



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-01

Subject: Roadway Worker Protection Technical Bulletins

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Effective January 10, 2005, Roadway Worker Protection (RWP) technical bulletins WPS-99-01 through 99-09 are reissued and new RWP bulletins G-05-11 through G-05-30 are published as indicated below.

2005 TB	Replaces	Section	Topic
G-05-02	WPS-99-01	214.121	Exclusive track occupancy, generally
G-05-03	WPS-99-02	214.337	Lone worker, generally
G-05-04	WPS-99-03	214.343	On-track safety (OTS) training for train service employees
G-05-05	WPS-99-04	214.311	Good faith challenge
G-05-06	WPS-99-05	214.321	Identifiable location for exclusive occupancy
G-05-07	WPS-99-06	214.315	Roadway worker in charge, generally
G-05-08	WPS-99-07	214.339	Audible warning from train for work over large area
G-05-09	WPS-99-08	214.3	Plant trackage and OTS for railroad employees
G-05-10	WPS-99-09	214.329	Train approach warning and place of safety
G-05-11	N/A	214.337	Dual power switch locations and individual train detection
G-05-12	N/A	214.309	OTS documentation
G-05-13	N/A	214.337	OTS while establishing working limits
G-05-14	N/A	214.301	Operation of certain equipment on non controlled track
G-05-15	N/A	214.339	Audible warning from train and duration
G-05-16	N/A	214.343	Annual training and periodic qualification
G-05-17	N/A	214.315	Roadway worker in charge and multiple groups
G-05-18	N/A	214.343	Qualification of other than roadway workers providing OTS
G-05-19	N/A	214.345	Contractor on-track safety training
G-05-20	N/A	214.7	Effective securing device/other instruments

2005 TB	Replaces	Section	Topic
G-05-21	N/A	214.7	Other than maintenance of way crafts performing duties
G-05-22	N/A	214.321	Exclusive track occupancy and emergencies
G-05-23	N/A	214.321	Retention of exclusive occupancy records by dispatcher
G-05-24	N/A	214.335	Adjacent tracks and small unit of major work
G-05-25	N/A	214.309	Revisions to OTS procedures and field manual
G-05-26	N/A	214.339	Shoving moves and whistle sounding
G-05-27	N/A	214.339	Whistle sounding and "on or about the track"
G-05-28	N/A	214.329	Portable radios and train approach warning
G-05-29	N/A	214.7	Controlled points vs. manual interlockings
G-05-30	N/A	214.337	"Quiet" power tools

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-02

Subject: Roadway Worker Protection Technical Bulletin
Exclusive track occupancy, generally


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Since the U.S. Court of Appeals for the D.C. Circuit upheld the agency's position in Association of American Railroads v. Department of Transportation found at 198 F.3d 944, (1999), railroads no longer utilize the practices that were the subject of this technical bulletin.

Working limits, as defined by the Rule, means “a segment of track with definite boundaries established in accordance with this part upon which trains and engines may move only as authorized by the roadway worker having control over that defined segment of track. Working limits may be established through exclusive track occupancy, inaccessible track, foul time or train coordination as defined herein.” On controlled track,¹ working limits can be established through exclusive track occupancy, foul time, or train coordination. This technical bulletin provides interpretations to address the following exclusive track occupancy issues and supercedes previous instructions and directives concerning this subject.

Establishment of Exclusive Track Occupancy

The Rule clearly defines three methods by which the tracks within exclusive track occupancy are placed under the control of a roadway worker in charge (RWIC):

1. Authority issued to the RWIC by the train dispatcher or control operator;
2. Flagmen stationed to stop movements; or

¹ As defined by the Rule, controlled track means “track upon which the railroad's operating rules require that all movements of trains must be authorized by a train dispatcher or a control operator.” The authorization to use a track must be issued by a train dispatcher or control operator, not by an operating rule alone. This assures that a dispatcher can withhold or restrict train and on-track equipment movements from working limits.

3. The RWIC causing fixed signals² at each entrance to the working limits to display an aspect indicating “stop” (local control).

An “authority” is the instrument that confirms trains and on-track equipment (OTE) movements have been withheld from the track(s) encompassing an exclusive track occupancy. As required by the Rule, the authority must be a written or printed document and includes such instruments as a “NORAC Form D,” “Track Bulletin Form B,” “Track Warrant,” “Track and Time,” “OCS Clearance,” etc. As required by §214.321(b)(2), the RWIC must maintain possession of the authority document while it is in effect.

As prescribed by §214.321 (c), the extent of working limits established through exclusive track occupancy must have a physical feature (delineation) at each working limits entrance that is clearly identifiable to approaching trains or OTE. In the case of “active” delineations, these features are either a flagman or a fixed signal that conveys a “stop” indication. Acceptable “passive” delineations consist of a station with a sign identified by name, a clearly identifiable milepost marker, a clearly identifiable physical location³, or the provisions of a direct train control system⁴. An authority that withholds movements from the working limits must first be obtained by the RWIC before “passive” delineations can be used. However, flagmen with the capability to withhold movement or wayside signals conveying a “stop” aspect through local control may be used to establish and delineate working limits.

In addition to withholding movements that are approaching working limits, it is also imperative railroad rules prohibit train and OTE from entering the track between the delineations. For example, a hi-rail vehicle occupying a track at a highway-rail grade crossing or other OTE from entering at a hand-operated switch.

There are concerns regarding procedures on some railroads whereby trains and/or other OTE are admitted into the limits of an authority without the direction of the RWIC or without any information about the existence of working limits within the authority. One example is where the limits of an authority in centralized traffic control (CTC) territory would be at two Controlled Points located a significant distance from the actual work. With this type of procedure, protection is predicated on restricted speed and locomotive engineers or OTE operators looking out for flag(s) somewhere within the limits of the authority (in this case, between two Controlled Points). Where used, this procedure also raises the question regarding temporary speed restriction signs or other similar devices within the authority limits which may be misinterpreted as flags delineating working limits.

While the above procedures have been commonly used, to a large extent they rely on trains operating at restricted speed to protect the roadway workers. This conflicts with one of the most important underpinnings of the Rule, which is the prohibition of restricted speed, or its functional equivalent, to protect roadway workers.

² For the purposes of the Rule, a “fixed signal” is a wayside block or interlocking signal which the most restrictive indication that can be conveyed is “stop.”

³ Any physical feature, such as a switch, whereby an employee operating a train or OTE has knowledge of its specific location through physical characteristic qualifications. Red flags or signs may also be used but approaching movements must be informed of the exact location of these devices.

⁴ Any method of operation, such as Direct Traffic Control (DTC), Track Warrant Control (TWC), Track Permit Control System (TPCS), Form D Control System (DCS), Occupancy Control System (OCS), and similar methods of operation that are derivatives of the former timetable/train order method of operation.

Overlapping Authorities/Multiple Groups

Currently, it is an established practice on some railroads for multiple uncoordinated roadway work groups to be located within the same authority limits. For example, a RWIC may obtain a track and time permit (authority) in CTC territory between Control Points 10 and 20. The RWIC would then place red flags somewhere between mileposts 12 and 13. Subsequently, one or more additional roadway work activities with the same or overlapping authority limits occupy the track and place their flags after the first RWIC placed his/her flags.

Consequently, there are multiple independent and uncoordinated work activities each with potentially overlapping working limits. Specifically, there is the potential for a train or OTE to receive radio instructions to pass a red flag when that communication is obtained from the incorrect RWIC. This is of particular concern if a RWIC were to place flags between/within another RWIC's flags. To eliminate the potential problem associated with multiple employees directing movements, §214.319 (b) states - *“Only one roadway worker shall have control over working limits for the purpose of establishing on-track safety.”* This must prevail to fulfill the intent of exclusive track occupancy.

