

U.S. DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

+ + + + +

VOLUNTARY INFORMATION-SHARING SYSTEM
WORKING GROUP

+ + + + +

WEDNESDAY
NOVEMBER 29, 2017

+ + + + +

The Working Group met in the Galleria Ballroom, Hilton Arlington, 950 North Stafford Street, Arlington, Virginia at 8:30 a.m., Hon. Diane Burman, Chair, presiding.

PRESENT

HON. DIANE BURMAN, Chair; New York State Public Service Commission
ERIC AMUNDSEN, Panhandle Energy/Energy Transfer Partners
MICHAEL BELLAMY, PII Pipeline Solutions, General Electric
KATE BLYSTONE, Pipeline Safety Trust
BRYCE BROWN, The ROSEN Group
ROBERT BUCHANAN, Seal for Life Industries
DAN COTE, NiSource Gas
YIMING DENG, PhD, Michigan State University*
ALICIA FARAG, LocusView Solutions
MARK HERETH, Process Performance Improvement Consultants/The Blacksmith Group
LEIF JENSEN, Sunoco Logistics
WALTER JONES, Laborers' Health & Safety Fund of North America

MICHAEL KELLER, PhD, University of Tulsa
MIKE LaMONT, Integrity Plus
JOHN MacNEILL, Utility Workers Union of America
ALAN MAYBERRY, Associate Administrator for
Pipeline Safety, PHMSA
RANDY PARKER, Kinder Morgan Inc.
HOLLY PEAREN, Environmental Defense Fund
SIMONA PERRY, PhD, Pipeline Safety Coalition;
Ogeechee-Canoochee Riverkeeper*
JOE SUBSITS, National Association of Pipeline
Safety Representatives
MICHELLE THEBERT, Georgia Public Service
Commission
CHRISTOPHER WARNER, Mears Group, Inc.
MARK ZUNIGA, UniversalPegasus International, Inc.

PHMSA STAFF PRESENT

CHRISTIE MURRAY, MSCIS, PMP, Director, Outreach
and Engagement; Designated Federal Official
SHERRY BORENER, Senior Research Analyst
HOWARD "SKIP" ELLIOTT, Administrator
CHRIS McLAREN, Transportation Specialist
HUNG NGUYEN, Senior Program Manager
CHERYL WHETSEL, Advisory Committee Manager
NANCY WHITE, Senior Policy Advisor for Policy and
Programs

ALSO PRESENT

WARREN RANDOLPH, Director, Aviation Safety
Analytical Services, Federal Aviation
Administration
BRIAN REILLY, Human Performance Program
Specialist, Federal Railroad Administration
ROLF SCHMITT, Deputy Director, Bureau of
Transportation Statistics
JOHN STOODY, Association of Oil Pipe Lines

*Present via telephone

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

2 8:37 a.m.

3 OPERATOR: Ladies and gentlemen,
4 thanks for standing by. The Voluntary
5 Information Sharing Working Group Conference will
6 begin at this point. So, we're all set.

7 DR. MURRAY: Good morning, everyone.
8 Good morning. Some of us had coffee, others
9 haven't.

10 Welcome and thank you for joining us
11 at this Voluntary Information Sharing System
12 Working Group Committee meeting.

13 I want to thank everyone who is
14 participating here in person and welcome to those
15 who are able to participate over the phone.

16 My name is Christie Murray and I am
17 the presiding Designated Federal Official
18 presiding over today's -- today and tomorrow's
19 committee meeting.

20 For those who are joining us by phone,
21 please let me know if you are able to hear me
22 clearly.

1 OPERATOR: In one moment, I can open
2 the lines here. Would you like me to open all
3 the lines?

4 DR. MURRAY: Yes.

5 OPERATOR: Okay, and leave them open
6 throughout the call or just for this moment?

7 DR. MURRAY: You can leave them open
8 throughout the call.

9 OPERATOR: Okay, sounds good. And
10 right now, all lines are fully interactive. Just
11 let me know if you'd like me to close them.

12 DR. MURRAY: All right, thank you very
13 much.

14 For our telephone conference
15 participants, please let me know if you can hear
16 me clearly.

17 DR. PERRY: Yes. Yes, this is Simona.
18 Yes.

19 DR. DENG: This is Yiming at Michigan
20 State, yes.

21 DR. MURRAY: Excellent. Thank you.
22 And hopefully you have access to all the meeting

1 documents, as well as the link to our Skype
2 presentation.

3 DR. PERRY: Yes.

4 DR. DENG: Yes, confirmed.

5 DR. MURRAY: Excellent.

6 All right, well thank you everyone.

7 So the purpose of our committee meetings, in
8 general, for the Voluntary Information Sharing
9 System Working Group is really to fulfill our
10 PIPES Act of 2016 reauthorization mandate
11 requirements from Section 10. And just as a
12 general reminder, the focus of this working group
13 is to consider the development of a Voluntary
14 Information Sharing System to encourage
15 collaboration efforts related to improving
16 inspection information, and just really pipeline
17 safety improvements as it pertains to gas and
18 liquid transmission lines and beyond.

19 Ultimately, the deliverable for this
20 working group is to provide the Secretary of
21 Transportation recommendations pertaining to a
22 Voluntary Information Sharing System Working

1 Group.

2 Just a few housekeeping items. For
3 those who are here in person, the restrooms are
4 straight out the door. The women's restroom is
5 straight ahead and the men's restroom is slightly
6 to the left.

7 If you have not already, please
8 silence your mobile devices so that we don't
9 disrupt the robust conversation I'm sure this
10 committee will have.

11 And also if you are a member of the
12 public or if you're not a committee member, there
13 will be opportunities for audience participation.
14 And I say good morning to our public audience as
15 well and apologize for having my back turned to
16 you but it's not as an oversight. Thank you and
17 welcome for joining us as well.

18 There will be an opportunity for
19 comments. We encourage you to hold those
20 comments until we open the floor officially for
21 them. And please try to keep your remarks brief,
22 less than five minutes.

1 Also, if you have written comments or
2 you would like to share written comments, please
3 submit them to the docket listed here, which is
4 PHMSA, P-H-M-S-A, dash 2016-0128.

5 Also, in case of an emergency, please
6 follow one of the exits to my left outside the
7 door and immediately down the stairs. Go out the
8 exit and we will assemble across the street from
9 where we're currently located in the hotel.

10 And here just highlights those exits
11 again.

12 This is a Federal Advisory Committee
13 meeting. Committee meetings and meetings of the
14 public are asked to preserve order and decorum
15 during this meeting. No one shall neither, by
16 conversation or otherwise, delay or interrupt the
17 proceedings, or the peace of the committee, nor
18 disturb any member while speaking, or refuse to
19 obey the instructions of the chair, or designated
20 federal official, or other presiding official.
21 Disruptive individuals will be asked to leave.

22 Next, I would like to introduce you to

1 the Honorable Diane Burman, New York State Public
2 Utilities Commission, who serves as the
3 chairperson over this committee. Thank you.

4 MS. BURMAN: Hello. Thank you very
5 much.

6 Before we get started, we're just
7 going to take a few business items. First, we're
8 going to do the roll call and we're going to do
9 roundtable introductions.

10 Right now, we're just going to go
11 around the room. If you can just state your
12 name, your title, your company, and your
13 representative group.

14 We are going to go afterwards, after
15 we do the roll call, we're going to open it up
16 for remarks afterwards but right now, we're just
17 going to do the roll call.

18 So I'm Diane Burman. I'm a New York
19 State Public Service Commissioner and I am a
20 state regulator.

21 MR. ELLIOTT: Good morning, folks.
22 I'm Skip Elliott. I'm the Administrator of the

1 Pipeline and Hazardous Materials Safety
2 Administration for DOT.

3 MR. MAYBERRY: Good morning, I'm Alan
4 Mayberry, Associate Administrator for Pipeline
5 Safety at PHMSA, U.S. DOT, and I'm a government
6 member of the committee.

7 MR. PARKER: Good morning. I'm Randy
8 Parker. I'm Vice President of Regulatory Affairs
9 with Kinder Morgan.

10 MR. NGUYEN: Good morning. My name is
11 Hung Nguyen with PHMSA.

12 MS. WHETSEL: Hi, Cheryl Whetsel from
13 PHMSA.

14 MR. McLAREN: Chris McLaren from PHMSA.

15 MR. SUBSITS: Joe Subsits representing
16 the National Association of Pipeline Safety
17 Representatives.

18 MR. BELLAMY: I'm Michael Bellamy with
19 General Electric.

20 MR. AMUNDSEN: Eric Amundsen, Senior
21 Vice President of Operations for Energy Transfer.

22 DR. KELLER: Mike Keller, University

1 of Tulsa.

2 MR. BROWN: Bryce Brown, The ROSEN
3 Group.

4 MS. BLYSTONE: Kate Blystone with the
5 Pipeline Safety Trust.

6 MS. PEAREN: I'm Holly Pearen, a
7 senior attorney at the Environmental Defense
8 Fund.

9 MR. HERETH: I'm Mark Hereth with The
10 Blacksmith Group, representing the industry.

11 MR. BUCHANAN: Bob Buchanan with Berry
12 Global, Seal for Life, representing the industry.

13 MR. WARNER: Chris Warner with the
14 Mears Group, representing contractors.

15 MR. MacNEILL: John MacNeill, National
16 Safety Director for the Utility Workers Union of
17 America.

18 MS. FARAG: Alicia Farag, President of
19 LocusView Solutions.

20 MR. COTE: Dan Cote, Vice President of
21 Pipeline Safety and Compliance for NiSource,
22 representing the LDCs.

1 MR. JENSEN: Leif Jensen, Senior
2 Director for Liquid Technical Operations with
3 Sunoco Pipeline, representing operator industry.

4 MR. LaMONT: Good morning, Mike
5 LaMont, Vice President, Integrity Plus.

6 MS. THEBERT: Michelle Thebert,
7 Georgia Public Service Commission.

8 MR. ZUNIGA: Mark Zuniga, Chief
9 Information Officer for UniversalPegasus,
10 representing pipeline service providers.

11 MS. BURMAN: And those on the phone?

12 DR. DENG: Good morning, Yiming Deng,
13 Associate Professor, Michigan State University,
14 representing academia and the research
15 institutions.

16 DR. PERRY: Hi, good morning. Simona
17 Perry. I'm with the Pipeline Safety Coalition
18 and the Ogeechee-Canoochee Riverkeeper.

19 MS. BURMAN: Great. Anyone else on
20 the phone?

21 Okay, I just also want to welcome the
22 two new committee members to the committee,

1 Michael Bellam and Randy Parker. Thank you.

2 I believe there is an established
3 quorum and I call this meeting of the Voluntary
4 Information Sharing System Working Group
5 Committee to order.

6 I do want to note that the meeting is
7 being recorded and a transcript will be produced
8 for the record. The transcript and the
9 presentations will be available on the PHMSA
10 website and on the E-Gov docket and the docket
11 number for this meeting is PHMSA-2016-0136.

12 I do want to remind folks that you
13 should introduce yourself each time you speak so
14 your comments can be acknowledged in the meeting
15 transcript. And set your tent card on its side
16 if you care to make a comment and we will keep in
17 mind that for those on the phone that we'll take
18 time to make sure that folks on the phone have an
19 opportunity to comment, and also those in the
20 audience as well.

21 We're going to now review the agenda
22 for each day. It's a jam-packed agenda, full

1 days each day. We're going to go around after
2 and we're going to have opening remarks from
3 PHMSA leadership. Then, we're going to do the
4 committee business. We have the FAA talking
5 about aviation safety information analysis and
6 sharing, BTS information collection. That will
7 take us through to lunch. We will have one hour
8 -- it will not go past one hour on your own
9 lunch.

10 And then we'll do -- we'll come back
11 after that and start sharply at 1:00 p.m.
12 committee business, do Confidential Close Call
13 Reporting System, committee preparatory
14 discussion, and we'll have action item recap and
15 closing remarks.

16 And -- oh, it's both the same thing.
17 All right.

18 And then for Day 2, we will also do
19 the same thing with the roll call, Day 1 recap
20 and agenda review. And we'll do committee
21 business: strategic mission breakout groups --
22 instructions, discussions, report outs.

1 Again, lunch on our own.

2 Strategic mission statement
3 development and deliberations, subcommittee
4 planning discussions, and future meeting planning
5 for 2018, action recap and closing remarks.

6 So that is it from a process
7 perspective.

8 I do want to state sort of my overall
9 perspective. This is really coming on now one
10 year from the formation of the committee.
11 December 19th was the first time that the
12 Voluntary Information Sharing System Working
13 Group met. And the integrity of the natural gas
14 system is paramount and pipeline safety is
15 integral to that.

16 And PHMSA plays a critical role in
17 ensuring that our nation can continue to have a
18 vibrant and important natural gas system and
19 energy system and we, as part of that, our
20 partners in collaboration with PHMSA, to ensure
21 that the pipeline system is one that is safe.
22 And we do all that we can to work together.

1 From my perspective, we all have
2 shared principles. I think that, as I look at
3 it, really we have a goal of zero safety
4 incidents. There is a strong need for and
5 continued need for a culture of safety. We have
6 worked towards continuous improvement. We are
7 focused on working together on new technologies.
8 We're focused on R&D, sharing experiences,
9 commitment throughout all that we do on pipeline
10 safety, and focusing on systems for successes,
11 and working on ways that we can all work together
12 on industry-wide initiatives and with PHMSA, and
13 state regulators, and all the different partners
14 to work to address pipeline safety improvement
15 issues.

16 And this Voluntary Information Sharing
17 System Working Group came out of the Safe Pipe
18 Act. And while we could check the box as doing
19 what the legislation has, it's really imperative
20 for us to spend the next two days to drill down
21 and substantively look at how we can look at all
22 of our shared principles and be as focused as

1 possible in working on ways to continue to
2 improve pipeline safety and really getting at the
3 heart of the core issue of what it means to look
4 for ways to enhance that safety, and what it
5 means for how we can work together on that data
6 sharing and sharing those experiences to help
7 make sure that we're doing what the intent is to
8 prevent incidences and to learn from our
9 experiences.

10 So from that, I'm really blessed that
11 sitting next to the administrator, who has over
12 40 years of experience, and has a wealth of
13 hands-on experience in safety issues and in the
14 rail experience that really, for me, help to
15 shape all that we're doing on pipeline safety.
16 And he comes with, I think, a laser focused on
17 wanting to make a difference. And I'm very
18 excited by that, very excited that he is here.
19 Thank you.

20 With that, I'll turn it over to you.

21 MR. ELLIOTT: Well first off, thank
22 you Madam Chairman for those kind words. And

1 good morning to you all. I'm really delighted to
2 be here today and have a chance to spend some
3 time learning more about the great work that
4 you're doing.

5 It's exciting to see such a diverse
6 group of pipeline safety stakeholders coming
7 together to develop recommendations for Voluntary
8 Information Sharing System to improve safety
9 across the entire pipeline industry.

10 I'd also like to welcome the two
11 newest members to this group, Mr. Bellamy and Mr.
12 Parker. I know that you will be valuable assets
13 and provide great insight to this group.

14 I'd also like to thank all of the
15 returning VIS Working Group members. And, as
16 always, PHMSA is incredibly grateful for your
17 support.

18 In this meeting today, the committee
19 will have the opportunity to learn from the data
20 and information sharing efforts of the Federal
21 Aviation Administration, the Federal Railroad
22 Administration, and the Bureau of Transportation

1 Statistics.

2 I believe these discussions will help
3 to craft the robust strategic mission statement
4 that will ultimately lead to the development of
5 innovative ways for us to share information,
6 lessons learned, and best practices across the
7 industry.

8 As technology evolves, it's vital that
9 we continue to work together to identify
10 effective and innovative solutions to address
11 pipeline safety risks. And I applaud your
12 dedication and commitment to this crucial work
13 and thank you for the time you have spent in
14 advancing this important mandate.

15 As you already know, PHMSA's goal is
16 to promote the safe, reliable, and
17 environmentally sound operation of the nation's
18 2.7 million mile pipeline transportation system
19 in the nearly one million daily shipments of
20 hazardous materials by land, sea and air.

21 The reach of PHMSA's safety effort is
22 vast. It stretches from the U.S. Virgin Islands,

1 to the Alaskan tundra, and all the way to the
2 Pacific Islands. And I am humbled by the
3 dedication I see every day from our 536
4 hardworking safety professionals.

5 This dedication is evidenced by the
6 99.97 percent safety record we share but we need
7 to improve even more. And while we should all be
8 proud of the amazing safety achievements over the
9 last 20 years, our focus must now be on the
10 future and that last few hundredths of a
11 percentage point that will get us to that
12 aspirational, but I do believe achievable, goal
13 of zero incidents.

14 I was sworn in as the PHMSA
15 Administrator a little over a month ago and came
16 to PHMSA from the freight rail industry, where I
17 focused on public safety, the environment,
18 occupational health, hazardous material
19 transportation safety and security. And after a
20 wonderful 40-year career, I retired from CSX
21 Transportation in Jacksonville, Florida in March
22 of this year.

1 Now, I'm going to pause there because
2 I'm guessing that at least some of you would
3 wonder why after 40 years I would leave sunny
4 Florida and move to Washington to work for the
5 Federal Government.

6 There are three reasons, really. The
7 first is that I truly do believe that if you're
8 asked to serve this great nation of ours and you
9 can, you should do that.

10 Second, I was excited for the
11 opportunity to share my years of work,
12 dedication, and commitment to improving the safe
13 transportation of hazardous materials by rail to
14 spread across the entire pipeline and surface
15 transportation network in this country.

16 And third, I believe that my hopes of
17 achieving new levels of safety is something we
18 can and must do together. Harnessing the
19 collective experience within this room into a
20 laser-like focus can be the catalyst for
21 delivering even greater improvements in the safe
22 transportation of hazardous materials in energy-

1 related products both by pipeline and other modes
2 of transportation.

3 As I was going through the PHMSA
4 selection process, I was deeply impressed with
5 Secretary Chao's commitment to safety and I fully
6 support her clear vision of investing in
7 infrastructure, while driving innovation and
8 technology, thereby improving the safety and
9 performance of our nation's transportation
10 system.

11 As you all know, infrastructure really
12 is the backbone of our economy. It keeps our
13 country moving and raises the standard of living
14 for all Americans, including workers who are
15 employed in the vast pipeline industry.

16 At DOT, we are guided by Secretary's
17 Chao's three main priorities, which are
18 maintaining and strengthening safety using sound
19 science and risk-based analysis, rebuilding and
20 refurbishing our country's critical
21 infrastructure, and creating a regulatory
22 environment that fosters innovation.

1 In my Senate confirmation hearing, I
2 said that if confirmed as the PHMSA
3 Administrator, I'd push to explore how technology
4 can be deployed to enhance the safety of
5 pipelines and other forms of transportation. I
6 will also encourage research and development
7 efforts that will improve, create, and apply
8 cutting-edge technology to safety solutions.

9 When we look at the priorities of the
10 Secretary, as well as what I think we can achieve
11 through technology and R and D, it's evident that
12 even though we come from different backgrounds,
13 we all share the same forward-looking commitment
14 to helping fulfill the PHMSA safety mission.

15 The Pipeline Safety Reauthorization
16 bill, the 2016 PIPES Act, established the
17 Voluntary Information Sharing System Working
18 Group, the VIS Working Group, which is comprised
19 of stakeholders from a variety of backgrounds,
20 yet with the same passion I share for pipeline
21 safety. The work of this group can deliver
22 further improvements in gas transmission and

1 hazardous liquid pipeline facility integrity risk
2 analysis through inspection information feedback
3 and information sharing.

4 The VIS Working Group will encourage
5 advanced pipeline inspection technology
6 development, as well as the sharing of pipeline
7 inspection information and other data, thereby
8 spreading knowledge about the advantages and
9 disadvantages of the various types of inline
10 inspection technologies. And it will work to
11 protect safety-sensitive, security-sensitive, and
12 proprietary information by creating a secure
13 system that safeguards data, while encouraging
14 information sharing and the development of
15 advanced pipeline inspection technologies.

16 As a whole, the VIS Working Group will
17 improve safety throughout the pipeline industry.

18 In closing, I want to personally thank
19 you for supporting this industry-wide information
20 sharing initiative. It is clear that the VIS
21 Working Group will support safety in pipeline
22 systems throughout the United States, helping to

1 fill gaps in pipeline safety by promoting
2 transparency, collaboration, and the adoption of
3 safety management systems.

4 This group's critical work will inform
5 integrity risk analysis through information
6 sharing and inspection information feedback.

7 While a great deal of work still lies
8 ahead, I look forward to this group's discussion
9 and development of a strategic mission statement
10 that will ultimately set the framework for the
11 recommendations that will be provided to the
12 Secretary of Transportation.

13 I just want to pause here for a
14 second, too. In talking to the chairman, I think
15 we share a common vision of this group and that
16 is the need for both of us, both sides of the
17 group, the PHMSA staff and the rest of you that
18 are providing valuable information, to roll up
19 our sleeves to make sure that we accomplish this
20 important mission.

21 Diane also said something that I think
22 was very important and this cannot be just a

1 check the box kind of initiative. It really does
2 need to develop solid, tangible results that will
3 propel safety to even higher levels than we see
4 today in our industry.

5 I appreciate your commitment to
6 pipeline safety and for coming to the D.C. area,
7 for those of you who have traveled in, and to
8 share in this important meeting today.

9 Folks, I want to thank you for
10 allowing me to participate this morning. As Alan
11 and others on the PHMSA team might tell you, I'm
12 not big on fanfare and ceremony, so please, if
13 you ever have anything that you would like to
14 share with me, please give me a call or send me
15 an email because I'd love to hear from you.

16 Good luck with your endeavor. It's an
17 important endeavor. I had discussion, a brief
18 discussion with the Secretary just yesterday on
19 this and she is keenly aware of the work that's
20 being done and looks forward to the deliverables.

21 So Madam Chairman, with that, I'll
22 turn it back to you. Thank you.

1 MS. BURMAN: Thank you very much. I
2 do also want to note that it is your 40th wedding
3 anniversary coming up, too. So I thank you for
4 being with us. Thank you.

5 I do want to take a moment, we did it
6 at the first meeting as well, to go around the
7 room and just, for each person to feel if they
8 want to share briefly why or what they hope to
9 get out of this working group, if you can take
10 just less than a minute or two. And we'll start
11 at the high end over there.

12 And if you can just state your name
13 and then we'll just go around. It can be less
14 than a minute, 30 seconds if you want.

15 MR. HERETH: I'll help keep to that,
16 Diane. This is Mark Hereth. My hope is that
17 this group is able to draw upon the strengths of
18 each of the perspectives that are brought here
19 and really create the opportunities to learn
20 lessons from the work that's done with inline
21 inspection tools, other assessment technology,
22 and the findings that we have in excavations, and

1 really improve, advance tools but improve the in-
2 the-ditch technologies as well.

3 MS. BURMAN: Thank you. And for those
4 -- you don't have to -- if you want to also say
5 what you -- you know something that you want us
6 to focus on or not focus on, whatever you want.
7 So you know, I just didn't want it to have to be
8 that you had to say the same thing.

9 Thank you, Mark.

10 MR. BUCHANAN: I'm Bob Buchanan. I
11 work for a company that manufactures coatings for
12 corrosion protection and cathodic protection
13 systems. So it's simple. I'd just like to have
14 a voice on this committee and help where I can.

15 MR. WARNER: I'm Chris Warner and the
16 first 20 years of my career were spent as an
17 operator, and the last 11 years as an integrity
18 contractor for operators.

19 And in those 30 years, I've seen an
20 incredible increase, evolution in our
21 understanding of threats to the pipelines and how
22 we address them.

1 And being on this committee is
2 interesting to me just because I've seen how
3 different contractors in different parts of the
4 country address different threats. And I think
5 the idea of sharing that information and learning
6 from each other is vital in terms of getting
7 ahead of threats that are continuing to evolve
8 and make themselves known. Thank you.

9 MR. MacNEILL: Hi, I'm John MacNeill.
10 I'm the National Safety Director for the Utility
11 Workers Union. And I really appreciate the
12 opportunity to be on this committee -- to serve
13 on this committee because I'm looking out for the
14 safety of my members and also the safety of the
15 public that my members are involved with every
16 day, when it comes to the pipelines delivering
17 the gas to our infrastructure in the country.

18 Thank you.

19 MS. FARAG: Alicia Farag. My interest
20 is to be able to provide a perspective on what
21 current IT technologies can offer to information
22 sharing, as well as gathering information about

1 what is not yet possible but with further R and D
2 could be possible for supporting information
3 sharing.

4 MR. COTE: Thank you. My name is Dan
5 Cote and my perspective is very simple in all of
6 this. The ultimate criteria of the product of
7 this committee needs to be used by the industry
8 going forward for it to be successful, both
9 distribution and transmission.

10 There have been considerable
11 discussions on specific tools, specific
12 technologies, specific methodologies for
13 determining abnormal operating conditions or risk
14 to pipelines, for example. And those are
15 critically important but I beg you as a
16 committee, don't get so focused on the technology
17 that we lose the perspective that this is about
18 developing a broad-based process that
19 communicates among operators various risks,
20 various identification measures, and various
21 remediation measures for pipelines.

22 To the extent that we stay focused on

1 that, in my mind, we can create a tool that is
2 equally effective for both the transmission
3 groups and the distribution companies who are at
4 least a large a contributor to both pipeline
5 safety and to incidents in the United States.

6 And so keep in mind the criteria,
7 folks. This has got to be used and usable for it
8 to be effective. And as long as we set our star
9 with that guidance, in my mind, we'll produce a
10 very usable and effective product for the
11 industry going forward.

12 Thank you.

13 MR. JENSEN: Well said, Dan.

14 Leif Jensen with Sunoco Pipeline. In
15 the spirit of pipeline safety and looking at the
16 diverse group that we have here, a variety of
17 backgrounds, a variety of stakeholders from
18 across the nation, I'm hoping and I'm truly
19 hopeful that we find common ground, that we can
20 truly set a path forward to improve pipeline
21 safety.

22 And with that said, I look at the

1 first word in our group and it's voluntary. And
2 on behalf of all of the operators throughout the
3 industry, I hope that we can create a product
4 where operators don't necessarily have to
5 volunteer but they are motivated to want to
6 participate.

7 Thank you.

8 MR. JONES: Hi. My name is Walter
9 Jones and I am Director of Occupational Safety
10 and Health for the Laborers and the National
11 Building Trades of AFL-CIO Union.

12 And I would pretty much echo the
13 comments of the gentleman that spoke before. I'd
14 like to see us codify voluntary measures that
15 could be put in place in the field and not
16 something that's going to sit on the shelf but
17 something that's going to help our members,
18 protect -- protect my members and protect the
19 traveling public.

20 Thank you.

21 MR. LaMONT: Good morning, Mike
22 LaMont, Integrity Plus.

1 Yes, I would have to say well said,
2 Dan. I think that we have to be very aware of
3 avoiding the get down in the weeds in a
4 technology discussion. Really what I think we're
5 tasked with is looking at process and really
6 driving a deliverable and concepts of a
7 deliverable that provide for benchmarking and
8 really proactive risk management, not the
9 reactive risk management. And I think it would
10 be not a great use of our time to get too far in
11 the weeds on the technology aspect.

12 So, I think, very well said.

13 MS. THEBERT: Hi. I'm Michelle
14 Thebert. From a state regulator's point of view,
15 I think as much information that can be shared
16 amongst industry, the better. If there's
17 something that happened on one operator that
18 another operator can relate to, I think it's
19 important that they share the information.

20 Voluntary is a tricky word sometimes
21 because a lot of operators know they don't have
22 to do it. So I hope -- I think one of the

1 gentleman said on here voluntary should be a
2 motivation to get things out and to share with
3 everyone else. They could help them.

4 MR. ZUNIGA: Mark Zuniga,
5 UniversalPegasus.

6 So having spent the past 20 years
7 applying technology to all aspects of a
8 pipeline's life cycle, I'm just hoping to lend
9 that experience to this effort.

10 And, in particular, what drew me was
11 the thought of improving safety as a whole for
12 our industry. And truly, that is the motivator
13 for me.

14 MR. MAYBERRY: Hello. I'm Alan
15 Mayberry. And really to the extent of my opening
16 remarks, too, this is kind of one and the same
17 here but I just wanted to let you know that we're
18 extremely excited about the potential of the
19 work, the outcome of this group.

20 As you know, our role in pipeline
21 safety, we're often considered the overseer, the
22 champion, the driver, you know the inspector.

1 But in this case, I really see us as an enabler.
2 And I think that's very important for us to be an
3 enabler of pipeline safety -- certainly, our role
4 as we write rules but we're looking beyond
5 writing rules here. We're looking to be creative
6 and develop other solutions to drive pipeline
7 safety that are beyond -- you know other
8 approaches beyond regulations or beyond
9 inspections that would encourage the sharing of
10 information, which has been a challenge over the
11 last -- for some time, you know especially as it
12 relates to inline inspection.

13 And to Dan's point, you know certainly
14 inline inspection or that kind of realm was kind
15 of the topic when the legislation was being
16 written. But I would agree that the framework we
17 develop here, the recommendation that we develop
18 here I think should be suitably applied to other
19 operations as well, you know between
20 transmission, distribution, liquid and the like.
21 So, I think that's very important.

22 And lastly, I'd just like to say I

1 think this dovetails nicely with the
2 administration's agenda, you know focus of safety
3 being paramount, supporting infrastructure
4 growth, that it's safe infrastructure growth.
5 Innovation, certainly that's what we're all about
6 here, in providing an innovative solution.
7 Another way to skin the cat to drive at pipeline
8 safety is we look to achieving zero incidents
9 and, of course, greater accountability for
10 pipeline safety.

11 But anyway thanks and it's good to see
12 everyone.

13 MR. PARKER: Hi, I'm Randy Parker with
14 Kinder Morgan. I think what we have here is an
15 outstanding opportunity to show some leadership
16 on safety, pipeline safety for the whole country.

17 Technical difficulties here.

18 Can you hear me now? One of the
19 things that I would like to focus on is how do we
20 encourage the sharing of information, which is
21 normally siloed among operators and companies,
22 encourage it for the benefit of everyone

1 involved. And I think with this committee, we
2 can figure that out.

3 I mean there are certain confidential
4 proprietary and security-sensitive issues that we
5 need to deal with so that everybody's comfortable
6 that when we're sharing stuff, we're not
7 trampling on any of those concerns.

8 But once we get beyond that, I think
9 we have an opportunity show solid, tangible
10 results in pipeline safety for the public. And I
11 think we shouldn't miss this opportunity. It's
12 an historic chance for us. Thank you.

13 MR. SUBSITS: This is Joe Subsits.
14 And I agree with Randy that I think the big
15 hurdle is going to be being able to maintain the
16 open line communications that will be required to
17 make this successful. I think if we're going to
18 make the next big jump in safety, it's going to
19 require that organizations be strengthened, made
20 better. And a big part of that is maintaining a
21 learning culture and I would hope that this
22 committee would provide exactly this and to be

1 able to enable that, provide the tools to do
2 that.

3 MR. BELLAMY: Good morning. My name
4 is Michael Bellamy and I lead the PII Pipeline
5 Solutions Business. We are a subsidiary or a
6 business within Baker Hughes. And Baker Hughes
7 is a subsidiary of General Electric. But that
8 aside, we inspect oil and gas pipelines using so-
9 called smart pigs. We do that worldwide. Two-
10 thirds of our business is here in North America.

11 So my interest here is to improve the
12 technology that we're able to deploy. And in
13 that regard, the information that comes back from
14 the ditch, the validation that comes from the
15 operators of our results, the results we provide
16 to them is like gold dust to us. That's the
17 ground truth.

18 So my interest here is to encourage a
19 system that allows for sharing of that
20 information accurately and openly, both the good
21 calls and the bad calls, so that we can improve
22 that technology for the interest of everybody's

1 safety.

2 Thank you.

3 MR. AMUNDSEN: Good morning, Eric
4 Amundsen.

5 I'm going to go back to some points I
6 made I think at our second meeting. And I would
7 hope that we'd come up with a system that is
8 characterized by the four following things.

9 One that it provides an opportunity to
10 share high-value information. You know I think
11 that's where we need to start.

12 And again, kind of back to Leif and
13 Dan's points, delivering high-value information
14 to the stakeholder community is going to compel
15 participation. So, one there has to be a notion
16 that there's something in it for everybody. So
17 it has to really focus on high-value information
18 at least at first.

19 Second, the sharing. I'm not sure I
20 like the word sharing. I think what really needs
21 to happen is a deliberate exchange of
22 information. There has to be a -- you know I've

1 used this phrase before -- pitch-catch
2 relationship. Somebody has to be providing
3 information or lessons learned; somebody has to
4 be receiving it.

5 And third, there has to be a
6 deliberate action as a result of that. So those
7 who learn from others have to go and change
8 something that they are doing or improve
9 something that they are doing.

10 And fourthly, the result of that
11 should be some measurable improvement in pipeline
12 safety. So, again, high-value sharing, a
13 deliberate sharing process, action resulting from
14 that process, and then measurable results at the
15 end of the day.

16 DR. KELLER: Hi. I'm Michael Keller.
17 I'm representing -- I'm a university professor so
18 I'm representing academic research institutions
19 and sort of workforce training, I guess on that
20 technical side.

21 I think I agree with Mr. Cote's
22 comment about creating a framework for that being

1 the most important of this committee but I will
2 go and say I'm actually mostly interested in
3 technology, as an academic researcher.

4 So my hope here is to help see if
5 there is a gap between research, industry, and
6 sort of academic, and technology transfer or
7 development, and then also maybe to think about
8 places that, is there someplace that we can tweak
9 technical workforce development over in the
10 engineering side. Is there something that we
11 should be doing differently with respect to
12 training to the people that interpret the data
13 that we're getting from these various systems.

14 So I think that's primarily it for me.
15 Thanks.

16 MR. BROWN: Bryce Brown, The ROSEN
17 Group. We are an asset care and integrity
18 service provider. The ROSEN Group started more
19 than 30 years ago with a strong focus in pipeline
20 inspection with intelligent inline inspection
21 tools.

22 So I'm honored to be on this

1 committee, number one, to represent the
2 inspection industry, specifically inline
3 inspection.

4 I do respect Mr. Cote's comments and
5 would like to echo that as well as Mark Harris,
6 in that there is a lot of data out there that
7 we've been collecting over the years and we know
8 areas that we can already start to improve in our
9 collaborative efforts. And I think about we, as
10 a service provider, and working together with our
11 customers, we know that there's areas of
12 improvement just in that relationship, in the
13 collaboration. And I think we need to think
14 about that here in this committee. I'd like to
15 see us think about that here in this committee.
16 How do we share data, assure -- and we talked
17 about that in the second meeting -- discrete data
18 versus lessons learned? I think there's value in
19 both but, of course, there's avenues for both.
20 And where are those avenues best suited?

