

Roadway Worker Protection Rulemaking Status Report

June 26, 2007

Background

In 1990, the FRA received a petition to amend its track safety standards from the Brotherhood of Maintenance of Way Employees (BMWE), which included issues pertaining to the hazards faced by roadway workers. This proceeding, however, formally originated with the Rail Safety Enforcement and Review Act. FRA issued an Advanced Notice of Proposed Rulemaking (ANPRM) on November 16, 1992, announcing the opening of a proceeding to amend the Federal Track Safety Standards.

FRA held workshops to solicit the views of the railroad industry and representatives of railroad employees on the need for substantive change in the track regulations. The subject of injury and death to roadway workers was of such great concern that FRA received petitions for emergency orders and requests for rulemaking from both the BMWE and the Brotherhood of Railroad Signalmen. FRA did not grant the petitions for emergency orders, but instead initiated a separate proceeding to consider regulations to eliminate hazards faced by these employees.

FRA published its notice of intent to establish a Federal Advisory Committee for regulatory negotiation on August 17, 1994. The Advisory Committee would be responsible for submitting a report, including an NPRM, containing the Committee's consensus decisions. On December 27, 1994, the Office of Management and Budget approved the Charter to establish a Roadway Worker Safety Advisory Committee comprised of twenty-five members. The Advisory Committee held seven multiple-day negotiating sessions. An independent task force, comprised of representatives of several railroads and labor organizations, had met during the preceding year and independently analyzed on-track safety practices. This task force presented information at the first Advisory Committee meeting. The Advisory Committee reached consensus on 11 specific recommendations and 9 general recommendations to serve as the basis for a regulation.

FRA published a notice of proposed rulemaking on March 14, 1996, receiving 15 comments and a request for a public hearing. A public hearing was held on July 11, 1996, with a final Advisory Committee meeting occurring on July 12. Published on December 16, 1996, the Final Rule became effective on January 15, 1997.

Post-Rule Considerations

The reduction in the number of casualties to roadway workers since the promulgation of the rule is a testimony to its effectiveness. However, as an entirely new regulation, a number of interpretative questions arose in the post-rule years. In an attempt to reconcile these issues, FRA held three Technical Resolution Committee (TRC) meetings with railroad management and labor organizations. The TRC resolved some of the issues, but a number saw no conclusion due to legal constraints. (That is, the plain language of the regulation did not allow for the desired interpretation, clarification or differing application.) Currently, there are 30 Technical Bulletins and a Safety Advisory dealing with a variety of RWP topics. These documents, along with many additional unresolved issues, prompted FRA to consider rulemaking in the RSAC venue.

On January 26, 2005, FRA presented Task No. 05-01 to the full RSAC. This Task Statement proposed a review of 49 CFR 214, Subpart C, Roadway Worker Protection, and related sections of Subpart A. It recommended consideration of specific actions to advance the on-track safety of railroad employees and contractors engaged in maintenance-of-way activities throughout the general railroad system of transportation, including clarification of existing requirements. It also recommended that the working group review the existing regulation, technical bulletins, and safety advisory dealing with on-track safety to consider implications and, as appropriate, consider enhancements to the existing regulation. The Working Group would report to the RSAC any specific actions identified as appropriate. It would report planned activity to the full Committee at each scheduled Committee meeting, including milestones for completion of projects and progress toward completion. The RSAC accepted the task on January 26, 2005.

Working Group Products

Since accepting the Task Statement, the Working Group held 12 multi-day sessions. The last meeting, three days in length, occurred February 27 through March 1, 2007. The group worked diligently and was able to reach consensus on 32 separate items; however, the group was unable to reach consensus on eight items. Considering the technical and intricate nature of all the items discussed, the group was productive as evidenced by its ability to construct draft regulatory text as outlined below and as shown in the attached document.

Concerning Subpart A, the working group attained consensus to add two new definitions (maximum authorized speed and on-track safety manual), revise two definitions (effective securing device and watchman/lookout), and incorporate three definitions from Part 236 (automatic interlocking, controlled point, and manual interlocking). In addition, the working group came to consensus on the following items in Subpart C:

- Section 214.309 - revision to address on-track safety manual for lone workers and changes to the manual.
- Section 214.315 - requirement that information concerning adjacent tracks be included in on-track safety job briefings; accessibility of the roadway worker in charge.
- Section 214.317 - new paragraph to formalize procedures for roadway workers to cross tracks; new paragraph for on-track weed spray and snow blowing operations on non-controlled track.
- Section 214.321 - new paragraph to address the use of work crew numbers.
- Section 214.323 - clarification of foul time provision whereby roadway worker in charge or train dispatcher may not permit movements into such working limits.
- Section 214.324 - new section called “verbal protection” for abbreviated working limits within manual interlocking and controlled points.