Withholding Equipment

In addition to protection from trains, the Rule prescribes procedures to protect roadway workers from the dangers associated with the movement of OTE. Railroads that permit trains into the limits of an authority without the direction of the RWIC, or without information about the location of working limits, also allow other OTE to proceed with even less controls. Specifically, other OTE may not be informed of working limits that may be within an authority granted for movement (overlapping movement and work authorities). Certain railroad rules permit OTE to move at substantial speeds (up to 45 m.p.h.) proceeding prepared to stop within one half the range of vision.

While OTE may be able to stop in less distance than trains, the Rule was clearly crafted to protect workers from trains and OTE. Furthermore, the increasing complexity and size of OTE can at times result in risks regarding adequate stopping distances similar to trains. Therefore, the definition of exclusive track occupancy specifies that trains and OTE movements must be withheld from the track within exclusive track occupancy.

Conclusion

1. Exclusive track occupancy established by means of an “authority” must include a procedure by which all train and OTE movements are withheld from the working limits. Acceptable methods include --
 - a. A flagman with instructions and capability to hold all trains and OTE clear of working limits.
 - b. A fixed signal to the entrance of working limits that conveys an aspect indicating stop.
 - c. Where “passive” delineations are utilized, movements must be provided with advance notification of the type and exact location of these devices. For instance, a RWIC might wish to establish working limits between mileposts 15 and 16 on a single main track in CTC territory but the train dispatcher can only block the controlled signals at mileposts 10 and 20. In that case, the authority must specify that the working limits are established between mileposts 15 and 16. Trains and OTE may be authorized to pass the signals but must also receive instructions not to pass milepost 15 or 16 unless authorized by the RWIC.

2. When multiple roadway work groups occupy the same working limits, only one RWIC shall have control of all movements within the track in question in accordance with §214.319 (b). When multiple work groups use a common working limits, it is imperative that railroads have procedures in place to assure on-track safety when the RWIC releases the track to the train dispatcher or when he or she authorizes movements into the working limits. For example, the RWIC recording additional groups that occupy his or her working limits or the train dispatcher placing or “stacking” blocking devices for each additional work group. However, all movements within working limits must remain under the control of the RWIC.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-03

Subject: Roadway Worker Protection Technical Bulletin
Lone worker, generally

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Individual train detection, as defined by the Rule, means “. . . a procedure by which a lone worker acquires on-track safety by seeing approaching trains and leaving the track before they arrive and which may be used only under circumstances strictly defined in this part.” The practice of individual train detection, if all of the regulatory elements are followed, can provide an adequate level of safety from being struck by trains and on-track equipment.

Several interpretive questions about individual train detection have been posed by railroad management and labor. This bulletin provides detailed explanation or interpretation regarding the following sections of 49 CFR Chapter 214, Subpart C, relating to individual train detection.

§214.337(f) On-Track Safety Statement/Size of Area

Question: What is the maximum area that can be included on an on-track safety statement?

Section 214.337(f) states: “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 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.

§214.315(e) Lone Worker Briefing/Qualification of Employee Providing Briefing

Question: What is the required qualification of the person providing a briefing to a lone worker?

Section 214.315(e) states: *“Each lone worker shall communicate at the beginning of each duty period with a supervisor or another designated employee to receive a 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 job briefing shall be conducted as soon as possible after the beginning of the work period when communications are restored.”*

This section addresses the required briefing that a lone worker is required to receive before fouling a track. This briefing will be slightly different than a briefing provided to a roadway work group, since the lone worker is not working under direct supervision. At the beginning of the duty period, and prior to fouling the track, the lone worker must communicate with a supervisor or another designated employee to advise of his or her itinerary and the means by which he or she plans to protect themselves. This briefing should include his geographical location, approximate period of time he or she is expected to be in this general locality, different locations planned for the day, and the planned method of protection. This paragraph assumes that in accordance with other sections the lone worker is capable of determining the proper means to achieve his or her own on-track safety.

The benefits of a lone worker briefing include triggering the lone worker to think about his or her on-track safety, providing a means to inform the railroad where the lone worker will be located during a tour of duty, and providing information (e.g., special instruction changes, etc.) to the lone worker. The regulation does not specify the qualifications that a supervisor or other designated employee must have in order to participate in a briefing with a lone worker. 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.

§214.347 Lone Worker Qualifications/Physical Characteristics Qualification

Question: Does a lone worker using individual train detection require physical characteristics qualifications?

Section 214.347 requires a high degree of qualification for the lone worker as this worker is fully responsible for his or her own on-track safety. A primary consideration is that the lone worker should never be influenced to use individual train detection by a lack of qualification to establish a more positive form of on-track safety.

Unlike §214.353 (qualification of workers who provide on-track safety for roadway work groups), §214.347 does not specify physical characteristic qualifications or a recorded examination for lone

workers. However, the regulation does require that the lone worker must demonstrate proficiency. It is incumbent on each railroad to assure that lone workers have the capability to properly use any form of on-track safety that a lone worker would use to provide on-track safety. In addition, §214.347(b) states that “*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.*” A lone worker should have sufficient knowledge of the characteristics of the railroad to be able to obtain, understand and use the information that he or she needs to perform as a lone worker. It is necessary that the lone worker know the speed limits of any segment of track, and to be able to identify his or her location along the railroad by station, mile post or other physical location.

It is also important to note that a lone worker who would provide on-track safety for others during the course of a tour of duty would then be subject to the qualification requirements of §214.353.

§214.337 Individual Train Detection/Setting Vehicles on a Track

Question: Is it acceptable to use individual train detection to place a vehicle, such as a hi-rail truck, on non-controlled track at a highway/rail grade crossing?

Section 214.337 establishes specific on-track safety procedures for the lone worker. Paragraph (a) sets forth the general requirement that restricts the use of individual train detection to circumstances prescribed in this section and the corresponding on-track safety program of the railroad. Paragraph (c) establishes a method of on-track safety for the lone worker, in which the roadway worker is capable of visually detecting the approach of a train and moving to a previously determined location of safety at least 15 seconds before the train arrives.

It is important to note the 15-second train approach time does not include the time it takes for a roadway worker to move clear of the track and into a place of safety. If that movement to clear the track takes 10 seconds, then a train must be visible in time for a warning to be given 25 seconds before the train arrives.

It is important to note that the use of individual train detection is appropriate only in limited circumstances. Therefore this section prescribes strictly limited circumstances in which an individual may foul a track outside of working limits while definitely able to detect the approach of a train or other on-track equipment in ample time to move to a place of safety. This safety method requires the lone worker to be in a state of heightened awareness, since no other protection system will be in place to prevent one from being struck by a train or other on-track equipment.

Only if all of the elements of §214.337 are met, is it acceptable for a roadway worker to use individual train detection to place a highway/rail vehicle on a non-controlled track. Once on the track, movements may be conducted under the provisions of the railroad operating rules [§214.301(c)].

§214.337(d) Clearing a Track to a Place of Safety

Question: Is it acceptable for a lone worker using individual train detection to clear onto another track and establish on-track safety on that track by becoming a flagman?

Section 214.337(d) states: *“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.”*

Paragraph (d) clearly states that a lone worker may not clear onto a track unless working limits are established on that track. The only exception is that a lone worker may clear into a track as long as working limits are established on that track in accordance with §214.319 (Working Limits, Generally). To establish working limits by becoming a flagman would require: 1) that worker to be equipped with the proper equipment and 2) have the capability to stop trains in both directions. Therefore, unless both of these requirements are met, it is not acceptable for a lone worker to clear onto a track upon the approach of a train and establish his or her own flagging type working limits.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

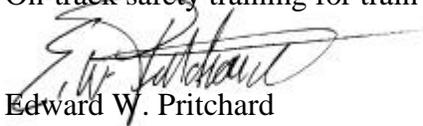
U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-04

Subject: Roadway Worker Protection Technical Bulletin
On-track safety training for train service employees


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Question: What are the on-track safety training requirements for employees other than roadway workers?