21 I'd also like to think that we're
22 taking advantage of lessons learned, as well as

1 the idea that we can come up with actually some
2 new best practices. So if we think about some of
3 the rules and regulations that you're
4 contemplating and that are pending now, is there
5 an influence of this committee toward a best
6 practice within that framework that I wouldn't
7 say -- I don't want to say it forces us to do
8 things better but it enables us in a way that we
9 see the light at the end of that tunnel.

10 I think this idea of zero is very
11 aspirational and it's something that we all talk
12 about all the time, every day. And if we want to
13 get to that, I think we really need to
14 collaborate and we really need to make, as
15 pointed out by the committee already, best use of
16 this and how do we take advantage of this and
17 move this into the future.

18 So, thank you.

19 MS. BLYSTONE: I'm Kate Blystone. I
20 am the Outreach Manager for the Pipeline Safety
21 Trust. And I agree with a lot that has been said
22 so far.

1 My interests here is in pipeline
2 safety. And I represent, along with Dr. Simona
3 Perry, one of the pipeline safety advocate roles.
4 And I'm interested in a system that works,
5 period. I don't really care what that looks
6 like, unless it doesn't work then I really do
7 care. And I think everyone at this table feels
8 similarly.

9 I also think that my role and my voice
10 in this committee, it's to remind this group to
11 integrate a public component to this, whatever
12 that may be, because I think it benefits us as a
13 working group and as a group of people engaged in
14 this endeavor for the public to understand what
15 we're doing and see that it's working.

16 So those are my thoughts on the
17 subject matter. I'm happy to be here
18 representing this perspective, and working with
19 all of you, and being a trusted partner in this
20 process. So, thank you.

21 MS. PEAREN: I'm Holly Pearen from the
22 Environmental Defense Fund. And I think an

1 environmental stakeholder here seems or may seem
2 like a bit of an outlier but I need to assure you
3 that EDF could not be more supportive of this
4 process and the intended outcome, and really
5 ready to dive in and engage productively.

6 I think that speaks to the importance
7 of this mission. It's critical. We all benefit.
8 Everyone benefits from the more robust natural
9 gas and hazardous liquid transportation system.

10 So an incredible goal, an incredible
11 challenge. I'm so happy to be part of the team.

12 I would really like to echo what Mr.
13 Cote, Mr. Parker, and Mr. Erickson have already
14 said. I think an end goal with a productive use
15 and measurable outcomes is incredibly important.
16 And I look forward to seeing what we can all do
17 here.

18 Are there stakeholders and partners on
19 the phone that need to speak?

20 I am so happy. Thanks so much.

21 MS. BURMAN: Thank you. Those on the
22 phone? Anyone on the phone wishing to speak?

1 DR. PERRY: Hi. Yes, this is Simona
2 Perry.

3 So I want to echo what Kate Blystone
4 and Holly Pearen just said.

5 And I also just want to add I guess my
6 main objectives of what I'd like to see come out
7 of this working group is really the fostering of
8 a culture of safety, and robust communications,
9 and transparency, on all these best practices.
10 Like Kate said, I'm not really interested in too
11 much of the particulars, as long as they work.
12 But all that should be shared within the
13 industry. So that I think is the overall thing
14 I'd like to see come out of this working group.

15 But just as importantly and
16 specifically, as a public safety advocate, I want
17 to ensure that the working group also the
18 outcomes lead to more transparent and timely
19 communication pathways between all aspects of the
20 pipeline industry with local communities,
21 consumers, local decision-makers, pipeline
22 workers. I mean specifically, not just using the

1 term public. Let's be specific about what that
2 means and regarding all aspects of pipeline
3 safety and integrity.

4 And the goal of that public
5 transparency and communications by the industry
6 is really to include public understanding of
7 pipeline safety and risk, which benefits
8 everyone.

9 So that's what I'd like to see us all
10 get out of this. Thank you.

11 MS. BURMAN: Thank you. Anyone else
12 on the phone wishing to speak?

13 Okay. Anyone in the audience wishing
14 to speak?

15 All right. With that, I'm now going
16 to turn it over to Christie to set the stage.

17 DR. MURRAY: Thank you.

18 So, as we move into the next phase of
19 our agenda, we will move into our committee
20 business stage. And I wanted to tee up the
21 discussion as we hear from three presenters
22 regarding our case study presentations.

1 But to set the stage, first I want to
2 thank the committee for a productive
3 administrative meeting we held, I believe, back
4 in August that really helped to spearhead the
5 planning for this meeting. And specifically, I'd
6 like to thank Dan, Mark, Alan, Kate, Eric, and
7 Diane, who all helped to participate as a smaller
8 Planning Committee in the development of today's
9 agenda.

10 So thank you very much. Your input
11 and insights was extremely helpful in getting to
12 the agenda and what we'll talk about over the
13 next two days.

14 One of the key things that this
15 Planning Committee did was put together some
16 questions. So the group collectively, the
17 committee, decided case study presentations would
18 be helpful to really inform, to provide some
19 information, and to really help to advance what
20 the committee may talk about and add additional
21 insight.

22 So as an output of the Planning

1 Committee, it was agreed that it would be great
2 to offer the speakers some key questions that the
3 committee would really want to hear talked about
4 as a part of their presentations. I'm not going
5 to get into the weeds of each question but just
6 know between two slides that there were about 15
7 questions that were teed up. And for those who
8 are on the phone, those case study presentation
9 questions were also emailed out to the committee
10 yesterday and you should have seen them prior to
11 yesterday. But these are the questions that we
12 provided to the speakers, in terms of describing
13 their mission statement and their strategic
14 objectives, and how they describe their effort,
15 what their structure looked like. What did the
16 end product look like? How did they define
17 success, and so on?

18 So these are some of the questions
19 that some are process in nature and others were
20 more along the lines of the technology and the
21 system development effort, and how information
22 was shared, and how they were able to protect

1 data and maintain confidentiality.

2 So a lot of those questions were
3 questions that this committee certainly teed up
4 for the discussions this morning.

5 So with that being said, as you listen
6 today to the presentations -- we have three
7 presentations that we will hear from FAA, the
8 Bureau of Transportation Statistics, and the
9 Federal Railroad Administration. Those three
10 presenters will factor in the questions that I
11 just mentioned.

12 But also as you're listening, listen
13 with several perspectives or viewpoints. One,
14 whatever you want to take away from and with an
15 open mind; two, certainly think about the work
16 that we'll do over the next day -- two days, in
17 terms of hopefully walking away -- I believe
18 we're going to do it -- walk away with a
19 preliminary strategic mission statement. So
20 listen with that hat on as well to think about
21 what sticks out from what you hear and what's
22 discussed that might be important to you or the

1 committee in terms of feeding into what that
2 preliminary mission statement will be.

3 Also, one of the things that we will
4 do tomorrow, and I want to talk about it briefly
5 now so that you can have that in mind as you're
6 listening, tomorrow we will break out into three
7 committee smaller groups with eight to nine
8 individuals, roughly. And what you'll do is
9 you'll think about what you're hearing today from
10 the case studies and other informed discussions
11 we'll have, and really try to roll up your
12 sleeves over that hour and a half you're with
13 your group to think about what would a
14 preliminary mission statement look like. And
15 have some robust discussions. There will be flip
16 charts, Post-its. So it's really a creative
17 opportunity to have some dialogue.

18 As you're listening today to the
19 presentations, think about also the work that
20 we'll be doing this afternoon to prepare for
21 tomorrow's breakout groups. This afternoon, the
22 committee will have roughly an hour and a half to

1 discuss what you've heard, some of the key
2 takeaways. And this will be important to really
3 shape any question, any perspective that you want
4 to commonly talk about in your breakout groups
5 tomorrow.

6 So this afternoon's committee work,
7 and it could possibly spill over into homework,
8 but I'll defer and see how the afternoon shapes
9 up. But to think about what will this committee
10 want to take into the breakout discussions
11 tomorrow to help advance the work of creating
12 that preliminary mission statement.

13 So with that being said, I will turn
14 it back over to Diane.

15 MS. BURMAN: Thank you.

16 We're very lucky to have with us today
17 Warren Randolph. He is the Director of Aviation
18 Safety Analytical Services with the FAA. He has
19 a wealth of experience and has done a lot in
20 information sharing. And he's going to talk to
21 us today about that.

22 And thank you. I'll turn it over

1 right now.

2 MR. RANDOLPH: Great. Thank you,
3 Madam Chairman. I also want to, on behalf of the
4 ASIAS Executive Board, we're very thankful to be
5 here to share our story. This goes for
6 Administrator Elliott, Associate Administrator
7 Mayberry, and most especially our DFO, Dr.
8 Murray. So, again, thank you for allowing us to
9 come and share what we've been doing I would say
10 well over 20 years. And I learned yesterday some
11 of us it's actually 30 years. So this is kind of
12 the spoiler alert, if you will. This didn't
13 happen overnight. And we're still learning and
14 that is part of a safety culture. It's not only
15 to share but to learn. so that's part of what
16 our mission here is today.

17 What I will walk through in the time
18 allotted is a high level overview. I considered,
19 my team considered the questions that you
20 provided. We will try to address those either in
21 commentary or in graphic format here.

22 I really enjoyed the opening remarks.

1 This took me back about 20 years ago, so just to
2 let you know where you are in our time scale.
3 Hopefully in what we share and what you learn
4 from your case studies today, you can reduce that
5 cycle time in getting to where you need to go.

6 So bottom line up front, I heard about
7 the technologies and the interest there. And I
8 hail from that world originally but I can't
9 stress enough that this is all about leadership -
10 - leadership and trust. And so having the FACA
11 and the working group here, as well as the
12 Administrator I think speaks volumes. And I
13 personally believe that you're on the right
14 track, on the right foot.

15 So how do we get there and how do we
16 do it? So the way I organized the presentation
17 today, again, it's not comprehensive. As a
18 programming note I'll let you know we will make
19 ourselves available, to the extent possible and
20 where appropriate, to share any additional
21 documentation, some of our governance
22 information, some of our procedures, and

1 operations. I have embedded some pointers to
2 some regulatory, as well as public law
3 information, as well as our Federal Aviation
4 Advisory Circulars for some of our voluntary
5 information systems. So it's, again, not
6 everything but, again, considering your
7 questions, I did -- we did -- the team did our
8 best to put that in there.

9 For those who know me, especially my
10 friends in the room, I love to talk and I'm very
11 passionate about this. So please jump in. I see
12 this more as a conversation. Again, it's about
13 sharing. And I'll go ahead and get started from
14 there. Okay? So next slide.

15 Just a very quick overview. Tell them
16 what you're going to tell them.

17 What is ASIAS? It is ASIAS. It's not
18 A-C-S. It's not Asias. It's ASIAS.

19 I've heard people talk a lot about
20 systems, environments, exchange. We actually
21 work with the term capability, which really
22 envelopes all those concepts, as I understand

1 them. So that's just a little piece there.

2 We're a story and it's a story that's
3 born out of, unfortunately, a very bad era, which
4 I also have a graph here on fatalities and
5 commercial aviation fatalities, specifically.

6 And again, getting back to the
7 leadership of the highest order, it's government
8 and industry. I'll walk through our time line.
9 It's, again, not comprehensive, but just to help
10 build -- provide some context into how ASIAs came
11 into what it is today.

12 We'll talk a little bit about the
13 governance. I know that the committee, the
14 working group has some interest in those
15 principles so I will touch on those briefly, as
16 well as safety information protections.

17 Not only do we have the leadership but
18 to get everybody together in an environment, a
19 trust environment -- there's that word trust
20 again -- we did need to do some rulemaking. We
21 had to put some regulatory and legal framework
22 changes in place to protect voluntary safety

1 information provided to the Government, to the
2 FAA Administrator. So we did have to do that.
3 So that's another thing I want to let you know.
4 Yes, so I'll leave it there.

5 And then I'll get -- so that's kind of
6 the programmatic, the history, the governance
7 will be the first part of my discussion. Then
8 I'll get into some of the more I think you know
9 the technology side, the pieces that I do know.
10 I'm a reformed geek turned leadership. So some
11 of this may be more familiar to you than me but
12 I'll talk a little bit about the data, the
13 architecture of the ASIAs capability and some of
14 the intellects.

15 So what is ASIAs? Getting to the
16 mission, vision statements, it really is a
17 collaborative government industry initiative on
18 safety data analysis and sharing. And I would
19 venture to guess you could almost plug-n-play
20 something very familiar for this working group as
21 well. So you're welcome. There's your homework.

22 But this is something, believe it or

1 not, as simple as the statement is, it really
2 does encapsulate what ASIAs is. So it is a risk-
3 based approach to aviation safety, helping us
4 really identify and understand risks before
5 accidents and incidents occur.

6 We, for a long time, and I'll talk
7 about this, we were in the fix and fly mode, as
8 we like to refer to it, which is what we call the
9 forensic mode. We had to have a fatality, do the
10 investigation, identify the contributing causes,
11 and then go fix it in the system; and then the
12 system breaks again, and so on. So the idea is
13 to get out of that loop. And I'll talk a little
14 bit about that there and how we moved from a
15 forensic to something a little more diagnostic
16 with hopes to get to something a little bit more
17 in the forecasting or prognostic but different
18 people have preferences on words there.

19 And then it's timely mitigation and
20 prevention. So if we find something, do we have
21 somebody to go and share this with that can do
22 something? Again, back to the leadership. Back

1 to finding the right people who can actually
2 commit the resources, make the decisions so that
3 we can address issues in the system, the National
4 Airspace System, the NAS.

5 So this sometimes is a build site.
6 This time it isn't. So I apologize but what
7 you'll see here in the green line, going across
8 and trending upward over the decades, if you
9 will, is that the enplanements have increased.
10 So, if we were to have maintained our safety
11 record as it were with an increase in
12 enplanements, we are going to be killing more
13 people. I've heard things, if we didn't change
14 anything in how we managed safety systemically,
15 that we'd be having an accident almost I think
16 two or three times a year. Can you imagine a
17 fatal hull-loss two to three times a year?

18 Through, again, leadership, the White
19 House, as well as Congress, back in the early
20 '90s and more specifically, Secretary Pena, zero
21 accidents. I know that's a term that has been
22 incidents. So that is something. There was also

1 a vision statement back in the early '90s. I'll
2 talk a little bit about that.

3 There is a challenge: how do we bring
4 government and industry together, given what we
5 know about enplanements, to reduce the fatality
6 risk? That really is the challenge. The
7 challenge is more specific from the White House
8 and the Gore Commission talked about reducing the
9 fatal accident rate in ten years by 80%.

10 Now how do you do that? How do you do
11 that? We brought a lot people together, and
12 we'll all talk a little bit more about that. But
13 that was really the challenge that was set forth
14 from the White House and complemented with
15 another Commission report from Congress that
16 talked about come together and figure this out.

17 And so it's much like you're doing
18 here today, we have labor, we have industry, we
19 have government all coming together because you
20 see the value and the importance of addressing
21 incidents and accidents.

22 So this is what we call our circle

1 chart for obvious reasons. So we're not on the
2 creative, the creative department was out that
3 day when we decided to call it. But it's really
4 our continuous improvement in aviation safety,
5 and those who are familiar with the term safety
6 management systems, you may be able to see many
7 of the pillars of SMS through this process chart
8 here.

9 It is counterclockwise. I know I had
10 some people trying to go the other way around on
11 it, but. To orient you at the three o'clock
12 position there, you'll see a ASIAS. And really
13 what ASIAS is, is the analytical and sharing
14 component of this larger process. So it is not
15 the only component to continuous improvement for
16 aviation safety.

17 So I'm going to start with ASIAS and
18 work my way around very quickly. So we have the
19 capability to integrate and fuse over 46
20 commercial operators, contribute de-identified
21 information to the ASIAS architecture. And I'll
22 get into some of those details.

1 So that we, as a government industry
2 team, can take a look at the system, something
3 more diagnostic, and identify any perturbations
4 in the system, any anomalies, atypicality issues,
5 as well as some things that are very obvious.

6 And I can reference a couple of those.

7 But now that we've found something, we
8 have this nugget, this piece of gold so to speak,
9 what do I do with it? Again, going back to the
10 timely mitigation strategies put in place, ASIAS
11 is not a mitigating arm. I want to be very clear
12 about that. They are the information sharing and
13 analysis component.

14 So if it had something to do with
15 commercial aviation, we'd go to what is known as
16 the Commercial Aviation Safety Team, CAST. CAST
17 is the mitigating body. They're our dance
18 partner, so to speak. Which is government-
19 industry led by, let's see, a VP right now for
20 United Airlines for safety and operations, as
21 well as the associate administrator for aviation
22 safety. So it's at that level that the

1 leadership.

2 Again, getting back to the right
3 decisionmakers who commit resources. So we find
4 something, CAST studies it, characterizes the
5 risk, how bad is what you found. And then we'll
6 develop mitigation strategies. Those mitigation
7 strategies are all voluntary. Some of them
8 impact the FAA, some of them are specifically for
9 industry, and some are for both. So but again,
10 all of this is voluntary here.

11 Then once the mitigation strategies
12 are identified and we begin implementing them, we
13 monitor them, and that's where ASIAs can come
14 back in again. And are they mitigating
15 strategies, the safety enhancements, as we refer
16 to them, are we achieving the results that we had
17 expected? Are we seeing a decrease in a trend?
18 Is it trending properly?

19 We also use that information to
20 influence any future planning and design. So
21 modeling and simulation. You may have heard of
22 we're transforming our national airspace system

1 and air traffic control component, called
2 NextGen. So we want to make sure that anything
3 that is being designed in the future, you're not
4 reintroducing something into the NAS that we just
5 took out.

6 Further, there may be an opportunity
7 to work with the designers and planners while
8 we're still on paper trying to design what this
9 new transportation system looks like, to do a
10 risk assessment. And so we've used modeling and
11 simulation on that, the integrated safety
12 assessment model. So that's what we use to help
13 inform the planners.

14 And then we actually have, twice a
15 year we bring in a thousand people or so from
16 government and industry in a closed door session,
17 invitation only, come and share what they seeing
18 in their individual safety systems. So the likes
19 of American Airlines, United Airlines, Boeing,
20 the FAA, NTSB, we all come together.

21 So it's really an organic environment
22 where we start to see maybe something that we're

1 seeing or being shared across multiple airlines
2 at a particular airport on a particular approach.
3 We think we may have something systemic here, so
4 we'll go back and again look at the ASIAs piece,
5 so I've come full circle here.

6 So we use that as an opportunity to
7 inform ASIAs where there may be some challenges
8 systemically, but were only being noted inside
9 individual operators and their safety systems.
10 So it'll be a quiz on this here in a minute, and
11 I'm not sure who I'll call on, but I hope that
12 makes sense.

13 So it's kind of basic when you walk
14 through it, but I just want to again, orient you
15 on where ASIAs is and what I'm about to talk
16 about. But I do suggest that the Committee
17 consider CAST, taking a look at some of the work
18 that they've done there in the safety team.

19 I can tell you CAST is the model that
20 now we have something for general aviation. The
21 White House has actually put forth and now we
22 have a UAS, or drone safety team.

1 There's also a vertical flight or
2 rotorcraft safety team. So each type of
3 operation has developed their own mitigating
4 function, and ASIAs is expanding in architecture
5 and scope to help support each of those safety
6 teams of mitigating partners.

7 So I have a story, and I actually have
8 learned there's another piece of the story. Just
9 yesterday I met with our NASA colleagues from the
10 Aviation Safety Reporting System, which predates
11 my first data point on here, which as I
12 understand it, I think I was speaking by that
13 point.

14 But in 1976, through a series of a
15 rash of accidents, the FAA Administrator,
16 Administrator Dow, actually had the vision to
17 start with voluntary information protections. So
18 it actually started, predates this 1995 data
19 point. I didn't get a chance to update the slide
20 deck here.

21 So that may be, just again to give you
22 an idea of the 40 year that's plus of how long

1 we've been working on this problem. So but
2 really what that did is set up really the first
3 non-punitive information sharing environment that
4 was managed by NASA but administered by the FAA.
5 That we basically, Congress would give us the
6 money, and we'd get it through an interagency
7 agreement, we'd work with NASA.

8 NASA set up an environment, a trusted
9 third-party environment, for anyone in the NAS,
10 the National Airspace System, to report perceived
11 anomaly, hazard, etc. So that system is still in
12 place today, we just had our program review
13 yesterday, and I was not aware of that, that one
14 component. So it actually predates 1995, going
15 back to 1976, so.

16 But I do want to highlight 1995, we
17 had a lot going on, especially many of you may be
18 familiar with TWA and the center fuel tank issue.
19 We also have ValueJet in the Everglades, right
20 sandwiched in between the, it was about a three-
21 month span there that summer. We had an
22 uncontained engine failure in Tallahassee. So we

1 were, it was a bad summer for us.

2 And towards that, Secretary Pena
3 called for zero accidents. Now, you can imagine
4 how provocative that was. There's no way we're
5 going to have zero accidents. But because of his
6 leadership and because of his vision, really set,
7 basically planted the seeds for these next few
8 data points here.

9 So in '96 and '97, President Clinton
10 at the time established the White House
11 Commission on Aviation Safety and Security. They
12 delivered their report in '97. At the same time,
13 Congress, through the FAA's 1996 Reauthorization
14 Act, established the National Civil Aviation
15 Review Commission, NCARC.

16 So we have two committees, we have a
17 committee and a commission, legislative,
18 executive, both coming out with reports on what
19 to do about aviation safety. On what, we cannot
20 sustain, we can't normalize, you know, three
21 accidents in one summer. There were a few more
22 accidents, commercial aviation accidents, in that

1 same year.

2 So towards that, and I invite the
3 Committee, if you'd like to you could Google it,
4 you could take a look at what the recommendations
5 are. But the ones I'd like to highlight that
6 came out independently from the report as, both
7 reports, is that industry and government need to
8 come together to come up with a creative,
9 innovative solution for addressing the fatality
10 risk. This is unacceptable.

11 So that was kind of an obvious one,
12 but that there was a direction to start bringing
13 up together, as a regulator, as well as industry.

14 So that was also at the time, given
15 some of the relationships that we had with labor,
16 with the regulatory oversight, you can imagine it
17 was a little tenuous. So we're at least setting
18 the direction, but come together. This is the
19 only way we're going to go forward.

20 We're going to use data, we want to
21 use data, data-driven decisions to help drive our
22 solutions as mitigations strategies there. So,

1 and towards that we need to find a way to protect
2 information, because we the government, the
3 regulator, do not have the data. It all lies in
4 the systems, the safety systems within the
5 certificate holders, the operators, the original
6 equipment manufacturers.

7 So these reports really provided that
8 and set the seeds in the requirements to, the
9 underpinnings to what you now see as ASIAs as
10 well as the Commercial Aviation Safety Team.

11 So with those reports, the Integrated
12 Safety Strategy Team, the ISST, was established
13 by the aviation community. And then in 1997, the
14 FAA, NASA, and DOD said, hey, can we join. By
15 the way, these reports said it'd be good if we
16 got together and did some stuff to form what is
17 now known, you probably talked, I believe it
18 originally had Safety Strategy Team is not what
19 we call CAST.

20 So in 2007 the FAA implemented what we
21 call the confidential aviation safety information
22 analysis sharing capability to collect and

1 analyze data from multiple data bases. Again,
2 this is the key word, to proactively identify and
3 address risks that may lead to accidents.

4 So much like many people in this room,
5 your performance, much like mine, and my
6 colleagues in the FAA and aviation safety, we're
7 measured on things that don't happen. So how do
8 you do that, right? But that's, and if you have
9 the answer, let me know. Especially when we try
10 to do any type of acquisitions and they say,
11 well, you know, what are you going to do. Well,
12 improve safety. Well, what can we take credit
13 for?

14 So it's -- I want to let you know we
15 haven't completely solved that. But again, the
16 point of these two slides and my story here is
17 just to illustrate this has taken time, it's
18 taken leadership, and it's taken a direction from
19 the highest orders of the federal government.

20 Any questions so far on that? No?

21 MR. MAYBERRY: I had a quick question.

22 MR. RANDOLPH: Yeah.

1 MR. MAYBERRY: Did you have to do a
2 regulation change and a information collection
3 notice, I guess, to do that?

4 MR. RANDOLPH: Yes, if I understand
5 your question correctly, yes. We had to do the
6 public notice, we had to go through the full
7 thing. And I have a list here. I'm not a
8 lawyer, so, but I have an interpretation of what
9 the regulations, they're codified in public law,
10 say.

11 And I'll put those in here. So for
12 the legal eagles and the regulatory experts, you
13 can take a look at these. I didn't list
14 everything in it, but I do encourage you to do
15 that.

16 MS. BURMAN: Does anyone have any
17 questions at the table? Dan?

18 MR. COTE: Just one. Just to level
19 set us on the regulatory construct that existed
20 before this. Was there an integrated set of
21 regulations from the FAA hat government industry
22 practice?

1 MR. RANDOLPH: From a voluntary
2 information perspective?

3 MR. COTE: No, no, no, from an overall
4 safety regulatory construct.

5 MR. RANDOLPH: Yeah, so we have our
6 Federal Aviation Regulations, the FARs, if I
7 understand what you're saying. So yes, we have
8 our standards that if you were to build it,
9 something, operate something, inspect something,
10 those were all in place, so.

11 MR. COTE: Got you. So they had
12 something analogous to 190-195, effectively.

13 MR. RANDOLPH: Right, yeah

14 MR. COTE: Got you, thank you, that's
15 important.

16 MR. RANDOLPH: And I will say we've
17 now changed public law again to where we will
18 have within our regulations, we have what is now
19 Part 5. I did not include that here. That is
20 basically SMS, safety management systems. So
21 we've taken that next evolutionary step to where,
22 really in the Agency right now, we're going into

1 what we call a compliance philosophy.

2 So you industry, you're the experts,
3 you know what to do. Implement an SMS,
4 demonstrate to us that you have a quality
5 validated SMS, and that you are doing something
6 about what you're finding in your data and
7 information systems. So those were our interests
8 in terms of oversight and where we're shifting.
9 Yeah.

10 MR. COTE: Then just one more follow-
11 on.

12 MR. RANDOLPH: Yeah.

13 MR. COTE: That's very impressive, but
14 is that resulting in a more safety analytical
15 approach to the current regulations? In other
16 words, you can have prescriptive regulations.

17 MR. RANDOLPH: Right.

18 MR. COTE: Or you can have proactive
19 SMS. Having them both produced some competing if
20 not redundant requirements. Are you backing away
21 from those formal structured historic
22 regulations?

1 MR. RANDOLPH: How about this: we are
2 in that state of transition. We are learning as
3 we go. You remember the information-sharing
4 meetings that I referenced for a thousand people.
5 Our director for our flight standards services
6 hit up often. We put this in place but what
7 about this? So we're still working through it.

8 And where we go with the compliance
9 philosophy I think still, there's a lot we still
10 need to learn. And if we start dialing back the
11 prescriptive and saying, look, let your SMS tell
12 you the best way to conduct training, let your
13 SMS tell you the best way to certify an aircraft,
14 let your SMS. I don't think we're there yet, but
15 that's me personally, just for the record.

16 But we can definitely get you some
17 answers on that, the folks who can speak with
18 that on authority.

19 MR. COTE: Well, it's just more
20 philosophical and aspirational, but you're right.
21 It's about leadership and trust.

22 MR. RANDOLPH: It is, it is, exactly.

1 Yup.

2 MS. BURMAN: Anyone else at the table?
3 On the phone? In the audience?

4 MS. BORENER: Just to that earlier
5 point.

6 MS. BURMAN: And just state your name.

7 MS. BORENER: Sorry, I'm Sherry
8 Borener. I'm at PHMSA and I formerly was at FAA.
9 Just to respond to that point, having been on
10 both sides now. There are industry standards
11 that everybody would continue to comply with.

12 For instance, if we adopted something
13 by incorporation. So none of those standards
14 would change as a result of the implementation of
15 SMS. It's just that you would be demonstrating
16 compliance to the standard, as opposed to being
17 inspected to the standard.

18 So I think this is a great
19 incorporation of the best practices of both sides
20 in the SMS framework. You're incorporating the
21 best knowledge in the industry and your
22 interpretation and incorporation of it.

1 MR. RANDOLPH: Great, thank you,
2 Sherry. Sure. Just a reference sheet here, as
3 you continue with your deliberations over the
4 next day and a half. Again, I didn't capture
5 everything, but I just want to give you some
6 pointers here so you don't have to try to look it
7 up yourself. But you'll see here codified in
8 public law, protection of voluntarily safety
9 information from industry.

10 So who in their right mind is going to
11 tell the regulator, I messed up? Well, you
12 can't, in so many words. And that that
13 information will be protected as best, so you
14 have FOIA protections. So it's not so much that
15 I want to disclose to the regulator, as will the
16 regulator actually release that information to
17 other people who can use it to a competitive
18 advantage, for example.

19 We do have the FAA regulations, which
20 again talk about in support of 40, 123. We have
21 Part 193, protection of voluntary submitted
22 information. We did just do a public notice on

1 that just within the past five years to expand
2 the scope of the information that is protected,
3 to include ASIAs.

4 And you also heard me talk a little
5 bit about the aviation safety reporting system
6 that NASA, that we work with NASA. And I believe
7 FRA will present some information, and they're
8 working with the same folks there as well this
9 afternoon just to provide some context.

10 And then I also want to indicate that
11 there is at the International Civil Aviation
12 Organization, also known as ICAO, it's a
13 technical agency of the UN, with over 190 plus
14 contracting states, that there are standards that
15 are put in place that, the US being a contracting
16 state, will strive to adhere to.

17 And if you take a look at what, it's
18 the newest annex that's been added to the
19 Convention on International Civil Aviation in
20 over 30 years. It talks about a state safety
21 program, which is really how states will
22 implement an SMS. And in there in chapter five,

1 it talks about the exchange, collection, and
2 analysis of information.

3 So even at the highest orders
4 globally, this is where we are headed. So I just
5 want to indicate, so there's maybe some good
6 reference points for you as well as you have your
7 discussions.

8 MS. BURMAN: Does anyone have any
9 questions or comments? At the table? On the
10 phone? In the audience? I just have one
11 question.

12 MR. RANDOLPH: Yeah.

13 MS. BURMAN: You talked about the
14 protection of voluntary submitted information.
15 Was there ever discussion or disagreements on
16 what information was protected? So for example,
17 you submit information and they say, that's great
18 but that wasn't the information. But we'll take
19 that information, and now you're sort of dinged
20 on this issue.

21 MR. RANDOLPH: Right, so it had, as I
22 understand, I was not part of the original

1 formulation of the law, but the lawyers wanted to
2 be very -- I hope I'm not villainizing lawyers
3 here, but they keep us out of trouble. But they
4 wanted it to be very, you have to be very
5 specific. Is it maintenance information from a
6 particular system?

7 And then we in the safety realm who
8 wanted to see this put forward, we were trying to
9 make it as broad as possible. So we actually
10 ended up with if it is information that can be
11 used to support and inform safety, it is
12 accepted.

13 So it ended up a little bit broader.
14 And then if you come down to Part 193, it does
15 get into some more of the specifics. I don't
16 know if I'm answering.

17 MS. BURMAN: Can I ask you, I'm sorry,
18 I don't mean -- in terms of practicality. Was
19 there ever sort of a liaison who worked with
20 before the information being shared, a discussion
21 on this is -- to the extent that this is
22 information that we think falls within this

1 category, we want to share it with you.

2 MR. RANDOLPH: Okay.

3 MS. BURMAN: And so sort of a go-
4 between to say, this falls within this category
5 of information. We're trying to not just be
6 focused on the compliance aspects from a
7 regulatory perspective, but rather if we want to
8 come forward and offer up our issues so that we
9 can work in this voluntary way of getting to the
10 goal of better pipelines, better aviation safety.

11 MR. RANDOLPH: Better safety, yeah.

12 MS. BURMAN: So, but we don't want to
13 wind up then getting ourselves in this deep hole
14 because it becomes a problem. So I'm just trying
15 to figure out, I'm sure there must have been some
16 of those glitches with people saying, well
17 that's, you're just looking to get around the
18 getting dinged.

19 So was there any example of a way of
20 working through those interpretation issues,
21 based on the information and the incidents? I
22 don't know if you have any specific.

1 MR. RANDOLPH: Well, how about this:
2 I will share, so I want to say yes. Again, I was
3 not at this, this predated, so to speak. That
4 said, as a result of let's say for Part 193 and
5 even everything that you see here on the sheet,
6 we actually put in place what we call aviation
7 safety action programs.

8 So those are programs that are -- and
9 I'll talk about those very briefly over here, as
10 well as flight operations quality assurance
11 programs, FOQA.

12 MS. BURMAN: Okay.

13 MR. RANDOLPH: And it's one of the
14 digital vehicle recorder type information. But
15 through, if you have an accepted ASAP or FOQA
16 program, so you renegotiate with the regulator,
17 with the FAA and industry, including labor as
18 well as management. It's actually a tribal
19 governance there, it's a three-legged stool.
20 That if you have these approved programs, then
21 those informations are for, the data provided is
22 protected.

1 MS. BURMAN: Okay.

2 MR. RANDOLPH: So it does get
3 proscriptive in those areas.

4 MS. BURMAN: Okay.

5 MR. RANDOLPH: Think there was maybe
6 some example, what I would recommend looking at.

7 MS. BURMAN: Okay.

8 MR. RANDOLPH: As well as the aviation
9 safety reporting, I would take a look at 91.25.
10 And I apologize, I did not put the corresponding
11 advisory circular which really talked about how
12 to do Part 91.25.

13 MS. BURMAN: No, no, no, that's great.
14 Thank you very much, I appreciate it. Thanks.

15 MR. RANDOLPH: Sure. So I'm going to
16 shift gears here and talk about the -- little
17 trigger happy there, go back. So ASIAs, and I
18 know the Committee, in the questions for
19 consideration that we reviewed ahead of time,
20 there's some interest on governance. So how do
21 you do this and what are your guiding principles?

22 Not only your mission strategy, but if

1 we were to set up something like an ASIAS
2 capability or an information-sharing capability,
3 what governing principles did you put in place?

4 And I can tell you right now, these
5 change over time. So it's a living, trusted
6 environment. But these, some of them may appear
7 very obvious. But, and some of the words you
8 actually see bolded here are some of the words I
9 actually heard in your opening remarks. So I
10 kind of felt like we are really in the right spot
11 here, but.

12 Starting from the top left. Data is
13 used solely for the advancement of safety. So
14 I'll give you an example where the environment
15 folks within the, inside the FAA had an interest
16 in what a fuel burn looks like. And so they
17 said, well, you have the flight data, you've got
18 it all, you can tell us.

19 That was not for the purposes of
20 safety, so therefore it was, the data request was
21 not accepted by the ASIAS Executive Board. So
22 that gives you an, it has to be for the sole

1 purposes of safety.

2 Voluntary submission of safety-
3 sensitive data, it is strictly voluntary. Nobody
4 is forced to come to the table, all right. And
5 part of the story is, you know, build it and they
6 will come. Well, we had a couple people and some
7 very, a few people in industry that we're still
8 very thankful that they've long since moved on
9 and retired. But they were, they had the
10 foresight, well, we're going to do this.

