

**PART 214 SUBPART C
ROADWAY WORKER PROTECTION
KNOWN ISSUES- MASTER MATRIX**

The following is a compendium of Part 214 Subpart C (Roadway Worker Protection) issues and concerns that are continually raised throughout the nation during compliance activities, FRA inspector training, and external customer inquiries. While the success of the RWP regulation is remarkable, it is highly recommended that revisions to this regulation or other clarifications be considered in order to make it even more effective. As with many other regulations that have been revisited (e.g., Blue Signal, Engineer Certification, Power Brake), railroad and contractor engineering employees would be better served by an enhanced and clarified regulation (a great product even better). Enhancement would be based on the experience gained by the first seven years of implementation.

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Item	Section	Issue	Discussion/recommendation	TB Issued	TB Withheld	Future TRC or Discuss	Rule Change
1	Sec. 214.7 Definitions - Adjacent track	The issue of track centers less than 12.5 feet needs to be addressed. Specifically, is on-track safety mandatory for those activities that have a likelihood of fouling such tracks?	Note - discuss existing definition. It is necessary to clarify that only the track immediately next to a track is considered to be adjacent.			Discuss – see SA 04-01	
2	Sec. 214.7 Definitions – Automatic interlocking	The regulation permits the use of individual train detection outside manual interlockings and controlled points. There is a lack of clarity as to those interlockings that are not Amanual.®	New definition is recommended to clarify where individual train detection may be used vs. a manual interlocking.				X
	Sec. 214.7 Definitions - Controlled Point	1) There continues to be confusion as to what is a controlled point and what is a manual interlocking. The specific concerns include those locations that are controlled points (with home signals a distance apart) absent switches 2) There have been inquiries as to situation at a two track interlocking where there is exclusive track occupancy on one of the two tracks. Can individual train detection then be used on the track without the exclusive track occupancy?	TB uses Part 236 definitions and does not provide any consideration beyond what is plainly written in the regulation. Note - any circumstances mentioned would require a regulation change.	G0528			<Note

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4	Sec. 214.7 Definitions – Controlled Track	The regulation defines controlled and non-controlled track. However, there are no guidelines as to what operational elements must be in place for controlled track.	It would be beneficial to revise the definition of Acontrolled track@to include the operational elements that are required to be in place. Such as a train sheet, hours of service record, and radio rule requirements. This new definition should indicate trains and other on-track equipment/roadway maintenance machines must need authorized...			X or	X
5	Sec. 214.7 Definitions - Effective securing device	The current definition does not prescribe what types of devices other than locks are acceptable. The section analysis does provide some limited discussion with respect to spiking a switch but additional items such as the wedges in portable derails needs to be discussed.	TB provides additional clarification with respect to devices other than locks (wedges, clamps, spikes, etc.). Note - for clarity place in future rulemaking.	G0520			<Note
6	Sec. 214.7 Definitions - track occupancy	The definition currently does not address Alocal control@ as permitted in Sec. 214.321. Furthermore, it only discusses the withholding of trains and “other equipment.”	Recommend definition be revised to include on-track equipment and to recognize local control.				X
7	Sec. 214.7 Definitions - Maximum authorized speed	Railroads do use speed restrictions in conjunction with placement of watchmen. The problem concerns the use of a temporary restriction placed by the RWIC but removed by another person. Same issue applies to individual train detection. While there is no evidence of problems, it is a worthy concern.	Draft TB indicates that a RWIC establishing train approach warning or lone worker using individual train detection in conjunction with temporary speed restriction is safe as long as it is assured that it in place for the duration it is in use. May need further discussion. Note - for clarity place in future rulemaking.		N/A (0416)		<Note

