



Federal Railroad Administration

September 22, 2004,
RSAC
Roadway Worker
Protection Regulation
General Discussion

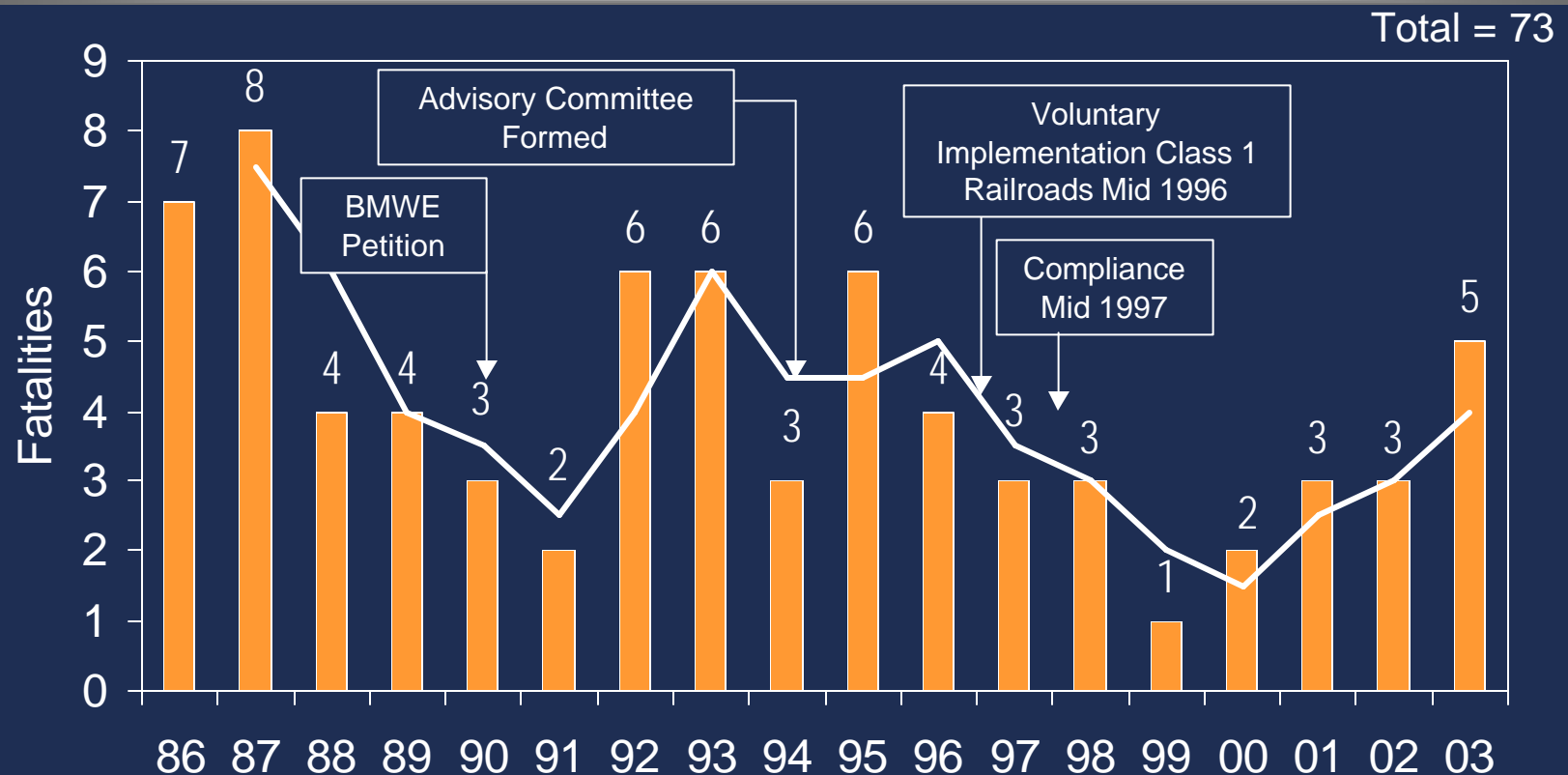
- Introduction
- Casualties
- Technical Bulletins
- Significant Issues
- Issue Tally
- Options