11 But over time from the original I
12 think four or five operators that we had join on
13 the original information sharing agreements, we
14 now have over 46. And now we're trying to, the
15 line out the door. So we had a tipping point.
16 And I can talk a little bit about that.

17 What was that tipping point? When did
18 it become, well, I don't know to oh, I got to be
19 a part of this. So I'll get into that. But I
20 just want to mention it's strictly voluntary.

21 The operator, the original equipment
22 manufacturer, the maintenance repair and overhaul

1 stations. So data are de-identified. So not
2 only do we have the protections if you provide
3 the data to us, but another technique, getting
4 more into the technical side, is that we will
5 provide the data to you to the ASIAs capability
6 in a de-identified manner.

7 So that's another technique that we
8 use, again, to engender trust. I'm going to talk
9 a little bit about that too, we had another
10 tipping point there.

11 Transparency for how the data are
12 managed and utilized. Anybody at any time that
13 provides data to the ASIAs architecture can reach
14 out to our third-party service provider, MITRE,
15 and learn how their data are being used. They
16 can talk to any of the co-leads, the government
17 and our industry co-leads, to understand how
18 their data are being managed and used.

19 We had the procedures, policies based
20 on collaborative governance. Again, the industry
21 government model transcends not only at the
22 highest order of the ASIAs Executive Board, but

1 any of the study teams that we convened, any of
2 the issue analysis teams that we convened always
3 has a government-industry leadership.

4 And then the analysis are approved by
5 the ASIAS Executive Board. So it does take a
6 little time to get something out, and I know I
7 talked a little about timely mitigations. But
8 compared to where we were and where we are now,
9 it's still pretty quick. Of course, I want it
10 faster, but again, that'll be over time.

11 MR. COTE: Just a question on the
12 interaction where the data is de-identified. I
13 can imagine a situation where someone reviewing
14 the data will have more detailed questions on the
15 method of discovery, on the specific techniques
16 of remediation, on a variety of things that are
17 not so broad-based that you put it in the initial
18 report.

19 MR. RANDOLPH: Right.

20 MR. COTE: But it becomes an
21 opportunity for people to ask specific questions.
22 So for example, if I have the same airplane that

1 you flew, I may want to drill in more deeply than
2 most other operators.

3 MR. RANDOLPH: Right.

4 MR. COTE: Does that happen, and how
5 does it work?

6 MR. RANDOLPH: So short answer, yes.
7 Sometimes it does happen inside the ASIAs
8 architecture. Other times it's usually they call
9 each other. There are actually user groups, I'll
10 say for 737-800s, that's a mid-range aircraft.
11 That you will have those user groups come
12 together to study some of the issues more.

13 But we do, on the de-identifications,
14 have some analysis. One I can disclose because
15 we, well, give you the full circle here. We were
16 taking a look at aircraft misconfiguration on
17 takeoff, so that the flaps were not set correctly
18 before we actually started running down the
19 runway.

20 We identified that through some of the
21 info share. We saw some operators talking about
22 it, it was actually in the hallway. We actually

1 queried the ASIAS architecture and said, okay,
2 this is pretty specific to a unique type of
3 aircraft. I'll leave it de-identified there.

4 We worked specifically with CAST and
5 those operators to get, as well as our flight
6 standards folks, to put out what we call a SAFO,
7 which is what we call a safety alert.

8 So we actually used the data to get
9 the information out to ensure that your aircraft
10 is configured when you take off. So it's kind of
11 the very high level point to it, but. That is,
12 if I'm answering your question correctly, that's
13 how that would work, so.

14 MS. BURMAN: I see there are also some
15 more tent cards -- I'm sorry, I'm not sure whose
16 tent card was up first, so I'm going to start
17 over here and then go around.

18 MS. PEAREN: Holly Pearen,
19 Environmental Defense Fund. When you were
20 discussing voluntary submission, you mentioned
21 that operators had specific agreements and they
22 signed specific agreements.

1 MR. RANDOLPH: Yes.

2 MS. PEAREN: And if you could share a
3 template with us, I'd be interested to see that.
4 I'm also curious if there, if the data-sharing is
5 limited to operators that have signed agreements,
6 or if there are opportunities for other
7 stakeholders, like ground crew or flight control
8 in the tower, to submit information or
9 observations.

10 MR. RANDOLPH: So I will, we'll take
11 the action to provide a template. I just need to
12 get the, again, I'm going to have to go back
13 through the ASIAs Executive Board to get that.
14 But I believe we've done it before, so, but
15 again, we will take the action for that.

16 Towards your second question on can
17 people or entities, other types of operations
18 share data with the ASIAs community. There are
19 several ways that you can do that, so one being
20 the Aviation Safety Reporting System, which is
21 outside of the ASIAs capability, although we do
22 integrate ASRS data into it.

1 So I may be getting a little too -- so
2 there are multiple avenues to do that. There are
3 other reporting systems that you can do that.
4 Now I will say you, and I'll get to this
5 eventually, the Aviation Safety Action Program,
6 ASAP, there are ASAP programs not only for flight
7 ops.

8 Some operators do have them, approved
9 ASAP programs for ground, for maintenance, for
10 many of the other types of operations that you
11 reference. Those would be accepted into the
12 ASIAS architecture through the information-
13 sharing agreement with the operator.

14 MS. PEAREN: And then standardized
15 metrics.

16 MR. RANDOLPH: I'm sorry?

17 MS. PEAREN: So they have standardized
18 metrics across all of the reporting platforms so
19 that they can be integrated?

20 MR. RANDOLPH: Standardized? If you
21 could be more specific there.

22 MS. PEAREN: Sure, that types of

1 information submitted are in a standard
2 measurement format or a standard observation type
3 so that they can be integrated.

4 MR. RANDOLPH: Yes, so traditionally
5 an ASAP report, and I'll show you just an example
6 of one, it really is a text-based narrative.
7 It's towards the reporter's experience and what
8 they choose to share. So just to kind of give
9 you an idea.

10 So it could be from any, from the
11 pilot's perspective or from the flight crew's
12 perspective or from the maintenance mechanic or
13 technician's perspective. So but those have some
14 general formats.

15 Now, getting into the technical side
16 on the data side, which would be later in the
17 presentation, we do integrate and standardize
18 those templates and formats. Different companies
19 have different flavors, so to speak.

20 So I hope I'm answering your question
21 there. But so we can integrate so that we can do
22 the analysis across the fused de-identified data.

1 MS. BURMAN: And the over here.

2 MR. WARNER: You may be talking about
3 this later in your presentation, but I imagine
4 you get a wide variety and a lot of data that
5 comes in. And all of that can't be individually
6 analyzed and mined by the operators or the task
7 groups that share the information.

8 Does MITRE perform some of that data
9 mining for you to bring up some of the issues
10 that they're seeing in the data, or is it all
11 based on the operators' and task groups' efforts?

12 MR. RANDOLPH: So if I understand your
13 question correctly, it is -- so MITRE is a
14 service provider, they're the trusted third-party
15 broker for the ASIAs Executive Board.

16 So that entity, that third-party
17 broker, does provide analytical service
18 capabilities at the direction of the AEB and the
19 designated study teams and issue analysis team.
20 So it's all directed by, through the governance
21 and the leadership as to what will be reviewed.

22 Now, I will say, in my opinion, there

1 are many operators who have very sophisticated
2 analytics and data and are doing a lot of great
3 things. They actually share with us to see if we
4 can apply that to this larger systemic set. So,
5 I just want to be clear about that.

6 MS. BURMAN: Okay, and then Michelle.

7 MS. THEBERT: Can you go back one
8 slide?

9 MR. RANDOLPH: Backwards?

10 MS. THEBERT: Sorry. So this just
11 happened, like if there's an incident, this does
12 not apply, if there's something that --

13 MR. RANDOLPH: Right.

14 MS. THEBERT: I mean you can't, like,
15 we've had operators, at least sometimes in
16 Georgia say, Well, I brought it to your
17 attention, therefore you can't do any
18 enforcement, even though they're violating
19 certain codes.

20 But it's not based on, I mean, if
21 something happened and they're like, oh, we told
22 you, so you can't do anything now. So it's not

1 something like that.

2 MR. RANDOLPH: Well, if I understand
3 the scenario, if the information is disclosed
4 before discovery, through a different source, and
5 it falls within the protected classes of ASIAs,
6 excuse me, ASAP, the Aviation Safety Action
7 Program. Let's say I'm a pilot, I'm a flight
8 crew, I'm in a very traffic-saturated
9 environment, terminal environment.

10 I've been given a heading by air
11 traffic which I'm obliged to adhere to, and I
12 don't. Either I missed it, or I was distracted
13 or something from a human factors perspective in
14 this case. Just I for whatever reason missed it.

15 I can file an ASAP report, and if that
16 report is accepted by what we call the Event
17 Review Committee, that tribal component that I
18 mentioned in the ASAP, then if somebody comes
19 after me as the flight crew to, for an
20 administrative action from the FAA, I would point
21 back to my accepted ASAP report.

22 So that could be reduced to

1 administrative action or something like that. So
2 again, the idea is for us to put protections in
3 place so that real mistakes are not penalized.
4 That's where the, that's the value, that's where
5 we're going to find out what's really going on in
6 the system.

7 If people feel that there is a safe,
8 trusted environment and that the leadership,
9 especially at the regulator perspective, as well
10 as company, that they can share in a non-punitive
11 environment, that we will actually get to safety.

12 MS. THEBERT: But what if it's
13 something like egregious?

14 MR. RANDOLPH: If it's egregious, now
15 there are -- I invite you to take a look at the
16 advisory circulars, as well as some of the
17 regulations here, there are exclusions.

18 MS. THEBERT: So if they --

19 MR. RANDOLPH: If you willfully and
20 egregiously violated a federal aviation
21 regulation or with criminal intent, that would
22 not be accepted by the ERC. They would review

1 it, which consists of labor, company management,
2 and the FAA.

3 At some frequency at an airline with
4 an approved ASAP program, they will sit, they
5 will review it, and they will apply basically a
6 balance test to determine, was this egregious?
7 Was this just simply a mistake? Is this
8 something that would be of value to improve
9 safety?

10 MS. THEBERT: So the committee, the
11 three-tier committee, determines that.

12 MR. RANDOLPH: Yes.

13 MS. THEBERT: So that the operator
14 doesn't say, I think -- well, I know in Georgia,
15 we'll have like a trade secret rule. They say,
16 well, I think it's trade secret. And unless
17 someone can test it, it remains trade secret,
18 unless someone can test it, so.

19 MR. RANDOLPH: I see.

20 MS. THEBERT: I'm just wondering if
21 the operator or the pilot determines it's going
22 to be protected or not. But it's the crew that

1 determines that.

2 MR. RANDOLPH: Right. So that'll be,
3 so the pilot in this particular example would
4 submit in good faith. And also, to ensure that
5 this was truly a mistake, and to seek those
6 protections. If that report is accepted by the
7 ERC into the program, ERC again being Event
8 Review Committee, and again, if you go to the
9 regulations as well as -- I'll show the pointers
10 to the advisory circulars.

11 I invite you to take a look at that on
12 the inner workings, on how the ERC are
13 established, and the criterion for what is
14 already thrown out. I can't remember how many
15 there are. But there are some very clear, you
16 know, things that are egregious. Flying while on
17 prohibited medications, things like that.

18 MS. THEBERT: Right.

19 MR. RANDOLPH: It's not accepted.

20 MS. THEBERT: And I have one more
21 question if you can go forward again, sorry. So
22 how long does this whole process take? Is it

1 months, or what's the -- like from someone
2 submitting something before FAA either has a new
3 or takes action against the company, or what is
4 this? I guess I'm trying to think of scope.

5 MR. RANDOLPH: So here are, these of
6 the government's principles, so for the ASIAs
7 Executive Board. The ASAP submission that you
8 have seen that we talked about, I don't have the
9 particulars on that. A lot of it will depend on
10 the volume, the number of reports that the ERC
11 has to review at some frequency. I think they
12 meet monthly, sometimes weekly, depending on the
13 size of the operation.

14 But if your question is how long does
15 it take from the time that it's reported to being
16 reviewed and accepted or not accepted in the --

17 MS. THEBERT: I'm talking mainly, say
18 there's some kind of systemic problem or
19 something going on, and they submit it as, you
20 know, sensitive data, so you can't release it.
21 From that point until when the FAA or the
22 regulators decide we got to do something about

1 this. We got to tell everyone, it's not just
2 this company's, if they company's like months or
3 years or?

4 MR. RANDOLPH: Oh, I hate to say it,
5 sir, but it depends. And it really does have to
6 do with the complexity of the study or the issue
7 that we're looking to study. So the
8 misconfiguration example that I mentioned, just
9 going full circle around there, that took about
10 one year, so thereabout.

11 MS. THEBERT: That's fast for
12 government. But if it's something like --

13 MR. RANDOLPH: But if it's very
14 complex, I've seen studies take a couple years
15 because we need more information. We ran into
16 some, went down some rabbit holes we didn't need
17 to. But we wouldn't have known that until we
18 went down those, things like that.

19 MS. THEBERT: So like the ValueJet
20 thing, where they had those cargo thing. That
21 was system-wide, you could tell people
22 immediately versus going through the whole

1 process. Is that something --

2 MR. RANDOLPH: Right, so --

3 MS. THEBERT: I'm trying to think of
4 when you would do it immediately.

5 MR. RANDOLPH: Now, that was -- yeah.
6 If there's a known safety issue, we can issue,
7 the FAA will exercise its, either an
8 airworthiness directive or a SAFO, safety action.
9 We do have those mechanisms to get information
10 out quickly if we suspect, with the information
11 that we have, we will share that information.

12 MS. THEBERT: Even though it's
13 voluntarily submitted, you just don't say --

14 MR. RANDOLPH: Right.

15 MS. THEBERT: Who gave it to you or
16 whatever.

17 MR. RANDOLPH: Right, exactly. So
18 it's more about the safety issue, it's not about
19 who reported it and how we came into the
20 information.

21 MS. THEBERT: Right.

22 MR. RANDOLPH: And then we usually

1 will mention that more data to follow, more
2 information to follow.

3 MS. THEBERT: Thank you.

4 MR. RANDOLPH: Yeah.

5 MS. BURMAN: Okay, Dan.

6 MR. COTE: Just one more quick
7 question. It's clear that there's a third party
8 behind the scenes that's doing a lot of the
9 administrative work, the IT work, the analytic
10 work.

11 MR. RANDOLPH: Right.

12 MR. COTE: Who pays for that?

13 MR. RANDOLPH: So the FAA, the
14 government, right now pays, we actually have the
15 money and we budgeted for the money to pay, in
16 this case, MITRE. I will also say that the data,
17 as well as the subject matter expertise that are
18 used to support the AEB, as well as all the study
19 teams, to bring all that. The in-kind component,
20 there's also that cost as well. I don't want
21 that to be overlooked, so from industry.

22 MR. COTE: So pretty much

1 comprehensively, the FAA is paying the cost of
2 administering the programs, simply stated.

3 MR. RANDOLPH: Yes, that is correct.
4 So there are some discussions, and I can only say
5 that what does the future look like, so.

6 DR. MURRAY: Just in terms of the
7 public involvement into this process, can you
8 touch on what role the public, I know a lot of
9 what you've talked about has been more
10 government-industry relationship.

11 MR. RANDOLPH: Right, right.

12 DR. MURRAY: Are there other
13 relationships that play a factor here, and if so,
14 how so?

15 MR. RANDOLPH: Sure, so the ASIAs
16 capability, we really consider it to have what we
17 call two nodes. So the one I've been largely
18 focused on, which I think is where you're
19 interested, especially how do we get information
20 to where we can all sit around, deliberate, and
21 come up with some mitigation strategies.

22 There is a public component. So we

1 call one is the confidential, and as I mentioned,
2 MITRE is managing doing the administrative and
3 managing a lot of the technology for us on that.
4 But we also have a public component, and that's
5 actually managed by the government.

6 So that is all publically available
7 information that we've assembled in an
8 architecture, and make that information available
9 to anyone who would like to have access to it.
10 That was actually a recommendation, if I remember
11 correctly, that came out of the Gore Commission,
12 the White House Component back in 1996.

13 So the FAA, with that direction or the
14 recommendation from the White House report, set
15 up what was known as the National Aviation Safety
16 Data Analysis Center, NASDAC, which created a lot
17 of confusion. But then it eventually, when the
18 ASIAs umbrella came to be, we actually moved
19 NASDAC under ASIAs and called it ASIAs Public.

20 So there is a public component. What
21 you'll find there are data and information such
22 as the NTSB safety recommendations, the NTSB

1 action reports. So we actually bring data in,
2 standardize it, clean it up, applying make,
3 model, series standards for example.

4 We have the FAA Accident Incident Data
5 System. Those are incidents that don't really
6 rise to the level of an NTSB investigation.
7 Aviation Safety Reporting, there are many others.
8 But if you go to FAA.ASIAS.gov, you'll get some
9 more information on that.

10 MS. BURMAN: Mike.

11 MR. LaMONT: Hey, Warren. If I'm a
12 carrier and I voluntarily disclose a violation,
13 let's say, let's use perhaps the example of a
14 human factors violation. Is the carrier at that
15 point required to certify that they're going to
16 take some action to address that going forward,
17 or is that just kind of in a good faith thing?
18 Or you know, how does that work?

19 MR. RANDOLPH: So per their safety
20 management system, they are required to address,
21 to not only assess the risk, but to address it.
22 So I hope I'm answering your question.

1 MR. LaMONT: Yeah, yeah, no, that
2 makes sense. So they're following their SMS.

3 MR. RANDOLPH: Right.

4 MR. LaMONT: And there's no official
5 certification back to FAA saying hey, we've
6 addressed this issue?

7 MR. RANDOLPH: That does happen
8 through our principal inspectors. And our
9 certificate manage offices will use an operator,
10 an airline, for example, on the certificate
11 holder. That principal inspector will work with
12 the airline, for example, to understand, hey,
13 what are you learning in your SMS, and have that
14 open dialog.

15 And then the inspector will check in
16 to see how the airline is managing that risk. So
17 we won't go in and do it for -- now if they don't
18 or if there's a disagreement, it can be elevated.
19 Well, we think it's a higher risk than what
20 you've assessed. There are protocols to elevate
21 that.

22 MR. LaMONT: Thank you.

1 MR. RANDOLPH: I apologize.

2 MS. BURMAN: So with that, why don't
3 we take, since you're having a coughing fit.

4 MR. RANDOLPH: Sorry.

5 MS. BURMAN: No, that's all right.
6 Why don't we take a ten minute break, then we'll
7 come back. We'll continue with you, and then
8 we'll drill down a little bit more okay, so?

9 (Whereupon, the above-entitled matter
10 went off the record at 10:33 a.m. and resumed at
11 10:42 a.m.)

12 MS. BURMAN: So we're about to start.
13 People can take their places. So just, before
14 Warren continues, we have about another 15
15 minutes with Warren before our next presenter.
16 Warren is going to be available afterwards, as
17 well as ongoing. He's going to be a informal
18 part of our group.

19 And he did say that he was a reformed
20 geek, but he really is a continued geek as all of
21 us geeks. And he will follow up, we will follow
22 up with him about a number of different action

1 items that we asked for. So thank you, and I'll
2 turn it back over to Warren. Thanks.

3 MR. RANDOLPH: Great, thank you. I
4 told you I'm passionate about this stuff, so.
5 But I'll continue with the last 15 minutes of my
6 time and go from there. So again, I will make
7 myself available, and if I don't have the answer,
8 I usually know the folks who do. So I'm one of
9 the folks I know a lot to be dangerous kind of
10 thing, so.

11 I just want to finish up very quickly
12 on the governance piece, and I'll resist trying
13 to actually read this all to you.

14 But we do have the governing bodies
15 that I mentioned, not only at the executive
16 level, but also at the issue analysis team, which
17 gets more into the technical, the analysis, as
18 well as the study teams, which are looking at
19 very specific things, again going back to my
20 misconfig discussion.

21 Again, the governance closely controls
22 who can see what. It its rule-based. So I want

1 to be very clear about that, and we take it very
2 seriously, so. Again, those cooperative
3 agreements, the sharing agreements, we'll get
4 the, I already made the request to see if I can
5 share a template with the Committee. So I will
6 get you something.

7 And then I wanted to also be clear as
8 the regulator, the FAA cannot see any operator-
9 specific data. So that's part of the governance
10 as well. So I can't go in and take a look
11 specifically at American Airlines. But what we
12 do through that de-identified environment, we
13 collectively, again, this is that collaborative
14 environment that we talked about in
15 decisionmaking, can look at the de-identified
16 information.

17 We're not interested in, ASIAs is not
18 interested in looking at and identifying anything
19 for one particular operator. There are times
20 where we do something that is unique to an
21 operator. We go have a side discussion with them
22 specifically, so.

1 So I talked a little bit about the
2 history, the governance, what our strategy is,
3 what our overall vision and more or less mission
4 is at the beginning. I'm going to switch over to
5 some of the data, architecture, and analysis for
6 the last ten minutes.

7 As promised, I wanted to give you --
8 I know it's an eye chart here, but to give you
9 what an typical Aviation Safety Action Program,
10 ASAP, looks like. Also, as promised, you'll see
11 the asterisks at the bottom there with the
12 references to the advisory circulars, the FAA
13 advisory circulars.

14 Again, given the line of questioning
15 that we had earlier in my presentation, I think
16 it would be of interest to the Committee to
17 actually dive into those advisory circulars to
18 learn a little bit more about how the Event
19 Review Committee works, what is an accepted
20 report or knowledge artifact that does make it
21 into the ASAP program. What's not accepted,
22 things of that nature. How often the ERCs meet,

1 what types of data, etc.

2 So I won't waste a lot of time on
3 that, other than to illustrate that some of the
4 data, I would say the meat, of the data, and this
5 is the private sector data, the confidential de-
6 identified data, we do have ASAP programs
7 reporting to us and providing de-identified
8 information to the ASIAs architecture. As well
9 as the FOQA data.

10 Again, FOQA is more the vehicle
11 recorder, what people sometimes refer to as the
12 black box. But it's not technically the black
13 box. It's a quick access recorder.

14 So to give you some orders of
15 magnitude, and this is one of the questions, the
16 amount of data that we actually have. We have
17 over 16 million FOQA flights inside the ASIAs
18 architecture. The governance, we are actually
19 only allows up to keep three rolling years of
20 data.

21 We are now expanding that and redoing
22 our information-sharing agreements to have five

1 years. As analysts and engineers, you always
2 want more data. So we were finding that there
3 were some limitations by just keeping ourselves
4 limited to three years of data. Really, to do
5 any type of systemic trending, we actually had to
6 expand that out. So we're doing that.

7 Another tipping point that has
8 happened, for the first ten years of the program,
9 with the de-identified ASAP and FOQA, we were
10 unable to, so the FOQA tells you something
11 happened. So the airplane did this or the fleet
12 did this. The ASAP tells you why it happened.
13 But we were never, ever able to bring this
14 information together.

15 Through the trust, through the
16 leadership, through the ten years of nothing bad
17 happening, no violations, no enforcement, no
18 breaches, we have now started setting up
19 agreements where we are transitioning
20 architecture from being separate.

21 And let's do the analysis here, here,
22 and then subject matter experts try to tie

1 together, where airlines are now providing
2 identified information to be fused
3 by the third-party trusted.

4 And then what we do is we create
5 flight story, so then de-identify it as a fused
6 set. This is a game changer, this is going to
7 take us to that next level. So the question is
8 why didn't you start here. Well, I needed to get
9 through this ten years of trust. I needed to put
10 the information protections in place.

11 So I wish I could tell you, if this is
12 an end state that you desire, we couldn't get
13 there without passing through the trust first.
14 So I want to impart that with you.

15 A little bit about the data and some
16 of the key challenges. I know that, so working
17 with big data requires a methodical approach that
18 comprehensively addressed data management. So we
19 have a data management plan. The data quality,
20 for those of you who work with data, is all over
21 the place.

22 So, and in some cases, you know, we

1 built some analysis, we went down some rabbit
2 holes expecting the data to be in one format,
3 only to find out that the analysis and the
4 results were so wild and varied that we had to go
5 back and understand. We have a chatty aircraft
6 that we like to say sometimes, with different
7 data points.

8 So we have taken great steps to
9 actually put a data management and data quality
10 plan in place, and actually really prepare the
11 data. Which, those of you who work in this
12 business know that is not cheap. So we are
13 spending a lot of time preparing the data for the
14 analysis teams.

15 A little bit more about the data story
16 for the eye chart here. But just to give you a
17 flavor of the sources, the types of data that we
18 actually bring in and fuse in the architecture.

19 You'll see it, the types including
20 flight; weather; safety; the infrastructure, you
21 know, any of our equipment, on-ground equipment;
22 any types of outages; operations; geospatial

1 information; and any types of future data sets;
2 navigation charts. Anything that can really help
3 us tell or construct what we call a flight story.

4 So the utopia, if you will, for all
5 those 16 million plus flights, we will fuse as
6 many data points onto that particular flight as
7 possible. And then from there, we will have that
8 fused, threaded track and do the analysis from
9 there.

10 The architecture itself, we right now,
11 I'm borrowing a sound bite I got last week from
12 some folks, so I'm going to run with it and try
13 it out here. The current architecture is very
14 what I call pedestrian.

15 So we get a problem, the issue
16 analysis team wants to study misconfig, we run
17 around, we build the architecture for a one-off.
18 And then we study the problem and then kind of
19 put it to the side. So you can imagine how
20 expensive that is.

21 We're trying to get into a reusable
22 architecture with fusion. So this is again the

1 tipping point that if you want to join ASIAs, we
2 do encourage you to bring fused data to the
3 architecture. So there's my analogy. Version
4 1.0 is just where we are now, is what we call
5 going to find the needle in the haystack.

6 Version 2.0, which we have an expected
7 release for initial operating capability in 2020,
8 will be what we call a message in a bottle.

9 So that we will, eventually the data
10 and the information and the processes will begin
11 to tell us something, versus us going in and
12 looking for something. So we'll always be
13 looking for that needle. We also need the system
14 to start whispering to us at some point.

15 We haven't cracked that nut. So if
16 there is anybody who has anything around
17 vulnerability discovery or helping us understand
18 that, we're all ears. Again, we have some smart
19 people working on it, but we can always use some
20 more information. So I invite you to share
21 anything that you may have around that and those
22 techniques.

1 But again, 2.0, 2020, fused data, and
2 again, getting to the more forecasting and
3 prognostic side.

4 On the analysis itself, again, you'll
5 see in the bottom-left corner there that flight
6 story so you can see a taxi to takeoff, en route
7 and then landing.

8 So because we now have built the
9 trust, there's that word again, that people are
10 willing to provide their identified data with the
11 understanding that we will fuse as many different
12 types of data points, relevant data to some
13 contextual information about that flight.
14 Whether it's the weather, whether it's, again,
15 the FOQA or some flight parameters -- an MOR is
16 an air traffic report.

17 All that information fused onto one
18 flight, then de-identified and placed in the
19 architecture. That's where we're headed. So
20 you'll see a fusion of information from a
21 national airspace system-wide data sources to
22 individual flights. And that's really what the

1 future is for us.

2 So again, we would have to go into
3 each one of these boxes, study it with the
4 problem that we're looking, and then through
5 cognitive process, have to bring it all back
6 together through judgement on what it is that
7 we're, what the problem really is. So this just
8 takes us to that next level.

9 MS. BURMAN: Before you go on, Holly,
10 do you have a question?

11 MS. PEAREN: Yeah, sorry, I'm really
12 impressed by all of the data sets that you're
13 fusing together, but can imagine a situation in
14 which all of that information could lead you to
15 identify one or two operators that fly that route
16 with that plane, etc. Could you tell us more
17 about the de-identification process?

18 MR. RANDOLPH: Yes.

19 MS. PEAREN: It seems incredibly
20 important to operator participation.

21 MR. RANDOLPH: It does. So we
22 actually have what we call the rule of three. So

1 if you are one operator operating at one
2 particular airport, for example, then that flight
3 would not be included in the analysis, if we were
4 studying.

5 Now, if we have three operators who
6 operates 737s, let's say at Atlanta Hartsfield,
7 which we do, then we can study that problem. Or
8 those data would be accepted into the study for
9 the study team. So we do have, we do protect the
10 data and the data that are allowed for the
11 analysis based on what the analysis is.

12 So if we're, again, it's usually make,
13 model, and where you're operating that you be
14 identified with de-identified data.

15 So anybody, a 737 operating out of,
16 well maybe Tulsa, I'm not really sure there are
17 only a couple that actually have that type of
18 operation. So therefore that we would not be
19 able to use that data and you would not see it in
20 the ASIAs architecture.

21 MS. PEAREN: Thanks.

22 MR. RANDOLPH: Did I answer your

1 question? If no, we can talk after.

2 I'm going to just run through this
3 very quickly. This was one of our initial
4 studies almost ten years ago that we put
5 together, just to illustrate the fact that this
6 is pre-fusion. But where we actually had to fuse
7 data sets together.

8 So here we were taking a look at
9 enhanced ground prox warning systems and the
10 alerting occurring on a particular approach at an
11 airport here in the US. And so the red dots
12 illustrate some of the ASAP data, so that was
13 really our first indication why are we getting a
14 lot of information.

15 We went to air traffic and grabbed the
16 surveillance data and the surveillance tracks,
17 did an overlay, and said, oh, this is interesting
18 that they're navigating or vectoring these
19 aircraft very close to this mountaintop. But to
20 do that, we needed to understand how the minimum
21 factoring altitudes were calculated, and we found
22 some correction points in there.

1 We went to the manufacturers of the
2 alerting system, called the box on board, and
3 talked about them on their closure rates and
4 algorithms. So what we did is we actually
5 painted the picture, took the data, and we were
6 able to work with decisionmakers to actually
7 influence change.

8 So we updated the box, we changed the
9 minimum vectoring altitudes, we changed
10 procedures with air traffic, etc. So that is
11 just a very quick run-through on how we use data
12 to improve safety and work with decisionmakers.

13 And I know there was a question about
14 how are the results shared. Largely through what
15 we call our ASIAs portal, our secure portal. If
16 you have a signed information-sharing agreement,
17 you do have access to this level of information.
18 So some of the issue analysis teams have work
19 spaces, etc. But we do deliver the information
20 there.

21 Same thing with the public
22 environment, we deliver it through the web. You

1 can call my office, and for those who don't like
2 to, you want a deep dive.

3 It's usually somebody working on their
4 thesis or some type or research, we'll help them
5 collect some information and ask them questions
6 and make sure that they're getting the right data
7 and provide that for them as well. So it's
8 varied, but largely we deliver through the web,
9 so.

10 And I know I went all over the place.
11 This all made sense in my mind, and I really,
12 again, I get very excited about it, hopefully
13 that came out a little bit. But I'm really
14 excited and heartened to see that PHMSA and the
15 industry and labor and government are coming
16 together to find the best way forward for
17 yourself. But again, leadership, trust are
18 paramount.

19 MS. BURMAN: When we were talking
20 about having someone from the FAA come, we asked
21 for someone that was passionate and had
22 significant experience, so that it would be real.

1 And you really exceeded expectations.

2 So I really thank you, because this
3 really gives us a really good working framework
4 and will help us as move forward. And I do mean
5 it. You're not going to be allowed to go away.
6 So you're stuck with us.

7 MR. RANDOLPH: We're here to help.

8 MS. BURMAN: Thank you. So let's
9 please give him a round of applause.

10 And with that, we're going to ask you
11 to, you're welcome to stay. And again, he's
12 going to be with us as least through --

13 MR. RANDOLPH: Through lunch.

14 MS. BURMAN: Lunch. And now we're
15 going to have our next presenter come join us at
16 the table. And we're going to have Christie set
17 the stage I believe, yes?

18 DR. MURRAY: Okay, thank you again,
19 Mr. Randolph, that was very informative.

20 Next up we will have Dr. Rolf Schmitt,
21 Deputy Director of the Bureau of Transportation
22 Statistics, come and share with us BTS's

1 experience with data and information collection
2 and sharing.

3 Dr. Schmitt does not have a written
4 presentation, so it will be very important to
5 hang our hats on his every word, because I'm sure
6 he has a lot of fantastic things to share with
7 us. And as I think we may have mentioned
8 briefly, feel free to ask questions throughout
9 his talk with us, if you have pertinent questions
10 that tie into his comments. Thank you.

11 DR. SCHMITT: Thank you. Yes, I've
12 only been working in the Department of
13 Transportation on data issues for 38 years, so.
14 However, relatively little in the pipeline area.
15 But we have a program which touches one end of
16 the pipelines on offshore platforms that I'll get
17 to in a moment.

18 BTS is one of the 13 principal federal
19 statistical agencies, and I'll be glad to buy a
20 cup of coffee for anyone who can name the other
21 12. Obviously, the big boys like Census and BLS,
22 Bureau of Labor Statistics. But there are

1 several other small ones, including BTS. We're
2 of course part of the Department of
3 Transportation, currently located in the Office
4 of the Secretary.

5 As a statistical agency, we provide a
6 lot of base information that is used by analysts
7 in various ways. And so most of what we do, when
8 it comes to the question of sharing, is other
9 than the inputs that may be confidential,
10 everything we've got, we put on our website,
11 BTS.gov.

12 This includes things such as our
13 estimate of everything, all the freight that
14 moves in the United States as part of our freight
15 analysis framework, including pipelines. That's
16 based in large part on a survey we do at the
17 Census Bureau every five years called the
18 Commodity Flow survey, where we ask over 100,000
19 establishments what did you ship, where'd it go,
20 how'd it get there.

21 That by the way makes a lot of sense
22 when you're shipping boxes. It never worked very

1 well for pipelines because the concept of a
2 shipment didn't work so well. So we have to turn
3 to other data sources to deal with pipeline
4 flows. But we do include those in our total
5 picture of freight movement.

6 We also have network databases. You
7 know, you can, from our data files you can create
8 a national transportation map. We do publish
9 print maps, but we also put out the geospatial
10 data behind it with a lot of attribute
11 information. It includes pipeline network, only
12 the pipeline network that we're allowed to share
13 because of security concerns.

14 We also produce a lot of economic
15 data, or we compile a lot of economic data from
16 others, and then package it up in ways that are
17 particularly useful to transportation.

18 So pipelines is one of many sectors of
19 transportation we include in that, where we look
20 at how pipelines and other modes of
21 transportation fit in the national economy as
22 part of the system of national accounts that the

1 Bureau of Economic Analysis maintains. We have a
2 special version called the transportation
3 satellite account, which gets at a lot of forms
4 of transportation that are often buried in
5 economic statistics.

6 This is less of a problem in
7 pipelines, but in the world of trucks, it's a big
8 problem, considering one of the biggest trucking
9 fleets in this region happened to belong to
10 grocery stores. So they get buried in the
11 grocery industry. And so when you want a
12 complete picture, you have to turn to these other
13 sources.