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8	Sec. 214.7 Definitions – switch arrangement	Installations that look like an interlocking which are operated by a train crew to manipulate a switch in main track is undefined. Are such locations considered interlockings or simply power-operated switches?	TB indicates such installations do not meet the definition of an interlocking or controlled point. Note – need to add new definition in any future rulemaking.	G0511			<Note
9	Sec. 214.7 Definitions - On-track equipment	The terms Aon-track equipment@and Aother equipment@are used throughout the regulation and roadway workers must be protected from the dangers of this equipment as well as roadway maintenance machines.	New definition specific to RWP is recommended to indicate that on-track equipment is any device other than trains and includes but is not limited to free rolling cars, roadway maintenance machines, and other specialized equipment.				X
10	Sec. 214.7 Definitions - On-track safety	There is concern that the phrase ... Aa state of freedom@... is currently used in the definition.	Discuss.			Discuss	
11	Sec. 214.7 Definitions - remote hump yard facility	There is confusion as to where a remote hump yard facility begins or ends.	New definition is recommended.			X or	X
12	Sec 214.7 Definitions – Restricted speed	The use of “other equipment” is confusing.	Recommend that ... train or other equipment... be changed totrain or on-track equipment....				X
13	Sec 214.7 Definitions - Roadway worker in charge	There is reference to a roadway worker in charge throughout the regulation but there is no formal definition.	Recommend new definition.				X
14	Roadway work group coordinator	There is continual confusion with respect to on-track safety briefings with multiple groups in one working limits. There is also confusion with respect to personnel who may work with the roadway worker in charge during changes to on-track safety.	Develop a new definition namely – roadway work group coordinator – this would clear up the qualifications and duties of groups coordinating together on common on-track safety procedures.				X

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15	Sec 214.7 Definitions - Train approach warning	The current language indicates that watchman warn of the approach of trains only.	Recommend the definition be revised to include the warning of the approach of on-track equipment.				X
16	Sec 214.7 Definitions – Train coordination	The use of coordination (per 214.319) cannot be used on non-controlled track but railroads often contemplate its use in yards, which can be dangerous.	Note - recommend clarification that the definition Atrain coordination@ say that such procedure can only occur on controlled track as per 214.319.				<Note
17	Sec. 214.301, Purpose and scope	There is an on-going struggle as to what contractors are covered under the regulation. For example, contractors that perform janitorial work at passenger stations, contractors who clean snow from stations platforms, contractors who have purchased scrap from a railroad and are picking up such materials, employees of a state or local agency that owns a railroad property but leases it to a railroad, etc.	Note - need discussion with all stakeholders to help determine exactly when a third party contractor is subject to the RWP regulation. There are many examples and scenarios documented to draw from during the analysis of this issue.		<Note		
18	Sec. 214.301, Purpose and scope	While the regulation treats contractors and railroads equally, the question of a railroad's role with respect to compliance is a recurring question.	Discuss the possibility of requiring railroads to inform contractors about the RWP regulation. <i>Note - This produces a significant amount of concern and discussion among FRA inspectors who are encountering an increase in the number of railroad contractors on all types of carriers.</i>			Discuss	

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19	Sec. 214.301, Purpose and scope	There is an on-going question with respect to other crafts that may be performing light short duration work similar to engineering activities. (e.g., train crew/hostler cleaning a switch, mechanical performing light building maintenance in a shop under blue signal).	The TB does not address the question due to the language of the regulation. Further discussions are required and detailed guidance very much needs to be developed.	G0521			
20	Sec. 214.301, Purpose and scope	Paragraph 214.301(c) discusses the movement of roadway maintenance machines. The major contention is how devices such as snow blowers and weed sprayers can be operated particularly at large yards or extended lengths of non-controlled track.	Recommend rule revision to address the movement of roadway maintenance machines with respect to snow blowers and weed sprayers. Note – the TB indicates no relief but this is a significant issue for possible rule change.	G0514			<Note
21	Sec. 214.301, Purpose and scope	Concern about the applicability of the RWP regulation inside industrial track.	Railroad employees and contractors to a railroad would be covered in industrial track when engaged by a railroad. Note - TB 9908 successfully answered - this language and could be added to the section analysis of a revised rule.	G0509			<Note
22	Sec. 214.301 Purpose and scope	The issue of employees who may be clear but their tools may be close to the fouling space (e.g., employees cleaning station platforms).	This need extensive discussion with respect to janitorial work and snow removal at passenger station platforms. Note – discussed at 1999 TRC, no TB issued.			Discuss	
23	Sec. 214.301 Purpose and scope	FRA by policy, permits roadway workers to cross tracks incidental to work without establishing on-track safety.	Note - It would be beneficial to consider the FRA policy regarding crossing tracks incidental to work to be placed in future rulemaking.				<Note