The training and qualification of roadway workers¹ and other employees who are associated with on-track safety is a critical element of any roadway worker protection program. There are various levels of training based on the function of the worker in relation to on-track safety. Regardless of the roadway worker's function, it is essential that he or she and others associated with on-track safety have sufficient knowledge to assure that protection is properly applied.

Section 214.315(c) requires that an employer designate at least one roadway worker in charge (RWIC) to provide on-track safety while a roadway work group² is working together. This designation can either be for a specific job or for a particular work situation. This section is vital to the success of any on-track safety program because the mere presence of two or more persons together can be distracting for all persons involved. The Federal Railroad Administration (FRA) believes that awareness will be

¹ Roadway worker means any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section.

² Roadway work group means two or more roadway workers organized to work together on a common task.

enhanced and confusion eliminated by requiring railroads to formally designate a responsible person. This designation must be clearly understood by all group members in order to be effective. An individual, such as a foreman, may generally be designated to be responsible for his or her group, but if two groups are working together or roadway workers of different crafts are assisting one another, it is imperative that this formal designation (in relation to on-track safety) be communicated to and understood by all affected employees.

On some railroads, transportation department employees such as conductors may occasionally be directly involved with on-track safety at work sites. The function of conductors varies from fulfilling the role of a flagmen (withhold trains under the direction of a RWIC) or acting as the employee that establishes the on-track safety for a roadway work group.

The qualification of the RWIC is addressed under Title 49, Code of Federal Regulations (CFR), Part 214 Subpart C of the Rule. Under Section 214.315(c), each roadway work group whose duties require fouling a track must have one roadway worker designated by the employer to provide on-track safety [known as the roadway worker in charge (RWIC)].

When working limits are established to provide on-track safety, all movements of trains and equipment within working limits shall be made only under the direction of the RWIC [§§ 214.321(d), 214.325(b), and 214.327(b)]. If a conductor/flagman is assigned to withhold movements, that employee may authorize movements under the direction of the RWIC. If a qualified roadway worker is not assigned to provide on-track safety for the work group, a conductor/flagman may perform this function but must have received the relevant training to assume those responsibilities (see Table 1). This would also be true of any employee that would be protecting a contractor³ to a railroad engaged in roadway worker functions.

Section 214.353(b) states: “*Initial and periodic qualification of roadway worker to provide on track safety evidenced by a recorded examination.*” For employees other than roadway workers associated with on-track safety 214.343(c) states: “*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.*”

Table 1 provides a list of required training and qualification elements for employees other than roadway workers based on specific activities.

³ The Rule does not apply to employers, or their employees, if they are not engaged by or under contract to a railroad. Personnel who might work near railroad tracks on projects for others, such as cable installation for a telephone company or bridge construction for a highway agency, come under the jurisdiction of other Federal agencies with regard to occupational safety. However, FRA encourages on-track safety for those personnel as well.

**Table 1
Training and Qualification of Employees Associated with Roadway Worker Protection**

Section	Description	Dispatcher	Engineer	Conductor	Conductor providing on-track safety (1)
309	Each RWIC shall maintain a copy of the program document				A
311	Good faith challenge and written procedure				A
315	On-track safety briefing				A
321	Exclusive track occupancy	D	D	D	D
323	Foul time	D			A
325	Train coordination		R	R	R
327	Inaccessible track			2	A
329	Train approach warning				A
335	Train approach warning large scale (adjacent track)				A
339	Audible train warning		R		A
341	Roadway maintenance machines				3
351	Flagmen	D	D	D	D
353	Physical characteristics	D	D	D	D

D Default training received through craft training.

R On-track training received in addition to craft qualification as required by 214.343.

A Additional qualification of employee providing on-track safety for roadway workers. Qualifications may be limited to those required for a specific situation. For example, a conductor providing on-track safety for a contractor working on a single controlled main track with exclusive track occupancy without roadway maintenance machines will not need to be qualified on roadway maintenance machine on-track safety, train approach warning, or inaccessible track. Only the elements that are utilized are applicable.

1. On-track safety qualification elements may be split between a conductor and roadway worker. For example, a conductor who is qualified to obtain a track permit but not on-track safety, a roadway worker may fulfill the other elements such as the on-track safety briefing, etc.
2. Railroad operating rule that would prohibit conductor from pulling spike in switch used to make track inaccessible.
3. An employee providing on-track safety is not required to be fully qualified to operate every roadway maintenance machine but must have knowledge of the general and specific on-track safety procedures for each machine.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-05

Subject: Roadway Worker Protection Technical Bulletin
Good faith challenge

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
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Operating Practices Supervisory Specialists

Question: If one or more roadway workers in a work group challenge the on-track safety procedures, is it necessary for all of the workers in the group to clear the track? Section 214.311(b) states:

Each employer shall guarantee each employee the absolute right to challenge in good faith whether the on-track safety procedures to be applied at the job location¹ comply with the rules of the operating railroad, and to remain clear of the track until the challenge is resolved.

This guarantee gives every roadway worker the absolute right to challenge on-track safety rules. The good faith challenge process and the means for resolution of such challenges are required parts of every employer's on-track safety program. On-track safety depends upon the faithful and intelligent discharge of duty by all persons who provide protection or are protected under it. Any roadway worker who is in doubt concerning the on-track safety provisions being applied at the job location should act to resolve that uncertainty immediately.

Although a fundamental principle of on-track safety is that any roadway worker who is not entirely certain that it is safe to be on the track should not be there, the rule does not require that all roadway workers clear the track whenever a challenge is made. They have the right to do so, but the Roadway Worker in Charge (RWIC) is not specifically obligated to shut down the work while the challenge is

¹ As discussed in the preamble to the rule, section analysis 10, *Responsibility of Employers*, 61 Fed. Reg. 65967 (1996), the term "at the job location" is not meant to restrict who can raise an issue or where an issue can be raised. Rather, the challenge must address the on-track safety procedures being applied at a particular job location.

resolved. However, if the challenge is found valid, and if the RWIC has improperly placed persons in a hazardous situation after having been notified of the error, the RWIC or the employer may be in violation of section 214.311 (responsibility of employers).

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-06

Subject: Roadway Worker Protection Technical Bulletin
Identifiable location for exclusive occupancy

From: 
Edward W. Pritchard
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To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Question: what are acceptable “physical locations” that railroads may use to delineate working limits established under exclusive track occupancy?

Controlled track is the type of track upon which exclusive track occupancy can be established by the dispatcher or control operator. By virtue of their authority to control train movements on a segment of controlled track, a dispatcher or control operator can also hold trains clear of that segment by withholding movement authority from all trains. The procedure depends upon communication of precise information between the train dispatcher or control operator, the roadway worker in charge of the working limits, and the crews of affected trains. This section is intended to prescribe that level of precision.

The track within working limits shall be placed under the control of the roadway worker in charge (RWIC) by: 1) authority¹ 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 RWIC to permit the movement of trains and on-track equipment (OTE) into the working limits only as permitted by him or her, or 3) the RWIC causing fixed signals at each entrance to the working limits to display an aspect indicating “Stop.”

¹ An “authority” is the instrument that confirms trains and OTE movements have been withheld from the track(s) encompassing an exclusive track occupancy. As required by the Rule, the authority must be a written or printed document and includes such instruments as a “NORAC Form D,” “Track Bulletin Form B,” “Track Warrant,” “Track and Time,” “OCS Clearance,” etc. As required by §214.321(b)(2), the roadway worker who establishes the working limits must maintain possession of the authority document while it is in effect.