14 We're also the home of the National
15 Transportation Library. I did a quick check.
16 This is an online collection. You can also get
17 to it through our BTS website. It has just shy
18 of a thousand documents on the subject of
19 pipelines. Haven't had a chance to read all
20 thousand of them, but I know they're, it's a
21 great variety of things. So an interesting
22 resource to look into.

1 But probably the most important, for
2 this group, aspect of our being a statistical
3 agency -- oh, before I get to that, I should add,
4 to follow on the previous presentation, you might
5 have noticed in one of those little boxes there
6 was BTS feed into the data system on travel
7 demand.

8 We actually are the major source of
9 commercial airline information on how many people
10 are flying. FAA knows the number of planes, we
11 know how many are on the planes, we know the
12 volume of cargo that the planes carry.

13 And we also know the price paid for
14 the tickets, which is the source of one of our
15 most popular statistics: how much people pay for
16 baggage fees, which for some reason is incredibly
17 popular. That's the one that makes USA Today
18 every time we put it out.

19 We also look at on-time performance,
20 looking at reasons for a delay, not just -- the
21 causes of a delay, not just how much delay there
22 was.

1 All that aside, probably the thing
2 that's more important about our agency is that
3 we're covered by CIPSEA. CIPSEA is a piece of
4 legislation that gives us some unique
5 capabilities. It actually gives all federal
6 agencies some capabilities in the ability to
7 protect the confidentiality of data that are
8 collected for statistical purposes.

9 When we collect data for statistical
10 purposes under a promise of confidentiality and
11 invoke the law, the CIPSEA, we can protect that
12 data not just from FOIA requests, we can protect
13 that data from subpoena. That data cannot be
14 revealed, other than as aggregate statistics.

15 And in fact, if somebody who has
16 access to that data reveals an individual record
17 and breaks the law, they are subject to up to a
18 \$250,000 fine and up to five years in
19 imprisonment. So it's a Class E felony to
20 violate CIPSEA.

21 This is something that is in part to
22 ensure that people who are reporting sensitive

1 information to us, that information is not going
2 to be revealed, except in an aggregate form that
3 cannot be traced back to the individual.

4 This law was enacted to encourage, you
5 know, really to encourage the public and
6 companies to report information completely, and
7 you know, whether voluntary or required, if that
8 information would be protected when it is being
9 collected only for statistical purposes.

10 Because of this provision and because
11 statistical agency, while I believe all federal
12 agencies can use aspects of CIPSEA, only
13 statistical agencies can have more than just
14 their own employees covered by the law. We can
15 designate agents that have all the same
16 requirements for protecting confidentiality and
17 are subject to the same penalties.

18 But this is really valuable if you
19 needs some outside expertise to help you with a
20 particular data issue. And where that comes up
21 in our case is our Confidential Close Calls
22 Reporting Program, which we started in 2007 with

1 some rail carriers.

2 In 2013, the program expanded to
3 include the Washington Metropolitan Area Transit
4 Authority, which our favorite Washington Metro.
5 And in 2016 was expanded to the Department of
6 Interior's Bureau of Safety and Environmental
7 Enforcement, BSEE, to deal with the offshore oil
8 industry and the connections to that offshore
9 industry to onshore.

10 This program, the Close Calls program,
11 is a reimbursable program that we provide in
12 effect as a service to help interested parties
13 who subscribe to this program to get a handle on
14 safety issues before they become safety problems.
15 Ideally, we collect information on precursor
16 events, we collect information on close calls, as
17 the name suggests.

18 And we've done it in two different
19 ways, and I'll describe the WMATA program and the
20 BSEE program as the two somewhat different
21 models. In the case of WMATA, it is aimed at
22 employees. An employee has, and all the

1 employees have been informed that there are phone
2 numbers and websites that they can use to report
3 incidents.

4 If they contact our Close Calls team,
5 there's a follow-up interview, data are
6 collected. The information is then analyzed to
7 see if this is kind of a one-time rare event, or
8 if this may be part of a trend.

9 And in the case of WMATA, when we
10 report, if you will, the summary information,
11 making sure that nothing that is reported can be
12 traced back to the person who reported it,
13 including, you know, the facility and so forth,
14 but rather, trying to generalize information.

15 In WMATA's case, they also asked for
16 recommendations for corrective action. For that,
17 we have, using our CIPSEA authority to designate
18 agents, we have subject matter experts that help
19 analyze the data.

20 But we also have a Peer Review Board
21 that includes representatives of management,
22 labor, and kind of the major parties who, because

1 they're sworn agents, cannot reveal any of the
2 individual information they see, but who can
3 bring their expertise to bear to come up with
4 recommendations for how to improve the safety and
5 the safety culture of the transit authority.

6 In the case of the Bureau of Safety
7 and Environmental Enforcement, which is part of
8 the Department of the Interior, which by the way
9 is one of the few executive agencies not to have
10 one of the 13 principal federal statistical
11 agencies as part of it, which is I think why they
12 came to us, since we were one of the closest
13 agencies with overlapping interest.

14 In their case, for the offshore oil
15 industry, companies, not individuals, provide us
16 with equipment failure reports. These reports,
17 again, are submitted, in this case under
18 regulation. But the regulation says, in this
19 case, it's not voluntary, they have to submit
20 reports of equipment failures.

21 But once we ingest that information,
22 it is again covered by CIPSEA. We cannot reveal

1 anything from that information that could be
2 tracked back to the company that reported it. As
3 a consequence, and again, we analyze it for
4 trends. In this case, we do not make, I believe
5 we do not make recommendations. But we do
6 identify whether there are just isolated
7 incidents, if there's multiple causation factors.
8 We try to report on that.

9 Also though, in the case of the
10 offshore oil industry, the companies report what
11 they did to correct the problem,. So that what
12 we end of producing back to BSEE at the end of
13 the reporting periods are how many incidents
14 there were, what kinds of incidents there were,
15 how they were corrected. And again, none of that
16 information can be traced back to an individual
17 respondent, in this case an individual company.

18 So any, and of course, anything we
19 share with our sponsor, whether it's BSEE or
20 WMATA, we also make public. So the
21 confidentiality is taken very seriously, because
22 we're not differentiating between people who have

1 data sharing agreements, for example, as you
2 heard in the previous case.

3 It's once we produce it, everyone can
4 see it. Which means the input data we take very
5 seriously, take the confidentiality of very
6 seriously. We review it to make sure there's no
7 way any finding we put out could be traced back
8 to an individual company or to a person.

9 You know, and it's checking against
10 things like, you know, whether there are, you
11 know, whether the geography is general enough,
12 whether the type of facility there are enough of
13 them. I think it's not a rule of three, we have
14 a fairly complex set of rules to make sure that
15 confidentiality is preserved. But the main way
16 we preserve confidentiality is through
17 aggregation.

18 And basically, then we produce the
19 reports. And I guess to the question of and how
20 do we know this is a success, well, in effect, we
21 play the role of collecting the information and
22 housing the information and keeping it

1 confidential and doing some analysis.

2 But it's all for sponsors. So if the
3 sponsor keeps asking us to do the service, we
4 assume the sponsor's getting value out of it. So
5 I'd say if you want to know whether this has been
6 a, you know, a game-changer of the like for
7 either WMATA or BSEE, you'll have to talk to
8 them.

9 But, I can say we have been doing this
10 program for WMATA since 2013 and BSEE since last
11 year, with a several year ramp up to it, and they
12 so far have seemed very happy with the results
13 they've gotten.

14 So, this is, you know again, this is
15 a program we do for industries that are
16 interested in this kind of program as a service.
17 And I think that is, I believe the major
18 features, other than, you know, if you wanted to
19 get into the details of how we keep the data
20 secure and the like. Well, we literally have a
21 separate set of servers that are locked up in a
22 room on the third floor of the DoT headquarters

1 building.

2 And all the rooms where people work
3 are secure. This staff doesn't get a whole lot
4 of sunlight in the course of the workday because
5 they are in a windowless office, which makes me
6 glad I'm on the other side of the wall dealing
7 with the publically available information,
8 because then I get to see some sunshine.

9 But it's, I think that is the main
10 thrust of that program. I'm certainly happy to
11 answer any questions about it, or about anything
12 else BTS produces.

13 MS. BURMAN: Okay, Leif Jensen.

14 MR. JENSEN: Hi, Leif Jensen with
15 Sunoco Pipeline. You mention you took on BSEE in
16 2016. Curious if you could elaborate on the type
17 of incidents or accidents, or what type of data
18 are you collecting and analyzing?

19 DR. SCHMITT: For the offshore
20 pipeline industry, in their case, it's equipment
21 failure reports that come to us. And it's all
22 kinds of equipment on the platforms.

1 And in the case of BSEE, it's
2 equipment failures and it was corrective actions
3 that were taken, or you know, follow-ups to those
4 failures that get reported to us, that we then
5 summarize across all the facilities, you know, in
6 the area. So it can't be tracked down to any
7 facility or any one company.

8 MS. BURMAN: Mark.

9 MR. HERETH: Thank you for your
10 presentation, this is very helpful. The acronym
11 CIPSEA, could you tell us what that stands for?

12 DR. SCHMITT: Confidential Information
13 Protection and Statistical Efficiency Act.

14 That's a mouthful. And in fact there is, it's
15 part of, I'll have to look up the legal citation.
16 But if, yeah, actually if you do a Google search
17 for CIPSEA, or CIPSEA data, C-I-P-S-E-A, you'll
18 get to the actual legislation for it.

19 And I believe kind of, there is
20 legislation currently to reinforce CIPSEA as part
21 of a follow-on to the recently completed
22 commission on evidence-based policy, which was

1 put together at the request, I just call it the
2 Ryan-Murray Commission. Speaker Ryan and Senator
3 Murray sponsored that commission.

4 And some legislation following up to
5 reinforce confidentiality and provide better ways
6 for federal agencies to share data without
7 revealing confidential information is currently
8 somewhere in the queue in the Hill right now.
9 But it would, as I said, it would actually
10 strengthen CIPSEA and not take anything away from
11 it.

12 MS. BURMAN: Anybody else at the
13 table? Mark again.

14 MR. HERETH: I guess a question, do
15 you see a role in analytics and more advanced
16 analytics, big data, similar to some of the
17 things that we heard in the previous presentation
18 in the work that you all do either today, or you
19 will be doing going forward?

20 DR. SCHMITT: We are definitely wading
21 into the big data pond. One of our requirements
22 is to annually produce a port performance

1 statistics program, where we look at, we're
2 supposed to look at the capacity and through-put
3 of the top 25 ports in tonnage, the top 25 ports
4 in the number of containers, and the top 25
5 tonnage in dry bulk.

6 One of the measures we've just started
7 putting together this year is ship dwell time,
8 how long does it take a ship to get in and out of
9 port. Because every ship, commercial vessel, has
10 a tracking device, which the Coast Guard uses for
11 safety and navigation. We can actually track
12 ships right down to, you know, every minute they
13 are on the water.

14 And so we're starting to experiment
15 with that and discovering, of course, that when
16 you get into this kind of data, you get into all
17 sorts of interesting quality issues, all sorts of
18 challenges.

19 For example, right now we're not
20 getting any information from Puerto Rico because
21 their transponders, because the shore-based
22 receivers required electricity, and they're

1 having a little problem with that at the moment.

2 Big data brings with it, and these new
3 data sources bring all sorts of interesting
4 challenges, some of which have parallels in the
5 world we are traditionally used to, the world of
6 surveys, and some of which are very different.

7 And in fact, I will be spending all
8 day Friday in the first of several all-day
9 workshops being held by the Federal Committee on
10 Statistical Methodology and the Washington
11 Statistical Society to look at data quality
12 issues in big data and in hybrid data and in
13 administrative records, in imagery. How do you
14 deal with all these new sources of information
15 that we're starting to mobilize?

16 It's a very interesting challenge to
17 see how much of what we knew in the past still
18 applies, and then what else do we need to develop
19 for the future. And I think that also goes for
20 analytical methods. A lot of analytical methods
21 were developed to deal with these massive data
22 sources and a lot of transactional data sources.

1 Had some very specific purposes in
2 mind. Often, I like to think of it as super
3 short-term forecasting. You know, if you measure
4 how a baseball pitcher throws under all sorts of
5 conditions, you can then forecast what he's going
6 to pitch under a given set of conditions for the
7 next time. Boy, that's a short-term forecast.

8 You know, credit card companies used
9 a lot of analytics to figure out if the
10 transaction you're trying to complete is likely
11 to be a legitimate one or not. So they're great
12 for these really short-term forecasting methods.

13 Question: how well do these methods
14 help you learn about the cause of a problem?
15 Some are helpful, some maybe not. This is kind
16 of unexplored country for all the statistical
17 agencies, and I think, you know, really all of us
18 in the public sector who are trying to, you know,
19 bring more data to bear on understanding the
20 challenges.

21 It's a very exciting time, because
22 we've got a whole new world to explore. But it

1 also means that there's a lot of exploring that
2 needs to be done.

3 MR. HERETH: Great answer. Thank you
4 very much for those perspectives.

5 MS. BURMAN: Dan.

6 MR. COTE: Two questions, if I may.
7 I think the first deals with the statistical, or
8 the universe that you've created for evaluating
9 whether or not something can be public, in terms
10 of making sure there's sufficient autonomy built
11 into the system, so as not to be able to
12 identify.

13 You must occasionally get reports that
14 do not meet that criteria, and yet constitute
15 legitimate risks. What happens to those?

16 DR. SCHMITT: I think in, basically in
17 the case of the offshore, you know, we remove, if
18 you will, any information on where this risk
19 condition took place. I can't think of any
20 circumstance where we have uncovered, or I don't
21 know of any case, where something has been
22 uncovered that was very hard to find a way to

1 report without violating confidentiality.

2 Personally, I don't know of a
3 situation where that's happened. I think
4 everything, we have found a way if you, you know,
5 if you say this happened somewhere off the Gulf
6 Coast, or somewhere off the Pacific Coast. And
7 you don't, you know, it is a trick to be, how
8 specific can you be to understand the problem
9 without going over that boundary.

10 We haven't really run into it, to my
11 knowledge, in the safety arena. Where the
12 confidentiality issue is really a challenge for
13 us is more on, I mentioned our freight analysis
14 framework, where we try to identify how much
15 stuff moves from one region to another region of
16 the country.

17 And it's by commodity and by mode, and
18 we divide the commodities in about 42 commodity
19 types. And I've got data users all over the
20 country asking, can't we get that at the county
21 level. I do it 146 regions. They want it by
22 3,000 by 3,000 counties.

1 Well, the problem is, if you know
2 what's moving between a pair of counties and one
3 of those counties has only one major manufacturer
4 of that particular good, you just reveal too much
5 information about, you've revealed information
6 about that one individual company.

7 So we spend a lot of time making sure,
8 either through geographic aggregation or through
9 other means, to avoid revealing information that
10 could be tracked back to an individual or a
11 company.

12 MR. COTE: So simply stated, virtually
13 everything gets published. There is no data sets
14 sitting out there that hold potential risks that
15 are not ultimately or somehow communicated. The
16 trick is just doing so in such a way that doesn't
17 reveal too much detail on the specific.

18 DR. SCHMITT: Well, the individual,
19 you know, all the individual reports that we get,
20 either through WMATA or through BSEE, the BSEE
21 systems, those individual reports do go into a
22 database that gets down to the individual

1 incident level, which is used for analytical
2 purposes.

3 But that's kept behind the firewall
4 and no one gets to see that other than the sworn
5 agents. And only aggregations of that
6 information are made public.

7 But once, yeah, once it's aggregated
8 to a point where confidentiality is maintained,
9 then it gets reported back to the sponsor, but it
10 also at that point it becomes, once it goes to
11 the sponsor, it becomes public.

12 MR. COTE: Understand, thank you. And
13 Madam Chairman, if we could ask the gentleman
14 from the FAA, if he hasn't left yet, that same
15 question on how'd they handle those, that'd be
16 helpful.

17 MS. BURMAN: He stepped out, but we
18 will ask him, you know, whether it's offline or
19 if we pull him back in.

20 MR. COTE: Thank you.

21 MR. MAYBERRY: Thanks, Alan Mayberry,
22 and thanks for that presentation, very

1 informative. Curious, I had two questions. One
2 is how's your role with BSEE and WMATA evolve,
3 say, the service you provide to them? You
4 started with WMATA in 2013, and has it changed
5 much in that time? You know, for the changing
6 environment related to their operating history in
7 the last, you know, four years.

8 DR. SCHMITT: Actually, it started in
9 the rail division, and they liked it enough that
10 they decided to expand it to the bus division.

11 In the case of WMATA, because we're
12 talking about employees reporting concerns and
13 incidents and you know, it's not just a close
14 call, but they're looking at something and
15 saying, gee, this is an unsafe incident, I want
16 to report it. Or an unsafe condition that they
17 want to report, they can.

18 It has required a long series of
19 discussions with, obviously both with management
20 and with the unions to make sure everyone was
21 comfortable with the system. They were assured
22 that the processes they felt comfortable with,

1 that the approaches that we were using to
2 identify, you know, to analyze the information
3 provided to us, they were comfortable with the
4 way we were analyzing it.

5 And so I'll say it evolved over a long
6 period of discussions and, you know, working out
7 the agreements, both between BTS and in the case
8 of WMATA, both with the Authority, and then
9 within WMATA, making sure that you know, all the
10 union rules and the like were adjusted to be able
11 to accommodate the system.

12 MR. MAYBERRY: Okay, thanks. And a
13 follow-up on that, do you have any
14 recommendations to us related to, you know,
15 avoiding it being potentially a rat-your-boss
16 system?

17 DR. SCHMITT: One of the things we
18 found very useful in the WMATA system is having
19 this Peer Review Board. Again, these are sworn
20 agents, they cannot reveal anything outside,
21 anything that they see in the individual reports.
22 Only their summary findings are made available.

1 But the Peer Review Board has participation from
2 labor as well as management.

3 So I think there's some kind of built-
4 in protections because we have, because we're
5 able to essentially swear in agents from the
6 stakeholders. And I think that's probably been
7 very helpful in avoiding the problem you
8 mentioned.

9 MR. MAYBERRY: Okay, thanks. And
10 actually the last question is how did BSEE and
11 WMATA pick you? I mean, do you know if they
12 considered other options? Maybe that's better a
13 question for them directly.

14 DR. SCHMITT: I don't know, I'm not
15 sure in either case. They said the one thing --
16 of course WMATA's in Transportation. And at the
17 time, I believe the chairman of the WMATA Board
18 was Mort Downey, who was a former Deputy
19 Secretary of Transportation and knew who we were.
20 So there were probably some professional
21 connections in there.

22 In the case of BSEE, the Department of

1 the Interior is one of the few executive
2 departments that does not have one of the 13
3 principal federal statistical agencies. So
4 Transportation is certainly relatively close.
5 They could have also gone to the Department of
6 Energy, and you know, the Energy Information
7 Administration is one of the others.

8 But we had already piloted the
9 program, this Close Calls program. So I think
10 that's why they decided to try us.

11 MS. BURMAN: We're going to go over
12 here now, and then we'll go to Mark.

13 MR. NGUYEN: Thank you, real quick,
14 Hung Nguyen with BSEE. Does the BSEE data
15 collection allow for subcontractors, you know, I
16 guess subcontracts and maybe third-party is not I
17 guess the term for this. But what I'm trying to
18 get at is other than principal party, as well as
19 operators, do you collect that data?

20 DR. SCHMITT: We have subject matter
21 experts that we have, I believe we have brought
22 in, whether it's as subcontractors, or -- I don't

1 know the contractual relationship that we've
2 brought on board some subject matter experts,
3 other than they have to take all the
4 confidentiality training and sign the papers that
5 say they are subject to all the CIPSEA rules.

6 So but we do use, I believe the
7 subject matter experts, you know, are, they're
8 brought in through a third-party arrangement of
9 some kind. I just don't know the details.

10 MR. NGUYEN: What I was trying to get
11 at is do subcontracts, are they, is this
12 applicable, the data collection, other than the
13 principal party or the operator, to input this
14 data?

15 DR. SCHMITT: No, all the data
16 submission is through an online website data
17 portal that comes into us, goes through the
18 firewall. And then once it's inside the
19 firewall, the Close Calls staff processes it.

20 MS. BURMAN: And then Mark.

21 MS. BURMAN: Mark Hereth with
22 Blacksmith. One of the things you talked about

1 with WMATA was the use of a follow-up team to
2 review submissions. How is that team
3 constituted, and how do you address the concern
4 of what you might call confirmation bias?

5 You know, we've seen this before, so
6 it's got to be this. Or instilling critical
7 thinking to make sure that you're really truly
8 identifying things that are different that are
9 really significant.

10 DR. SCHMITT: Well, part of it is
11 making sure that the Peer Review Team represents
12 different perspectives. And you know, we have I
13 guess, we certainly try to present the data in as
14 objective and straightforward a form as possible.
15 But in, you know, I guess we're mainly depending
16 on a diversity of perspectives on the Peer Review
17 Team.

18 And when they, you know, they'll be in
19 there for a full day going over incident reports
20 and how, you know, trying to determine, you
21 what's the best course of action, how important
22 is the problem, and so forth. I'm sure every

1 individual brings their own confirmation bias to
2 the table.

3 Hopefully those biases cancel out to
4 a certain extent because you've got different
5 perspectives in the team. And you know, the team
6 is made up of the people who have most at stake
7 in improving the safety, both in the management
8 and labor side.

9 MR. HERETH: Okay, and does that have
10 public members? Public members other than
11 operators or employees?

12 DR. SCHMITT: I think there are some
13 -- not public in the sense of representing the
14 public. But rather, you know, say we have
15 subject matter experts who, and I'm not sure if
16 they're actually on the Peer Review Team or if
17 the subject matter experts who have reviewed the
18 incident reports then work with the Peer Review
19 Team.

20 But there's a, you know, we try to
21 bring in people who have had experience in the
22 industry, that's in both of the programs, WMATA

1 and BSEE.

2 MR. HERETH: Thank you.

3 MS. BURMAN: Anyone -- I'm sorry,
4 Chris and then we'll get to the phone.

5 MR. McLAREN: Thank you. One thing
6 that came up in both presentations to me was data
7 acquisition forms. As in pipeline, in the
8 pipeline world, as we have implemented geospatial
9 information systems and more quantitative risk
10 assessments, we've had the need to improve our
11 data acquisition forms.

12 And that sounded like the struggle
13 that you were going through when you touched on
14 applying old data to future data processing
15 needs, and what Mr. Randolph talked about with
16 his 2.0 fused data and other concepts. And is
17 there any guidance?

18 Is this as simple as just making sure
19 we start out with the most comprehensive, robust
20 data acquisition form, or what are the other
21 considerations that we might have as we develop
22 recommendations?

1 DR. SCHMITT: Well, of course one of
2 the challenges, what we found, particularly as
3 we've gone more to sensor-based informations that
4 are GPS information and the like is making sure
5 that what we've got is either representative, or
6 we understand what slice of the world we're
7 dealing with.

8 One of the great challenges is sensor-
9 based data, you almost get lulled by the fact
10 that you're getting thousands, hundreds of
11 thousands, millions of records. This has got to
12 be good stuff. But they all have, you know, what
13 you discover is you're getting a lot narrowed
14 slice of the world.

15 You know, in the old days, the Federal
16 Highway Administration used to stop trucks as
17 part of a truck weight study. Put them on
18 scales, you know, have them run over a scale,
19 figure out much they weighed, and then they could
20 ask the driver a bunch of questions: where are
21 you coming from, where are you going to, what are
22 you carrying.

1 Nowadays, it's all done by a sensor in
2 the road. There's a weigh-in-motion scale. The
3 good news is in the old days, truck drivers used
4 to try and avoid these, getting stopped, for
5 obvious reasons. It was a big pain, it was
6 burdensome. And so they would often try to avoid
7 the scales. But in the old days, we got lots of
8 information once we stopped them.

9 In the current day, you know, we get
10 tons of observations on the number of axles, the
11 spacing in the axles, and how much the axles
12 weigh. That's all we know. And sometimes you
13 think, well, but that's good information. But
14 it's such a small slice, you got to be real
15 careful how you use it.

16 For awhile, we discovered, we were
17 misclassifying what was going over those sensors.
18 It's funny, when you get a bunch of motorcyclists
19 riding together, they like to ride in pairs two
20 by two, going down the road. And those sensors
21 kept thinking it was a truck, it was an 18-
22 wheeler. No, it was a bunch of motorcycles going

1 side by side.

2 So you really have to be careful when
3 you get into sensor data to make sure it's
4 measuring what you think you're, you know, you
5 understand what it's actually measuring. It may
6 be giving you perfectly good numbers but you
7 don't understand because it's such a narrow, you
8 know, it's such a narrow slice of the world
9 you're getting. You've got to, you really have
10 to pay attention to the context that surrounds
11 the sensor.

12 So that's why I say we're just
13 starting to deal with this because we're getting
14 into using such a wide range of information now.
15 You know, using cellphones to track passenger
16 movement is great as long as, you know, the
17 people who, you know, the source of cellphone
18 data you're getting is the kind of cellphones
19 that everyone uses.

20 If it's only, you know, a certain
21 segment of the population that uses this type of
22 cellphone and you're assuming their pattern

1 represents everyone else, you can get a very
2 biased view.

3 So any time you get into, you know,
4 into these other data sources -- often having a
5 little redundancy I guess is my best advice. You
6 know, particularly for geospatial data, you think
7 you've got good locational information, but it
8 always helps if you've got something to check it
9 against.

10 So, you know, if you've got the
11 highway networking, you've got the railroad
12 network, and you've got a file that shows the
13 location of bridges. Well, if the bridge isn't
14 where the highway crossed the railroad, maybe you
15 got a problem. There's a little bit of
16 redundancy in that because you've got, you know,
17 three kinds of infrastructure that should line
18 up. So if they don't, you know there's somebody's
19 off.

20 And with pipelines it's, you know,
21 it's the sort of thing if the pipeline's supposed
22 to be under a street, check to see if the street

1 and the pipeline are in the same location by
2 overlaying them. That's the sort of thing we
3 have to do make sure our information's good.

4 MS. BURMAN: Anyone else at the table?
5 On the phone? In the --

6 DR. PERRY: Yes, this is Simona Perry.

7 MS. BURMAN: Simona.

8 DR. PERRY: I have a couple questions.
9 I'm between lunch, though, so I'll try to make it
10 -- you don't have to answer the first question
11 fully. I'd be interested, though, in following
12 up with you.

13 CIPSEA was begun in 2002, I believe.
14 What did BTS do prior to that with regards to
15 confidentiality?

16 DR. SCHMITT: Well, we actually have
17 our own confidentiality legislation for BTS. And
18 also when, particularly when our big data
19 programs in our early days, and BTS has only been
20 around since 1992, in the early days we worked
21 very heavily with the Census Bureau.

22 And anytime the Census Bureau collects

1 data, it falls under Title 13, which is you know,
2 kind of like, it's worse than CIPSEA, because
3 only Census Bureau people can look at the data.

4 DR. PERRY: Okay.

5 DR. SCHMITT: So there are other
6 provisions out there that have covered
7 statistical agencies for a long time, it's just
8 CIPSEA is kind of a more recent one.

9 DR. PERRY: Okay. Then my next
10 question is under CIPSEA there's this definition
11 of non-statistical purposes type of information.
12 Is there a process that is used with specific
13 criteria to identify what non-statistical
14 purposes means?

15 DR. SCHMITT: Usually, well, you know,
16 the classic for non-statistical purposes is using
17 information for regulatory, particularly for
18 regulatory enforcement. I mean, for example, we
19 collect information from the airlines that we
20 actually report to the individual carrier and
21 route and so forth.

22 It's collected under regulation and

1 it's collected for regulatory purposes. We just
2 have to -- and it's very clear it's never
3 collected under a promise of confidentiality.
4 The airline's required to report the information
5 to us, and so confidentiality, except for a few
6 particular specific cases that involve
7 international travel generally, it's all open to
8 the public.

9 And while we publish statistics out of
10 it, it's not, we show the individual record, so
11 it's not statistical. Yeah, so it's generally
12 for the purpose. And I think the one thing I
13 should mention related to that, I believe in the
14 case of our information for BSEE that the
15 analysis done, or the findings from that Close
16 Calls program cannot be used to establish new
17 regulation.

18 I believe that is a, in the agreement
19 that it's, you know, it's to help industry. It
20 is not to become the basis for a whole new world
21 of regulation. And I believe that's built into
22 the agreement between BSEE and BTS and in the

1 rulemakings that supported it. At least that's
2 my understanding.

3 DR. PERRY: All right, thank you. And
4 thank you so much, that was very informative.

5 MS. BURMAN: Chris? Anyone else on
6 the phone? At the table? In the audience?
7 Okay. Unless you have anything further?

8 DR. SCHMITT: The advantage of being
9 the last speaker before lunch is that people get
10 hungry.

11 MS. BURMAN: So I think that from my
12 perspective we've done a lot in the first morning
13 segment. We have a lot to still do when we come
14 back from lunch. And then tomorrow we'll be
15 tying it together from what we learned for our
16 breakout.

17 What I would ask people to do, we are
18 going to break until one o'clock, we're going to
19 come back at one. We are going to spend from
20 1:00 to 1:15 doing a 15 minute exercise.

21 At lunch, what I would ask people to
22 do is if you go in a group, to take five to ten

1 minutes in that group and just talk about what we
2 learned today. And really appoint somebody,
3 formally or informally, to come back, and in the
4 beginning we're going to take those 15 minutes to
5 just kind of hear from folks on the some of the
6 key takeaways that the group thinks came out of
7 the discussion from this morning.

8 Maybe some of the value that we
9 learned, really maybe some of the key things in
10 some of the next steps. Some things that may be
11 helpful, some things that maybe aren't helpful.

12 Maybe something that changed your mind
13 or other things that we might need to focus more
14 on, whether it's in the meeting tomorrow or in
15 the future. Or something that, you know, you
16 think is something that is really important for
17 us to make sure we do right away.

18 Really, or, you know, something that
19 I'm forgetting. So really just try to spend five
20 to ten minutes of that lunch substantively so
21 that those 15 minutes we can really utilize
22 substantively to regroup and try to push us

1 forward.

2 I do think when the Administrator left
3 we spoke for a few minutes privately at the table
4 about the importance of really trying to do
5 something real and actually making this something
6 that we can all be proud of, from the perspective
7 that pipeline safety is something that we all
8 care about.

9 And the passion that we heard from the
10 presenters today, I think it is important that
11 this is something that from a voluntary
12 perspective we can all, we want to be motivated
13 to come together and do more on where we're all
14 coming from. So that's part of the goal of this,
15 so thank you.

16 All right, with that, let's go to
17 lunch. Grab folks to be with you. The bigger
18 the group, the more input into the process.

19 Thanks.

20 (Whereupon, the above-entitled matter
21 went off the record at 11:50 a.m. and resumed at
22 1:13 p.m.)

1 CHAIR BURMAN: Okay, so we're going to
2 get started now, I hope everyone had a really
3 good lunch. For those of you who are interested,
4 we did have a lunch exercise. I am going to ask
5 those who did their homework assignment and were
6 assigned the duty of being the group leader to
7 put up their tent card.

8 I had lunch with Mark, and because --

9 MR. HERETH: And so you're going to be
10 our representative, right?

11 (Laughter.)

12 CHAIR BURMAN: Yes, no. We already
13 talked about this, Mark. I'm the Chair, you're
14 the group leader. So Mark is going to share --
15 we spent most of our lunch talking about our
16 takeaways, and so Mark is going to share our
17 thoughts, and I'll speak up if I disagree with
18 how he -- if he captures it. So, Mark, go ahead
19 with that.

20 MR. HERETH: Thank you. I've gotten
21 to go first twice today, right? That means I get
22 to do rebuttal, then, after we get done, right?

1 So I thought that both presentations
2 this morning -- we both did -- were really,
3 really informative. I've actually heard the
4 ASIAs story before, from NTSB members and others,
5 and it was really great today to see the figures
6 and diagrams. It really tied all of this
7 together.

8 And I think, at a very high level, the
9 ASIAs model gives us something to start from. It
10 gives us a platform to use, it gives us, really,
11 a starting point. They've addressed so many of
12 the issues of non-punitive reporting, handling
13 confidential information, de-identifying data;
14 all those keys issues.

15 And Chairwoman, you and I didn't talk
16 about this, but I found it very interesting that
17 they used the term fusing data, where we use the
18 term integrating data, and so I think that
19 there's more that we can learn from them in that
20 process.

21 I just think there is so much that we
22 can draw from, with that information that we got

1 out of both sessions. I actually struggled a bit
2 with the second presentation, because there was
3 less tangible information to look at on the
4 screen, but there were some real gems there, and
5 I think the concept of using peer review --
6 things along those lines.

7 The other thing that I came away with
8 this morning -- which I think is a challenge for
9 us, which we talked about at lunch -- which is,
10 we have to be careful that our job is to make
11 recommendations to the Secretary. Our job is not
12 to solve the problem. I think that is going to
13 be one of our challenges.

14 We are going to tend to want to try to
15 solve the problem, and I think our -- really, our
16 job is to really focus on what is it that we want
17 to recommend, that's going to make this -- to
18 address many of Eric's points -- to make it
19 workable, actionable, to things that are really,
20 really going to have an impact. And I'll stop
21 there and let you add.

22 CHAIR BURMAN: We also talked a little

1 bit about the tension between how much of the
2 data drill down is necessary. And both Mark and
3 I had previously -- before the meeting -- gone
4 over the transcript. And there was tension in
5 both of the other meetings on that issue as well.

6 And one of the things that we came
7 back to was that Warren spoke about sort of the
8 bigger picture, and that when the data drill down
9 was used, it was to utilize the data information
10 to solve the bigger picture.

11 So for example, the flap issue, and
12 the data that they needed to identify the big
13 picture of the problems they had with the flaps,
14 and to get the information that the data provided
15 to then solve the issue of -- lessening the flap
16 issue.

17 And so in some ways, we saw it as,
18 maybe that is the focus when people are focused
19 on how much data is necessary. It's more going
20 back to, what's the value of that data, and who
21 will benefit from that information,

22 But also then, we talked a little bit

1 about the professor's interest in the technology.
2 And maybe then, some of those issues get more
3 into one of the second-tier or third-tier issues
4 of later, there may be an opportunity for more
5 information and research in those issues. But
6 the thrust of it from the beginning is more of
7 the dealing with it for the zero incidences,
8 reducing that.

9 So that's sort of where we came to.
10 And then Eric, we gave you kudos and a homework
11 assignment for tonight, which we'll talk about
12 later with you -- sorry -- on your guiding
13 principles that we're going to plan on utilizing.

14 But you had talked a little bit about
15 information sharing and your guiding principles
16 that we thought were important. So after today,
17 we just want to talk to you. And seriously, you
18 have a homework assignment tonight, okay?

19 Thanks.

20 All right. Why don't we go next to,
21 I think, John. You were up?

22 MR. MacNEILL: Hi, John MacNeill from

1 the Utility Workers Union. I had lunch with
2 Walter, Walter Jones, from the Laborers', and we
3 got a lot out of both presentations, we really
4 did.