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Item	Section	Issue	Discussion/recommendation	TB Issued	TB Withheld	Future TRC or Discuss	Rule Change
24	Sec. 214.303 Railroad on-track safety programs, generally	A(b) Each on-track safety program adopted to comply with this part shall include procedures to be used by each railroad for monitoring effectiveness of and compliance with the program.®	The scope and level of monitoring needs to be discussed. Need to consider recording/written records.				X
25	Sec. 214.305 Compliance dates	Paragraphs (a) through (c) are no longer necessary.	Revise regulation as needed in future rulemaking.				X
26	Sec. 214.307 Compliance dates	The regulation has phase in period, which is no longer needed.	Recommend paragraph (c) to read - AA railroads on-track safety program will take effect by the established compliance dates in Sec. 214.305, without ...®				X
27	Sec. 214.309 On-track safety program documents	It is necessary for railroads to issue changes to on-track safety procedures and on-track operating rules by use of bulletins. Like special instructions and rule changes, these revisions may be in effect for some time until a new rulebook is published.	TB discusses the appropriate way in which railroads can issue revisions to on-track safety rules and be in compliance with Sec. 214.309. Note –for clarity, place in future rulemaking.	G0525			<Note
28	Sec. 214.309 On-track safety program documents	While the regulation indicates that the manual must be available, it is unclear how this is to be handled by track inspectors who are walking track.	TB indicates that the manual must be available at each work site. In addition, the availability of the manual for lone workers needs is recognized. Note - for clarity place in future rulemaking.	G0512			<Note
29	Sec. 214.309 On-track safety program documents	There is a question regarding the good faith challenge [311(c) and 313(d)]. Specifically, is it a rule or operating procedure and as such, can this be provided only in the training and not placed in the filed manual?	TB synthesizes the language of the rule and preamble/section analysis to show it does indicate that all must be together for ready access at work sites. Note - for clarity place in future rulemaking.	G0512			<Note

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30	Sec. 214.315 Supervision and communication	The regulation discusses job-briefings but in reality it is an on-track safety briefing.	Recommended that job briefing be changed to on-track safety briefing here and subsequent paragraphs where it appears.				X
31	Sec. 214.315 Supervision and communication	The location of the roadway worker in charge (RWIC) with regard to the job site needs to be discussed and clarified.	TB notwithstanding is broad guidance only. NOTE - recommend language similar to 213.11 for future rulemaking. This remains a very difficult issue.	G0507			<Note
32	Sec. 214.315 Supervision and communication	It is a practice on many railroads to place the name of the specific RWIC at a work site on an authority. However, on some railroads a work crew designation system (e.g., number) is placed on the authority. A crew designation procedure may, in fact, reduce confusion if a railroad has multiple employees with the same or similar name.	TB text states "... FRA will accept procedures where a work crew designation system is used with authorities only if such procedures include precise communication protocols to ensure trains and on-track equipment contact the proper RWIC to enter working limits." Note - for clarity place in future rulemaking.	G0507			<Note
33	Sec. 214.315 Supervision and communication	Paragraphs (a) and (d) are in conflict. Paragraph (a) talks about a job briefing with (b) indicating a briefing is not complete until it is acknowledged. Paragraph (d) talks about informing roadway workers about on-track safety. It also talks about informing workers about a change in on-track safety. If informing is not the same as a briefing (which it appears) then there is no acknowledgment required back from employees who are informed about a change in on-track safety?	Recommend clarification issue (e.g., requiring a notification of a change in on-track safety be also acknowledged.				X

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34	Sec. 214.317 On-track safety procedures, generally	Clearing bays where employees clear but may be slightly within the four foot envelope.	A rule change is necessary to recognize that clearing bays, if used safely, are acceptable. Need language similar to 214.339 (equipment can be closer than four feet). Note – discussed at 1999 TRC, TB not issued. <i>A significant issue that can result in huge construction costs for future tunnels. Tunnel niches have been used through the history of the industry without any known safety problems.</i>		<Note		X
35	Sec. 214.317 On-track safety procedures, generally	The regulation requires all railroads to follow sections 214.319 through 214.337 but some railroads will have an operation that would not render it necessary to comply with all sections.	It is worthy to clarify that all railroads are not required to follow all sections 214.319 through 214.337 (e.g., if a short line railroads has only non-controlled track then it will need to implement only the applicable sections).				X
36	Sec. 214.319 Working limits, generally	There are no mandatory procedures (e.g., recording) when a RWIC permits other groups or lone workers to use his or her working limits for on-track safety.	It is suggested to consider mandatory procedure for the RWIC to record others use of his or her working limits for on-track safety. Recommend this requirement for all types of working limits on controlled track.				X
37	Sec. 214.319 Working limits, generally	The term Arelease® is considered as if it means allowing trains to enter working limits or canceling an authority.	In paragraph (c) it is recommended that the word release be clarified.			X or	X