The extent of working limits established through exclusive track occupancy must be defined by one of the various acceptable physical features clearly identifiable to a locomotive engineer or other person operating a train or OTE. Section 214.321(c)(5) permits “*A clearly identifiable physical location prescribed by the operating rules of the railroad that trains may not pass without proper authority.*” The intent of the Technical Bulletin is to clarify what types of acceptable physical locations, when used alone, may be an acceptable exclusive track occupancy delineation.

When an authority is issued to establish an exclusive track occupancy [§214.321(a)(1)], precise communication between the train dispatcher (or control operator) and trains/OTE is imperative to assure movements approaching exclusive track occupancy limits are withheld². Any physical location that is used alone to delineate working limits must be clearly prescribed by the operating rules of the railroad whereby train engineers and OTE operators know, in advance, the exact location of these devices in advance. Procedures such as physical characteristic qualifications of employees and listing designated physical locations in special instructions are acceptable methods to assure safe use of physical locations to delineate exclusive track occupancy limits.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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² Any movements into exclusive track occupancy limits then may occur under the direction of the RWIC in accordance with §214.321(d).



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-07

Subject: Roadway Worker Protection Technical Bulletin
Roadway worker in charge, generally

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Section 214.315(c) requires that an employer designate at least one roadway worker in charge (RWIC) to provide on-track safety while a roadway work group¹ is working together. This designation can either be for a specific job or for a particular work situation. This section is vital to the success of any on-track safety program because the mere presence of two or more persons together can be distracting for all persons involved. The Federal Railroad Administration (FRA) believes that awareness will be enhanced and confusion eliminated by requiring railroads to formally designate a responsible person. This designation must be clearly understood by all group members in order to be effective. An individual, such as a foreman, may generally be designated to be responsible for his or her group, but if two groups are working together or roadway workers of different crafts are assisting one another, it is imperative that this formal designation (in relation to on-track safety) be communicated to and understood by all affected employees.

This Technical Bulletin addresses issues concerning the RWIC regarding his or her location and the identification of that individual in an authority issued to establish exclusive track occupancy.

§214.315 Location of Roadway Worker in Charge

Question: Must the RWIC be at the work site at all times?

¹ Roadway work group means two or more roadway workers organized to work together on a common task.

Recently, several interpretive questions about the location of the RWIC in relation to a work area have been posed by railroad management and labor. First, a review of the responsibilities of the RWIC, as detailed in §214.315 (Supervision and Communication), is shown below.

- **Job Briefing.** Sections 214.315(b) and (c) establish the duty of notification by the employer and the reciprocal duty of communicating acknowledgment by the employee. These sections essentially require a job briefing to inform all concerned of on-track safety methods at the beginning of each work period. The acknowledgment is an indication by the employee of understanding, or the opportunity to request explanation of any issues that are not understood. Usually, the RWIC will provide the briefing to a roadway work group. However, it is acceptable for other responsible employees to provide this briefing in situations where a roadway work group may be located along a considerable distance such as a large scale mechanized production activity.
- **RWIC Designation.** Section 214.315 (c) requires that an employer designate at least one RWIC to provide on-track safety while a group is working together. This designation can either be for a specific job or for a particular work situation. This section is vital to the success of any on-track safety program because the mere presence of two or more persons together can be distracting for all persons involved. FRA believes that awareness will be enhanced and confusion eliminated by requiring railroads to formally designate a responsible person. This designation must be clearly understood by all group members in order to be effective. An individual, such as a foreman, may generally be designated to be responsible for his or her group, but if two groups are working together or roadway workers of different crafts are assisting one another, it is imperative that this formal designation be communicated to and understood by all affected employees.

When working limits are established as a form of on-track safety, the provisions of §214.319(b) apply which states: “*Only one roadway worker shall have control over working limits on any one segment of track.*” Therefore, it is imperative that only one worker have control, even when multiple work groups may be using a common working limits. This is necessary to avoid the complications of multiple or confusing instructions to trains and on-track equipment (OTE) that may be entering working limits.

- **RWIC Duties.** Paragraph (d) explains the duties of the RWIC that will provide on-track safety for a work group. Before roadway workers foul a track, the designated person must inform each roadway worker in the group of the on-track safety methods to be used at that time and location. Essentially, the designated person must conduct an on-track safety briefing prior to the beginning of work on or near the track.

Before changing on-track safety methods during a work period, the RWIC must again inform the group of the new methods to be used for their safety. If, for example, roadway workers are working on a track within working limits when the on-track safety method changes to train approach warning, all roadway workers fouling the track must first be informed that trains might approach on that track, and that they will be warned of the approaching train by watchmen/lookouts. They must also know that they can no longer depend on that track as a place of safety when a train approaches.

This provision also establishes methods to be used in the face of unforeseen circumstances. In these emergency situations, where notification of a change in methods cannot be accomplished, an immediate warning to leave the fouling space and not return until on-track safety is reestablished is required.

Given the above duties, it is important that the RWIC coordinate all on-track safety activities at a work site. This responsibility is an essential element of on-track safety especially when working limits are established and there are activities occurring such as train or on-track equipment movements within the working limits.

The Rule does not specify the location of the RWIC in relation to any work activity where on-track safety has been established or may be established. As such, it may be necessary for a RWIC to depart the work activity for a short period to travel to another area encompassing the same on-track safety (e.g., conduct on-track safety checks throughout a large mechanized production activity). However, during such periods where the RWIC may be away from a work site for short periods, it is imperative the roadway work group have readily available means to communicate with this employee. When a RWIC departs a work site for an extended period, a substitute employee, with the relevant qualifications may be designated. If any exclusive track occupancy authorities are involved (see below), the change in the RWIC designation must be formally addressed in the railroad operating rule procedures.

§214.321(b) Roadway Worker in Charge Designation in Exclusive Track Occupancy Authority

Question: Is it acceptable to use a “crew number” and not the RWIC’s name on an exclusive track occupancy authority?

Section 214.321(b), prescribes the procedures for establishing working limits called exclusive track occupancy² by means of an authority. An “authority” is the instrument that confirms trains and OTE movements have been withheld from the track(s) encompassing an exclusive track occupancy. As required by the Rule, the authority must be a written or printed document and includes such instruments as a “NORAC Form D,” “Track Bulletin Form B,” “Track Warrant,” “Track and Time,” “OCS Clearance,” etc. As required by §214.321(b)(2), the RWIC must maintain possession of the authority document while it is in effect.

Several interpretive questions about the naming of the RWIC on an authority has been posed by railroad management and labor. First, a review of exclusive track occupancy procedures as detailed in §214.321 is appropriate.

- Paragraph (a) requires that authority for exclusive track occupancy may only be granted by the train dispatcher or control operator who has control of that track to a roadway worker who has been trained and designated to hold such an authority (RWIC). No other person may be in control of the same track at the same time.

² Exclusive track occupancy means a method of establishing working limits on controlled track in which movement authority of trains and OTE is withheld by the train dispatcher or control operator, or restricted by flagmen, as prescribed in §214.321 of this part.

- Paragraph (b) and corresponding subparagraphs prescribe the methods for transferring the authority for exclusive track occupancy to the roadway worker with the requisite level of accuracy.
- Paragraph (c) and corresponding subparagraphs prescribe physical markers or features that may be used to indicate the extent of working limits established under this paragraph with the requisite level of precision. Flagmen are included as a valid means of establishing exclusive track occupancy because they are effective and they might be the only means available on short notice or at certain locations.
- Paragraph (d) allows a railroad to permit the movement of trains and equipment in working limits under the control of the RWIC. This accommodates a need to move work trains and roadway maintenance machines into and within working limits in connection with the work being performed. It also accommodates a need to move trains and equipment through working limits after all roadway workers and machines are moved into the clear or otherwise protected. Such movements will be under the direct authority of the RWIC, who must take the necessary steps to properly direct the train movement as well as protecting the roadway workers and roadway maintenance machines at the worksite.
- Paragraph (d) also requires that trains and OTE moving through working limits under the direction of the RWIC move at restricted speed unless higher speed is specifically authorized by the roadway worker in charge. This provision establishes a fail-safe default speed to apply in the absence of information to the contrary. It also establishes the sole direction of the RWIC to specify the speed of trains and OTE through the working limits.