Introduction

This presentation is a brief overview of concerns regarding Part 214 Subpart C Roadway Worker Protection (RWP). Issues are raised throughout the Nation through compliance activities, FRA inspector training, and external customer inquiries. While the success of the RWP regulation is remarkable, this presentation demonstrates a large number of items that require attention.

Casualties

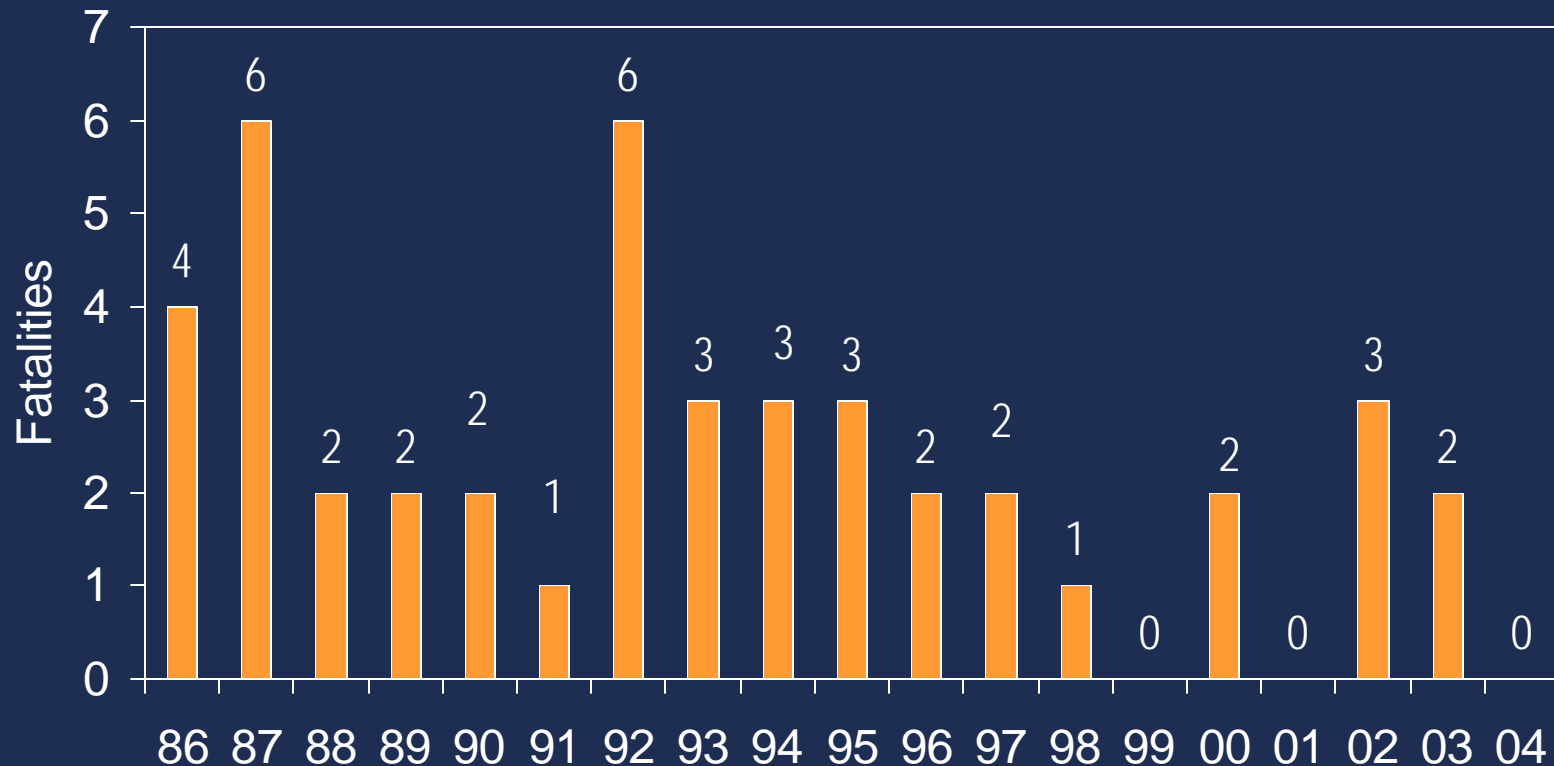
Roadway worker fatalities – Jan. to Dec.