- Section 214.327 - new paragraphs to formalize the following instruments to make non-controlled track inaccessible: occupied locomotive as a point of inaccessibility; block register territory; and yard limit bulletins.
- Section 214.335 - complete revision of paragraph (c) concerning on-track safety for track adjacent to occupied tracks. Key elements are the elimination of “large-scale” and the addition of a new requirement for on-track safety for tracks adjacent to occupied tracks for specific work activities.
- Section 214.337 - allowance for the use of individual train detection at controlled points consisting only of signals; otherwise no consensus reached on changes to the limitation on the use of this type of on-track safety. Also, new paragraph limiting equipment/materials that can only be moved by hand by a lone worker.
- Section 214.339 - complete revision of this section concerning audible warning by trains to address operational considerations.
- Section 214.343 - new paragraph to ensure contractors receive requisite training/and or qualification before engaged by a railroad.
- Section 214.345 - lead-in phrase requiring all training to be consistent with initial or recurrent training, as specified in Sec. 214.343 (b).
- Sections 214.347, 349, 351, 353, and 355 - consistent requirements for various roadway worker qualifications and maximum 24-month span between qualifications.

In addition to the above, the group worked on a proposal for use of electronic display of authorities as a provision under exclusive track occupancy. The group developed lead-in rule text and agreed to some conceptual items. When circulated back to the group, two parties raised technical issues that could not be resolved in the time available. Accordingly, FRA will offer a proposal on this item in the NPRM.

In addition to the above products, a separate task group has been analyzing over 100 post-rule on-track safety accidents. The group is currently finishing its activities and a comprehensive report that will be presented to FRA for comparative analysis during the development of the NPRM.

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RWP RSAC Consensus Items

Working group consensus

FRA minor edits consistent with the consensus items

*** = Unchanged text removed for brevity (removed are entire sections where there was no Working Group activity or text in a section past the point where there was activity by the group)

The Rule - Railroad Workplace Safety, General

Sec. 214.7 Definitions.

Controlled point. A location where signals and/or other functions of a traffic control system are controlled from the control machine. (Sec. 236.782).

Effective securing device, when used in relation to on-track safety, means a vandal and tamper resistant lock, keyed for application and removal only by the roadway worker(s) for whom the protection is provided. In the absence of a lock, it is acceptable to use a spike driven firmly into a switch tie or a switch point clamp to prevent the use of a manually operated switch. It is also acceptable to use portable derails secured with specifically designed metal wedges. Securing devices without a specially keyed lock shall be designed in such a manner that require railroad track tools for installation and removal and the operating rules of the railroad must prohibit removal by employees other than the class, craft, or group of employees for whom the protection is being provided. Regardless of the type of securing device, the throwing handle or hasp of the switch or derail shall be uniquely tagged. If there is no throwing handle, the securing device shall be tagged.

Interlocking, automatic, means an arrangement of signals, with or without other signal appliances, which functions through the exercise of inherent powers as distinguished from those whose functions are controlled manually, and which are so interconnected by means of electric circuits that their movements must succeed each other in proper sequence, train movements over all routes being governed by signal indication. (Sec. 236.750)

Interlocking, manual, means an arrangement of signals and signal appliances operated from an interlocking machine and so interconnected by means of mechanical and/or electric locking that their movements must succeed each other in proper sequence, train movements over all routes being governed by signal indication. (Sec. 236.751)

Maximum authorized speed, for on-track safety purposes, means the highest speed permitted for the movement of trains permanently established by timetable/special instructions, general order, or track bulletin.

On-track safety manual means the entire set of instructions to prevent roadway workers from being struck by trains or other on-track equipment. These instructions include operating rules and other procedures concerning on-track safety protection and on-track safety measures.