5 What we found was, the close call data
6 program -- this is a program that you see used in
7 the utility industry -- and our guys -- my
8 members and Walter's members -- this is something
9 they know. They use it, and we see the benefits
10 of that, but it's done on a local scale.

11 And I didn't realize that there was
12 this -- the BTS was even there. It's something I
13 feel that we could use, or use that platform to
14 use that close call data program system. I think
15 that would be a great way to go.

16 The leadership and trust; that really
17 hit home with us, and I think that's what we've
18 got to drive towards, is getting that leadership
19 and trust to marry with the close call data
20 program.

21 So we got a lot out of it, and I can
22 see a road ahead.

1 CHAIR BURMAN: Thank you, and next
2 we'll go to Christopher.

3 MR. WARNER: So I think I have to give
4 Morgan an A+ for his homework assignment. Ours
5 was probably more of a C+. We got going, it
6 definitely fueled a lot of conversation around
7 trust, and I hear that time and time again.

8 And I think that's kind of in some
9 ways the elephant in the room, is getting that
10 trust built up between the representatives of the
11 public, the operators, and the regulators, so
12 that we can collaboratively work together on
13 something that isn't focused on hidden agendas
14 that each, individually, we may have, but is
15 focused entirely on enhancing pipeline integrity
16 and enhancing pipeline safety.

17 So somehow getting that out on the
18 table and all of us talking about that, and
19 gaining that confidence; hopefully that will help
20 us accelerate our program and take less than 10
21 years to where we can get to a valuable program
22 like AISAS currently has.

1 And so our whole conversation was
2 primarily focused on that trust aspect, and
3 what's happening in the industry.

4 All of us I think got a lot from both
5 presentations, and we're really eager to see now,
6 how do we put this into practice. What is this
7 database going to look like? Who's going to
8 manage it? Who's going to pay for it?

9 Those are kind of spinning around in
10 the back of our minds as well, but, Mark, thanks
11 for reminding us that we don't need to build it,
12 we just need to come up with recommendations, and
13 get focused on that.

14 CHAIR BURMAN: Great, thank you.
15 Leif?

16 MR. JENSEN: Thank you; Leif Jensen,
17 once again, from Sunoco Pipeline. I echo many of
18 the comments already said. Looking at the
19 future, creating a safe space where operators
20 feel that they can voluntarily support and
21 contribute the information that's requested; that
22 boils down to motivational leadership, as this

1 committee designs or develops and socializes the
2 program to all the stakeholders, whether it's
3 public, regulatory, or the industry.

4 And we also -- in the spirit of trust
5 and leadership -- recognize the need to be
6 cautionary, because there are anti-pipeline
7 advocates out there that will slice and dice this
8 data to mitigate and prohibit permits to be
9 issued for our infrastructure development.

10 MS. FARAG: We also talked about the
11 same concept of reducing time to value; how do we
12 not have a 10-year period of building trust and
13 learning, and how can we leverage work that's
14 already been done to accelerate the time to
15 value. So that was similar to some of the other
16 comments.

17 One question that I asked at lunch
18 that I don't think we got an answer to was, when
19 we did the roundtable at the beginning, talking
20 about what everyone wants to get out of this,
21 there were some people who were talking about ILI
22 and dig data, which is a very specific thing.

1 And then other people were talking at
2 a much higher level about more holistic data
3 sharing and close calls and lessons learned. And
4 I'd be interested to know how we're going to get
5 -- to meet those two things together. Because I'm
6 assuming that we're talking about more than just
7 dig and ILI data.

8 And if that's true, then when in this
9 process do we start defining what types of data
10 it is that we're going to be collecting, and how
11 does that fit in with some of the more holistic
12 goals of the task group?

13 CHAIR BURMAN: Before we go to other
14 folks, that has been another tension that has
15 come up throughout the meetings, in terms of are
16 we just focused on the narrow interpretation from
17 the ILI perspective; which, if you read it, very
18 narrowly under the statute, one can interpret it
19 just that way.

20 I personally don't see it as narrow as
21 that, and I think that we do need to be a little
22 bit more holistic in our interpretation to be

1 able to accomplish it, and to motivate folks on a
2 voluntary basis to get to the goal.

3 So I do think that that's sort of what
4 we need to work through. But I do think that
5 that means being careful in getting to some of
6 the other bigger pieces of the trust aspect, and
7 how do we deal with that. We need to figure out
8 what the goal is for that sharing, and the value
9 of that, and why we are doing it.

10 So we need to have framework and the
11 parameters in place that are very clear, so that
12 we can develop that.

13 All right, why don't we take it over
14 here, and then I'll come back to Dan.

15 MR. BROWN: Hi, Bryce Brown with the
16 ROSEN Group. Eric Amundson of Energy Transfer
17 and Dr. Michael Keller of the University of
18 Tulsa; we three sat together and spoke about the
19 two presentations. And being this is the first
20 time for this committee to sit and listen to
21 something that is already in practice, what the
22 three of us recognized is the complexity of such

1 a system.

2 We agreed, generally, that the trust
3 issue can be overcome, according to the FAA, and
4 that's promising, and we like that approach. The
5 complexity is something -- not to solve the
6 problem, but even to think about the
7 recommendation, we need to think about some of
8 the challenges that go with solving it.

9 We were thinking in that regard,
10 around complexity, around the QA/QC of data,
11 understanding how to do that. Is there the
12 necessary secondary view of a data point, and
13 making sure you're on the right page, if you
14 will.

15 Data collection; if you're going to
16 collect data, whatever data that is, and then
17 somehow use that to learn, are you collecting
18 that part of that data the same way?

19 Then that brings in the idea of the
20 quality of that data that's been collected, the
21 structure in which you share that data that's
22 been collected around what Mr. Schmitt said,

1 around the context of the data collected, and
2 what we also refer to in the industry as
3 essential variables; what are those essential
4 variables that pertain to that data point?

5 We talked a little bit about that;
6 that kind of rises up to this recommendation
7 approach. And then, of course, the analytics of
8 all that data; there's going to be some of that
9 that comes from that data, but we understand that
10 our first step is just to collect the data, and
11 then that analytics will flesh itself out as we
12 move forward. Thank you.

13 MS. BLYSTONE: Kate Blystone, Pipeline
14 Safety Trust; I think there were three things:
15 number 1, just so you know, jet lag; so I ate by
16 myself. So this was a conversation of one, in my
17 room, just to be clear.

18 (Laughter.)

19 MS. BLYSTONE: What I loved most about
20 the presentations we had today was that it puts
21 us all on the same page, as far as what else is
22 going on there, and I'm sure this next one will

1 do the same thing. So that's the first part.

2 I also loved hearing that --
3 especially the FAA system -- was the iterative
4 process. They didn't start with what they have
5 now; they worked up to it, and for various
6 reasons. I think that takes a little pressure
7 off us, to be absolutely 100 percent perfect the
8 moment we submit our recommendations, right?

9 We're going to do our best, and I
10 think that eventually, we'll have a system that
11 works. Amazing.

12 I also really loved the ASIAs/CAST
13 relationship, and how those two worked together.
14 ASIAs pulled together this information, and then
15 CAST developed these mitigation methodologies. I
16 think that's something we should be considering
17 as well, that there may be, aside from just the
18 gathering of information, there's another group
19 or organization that can come up with the
20 mitigation for those things that we do discover.

21 So that's what I learned in my
22 conversation of one.

1 CHAIR BURMAN: Thank you. Dan and
2 then we'll go to Alan, and we'll go to the phone.

3 MR. COTE: Madame Chairwoman, I too
4 have to confess that I ate lunch without joining
5 any member of the committee, but I wish I could
6 attribute it to jet lag. But the truth is, I
7 suspect the truth is, I'm simply not that good
8 company.

9 (Laughter.)

10 MR. COTE: So having said that,
11 though, I do have a few takeaways from this
12 morning, and I'd like to begin with the round
13 table, because I think this is sort of defining,
14 as we think about how we have to set our
15 expectations.

16 Clearly, from the round table, the
17 expectations from the group were incredibly
18 diverse, and a few might have been arguably
19 contradictory, or at least internally mutually
20 exclusive. And so it was clear from that
21 discussion that we're all not going to get
22 everything that we want; let's just say that at

1 the outset.

2 And as a result of that, our strategy
3 tomorrow needs to clearly define the critical
4 pieces of this. If we walk away with that
5 document, I think our future will be much more
6 clear, and it's critical that we achieve that,
7 recognizing that everyone isn't going to get
8 everything that they want.

9 So having said that, at the same time,
10 in terms of the internal components of various
11 programs, I left with a great deal of confidence.
12 From a confidentiality perspective, we heard ways
13 to deal with that. I heard three different
14 levels of exchange: specific, anonymous data
15 that can be used to analyze and assess risk;
16 macro data, perhaps on an annual basis, in the
17 same way the 7100 Reports are released, that sums
18 up everything that was reported in enough detail
19 to define the risk, but generic enough that it
20 doesn't identify a specific pipeline or a
21 specific area.

22 And then, a very detailed ability to

1 reach out, peer to peer, to get detailed
2 technical information and truly understand if
3 that's necessary, recognizing that in many cases,
4 it isn't necessary because between operators,
5 there's a good deal of trust in each other's
6 technical competence. And that's what we heard
7 this morning, and that's important.

8 The second thing for at least some
9 operators; there's a path to resolution, and it's
10 that notion of enforcement, and what role
11 enforcement would play. What we heard was, in
12 most cases with the voluntary reporting, is that
13 enforcement's off the table because first, the
14 data's anonymous; secondly, it is really designed
15 with the specific intent to make us all better,
16 and therefore, punitive measures wouldn't be
17 appropriate.

18 At the same time, that doesn't
19 constitute a universal hall pass for the
20 industry. If I can run to the reporting stage,
21 for example, just before I get an NOPV, then
22 suddenly I get a hall pass. Clearly that isn't

1 the intent of this, and operators recognize their
2 own jeopardy to the extent they're violating code
3 today, and don't see that to be much of problem.
4 But I thought that was pretty effectively put to
5 them by the FAA.

6 Thirdly -- and we haven't touched on
7 this as a group -- but the analytical and IT
8 processes that support these things in detail are
9 both critical and will take financial resources.
10 We haven't talked much about it, but what we
11 heard today was, the FAA funds that today.

12 Now, that isn't to say that PHMSA will
13 fund our program going forward, although that
14 would be a very nice solution, Alan. But at the
15 same time, it is something we'll have to grapple
16 with as a group, because without that underlying
17 technical expertise and third-party analytics and
18 the ability to separate, I don't see how we
19 succeed going forward, and I thought we heard
20 that from both groups.

21 And my final takeaway was, most of our
22 discussions this morning did not deal with the

1 specific underlying technologies. The FAA, for
2 example, did not go into a lot of detail on how
3 they found out the flaps weren't set right just
4 before the planes took off.

5 But that was a critical takeaway, and
6 again, we're back to the difference between a
7 process that allows us to share critical data,
8 and the underlying analytics or triggers that
9 identify that that problem exists.

10 And those are two different things,
11 and in many cases, simply understanding the risk,
12 how it was identified, and recommended
13 remediations are likely to be enough for our
14 industry.

15 And so again, I think a lot of the
16 issues that we have discussed here as possible
17 obstacles to our achieving the results that we're
18 hoping for were overcome this morning, if we're
19 all prepared to be a bit flexible.

20 CHAIR BURMAN: Thank you. So why
21 don't we go to Alan, and then we'll go back to
22 Mark.

1 MR. MAYBERRY: Thanks; Alan Mayberry.
2 Well, first off, I learned an incredible number
3 of new acronyms I wasn't familiar with. I
4 thought we had a lot, but it was very impressive,
5 I thought. I'd expect nothing less.

6 But really, three main points; one, I
7 was intrigued by the journey. Kate, like you had
8 mentioned, I think that was important to
9 recognize that they are going from ASIAs 1.0 to
10 or CS 1.0 to 2.0, which was from the needle in
11 the haystack to the message in the bottle.

12 I'm intrigued by that because I know
13 you can't get it right -- I've learned that the
14 hard way -- often, you just don't get it right,
15 right out of the box. So as we look to the
16 future, whatever framework we set up needs to
17 lend itself for a journey rather than a
18 destination, which also obviously meshes with the
19 whole concept of SMS.

20 And again, it's hard to think -- as
21 you listen to this you want to jump to
22 implementation. But as we plan for the

1 recommendation, I would look to a recommendation
2 that would, should it be implemented, look for an
3 efficient way to implement it, such as the
4 potential for self-executing statutory language
5 and the like.

6 And of course, to deal with who pays
7 for it; that hopefully, it would be a funded
8 mandate that would be authorized, and follow up
9 on that, appropriated, or some other mechanism.
10 I'm not sure what else that could be.

11 And then lastly, I think it would be
12 so easy to get this wrong, and that's why it's so
13 important to be able to be flexible, or have a
14 system that's flexible, to get it right. Because
15 we want it to be useful, so that people do trust
16 the system.

17 That's the extent of what we had; and
18 by the way, I was the lone team member, but I had
19 the full PHMSA staff with me as my secret weapon,
20 to help me, so thanks.

21 CHAIR BURMAN: Very good. Mark?

22 MR. HERETH: Just one other point that

1 I wanted to add. Madame Chairwoman, when you and
2 I were having our discussion at lunch, I think
3 one of the things that we discussed that was
4 really important -- and I think we'll even see
5 this this afternoon -- many of these are driven
6 by adversity, or incidents, or near misses. And
7 one of the opportunities we have is, we're
8 talking about working with data that's not
9 necessarily the result of an incident; it's a
10 finding from using assessment technologies, from
11 using tools, and then looking at that data that
12 we've looked at in excavations.

13 And so the nature of the data we're
14 going to be looking at is little bit different,
15 and it may pose some challenges. And I think,
16 Chris, you might have made the comment about the
17 importance of recognizing challenges that we
18 have, that we'll want to capture in
19 recommendations.

20 That's one of the things we'll need to
21 think about really carefully; the nature of the
22 data -- while we may look at incidents, we may

1 look at near misses for learnings that relate to
2 technologies and other things -- I think the
3 nature of the data may be different, and I think
4 that will pose some challenges.

5 CHAIR BURMAN: Anyone on the phone?

6 DR. PERRY: Sure, this is Simona
7 Perry. My dog, Gus, and I had a nice
8 conversation about what went on, so I'm just a
9 person a single voice. One of the major things
10 that I got out of the morning that was very
11 promising -- and I'm going to talk in a broad
12 sense, here -- was the idea of the de-identified,
13 collaborative environment that the FAA has kind
14 of developed with its systems.

15 And I think that would be a good model
16 to start looking at, in terms of the trust within
17 the industry, and technologies and sharing of
18 technologies and safety requirements.

19 And as part of the serving roles, from
20 a public safety perspective, I also want to
21 challenge us to maybe go a bit farther, in the
22 sense of, more than what FAA has done, and how

1 the public is brought into the system.

2 I think one of the things that could
3 be done without compromising any confidentiality
4 is basically going back to the public concerns on
5 pipeline safety, and querying the public to
6 really develop some analytic questions that they
7 have.

8 So instead of it being industry-only
9 led, there should be some role -- and I'm not
10 quite sure what that would look like, and that's
11 why we're all here -- for the public to be
12 involved in some of those questions we have about
13 safety in pipelines.

14 I think one of the important things
15 about that is being really explicit about the
16 role the public will play in any kind of
17 voluntary information exchanges within the
18 industry, but also there should be public space
19 for that, including really clear recommendations
20 that come out from us.

21 I was thinking about all of this when
22 learning about the FAA's process, and not really

1 seeing much of the public in that. And I think
2 there needs to be clear communication about the
3 rules and expectations about the transparency
4 levels that the public will have access to from
5 the very beginning, so it doesn't appear that
6 there's a runaround, and an attempt to hide
7 things from the public.

8 Just as the de-identified,
9 collaborative environment and the sharing of data
10 within the industry improves trust among
11 operators and those with technologies, I think
12 that recommendation would also improve the
13 public's trust in the industry and how safe
14 pipelines actually are.

15 So those are the kinds of things I was
16 thinking about. Thank you.

17 CHAIR BURMAN: Thank you. Anyone else
18 on the phone? In the audience? Okay, thank you.
19 That really helped to set the stage. Right now,
20 Chris, did you have anything you need to share
21 beforehand?

22 Right now, we're going to turn it

1 over. We have a wonderful afternoon presenter,
2 Brian Reilly, Human Performance Program
3 Specialist with the Federal Railroad
4 Administration. He's here with us today to talk
5 about the Confidential Close Call Reporting
6 System. Thank you very much.

7 MR. REILLY: I don't know how
8 wonderful I'm going to be, but I'll do my best.
9 It was pretty interesting to hear about your
10 discussion this morning, so it gives me some good
11 background. I don't have many charts and graphs,
12 but I'll do my best.

13 Just to give you some background, my
14 name is Brian Reilly, I'm with the Federal
15 Railroad Administration. I work for the Human
16 Performance Division, which is a relatively new
17 division with FRA.

18 Right now, we have two main goals; one
19 of them is C3RS Program, and the other is the new
20 training standards rule that will be implemented
21 shortly, reviewing training programs. So I'll
22 get started here, and we'll talk about what our

1 experiences have been with C3RS implementing in
2 the railroad industry.

3 So first, what is C3RS? It's a system
4 that enables you to learn about and address
5 safety risks before they become accidents. One
6 of the big things with the railroad industry for
7 years and years over a hundred years, it's been a
8 reactive industry. It's a very militaristic type
9 of atmosphere, where if you do something wrong,
10 you get disciplined, you get fired.

11 We have a joke for locomotive
12 engineers, you take 18 months to train them and
13 30 years trying to fire them. So it's been that
14 sort of industry where, if something happens, the
15 first thing you do is look around and think, Hey,
16 did anybody see that?

17 And if they didn't, then you go about
18 your business. Then, when there's an accident,
19 you come back and say, Oh, geez, that almost
20 happened to me.

21 Why didn't you say something?

22 Well, I would have gotten into trouble

1 if I had said something.

2 So stemming out of an NTSB
3 recommendation in the late '90s, this program
4 basically started taking shape, because NTSB kind
5 of got sick of going to accidents and hearing
6 that, That almost happened to me, and I didn't
7 say anything, because I would have gotten into
8 trouble.

9 So we wanted to understand why that's
10 occurring and proactively address, not just any
11 one particular incident, but the incident on a
12 systemic level; not just looking at that one
13 particular switch or piece of track, but
14 everything across the system, again understanding
15 why that occurs, not just, Well, you know what?
16 That happened, let's fire this guy and it won't
17 happen again. That, again, was the issue;
18 looking at the person, not the problem.

19 So again with the railroad industry,
20 the organizational culture that was there was
21 never learning from its mistakes. So we wanted
22 to develop a culture at these railroads where

1 people learn from their mistakes, and part of
2 that is making it confidential for employees and
3 safe for the railroads.

4 Not too long ago, I went to a class
5 about training and development, and they talked
6 about the best way to train and develop your
7 employees is feedback. And I started thinking
8 about what we were doing in our industry; our
9 feedback became discipline, so the feedback loop
10 was completely gone. When that happens, you're
11 not going to develop your employees to learn, and
12 that's going to create safety issues.

13 So why do we think C3RS was needed in
14 our particular industry? One, again, it's a
15 proactive early warning system. Finding out
16 about problems, about these minor issues --
17 everyone has seen the iceberg chart. What's
18 lying below the water line? We don't know about
19 it in the railroad industry until it pops up and
20 becomes a major injury, a fatality, or a major
21 wreck.

22 Again, we focus on the problem, not

1 the people. No matter what, one of the big
2 questions we always get is, Well, what if we have
3 this program, and we have a guy who continues to
4 get into trouble?

5 Well, first of all, we haven't found
6 that that happens. Second, those people will pop
7 up, create issues themselves in other ways. We
8 realize that, no matter what happens, you're
9 never going to have 100 percent compliance in all
10 your employees, so what we want to do is build a
11 system around our employees to protect them.

12 Again, it provides incentives to learn
13 from error, not incentives to cover things up and
14 not talk about them. We target that root cause,
15 not just the symptom. If you have one particular
16 issue that keeps happening, there's an underlying
17 factor there that we want to find out about and
18 fix.

19 And again, FRA and railroad management
20 can only cover so much ground. There's a stat
21 going around the FRA that we can only really
22 inspect -- with the manpower we have and the

1 resources we have -- we can only inspect one
2 percent of all the railroad operations in the
3 country.

4 And railroads, they don't have the
5 management to go out and watch everybody either.
6 They're doing their best, but they can only watch
7 so much. So in lieu of not having somebody out
8 there, who better than to actually act as the
9 reporters, as the people out there, boots on the
10 ground, doing the work?

11 And that's who we rely upon to get
12 this data. I've heard a lot about talk about
13 data here already, and that's the way the world
14 is going, especially the world of safety; getting
15 the data points. Well, our data points we've
16 been working with have been accident data and
17 inspection data.

18 And like I mentioned, one percent of
19 that; let's get the data and what's really
20 happening out there from the people with those
21 boots on the ground, who are actually doing the
22 jobs.

1 So a little history about what is
2 happening. In the late '90s, we had NTSB make
3 recommendations that we need something similar to
4 what the aviation world had. And I heard a lot
5 of talk about ASIAs here today, but did anyone
6 discuss the ASRS program, Aviation Safety
7 Reporting System? That was kind of what we based
8 this program on.

9 So in 2001, 2002, the FRA developed a
10 close call reporting project, and they basically
11 convened a group like you have here, in
12 Baltimore. And that became the beginning of our
13 steering committee.

14 As the program evolved, it determined
15 that analyzing this type of data was best suited
16 for people close to where the close calls
17 occurred, and again, that would be the people on
18 the ground. And that's where the idea for peer
19 review teams came, which I'll be discussing at
20 length here came from.

21 So initially, we started reporting in
22 2007. And as you can see, from 2001, 2002 to

1 2007, we had quite a gap, because it took a lot
2 of legwork and a lot of background work. Union
3 Pacific, Canadian Pacific, New Jersey Transit,
4 and Amtrak were the first railroads that
5 participated in the program.

6 So what is a close call for us? It's
7 a non-reportable event that FRA or the railroad
8 otherwise would not have known about, meaning a
9 small, minor incident. The best example I can
10 give you for someone who is not a railroader is
11 if an engineer goes over speed. No wreck,
12 nothing happened. No harm, no foul, that type of
13 situation.

14 It could be an unsafe condition or
15 event that poses the risk for more serious
16 consequences to the person or property down the
17 road. It's an opportunity to improve the safety
18 of railroad operations, and we like to think of
19 it as a precursor identifier of something that's
20 lying below that waterline that can cause a
21 problem down the road.

22 So the best way I like to describe a

1 close call to railroads when we give them this
2 sales pitch is, What isn't a close call? It's a
3 reportable incident. A reportable incident, in
4 our eyes, is anything over \$10,500 in damage;
5 that has to be reported to the FRA under federal
6 regulations. So anything over that threshold is
7 not a close call.

8 Any injury to any person; if there are
9 injuries involved, it is not a C3RS-related
10 event.

11 If it's a real-time observation by a
12 manager or supervisor or an FRA inspector; so if
13 you're out there in the field as a manager or a
14 supervisor, and you witness it with your eyes,
15 then it's not a close call. In that case, the
16 discipline process will stand.

17 Although, at some of the more
18 successful carriers that are using this program,
19 you have managers out in the field, and they'll
20 see something happen, maybe a minor violation, a
21 guy making a mistake.

22 They'll pull him to the side, talk

1 about what happened, and then hand him a close
2 call form and say, file this report. And then
3 they'll walk away. Now again, if he sees him do
4 it again the next day, same thing; that won't
5 happen.

6 Any willful act; if it can be proven
7 that this person did not -- if he willfully broke
8 the rule, knowingly broke the rule, then it is
9 not a C3RS event.

10 Some of the important elements that we
11 have in our program; first and foremost is the
12 Peer Review Team. The carriers that are
13 utilizing this program will have peer review
14 teams. Some of them have more than one,
15 depending on the size and scope.

16 And it's made up -- we like to say the
17 three-legged stool. It's local railroad
18 managers, it's local railroad personnel, usually
19 representing -- for example, in the
20 transportation crafts, the conductor and
21 engineer, at least one or two of those
22 representatives along with a local FRA inspector.

1 So we have everybody at the table.

2 FRA Human Performance Team comes in
3 and we train this team on multiple cause incident
4 analyses, that's the next element there. It's
5 basically the five whys.

6 It's a problem-solving tool that we've
7 actually had a software developed, that they use
8 the software to guide them through the five whys,
9 and the process of getting down to the root cause
10 of a problem.

11 Then not only getting down to the root
12 cause, but then assigning corrective action to
13 that root cause. And again, the Office of Safety
14 -- our field personnel participate in the
15 incident analysis. So one of the big things that
16 we have, sometimes, when we have our eight
17 regions across the country, somebody will say,
18 Well, geez, I have my inspectors now taking two
19 days out of the field to sit in these meetings.

20 You know, our counter-argument from
21 our end is, Hey, well you know what? If a guy's
22 out there doing inspections for two days, what a

1 better way to find out what's actually going on
2 in that property than to sit in a room with 10 or
3 12 railroad personnel and analyze close call
4 incidents and develop corrective actions?

5 In my mind, that's more important than
6 hiding in the weeds and trying to find somebody
7 doing something wrong.

8 And to me, the most important program
9 element -- and I did hear some talk of distrust
10 here -- one of the big issues in our industry in
11 developing this program is the trust issue. The
12 railroad industry is a very old industry, and
13 it's been us against them for a very long time.

14 And to get that trust is a tough
15 thing. Nobody is going to put a report into the
16 railroad. And you know, most people won't put
17 one into the FRA either. They are not going to
18 send a report into the regulator saying that they
19 screwed up, or they did something wrong.

20 So we employ NASA as our third party.
21 NASA has been doing this -- and I'll talk about
22 this in a little while, a little further down in

1 the program -- NASA's been doing this for over 40
2 years, in aviation, and they've been very
3 successful, and they have a great track record.

4 So they've been a huge help to us;
5 they're our partner in this program. They take
6 the reports, they do a call-back. The people
7 that work there, taking the reports and doing the
8 call-backs to the reporters all have at least 10
9 years of railroad experience, some sort of boots-
10 on-the-ground experience.

11 So when the reporter gets a phone call
12 from NASA, it's not some sort of telemarketer or
13 somebody just asking a survey question. It's
14 somebody who has done the job and knows what
15 you're talking about, and they can feel free to
16 elaborate on the incident.

17 The C3RS workshop is a very important
18 element. Once a year we have a group workshop,
19 and representatives from every single peer review
20 team meet; every peer review team usually sends
21 about two or three.

22 They do a presentation on what they've

1 done in the past year, what corrective actions
2 they've come up with, what challenges they've
3 faced. We do some educational programs, and many
4 FRA personnel are involved with this also.

5 It's a great learning experience;
6 people bring back a lot of information to their
7 carriers. And then they create connections, so
8 then during the year, if they run into an issue,
9 they might call somebody from another carrier
10 that they met and say, Hey, we're having this
11 issue. What have you done about it?

12 Last but not least in some of our
13 elements here, the IMOU; Implementing Memorandum
14 of Understanding. Based on the way FAA works,
15 they're able to govern the air space and all the
16 airports. They're able to come out with an order
17 saying, Everybody's going to participate in this,
18 and this is the way it's going to work.

19 We don't have that luxury; every
20 railroad owns their own property. So we have to
21 go to each carrier and we negotiate an IMOU with
22 each carrier and their labor unions on how the

1 program will work.

2 At this point, we have a very good
3 boilerplate template that's been vetted not only
4 by FRA chief counsel, but most of the major labor
5 unions are okay with it. We modify it here and
6 there, but any major modifications will have to
7 go through another vetting process.

8 But that's one of our major things,
9 and it's a very good way to get together. Most
10 of the time, we email it ahead of time. We get
11 together and do a word-by-word read through it
12 with representatives from everybody. And
13 everybody becomes a signatory to it.

14 In order for it to be modified, we
15 have to go back through the same process of
16 getting all the signatures at a later date.

17 So where are we today with our
18 program? Currently, we have eight carriers using
19 the program. As you can see, it's mainly
20 commuter operations at this point. The freight
21 railroads are really not jumping in. I think it
22 has a lot to do with the discipline issue with

1 the bigger carriers.

2 The fact that FRA funds this, and a
3 lot of the commuter railroads don't have the
4 funds to fund their own safety programs or go out
5 and bring in consultants to do safety programs.
6 So they like the fact that we're providing them
7 with this service.

8 Right now, out of those carriers, we
9 have 17 active peer review teams. This program
10 started out in what we call our transportation
11 field. This is your engineers, conductors,
12 operations people. That's who it was intended
13 for. Several of the railroads expressed interest
14 in the fact that, hey, this worked so well in
15 transportation, let's try it in mechanical
16 engineering, that being the wayside track
17 department types of folks.

18 So we have expanded it into those
19 realms, and it's gaining ground. And right now,
20 we estimate that it covers probably a little over
21 21,000 railroad employees in the country; kind of
22 a drop in the bucket is what we have, but we're

1 really trying to grow the program.

2 MR. COTE: May we interrupt you with
3 questions?

4 MR. REILLY: Absolutely.

5 MR. COTE: So on the role that NASA is
6 playing --

7 MR. REILLY: Yes.

8 MR. COTE: -- with the data that they
9 get, how is that published? Is that shared with
10 the industry, or is it only shared with the eight
11 members? Is it shared with the entire industry,
12 does it ultimately become public? How is all of
13 that information that NASA gathers ultimately
14 distributed?

15 MR. REILLY: I'm going to get to that
16 in a little while. It's kind of a yes or no and
17 no answer, but it is shared. I'm going to get to
18 that, and I'll have the perfect answer for you.
19 It will give me time to think about it too.

20 MS. FARAG: On one of your previous
21 slides, you said that any real-time observations
22 by a manager or supervisor doesn't count.

1 MR. REILLY: Yes.

2 MS. FARAG: So, how does third-party
3 audits and third-party inspections, or even
4 internal inspections that Amtrak might perform;
5 how does that work into the program? Because it
6 would seem like that would uncover a lot of
7 similar data.

8 MR. REILLY: Well, if a particular
9 employee makes a mistake or violates a rule, and
10 a manager or supervisor of that company -- no
11 third parties -- or an FRA-certified inspector,
12 which would be a federal or state inspector, if
13 they witness it, then it would not be a C3RS
14 event.

15 MS. FARAG: So just out of curiosity,
16 why? Because it seems like that would be leaving
17 out data that --

18 MR. REILLY: It would, and that's why
19 -- but also, at the same time, we're trying to
20 play a fine line here, with the railroads and
21 their discipline policies. We do sometimes have
22 issues with the frontline managers feeling that

1 we're taking their hammer away, that we're taking
2 a tool out of their toolbox that they can't use
3 anymore.

4 So that's kind of a give and take.
5 The managers that do get it, they're the ones
6 that are giving out reports, saying, Hey, I saw
7 you doing this. I want you to go fill out a C3RS
8 report. And that's usually the way it goes. But
9 some of the places, we don't have that particular
10 success, though.

11 MR. COTE: Just a follow-up question
12 on that, though. When you get to aggregating
13 data, do you include the things that the federal
14 inspectors find in addition to voluntary
15 reporting, anonymously? I mean, just to produce
16 one master report that said, for example, 47
17 speeding events have been uncovered, for example,
18 during 2017?

19 MR. REILLY: We don't on the C3RS data,
20 we don't include anything except C3RS-submitted
21 reports. So the reporter, for example; if I'm
22 witnessed violating a rule by a manager, and I'm

1 told that you're not eligible for C3RS, I can
2 still put that report in if I'd like to.

3 And that's where the carriers are
4 succeeding, the employees are buying into it.
5 Because even if they are facing discipline,
6 they'll still put a report in.

7 So if they put the report in, it is
8 counted. If they don't, no. And part of this is
9 -- the key is, it's a voluntary program. You
10 don't have to put it in; but if they do put it
11 in, it is counted.

12 MR. JONES: I just have a quick
13 question; it seems like everything is employee-
14 driven. Does this program review policies,
15 procedures, and practices as well?

16 MR. REILLY: Yes. Based on the
17 employee reports, if there is an issue, one of
18 the big things we find is -- for example, safety
19 rule books. Sometimes they were written a long
20 time ago, or they were written by different
21 people, and things have changed over time.
22 Whether it's your technology or the standard

1 operating procedures. That may never have
2 changed.

3 We just had a great case at one of the
4 carriers where they have several different types
5 of equipment that they run. And every set of
6 equipment has a different type of speed
7 restriction to it. Well, those speed
8 restrictions were written in, I think, six
9 different books. And so the corrective action
10 was, Let's come up with one standard document
11 with all the restrictions.

12 Because what happened was, a guy's at
13 the end of a trip, he gets his book out and says,
14 Gee, I didn't even know it, but I violated the
15 speed this whole time, because I didn't look in
16 the right book.

17 I looked in this book and it didn't
18 say anything, so ran track speed. And then after
19 the fact, they're finding out that they violated
20 a rule. And if somebody came along and did a
21 download of their locomotive after the fact,
22 doing an audit, they could possibly get into

1 trouble or be de-certified.

2 MR. McLAREN: I had a follow-up on Dan
3 and Alicia's question about what goes into the
4 reporting and what doesn't; would the expectation
5 be that the things that wouldn't go in there,
6 such were being discussed; they would be able to
7 be reviewed and analyzed in either an enforcement
8 or an accident database, separately? Is that
9 kind of how you've done it?

10 MR. REILLY: The carriers themselves,
11 if it is an accident or an injury or something,
12 they keep their own databases, and they will be
13 responsible for doing that themselves.

14 FRA, at the same time, also has a
15 public-facing website that does have all the
16 accident data, year by year, month by month,
17 available. But in terms of C3RS, we don't
18 consider that in this particular pool of data.

19 MR. McLAREN: And so you're analyzing
20 your accident and enforcement data outside of
21 C3RS yourself?

22 MR. REILLY: FRA does, correct.

1 MR. McLAREN: Okay, thank you.

2 MR. REILLY: So some of the positive
3 outcomes that we've had; one of the things that
4 we did in starting this program, during the first
5 several years in the pilot phase, the Volpe
6 Center actually ran the program, and they did
7 beginning, middle, and ending surveys. They also
8 took the safety data that was reported by all the
9 participating railroads and analyzed it.

10 One major aspect of this program is,
11 it's not about saying that we did this, or we
12 fixed this, or we prevented this. It's a tough
13 program to quantify that. But based on what
14 these carriers did prior to and after C3RS, these
15 are some of the outcomes we're beginning to see.

16 One carrier had a 41 percent reduction
17 in human-factored derailments; a 50 percent
18 reduction in derailments caused by run-through
19 switches. A run-through switch is basically when
20 you go through a switch when it's facing the
21 wrong way. And then when you come back the other
22 way, you derail.

