on security issues that impact the Committee's safety recommendations.

4. DESCRIPTION OF DUTIES

The Secretary shall consult with the Committee about safety improvements on the Northeast Corridor main line. The Committee will provide a forum for discussion of safety issues, and related security issues, arising out of rail operations on the Northeast Corridor and make safety recommendations to the Secretary. Any security-related issues or recommendations will be discussed in consultation with TSA. At the beginning of the first session of each Congress, the Secretary shall submit a report to the Northeast Corridor Infrastructure and Operations Advisory Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.

5. AGENCY OR OFFICAL TO WHOM THE COMMITTEE REPORTS

The Committee reports and makes safety recommendations, and related security recommendations, to the U.S. Secretary of Transportation and simultaneously, consistent with understandings in the September 28, 2004, DOT–U.S. Department of Homeland Security Memorandum of Understanding (MOU) on Roles and Responsibilities and the August 7, 2006, FRA–TSA Annex to the MOU, to the TSA Administrator.

6. SUPPORT

The FRA's Office of Railroad Safety will provide necessary funding, logistics, and administrative support for the Committee.

7. ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

It is estimated that the Committee's operating costs during fiscal years 2011 and 2012 will be $50,000 annually, plus salary and expenses for approximately two to three support staff directly involved with the Committee. The FRA's Office of Railroad Safety and Office of Chief Counsel will provide staff support as necessary for the Committee.

8. DESIGNATED FEDERAL OFFICER

The Railroad Safety Advisory Committee (RSAC) Coordinator is the Designated Federal Officer (DFO) for this committee and shall ensure that administrative support is provided for all activities.

a. The DFO, in consultation with the Chair, shall be responsible for the following:

   (1) Approving or calling meetings of the Committee, with the approval of the sponsor.
   (2) Formulating and approving the agenda for each meeting, which will be approved in advance by the sponsor and published in the *Federal Register*, in accordance with the provisions in section c, below.
   (3) Notifying all members of the time, place, and agenda for any meeting.
   (4) Maintaining all Committee files and records.
   (5) At the beginning of the first session of each Congress, the Secretary of Transportation shall submit a report to the Northeast Corridor Infrastructure and Operations Advisory Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety on the Northeast Corridor main line. The report shall include the safety recommendations of the Committee and the comments of the Secretary on those recommendations.

b. Minutes must be kept of each Committee meeting and include the following:

(1) Time, date, and place of the meeting.
(2) A list of all attendees at the meeting.
(3) A summary of matters discussed and conclusions reached, subject to the restrictions on the disclosure of sensitive security information (SSI) set forth in 49 CFR parts 15 and 1520.
(4) Copies of all reports received, issued, or approved by the committee, subject to the restrictions on the disclosure of SSI set forth in 49 CFR parts 15 and 1520.
(5) A description of the extent to which the meeting was closed to the public, if authorized under 41 CFR § 101-6.1023.
(6) A description of public participation, including a list of the members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting.

c. Timely notice of Committee meetings must be published in the *Federal Register* at least 15 calendar days before the meeting.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The Committee shall meet approximately two times per year to consider safety matters on the NEC main line.

Unless otherwise prohibited by Federal law or regulation, each meeting shall be open to the public. Persons wishing to appear before the Committee must make prior arrangements to do so. Written materials may be submitted to the Committee at any time. Each meeting will be held at a reasonable time; in a place reasonably accessible to the public; and in a room large enough to accommodate the Committee members, staff, and interested members of the public. Meetings may be closed to the public only as authorized by section 10(d) of the Federal Advisory Committee Act (title 5 U.S.C. Appendix II), as implemented by 41 CFR part 101-6.

10. DURATION

The NEC Safety Committee charter will expire 2 years from the filing date.

11. MEMBERSHIP AND DESIGNATION

a. The U.S. Department of Transportation, including the Federal Railroad Administration;

b. The U.S. Department of Homeland Security, including the Transportation Security Administration;

c. Amtrak;

d. Freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

e. Commuter rail agencies;

f. Rail passengers;

g. Rail labor; and

h. Other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

The members of the Committee will be designated by the Secretary from the nominees recommended by the FRA Administrator representing the organizations listed in the attachment to this charter. The Committee will comprise approximately 50 members who will serve in a representative capacity.

Members of the Committee who are not full-time employees of the U.S. Government serve without compensation.

Members of the Committee who are full-time employees of the U.S. Government serve without additional compensation but may be allowed transportation and per diem in lieu of subsistence and other expenses, in accordance with the Department of Transportation Civilian Travel Regulations.

12. RECORDKEEPING

The records of the Committee, formally and informally established subcommittees, and other subgroups of the Committee, shall be handled in accordance with General Records Schedule 26, Item 2, or another approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. § 552) and DOT and DHS regulations governing the protection of sensitive security information (49 CFR parts 15 and 1520). The records, reports, transcripts, minutes, and other documents that are made available to or prepared for or by the Committee are available for public inspection at http://www.regulations.gov under Docket No. FRA–2011–0027.

13. FILING DATE

This Committee is effective _____, which is the filing date of this charter. The Committee will remain in existence for 2 years after this date unless sooner terminated or renewed.

Proposed Northeast Corridor (NEC) Safety and Security Committee
Member Organizations

The U.S. Department of Transportation (DOT)
Federal Railroad Administration (FRA)
Federal Transit Administration (FTA)
Transportation Security Administration (TSA)
National Transportation Safety Board (NTSB)
CSX Railroad
Norfolk Southern Railway (NS)
Providence and Worcester Railroad (PW)
National Railroad Passenger Corporation (Amtrak)
New Jersey Transit (NJT)
Southeastern Pennsylvania Transportation Authority (SEPTA)
Maryland Area Regional Commuter (MARC)
MTA Long Island Rail Road (LIRR)
MTA Metro-North Railroad
Massachusetts Bay Transportation Authority (MBTA)
Massachusetts Bay Commuter Railroad (MBCR)
Shore Line East (SLE)
National Association of Railroad Passengers (NARP)
United Transportation Union (UTU)
International Brotherhood of Electrical Workers (IBEW)
Brotherhood of Locomotive Engineers and Trainmen (BLET)
Brotherhood of Maintenance of Way Employes Division (BMWED)
Brotherhood of Railroad Signalmen (BRS)
American Train Dispatchers Association (ATDA)
Transport Workers Union of America (TWUA)
International Association of Machinists and Aerospace Workers (IAM)
National Conference of Firemen & Oilers
Sheet Metal Workers International Association (SMWIA)
Safe Travel America
Tourist Railway Association, Inc. (TRAIN)
American Association of State Highway & Transportation Officials (AASHTO)
American Chemistry Council (ACC)
The Chlorine Institute, Inc.
The Fertilizer Institute, Inc.

Institute of Makers of Explosives
American Petroleum Institute (API)
American Public Transportation Association (APTA)
American Short Line and Regional Railroad Association (ASLRRA)
Association of American Railroads (AAR)
Institute of Makers of Explosives (IME)
Transport Workers Union of America (TWUA)
Consolidated Rail Corporation (CONRAIL)