Note – Fatalities are only those MW employees linked to the RWP regulation. Statistics do not include bridge worker fatalities, highway accident fatalities, death by natural cause, etc.

Casualties

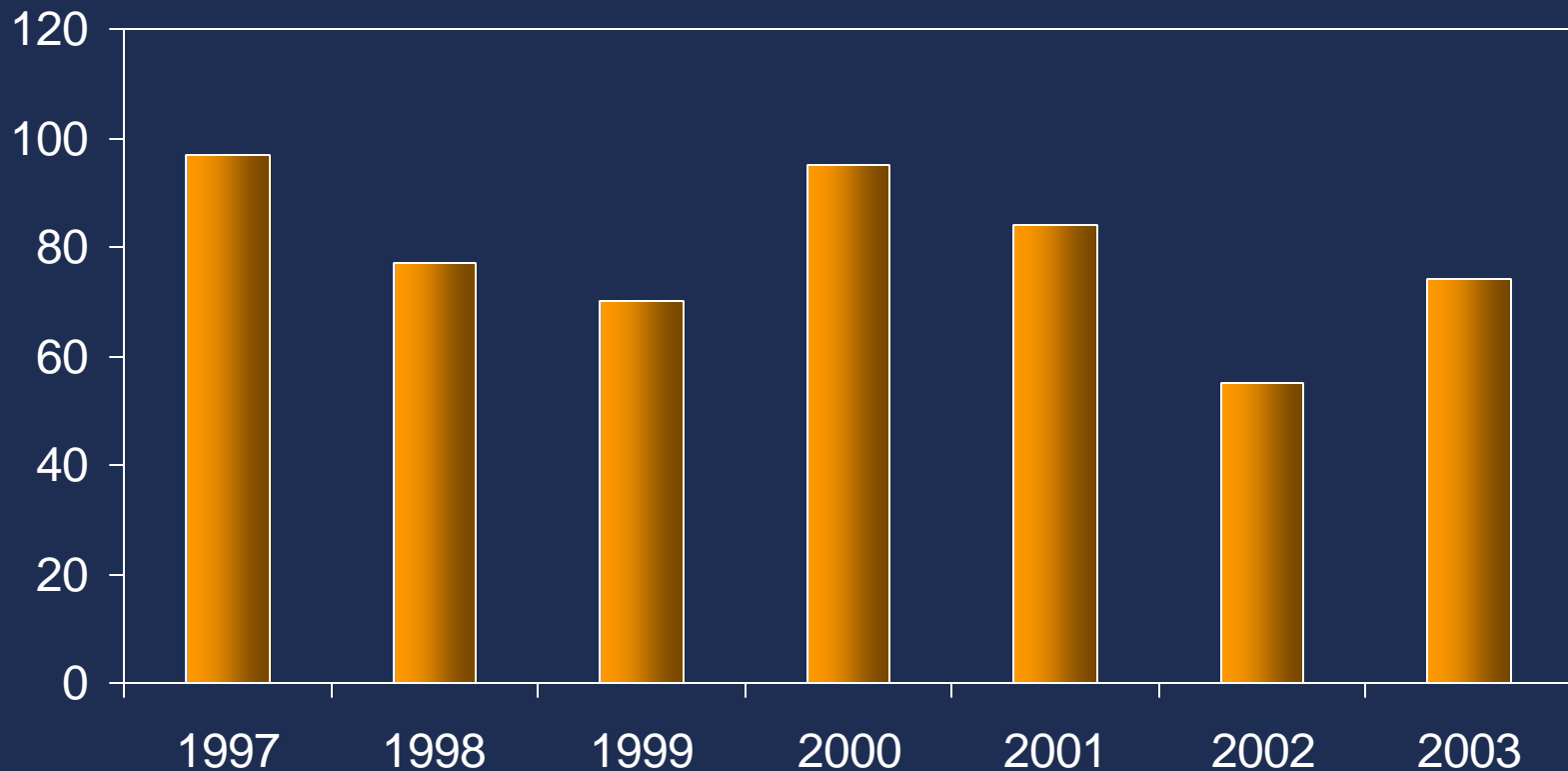
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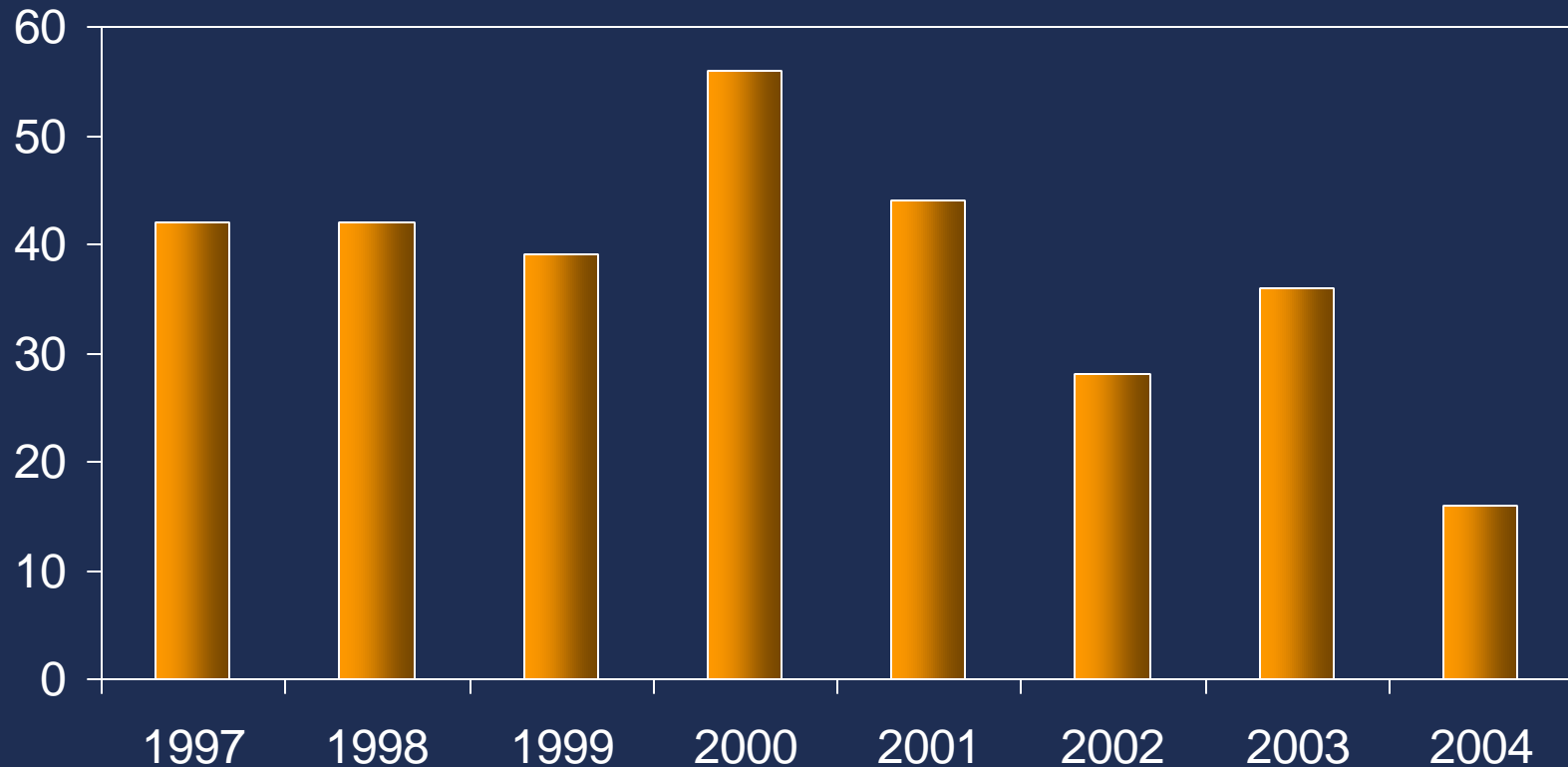
Casualties