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. Therefore, 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 OTE contact the proper RWIC to enter working limits.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-08

Subject: Roadway Worker Protection Technical Bulletin
Audible warning from train for work over large area

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

There are various types of on-track safety provided for in Part 214 including train approach warning, individual train detection, and working limits. Roadway work groups and lone workers must use one of the above forms of on-track safety to foul a track while in the performance of duties. In addition, section 214.337 states: *“Each railroad shall require that the locomotive whistle be sounded, and the locomotive bell be rung, by trains approaching roadway workers on or about the track. Such audible warning shall not substitute for on-track safety procedures prescribed in this part.”* The implementation of this requirement will necessitate railroad operating rules regarding notification to trains that roadway workers are on or about the track. This notification could take the form of portable whistle posts, train movement authorities, or highly visible clothing to identify roadway workers and increase their visibility. This section is not optional with a railroad, and the Federal Railroad Administration (FRA) intends that it will preempt any local restrictions on the sounding of locomotive whistles.

§214.339 Audible Warning From Trains/Large Scale Maintenance

Question: What are the requirements for sounding of locomotive horns when trains pass large scale maintenance activities?

As trains approach each roadway worker or roadway work group located within a large scale maintenance project that is being conducted, the locomotive whistle shall be sounded and the

locomotive bell rung¹. The practice of sounding the locomotive whistle and ringing the locomotive bell only one time on the approach to a large scale roadway work group does not meet the intent of the regulation.

The specific sequence and duration of whistle blasts to be sounded approaching roadway workers shall be established by each railroad's operating rules to sufficiently warn roadway workers who may be on or about the track.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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¹ Electric multiple unit trains are generally not equipped with bells and FRA inspection activity will account for this mechanical characteristic. In addition, when railroads are conducting reverse movements, it is expected that the locomotive whistle will be sounded and the bell rung in accordance with §214.337 when approaching roadway workers.



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-09

Subject: Roadway Worker Protection Technical Bulletin
Plant trackage and on-track safety for railroad employees

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Question: Does the Roadway Worker Protection (RWP) regulation apply to railroad employees who are on duty when conducting work on trackage located inside an installation that is not part of the general system (e.g., "plant trackage")?

Roadway worker means any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section.

As noted in §214.3, the Federal Railroad Administration (FRA) is concerned with track that is part of the general system of railroad transportation. However, Part 209, Appendix A, details FRA's policy in regard to operations of general system railroads on trackage that is not part of the general system of transportation (e.g., plant railroads). Part 209, Appendix A, states: "*...the railroad that is part of that system while inside the installation; thus, all of its activities are covered by FRA's regulations during that period.*" Therefore, 49 CFR Part 214 will apply to roadway workers who are on-duty with a general system railroad when conducting engineering functions within plant trackage.

When working independently and directly for an industry (plant railroad), a person performing engineering type functions in this environment would not be subject to the RWP regulation. However, such activities come under the jurisdiction of other Federal agencies and FRA highly encourages workers follow on-track safety procedures when working under this environment.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-10

Subject: Roadway Worker Protection Technical Bulletin
Train approach warning and place of safety

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Train approach warning is one form of on-track safety frequently used by roadway work groups. This is a method of establishing on-track safety by warning roadway workers of the approach of trains in ample time for them to move to or remain in a place of safety in accordance with the requirements of the Rule.

Question: What locations are acceptable as a “place of safety” for roadway workers to use to clear into upon the approach of trains when using train approach warning as a form of on-track safety?

As defined in the rule, train approach warning means a method of establishing on-track safety by warning roadway workers of the approach of trains in ample time for them to move to or remain in a place of safety in accordance with the requirements of this part. Section 214.329 establishes the procedures for on-track safety of roadway work groups that utilize train approach warning and specifies the circumstances and the manner in which roadway work groups may use this method of on-track safety¹.

This section also prescribes the minimum amount of time for roadway workers to retreat to a previously arranged place of safety (designated during on-track safety job briefing), the duties of the watchman/lookout and the fundamental characteristics of train approach warning communication.

¹ Part 214 defines on-track safety as “... a state of freedom from the danger of being struck by a moving railroad train or other railroad equipment, provided by operating and safety rules that govern track occupancy by personnel, trains and on-track equipment.”

As indicated in the Rule, employees must be provided a place of safety to clear to upon the approach of a train. In normal circumstances, it is expected that workers will clear **all** tracks upon the approach of a train. Clearing onto another track where train approach warning is established may potentially trap workers if multiple trains movements occur at the location in question. Regardless of the number of tracks at a work site, it is important to consider impediments to train approach warning at locations such as rock cuts or other locations with limited clearance.

It is also important to review §214.313(b) which states: “A roadway worker shall not foul a track except when necessary for the performance of duty.” Therefore, workers must have a specific reason in order to move into another track upon the approach of a train (e.g., work activity). This practice is only then acceptable if train approach warning is provided for all tracks without interruption and the workers have absolutely no chance of being trapped if multiple train movements simultaneously occur.

In all cases where train approach warning is used, it is critical that comprehensive instructions are provided to roadway workers about where to clear track(s) upon the approach of trains.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-11

Subject: Roadway Worker Protection Technical Bulletin
Dual power switch locations and individual train detection

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

The Federal Railroad Administration (FRA) is frequently asked about signal installations in dark territory that convey switch position. Specifically, these installations appear to be an interlocking but are operated by a train crew to manipulate a switch. This type of signal installation is neither defined nor addressed in the Roadway Worker Protection regulation. FRA is frequently asked whether such locations are considered manual interlockings or simply power operated switches, and whether Individual Train Detection (ITD) is permissible at these locations?

49 C.F.R. §214.7 does not include a definition of the term *manual interlocking*. However, FRA has concluded that the installations in question which may have some physical resemblance to interlockings, but are operated by train crews manipulating the switch, electronically or by hand, are considered “hand/power operated switches.” FRA has determined the following:

- The signals at these installations do not convey train movement authority nor do they meet the basic requirements of §236.750, Interlocking automatic and §236.751, *Interlocking manual*; and
- The hand/power switches at these installations are not controlled by a train dispatcher or control operator; and are not part of a manual interlocking or controlled point.

Accordingly, the use of ITD, (§214.337), is permissible as the minimum form of on-track safety at these hand/power installations, although not allowed at true interlockings and controlled points. When using ITD, at these installations, or any other locations where such use is permitted, the lone worker

may determine that a more restrictive form of on-track safety is required, and this decision cannot be reversed by any other person.

Aside from hand/power operated switches, switches that can be manipulated by hand as well as by a train dispatcher/operator are considered “dual control switches.” These switches are located within manual interlockings and controlled points and the use of ITD within these installations is prohibited.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-12

Subject: Roadway Worker Protection Technical Bulletin
On-track safety documentation


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

The Roadway Worker Protection regulation requires that the on-track safety manual be readily available to all roadway workers. However, the regulation does not specify how a railroad is to provide one manual encompassing the necessary information and make it readily available. The Federal Railroad Administration (FRA) has received inquiries regarding how track inspectors who are walking track are to comply with this provision. In addition, FRA has also received questions regarding whether the good faith challenge found in §214.311(c) and §214.313(d) is considered a rule or operating procedure and whether it should be contained in a document separate from the on-track safety manual?

Section 214.309 establishes the responsibility of the employer to provide the on-track safety program document to all employees who are responsible for the on-track safety of others, and those who are responsible for their own on-track safety as lone workers. Roadway workers who provide on-track safety for others must have the manual at the work site for easy reference. Lone workers must also have this manual easily available to them. FRA does not intend that an individual should have this manual on his or her person while performing work, but to have the appropriate sections available and readily accessible to all roadway workers at the work site.