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38	Sec. 214.319 Working limits, generally	There is confusion as to Aout of service@ track in the traditional sense - what on-track safety provisions need to be followed?	The concept of Aout of service@ track needs to be considered. The RWIC should still make track inaccessible or get an authority such circumstances?			X or	X
39	Sec. 214.319 Working limits, generally	There are on-going concerns with respect to the status of yard limit (main) tracks. Some railroads will use AForm B@type protection for planned work but then are limited to the type of procedures for non-controlled track.	Review and resolve.			Discuss	
40	Sec. 214.321 Exclusive track occupancy	Movements into and within exclusive track occupancy may only occur under the direction of the RWIC - 321 (d). What are railroads permitted to do when a train (or dispatcher) cannot contact the RWIC in order to proceed through working limits?	The TB, as per the regulation, does not recognize any emergency procedures. Highly recommend an emergency clause procedure for future rule change.	G0522			X
41	Sec. 214.321 Exclusive track occupancy	AAuthorities@ are discussed in the regulation. The concern is the use of a plain sheet of paper be used to write down the information	Review and resolve.			Discuss	
42	Sec. 214.321 Exclusive track occupancy	There is a continued concern as to exactly what constitutes a clearly defined point.	TB provides some guidance. Note - for clarity place in future rulemaking.	G0506			<Note
43	Sec. 214.321 Exclusive track occupancy	Paragraph (a)(2) indicates that watchmen must warn of the approach of trains and Aequipment.@	In paragraph (a)(2) recommend trains and on-track equipment...				X
44	Sec. 214.321 Exclusive track occupancy	Paragraph (a)(3), is not named like all other procedures.	Recommend the use of the term Alocal control@ here.				X

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45	Sec. 214.321 Exclusive track occupancy	If there is a crossover between two tracks a significant distance apart, a worker could request blocking devices applied (BDAs) from the dispatcher and work on the crossover track. Currently the best fit is that it's analogous to foul time but such a procedure is not recognized.	It is recommend that a new paragraph (a)(4) be considered to indicate that BDAs are an acceptable means to control the entrance to working limits on controlled track (the regulation indicates this for non-controlled track only). Sound interpretation could be that such procedures would fall under foul time.			X or	X
46	Sec. 214.321 Exclusive track occupancy	The regulation does not recognize electronic transmission of authorities (computer screen display).	For paragraph (b), need to consider language to address PC based transmission of authorities, which has been sanctioned by FRA on a major carrier. Note - for clarity place in future rulemaking.				<Note
47	Sec. 214.321 Exclusive track occupancy	Under certain circumstances, employee protection at Remote Control Interlockings is provided by the person that has taken the interlocking on Local Control. This protection is usually provided by a Signal Maintainer, Transportation Manager or sometimes a Block Operator or Train Dispatcher when the Interlocking is on Local Control. The problem arises with the design of the Local Control Panel at the interlocking location. The newer local control panels predominantly do not have the application of blocking devices designed into them.	Consider protection of devices used under local control - paragraph (a)(3).			X or	X

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48	Sec. 214.321 Exclusive track occupancy	Paragraph (b) (3) discusses written or electronic record of all authorities. How long is the record to be maintained? Is there a link to operating practices?	The TB recognizes that the RWP regulation does not specify a length of time for such records. Note possible future regulation change.	G0523			<Note
49	Sec. 214.321 Exclusive track occupancy	Paragraph (c) requires exclusive track occupancy limits to be clearly identifiable to train engineer or person operating other railroad equipment (inconsistent).	Paragraph (c) recommendtrain or on-track equipment.				X
50	Sec. 214.321 Exclusive track occupancy	Paragraph (c)(1) requires flagman to hold trains and equipment (see above).	Paragraph (c)(1) recommendtrains and on-track equipment.				X
51	Sec. 214.321 Exclusive track occupancy	It is a common practice for railroads to issue authorities to "occupy behind" trains and it is unclear how this fully complies with exclusive track occupancy.	Under paragraph (d), it is necessary to consider the very common practice of an authority that instructs the RWIC to occupy the track behind a train. The TB indicates what safety measures must be in place to fulfill the requirements of exclusive track occupancy. <i>This is a very significant issue as it could impact most track inspections.</i>		N/A 0402		