Roadway worker in charge means a roadway worker who is qualified in accordance with Sec. 214.353 of this chapter for the purpose of establishing on-track safety for roadway work groups. (Part 217/218 NPRM - FR Vol. 71 No. 197, October 12, 2006)

Watchman/lookout means an employee who has been ~~annually~~ trained and qualified to provide warning to roadway workers of approaching trains or on-track equipment. Watchmen/lookouts shall be properly equipped to provide visual and auditory warning such as whistle, air horn, white disk, red flag, lantern, fusee. A watchman/lookout's sole duty is to look out for approaching trains/on-track equipment and provide at least fifteen seconds advanced warning to employees before arrival of trains/on-track equipment.

Subpart C--Roadway Worker Protection

Sec. 214.305 Compliance dates.

Sec. 214.307 Review and approval of individual on-track safety programs by FRA.

RWP RSAC Consensus Items

Sec. 214.309 On-track safety program documents.

(a) Rules and operating procedures governing track occupancy and protection shall be maintained together in one on-track safety manual and be readily available to all roadway workers. Each roadway worker responsible for the on-track safety of others, and each lone worker, shall be provided with and shall maintain a copy of the on-track safety manual.

(b) When it is impracticable for a lone worker to carry the manual, the employer shall establish provisions for such worker to have alternative access to the information in the manual. Such provisions for alternative access shall be addressed and included in the training provisions of 214.347.

(c) Changes to the on-track safety manual may be temporarily published in bulletins or notices. Such publications shall be carried along with the on-track safety manual until fully incorporated in the manual.

Sec. 214.311 Responsibility of employers

Sec. 214.313 Responsibility of individual roadway workers

Sec. 214.315 Supervision and communication.

(a) When an employer assigns duties to a roadway worker that call for that employee to foul a track, the employer shall provide the employee with an on-track safety job briefing that includes:

(1) Information on the means by which on-track safety is to be provided for tracks identified to be fouled; instruction on the on-track safety procedures to be followed;

(2) Information about any tracks adjacent to the track to be occupied, on-track safety for such tracks, and identification of roadway maintenance machines that will foul any adjacent track. In such cases, the briefing shall include procedural instructions addressing the nature of the work to be performed and the characteristics of the work location to ensure compliance with this part; and

(3) Information on the accessibility of the roadway worker in charge and alternative procedures in the event the roadway worker in charge is no longer accessible to the members of the roadway work group.

(b) An on-track safety job briefing for on-track safety shall be deemed complete only after the roadway worker(s) has acknowledged understanding of the on-track safety procedures and instructions presented.

(c) Every roadway work group whose duties require fouling a track shall have one roadway worker in charge designated by the employer to provide on-track safety for all members of the group. The designated person shall be qualified under the rules of the railroad that conducts train operations on those tracks to provide the protection necessary for on-track safety of each individual in the group. The responsible person may be designated generally, or specifically for a particular work situation.

(d) Before any member of a roadway work group fouls a track, the ~~designated person~~ roadway worker in charge providing on-track safety for the group under paragraph (c) of this section shall inform each roadway worker of the on-track safety procedures to be used and followed during the performance of the work at that time and location. Each roadway worker shall again be so informed at any time the on-track safety procedures change during the work period. Such information shall be given to all roadway workers affected before the change is effective, except in cases of emergency. Any roadway workers who, because of an emergency, cannot be notified in advance shall be immediately warned to leave the fouling space and shall not return to the fouling space until on-track safety is re-established.

RWP RSAC Consensus Items

(e) Each lone worker shall communicate at the beginning of each duty period with a supervisor or another designated employee to receive an on-track safety job briefing and to advise of his or her planned itinerary and the procedures that he or she intends to use for on-track safety. When communication channels are disabled, the on-track safety job briefing shall be conducted as soon as possible after the beginning of the work period when communications are restored.

Sec. 214.317 On-track safety procedures, generally.

(a) Each employer subject to the provisions of this part shall provide on-track safety for roadway workers by adopting a program that contains specific rules for protecting roadway workers that comply with the provisions of Secs. 214.319 through 214.337 of this part.