FRA recognizes that the on-track safety document may be of various sizes. As such, “readily available” at the work site for a roadway workgroup would include having the manual in a vehicle, roadway maintenance machine, with the roadway worker who provides on-track safety, etc. Readily available for a lone worker means the document may be on their person, in a vehicle, yard office, workshop, etc.

Concerns regarding the information to be contained in the on-track safety program documents are also addressed in §214.309 which indicates that all rules and operating procedures governing track occupancy protection should be included in the on-track safety manual. The procedures governing the good faith challenge is a subset of this information as these procedures govern any challenges to be made to track occupancy and protection. Roadway workers need this resource at the work site, in order to execute a challenge should one arise. This resource can take the form of:

- One document containing on-track safety *procedures*, good faith challenge, and on-track safety *operating rules* (absent operating rules *not* pertaining to on-track safety); or
- A binder system containing all operating rules/special instructions and on-track safety *operating rules*. The on-track safety *procedures* and good faith challenge can be a section or tab of this resource.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

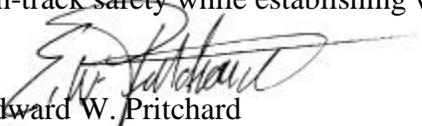
U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-13

Subject: Roadway Worker Protection Technical Bulletin
On-track safety while establishing working limits


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Concern has been raised about roadway workers who must foul the track in order to make the track inaccessible (49 C.F.R. §214.327). The specific concern is whether these workers need to have on-track safety protection while in the process of establishing on-track safety for the work to be performed and fouling the track? This type of activity is typically found with lone workers who may be need to install a portable derail or to secure a switch, in order to establish on-track safety.

When looking at the individual roadway worker's responsibility, found at §214.313, roadway workers are not to foul the track unless necessary for the performance of their duties and they are responsible to determine that on-track safety is being provided prior to fouling the track. When fouling the track to make the track inaccessible, roadway workers are fouling in performance of their duties and should make sure they are protected. In many cases, roadway workers are able to use individual train detection in accordance with §214.337 (c). However, §214.337(c) (3) prohibits the use of individual train detection within the limits of a manual interlocking, a controlled point, or a remotely controlled hump yard facility. Of course, as §214.327 makes clear, inaccessible track may be used as a method of protection only on non-controlled track (see definition of "controlled track" in §214.7), §214.327 so the factors that would preclude using individual train detection will not ordinarily be present where inaccessible track is being established.

Based on the foregoing, lone workers need protection when fouling the track, even if only to establish on-track safety and the Roadway Worker Protection regulation strictly prohibits a lone worker from using individual train detection while performing any type of associated work activities in a manual interlocking, controlled point, or remote hump yard facility.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-14

Subject: Roadway Worker Protection Technical Bulletin
Operation of certain equipment on non controlled track

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

The question is how machines such as on-track snow blowers and weed sprayers can be operated at large yards or on extended lengths of non-controlled track.

In the introductory provisions of 49 C.F.R. Part 214, Subpart C, the Federal Railroad Administration (FRA) discusses the purpose and scope of the regulation. (§214.301) Section 214.301(c) provides that the rule addresses standards related to the movement of roadway maintenance machines and their effect on roadway workers. The provision goes further to clearly indicate that the regulation does not affect movements that are conducted under the authority of the dispatcher, control operator or operating rules.

Roadway maintenance machines operating/traveling over non-controlled track do so under the operating rules of the railroad. However, these same machines, while actually conducting work, must do so in compliance with the requirements of §214.327, regarding inaccessible track. Accordingly, this type of equipment when working and not merely traveling over track must be in compliance with §214.327.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-15

Subject: Roadway Worker Protection Technical Bulletin
Audible warning from train and duration

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Both historically and today, roadway workers commonly acknowledge an approaching train that is sounding an audible warning and the train crew stops sounding the warning. The Federal Railroad Administration (FRA) is frequently asked whether a roadway worker's acknowledgment and the engineer's subsequent decision to stop sounding the whistle are in compliance with the regulation. The concern is determining when the length or duration of the audible warning is sufficient.

The regulations states at 49 C.F.R. §214.339, "... each railroad shall require that the locomotive whistle be sounded, and the locomotive bell be rung, by trains approaching roadway workers on or about the track." The railroad's on-track safety program requires sounding the locomotive whistle and may provide guidelines regarding its duration. In the absence of specific guidelines by the railroad, the locomotive engineer/operator must exercise his or her best judgement. If a railroad does not provide guidance, since the regulation does not specify the duration of the warning the engineer must exercise discretion predicated on his or her best judgment for effectively warning roadway workers on or about the track. This discretion only applies to the duration of the audible warning, since the warning itself is clearly required. Compliance with the responsible carrier's rules and institutional knowledge should help the engineer/operator arrive at the appropriate duration of audible warning.

This Technical Bulletin does not in any way or manner relieve the requirement to sound the horn and ring the bell of locomotives approaching roadway workers.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-16

Subject: Roadway Worker Protection Technical Bulletin
Annual training and periodic qualification


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

In accordance with 49 C.F.R. §214.343, all roadway workers are required to receive annual training. This basic training must contain at a minimum the five fundamental training requirements established in §214.345.

For the roadway worker who provides on-track safety for others [also referenced as the roadway worker in charge (RWIC)], §214.353 requires a periodic recorded examination, in addition to annual training.

Employees who are lone workers, watchmen/lookouts, flagmen, and roadway maintenance machine operators are required to demonstrate proficiency on a periodic basis, in addition to annual training.* Inquiries about training indicate there is confusion regarding annual training and periodic qualification.

The term “periodic qualification” as used in this regulation refers to employees who perform specific duties such as loneworkers, watchman/lookouts, flagmen, RWICs, and roadway maintenance machine operators. FRA requires that employees receive “initial and periodic qualification” for each of the duties listed above.* The required time frame for the qualification differs from the required annual training.

Although the term “periodic qualification” is not defined in the rule, each railroad should specify in its program the interval at which their periodic qualification will take place. Section 214.343(a) states

“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.” *

When an employee (with only basic training) is promoted to perform duties such as lone workers, watchman/lookout, flagman, RWIC, and roadway maintenance machine operator, that employee must receive additional training and be qualified as required. The qualification of the loneworker, watchman/lookout, flagman and roadway maintenance machine operator is based on their demonstrated proficiency, but the qualification of the RWIC is based on a recorded examination.

Note * - any employee who is promoted from a “basic worker” to a higher form of roadway worker qualification must demonstrate proficiency or take the recorded examination before assuming such duties.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

###



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-17

Subject: Roadway Worker Protection Technical Bulletin
Roadway worker in charge and multiple groups


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

It is a common practice for two or more separate work groups to utilize the same working limits (and authority). The regulation clearly specifies that only one roadway worker can be in charge (RWIC) of the working limits. However, questions have arisen regarding the required qualifications for the workers providing on-track safety for a second or third roadway work group that may be utilizing the working limits held by the initial RWIC.

For example, group B has asked and been given permission by the initial RWIC of group A to use their working limits to foul the track. Sharing the working limits would not necessarily require a person with the qualification under §214.353 for group B, depending upon the type of work being performed. This would not be considered overlapping working limits, but group B would conduct its work within the initial RWIC's working limits. Group A, if affected, would receive a second job briefing prior to giving group B permission to occupy the same working limits. Should a member of group B be asked to perform a duty such as a watchman/lookout, then that individual would need to be qualified to perform that function.

It is also important to remember that only one RWIC can control working limits (214.319(b)). In this scenario, it would be RWIC of group A. Should group B require additional on-track safety above and beyond that afforded by the RWIC controlling the working limits (group A), then an equally qualified worker must be present with that group to provide any additional or changed on-track safety. For example, group B needs to foul an adjacent track not included in group A's working limits. Sec. 214.315 - Supervision and Communication - is a key element with respect to this discussion:

Every roadway work group whose duties require fouling a track shall have one roadway worker 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.