MW severe injuries – Jan. to Dec.



Casualties

MW severe injuries – Jan. to June



RWP Technical Bulletins

TRC	TBs		Topic
	No.	Items	
None	9901	1	Working limits
1999	9902	5	Lone worker
	9903	1	RWP training for T&E employees
	9904	1	Good faith challenge
	9905	1	Identifiable location for exclusive occupancy
	9906	3	<i>Roadway worker in charge</i>
	9907	1	Audible warning from train for work over large area
	9908	1	Industrial track and RWP for railroad employees
	9909	1	Train approach warning and place of safety
	N/A	1	Passenger platforms and snow removal
	N/A	1	Tunnel niches
	N/A	1	Block register territory
	9	18	< 1999 Total

RWP Technical Bulletins

TRC	TBs * = pending		Topic
	No.	Items	
2004-1	0401 *	2	Foul time
	0402 *	1	<i>Occupancy behind trains</i>
	0403 *	1	Dual power switch locations/individual train detection
	0404 *	2	On-track safety documentation
	0405 *	1	On-track safety while establishing working limits
	0406 *	1	<i>Operation of certain equipment on non controlled track</i>
	0407 *	1	Obstructing track under train approach warning
	0408 *	1	<i>Audible warning from train and duration</i>
	0409 *	1	Annual training and periodic qualification
	0410 *	1	Roadway worker in charge – multiple groups
	0411 *	1	Other than roadway workers providing on-track safety
	0412 *	1	Contractor training
	12	14	< 2004-1 Total

RWP Technical Bulletins

TRC	TBs * = Pending		Topic
	No.	Items	
2004-2	0413 *	1	Effective securing device/other instruments
	0414 *	2	<i>Inaccessible track – train crew flagging & RMM encroachment</i>
	0415 *	1	<i>Other than MW crafts performing duties</i>
	0416 *	1	Speed restrictions and train approach warning/individual det.
	0417 *	1	<i>Exclusive track occupancy and emergencies</i>
	0418 *	1	Retention of exclusive occupancy records by dispatcher
	0419 *	2	<i>Securing unoccupied equipment within inaccessible limits</i>
	0420 *	1	Adjacent tracks and small unit of major work
	0421 *	1	Revisions to on-track safety procedures & field manual
	0422 *	1	Record of basic training
	0423 *	1	Shoving moves and whistle sounding

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RWP Technical Bulletins

(Continued)

TRC	TBs * = Pending		Topic
	No.	Items	
2004-2	0424 *	1	<i>Whistle sounding and “on or about the track”</i>
	0425 *	1	Portable radios and train approach warning
	0426 *	2	Controlled points vs. manual interlockings
	0427 *	1	Watchmen standing in tracks
	0428 *	1	“Quiet” power tools
	16	19	< 2004-2 Total

RWP Technical Bulletins

Grand Total		
TRC	No. TBs	Items
N/A	1	1 (1999)
1999	8	13
2004-1	12 Pending	14
2004-2	16 Pending	19
Total	37	47 includes 3 items no TB issued

Significant Issues

Other than roadway workers

There is an on-going question regarding other crafts that may be performing work similar to engineering activities (e.g., mechanical employee performing light building maintenance in a shop under blue signal).