(b) Roadway workers may walk across any track provided each roadway worker shall stop and look in both directions before starting across the track to ensure that they can safely be across and clear of the track before a train or other on-track equipment would arrive at the crossing point under the following circumstances:

(1) The employer shall have in place and the roadway workers shall comply with the applicable railroad safety rules to determine that it is safe to cross the track before starting across;

(2) Roadway workers move directly and promptly across the track;

(3) On-track safety protection is in place for all roadway workers who are actually engaged in work, including inspection, construction, maintenance or repair, and extending to carrying tools or material that restricts motion, impairs sight or hearing, or prevents an employee from moving rapidly away from an approaching train or other on-track equipment, as defined in the rule; and

(4) These safety rules are addressed in all roadway worker training.

(c) On non-controlled track, on-track roadway maintenance machines engaged in weed spraying or snow removal may proceed under the provisions of 214.301(c), except where remotely controlled hump yard facility operations are in effect, provided the following conditions are met:

(1) Each railroad shall establish and comply with an operating procedure for on-track snow removal and weed spray equipment to ensure that:

(i) All on-track movements are informed of such operations,

(ii) All movements shall operate at restricted speed as defined in §214.7, except on other than yards and yard switching leads, where all movements shall operate prepared to stop within one-half the range of vision but not exceeding 25 mph,

(iii) A means for communications between the on-track equipment and other movements is provided, and

(iv) During periods of such operations, the kicking of cars is prohibited unless agreed to by the roadway worker in charge.

(2) Roadway workers engaged in such snow removal or weed spraying operations shall retain an absolute right to use the provisions of §214.327 (inaccessible track).

(3) Roadway workers assigned to work with this equipment may line switches for the machine's movement but shall not engage in any roadway work activity unless protected by another form of on-track safety.

(4) Each roadway maintenance machine engaged in snow removal or weed spraying under this provision shall be equipped with and utilize:

RWP RSAC Consensus Items

- (i) An operative 360-degree intermittent warning light or beacon,
- (ii) Work lights, if the machine is operated during the period between one-half hour after sunset and one-half hour before sunrise or in dark areas such as tunnels, unless equivalent lighting is otherwise provided,
- (iii) An illumination device, such as a headlight, capable of illuminating obstructions on the track ahead in the direction of travel for a distance of 300 feet under normal weather and atmospheric conditions,
- (iv) A brake light activated by the application of the machine braking system, and designed to be visible for a distance of 300 feet under normal weather and atmospheric conditions, and
- (v) A rearward viewing device, such as a rearview mirror.

Sec. 214.319 Working limits, generally.

Working limits established on controlled track shall conform to the provisions of Sec. 214.321 Exclusive track occupancy, or Sec. 214.323 Foul time or Sec. 214.324 Verbal protection, or Sec. 214.325 Train coordination. Working limits established on non-controlled track shall conform to the provision of Sec. 214.327 Inaccessible track. Working limits established under any procedure shall, in addition, conform to the following provisions:

- (a) Only a roadway worker who is qualified in accordance with Sec. 214.353 of this part shall establish or have control over working limits for the purpose of establishing on-track safety.
- (b) Only one roadway worker shall have control over working limits on any one segment of track.
- (c) All affected roadway workers shall be notified before working limits are released for the operation of trains. Working limits shall not be released until all affected roadway workers have either left the track or have been afforded on-track safety through train approach warning in accordance with Sec. 214.329 [Note - this corrects the typo in original rule] of this subpart.

Sec. 214.321 Exclusive track occupancy.

Working limits established on controlled track through the use of exclusive track occupancy procedures shall comply with the following requirements:

- (a) The track within working limits shall be placed under the control of one roadway worker by either:
 - (1) Authority issued to the roadway worker in charge by the train dispatcher or control operator who controls train movements on that track,
 - (2) Flagmen stationed at each entrance to the track within working limits and instructed by the roadway worker in charge to permit the movement of trains and equipment into the working limits only as permitted by the roadway worker in charge, or
 - (3) The roadway worker in charge causing fixed signals at each entrance to the working limits to display an aspect indicating "Stop."
- (b) An authority for exclusive track occupancy given to the roadway worker in charge of the working limits shall be transmitted on a written or printed document directly, by relay through a designated employee, in a data transmission, or by oral communication, to the roadway worker by the train dispatcher or control operator in charge of the track.
 - (1) Where authority for exclusive track occupancy is transmitted orally, the authority shall be written as received by the roadway worker in charge and repeated to the issuing employee for verification.

