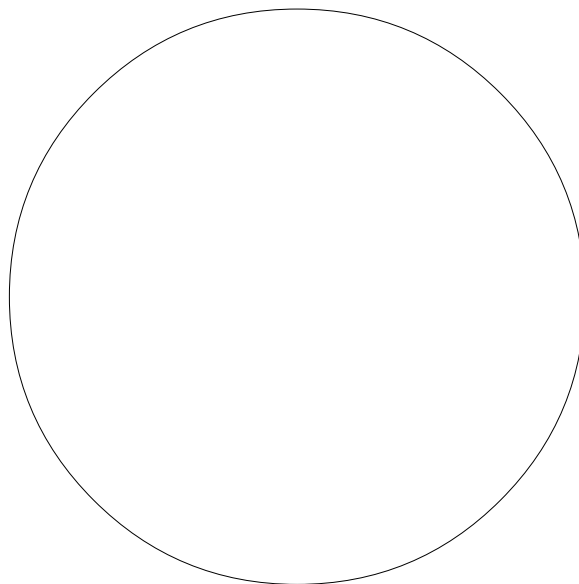


# **Federal Railroad Administration Roadway Worker Protection Regulations**



**Effective: January 15, 1997**

## THE FINAL RULE

In consideration of the foregoing, FRA amends Part 214, Title 49, Code of Federal Regulations as follows:

### PART 214—[AMENDED]

1. Revise the authority citation for Part 214 to read as follows:

**Authority:** 49 U.S.C. Chs. 210-213; 49 CFR 1.49.

2. Add Sec. 214.4 to read as follows:

#### **Sec. 214.4 Preemptive effect.**

Under 49 U.S.C. 20106 (formerly section 205 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434)), issuance of the regulations in this part preempts any State law, rule, regulation, order, or standard covering the same subject matter, except a provision directed at an essentially local safety hazard that is not incompatible with this part and that does not unreasonably burden on interstate commerce.

3. Amend Sec. 214.7 by removing the paragraph designations for each definition, removing the definition for Railroad employee or employee, and adding new definitions in alphabetical order to read as follows:

#### **Sec. 214.7 Definitions**

**Adjacent tracks** mean two or more tracks with track centers spaced less than 25 feet apart. Class I, Class II, and Class III have the meaning assigned by, Title 49 Code of Federal Regulations part 1201, General Instructions 1-1.

**Control operator** means the railroad employee in charge of a remotely controlled switch or derail, an interlocking, or a controlled point, or a segment of controlled track. 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.

**Definite train location** means a system for establishing on-track safety by providing roadway workers with information about the earliest possible time that approaching trains may pass specific locations as prescribed in Sec. 214.331 of this part.

**Effective securing device** when used in relation to a manually operated switch or derail means one which is:

(a) Vandal resistant;

(b) Tamper resistant; and

(c) Designed to be applied, secured, uniquely tagged and removed only by the class, craft or group of employees for whom the protection is being provided.

**Employee** means 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.

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

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

**Flagman** when used in relation to roadway worker safety means an employee designated by the railroad to direct or restrict the movement of trains past a point on a track to provide on-track safety for roadway workers, while engaged solely in performing that function.

**Foul time** is a method of establishing working limits on controlled track in which a roadway worker is notified by the train dispatcher or control operator that no trains will operate within a specific segment of controlled track until the roadway worker reports clear of the track, as prescribed in Sec. 214.323 of this part.

**Fouling a track** means the placement of an individual or an item of equipment in such proximity to a track that the individual or equipment could be struck by a moving train or on-track equipment, or in any case is within four feet of the field side of the near running rail.

**Inaccessible track** means a method of establishing working limits on non-controlled track by physically pre-

venting entry and movement of trains and equipment.

**Individual train detection** 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.

**Informational line-up of trains** means information provided in a prescribed format to a roadway worker by the train dispatcher regarding movements of trains authorized or expected on a specific segment of track during a specific period of time.

**Lone worker** means an individual roadway worker who is not being afforded on-track safety by another roadway worker, who is not a member of a roadway work group, and who is not engaged in a common task with another roadway worker.

**Non-controlled track** means track upon which trains are permitted by railroad rule or special instruction to move without receiving authorization from a train dispatcher or control operator.

**On-track safety** means 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.

**Qualified** means a status attained by an employee who has successfully completed any required training for, has demonstrated proficiency in, and has been authorized by the employer to perform the duties of a particular position or function.

**Railroad bridge worker or bridge worker** means any employee of, or employee of a contractor of, a railroad owning or responsible for the construction, inspection, testing, or maintenance of a bridge whose assigned duties, if performed on the bridge, include inspection, testing, maintenance, repair, construction, or reconstruction of the track, bridge structural members, operating mechanisms and water traffic control systems, or signal, communication, or train control systems integral to that bridge.

**Restricted speed** means a speed that will permit a train or other equipment to stop within one-half the range of vision of the person operating the train or other equipment, but not exceeding 20 miles per hour, unless further restricted by the operating rules of the railroad.

**Roadway maintenance machine** means a device powered by any means of energy other than hand power which is being used on or near railroad track for maintenance, repair, construction or inspection of track, bridges, roadway, signal, communications, or electric traction systems. Roadway maintenance machines may have road or rail wheels or may be stationary.

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

**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.

**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.

**Train coordination** means a method of establishing working limits on track upon which a train holds exclusive authority to move whereby the crew of that train yields that authority to a roadway worker.

**Train dispatcher** means the railroad employee assigned to control and issue orders governing the movement of trains on a specific segment of railroad track in accordance with the operating rules of the railroad that apply to that segment of track.