The foregoing requires that an employer designate at least one RWIC to provide on-track safety while groups are working together. This designation can either be for a specific job or for a particular work situation. This section is vital to the success of any on-track safety program because the mere presence of two or more persons together can be distracting for all persons involved. The Federal Railroad Administration (FRA) believes that awareness will be enhanced and confusion limited by requiring railroads to formally designate a responsible person. This designation must be clearly understood by all group members in order to be effective. An individual, such as a foreman, may generally be designated to be responsible for his or her group, but if two groups are working together or roadway workers of different crafts are assisting one another, it is imperative that this formal designation be communicated to and understood by all affected employees.

To summarize the foregoing, when a second work group joins another work group within an existing working limits in a common task, it generally would not be necessary for the second work group to have a employee that has the qualification prescribed by §214.353. However, if the RWIC of the working limits (group A) calls upon someone from group B that is not engaged in a common task to provide on-track safety for their work group, they must have an employee with the qualification prescribed by §214.353.

Prior to the RWIC who controls the working limits (group A) permitting trains and other on-track equipment (OTE) into the limits, all effected workers must be notified. For example, if the RWIC holding the working limits (group A) directs a train or OTE to move into their limits he or she may ask group B to provide their own on-track safety in the form of train approach warning or flagman (if the work is to continue). If group B does not have a worker qualified to perform flagging or watchman/lookout duties then all workers must vacate the track. If an individual is qualified to act as the flagman or watchman/lookout and all workers determine during a “new” job briefing that one of these types of on-track safety is sufficient the group can continue to work.

It is also necessary to consider the scenario where an RWIC becomes unavailable or calls upon another individual to establish additional on-track safety such as train approach warning. Should a qualified RWIC not be available then the work group must vacate the track. In the event on-track safety conditions change, a new job briefing should be conducted before any worker continues to foul the track.

The forgoing example is based on working limits on controlled track under the provisions of exclusive track occupancy. Therefore, the RWIC of the working limits must direct all movements in accordance with §214.321(d):

Movements of trains and roadway maintenance machines within working limits established through exclusive track occupancy shall be made only under the direction of the roadway worker having control over the working limits. Such movements shall be restricted speed unless

a higher speed has been specifically authorized by the roadway worker in charge of the working limits.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-18

Subject: Roadway Worker Protection Technical Bulletin
Qualification of other than roadway workers providing on-track safety


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

A number of railroads utilize transportation employees, whose primary function is the movement and protection of trains, to provide on-track safety to contractors. These employees are not roadway workers but are sometimes directly involved with on-track safety in accordance with the roadway worker safety regulation. For example, conductors may provide on-track safety to contractors engaged by a railroad to perform work covered under the roadway worker protection regulation. The concern addressed in this technical bulletin deals with the frequency of training of individuals whose primary duty is not that of roadway worker. The pertinent section of the regulation that deals with such employees is 49 C.F.R. §214.343 (c) - Training and qualification, general:

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.

As indicated above, those railroad employees whose primary function is transportation, that is, the movement and protection of trains, will be directly involved with on-track safety as well. These employees would not necessarily be considered roadway workers in the rule. They **must**, of course, be capable of performing their functions correctly and safely. Accordingly, if a conductor is to provide on-track safety for a roadway work group, it is incumbent on that employee to have the capability to fulfill the obligations of a roadway worker who provides on-track safety, §214.353 (c). The regulation requires that the training and qualification for their primary function, under the railroad's program related to that function, will also include the means by which they will fulfill their responsibilities to

roadway workers for on-track safety. For instance, a train dispatcher would not be considered a roadway worker, but would have to be capable of applying the railroad's operating rules when establishing working limits for roadway workers.

Since the regulation does not specify the interval of such training, it can be less frequent than that of a roadway worker. A conductor who provides on-track safety for a roadway maintenance machine, or a contractor working on railroad property, would not be considered a roadway worker. That individual would receive periodic training on functions related to on-track safety as part of the training and qualification of a conductor and would need to be proficient on the elements stipulated under §214.353 (c).

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-19

Subject: Roadway Worker Protection Technical Bulletin
Contractor on-track safety training


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Often, contractors are engaged by railroads to conduct engineering type work. Accordingly, it is necessary to provide guidelines for contractors regarding on-track safety training and record keeping.

The roadway worker protection regulation indicates that the employer of roadway workers shall maintain records of employees who have been trained and qualified on the on-track safety rules of the railroad. Each record shall include the name of the employee, the type of qualification made, and the most recent date of qualification. The definition found under §214.7 describes an employer as:

“...a railroad, or a contractor to a railroad, that directly engages or compensates individuals to perform any of the duties defined in this part.”

The definition found under §214.7 describes an employee as:

“...an individual who is engaged or compensated by a railroad or by a contractor to a railroad to perform any of the duties defined in this part.”

Title 49 CFR 214, Subpart A establishes responsibility for compliance with all of Part 214 under §214.5, Responsibility for Compliance. Sec. 214.5 clearly references, among a host of other entities, “any independent contractor providing goods or services to a railroad.” As such, railroad contractors and their employees performing roadway worker functions are held to the identical standards and requirements as railroads and railroad employee roadway workers. The nature of the work is identical, the nature of the risks are identical, and therefore, the training, record keeping, monitoring and other provisions should also remain identical (§214.5).

The safety of railroad operations and the safety of those performing work regulated under Part 214 is contingent upon the uniform and consistent application of operating rules, safety rules, and regulatory requirements.

The regulation clearly states that all roadway workers will receive initial training. This training must be performed prior to the commencement of work. The regulation does not specify that this training must be performed in a classroom environment. This initial training could be performed at the job site *prior* to the worker fouling the track. This training must include at a minimum the five basic elements defined in §214.345. Any employee who is promoted from a “basic worker” to a higher form of roadway worker qualification must demonstrate proficiency or take the recorded examination before assuming such duties.

This bulletin is based on consultation with FRA’s Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-20

Subject: Roadway Worker Protection Technical Bulletin
Effective securing device/other instruments

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

The current definition of effective securing device under §214.7 does not prescribe what types of devices are acceptable. The section analysis provides some limited discussion with respect to spiking a switch but additional items such as the wedges in portable derails need to be discussed.

An effective securing device is intended to prevent a manually operated switch or derail from being operated causing a hazard to roadway workers present on certain non-controlled tracks. These devices include the use of special locks on switch and derail stands that will accommodate them, and switch point clamps that are properly secured. It also includes the use of a spike driven into the switch tie against the switch point firmly enough that it cannot be removed without proper tools, provided that the rules of the railroad prohibit the removal of the spike by employees not authorized to do so. Every effective securing device must be uniquely tagged.

The language in the regulation clearly shows that the Federal Railroad Administration (FRA) acknowledged that there were other securing devices in addition to locks that are acceptable to use, as long as they were vandal resistant, tamper resistant and are designed to be applied, secured, uniquely tagged and removed by the class, craft or group of employees for whom the protection is being provided. The preamble language specifically discussed locks, clamps and spikes when utilized as effective securing devices. Portable derails that are secured with wedges, would also be in compliance with the regulation, as long as the device is secure, vandal and tamper resistant, and can only be removed by the class, craft or group of employees for whom the protection is being provided.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

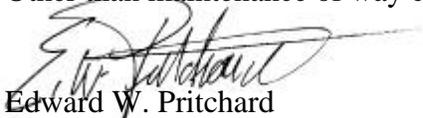
U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-21

Subject: Roadway Worker Protection Technical Bulletin
Other than maintenance of way crafts performing duties


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

There is an on-going question with respect to other crafts who may be performing peripheral activities similar to engineering activities. For example, a train crew/hostler cleaning a switch during a train movement or a mechanical employee performing light building maintenance in a shop under blue signal protection.