Further discussions are required to develop detailed guidance.

TB = Technical Bulletin (*italic pending*)
MM = Master Matrix item
Sec. = Section No.

Sec. 301 MM 19 TB 0415

Significant Issues

MW Contracting

The regulation treats contractors and railroads as equals. This issue raised a significant concern and discussion among FRA inspectors who are encountering an increased number of railroad contractors on many carriers.

Further discussions are required to develop detailed guidance.

Sec. 301 MM 18 and Sec. 343 MM 99

Significant Issues

Movement of certain machines

Paragraph 214.301(c) provides for the movement of roadway maintenance machines.

The major issue is how snow blowers, weed sprayers, etc., can be operated over long distances of non-controlled track such as classification yards.

Significant Issues

Station platforms

Employees at station platforms who are clear of the track, but with hand tools, may be close to the fouling space (e.g., employees cleaning station platforms) is an on-going issue.

Extensive discussion on janitorial work and snow removal at passenger station platforms is recommended.

Significant Issues

Roadway worker at job site

The location of the roadway worker in charge at the job site needs to be discussed and clarified.

This is an on-going question from all stake holders. Highly recommend language similar to Sec. 213.11 for future.

Sec. 315 MM 31 TB 9906

Significant Issues

Tunnel niches

A rule change would be necessary to recognize tunnel niches (clearing bays). Tunnel niches have been used throughout the history of the industry without any known safety problems.

Language similar to 214.339 (equipment can be closer than four feet) is recommended.

Note – discussed at 1999 TRC, TB not issued.

Significant Issues

Exclusive occupancy and emergencies

Movements into and within exclusive track occupancy may only occur under the direction of the roadway worker in charge.

Discuss possible emergency clause procedure for future rule change.

Significant Issues

Occupy behind

Under exclusive track occupancy, it is necessary to address the common practice of an authority that instructs the roadway worker in charge to occupy the track behind a moving train.

This is a very significant issue as it could severely impact track inspections.