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52	Sec. 214.323 Foul time	The following issues exist with respect to foul time: 1) the lack of requirement for train dispatcher records of foul time issued and 2) placement of roadway maintenance machines on the track within foul time limits.	The TB simply indicates that the regulation is silent with respect to a dispatcher's record of foul time issued. It indicates that there are railroad procedures that are called foul time but in reality fulfill exclusive track occupancy. The question still exists with respect to pure foul time. Need to clarify that no trains may be permitted into or within foul time limits by dispatcher <u>and</u> RWIC. Need to consider if the practice of MW equipment fouling the envelope under foul time. Note – a rule change is highly recommended to address these issues.		N/A 0401		<Note
53	Sec. 214.323 Foul time	214.325 (c) details restrictions on the train dispatcher or control operator. There is no penalty schedule nor is there a defect code.	Note – need address the lack of a penalty schedule.				<Note
54	Sec. 214.325 Train coordination	As per 214.319, train coordination is applicable to controlled track.	It should be repeated here that the train derives its exclusive authority by operating rules to move on a controlled track.				X

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55	Sec. 214.327 Inaccessible track	The following issues need to be considered 1) the use of a train crew/locomotive to make the track inaccessible. For example, using the air hose of a locomotive to clear snow on a ladder track. 2) the entry of roadway maintenance machines within inaccessible track (e.g., hi-rail setting on at a highway/rail grade crossing as this definition indicates a prevention of trains and equipment where the rule at 214.327 only specifies trains.)	For No 1, the TB addresses the use of a train crew to act as a flagmen (crew <u>with</u> locomotive) as safe and within the regulation if done properly such as working between a locomotive and bumper but this can be easily abused. No. 2, - the TB simply restates the regulation. <i>Note - No. 2 is a pressing issue for it is virtually a universal practice for railroads to allow equipment to occupy non-controlled track at will. For example, it would be unreasonable to expect a track inspector to place derails at every highway crossing on a three-mile industrial lead to make an inspection. Also, there is equipment that can occupy where no crossings exist.</i>		N/A 0414		<Note
56	Sec. 214.327 Inaccessible track	It may be worthwhile to reconsider the word Aphysically@for situations when working limits are established at the entrance point [214.327(a)(4)]. Specifically, working limits at the entrance.	Suggest to add point of entry by one or more of the following...				X

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57	Sec. 214.327 Inaccessible track	Railroads continue to use block register territory, while safe in certain situations to establish on-track safety, it does not comport to the provisions of the RWP regulation.	New definition is necessary if FRA is to permit the use of block registers (or other notification systems). New paragraph (6) to allow the use of block register territory or industrial derail is recommended. Note – discussed at 1999 TRC, TB not issued.		N/A 9912		X
58	Sec. 214.327 inaccessible track	Paragraph (a)(5), the use of locking or blocking device is acceptable but there is no record keeping requirement.	Recommend record keeping for the application of BDAs.				X
59	Sec. 214.327 inaccessible track	Paragraph (c) talks about Aoperable locomotives or other items of on-track equipment.@ The use of Atagging@ locomotives is used but such a procedure is not clearly addressed in the regulation. Additionally there are questions with respect to rolling stock within inaccessible track.	The TB recognizes the use of ARWP tags@ for non-occupied locomotives within inaccessible. It also only generally considers what is required for cars not coupled to trains within inaccessible limits. Note – we very much need further clarification for non-powered/unoccupied equipment within a RWIC's inaccessible limits.		N/A 0419		<Note
60	Sec. 214.327 inaccessible track	Concerns about the placement of portable derails on signaled non-controlled track. Specifically, can this be done without shunting the track circuit? There are also concerns about the distance between workers and derails and the visibly to trains.	Note - Discuss. Also need discussion in regard to how RCL may impact inaccessible track.			Discuss	
61	Sec. 214.329 Train approach warning provided by watchmen/lookouts	The opening paragraph indicates that watchmen warn of trains and engines (not on-track equipment).	Recommend adding ... approaching trains and on-track equipment by one...				X

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62	Sec. 214.329 Train approach warning provided by watchmen/lookouts	Paragraph (a) states the term Amaximum speed authorized.@ However, this speed may not be the maximum authorized speed for a particular section of track.	Recommend to replace maximum speed authorized with Amaximum authorized speed@and see the definition section for new term.				X
63	Sec. 214.329 Train approach warning provided by watchmen/lookouts	Paragraph (a) indicates watching for trains only.	Need to add .. before train or on-track equipment moving...				X
64	Sec. 214.329 Train approach warning provided by watchmen/lookouts	Paragraph (b) only states that watchmen are to look for approaching trains.	Paragraph (b) recommend to add .. approach of trains or on-track equipment and communicating..				X
65	Sec. 214.329 Train approach warning provided by watchmen/lookouts	Fouling a track with roadway maintenance machines under train approach warning, while not prohibited, is dangerous under this type of on-track safety.	The TB recognizes the danger. Note – this in an important safety issue.		N/A 0407		
66	Sec. 214.329 Train approach warning provided by watchmen/lookouts	Watchmen standing in tracks should only be permissible in very limited circumstances such as a welder and welder helper (tapping on the shoulder).	The TB addresses this. Note - for clarity place in future rulemaking. Also – need discussion of “swapping” out of watchmen.		N/A 0427		<Note
67	Sec. 214.329 Train approach warning provided by watchmen/lookouts	Concern that the regulation does not specifically say that a place of safety for a group must be within working limits.	TB indicates that a place of safety can only be on a track if on-track safety is provided. If train approach warning is provided and there is no chance of entrapment by multiple train movements. Note - for clarity place in future rulemaking.	G0510			<Note