RWP RSAC Consensus Items

(2) The roadway worker in charge of the working limits shall maintain possession of the written or printed authority for exclusive track occupancy while the authority for the working limits is in effect.

(3) The train dispatcher or control operator in charge of the track shall make a written or electronic record of all authorities issued to establish exclusive track occupancy.

(4) An authority shall specify a unique roadway work group number, an employee name, or a unique identifier. The railroad's procedures shall include precise communication to ensure trains and other on-track equipment communicate, either directly or through the dispatcher, with the roadway worker in charge or lone worker controlling the working limits in accordance with §214.319.

Sec. 214.323 Foul time.

Working limits established on controlled track through the use of foul time procedures shall comply with the following requirements:

(a) Foul time may be given orally or in writing by the train dispatcher or control operator only after that employee has withheld the authority of all trains and other on-track equipment to move into or within the working limits during the foul time period.

(b) Each roadway worker in charge to whom foul time is transmitted orally shall repeat the track number, track limits and time limits of the foul time to the issuing employee for verification before the foul time becomes effective.

(c) The train dispatcher or control operator shall not permit the movement of trains or other on-track equipment into working limits protected by foul time until the roadway worker in charge who obtained the foul time has reported clear of the track.

(d) The roadway worker in charge shall not permit the movement of trains or other on-track equipment into or within working limits protected by foul time.

214.324 Verbal protection (new section)

Working limits established through verbal protection may only occur within manual interlockings or within controlled points and shall comply with the following requirements.

(a) Verbal protection shall be communicated to the roadway worker in charge by the train dispatcher or control operator only after that employee has withheld the authority of all trains to move into or within the limits to be protected.

(b) Each roadway worker in charge to whom verbal protection is transmitted shall repeat the track number, track limits and time limits of the verbal protection to the issuing employee for verification before the verbal protection becomes effective.

(c) No train or on-track equipment may move into working limits protected by verbal protection until permission has been received from the roadway worker in charge and authority has been given by the train dispatcher.

Sec. 214.325 Train coordination.

Working limits established by a roadway worker through the use of train coordination shall comply with the following requirements:

(a) Working limits established by train coordination shall be within the segments of track or tracks upon which only one train holds exclusive authority to move.

RWP RSAC Consensus Items

(b) The roadway worker in charge who establishes working limits by train coordination shall communicate with a member of the crew of the train holding the exclusive authority to move, and shall determine that:

Sec. 214.327 Inaccessible track.

(a) Working limits on non-controlled track shall be established by rendering the track within working limits physically inaccessible to trains at each possible point of entry by one or more of the following features:

(1) A flagman with instructions and capability to hold all trains and equipment clear of the working limits;

(2) A switch or derail aligned to prevent access to the working limits and secured with an effective securing device by the roadway worker in charge of the working limits;

(3) A discontinuity in the rail that precludes passage of trains or engines into the working limits;

(4) Working limits on controlled track that connects directly with the inaccessible track, established by the roadway worker in charge of the working limits on the inaccessible track;

(5) A remotely controlled switch aligned to prevent access to the working limits and secured by the control operator of such remotely controlled switch by application of a locking or blocking device to the control of that switch, when:

(i) The control operator has secured the remotely controlled switch by applying a locking or blocking device to the control of the switch, and

(ii) The control operator has notified the roadway worker who has established the working limits that the requested protection has been provided, and

(iii) The control operator is not permitted to remove the locking or blocking device from the control of the switch until receiving permission to do so from the roadway worker who established the working limits.

(6) Train crew directly in control of a locomotive with or without cars may be considered a physical feature at one or more points of entry to working limits. The roadway worker who establishes the locomotive as a physical feature shall communicate with a member of the crew and determine that:

(i) The locomotive is visible to the roadway worker in charge that is establishing the working limits;

(ii) The locomotive is stopped;

(iii) Further movements of the locomotive shall be made only as permitted by the roadway worker in charge controlling the working limits;

(iv) The crew of the locomotive shall not leave the locomotive unattended or go off duty unless communication occurs with the roadway worker in charge and an alternate means of on-track safety protection has been established by the roadway worker in charge; and

(v) Cars coupled to the locomotive on the same end and on the same track as the roadway workers shall be connected to the train line air brake and such system shall be charged with compressed air to initiate an emergency brake application in case of unintended uncoupling. Cars coupled to the locomotive on the same track on the opposite end of the roadway workers shall have sufficient braking capability to control movement.