1 So one of the things that would
2 happen, you'd run through a switch, it's kind of
3 like a fender-bender. It's a small little
4 incident. A guy who knows what he's doing could
5 fix that in 10 minutes, but it would be a big
6 discipline issue. So people wouldn't say
7 anything, they would run through the switch and
8 then keep going. The next guy would derail, and
9 then you'd have a manager running around for
10 three days, trying to figure out what happened.

11 Well now, you run through the switch
12 and stop, you say, Hey, I just did this. I've
13 got to file a C3RS report. They ask him a couple
14 of questions, he goes on his way, and they fix
15 the switch.

16 So the fact that we're able to reduce
17 the derailments caused by that is also a gigantic
18 -- you see there, a 53 percent reduction in
19 human-factor incident costs.

20 One particular example; a blue signal
21 is what is used if you're going to do maintenance
22 on a train. You put blue signal protection up on

1 each end of the track, and that signifies that
2 there's somebody working on that train.

3 In one particular location, they had a
4 new software package that enables you would call
5 the train dispatcher and tell them, I'm going to
6 be on track 5. Then automatically, the blue-
7 signal protection would pop up.

8 Well, they're having all sorts of
9 issues and the dispatchers were getting into
10 trouble for not applying the signal protection
11 properly. Well, through C3RS, these guys put
12 reports in, and found out that it wasn't their
13 fault; it was a software glitch. So they went
14 back and redesigned the software, and we had a
15 100 percent reduction in those mistakes.

16 There was an 18 percent reduction in
17 transportation injuries at one location after
18 five years, which is significant in our industry,
19 very significant.

20 To get back to the idea that it's an
21 us against them environment in the railroad
22 industry, discipline hearings have been an issue.

1 At discipline hearings, we bring in outside court
2 reporters; labor representatives are involved.
3 Many railroads have their own hearing officers
4 who do nothing but do hearings.

5 Well, this one particular location
6 reduced their hearings by 39 percent, at an
7 estimated cost of \$890,000. So again, safety is
8 good business. So that's one of the things we
9 like to talk about also.

10 Some of the corrective actions that we
11 found; this particular carrier, unnamed and
12 confidential -- New Jersey Transit -- they got a
13 new fleet of double-decker cars. To work with
14 the HVAC, they had all of the windows -- you see
15 there on the right side -- all the windows were
16 heavily tinted.

17 Well, what happened was, with the high
18 LED lights on all the platforms and on the inside
19 of the cars, when they would come to a platform,
20 first thing you're supposed to do as a conductor
21 when you're opening door is, you look out and
22 ensure that the platform is there.

1 They couldn't see it; they couldn't
2 see the platform. So what they did was, as the
3 new cars were coming in and the other cars were
4 going in for warranty work, they were retrofitted
5 for clear windows, just on the indoors alone.

6 And again, that came from C3RS
7 reports; people opening up about platforms,
8 opening the wrong side, whatever it might have
9 been.

10 Speed restriction bulletins; a lot of
11 times when an engineer comes to work, he gets his
12 paperwork, and there might be five or six pages.
13 It has everything from where the speed
14 restrictions are on this day, to where people are
15 working, to where the shoe truck is going to be
16 on Tuesday. And as they change lines or change
17 tracks, they have to fumble through their
18 paperwork, and that was becoming an issue.

19 So one of the things New Jersey
20 Transit did was, they issued a one-page speed
21 restriction bulletin. They basically pulled that
22 out of all the other paperwork. They took the

1 important stuff, put it on one page that could be
2 put in front of the engineer. They know where
3 they're going, they know what the speed
4 restrictions are, and they won't miss them.

5 Out west, the rules state that there
6 must be a yellow board if there's a speed
7 restriction on a track. So if I have an 80 mile-
8 per-hour track, and at one place there's a
9 maintenance issue, and we're going to put a 10
10 mile-per-hour speed restriction on it, two miles
11 before that, I have to put a yellow board.

12 Well, what would happen was, the
13 yellow board is in the freezing ground, and the
14 ballast would either fall down, or there was
15 never uniformity. They would be 10 feet from the
16 track, 20 feet from the track, in the woods, in
17 the snow. Nobody could get it in the ground.

18 So the peer review team themselves
19 designed this bracket that hooks onto the
20 underside of the rail, is adjustable, and holds
21 the boards. So this is actually Union Pacific
22 Railroad; they not only did it on the one

1 particular service unit that they were working
2 on, but they implemented this across their
3 property.

4 So a passenger train comes into a
5 speed restricted area; engineer does what he has
6 to do; slows down his train, and now gets to his
7 station stop. The passengers get out,
8 passengers get in. The conductor gives him the
9 signal to go.

10 What does he do? Just like he does
11 every day, he throttles out, goes track speed,
12 then he hits the resume speed sign and thinks,
13 Oh, shoot, I just sped for the last half mile.

14 So this board was developed. Whenever
15 there's going to be a speed restriction put up
16 and there's a station stop in the middle, this
17 sign goes at the end of the station platform in
18 the direction of travel, to remind the engineer
19 what's happening and that he's still under a
20 speed restriction.

21 One other little brilliant corrective
22 action that was taken upon by a couple of

1 railroads and shared; the Do Not Disturb sign
2 that you have on your hotel room door? They
3 basically put a speed restriction reminder on
4 that, so when you enter the speed restriction,
5 you hang it on your throttle. So when you go to
6 throttle out, that little reminder is right
7 there; just that little mental cue.

8 Some additional benefits out of the
9 program that we hear about from all the
10 participants; improved communication between
11 management and labor, especially in that peer
12 review team. When you have management and labor
13 sitting in that same room, working through cases,
14 at the beginning, it's very hard for them to take
15 their hats off and really kind of look at this in
16 a fair way. They're always looking at it with
17 their viewpoint.

18 Well, you know what? They do it.
19 They work together, there's better communication.
20 Now that the discipline has been kind of lifted,
21 a guy who has messed up can go to his boss and
22 say, Guess what happened to me today? Guess what

1 I did? Where before, they would never have done
2 that, because they were afraid of getting into
3 trouble.

4 Improved cooperation between the
5 parties; and that's FRA-involved. Carriers now
6 feel more comfortable going to the FRA to discuss
7 their issues. Their local inspectors are now
8 more involved in the process and more of a team
9 member in safety.

10 The trust; this is a work in progress,
11 and it takes time. Some places I see there's
12 maybe six to eight months before we get a good
13 trust, and other places it takes a couple of
14 years.

15 When we get a new property on board,
16 we get a little trickle of reports coming in, and
17 it takes a while before the reports start coming
18 in. It takes a long time to build a trust in the
19 system and for guys to say, You're telling me I'm
20 going to screw up, I'm going to admit it, and
21 you're not going to fire me?

22 Some people just can't get past that;

1 it's a work in progress.

2 And the last thing is the safety
3 blitzes and advisories. Sometimes it's just the
4 fact that we have rules in place and people
5 aren't following them, or they're making mistake
6 with it, so we just have to do some re-education.
7 So in those cases, we have to figure out where
8 we're going to focus out training this year.

9 Conductors and engineers have to go
10 for a yearly rules training; what rules are we
11 going to focus on this year? That's where C3RS
12 come into play also. We can go through the
13 reports and see what the high-profile items are
14 this year, the high-frequency items, and get them
15 into our yearly training classes.

16 So these are our new carriers who will
17 be coming on board, hopefully within the next
18 year or so. Actually, DCTA, down in Texas, they
19 confirmed yesterday, so we'll be getting them on
20 board, so we will be expanding the program.

21 The way we look at it, the more
22 carriers that are involved, no matter what the

1 size, that's more information, more data coming
2 out that can help everybody.

3 So now we'll get to NASA. When we go
4 talk to people about NASA, they say, What the
5 heck is NASA doing involved in the railroad
6 industry?

7 NASA is the independent third party;
8 they are at arm's length. We have an inter-
9 agency agreement with NASA that basically states
10 that we have no right to the data. So when
11 people think that NASA is just going to give the
12 data to the FRA, that's not true.

13 NASA is the owner of the data in this
14 process. They've been doing this for over 40
15 years. Again, the ASRS has been a well-
16 established program in the aviation industry, and
17 they've done well over a million reports;
18 actually, it's about 1.4 million reports at this
19 point. And never once have they violated
20 anybody's confidentiality. And that's an
21 important selling point for our constituents out
22 there in the railroad industry.

1 So now, sir, one of the questions
2 you had about the data; one of the things we've
3 developed with NASA is what we call the database
4 query tool. What NASA does with the data is,
5 when the data comes in from a reporter, it gets
6 scrubbed, and then it gets sent to the peer
7 review team at that particular carrier.

8 For example, if Amtrak puts a report
9 in, it gets scrubbed, they talk to that employee,
10 they get more information, they put together a
11 report. They identify, they leave some things in
12 there like locations or model numbers that may be
13 important to the case. Then they send it to that
14 peer review team.

15 After it's sent to the peer review
16 team, it goes through a second scrub that takes
17 out things like make, model, location, and then
18 it gets put into this database.

19 This database is not open to the
20 general public; it's open to the people involved
21 in the program and people in the FRA at this
22 point. Aviation safety reporting system, I'm

1 sure this was talked about by the FAA. They do
2 have an open-facing website; I believe it's
3 called Database Online, where you can go and
4 search about any aviation incidents. It's an
5 excellent website, and we're trying to model this
6 after that.

7 We feel that once we have more
8 railroads involved and more data, we can do that
9 in the future. But right now, we want to keep it
10 in-house, because we're still trying to work on
11 that trust level.

12 And you can search any of their cases,
13 so we recommend that certain peer review teams,
14 if they're having issues in one particular area
15 of operation, to go and look at this database and
16 search that. They'll see what's going on with
17 other carriers.

18 MR. COTE: One additional question on
19 that. So is this database open to the general
20 railroad operators, or only the people who are
21 participating in the program today?

22 MR. REILLY: Right now, just the

1 people who are participating in the program.

2 MR. COTE: Gotcha, so not even the
3 rest of the industry has access?

4 MR. REILLY: No, no. So the next
5 thing we have is the NASA C3RS safety alert. If
6 NASA sees a particularly alarming issue reported
7 from more than one site; for example, they see
8 something coming from Boston, from New York, very
9 similar and in the same sort of circumstances,
10 they will issue a safety alert.

11 And this safety alert goes all through
12 the FRA, to all the involved carriers, and we
13 will also distribute it to the labor unions
14 involved. And we will also have people from
15 different industry organizations, such as the
16 Short Line Association, or the American
17 Association of Railroads, involved in this also,
18 so they can feel free to distribute it.

19 But we want this information to get
20 out there; that a safety issue has been
21 pinpointed, it's very safety critical, and it's
22 going on. And usually it's in two or three

1 different locations. Right now, we've just
2 issued our fifth safety advisory from this
3 program.

4 Some of the alert topics have been
5 track maintenance, work groups, miscommunication
6 with train dispatchers where trains basically
7 came in on a work group that was working on a
8 track.

9 Unauthorized access to locomotive
10 departments by passengers; another one was an
11 unannounced high-speed crossover. So basically,
12 a train's doing 80 miles an hour down the track
13 on track 1, and all of a sudden, they get crossed
14 over to track 2 without any warning.

15 And now what happens is, they have to
16 start fumbling through their paperwork to see if
17 there are any work groups, any speed
18 restrictions. And by the time they've figured it
19 out, they're already on the other track, and they
20 may already be in the middle of a speed
21 restriction, they may be violating a rule. So
22 that's been a huge issue. So corrective actions

1 are taking place right now across the industry,
2 trying to figure that out.

3 NASA does a quarterly newsletter for
4 us, and it's usually done in a type of format
5 that asks, What would you do? They describe an
6 incident and then pose the question, What action
7 should be taken?

8 There are different articles in there.
9 Right now it is quarterly; we'd like to get it a
10 little more frequently, but based on budgetary
11 restrictions and everything else, we'll see what
12 happens in the future. And this is available; if
13 you go to the website that I'll give you at the
14 end, you can subscribe to this; it's open to
15 anybody.

16 Some of the communications that are
17 coming out at the carrier level. The peer review
18 teams at each particular carrier, we encourage
19 them to not keep everything to themselves, but to
20 communicate, not just corrective action, but
21 what's going on with C3RS; what are they seeing?

22 So this particular one is from Metra

1 in Chicago, talking about some of the things that
2 they're doing as a team, and what they're looking
3 out for.

4 This is a Facebook page that the New
5 Jersey Transit C3RS team has developed, and they
6 communicate with their members in terms of any
7 corrective actions. Maybe they're seeing a
8 certain type of incident being reported a lot,
9 something they want to let everybody know about;
10 they put it out on their Facebook page.

11 This is Keolis, up in Boston, the MBTA
12 contractor. They do a nice newsletter about
13 what's going on and what's happening with their
14 peer review team, what's happening with C3RS, and
15 what kind of events they see coming in.

16 So just some closing thoughts here,
17 and I had some other things to talk about. As of
18 October of this year, NASA received over 10,000
19 reports so far. Program total is 13,000. When I
20 say program total, for the first couple of pilot
21 sites, we used BTS as the third party, so total,
22 we received over 13,000 reports in this program.

1 And it's going up. Even though over
2 the last year, we haven't added any more peer
3 review teams, the reporting is going up. We're
4 averaging over 260 reports a month. So it means
5 that the trust is building in the program, and
6 people are believing in it. Yes?

7 MS. FARAG: How do you get there? How
8 do you get to the point where the front line
9 people are motivated enough to use the system and
10 so that the --

11 MR. REILLY: Yes, you know what? I
12 hate to say it, but there's really no, you know,
13 golden ticket on that one.

14 It's time. It's getting the buy in.
15 When we sit and we do that IMOU, we get those
16 labor leaders in the room and they're a huge
17 piece of getting out and selling it to the
18 people.

19 Telling them, yes, this is real. You
20 know, we have an IMOU. We have it in writing
21 that the company's not going to take action if
22 you report these problems.

1 So, that's one big piece.

2 The word of mouth. The first time a
3 guy gets in trouble and he says hey, I have a
4 C3RS report, and he gets bypassed from
5 discipline.

6 You wouldn't believe how those locker
7 room lawyers take that upon themselves and go out
8 there and start talking about the program.
9 That's a huge piece.

10 So, it takes time. I mean, we go --
11 I'll give you an example.

12 Metro-North Railroad, you know, and
13 everybody knows it's well documented Metro-North
14 has had some issues over the years. If you're
15 from the New York area, you know very well.

16 You know, they started out, they were
17 doing, say, 20 reports a month. Well, they're
18 doing well over 50, 60 reports a month now. And,
19 they are one of the -- they're one of our huge
20 success stories.

21 Not only are they getting the reports,
22 but they're doing something with them. And,

1 they're getting the management buy in. And,
2 that's another huge piece that I'm going to talk
3 about here in a minute.

4 But, management buy in is going to be
5 huge. You could have the president or the CEO or
6 the general manager there sitting there saying,
7 oh yes, this is the way we're going to operate
8 now. This is the way we're going to do business.

9 But, it's those people under him who
10 are on the front line every day. They're the
11 ones you've got to get to buy in. So, that's a
12 huge piece.

13 So, and, what we found is, even though
14 the heartburn is, well, those things I know
15 about. You know, I did a download of a
16 locomotive. I've got this guy speeding twice and
17 I couldn't discipline him.

18 What am I going to do? How, you know,
19 what's going to happen if he does it again?
20 That's where the heartburn with management is.

21 But, what we found is, not all those
22 reports that are coming in, generally, for the

1 most part, 85 percent of them are things that
2 management has no idea that happened. These are
3 things that are lying underneath that waterline
4 and the iceberg. They don't know these happened.

5 So, what we need to do is, we need to
6 sell management and sell people on the fact that,
7 hey, for every one guy you can't discipline,
8 there's three or four other guys out there
9 putting a report in that you had no idea about
10 that we could learn from.

11 And, that's where the gold in this
12 program lies. They get to mine out.

13 So, what are some of our lessons
14 learned?

15 Again, it's the buy in from all the
16 parties. We have labor unions calling a lot
17 saying, hey, can you guys come give a
18 presentation and can you talk to this group about
19 this?

20 Yes, we can, but unless everybody's
21 involved, you need everybody involved to do this.
22 This is not where one guy says, yes, we're going

1 to do this and walk away. We need everybody
2 involved.

3 And, kind of with that is succession
4 planning. You could have a general manager of a
5 railroad or a vice president of the railroad say,
6 yes, this is a great program, this is the way we
7 want to do business.

8 And, you get the program started and
9 then next year, he retires or he gets, you know,
10 he gets let go. The next guy comes in and he
11 doesn't want anything to do with this.

12 But, yet, you know, he can't get out
13 of it because here's a signed document and the
14 labor unions will never allow him to get out of
15 it. So, he'll basically start kind of, you know,
16 sabotaging the program from within. And, that's
17 what happens.

18 And, we have had that. And, again,
19 these are things that we're learning as we go
20 along.

21 We're -- now that the FRA took over
22 from the Volpe Center in 2013/2014. And, as

1 we're going, we're learning these things and what
2 we're trying to accomplish.

3 Implementation and education,
4 essential. Especially getting that front line
5 manager educated.

6 You know, they just hear, well, we
7 can't discipline people and think, oh, what are
8 we going to do?

9 On the railroad level, not all
10 railroads, but most railroads, especially the
11 commuters, they really don't have a lot of
12 training for the front line managers.

13 Usually, they pick them out of the
14 craft. One day they're an engineer or a
15 conductor or a yard manager and next day, they're
16 in management.

17 And, they give them a quick class on
18 what to do and how to write up paperwork. And,
19 sometimes, the only tool they have for safety is
20 discipline.

21 So, when you take that tool away from
22 them, sometimes it frustrates them. So, we are

1 really finding that that's a problem that, yes,
2 we have the top line guy saying, yes, this is the
3 way we're going to do business, and this is a
4 great way to look at safety.

5 But, those front line managers
6 sometimes have a way of really kind of
7 backdooring things and really making it hard for
8 us.

9 More hands on that we initially
10 perceived. We had this thought that, we'll go
11 and we'll implement it in a railroad and we'll
12 teach the PRT how to use MCIA and we'll walk
13 away.

14 It's taken a little more than that.
15 We're having to cultivate the garden a little
16 more than we anticipated.

17 But, you know what? And, my boss has
18 accompanied me here today. He's back there and
19 he'll attest to it.

20 You know, it's a little more hands on
21 than we anticipated. Right now, our division is
22 only three people and, you know, going out

1 visiting these PRTs on a regular basis is
2 something we find is now important.

3 Going out and making sure that they
4 don't have any problems, making sure that there's
5 no issues.

6 And, we're finding that when there is
7 disagreement over a particular case between labor
8 and management, we're getting the phone calls
9 asking us for rulings and, you know, we really
10 can't give rulings.

11 You know, what's the IMOU say? We'll
12 give our opinions. So, that has definitely
13 become an issue for us.

14 The IMOU, you know, we -- the IMOU was
15 developed years ago. And, yes, we have a good
16 boilerplate. But, now as we -- more things come
17 up, things that we never thought about developing
18 the IMOU, maybe now need to kind of be revised.

19 So, I think we need to look at --
20 start looking now what that second generation of
21 IMOU looks like and allow for that.

22 Our first couple of IMOU's in the

1 pilot project had expiration dates. So, we're
2 going to have to go back and do some things. The
3 new ones don't, they're open ended.

4 So, trying to get those opened up
5 again because, sometimes, maybe the labor union
6 or labor manager or management, they don't want
7 to give some things up.

8 But, we do want to look at, you know,
9 possibly making some changes.

10 And, yet, our biggest challenge, it's
11 us. And, I'll be honest, I was talking with my
12 colleague here and I said, you know, I'm going to
13 talk about this when we talk about challenges.

14 We fund the program. We fund NASA and
15 fund the implementation. The carrier's only cost
16 in this is the time and the people and for any
17 corrective actions that are implemented.

18 So, we have issues with funding. FRA
19 started this process years ago, we committed to
20 it. And, again, as leadership changes, you know,
21 priorities change.

22 So, we've ended up cutting the budget

1 over time and we're out there saying, hey, we're
2 committed to this program. We feel it's
3 important. It's one of our cornerstones of
4 safety.

5 But then, you know, two months later,
6 we're cutting the budget on it. We're able to
7 get some of that money back and we're still
8 working on it as the program is growing, we'll
9 need more. And, that's a big concern as money
10 always is.

11 The other part of that is, you know,
12 who do we hire as inspectors out in the front
13 lines? And, as our supervisors within our
14 headquarters, people from the industry and how is
15 the industry for 100 years? Us against them,
16 let's discipline, let's fire them.

17 So, believe me, we walk down the
18 hallway in FRA sometimes and people look at us
19 funny. What, you want to do this? This is the
20 program you're pushing? You know, let's just,
21 you know, de-certify them and fire them.

22 So, yes, the FRA, we are, you know,

1 trying to get out of our own way sometimes. One
2 hand is saying this is, oh, a great program, this
3 is the way we want to go with safety. This is
4 what we want.

5 And, the other hand, we're kind of
6 sabotaging ourselves.

7 So, we are definitely a force to be
8 reckoned with that and we're working on it. It's
9 a work in progress.

10 As the, you know, leadership changes,
11 as people retire and new people come in, we're
12 trying to work with them.

13 We're doing our best to educate our
14 own people. That's another issue, you know,
15 people that deal in our -- they don't want to
16 hear about it. If they don't have a program in
17 their region, they don't want to know anything
18 about it.

19 But, they're going to be our best
20 sales people and their best -- you know, they are
21 the ones who know the railroads out there that
22 might benefit the most from this program. So,

1 we've got to educate them.

2 So, the last two years, one of the
3 things we've done is really worked on whenever
4 there's some sort of FRA gathering or a meeting
5 or a seminar, we do our best to be there and give
6 a presentation.

7 And, we talk about what's going on,
8 talk about those successes that I showed you, you
9 know, talking about that, telling them, hey, this
10 program works.

11 You know, and we've gotten some more
12 buy in than we did two years ago. But, we're
13 still, you know, we're still struggling with
14 that.

15 So, that's something definitely to
16 look out for.

17 Some of the websites here, and I'd be
18 happy to share this presentation with anybody.
19 But, the first one up top is one that the peer
20 review teams themselves at the user meeting, they
21 developed and they put all their presentations up
22 there year by year so they could get a look at

1 what the other railroads are doing.

2 Then, you have the NASA website and
3 there's an online reporting there and it's very
4 simple, very easy and has a lot of information
5 there about how NASA processes the information.

6 And then our FRA website, all the
7 signed IMOUs from all the different carriers are
8 located there as well as all the studies that
9 were done by the Volpe Center over the years.

10 They issued several reports and the
11 final report should be out soon on the pilot
12 sites.

13 And, everything is located at that.
14 And, also some news articles. Whenever -- one of
15 the things that we found is when you talk about
16 the, you know, the young lady on the phone talked
17 about, you know, the public.

18 A lot of these railroads, especially
19 in the new -- as you saw, we have Metro-North,
20 Long Island Railroad and New Jersey Transit in
21 the New York area. And, they face a lot of
22 scrutiny from the public and from the media.

1 So, they got ahead of it. When they
2 joined C3S, they did press releases. They did
3 little, you know, little press conferences and
4 talked about what the program was and why they
5 are doing it to get ahead of it.

6 All that stuff is located at the FRA
7 website as well.

8 So, questions?

9 Yes?

10 MS. PEAREN: I think you might have
11 just answered this, but I want to be really clear
12 because I really appreciated that you framed an
13 increase in reporting as a success of the
14 enterprise rather than an indication of declining
15 system performance.

16 MR. REILLY: Exactly.

17 MS. PEAREN: And, I think sometimes
18 that those get conflated. Could you tell us how
19 you, you know, how you reframed or educated the
20 public about what an increase in reporting
21 actually meant for this program?

22 MR. REILLY: Yes, we basically -- and

1 we talked about that, because one of the things
2 we do, you confuse that with, well, lots of
3 reports means, you know, it's a less safe
4 condition.

5 And, the opposite, when the program
6 first started, I read -- I had somebody who was
7 the director of safety at a railroad saying, oh.
8 And, I said, hey, you guys haven't -- there's no
9 reports coming in.

10 And, my point was, you're not
11 promoting it well enough. And, he said, oh,
12 that's great, that means that there's no
13 problems.

14 You know, and we kind of talked about,
15 you know, you can't put your head in the sand,
16 it's happening. You know, everybody, you know,
17 out there in this industry, if you have -- if
18 you've worked in the industry, you know that the
19 things are going, they're just not being
20 reported.

21 So, we do, we talk about that and we
22 frame that, hey, this is a success story.

1 And, we actually, what we do is, we
2 have a chart, and I wish I had it in here, the
3 aviation system has a chart, the ASRS I'm
4 speaking of at NASA, they have a chart and you
5 see like 1981, they're doing like 3,000 reports a
6 year.

7 And then, basically, it went up, up,
8 up and it's like a mountain. And, the way we
9 framed that is, has aviation safety gotten better
10 or worse during that time? It's gotten much
11 better.

12 And so, we use that as a background to
13 try to sell people in our industry about the
14 level of reporting and the amount of reports
15 coming in should be equivalent with more safer
16 operations and more confidence in the system.

17 MS. PEAREN: Thanks so much.

18 MS. BLYSTONE: I have a couple of
19 questions for you.

20 Back on the outcomes page, it seemed
21 like you were -- they looked really impressive
22 and that's awesome.

1 I'm curious, my guess is that these
2 are for the eight carriers that you're talking
3 about --

4 MR. REILLY: Yes.

5 MS. BLYSTONE: -- not for the whole --

6 MR. REILLY: Correct.

7 MS. BLYSTONE: Okay, so that -- just
8 wanted to clarify that.

9 And then, the other piece of this is,
10 it looked like between the 2007 pilot and now,
11 there were a couple big carriers that jumped
12 ship.

13 MR. REILLY: Yes.

14 MS. BLYSTONE: Can you talk about the
15 reasons for doing that?

16 And then, also, what efforts are being
17 made to get them and others on board with the
18 system? Like, what specific -- you said you're
19 trying, but I'm curious what you're trying to --
20 like, how you're doing that?

21 MR. REILLY: So, the two what we would
22 refer to as Class I carriers, Canadian Pacific

1 and Union Pacific.

2 Canadian Pacific got to their five
3 year pilot, chose not to re-engage. They had
4 some -- the locality they chose as a pilot wasn't
5 a real good one. They had some real labor
6 management issues there and at the top.

7 And, I don't know how many people
8 followed the news in the railroad industry. They
9 had a gentleman named Hunter Harrison who just
10 took over CSX Railroad.

11 And, his management style was not
12 really let's bypass discipline type. So, he kind
13 of took over near the end of the pilot, so that
14 was a change.

15 The issue at Union Pacific was they
16 both wanted to -- management and labor both
17 wanted to continue the program. There was talk
18 of expanding it. They had it in one of their
19 service areas, actually, North Platte, Nebraska
20 which is -- North Platte, Nebraska has the
21 largest railroad yard in the world. It was
22 actually on the History Channel Modern Marvels

1 show.

2 And, they had some real success up
3 there. They were the ones who -- they were
4 trailblazers in this program.

5 And, what happened was we transferred
6 from BTS to NASA at the end of their pilot and
7 they -- the company didn't feel comfortable.
8 And, they, instead of trying to work out their
9 issues, they fought over -- they fought with FRA
10 on keeping BTS and there was some disagreements.

11 And, they chose to back out and they
12 said they were going to come back in at a later
13 time. But, they haven't at this point. And,
14 again, they've had some change in management
15 style there.

16 And, but, as far as the larger Class I
17 railroads, the freight railroads, they're pretty
18 comfortable with their discipline process at this
19 point. And, despite the other facets of the
20 program, you know, they looked at this.

21 You know, I went two years ago, one of
22 our divisions, the operating practice division

1 has a seminar every year. And, all the railroads
2 come and they talk about their decertifications.

3 So, all engineers and all conductors
4 are certified, same as an airline pilot. And, if
5 they break certain rules in certain ways, they
6 get decertified.

7 And they have a conference every year
8 to talk about their decertifications.

9 And so, I was asked to go there and
10 talk. I thought they were going to throw stuff
11 at me at the end of it, you know.

12 But, railroads are getting up there
13 and they were talking about how they were
14 actually proud that their decertifications were
15 going up because we're more highly monitored.
16 We're finding more mistakes.

17 Which is great that you're finding
18 more mistakes, but the fact that you're
19 decertifying these people and usually it's at
20 least a 30-day decert and sometimes more. You're
21 losing them, you know, you're losing your
22 workers. That's human capital that you're

1 losing.

2 So, that's one of the issues we have.
3 We are doing a presentation for BNSF here, I'm
4 not sure of the exact time frame, but soon, you
5 know, to see if they're interested.

6 So, we're trying. We're working on
7 some of the smaller freight carriers to see if
8 they'll get involved because we'd like to get
9 more freight carriers involved in the program.

10 Because we feel there's a lot of room
11 for error there.

12 MS. BLYSTONE: So, just one follow up
13 question. You mentioned earlier your budget and
14 that one of the problems with this whole thing,
15 one of the challenges is just that and the
16 element of it.

17 MR. REILLY: Yes.

18 MS. BLYSTONE: Can you tell us what
19 your budget is for this project and --

20 MR. REILLY: Well, as far as what we
21 pay NASA --

22 MS. BLYSTONE: Yes.

1 MR. REILLY: -- NASA right now is \$3.2
2 million.

3 MS. BLYSTONE: Okay.

4 MR. REILLY: Annually. Last year, it
5 got cut down to around \$2.7, but we were able to
6 reestablish that money.

7 NASA, the one of the reasons we went
8 with NASA was we felt they were scalable to a
9 large reporting system based on what they're
10 doing with FAA.

11 They've been flat-funded by FAA for I
12 think over 20 years now and they keep getting
13 more reports and they're handling them.

14 Now, there's -- they're not -- maybe
15 not doing it full scale analysis with every
16 report, what they call it, you know, some of
17 their reports they might -- that have extensive
18 information associated with them or maybe we've
19 seen numerous times, they will not do that call
20 back.

21 They will just take the information to
22 the -- that the reporter put in, deidentify it

1 and then send it along to the PRT without any
2 further analysis.

3 But, we're adjusting to that. And,
4 hopefully, as the program grows, we can justify
5 getting some more funds.

6 MS. BLYSTONE: Just one more
7 clarification. You said three people?

8 MR. REILLY: Right now, yes, we have
9 three people in our division, yes.

10 MS. BLYSTONE: That are working on
11 this program?

12 MR. REILLY: Yes.

13 MS. BLYSTONE: C3RS?

14 MR. REILLY: Yes.

15 MS. BLYSTONE: Wow.

16 MR. REILLY: Now, that's not our full-
17 time. We do have other responsibilities but --

18 MS. BLYSTONE: Of course you do.

19 MR. REILLY: Yes, so, yes. So, yes,
20 the way of the government, right?

21 MS. BLYSTONE: Logical.

22 MR. REILLY: So, we do -- we are

1 currently looking for a fourth. We have -- there
2 was originally one of our jobs posted. So,
3 hopefully, we'll have a fourth involved soon.

4 MS. BLYSTONE: Yes.

5 All right, thank you.

6 MR. REILLY: You're welcome.

7 MR. MCLAREN: Thank you, again, for
8 presenting. I had a couple questions.

9 One was on the IMOU and the other is
10 on the MCIA to keep a balance of acronyms usage.

11 MR. REILLY: Multiple Cause Incident
12 Analysis.

13 MR. MCLAREN: On the IMOU, you
14 described it as boilerplate template with minor
15 modifications.

16 MR. REILLY: Yes.

17 MR. MCLAREN: And, it seems like this
18 is what you've used in place of a regulation.
19 You know, we've seen the Title 14 Parts 193 and
20 92 from the FAA on the program.

21 And then, you sort of looked at this.
22 Is this your regulatory guidance document, the

1 IMOU?

2 MR. REILLY: I wouldn't call it
3 regulatory. It is an agreement and FRA is
4 signatory to it, but we don't call -- we wouldn't
5 call it regulatory.

6 So, the one -- when we call -- when we
7 look at the IMOU and we have labor signatory to
8 it, the carrier and FRA, we're part of that
9 program.

10 So, we want to make sure, you know, it
11 just ensures the fact that everybody's acting
12 appropriately within the program.

13 MR. MCLAREN: Okay.

14 MR. REILLY: But, yes, and that is one
15 of the tough things. Because when you say FAA
16 puts out the regulatory documents about
17 participating in these programs or anybody, you
18 know, from the guy flying the 747 to the guy
19 flying a Cessna on a Saturday afternoon can do
20 this. If they violate these particular rules and
21 have, you know, discipline bypassed, you know, we
22 can't do that because have individual property

1 owners.

2 So, but, yes, I wouldn't call it
3 regulatory, but it is our guidance document on
4 how the program will act.

5 MR. MCLAREN: And, that was because of
6 individual property owners --

7 MR. REILLY: Yes.

8 MR. MCLAREN: -- that you went down
9 this?

10 MR. REILLY: Yes.

11 MR. MCLAREN: Okay. And, then, on
12 your peer review multiple cause incident
13 analysis, could you describe what that analysis
14 is? Is it a walkthrough sheet, fault tree,
15 what's the --

16 MR. REILLY: They take the NASA report
17 which is, again, the deidentified information
18 from the case and basically just the facts. And
19 then, they have the -- you have the reporters
20 words and then the notes from the callback from
21 the NASA analyst.

22 And, they'll take that and, like I

1 said, we have a software program, it takes them
2 through steps. Basically, identifying what was
3 the close call?

4 Going through this information, what
5 was the incident? What are the -- what were the
6 contributing factors to the incident?

7 And, each contributing factor, running
8 through the five whys. You know, why did this
9 happen? Why did it happen again? Why did that
10 happen? Until you can't ask why anymore and
11 that's your root cause.

12 Then, you take that root cause and you
13 assign a corrective action.

14 And, the software program that we have
15 has a tracking mechanism for the corrective
16 actions. It gets assigned to somebody with a
17 date and then a report -- they report back to the
18 group as far as where the corrective action's at.

19 One of the other -- most carriers have
20 in this for the most part, what we call a support
21 team which is that upper level management.
22 People who have the power to make rule changes

1 or, you know, spend money on something.

2 So, the peer review team, we usually,
3 on a quarterly basis, take what corrective
4 actions they've developed and they want to bring
5 forward. They'll bring that to that support team
6 and present to them.

7 And, they'll say, you know, this is
8 the corrective action that we want to enact and
9 this is why. We had, X, Y, Z incident happen,
10 this could have been a major accident. It could
11 have been a fatality and this is how we feel
12 we'll address it.

13 MR. MCLAREN: Thank you.

14 MR. JONES: Well, I have a bunch of
15 questions, but I'm just going to stick to just
16 one, I guess.

17 But, I'm looking at your program
18 outcomes and they're a massive reductions in all
19 of the metrics that you're choosing to follow.

20 How does those reductions compare to
21 those in the freight and other groups that are
22 not a part of the program? And, do you compare

1 them?