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68	Sec 214.329 Watchman/lookout	There is some confusion as to what railroads need to implement for train approach warning (not a major issue). However, the use of a portable radio and cell phones as the sole communication for train approach warning, which can be dangerous, is not explicitly prohibited. Also need clarification what implements are required (e.g., tactile vs. visual)	The TB discusses what is meant by the audible and visual components of train approach warning. Specifically, radios cannot be used as sole means to project the audible component. Note - for clarity place in future rulemaking.		N/A 0427		<Note
69	Sec. 214.329 Watchman/lookout	Remote Control Locomotive concerns with respect to train approach warning.	<i>RCL issues need to be determined and resolved.</i>			Discuss	
70	Sec. 214.333 Informational line-ups of trains	Once line ups are eliminated at a railroad for on-track safety, is this procedure going to continue to be used for movement?	Definite phase out time recommended.				X
71	Sec. 214.333 Informational line ups	There is some use of lineups continuing on some railroads.	Discuss.				X
72	Sec. 214.335 On-track safety procedures for roadway work groups.	Sec. 214.335 only uses section numbers when referring to other parts of the regulation.	Note not a rule change but clarity for ease of reading, the section numbers in the opening paragraph should include the title: 319 Working Limits Generally; 321 Exclusive Track Occupancy; 323 Foul Time; 325 Train Coordination; 327 Inaccessible Track; 329 Train Approach Warning; and 331 Definite Train Location.				<Note
73	Sec. 214.335 On-track safety procedures for roadway work groups	Line-ups are not mentioned in 214.335 but are otherwise permitted under the narrowly defined circumstances.	See Sec.214.333 above.				X

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74	Sec. 214.335 On-track safety procedures for roadway work groups	Paragraph (b) refers to the RWIC.	For paragraph (b) for consistency recommend that it indicates informed by roadway worker in charge				X
75	Sec. 214.335 On-track safety procedures for roadway work groups	Paragraph (c), the reference to 214.327 should read 214.329. - Typo in regulation.	Correct typo.				X
76	Sec. 214.335 On-track safety procedures for roadway work groups	Paragraph (c) requires adjacent track on-track safety for tracks not included in working limits. There is the question of the application of this paragraph in relation to one element of a production gang that travels down the track from the group (e.g., a broom).	TB notwithstanding, also see the next item below.	G0524			
77	Sec. 214.335 On-track safety procedures for roadway work groups	There is no clear definition for large and small scale maintenance.	Discuss possibility of eliminating large scale and requiring adjacent track on-track for any situation that has the high degree of probability of fouling such adjacent track - regardless of size.				X
78	Sec. 214.337 On-track safety procedures for lone workers	The practice of a lone worker placing derails on a track in a hump yard to make it inaccessible.	The TB refers to the regulation text implicitly indicating that the placement of portable derails by roadway workers is a work activity under the regulation. Note - any relief would require a waiver or rule change.	G0513			<Note
79	Sec. 214.337 On-track safety procedures for lone workers	Paragraph (c)(4) states the term Amaximum speed authorized.® However, this speed may not be the maximum authorized speed for a particular section of track.	Paragraph (c)(4) - recommend replacing maximum speed authorized with maximum authorized speed and see the definition section for further discussion.				X