(7) The provisions of a block register territory that prevent trains and other on-track equipment from occupying the track when the territory is under the control of a lone worker or roadway worker in charge. The roadway worker in charge or lone worker shall have the absolute right to render such block register territory inaccessible under the provisions of Sec. 214.327(a)(1) through 214.327(a)(5).

RWP RSAC Consensus Items

(8) Railroad operating rules that require train or engine movements to be prohibited on a main track within yard limits or restricted limits until the train or engine receives notification of any working limits in effect and do not enter working limits until permission is received by the roadway worker in charge. Such working limits shall be delineated with stop signs (flags), and where speeds are in excess of restricted speed, and where physical characteristics permit, advance signs (flags).

Sec. 214.329 Train approach warning provided by watchmen/lookouts

Sec. 214.331 Definite train location.

Sec. 214.333 Informational line-ups of trains.

Sec. 214.335 On-track safety procedures for roadway work groups.

(a) No employer subject to the provisions of this part shall require or permit a roadway worker who is a member of a roadway work group to foul a track unless on-track safety is provided by either working limits, train approach warning, or definite train location in accordance with the applicable provisions of Secs. 214.319, 214.321, 213.323, 214.324, 214.325, 214.327, 214.329 and 214.331 of this part.

(b) No roadway worker who is a member of a roadway work group shall foul a track without having been informed by the roadway worker responsible for the on-track safety of the roadway work group that on-track safety is provided.

(c) On-track safety is required for adjacent controlled track within 19 feet of the centerline of the occupied track when roadway work group(s) consisting of roadway workers on the ground and on-track self-propelled or coupled equipment are engaged in a common task on an occupied track:

(1) Except as provided by paragraph (c)(3) of this section, when trains are cleared through working limits on an adjacent controlled track, or when watchman/lookout warning in accordance with section 214.329 is the form of adjacent on-track safety, roadway workers shall occupy a predetermined place of safety and all on-ground work and equipment movement activity within the fouling space of the occupied track shall cease upon notification of pending adjacent track movement (working limits) or upon receiving the watchman/lookout warning.

(2) When single or multiple movements are cleared through adjacent controlled track working limits, on-ground work and equipment movement on the occupied track may resume only after all such movements on adjacent track have passed each component of the Roadway Work Group(s). If the train stops before passing all roadway workers, the roadway worker in charge shall communicate with the engineer prior to allowing the work to resume.

(3) When single or multiple movements are cleared through adjacent controlled track working limits at a speed no greater than 25 mph, work performed exclusively between the rails of the occupied track, or to the field side of the occupied track with no adjacent track, may continue upon notification of each roadway worker of movement on adjacent track. On-ground work shall not be performed within 25 feet to the front or 25 feet to the rear of roadway maintenance machine(s) on the occupied track during such adjacent track movement.

(d) Equipment may not foul an adjacent controlled track unless protected by working limits and there are no movements.

(e) The mandatory provisions for adjacent controlled track protection under this subpart are not applicable to work activities involving:

RWP RSAC Consensus Items

(1) A hi-rail vehicle as defined in Sec. 214.7, provided such hi-rail vehicle is not coupled to railroad cars. Where multiple hi-rail vehicles are engaged in a common task, the on-track safety briefing shall include discussion of the nature of the work to be performed to determine if adjacent controlled track protection is necessary. Nothing in this subpart prohibits the roadway worker in charge of the hi-rail vehicle from establishing adjacent controlled track protection, as he/she deems necessary;

(2) On-ground roadway workers exclusively performing work on the field side of the occupied track; or

(3) Catenary maintenance tower cars with roadway workers positioned on the ground within the gage of the occupied track for the sole purpose of applying or removing grounds. Nothing in this subpart prohibits the roadway worker in charge of the catenary maintenance tower car from establishing adjacent track protection, as he/she deems necessary.

Sec. 214.337 On-track safety procedures for lone workers.

(a) A lone worker who fouls a track while performing routine inspection or minor correction may use individual train detection to establish on-track safety only where permitted by this section and the on-track safety program of the railroad.

(b) A lone worker retains an absolute right to use on-track safety procedures other than individual train detection if he or she deems it necessary, and to occupy a place of safety until such other form of on-track safety can be established.