2 MR. REILLY: We don't compare -- we
3 didn't compare them. And, actually, probably
4 would be a very good exercise.

5 Because, not everything is reported to
6 us. Only injuries and reportable accidents.

7 MR. JONES: Exactly.

8 MR. REILLY: So, that's one of the
9 tough things to get these other carriers to give
10 us all the information. A lot -- especially the
11 private carriers, the freight railroads are
12 pretty guarded with a lot of that.

13 But, we have not done that, no.

14 MR. JONES: (OFF MICROPHONE) Yes, but,
15 what -- I don't know, wouldn't the hammer be a
16 potential future regulation and enforcement?

17 You know, wouldn't the hammer be a
18 potential regulation and enforcement if you
19 don't, you know, go on this voluntary road then
20 that's going to force us to have to institute
21 regulations?

22 Because, if this is working out and

1 you say it's working out, then it's beneficial
2 and but they're not going to do it because we're
3 just going to be hard, whatever.

4 You know what I mean? I don't see --
5 why won't FRA just go ahead and start regulating
6 these guys?

7 MR. REILLY: So, there's two
8 regulations out in pipeline right now. One is
9 called the risk reduction, that's for freight
10 carriers.

11 The other is system safety for
12 passenger railroads.

13 MR. JONES: Right.

14 MR. REILLY: Both of them have in
15 their requirement that these railroads must have
16 some sort of risk reduction type program or
17 hazard analysis programs such as the FRA C3RS.

18 We can't force them to do C3RS. It's
19 a voluntary program, that's one of the essentials
20 of it. But, these regulations, once they come
21 out, if -- and, again, we all know right now, the
22 regulatory process is -- we're, you know, being

1 told to take everything back and look at it again
2 -- so, they have been delayed.

3 But, they are somewhere in the
4 pipeline right now. And, they want some sort of
5 language and, again, that's why I feel we have a
6 lot of the Union Pacifics and the BNSFs of the
7 world, they'll consider bringing the FRA in and
8 using our program.

9 They'll bring in a, you know, one of
10 the private contractors out there to develop
11 something or run something for them.

12 But, the passenger carriers most
13 likely are going to bring us in because it's a
14 free program for them. They don't have the money
15 to go out and bring in a lot of these
16 contractors, you know, except for maybe Amtrak.

17 But, yes, there are regulations in the
18 pipeline. You know, we anticipate when these do
19 get through, we'll have more carriers involved.
20 But, that's still yet to be seen when they come
21 out.

22 MR. COTE : Yes, first of all, this

1 has been incredibly helpful in the forum.

2 MR. REILLY: Thank you.

3 MR. COTE: Thank you for all of the
4 information.

5 MR. REILLY: My pleasure.

6 MR. COTE: Just to level set us as we
7 compare industries, can you tell us -- putting
8 aside this voluntary program for a moment -- can
9 you tell us about the overall regulatory
10 construct between the FRA and the industry?

11 I mean, I assume you have a set of
12 governing codes and rules.

13 MR. REILLY: Yes.

14 MR. COTE: And, inspect those and
15 levying fines as appropriate so the --

16 MR. REILLY: Yes, we do.

17 MR. COTE: -- entire sort of
18 regulatory construct out there where you are
19 essentially enforcing federal railroad rules, is
20 that --

21 MR. REILLY: Absolutely, yes, we are a
22 regulatory agency. And, you know, that's one of

1 things when I talked about before about, you
2 know, how where one of the challenges because,
3 you know, one of the things is, are we -- a lot
4 of people out in our agency, you know, are we a
5 regulatory agency? Yes. Are we out there to
6 write -- basically write tickets or are we a
7 safety agency?

8 That's one of our, you know, we're
9 kind of a Jekyll and Hyde type organization. One
10 way, we're trying to do things like this to look
11 at safety and improve safety, and which way our -
12 -

13 One of the things we want to look at
14 with C3RS is, well, our regulations, are they
15 working? Or, do we need to do things in a
16 different way?

17 You know, one of the things we talk
18 about when we get these peer review teams going
19 is, you know, we want to get this information
20 because the last thing we want is more
21 regulations.

22 Every time there's a major accident,

1 we have a new safety -- Rail Safety Improvement
2 Act, and, you know, every time we do, you know,
3 that --

4 Right now, our CFR is like this thick.
5 The next time there's a major incident, we're
6 going to go to two books because there's so many
7 regulations that come out of it.

8 You know, we're still working on
9 writing and clearing regulations from the 2008
10 Rail Safety Improvement Act.

11 So, yes, we are a regulatory agency
12 and we have many regulations out there that
13 everything from track workers to bridge workers
14 to locomotive engineers and conductors, track
15 worthiness.

16 Yes, we have a regulation for
17 everything about.

18 MR. COTE: So, you're grappling with
19 the same tension that we are --

20 MR. REILLY: Yes.

21 MR. COTE: -- between do you want to
22 continue to be reactive, recognizing that

1 reactive is after the incident occurred or do you
2 move to a more proactive model but to do so,
3 there needs to be sharing and trust between you
4 and your regulated agencies, is that fair?

5 MR. REILLY: Every railroad rule book
6 in the CFR, it's written in blood. It's all
7 reactive information, yes. That is a correct
8 statement.

9 MR. COTE: Thank you.

10 MR. REILLY: You're welcome.

11 Yes, sir?

12 MR. HERETH: Brian, I would also like
13 to echo, thank you for your presentation, it's
14 been very insightful.

15 I think you probably peaked a lot of
16 our interest in this room when you introduced
17 yourself and then you talked about your inhuman
18 performance, but you talked about the fact that
19 you're developing new training standards and --

20 MR. REILLY: Yes.

21 MR. HERETH: -- I'm going to save that
22 one for another day. But, I think that did peak

1 some interest in this room.

2 But, it did -- it does pose a question
3 to me of, are there things that come out of this
4 C3RS that did drive you towards the focus on the
5 new training standards?

6 MR. REILLY: No.

7 MR. HERETH: Okay.

8 MR. REILLY: This --

9 MR. HERETH: Or maybe -- and maybe if
10 I could just quickly follow up is, how often do
11 you see training related issues out of this
12 system?

13 MR. REILLY: Yes, one of the big
14 issues is training. One of the carriers that's
15 involved actually went to the PRT, worked with
16 the training department in redeveloping their
17 entire conductor training program.

18 So, a lot of it is training involved.
19 So, yes.

20 MR. HERETH: Okay.

21 MR. REILLY: But, as far as the
22 training relation, no.

1 MR. HERETH: Okay.

2 MR. REILLY: That was a separate
3 animal that came out the last Rail Safety
4 Improvement Act.

5 MR. HERETH: Okay.

6 MR. REILLY: And, just a little
7 background, the new training standards rule,
8 basically, any railroad, any contractor, any
9 training organization that does training for
10 anybody that is safety related railroad employee
11 and touches a federal regulation, training to do
12 with the federal regulation, they have to now
13 submit their training plans to us for review and
14 approval.

15 And then, not only submit them, but
16 then, they will be subject to audit down the road
17 by FRA.

18 MR. HERETH: Okay.

19 And then, just one more question
20 related to the freight carriers. And, I think
21 you answered this a little bit a second ago, but
22 I want to go a little bit further with it.

1 Do some of them or a grouping of them
2 do something similar to this but collectively as
3 a group, not within the FRA system?

4 MR. REILLY: Not collectively as a
5 group, but there are -- Norfolk Southern, for
6 example, just started a close call reporting
7 system and it's -- I forget the name of it at the
8 time.

9 But, it's an internal reporting
10 system. They're -- I'm anxious to see how it
11 works for them and to see what the trust level is
12 to report.

13 Norfolk Southern has been notoriously
14 in the years as one of those employers that, you
15 know, for every injury or every incident, they
16 fire you and, you know, you may get your job back
17 in nine months when you go through the, you know,
18 the new drilling.

19 But, you know, they're going to put
20 you out of work right away. So, they have a
21 reputation in that way. So, I'm anxious to see -
22 - I know they're trying to turn a new leaf, but

1 I'm anxious to see what their success will be.

2 The story I've heard about FAA as well
3 was that FAA tried to start -- when they first
4 started with the ASRS program years ago, they
5 started it where you reported it to the FAA and
6 they got no reports. After like a year, they had
7 like three reports.

8 And then, that's when they got NASA
9 involved as a third-party.

10 MR. HERETH: Thank you very much.

11 MS. FARAG: I think, do you want to --

12 MR. REILLY: Yes.

13 MS. FARAG: (OFF MICROPHONE)

14 Of the close calls that were -- have
15 been submitted, approximately what percentage of
16 them are primarily related to human performance?

17 And, are things -- are there things
18 that are submitted that are not related to human
19 performance, like materials and equipment and --

20 MR. REILLY: Absolutely, absolutely.

21 I'd say, right now, and this is just
22 an off the cuff guess, I'd say probably 80 to 85

1 percent of it is human factors. And, it's one of
2 the biggest things we do see is like violating
3 speed restrictions usually.

4 Again, you Track A -- from Point A to
5 Point B is 80 miles an hour, but yet, you know,
6 the track maintenance department found an issue
7 when this little piece here today so, they put a
8 10 mile speed restriction on it.

9 The guys don't realize where they are,
10 they miss their paperwork. So, that's usually a
11 lot of the reports coming in.

12 But, yes, we see things with the
13 computer systems, with the actual machinery, you
14 know, malfunctioning.

15 One of the big things, and everybody,
16 I'm sure, in this room has heard of PTC, Positive
17 Train Control. You know, they keep talking about
18 that implementing in the industry.

19 We already, you know, the railroads
20 that do have it, we're already finding, you know,
21 glitches with that, compatibility issues. And,
22 for every problem that it solves, I think it's

1 going to create one.

2 So, we're going to see that because
3 one of the comments we got one time when we were
4 talking about it, was oh, don't worry, once we
5 have PTC we won't need this program.

6 But, I think what's going to happen
7 is, you're going to need it because you're going
8 to find other issues out there.

9 MS. FARAG: And, one more question.

10 For the submittals, and I apologize if
11 you already answered this, is it all self-
12 reported or is there like peer reporting
13 including in this as well?

14 MR. REILLY: Self-reporting, okay.
15 But, the -- one of the things that is in our IMOU
16 that was negotiated was that, if you are working
17 as a crew, meaning a conductor, engineer and
18 brakeman, one person puts a report in and the
19 whole crew is covered.

20 MS. BURMAN: Okay, so, we're going to
21 go first to Alan, then to John, then to the
22 phone, then to the audience and then --

1 MR. MAYBERRY: Okay, thanks.

2 And, also, I appreciate the
3 presentation, it's very helpful.

4 The fact that you developed the system
5 back in 2002 and then, I guess, implemented a
6 pilot in '07.

7 MR. REILLY: Yes.

8 MR. MAYBERRY: I think I picked that
9 up.

10 What was the biggest challenge to, you
11 know, ramping it up?

12 MR. REILLY: I was -- I got involved
13 in 2008, but I can say, just getting the buy in
14 from the railroads, getting not just the
15 railroads, the labor unions, everybody to believe
16 that this is what we're going to do.

17 Right down to the FRA, there's only a
18 handful of people in the FRA that believe that
19 this program can work.

20 It started out in R&D then it went to
21 Volpe Center. And, we -- that was our biggest
22 challenge was the people, just getting people to

1 buy into the system.

2 And, the first couple of IMOUs we did,
3 when I say we had a boilerplate now that's been
4 vetted by everybody, the first couple of IMOUs we
5 did were -- they took six months to develop.

6 And, that was the same meeting like two or three
7 days at a time every couple weeks.

8 And, it was like pulling hair, I was
9 involved. I was an employee at Jersey Transit
10 when we implemented the program. And, it took us
11 six months of time, you know, meeting two, three
12 days at a time in a room, eight hours at a time.

13 Come back a few weeks later, emails in
14 between going back and forth down to every last
15 word before we got this, you know, got a document
16 we were comfortable with.

17 So --

18 MR. MAYBERRY: Okay.

19 MR. REILLY: -- the fact that now
20 we're basically only do a read through and we do
21 any modifications, we usually have it done in a
22 morning or an afternoon now.

1 MR. MAYBERRY: Okay.

2 And then, lastly, how does your
3 authority work? Will you like specifically
4 authorize through reauthorization for this? And,
5 were you, you know, specifically funded,
6 appropriated and the like or --

7 MR. REILLY: The funding is basically
8 coming out of the Office of Railroad Safety.

9 MR. MAYBERRY: Just your general --

10 MR. REILLY: We don't have an
11 appropriation specifically a line item for this,
12 no. For years, it was funded by our R&D and then
13 it came to the Railroad Safety.

14 And so, yes, they're -- we'd like to
15 see it eventually just kind of a line item,
16 yearly budget and, you know, I think -- is that -
17 - Rob, am I misspeaking here if that's -- okay.

18 So, yes, that's, you know, where we'd
19 like to go eventually. But, for now, it isn't
20 and that's why last year we got less funding
21 because, you know, it was just what was left I
22 think.

1 This program right now is the second
2 largest expense, the NASA payment is the second
3 largest expense in the FRA's Office of Railroad
4 Safety.

5 So, that's why a lot of times we have
6 -- when leadership changes and, you know, the
7 chairs get shuffled a little bit, you have people
8 asking questions, well, what's this? What are we
9 getting out of this?

10 Because they see the big number. You
11 know, they look at there and they one by one and
12 what's this C3RS program? What are we getting
13 out of it?

14 MR. MAYBERRY: Yes, I see that as a
15 challenge going forward.

16 MR. REILLY: Yes.

17 MR. MAYBERRY: Where does that come
18 from?

19 MR. REILLY: Exactly, exactly.

20 MR. BURMAN: Okay, thanks.

21 So, I think we'll go to John.

22 MR. MACNEILL: Okay, hi, yes, John

1 MacNeill.

2 Thank you very much for your
3 presentation. I really got a lot out of it.

4 MR. REILLY: Great.

5 MR. MACNEILL: I've been involved in
6 some close call programs through my industry in
7 the utility business and we're like in infancy
8 compared to where you guys are at here.

9 The IMOUS I think is great.

10 MR. REILLY: Yes, they're very
11 important.

12 MR. MACNEILL: And, what I find is,
13 could they get the buy in looking from the unions
14 point of view, from labor's eyes is, for us to
15 get a buy in for something, we need to know that
16 there's no anti-retaliation --

17 MR. REILLY: Right.

18 MR. MACNEILL: -- the guys aren't
19 going to be retaliated against that.

20 And, the big, big part of it is
21 getting answers back and seeing results from when
22 you put the close call in.

1 MR. REILLY: Exactly.

2 MR. MACNEILL: And that's --

3 MR. REILLY: Getting that follow
4 through on the loop, yes.

5 MR. MACNEILL: The follow through is
6 the thing that gets the buy in.

7 MR. REILLY: Right.

8 MR. MACNEILL: When the guy in the
9 field, when the guy with his hands on the tools,
10 when he sees that when he puts his close call in
11 and there is an answer brought back and he sees
12 it, that it resulted in an issue being resolved,
13 that really propels the program.

14 MR. REILLY: Absolutely.

15 MR. MACNEILL: And, it lets people see
16 that it works and more people will buy into it
17 and put the close calls in.

18 MR. REILLY: Absolutely.

19 And, one of the -- getting into the
20 first part of your statement there, you know,
21 when this thing first started, when I talk about
22 the run ins are switched, people -- when we first

1 did the program, it was any sort of damage, I
2 think, was off the table.

3 And, it was actually out in North
4 Platte, Nebraska, they had this gigantic yard and
5 they were doing about 700 switches a year and
6 every time a switch would get run through where
7 they have a minor derailment, you know, three or
8 four tracks shut down and they're doing several
9 thousand cars a day of throughput.

10 So, that was big. So, the
11 superintendent out there said, hey, you know, if
12 this is working so great for everyone else, why
13 can't we find out -- I'd like to find out about
14 this minor incidents because, when something
15 happens, what happens?

16 I mean, I'm sure the same thing in the
17 industry, guy makes a mistake, he shoots up and
18 runs through the switch and has a minor
19 derailment, boom, shuts his mouth. His union rep
20 tells him, don't say anything.

21 You know, right? Give them a
22 statement, but don't tell them anything. They

1 never really find out the truth behind what
2 happened. And, it's unfortunate, but that's
3 where the industry is.

4 So, kind of like the carrot in front
5 of the horse, that's where the run through
6 switches came from. And so, any -- so, again,
7 people didn't want to rat themselves out, they
8 didn't want to tell anybody else.

9 But, you know, you're going to tell me
10 that if I run through a switch, you're not going
11 to discipline me now? And they're like, no, just
12 tell us what happened, we'll fix it, you file a
13 C3RS report, we learn from it.

14 And, yes, and then the next part of
15 your question about the feedback, the one thing
16 about this is the feedback isn't direct.

17 I might not call you back and say,
18 NASA gets rid of the identity. When you put a
19 report in, they have your name, your phone
20 number, your address. Once they talk to you on
21 the phone, they get rid of all that.

22 So, when the peer review team gets

1 your information, they don't know it was you.
2 NASA doesn't even have any record of you anymore.

3 But, when that person in the field
4 sees -- that's why we talk about that
5 communication, the newsletters or whatever it
6 might be -- when he sees that corrective action
7 put in place then he can say, hey, I had
8 something to do with that, then he's going to put
9 a --

10 Next time the report might be because
11 he violated rule, maybe just because he saw
12 something unsafe and he wanted to talk about it.
13 You know, that's what we're saying, you get that
14 -- the first year or two of the program, 75
15 percent of the stuff is the CYA stuff, you know,
16 cover your butt.

17 And then, it starts, listen, you
18 actually see the true safety reports coming in
19 because people get that faith in the system and
20 they realize, hey, this is really what they're
21 selling.

22 You know, because believe me,

1 sometimes I do feel like I'm a snake oil salesman
2 out there when, you know, I'm out there trying to
3 tell them about this stuff.

4 MR. MACNEILL: Okay, thank you.

5 MR. REILLY: You're welcome.

6 MS. BURMAN: Okay, thank you.

7 Anyone else at the table?

8 (NO RESPONSE)

9 MS. BURMAN: Anyone on the phone?

10 (NO RESPONSE)

11 MS. BURMAN: Anyone in the audience?

12 (NO RESPONSE)

13 MS. BURMAN: Okay.

14 Thank you, this was really, really
15 helpful.

16 MR. REILLY: Thank you, my pleasure.

17 Thank you, everyone.

18 (APPLAUSE)

19 MS. BURMAN: So, we're going to take a
20 10 minute break and then we're going to come back
21 and do our closing discussions.

22 (Whereupon, the above-entitled matter

1 went off the record at 2:52 p.m. and resumed at
2 3:15 p.m.)

3 MS. BURMAN: So, we're going to get
4 started. While we're waiting, I know some people
5 are coming back in the room, I do just want to
6 get a head count for tomorrow on who's leaving
7 early tomorrow.

8 I'm not looking to out you, I just,
9 you know, yes, sorry.

10 (LAUGHTER AND OFF MICROPHONE COMMENTS)

11 MS. BURMAN: So, if you could just
12 raise your hand or if you don't want to now, you
13 know, you do have my email.

14 Okay, if -- are you leaving?

15 (OFF MICROPHONE COMMENTS)

16 MS. BURMAN: Well, that's my -- I'm
17 trying to get a sense of before 2:30.

18 MS. BLYSTONE: No, I'm leaving at
19 3:30.

20 MR. HERETH: Madam Chairman, I just
21 want to make sure, this is voluntary information
22 sharing?

1 (LAUGHTER)

2 MS. BURMAN: Yes, but it will be held
3 against you, I will --

4 (LAUGHTER AND OFF MICROPHONE COMMENTS)

5 MS. BURMAN: At 3:00? Okay.

6 All right, so, the only reason I say
7 that is because we are trying to make sure that
8 we get some key things done beforehand and that's
9 not a license for those who stay past to then
10 leave.

11 So, you are sort of -- you know, we
12 are going to really try to work through some of
13 the challenges.

14 So, for those who have indicated that
15 they may be leaving, I may be speaking to you
16 privately tomorrow morning on some of your key
17 issues that, when you are away, I want to be able
18 to represent some of your issues, you know, to
19 know about.

20 So, to the extent we don't get through
21 some of the issues.

22 We will try to have a hard stop

1 tomorrow, well, definitely at 4:30, but hopefully
2 we can get out at 4:00.

3 It is really tomorrow is going to be
4 really crucial day because we are going to try to
5 get through a great deal of substance and,
6 specifically, on next steps and really some
7 concrete things that we can give to pass along to
8 the PHMSA administrator as well for us as a core
9 group to work through.

10 And, I'm sorry, I'm getting distracted
11 by a million texts from my son's -- my youngest,
12 so, saying, what time is the bus? I don't even
13 know what bus he's talking about.

14 (LAUGHTER)

15 MS. BURMAN: So, this is what happens
16 when you leave your husband in charge of
17 everything.

18 (LAUGHTER)

19 MS. BURMAN: You know how it is. But,
20 it is true for my case.

21 All right.

22 (OFF MICROPHONE COMMENTS)

1 MS. BURMAN: Yes, so, anyway, so,
2 sorry, again, I'm distracted by that. I
3 apologize.

4 So, let's go back now, I thought Alan
5 would be back in the room, but he's not. So,
6 hopefully, he'll come in because I know we want
7 to get to now the next step which is our
8 committee preparatory discussion.

9 This is going to help set the stage
10 for tomorrow for preparing for breakout groups.
11 So, I'm going to turn it over to Christie who is
12 going to help us on that.

13 She did send out some information.
14 I've got to just do a shout out to Christie and
15 all of the PHMSA staff. They've been really
16 working hard throughout this to put together some
17 slides and substantive information that can be
18 utilized for us.

19 So, the whole time we're talking,
20 they're also trying to synthesize all of this
21 information that's helpful to us to utilize. So,
22 it's really quite impressive to watch that.

1 So, here Christie, go.

2 DR. MURRAY: Okay, thank you.

3 So, one of the things that I wanted to
4 do to help the committee, just give you food for
5 thought.

6 My disclaimer is, please don't take
7 anything I'm about to show you as the rule of the
8 land or the law of the land. It's just really to
9 tee up and to get your creative juices flowing
10 this afternoon after lunch.

11 But, in terms of the discussion, we've
12 talked a lot about strategic mission statements.
13 And, now, we've heard some really great examples
14 and information sharing from BTS, FAA and FRA
15 this morning and this afternoon.

16 And so, now, we have an opportunity to
17 take those takeaways that you had, think about
18 what they have offered up in terms of what was
19 important about their information sharing systems
20 and why they took the approach they did and what
21 their effort was about.

22 To start to think about those things

1 in terms of voluntary information sharing for
2 pipeline for our industry.

3 So, three questions I'm going to tee
4 up as we think about developing these mission
5 statements tomorrow, preliminary mission
6 statements.

7 What is a strategic mission statement?
8 I think if we went around the room, we may find
9 that there are a vast variety of definitions.

10 So, as a committee, I think it's
11 important to set the context early so by
12 tomorrow, it will help to expedite some of your
13 conversation and focus on some of the key pieces
14 you really want to talk about.

15 Also, what components might the
16 committee consider as a part of that mission
17 statement and, are there any examples?

18 So, I'm going to touch on these three
19 questions briefly.

20 For those on the phone, I sent an
21 email probably about maybe 15, 20 minutes ago
22 with this presentation for the entire committee.

1 So, please feel free to follow along.

2 And, also, for the committee members,
3 if you have homework tonight or you want to
4 reference back to these, it should be in your
5 email inbox.

6 So, what I did is, I did a Google
7 search while we were talking and tried to come up
8 with a couple of definitions of mission
9 statements based on some conversations I've had
10 with Bryce and Dr. Keller earlier today. And, it
11 just prompted, maybe we should start with
12 thinking about what that context should be.

13 And, here, I'm not going to read
14 through these, but I did highlight some key words
15 that the committee might want to consider.

16 A mission statement is really the
17 reason for the existence of the entity, the body,
18 the program, the work that we're doing or the
19 core purpose.

20 It's a description. It tells what
21 this group or what this system will do. It
22 serves to communicate a purpose or a direction to

1 stakeholders.

2 Also, the second definition I found
3 had some similar words. So, the key is, I wanted
4 to find commonality in different definitions.

5 Again, it speaks to the purpose, a
6 precise description. It describes a business or
7 an organization.

8 And then, lastly, I bolded the why.
9 It really tells the why does this entity --
10 what's, you know, why does this work need to take
11 place? Why does this initiative exist in the
12 first place?

13 So, just some things to think about as
14 the group considers a mission statement.

15 Then, I found some other guidance or
16 just opinions and thoughts.

17 A mission statement is useless unless
18 it can direct action. So, we think about the
19 voluntary information sharing work that we're
20 working on, we realize that we're really wanting
21 to improve the pipeline safety in our industry.

22 And, there are other key actions that

1 we're ultimately trying to take on to get to some
2 key objectives or outcomes.

3 A mission statement is a description
4 of what an organization actually does, what it's
5 really about and why it's doing what it does.

6 Every mission must be communicated to
7 organizational stakeholders that are in the room
8 and that aren't in the room.

9 We heard some of the case study
10 presenters talk about who else they've reached
11 out to and gotten input from throughout their
12 processes.

13 So, maybe once this group has a
14 mission statement or a draft mission statement,
15 that it may be worth our time and effort to
16 benchmark it or get some feedback or do a focus
17 group or just input on how does it resonate
18 outside of this room?

19 And then, finally, it must be
20 constantly revised and adjusted to meet any
21 changing situation.

22 So, this was important. It struck to

1 be important to me because, as we work over the
2 next day or so to come up with a draft, a
3 preliminary mission statement, it's important to
4 recognize that it can and probably will change,
5 get tweaked, get improved, refined as the group
6 learns more about what we're doing.

7 So, don't get hung up on it being
8 perfect but really let's focus on getting the
9 critical components that we know of that are of
10 interest and importance now on paper, recognizing
11 that the committee can go back and refine it at
12 any time.

13 Here, this is just reiterating the
14 same thing a couple of different ways, purpose.
15 It's customer focused. I think that's the key
16 takeaway here.

17 And, it's also used to guide strategic
18 planning moving forward. So, as we break out
19 into subcommittees and do more work and get more
20 detailed, this will help to advance some of that
21 planning work.

22 I also found this to be interesting.

1 There was a website that talked about a bunch of
2 different practitioners who got together and
3 started thinking about strategic mission
4 statements.

5 And, they came up with these nine
6 components that are in effective mission
7 statements.

8 And, this is something for the group
9 to think about, to tweak, change as it may be
10 more relevant to what we're doing.

11 But, it has a customer focus to it.
12 It talks about products and services, what makes
13 it unique, markets, who are we really trying to
14 target with what it is this information sharing
15 effort will -- where we'll focus.

16 It has a technology component. A
17 concern -- well, what I found on the web was
18 concern for survival. But, I also equate that
19 with safety. So, I threw that in as well.

20 It has a philosophy or the basic
21 beliefs and values. It has a self-concept, what
22 are the strengths and competencies of our

1 industry, of what information sharing should be
2 about? Just things to consider with that.

3 A concern for a public -- now, again,
4 the website said public image -- but I also added
5 in public safety.

6 And, it also talked about being
7 socially and environmentally responsible as a
8 part of what we're doing or what we could
9 consider.

10 And, a concern for employees, how to
11 treat the organizational staff, employees,
12 training all the things that we've heard other
13 talk about.

14 Just food for thought.

15 Then, there's a couple of examples.
16 Some that aren't necessarily tied to what we're
17 doing, but, in my quick search, FedEx came up
18 multiple times. Their mission statement was
19 pretty popular.

20 So, I suspect there are some who think
21 they have a pretty good handle on writing a
22 mission statement.

1 But, what was interesting about this
2 site is, it took those same nine components and
3 it went back and analyzed FedEx's mission
4 statement and highlighted, and okay, and touched
5 on component five, seven, et cetera and then, in
6 that bottom section, it talked about what FedEx's
7 mission statement lacked.

8 It didn't talk about technology. It
9 didn't really focus on social responsibility, for
10 example, which are key aspects of a successful
11 statement.

12 So, maybe as we're talking as a part
13 of the breakout groups, those are some of the
14 things you may want to go back and say, hey, have
15 we factored in the public safety or the social
16 and environmental responsibility, for example.

17 And then, the second example is
18 Toyota's mission statement. Again, they only
19 missed one section, surprisingly.

20 Their mission statement was a lot
21 smaller than FedEx's, but they seemed to touch on
22 eight out of the nine components, in a briefer,

1 more concise statement, which means the statement
2 doesn't have to be long, it just has to be
3 concise and succinct to meet what's critical.

4 So, they only missed focusing on their
5 products.

6 And then, third, now, this is more of
7 a question to the committee than it is a true
8 example.

9 As you heard FAA talk about its ASIAs
10 program, hopefully, you asked yourself, did their
11 mission stick out? Did it stick out for anybody?

12 (NO RESPONSE)

13 DR. MURRAY: No?

14 (OFF MICROPHONE COMMENTS)

15 DR. MURRAY: Okay.

16 Well, this was my half a cent
17 perception of what stuck out that might be
18 relevant for consideration.

19 They talked about it being
20 collaborative. It's about safety data analysis
21 and sharing, a risk-based approach, identifying
22 and understanding risks, timely mitigation and

1 prevention.

2 And then, the other thing that was
3 striking to me was this formal principles. Now,
4 while the principles may not be a component of
5 the mission statement, I only threw this in to
6 say maybe this is somewhere we may want to look
7 to next.

8 Because, these guiding -- I call them
9 guiding principles, but I've seen this done other
10 places, but these principles really take you back
11 to, as we try to narrow in on a scope, if you
12 have agreed upon principles, if something -- a
13 scope idea comes up, and it doesn't meet the
14 tenants of your principles, it gives you a
15 baseline to say, yes, but this isn't what we
16 agreed this was about.

17 So, I threw this in because I know
18 this scope has come up quite a bit.

19 And then, I'm moving to FRA, their
20 C3RS program. Did anything about their
21 presentation -- Brian's presentation strike you
22 as a mission statement or a mission statement

1 component?

2 (NO RESPONSE)

3 DR. MURRAY: Well, this is what stuck
4 out to me.

5 They wanted a system to learn about
6 and address safety risks. So, now, I've heard in
7 both FAA and FRA that risk was important to
8 address along with incidents and accidents, to
9 understand why events occur.

10 Proactivity sticks out to me which, in
11 both cases, they talked about getting ahead of
12 incidents and really wanting to be more
13 predictive in nature.

14 So, these are just things to consider.
15 I don't have to regurgitate what was already
16 presented, but just to relay, these were the two
17 slides from FRA that struck me as things that
18 might be worth reflecting back on, but certainly
19 reflect back on anything you've heard from what
20 was discussed. But, those might factor into what
21 you're doing.

22 So, I'm going to circle right back

1 around to those same nine components and throw
2 out to this working group committee, what are the
3 VIS's components for consideration for the
4 mission statement?

5 And, this is where, think about it.
6 I'm putting back up the ones that I found online
7 that might be relevant.

8 Tweak them, throw them out, change
9 them, create new ones, whatever's appropriate.

10 And, with that being said, I will turn
11 it back over to Diane.

12 MS. BURMAN: Thank you, that's very,
13 very helpful.

14 The last two meetings, we had focused
15 on the need for us to really define our mission
16 and our scope and the need for us to really drill
17 down on that.

18 Part of what the group did in between
19 the meetings was to come up with the case study
20 questions, which I believe are in our packets as
21 well.

22 Listening to all of today and looking

1 at what Christie sent out as well as the case
2 study questions, which I think there's a slide
3 that we can put up on those case study questions,
4 I wonder if anyone has any thoughts to share as
5 it relates to sort of the first case study
6 question on our objectives in defining our scope
7 and our mission and the work we have ahead of us?

8 Mark?

9 MR. HERETH: Mark Hereth from The
10 Blacksmith Group.

11 I think, just as a reminder, I think
12 we gave these questions to our presenters, right?
13 And, really asked them to use these to help guide
14 their presentations, which is I think is -- was
15 really -- I think it led to having great
16 presentations today.

17 So, thank you guys for driving that
18 process.

19 I guess, Madam Chairman, I'm going to
20 go back to a discussion that we had at lunch and,
21 I don't know if this is the appropriate place to
22 bring this in.

1 But, I think that four points that
2 Eric made earlier today serve at least as a good
3 foundation, maybe some guiding thoughts to go
4 into some of this mission statement development.

5 And, they actually capture some things
6 I think that both he and Dan made in earlier
7 meetings or maybe -- I went back to some of the
8 notes, Eric, but I liked your idea of high value,
9 that we're looking for situations where we can
10 use this information to create high value.

11 I liked your point about, not only do
12 we want this to be sharing, so this is the second
13 point, it's sharing, but if we really want a
14 deliberate exchange, and please weigh in here.

15 A third is making these actionable,
16 making what we do actionable. And then, also,
17 measurable.

18 And, I'll have to be honest, so that
19 was high value, sharing but really driving
20 towards the, you know, participants to want to
21 deliberately exchange because they see that high
22 value.

1 That it's also actionable and
2 measurable.

3 And, I don't know how these relate to
4 the sort of framework that you laid out, that you
5 presented, Christie, but I -- when I heard these
6 this morning, and I kept reflecting on them as I
7 heard different presentations.

8 I think they certainly serve as a
9 really good starting point for all the groups to
10 consider for tomorrow.

11 I mean, I'm open, but, you know, I
12 think they're great points for us to reflect on
13 and think about.

14 I should turn to you, Eric, because
15 they're your ideas. But, I really like them.

16 MS. BURMAN: And, before you do, I
17 just want to sort of reiterate, because Eric
18 didn't have the pleasure of listening to us talk
19 about him for a whole hour.

20 So, we focused really --

21 (OFF MICROPHONE COMMENT)

22 MS. BURMAN: We focused really on the

1 fact that what struck us was the conversation
2 about the wording of sharing and that you really
3 -- it hit a core sort of nerve in terms of what
4 you were looking for an why that seemed to not be
5 the right word.

6 And then, you laid out sort of four --
7 what we saw as guiding principles, that sort of
8 defined, in some way, partly what we were trying
9 to get at.

10 And, it seemed to us that that was a
11 really good framework from helping to formulate a
12 mission but also then the framework of, you know,
13 what it was -- the value of all of this is.

14 So, to the extent that it really was
15 really about measuring improvements. And, I
16 don't know, I mean your wording was really spot
17 on. I don't know if you wrote it down, I hope
18 you did.

19 But, we may need to go back to the
20 court reporter. Oh, good, all right.

21 So, that was going to be your homework
22 assignment. So --

1 MR. AMUNDSEN: Well, it's already
2 done.

3 MS. BURMAN: Good, perfect.

4 (LAUGHTER)

5 MR. AMUNDSEN: Thank you, Eric
6 Amundsen with Energy Transfer.

7 So, Mark, you kept good notes or you
8 have a good memory, probably both.

9 But, actually, presented kind of these
10 four framework elements I think in our second
11 meeting. So, I've got a presentation that I
12 could even throw up here or give to you, email to
13 Christie, whatever here in a second.