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80	Sec. 214.337 On-track safety procedures for lone workers	Sec. 214.337(c)(5) ... no power-operated tools or roadway maintenance machines are in use within the hearing of the lone worker....The use of Aquiet@ power tools. Some railroads are using hydraulic tools and some of these devices make little or no noise (depending on the function of the tool). The power source emits low level of noise.	The TB states that power tools of any type are prohibited by the regulation. Note - for clarity place in future rulemaking.	G0530			<Note
81	Sec. 214.337 On-track safety procedures for lone workers	Questions about the characteristics of the on-track safety statement.	TB text states "The on-track safety statement assists the roadway worker in focusing on the nature of the task, the risks associated with the task, and the form of on track safety necessary to safely carry out assigned duties. The regulation does not specify the maximum area which an on track safety statement can encompass, however, the statement of on-track safety must always apply to the current task and conditions." Note - recommend placement of this text into section analysis of any revision to the regulation.	G0503			<Note
82	Sec. 214.337 On-track safety procedures for lone workers	Concerns about the qualifications of person providing briefing to a lone worker.	TB test states "Therefore, in order to ensure the benefits associated with a lone worker briefing, the supervisor or other designated employee should be familiar with railroad operations and on-track safety rules." Note - for clarity place in future rulemaking.	G0503			<Note

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83	Sec. 214.337 On-track safety procedures for lone workers	Lack of physical characteristics qualification requirement for lone workers.	The TB simply states the regulation. Note - discuss the need for familiarity characteristic qualification requirement for lone workers in any regulatory revision.	G0503			<Note
84	Sec. 214.337 On-track safety procedures for lone workers	Use of individual train detection to place a hi-rail; vehicle on the track.	The TB states that the use of individual train detection would be acceptable if all the requirements can be met. <i>A reissue of this TB needs to state that this would obviously only apply on non-controlled track.</i>	G0503			
85	Sec. 214.337 On-track safety procedures for lone workers	The issue of a lone worker in a yard and multiple tracks. The question was - can a lone worker use flagging procures to make the track inaccessible?	The TB restates the regulation that a lone worker may only clear onto a track if working limits are established. A lone worker would not be equipped to perform such a test. Note - for clarity place in future rulemaking.	G0503			<Note
86	Sec. 214.337 On-track safety procedures for lone workers	At what point do two roadway workers who are working in close proximity become lone workers?	Discuss. Some suggested language may be - where workers are close enough to each other that warning of approaching trains/equipment can be given then they are a work group and one has to serve as a watchman/lookout. If the work is such that the workers are going to be too far apart to receive a warning then they can use individual train detection.			Discuss	

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87	Sec. 214.339 Audible warning from trains	The issue of shoving or reverse moves needs to be addressed. Specifically, at what point is this paragraph to be enforced, e.g., two light locomotives moving in reverse, two cars, three cars, etc. In addition, trains without bells should be addressed (i.e., MU trains).	The TB does not provide any more guidance than what is in the regulation. Note – in addition, need discussion regarding topic with respect to RCL operations.	G0526			<Note
88	Sec. 214.339 Audible warning from trains	Roadway workers commonly acknowledge an approaching train to stop whistling.	The TB only indicates that the duration is simply incumbent on the operating rules of the railroad. Need further discussion.	G0515		Discuss	
89	Sec. 214.339 Audible warning from trains	It is also necessary to discuss the issue of roadway workers who fail to follow the railroad's rules regarding the notification of approaching trains (e.g., wearing highly visible clothing, etc.).	Discuss.			Discuss	
90	Sec. 214.339 Audible warning from trains	As stated "... whistle be sounded and the locomotive bell be rung by trains approaching roadway workers on or about the track." At what point is it necessary to sound when workers are not on the track occupied by the locomotive. For example, two tracks away? Three tracks away? One hundred feet away? Two hundred feet away?	TB provides limited guidance to FRA inspectors by considering the position of the roadway worker during the infraction. Need further discussion.	G0527		Discuss	
91	Sec. 214.339 Audible warning from trains	How are trains to whistle when passing a work activity that passes a long distance such as a tie and surfing crew?	TB successfully answers this by stating that each element must be warned.	G0508			

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92	Sec. 214.341 Roadway maintenance machines.	Paragraph (a)(6) requires maximum working and travel speeds. This conflicts with Sec. 214.301 (c) which indicates AThis subpart prescribes safety standards related to the movement of roadway maintenance machines where such movements affect the safety of roadway workers. This subpart does not otherwise affect movements of roadway maintenance machines that are conducted under the authority of a train dispatcher, a control operator, or the operating rules of the railroad.@ In other words, do the RWP speeds apply when moving under the operating rules?	Possible candidate for TRC.			X	
93	Sec. 214.341 Roadway maintenance machines	Paragraph (b) requires roadway maintenance machine instructions to be on-board for each machine large enough to carry the instruction document.	It is recommended that this be linked to the equipment described under the Roadway Maintenance Machine regulation.				X
94	Sec. 214.343 Training and qualification, general.	Paragraph (d) requires written or electronic record of A.. Each qualification in effect.@ Since the basic worker under 214.345 training only (no qualification) the question of the need for record keeping for the basic worker has been asked.	TB indicates a training record for basic workers is required. <i>Needs further discussion.</i>		N/A 0422		