(c) Individual train detection may be used to establish on-track safety only:

(1) By a lone worker who has been trained, qualified, and designated to do so by the employer in accordance with Sec. 214.347 of this subpart;

(2) While performing routine inspection and minor correction work;

(3) On track outside the limits of a manual interlocking, a controlled point (except those without switches), or a remotely controlled hump-yard facility;

(4) Where the lone worker is able to visually detect the approach of a train moving at the maximum speed authorized on that track, and move to a previously determined place of safety, not less than 15 seconds before the train would arrive at the location of the lone worker;

(5) Where no power-operated tools or roadway maintenance machines are in use within the hearing of the lone worker; and

(6) Where the ability of the lone worker to hear and see approaching trains and other on-track equipment is not impaired by background noise, lights, precipitation, fog, passing trains, or any other physical conditions.

(d) The place of safety to be occupied by a lone worker upon the approach of a train may not be on a track, unless working limits are established on that track.

(e) A lone worker using individual train detection for on-track safety while fouling a track may not occupy a position or engage in any activity that would interfere with that worker's ability to maintain a vigilant lookout for, and detect the approach of a train moving in either direction as prescribed in this section.

(f) A lone worker who uses individual train detection to establish on-track safety shall first complete a written statement of on-track safety. The statement shall designate the limits of the track for which it is prepared and the date and time for which it is valid. The statement shall show the maximum authorized speed of trains within the limits for which it is prepared, and the sight distance that provides the required warning of approaching trains. The

RWP RSAC Consensus Items

lone worker using individual train detection to establish on-track safety shall produce the statement of on-track safety when requested by a representative of the Federal Railroad Administrator.

(g) Individual train detection shall not be used to provide on-track safety for a lone worker using a roadway maintenance machine, equipment, or material that cannot be readily removed by hand.

Sec. 214.339 Audible warning from trains.

(a) Each railroad shall have in effect and comply with written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains and locomotives approaching roadway workers or roadway maintenance machines that are either on the track on which the movement is occurring, or about the track if at risk of fouling. At a minimum, such written procedures shall address:

(1) Initial horn warning;

(2) Subsequent warning(s); and

(3) Alternative warnings in areas where sounding the horn adversely affects roadway workers (e.g. in tunnels, terminals, etc.).

(b) Such audible warning shall not substitute for on-track safety procedures prescribed in this part.

Sec. 214.343 Training and qualification, general.

(a) No employer shall assign an employee to perform the duties of a roadway worker, and no employee shall accept such assignment, unless that employee has received training in the on-track safety procedures associated with the assignment to be performed, and that employee has demonstrated the ability to fulfill the responsibilities for on-track safety that are required of an individual roadway worker performing that assignment.

(b) Each employer shall provide to all roadway workers in its employ initial or recurrent training once every calendar year on the on-track safety rules and procedures that they are required to follow.

(c) Railroad employees other than roadway workers, who are associated with on-track safety procedures, and whose primary duties are concerned with the movement and protection of trains, shall be trained to perform their functions related to on-track safety through the training and qualification procedures prescribed by the operating railroad for the primary position of the employee, including maintenance of records and frequency of training.

(d) Each employer of roadway workers shall maintain written or electronic records of each roadway worker qualification in effect. Each record shall include the name of the employee, the type of qualification made, and the most recent date of qualification. These records shall be kept available for inspection and photocopying by the Federal Railroad Administrator during regular business hours.

(e) Each railroad shall require that each contractor employee has received the requisite training and/or qualification before engaging such employee to perform any roadway worker duties.

Sec. 214.345 Training for all roadway workers.

Consistent with Sec. 214.343(b), the training of all roadway workers shall include, as a minimum, the following:

RWP RSAC Consensus Items

Sec. 214.347 Training and qualification for lone workers.

Each lone worker shall be trained and qualified by the employer to establish on-track safety in accordance with the requirements of this section, and must be authorized to do so by the railroad that conducts train operations on those tracks.

(a) The training and qualification for lone workers shall include, as a minimum, consideration of the following factors:

- (1) Detection of approaching trains and prompt movement to a place of safety upon their approach.
- (2) Determination of the distance along the track at which trains must be visible in order to provide the prescribed warning time.
- (3) Rules and procedures prescribed by the railroad for individual train detection, establishment of working limits, and definite train location.
- (4) On-track safety procedures to be used in the territory on which the employee is to be qualified and permitted to work alone.