The definition of a "Roadway Worker" means any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section. The Advisory Committee determined that the term roadway worker was intended to describe employees who are covered and not to describe when this coverage begins and ends. 61 FR 65962.

The question arises whether an individual normally not assigned to conduct roadway worker activities, but occasionally engaging in such duties is subject to the rule. If the work to be performed is included within the definition of roadway worker, the employee performing such work must do so in compliance with the roadway worker regulation.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-22

Subject: Roadway Worker Protection Technical Bulletin
Exclusive track occupancy and emergencies

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Section 214.321 (d) - Exclusive Track Occupancy states: "Movements of trains and roadway maintenance machines within working limits established through exclusive track occupancy shall be made only under the direction of the roadway worker having control over the working limits. Such movements shall be restricted speed unless a higher speed has been specifically authorized by the roadway worker in charge of the working limits." To authorize movement of either trains and roadway maintenance machines within working limits without the permission of the roadway worker in charge (RWIC) would constitute a violation of this section.

Movements of trains and on-track equipment that are not under the direction of the RWIC within exclusive track occupancy limits, are not in compliance with section 214.321. However, the Federal Railroad Administration (FRA) recognizes that there may be times when the RWIC cannot be contacted for an extended period of time, due to emergency or unusual circumstances, and that in extraordinary circumstances trains must be authorized to move despite lack of permission from the RWIC. The present regulation does not address this irregular situation and thus, FRA's enforcement action under these circumstances will be determined on a case-by-case basis.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-23

Subject: Roadway Worker Protection Technical Bulletin
Retention of exclusive occupancy records by dispatcher


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Section 214.321(b) states in part, “An authority for exclusive track occupancy given to the roadway worker in charge (RWIC) 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.” The rule also states:

- (1) Where authority for exclusive track occupancy is transmitted orally, the authority shall be written as received by the RWIC and repeated to the issuing employee for verification.
- (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.

The Federal Railroad Administration (FRA) has reviewed whether the record under this provision must be retained for an extended period. Section 214.321(b)(2) requires the written or printed document only be maintained by the roadway worker in charge while the authority for the working limits is in effect.

With respect to the requirement of a dispatcher's written or electronic record, the Roadway Worker Protection regulation does not specify a required time for such records. Retention of dispatching records is governed by 49 C.F.R. Part 228.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-24

Subject: Roadway Worker Protection Technical Bulletin
Adjacent tracks and small unit of major work


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Section 214.335 (c) requires train approach warning on adjacent tracks that are not included within working limits. There is the question of the application of this paragraph in relation to one element of a large scale maintenance or construction crew that needs to work a distance away from the main group on the same track same authority but outside the adjacent track protection (e.g., a broom).

If one element [machine or person(s)] of a large scale maintenance or construction gang needs to work on track away from the adjacent track protection of the main group that element would require additional on-track safety for the adjacent track.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-25

Subject: Roadway Worker Protection Technical Bulletin
Revisions to on-track safety procedures and field manual


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Railroads issue changes to on-track safety programs by the use of bulletins and notices. The changes can be in effect for a considerable period of time before being incorporated into the on track safety field manual. How does the railroad comply with § 214.309 which requires that all rules and operating procedures be maintained in one manual, and that each roadway worker in charge and lone worker have a copy?

All changes to on-track safety procedures and rules governing track occupancy must be made a part of the on-track safety field manual and readily available to roadway workers, as soon as they are effective. These changes may be temporarily incorporated into the field manual, perhaps through incorporation of bulletins and general orders, and made readily available to all roadway workers. The Federal Railroad Administration (FRA) expects that any changes to the on-track safety program carried on bulletin or general orders would be permanently included in new printings of the field manual.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-26

Subject: Roadway Worker Protection Technical Bulletin
Shoving moves and whistle sounding

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

There is concern regarding the locomotive whistle sounding requirement during shoving moves. In addition, what is Federal Railroad Administration's enforcement position with respect to multiple unit (MU) passenger trains that do not have bells?

Sec. 214.339, audible warning from trains states:

Each railroad shall require that the locomotive whistle be sounded, and the locomotive bell be rung, by trains approaching roadway workers on or about the track. Such audible warning shall not substitute for on-track safety procedures prescribed in this part.

There are no exceptions to the requirement of affording roadway workers with an audible warning. It is incumbent on the railroad to determine how to provide the warning under all circumstances.

MU equipment without bells can't ring the bell. There is no requirement that MUs be equipped with bells. MU equipment not equipped with bells is in compliance with the rule when the horn is sounded.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

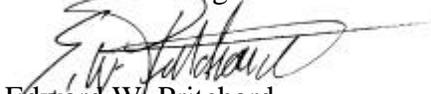
U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-27

Subject: Roadway Worker Protection Technical Bulletin
Whistle sounding and "on or about the track"


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Sec. 214.339 states that "Each railroad shall require that the locomotive whistle be sounded, and the locomotive bell be rung, by trains approaching roadway workers on or about the track. Such audible warning shall not substitute for on-track safety procedures prescribed in this part."

At what point is it necessary to sound a warning when roadway workers are not on the track occupied by the train? How many feet or number of tracks away must the workers be to excuse the engineer from sounding a warning?

Trains must provide an audible warning to any roadway worker near enough to the track to have the potential to foul the track prior to the arrival of the train. *When citing defects or violations for failure to give an audible warning, inspectors should be able to describe the relative position of the roadway workers with the approaching train, and why there was a potential to foul that track.*

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-28

Subject: Roadway Worker Protection Technical Bulletin
Portable radios and train approach warning

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Sec 214.7 Definitions:

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.

The use of a portable radio and/or cell phone as the sole communication for train approach warning can be dangerous. The Federal Railroad Administration (FRA) has determined that nothing prevents the use of a radio or cell phone as a supplement to the equipment issued to the watchman/lookout.

A radio and/or cell phone shall not be considered proper equipment to provide sole auditory warning by a Watchman/Lookout, in compliance with §214.329.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-29

Subject: Roadway Worker Protection Technical Bulletin
Controlled points vs. manual interlockings

From: 
Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

There continues to be questions as to what is a controlled point and what is a manual interlocking. The specific concerns are those locations that are controlled points, which is undefined in Sec. 214.7 (definitions). In addition, there have been inquiries as to a 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?

If an installation has been identified as a control point, individual train detection cannot be used. Sec. 214.337 (c) (3) is clear in not allowing the use of individual train detection at control points. Furthermore, since §214.7 does not define a control point or manual interlocking, this Technical Bulletin refers to §236.751 and §236.782 and adopts those definitions:

Sec. 236.751, Manual Interlocking - 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. 236.782, Controlled Point - a location where signals and/or other functions of a traffic control system are controlled from the control machine.

Regardless of whether an installation is a control point or a manual interlocking, individual train detection cannot be used as a form of protection at those locations. Also, individual train detection cannot be used on any track within those controlled point or manual interlocking limits, even if exclusive track occupancy been established on one of the tracks.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-30

Subject: Roadway Worker Protection Technical Bulletin
"Quiet" power tools


From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

Section §214.337 (c)(5) is explicitly clear that no power operated tools or roadway maintenance machines can be in use within the hearing range of lone worker using individual train detection. Accordingly, even though power tools can be made quiet so that they won't impair an individual's hearing ability, they still are defined as a power tool.

Power operated tools shall not be utilized by a lone worker using individual train detection. Although a "quiet" tool might not impair the hearing, the level of concentration required to operate such a device could have an impact on the individual's ability to detect approaching trains.

This bulletin is based on consultation with FRA's Office of Chief Counsel. Anyone desiring a formal legal interpretation on any issues discussed in this bulletin should contact that office.

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