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95	Sec. 214.343 Training and qualification, general.	All roadway workers require annual training. As stated in 214.345, there are five fundamental training requirements for all roadway workers. This training must be accomplished annually. In the case of the RWIC, they require a periodic recorded examination (in other words annual training with periodic recorded exam). All others are required to demonstrate proficiency on a periodic basis.	The TB clarifies that qualification or the demonstration of proficiency may take place at a frequency other than annually. Note – recommend future regulation change to establish a frequency for other than basic training.	G0516			<Note
96	Sec. 214.343 Training and qualification, general	Roadway worker in charge "A" establishes a working limit between MP 10 and MP 30. A work group "B" arrives to work at MP 20 with permission of Roadway worker in charge "A." Is it necessary for the second work group "B" to have a fully qualified Roadway worker in charge at MP 20?	The TB generally considers the qualification of an employee directing a second crew using an existing working limits. Note – the concept of a roadway work group work group coordinator as discussed above could help clarify this issue.	G0517			<Note
97	Sec. 214.343 Training and qualification, general	The regulation indicates annual, with no specific period between events. That implies, absent any other detail, once each calendar year. If 23 months intervene, then they would not be able to go more than 12 months next time. A pattern of 23 and 12 repeated could be considered as non-conforming.	Discuss the possibility of adding a maximum time period between training.				X

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98	Sec. 214.343 Training and qualification, general	Concerning paragraph 214.343(c) the issue of using transportation department employees to provide on-track safety needs to be discussed. Specifically, what do they need to be trained in and what frequency. Further, since these individuals are not roadway workers but are providing on-track safety, is it acceptable for them to receive their on-track safety training periodically as apposed to annually?	TB 9903 discusses the training elements whereas 0411 discusses the status and frequency of training of such employees under the regulation. Note - for clarity place in future rulemaking.	G0504			<Note
99	Sec. 214.343 Training and qualification, general	The regulation indicates that the "... Employer of roadway workers shall maintain records." This issue of contractors is a recurring issue (logistics, etc). Also the nature and logistics of "one time" contractors continues to be a problem such as training, record keeping, the penalty schedule (penalty to railroad vs. contractor), and monitoring. The regulation treats contractors and railroads equally.	TB provides very basic guidelines for contractors with respect to on-track safety training and record keeping. <i>This is a significant issue that requires railroads and contractors to embrace a way that ensures on-track safety training is provided to all covered contractor employees.</i>	G0519			
100	Sec. 214.347 Training and qualification for lone workers.	What is Aconsideration of@	Paragraph (a) - AConsideration of,@ recommend Aaddress.@				X
101	Sec. 214.347 Training and qualification for lone workers	Paragraph (b) - unlike the RWIC, the lone worker qualification does not include physical characteristic training. This needs to be discussed.	TB recognizes the issue but does not make any changes. Note - TB notwithstanding, recommend consideration for rule change. Also need to discuss how characteristic training is being performed.	G0503			X

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102	Sec. 214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups.	Language clarification.	If new definition of RWIC is adopted ...qualification of roadway worker in charge who provide..... use in section title and paragraph (a).				X
103	Sec. 214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups	Paragraph (a) - consider employees who may be qualified for one type of working limit. For example, a RWIC who may be only qualified to establish working limits on non-controlled tracks or RWIC of a roving system gang. Also, an RWIC who is only qualified to establish train approach warning.	Discuss.			Discuss	
104	Sec. 214.355 Training and qualification in on-track safety for operators of roadway maintenance machines.	Language consistency.	Paragraph (a)(2) recommend ...train or other on-track equipment..				X
105	New item not linked to a particular section - Aslow by orders.®	Labor indicates that prior to the RWP regulation, railroads required employees to stop all work and depart equipment and all tracks when trains passed work crews.	Note - the aforementioned my have been the case on some but not all railroads. Discuss.			Discuss	

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106	Penalty Schedule	The current penalty schedule needs to be analyzed. Examples - no penalty schedule for not providing a proper place of safety for train approach warning and individual train detection; penalty for 214.329 (a) does not include Anot providing a place of safety@ and its only willful; 214.327 (a) needs to address failure to establish physically inaccessible track at entry point; on-track safety manual not available at a work site; etc.	Internal discussion.				