14 But, you know, when I thought about
15 this framework, it wasn't really in the context
16 of a mission statement, it was more about the
17 deliverable.

18 You know, at the end of the day, you
19 know, what is -- what does the system look like
20 and what is the process that has to be wrapped
21 around the system, you know, the database, the
22 means to collect data.

1 And, it was exactly as Mark mentioned.
2 And, I mentioned in my earlier comments, too, I
3 had a little -- struggled a little bit with
4 sharing because I think it means different things
5 to different people.

6 It could mean, hey, I'm going to share
7 my pencil with you or my pen with you, Mark, you
8 know, you can use it if you want to or not.

9 You know, I think that's a -- that's
10 sharing, right?

11 My notion of sharing in this context
12 is deliberate, you know? Here, I'm going to
13 teach you or I'm going to allow you to learn
14 from, you know, my experience or my failure or
15 failure of our system so, again, a deliberate
16 pitch-catch.

17 Yes, he acknowledges it. Yes, I've
18 got that same problem. Yes, I know how to fix it
19 and go forth and fix it.

20 And, it could be, even in our
21 relationship as an operator, tool vendor, my --
22 your system isn't doing what you think it's

1 doing. You know?

2 I've got a situation here with this
3 kind of corrosion that your tool doesn't
4 accurately characterize it for us in this
5 situation.

6 You know, how are we going to solve
7 this problem together?

8 So, it's more -- otherwise, we could
9 just put data out there and say, well, I hope
10 Mike recognizes the data and he now knows that he
11 should do something with it. Right?

12 So, I think it's that notion of being
13 very deliberate about, hey, we've got a problem,
14 others have the same problem. Others may have
15 the solution, so how do we all benefit from that?

16 And, the third piece was, you know,
17 very actionable. So, again, it creates not only
18 action, but even an obligation to act as opposed,
19 again, sharing information, pick up the pencil or
20 pick up whatever and use it if you want to.

21 So, there's kind of an implied
22 obligation. And, I made some notes about, is

1 that really appropriate?

2 You know, in the FAA context and even
3 in the railroad context, is there really an
4 obligation, you know, it's voluntary, so really,
5 is there an obligation to go and improve, you
6 know, make steps, make procedural changes back at
7 the operators, you know, home base or not.

8 You know, should there be? I think in
9 our context, we would want it to be but then
10 you're trying to have you regulate by, you know,
11 in a nonregulatory context.

12 So, again, I struggle maybe a little
13 bit with that actionable. I think it needs to be
14 actionable, but is there an obligation to act?
15 Or should that obligation still be a voluntary
16 type of an action?

17 If, again, I didn't put these together
18 with the notion or in the context of a mission
19 statement. I think some of them probably might
20 fit for that. But, again, it was more about the
21 framework of the end state of --

22 MR. JONES: If I could just jump in

1 real quick? You don't necessarily have to
2 enforce, you could also incentivize action. You
3 know? And, that's probably a missing link. You
4 know, and I think that would fit in well.

5 MS. BURMAN: Dan?

6 MR. COTE: Just a brief comment on the
7 process. It seems to me, before we get to
8 mission statement, and I think Eric has done a
9 good job at a high level identifying it, I think
10 we may need to flesh this out a bit.

11 But, we need to decide what the
12 strategic purpose is or purposes. What is it --
13 we need to answer the what, what this is supposed
14 to do before we can begin to populate a mission
15 statement.

16 Once we have that strategic purpose,
17 what is it we really want this to do in enough
18 detail so it's clear to the practitioners in the
19 room at least.

20 I don't see how we do any of the rest
21 because, looking at the, you know, the nine
22 components, for example, based on the way we say

1 -- frame that mission statement, some of those
2 may fall out completely.

3 And, that would be appropriate because
4 we're not like the typical organizations of FedEx
5 or Toyota, for example, in many ways.

6 And so, not sure the model fits
7 perfectly, but it's critical that we start with
8 that clear, strategic purpose. What do we want
9 to walk away with when this is up and running?
10 What is the product this group will produce when
11 VIS is up and running?

12 And, I'm, you know, I mean, we've
13 kicked it around, you know, and I agree with
14 every one of Eric's critical needs in this, but
15 I'm not sure that fully defines it.

16 MS. PEAREN: I would just -- I would
17 like to point or suggest that we take a look at
18 paragraph three of the Charter. And, it provides
19 a very basic objective and scope for the VIS.

20 And, you know, perhaps this is an
21 indication of the direction, you know, we're
22 expected to go and maybe just a useful tool to

1 foster discussion this afternoon.

2 MS. BURMAN: So, the Charter says
3 objectives and scope of activities, the group
4 shall provide the Secretary of Transportation
5 with independent advice and recommendations on
6 the development of a voluntary information
7 sharing system to encourage collaborative efforts
8 to improve inspection information, feedback and
9 information sharing with the purpose of improving
10 gas transmission and hazardous liquid pipeline
11 facility integrity risk analysis.

12 MS. PEAREN: And, again, I, you know,
13 I really do like Mr. Amundsen's four principles.
14 I like a lot of the discussion I've heard.

15 I just thought this could be a
16 starting point for discussion. And, as a lawyer,
17 I'm sort of tied to things like charters.

18 MS. BURMAN: Eric?

19 MR. AMUNDSEN: Eric Amundsen, again.

20 So, probably a month or so ago I made
21 some notes around this exact point. And, you
22 know, the part in the Charter that I really keyed

1 in on was really 4A of the Charter.

2 And, it says, the need for -- back up
3 a little bit -- the group shall consider and
4 provide recommendations to the Secretary as
5 specifically outlined in Section 10 of FOPIC Law.

6 And, A is, I think, the core, you
7 know, the core item here which is the need for,
8 is there a need for? It's asking the question,
9 asking this group is there a need for an
10 identification of a system ensure and you can
11 read the rest. But, I think that is the core
12 issue.

13 And, then, I kind of broke that down
14 in my kind of engineer process about a month ago,
15 you know.

16 Need, you know, what does that mean?
17 You know, is it necessary, essential or
18 desirable? You know, whether it's currently
19 being met or not. Does this group identify that
20 there is a need to do this?

21 So, again, confirming that there is a
22 need doesn't necessarily say that it isn't being

1 met today or that it is. We recognize that there
2 is a need to do this. Right?

3 Then, the other kind of key word there
4 is system. You know, so, system implies the
5 standard of best practice that enables a rigorous
6 and comprehensive approach aimed at continuous
7 improvement of the inline inspection process.

8 So, again, it's focused on inline
9 inspection process, we've, through discussion,
10 kind of broadened that out. But, again, you
11 know, is there a need for a system that does
12 that?

13 And then, ensure, I think is the other
14 key word. So, ensure to me kind of means make
15 certain that data is actively shared in the
16 context of inline inspections always and by all
17 operators.

18 So, again, kind of back to being
19 deliberate, you know, this needs to be an
20 industry wide approach by all operators all the
21 time.

22 And so, if we can agree, you know, as

1 a group, as a committee on, you know, kind of the
2 definition of the need and system and what ensure
3 means, then I think we can structure a mission
4 statement kind of around really the core
5 objective which is 4A.

6 MS. BURMAN: If I remember correctly,
7 at our first meeting we had talked pretty
8 extensively about the Charter and went through
9 it.

10 I think to the worry of some of the
11 PHMSA folks, we were looking to potentially make
12 some changes to the Charter. But, I think the
13 legal folks convinced us that that was not
14 possible. So, don't worry, we're not going to
15 make changes on there.

16 (OFF MICROPHONE COMMENTS)

17 MS. BURMAN: But, I'm just
18 remembering.

19 But, we did take a -- and I did make
20 us take an actual formal vote on whether or not
21 there was a need.

22 So, I just think it is important,

1 though, for us to sort of still check in on that.
2 And, again, come back to sort of the documents
3 that got us here, so the Charter is important.

4 But, I do think it does come back to
5 the beginning of this meeting where we talked
6 about the legislation and the Charter.

7 And, Alicia, you asked the question
8 about, you know, the tension on the ILRs and
9 whether or not we are -- that's really the -- or
10 we focused that narrowly or are we trying to be a
11 little bit more broader?

12 And, to the extent that I think we
13 learned in the morning about how in other
14 industries, the FAA, in FRA, that they are
15 putting into practice what, for them, was
16 probably, at the time and continuing to be seemed
17 nearly impossible obstacles to make changes that
18 were helpful from a safety perspective.

19 And so, we have a framework from other
20 industries that we can utilize to look at from a
21 how does this fit for us from a need perspective
22 and a value perspective and what does that mean,

1 getting back to Dan's point.

2 And so, what is it exactly that we
3 want to accomplish? And, what should some of
4 that be that we need to state affirmatively? Or
5 at least pose as a question to the group.

6 And then, filter out -- some of this
7 will be in the breakout session, but also then
8 really -- I don't think that -- I don't think
9 we're going to have the answers overnight but I
10 do think that we need to sensitive that we need
11 to move fast in trying to take some of that
12 framework and put that out there for us to work
13 with.

14 So, I don't want us to leave tomorrow
15 with it sort of still percolating as what are we
16 doing, but actually have some sort of deliverable
17 action in next steps so that we can clearly
18 articulate these are the things that we believe
19 is our scope and we believe these are the things
20 that are essential and this is some of the draft
21 items that need to fall into that.

22 Understanding as folks have mentioned

1 that things that are important is going back to
2 are we fulfilling the mandate that we have under
3 the legislation and the Charter so that that also
4 is there.

5 I do think, Eric, that your guiding
6 principles, whether we use them as guiding
7 principles or part of our, you know, mission
8 statement or whatever it is, really struck --
9 strikes me as the core of keeping in mind, are we
10 doing what we're essentially trying -- are we
11 trying to make something real here.

12 And, that's what I think, for me and
13 for Mark, was important that you struck a nerve
14 for us in that it actually seemed real to me.

15 Michael?

16 MR. BELLAMY: So, as the new boy,
17 Michael Bellamy with General Electric.

18 So, coming from an inline inspection
19 background, I have a confirmation bias. I
20 confess.

21 So, when I hear the debate about
22 should it be about inline inspection verification

1 or not, I say, well, why not both? Why not
2 inline inspection as a subset of a bigger
3 challenge?

4 So, the answer could be, yes, there is
5 a need. And, I would -- I could explain why I
6 think there's a need, if it helps.

7 I think we could set up a system that
8 improves inline inspection performance, that
9 creates a set of incentives for people like me
10 and my peers, my competitors to raise our game
11 and, in turn, serve the pipeline operators in
12 terms of getting better technology, which is
13 something they consistently ask for.

14 So, I think there is a need, I would
15 suggest, for something around the improvement of
16 inline inspection and the sharing of data can,
17 for sure, contribute to that.

18 But, it could also be that this
19 committee says, and, there's something else we
20 could do. And, come forward with those
21 suggestions to the Secretary as well.

22 Because, I think when this PIPES Act

1 was put together and I sort of followed it and
2 been somewhat involved with it, and even at the
3 distance I live, have been somewhat involved in
4 it over -- as it was emerging.

5 I know it was coming from a point that
6 said there had been a number of incidents which
7 have occurred after an ILI run and the inline
8 inspection tool either didn't pick it up,
9 mischaracterized it, missized it or whatever it
10 happened to be.

11 So, there clearly, it was coming from
12 the recognition of that need that, inline
13 inspection tools, as good as they are, are not
14 yet perfect. So, how do we get them better?

15 But, I think what I'm learning is that
16 you've had two meetings worth at least of other
17 debate which is saying that may not be in itself
18 sufficient to deliver on an overall need of
19 improving pipeline safety.

20 So, I don't know if that helps.

21 MR. COTE: I absolutely agree with
22 your remarks and thank you for that.

1 And, on the basis of that statement, a
2 threshold determination we need to make before we
3 task anyone to do anything tomorrow or going
4 forward is, are we going to remain within the
5 specific mandate of Section 4A, for example,
6 dealing with ILI, test digs and that specific
7 block of technology.

8 And, we talked a lot about this in the
9 previous meetings, or, do we use this as a lever
10 to expand the scope of this more broadly to
11 pipeline safety and we include ILI, test digs and
12 other technologies that become enablers for those
13 processes?

14 We've got to decide that now because,
15 without it, it's impossible to go forward. If we
16 are going to frame the scope of this narrowly,
17 this is analogous, in my view, to the FAA saying,
18 okay folks, we're going to focus on all the
19 reasons the flaps don't work on the airplanes
20 correctly and we're going to zero in on that.

21 Because, in the pantheon of pipeline
22 safety risks, that's what we're doing here. One

1 component of pipeline risk in one segment of
2 pipelines that do not define 50 percent of the
3 pipeline universe in the United States today.

4 If that's what we're going to do,
5 let's decide now. I mean, it dramatically
6 changes the scope and outcome of what we're
7 attempting. And, in my view, would be -- let me
8 editorialize just briefly -- a profound failure
9 of the opportunity this committee presents but,
10 if that's what we're going to do, let's know it
11 now.

12 MS. BURMAN: Michelle?

13 MS. THEBERT: Thank you.

14 This may not be a popular opinion,
15 but, this stuff I think should have been done a
16 year ago. I mean, I thought we agreed that this
17 was what the statements are and it's like we're
18 going backwards now.

19 And, just from my own standpoint, this
20 is a regulated industry and it seems like there's
21 no acknowledgment of that amongst the group. I
22 mean, these are regulated by the federal and

1 state officials.

2 The whole thing about building trust,
3 I understand that's something important, but the
4 fact is, at least, like in my opinion, a lot of
5 this stuff, voluntary or not, they have to
6 provide it because they're -- they have rates
7 that are approved by certain commissions and
8 stuff.

9 So, I guess I kind of feel a little
10 different than most of the group. I guess from
11 my background as a regulator so, but trying to
12 change the scope of everything, I think it's set
13 us backwards.

14 MR. MAYBERRY: You know, I'm glad we
15 don't have to do this 19 times for the 2016 Act
16 or 42 times for the 2011 Act.

17 But, I'm struggling with this a bit
18 because, you know, I want to simplify it. I
19 think we can make this simple.

20 But, I'm struggling, okay, so Congress
21 has given us direction which really, you know,
22 gives us kind of -- some boundaries to work

1 within.

2 And, I feel like we can develop a
3 mission statement that works with that and puts
4 up guardrails, really, you know, that says we'll
5 recommend a framework and then add to it, you
6 know, what are we after?

7 I mean, the guiding principles that
8 would be the, you know, guide the recommendation
9 that's provided.

10 And, the recommendation may be to
11 develop a system, it may be, you know, to do
12 something else or not. Because that's, you know,
13 the full range of options is fair game.

14 So, I'm just -- I think we can make
15 this fairly simple and say we're going to develop
16 a framework or a recommendation to the Secretary
17 that meets, you know, four, five, whatever
18 guiding principles.

19 And then, as far as the matter of, you
20 know, the mandate was specific to inline
21 inspection. You know, certainly, we routinely,
22 and of course, we catch heat on occasion for that

1 and go beyond mandates, but I think that's fair
2 game.

3 And, I think, you know, certainly,
4 there's an efficiency that's gained from that.
5 And, I think it's the prerogative of this
6 committee to recommend, you know, instead, you
7 know, saying maybe perhaps safety information,
8 data and information including inline inspection
9 data.

10 But, you know, that's sort of the all-
11 encompassing. I don't think there's any problem
12 with that.

13 MR. AMUNDSEN: Eric Amundsen.

14 I really don't have a comment to Dan's
15 point other than, I support what he's saying. I
16 think it does need to be, and I think the
17 language in the legislation, you know, provides
18 the flexibility for us to do that. So, enough
19 said there.

20 The only thing I would add, I would
21 add maybe a fourth framework element and that
22 would be that we leverage or attempt to leverage,

1 you know, other systems, other existing systems
2 or organizations or venues that will further our
3 end product.

4 As examples, you know, some of the
5 elements, NASA, for example, you know, if they
6 could be a data clearinghouse, you know, we
7 certainly should consider using them for that.

8 PRCI, kind of the same thing. They've
9 got, you know, a stood up technology development
10 center. We ought to figure a way to leverage
11 that asset within the industry, as examples.

12 So, thank you.

13 MS. BURMAN: So, I just want to give -
14 - thank you.

15 I just want to give a perspective.
16 Michelle, you shouldn't apologize for saying what
17 you think might be an unpopular opinion. I think
18 that, in fact, I would encourage folks to feel
19 very comfortable of speaking their mind because
20 it gets to the heart of the issue.

21 And, if we don't have folks feeling
22 comfortable, I don't think we're able to clarify

1 and make sure we have a robust professional
2 discussion.

3 So, I applaud you on doing that.

4 With that being said, I think that
5 what's really important here is, again, looking
6 at what is it that we're allowed to do and what
7 is it that the directive is.

8 And, I do think that, from the very
9 beginning of this endeavor, there was confusion
10 from our meeting in December 19th last year on
11 whether or not the scope was limited by the
12 legislation.

13 And, I know that the former
14 administrator made it clear at our first meeting
15 that we shouldn't be bound by it being limited to
16 just the ILI.

17 And, the Charter actually reflects
18 that language. So, if you look at Charter 4B, it
19 says, the group shall consider and provide a
20 recommendations, blah, blah, ways to encourage
21 the exchange of pipeline inspection information
22 and the development of advanced pipeline

1 inspection technologies and enhanced risk
2 analysis.

3 So, if you look at that, I think that
4 can sort of fairly incorporate it.

5 I don't want it -- I don't want it to
6 be thought of it as that we're sort of going
7 beyond the scope and piling on because then that
8 really goes, you know, to the extent of have we
9 overreached in the direction that we were given
10 and the task that we were given, which I think,
11 for me, isn't something that I, you know,
12 normally am comfortable with.

13 I think this meets the objective, not
14 only under the legislation, but under the
15 Charter. And, to the extent that we're not
16 limited, but that that language helps us to
17 broaden it.

18 And, I do think taking the perspective
19 from both Michelle and Michael and everyone and I
20 think it's important that we, you know, not just
21 look at it from the limited silo of just ILI, but
22 in a more broader way.

1 And, I remember Warren talked also
2 about that tension in the beginning on how
3 prescriptive did you have to be? And, in working
4 through the challenges of what was the scope that
5 fell within the different reporting schemes, and
6 that's what they had to work through and what
7 fell within some of the exceptions.

8 Michelle, you had some good questions
9 for him in terms of what fell within the
10 mistakes. And, those are the things that I think
11 are important to sort of drill out and tease out.

12 So, I do think that, you know, this is
13 important. You know, I think it is important,
14 though, that if PHMSA felt that it was going to
15 go beyond it and that really all they wanted or
16 all that the Secretary would be looking at was
17 the ILI part of it, and that all the other part
18 would sort of be the extraneous just, you know,
19 take a red pen to it because we're not going to
20 look at, that information is helpful because then
21 that's really sort of wasted energy.

22 So, to the extent that we have

1 indication that you, just like the former
2 administrator felt that wasn't something that was
3 desired and wanted and that this group was
4 wanting to be -- have incorporated, that signal
5 is important for us.

6 If it's just limited to the ILI,
7 that's also okay, but that information, and that
8 is an action item to meet, I think to get a
9 deliverable. Because, we can do just the ILI. I
10 think the majority, and we could take a vote on
11 it, would want to go beyond that.

12 But, I personally think that we do
13 need the signal of that's something we should
14 feel comfortable doing.

15 So, why don't we go over here.

16 MR. WARNER: Chris Warner from Mears.

17 I'll keep this short, but just to kind
18 of reinforce what Dan said, and I think what
19 you're saying as well, I think a lot of us see
20 that first statement as PHMSA wanting or the rule
21 wanting to confirm and create an environment
22 where you're comparing the assessment data to

1 what's actually found in the field.

2 And, I think a lot of us are saying,
3 we'd like to see that apply to all tools, not
4 just ILI.

5 So, I don't see that really going much
6 beyond the scope, we're just saying we're pulling
7 in other assessment techniques and then gaining
8 the value of us -- of comparing that to what we
9 find in the direct examinations themselves.

10 And, that not only pulls in other
11 tools, but as Dan said, that pulls in 50 percent
12 of the other pipelines that would not be a part
13 of this full effort.

14 And, I don't see it as a huge change
15 in effort to pull in the other assessment
16 techniques and the direct examinations.

17 So, I think it's a huge value to add
18 that to the scope and under the guides that it's
19 still just comparing assessments to direct
20 examinations. It's not focusing on just one tool
21 in those assessments.

22 MS. BURMAN: Mark?

1 MR. HERETH: Holly, thank you, first,
2 for pointing us back to the Charter because I
3 think it's a great point.

4 And, I appreciate, Eric, your
5 perspective of -- and the way that you've looked
6 at some points here on the Charter.

7 And, I guess, Dan, I'm going to pose a
8 question, without -- so, I'm going to pose a
9 question in the context of three of the
10 objectives and scope of activities.

11 Without subjecting this to the test of
12 does it meet a strategic purpose statement as we
13 might like to see it, are the words that are in
14 here generally in terms of the scope that this
15 encompasses, does this meet what you would expect
16 us to produce with some modification potentially
17 that would satisfy what you mean by a strategic
18 mission or strategic purpose, I think you used?

19 MR. COTE: Good question and thank
20 you.

21 MR. HERETH: Yes.

22 MR. COTE: The only --

1 MR. HERETH: Because I think within
2 three, the only limiting factor that I would like
3 to address in the Charter is transmission and
4 hazardous liquid pipelines.

5 MR. COTE: Okay.

6 MR. HERETH: If we included
7 distribution with that, then I'd be fine.

8 Having said that, I mean, that means
9 that 4A and B need to be modified a little bit at
10 least in strategic thinking for us. But, yes.

11 MR. COTE: Because I read this --
12 thank you for that -- because I read this as
13 incorporating the important points that I think
14 Michael Bellamy made.

15 And, because, Michael, I do think the
16 opportunities that you described do exist and can
17 be a part of this. But, I think there is more as
18 some of you have suggested.

19 And that this wording subject to that
20 kind of modification, and I'll give the PHMSA
21 staff credit for this, you know, they -- it looks
22 in the way that this is written that they've

1 really foreseen looking beyond just ILI and using
2 the terms improve inspection information,
3 feedback and information sharing.

4 And, they actually use the term, Dan,
5 that I've heard you make a number of times, and
6 our presenter this morning talked about this as
7 well, I think a couple of them did, the use of
8 risk-based thinking and risk analysis.

9 And, this also incorporates the risk
10 analysis concept. And, I think that's really
11 important.

12 So, I don't -- I guess I would
13 challenge us subject to Madam Chairman, your
14 prerogative, that we focus on what can we do to
15 get the words here to address what people really
16 want to have as a strategic purpose align on that
17 and then move forward.

18 Because I, frankly, think the PHMSA
19 staff did a great job with this.

20 And then, build on some of the
21 comments that Eric has made just a few minutes
22 ago with need and some of his other thoughts.

1 But, I think the words here largely
2 capture what I think I've heard us talk about in
3 scope, but you all need to weigh in on that.

4 But, I think this gives us something
5 to work from that can enable us to be
6 constructive and move on.

7 MS. BURMAN: Okay.

8 Eric?

9 MR. AMUNDSEN: Thanks, Mark, for
10 pointing that out because I've kind of looked at
11 number three up here and I think with a few
12 wording changes, it's not too far off from a
13 pretty decent mission statement in and of itself.

14 You know, I think if you just take out
15 the group shall and put to, you know, to provide
16 the Secretary of Transportation with independent
17 advice and recommendations on the value and the
18 development of an information sharing system to
19 encourage collaborative efforts to improve
20 integrity, assessment information feedback and
21 information sharing with the purpose of improving
22 gas and hazardous liquid pipeline facility

1 integrity analysis. I think you're probably
2 pretty close.

3 MS. FARAG: You replace the word
4 inspection with a phrase, can you repeat that?

5 MR. AMUNDSEN: Excuse me, integrity
6 assessment.

7 MS. FARAG: Thank you.

8 MR. BUCHANAN: If I could just add in
9 all of this, I think we're all saying the same
10 thing. To a degree, we're saying a lot of the
11 same thing.

12 But, I was just making a few notes
13 here and looking at the nine points around what
14 is a mission statement. I also made a note to
15 myself, what are we supposed to physically
16 deliver?

17 And, I think that's something we all
18 really need to think about is physically, what
19 are we supposed to provide? So, that's something
20 that obviously will become part of the mission
21 statement.

22 And, if I just quickly go through the

1 nine points, who is the customer? The customer
2 is the Secretary of Transportation. That's our
3 customer, and if we think in those terms, I think
4 we're good.

5 What's our product or service? Our
6 product or service is advice and recommendations.
7 It's as simple as that.

8 What's our geographic market? It's
9 the U.S. pipeline network, whether you want to
10 include transmission or distribution or whatever.

11 But, I was just looking at some stats
12 on here, there's over two million miles of
13 pipeline in the United States. There's an awful
14 lot of distribution, there's a lot of gas
15 gathering. Do you really want to weigh into that
16 spaghetti-ness?

17 Because that's important really to
18 scope it out, what can feasibly be done? Should
19 it be focused on transmission which is the
20 highest risk or should it be focused on
21 everything?

22 So, you need to think about it's not

1 only the geographic market, it's really the scope
2 of what we're looking at.

3 Technologies, you know, we talked
4 about this, it's ILI for sure, but it's other
5 analytical techniques whether it's DVGW or other
6 above-ground techniques and it's complimented by
7 physical inspection. Again, pretty basic, what
8 you just said.

9 Concern for safety, well, the concern
10 from safety, we just have to learn from
11 experience, that's what -- that's where we're
12 coming from.

13 Philosophy, really, Eric's four points
14 are right in the philosophy. It's just as basic
15 as that.

16 Self-concept, what are our strengths
17 and competency? That's who's here in the room.
18 So, that's -- we're already there and that's why
19 the people who are at this table were chosen.

20 And then, concern for public safety,
21 it's the same as number five, concern for safety.
22 So, those two are tied together.

1 And then, concern for employees, and
2 that comes back to building trust. We've been
3 talking about building trust and that's a concern
4 the employees are the people within this room as
5 well.

6 So, I think that's, you know, those
7 are the -- maybe this is a point for sitting in a
8 breakout room tomorrow talking about what the
9 thing is.

10 But, I thought I'd throw those points
11 out there and sort of tie what the scope is with
12 what the basic elements of a mission statement
13 should be.

14 MS. BURMAN: Thank you.

15 So, then, we're looking at -- did you?
16 Okay, I guess we have over here, down here, just
17 the two of you, I guess.

18 MR. MCLAREN: Thank you.

19 I just wanted to -- I was inspired by
20 Michelle's comments and kind of talking through
21 the pieces of -- that surround this within the
22 so-called miscellaneous 20Q rule that came out in

1 January, the three ILI standards, the API, the
2 ASNT and the NACE standards around ILI were
3 incorporated into the liquid code. And, they are
4 proposed within the gas codes. So you can expect
5 a similar type thing.

6 And, those do a lot of -- put some
7 structure around some of our requirements.

8 And, certainly, the use in the Charter
9 of the word risk analysis, I had envisioned
10 meaning we would go further, faster sort of.

11 And, especially inspired by the FAA
12 and Federal Railroad presentations about
13 utilizing the NASA piece. And, I certainly walk
14 into facilitating one of the discussions tomorrow
15 with some bias around some vision end game which
16 I heard people saying they wanted -- they needed
17 some end vision prior to developing a mission
18 statement.

19 I think the discussion has certainly
20 gotten us some of that vision. And, I kind of
21 wanted to hear some more about a vision possibly
22 if that's what was needed to get our work done

1 tomorrow on mission and purpose.

2 Thank you.

3 MS. WHETSEL: This is Cheryl Whetsel.

4 I guess this is kind of simplistic, I
5 totally agree with what you all are saying that I
6 think, you know, the mission is there pretty much
7 in the Charter.

8 But, also, I think what I learned
9 today with the two presenters is that I can go
10 down through the description of duties now that
11 we have and read them as questions and now I
12 actually can answer some of questions, which I
13 couldn't do in the first two meetings.

14 And, just because everybody thinks
15 differently, maybe that's one of the things that
16 we can do when we're working is to tie in the
17 description of duties then with some of the
18 objectives of what we want to accomplish.

19 So, just a little simplistic view
20 there.

21 MS. BURMAN: I'm sorry, I forgot to
22 ask, does anyone on the phone have any comments

1 they want to -- or questions they wanted to make?

2 (NO RESPONSE)

3 MS. BURMAN: Alan?

4 MR. MAYBERRY: Yes, just related to
5 the flexibility of extending the distribution, I,
6 you know, I'm anticipating we're going to develop
7 a draft mission statement, so I'm anticipating
8 success here tomorrow.

9 But, you know, one of the homework
10 items I know we will have, and I will be sitting
11 down and staff will be sitting down with the
12 administrator and leadership back at PHMSA and
13 just confirming, you know, where we're headed.

14 And, I wouldn't be concerned, I think
15 it's very important for the will of this group to
16 be carried forward. And, so I wouldn't limit,
17 you know, well, how far do we extend it?

18 I mean, we need to be reasonable but I
19 think it's perfectly reasonable to consider, you
20 know, pipelines not just limited to transmission
21 and liquid even though that's specifically
22 mentioned in the statutes.

1 Certainly, we build in flexibility in
2 the Charter. But, you know, we will confirm that
3 direction as we go forward, you know, later this
4 week.

5 MS. BURMAN: Christie?

6 DR. MURRAY: This has all been great
7 conversation. My only encouragement would be to,
8 as we seek to confirm how inclusive the scope may
9 be, that we certainly take advantage of this
10 unique opportunity to take what we know as part
11 of your breakout groups, there's an opportunity
12 on the template, report out template, to identify
13 assumptions.

14 So, don't let the scope be the hang
15 up, go in with an open mind, bring any ideas
16 around if there are gaps from the Charter or gaps
17 from the mandate, this is part of the exercise is
18 to identify what's missing to articulate any
19 assumptions.

20 So, for example, the group, your
21 breakout group could make the assumption that the
22 scope will include distribution systems, for

1 example.

2 So, use this as an opportunity to
3 still walk away with a preliminary statement
4 based on what you know as we work to confirm, as
5 Alan mentioned, with our leaders -- senior
6 leadership, but don't let that be the hang up to
7 what we've heard today, what we've talked about
8 in our previous two meetings.

9 And, again, as I mentioned earlier,
10 the mission statement is a work in progress and
11 it will be progressively elaborate as we move
12 forward and learn more, as we get more guidance
13 as far as what the scope needs to be or what the
14 philosophy is.

15 At that time, we may have to make some
16 refinements to it. So, my encouragement would be
17 to do that.

18 Also, just a point of awareness on the
19 Charter for point three and four, the language in
20 those two sections is directly from the mandate.

21 So, thank you.

22 MS. BURMAN: All right, so, with that,

1 I think we're going to be wrapping up for today.

2 One of the -- so we're meeting
3 tomorrow at 8:30 sharp and then we're going to go
4 through tomorrow morning on the breakout
5 sessions.

6 One of the things that we'll be
7 looking at is looking at the objectives and the
8 scope of activities and actually a shout out and
9 kudos to Holly.

10 You started when you had your comments
11 this morning. You said you were an outlier
12 because you went last and you said you came --
13 you were the only one with a specific
14 environmental background.

15 And so, just want to recognize that
16 this conversation would not have progressed the
17 way it did without your input in reflecting us on
18 this Charter and zeroing on that which helped get
19 us to drilling down on it.

20 So, thank you because you helped us
21 laser focus on it. So, for that, I appreciate
22 your outlier aspect here.

1 So, in here, then looking at it, I
2 think that we've recognized that it's ILI plus.

3 And to Michelle's comment, Michelle is
4 -- I think you spent one day in New York with me
5 and now you're, you know, a glorified New Yorker
6 because she's really like me. We want to get to
7 the heart of it.

8 And so, we, you know, are impatient
9 for the next steps. And, I think that
10 recognizing that, we're all really going to be
11 ready to roll up our sleeves tomorrow.

12 I do think Dan is going to start us
13 off tomorrow, reminding us, you're going to take
14 a few minutes on some of the objectives from not
15 your perspective, but the perspective of the
16 majority, which I think everyone here will make
17 sure that they give you their thoughts tonight
18 when they leave. Okay? And tomorrow morning.

19 So, everyone, come early if you want
20 to share with him your thoughts. Because I
21 think, Dan, you're going to be able to articulate
22 sort of the vision of before we get to the

1 mission what are the things you're hearing the
2 key takeaways are on some of that, what do we
3 need substantively that you're hearing.

4 MR. COTE: If you don't catch me
5 between now and the elevator, and I'll be around
6 for as long as you need me to be, just as
7 reminder, my email is D-C-O-T-E at nisource dot
8 com (dcote@nisource.com). So, feel free to email
9 me this evening if you want to share a specific
10 perspective.

11 MS. BURMAN: Right.

12 And, with that -- sorry, anyone in the
13 audience?

14 MR. STODY: Hi, thanks, I'll be
15 brief. John Stody with the Association of Oil
16 Pipelines.

17 And, one perspective, food for thought
18 for tomorrow, but then also directly on this
19 question, one perspective is three analyzes the
20 what? What are we looking for? Integrity, risk
21 analysis.

22 But, we also had challenges today to

1 get more to the why and we'll have to struggle
2 with issues like confidentiality, enforcement
3 discretion and the like.

4 And we were talking about this at
5 lunch, you know, what is the way to ensure
6 success? Because success means eventual
7 participation by industry and the like.

8 And, that really gets to a safe
9 environment for sharing I think is what folks are
10 looking for.

11 And, there are a lot of very important
12 policy discussions that get involved in pipeline
13 debates, sustainability, fuel choice, siting,
14 project approval, continuing operations, issues
15 with individual operators, individual issues with
16 individual projects.

17 And, all of those are valid questions
18 to debate. But, the question is, why is this
19 project under way and does this project seek to
20 address any of those issues or is it focused on
21 the specific issues of improving pipeline safety?

22 And that is a subset or something

1 different than some of those other issues. And,
2 if you have the goal of industry wide pipeline
3 safety, it helps you to answer questions on what
4 to do about confidentiality. It helps you answer
5 questions on whether to provide enforcement
6 discretion for submitting information.

7 So, to that extent, a mission
8 statement on the why we're here will help
9 facilitate answering questions that will lead to
10 the success of this overall project.

11 Thank you.

12 MS. BURMAN: Thank you.

13 Anyone else?

14 (NO RESPONSE)

15 MS. BURMAN: Anyone on the phone?

16 (NO RESPONSE)

17 MS. BURMAN: With that, thank you and
18 have a really good night, appreciate it.

19 (Whereupon, the above-entitled matter
20 went off the record at 4:24 p.m.)
21
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Voluntary Information-Sharing
Working Group Meeting

Before: Pipeline & Hazardous Material Safety Admin.

Date: 11-29-17

Place: Arlington, VA

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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Court Reporter

NEAL R. GROSS

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