(b) Each employer shall provide to lone workers initial or recurrent training once every calendar year. For the purposes of this section, initial training and qualification shall occur before a lone worker is assigned duties covered by this Part.

(c) Qualification of lone workers shall be evidenced by demonstrated proficiency and shall be performed on a recurrent basis not to exceed 24 months between such demonstrations.

Sec. 214.349 Training and qualification of watchmen/lookouts.

(a) The training and qualification for roadway workers assigned the duties of watchmen/lookouts shall include, as a minimum, consideration of the following factors:

- (1) Detection and recognition of approaching trains.
- (2) Effective warning of roadway workers of the approach of trains.
- (3) Determination of the distance along the track at which trains must be visible in order to provide the prescribed warning time.
- (4) Measures and procedures of the railroad to be used for train approach warning.

(b) Each employer shall provide to watchmen/lookouts initial or recurrent training once every calendar year. For the purposes of this section, initial training and qualification shall occur before a watchman/lookout is assigned duties covered by this Part.

(c) Qualification of watchmen/lookouts shall be evidenced by demonstrated proficiency and shall be performed on a recurrent basis not to exceed 24 months between such demonstrations.

Sec. 214.351 Training and qualification of flagmen.

(a) The training and qualification for roadway workers assigned the duties of flagmen shall include, as a minimum, the content and application of the operating rules of the railroad pertaining to giving proper stop signals to trains and holding trains clear of working limits .

(b) Each employer shall provide to flagmen initial or recurrent training once every calendar year. For the purposes of this section, initial training and qualification shall occur before a flagman is assigned duties covered by this Part.

RWP RSAC Consensus Items

(c) Qualification of flagmen shall be evidenced by demonstrated proficiency and shall be performed on a recurrent basis not to exceed 24 months between such demonstrations.

Sec. 214.353 Training and qualification of ~~roadway workers who provide on-track safety for roadway work groups~~ each roadway worker in charge.

(a) The training and qualification of ~~roadway workers~~ each roadway worker in charge who provide for the on-track safety of groups of roadway workers through establishment of working limits or the assignment and supervision of watchmen/lookouts or flagmen shall include, as a minimum:

(1) All the on-track safety training and qualification required of the roadway workers to be supervised and protected.

(2) The content and application of the operating rules of the railroad pertaining to the establishment of working limits.

(3) The content and application of the rules of the railroad pertaining to the establishment or train approach warning.

(4) The physical characteristics of the territory of the railroad upon which the roadway worker is qualified to establish on-track safety protection.

(5) The procedures required to ensure that the roadway worker in charge of the on-track safety of a group(s) of roadway workers remains immediately accessible and available to all roadway workers being protected under the working limits or other provisions of on-track safety established by the roadway worker in charge.

(b) Each employer shall provide to ~~roadway workers who provide on-track safety for roadway work groups~~ each roadway worker in charge initial or recurrent training once every calendar year. For the purposes of this section, initial training and qualification shall occur before a roadway worker who provides on-track safety is assigned duties covered by this Part.

(c) Qualification of employees who provide on-track safety for roadway workers shall be evidenced by a recorded examination and shall be performed on a recurrent basis not to exceed 24 months between each recorded examination.

Sec. 214.355 Training and qualification in on-track safety for operators of roadway maintenance machines.

(a) The training and qualification of roadway workers who operate roadway maintenance machines shall include, as a minimum:

(1) Procedures to prevent a person from being struck by the machine when the machine is in motion or operation.

(2) Procedures to prevent any part of the machine from being struck by a train or other equipment on another track.

(3) Procedures to provide for stopping the machine short of other machines or obstructions on the track.

(4) Methods to determine safe operating procedures for each machine that the operator is expected to operate.

(b) Each employer shall provide to roadway workers who operate roadway maintenance machines initial or recurrent training once every calendar year. For the purposes of this section, initial training and qualification shall occur before a roadway worker operates a roadway maintenance machine covered by this Part.

(c) Qualification of roadway worker to operate roadway maintenance machines shall be evidenced by demonstrated proficiency and shall be performed on a recurrent basis not to exceed 24 months between such demonstrations.

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