Significant Issues

At-will occupation of non-controlled track

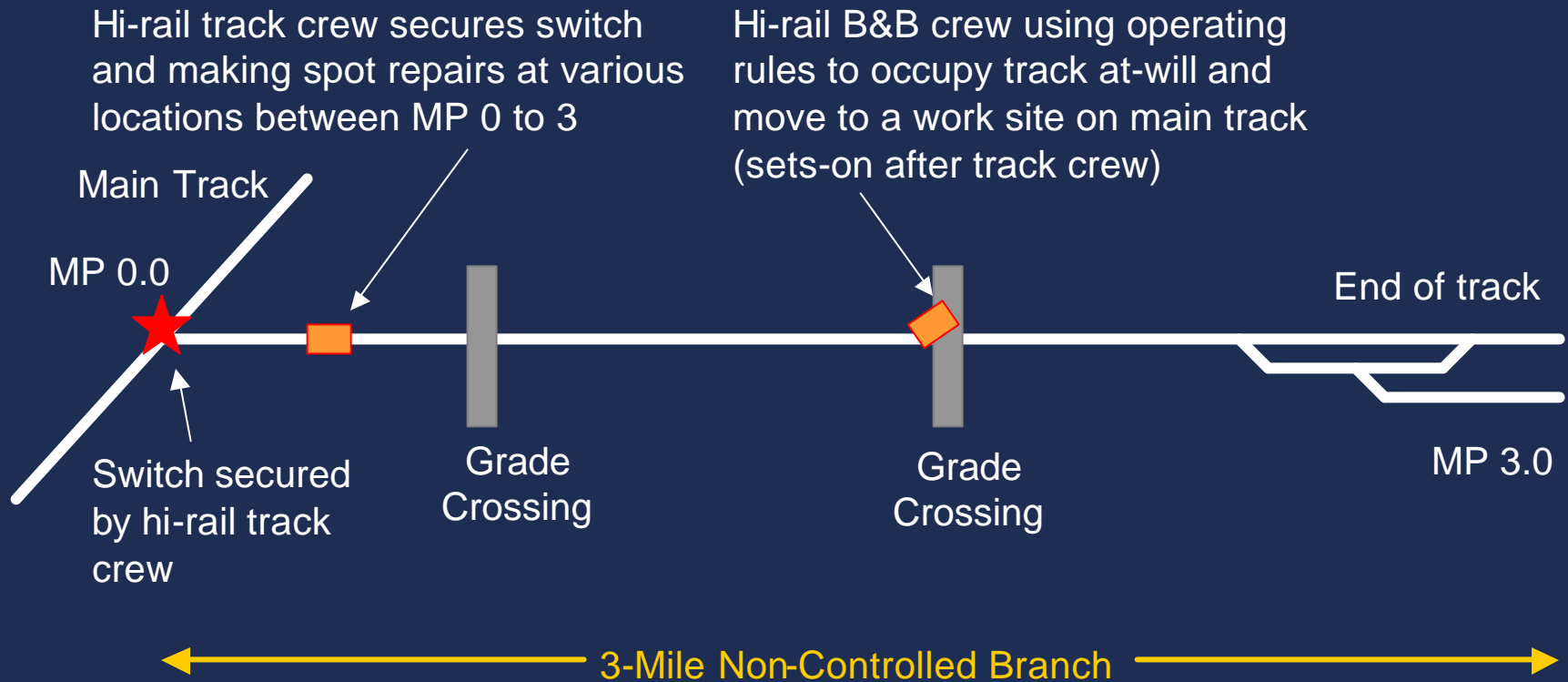
It is a typical practice for railroads to allow equipment to occupy non-controlled track “at will.” It would be unreasonable to expect a crew to place derails at every highway crossing on a three-mile industrial lead to perform work at various spots.

Further discussions are required to develop detailed guidance.

Sec. 327 MM 55 TB 0414

Significant Issues

At-will occupation of non-controlled track



Significant Issues

Securing equipment with inaccessible limits

“RWP tags” for non-occupied locomotives and the securing of rolling stock not coupled to trains within the limits within inaccessible track.

Further discussions are required to develop detailed guidance.

Significant Issues

Securing equipment with inaccessible limits

The side track is inaccessible and there is no permanent derail (RWP notwithstanding). Cars secured per operating rules with an upgrade to main.



Significant Issues

Remote control locomotives

Remote Control Locomotive environment needs to be considered:

- **Inaccessible track [Sec. 327 MM 60]**
- **Train approach warning [Sec. 329 MM 69]**
- **Audible warning from train [Sec. 339 MM 87]**

Significant Issues

Whistling

Sounding of engine whistle approaching roadway workers:

- **Duration of whistle [Sec. 339 MM 88 *TB 0408*]**
- **On or about the track [Sec. 339 MM 90 *TB 0424*]**

Issue Tally

- 37 technical bulletins (14 issued, 28 pending) that incorporate 47 items
- 12 “significant issues”
- A master matrix of 106 items (includes the above)
 - ✓ 14 “discussion items”
 - ✓ 47 items require rule change - a fluid number based on outcome of pending TBs
 - ✓ 7 potentially “new” TRC items

Options

1. Status quo
2. Open selected sections of the regulation to RSAC
3. Open the entire regulation to RSAC
4. Notice of Proposed Rulemaking

One casualty is too many, zero is the goal