**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.

**Working limits** 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.

4. Add subpart C to read as follows:

## **Subpart C—Roadway Worker Protection**

### **Section**

- 214.301 Purpose and scope.
- 214.302 Information and collection requirements.
- 214.303 Railroad on-track safety programs, generally.
- 214.305 Compliance dates.
- 214.307 Review and approval of individual on-track safety programs by FRA.
- 214.309 On-track safety program documents.
- 214.311 Responsibility of employers.
- 214.313 Responsibility of individual roadway workers.
- 214.315 Supervision and communication.
- 214.317 On-track safety procedures, generally.
- 214.319 Working limits, generally.
- 214.321 Exclusive track occupancy.
- 214.323 Foul time.
- 214.325 Train coordination.
- 214.327 Inaccessible track.
- 214.329 Train approach warning provided by watchmen/lookouts.
- 214.331 Definite train location.
- 214.333 Information line-ups of trains.
- 214.335 On-track safety procedures for roadway work groups.
- 214.337 On-track safety procedures for lone workers.
- 214.339 Audible warning from trains.
- 214.341 Roadway maintenance machines.
- 214.343 Training and qualification, general.
- 214.345 Training for all roadway workers.
- 214.347 Training and qualification for lone workers.
- 214.349 Training and qualification of watchmen/lookouts.
- 214.351 Training and qualification of flagmen.
- 214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups.
- 214.355 Training and qualification in on-track safety for operators of roadway maintenance machines.

## **Subpart C—Roadway Worker Protection**

### **Sec. 214.301 Purpose and scope.**

(a) The purpose of this subpart is to prevent accidents and casualties caused by moving railroad cars, locomotives or roadway maintenance machines striking roadway workers or roadway maintenance machines.

(b) This subpart prescribes minimum safety standards for roadway workers. Each railroad and railroad contractor may prescribe additional or more stringent operating rules, safety rules, and other special instructions that are consistent with this subpart.

(c) This subpart prescribes safety standards related to the movement of roadway maintenance machines where such movements affect the safety of roadway workers. This subpart does not otherwise affect movements of roadway maintenance machines that are conducted under the authority of a train dispatcher, a control operator, or the operating rules of the railroad.

### **Sec. 214.302 Information and collection requirements.**

(a) The information collection requirements of this part were reviewed by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13, Sec. 2, 109 Stat.163 (1995) (codified as revised at 44 U.S.C. Secs. 3501-3520), and are assigned OMB control number 2130-0539. FRA may not

conduct or sponsor and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

(b) The information collection requirements are found in the following sections: Secs. 214.303, 214.307, 214.309, 214.311, 214.313, 214.315, 214.319, 214.321, 214.323, 214.325, 214.327, 214.329, 214.331, 214.335, 214.341.

**Sec. 214.303 Railroad on-track safety programs, generally.**

(a) Each railroad to which this part applies shall adopt and implement a program that will afford on-track safety to all roadway workers whose duties are performed on that railroad. Each such program shall provide for the levels of protection specified in this subpart.

(b) Each on-track safety program adopted to comply with this part shall include procedures to be used by each railroad for monitoring effectiveness of and compliance with the program.

**Sec. 214.305 Compliance dates.**

Each program adopted by a railroad shall comply not later than the date specified in the following schedule:

(a) For each Class I railroad (including National Railroad Passenger Corporation) and each railroad providing commuter service in a metropolitan or suburban area, March 15, 1997.

(b) For each Class II railroad, April 15, 1997.

(c) For each Class III railroad, switching and terminal railroad, and any railroad not otherwise classified, May 15, 1997.

(d) For each railroad commencing operations after the pertinent date specified in this section, the date on which operations commence.

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

(a) Each railroad shall notify, in writing, the Associate Administrator for Safety, Federal Railroad Administration, RRS-15, 400 Seventh Street SW, Washington, DC 20590, not less than one month before its on-track safety program becomes effective. The notification shall include the effective date of the program, the address of the office at which the program documents are available for review and photocopying by representatives of the Federal Railroad Administrator, and the name, title, address and telephone number of the primary person to be contacted with regard to review of the program. This notification procedure shall also apply to subsequent changes to a railroad's on-track safety program.

(b) After receipt of the notification from the railroad, the Federal Railroad Administration will conduct a formal review of the on-track safety program. The Federal Railroad Administration will notify the primary railroad contact person of the results of the review, in writing, whether the on-track safety program or changes to the program have been approved by the Administrator, and if not approved, the specific points in which the program or changes are deficient. (c) A railroad's on-track safety program will take effect by the established compliance dates in Sec. 214.305, without regard to the date of review or approval by the Federal Railroad Administration. Changes to a railroad's program will take effect on dates established by each railroad without regard to the date of review and approval by the Federal Railroad Administration.

**Sec. 214.309 On-track safety program documents.**

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

**Sec. 214.311 Responsibility of employers.**

(a) Each employer is responsible for the understanding and compliance by its employees with its rules and the requirements of this part.

(b) 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 location comply with the rules of the operating railroad, and to remain clear of the track until the challenge is resolved.

(c) Each employer shall have in place a written procedure to achieve prompt and equitable resolution of challenges made in accordance with Secs. 214.311(b) and 214.313(d).

**Sec. 214.313 Responsibility of individual roadway workers.**

(a) Each roadway worker is responsible for following the on-track safety rules of the railroad upon which the roadway worker is located.

(b) A roadway worker shall not foul a track except when necessary for the performance of duty.

(c) Each roadway worker is responsible to ascertain that on-track safety is being provided before fouling a track.

(d) Each roadway worker may refuse any directive to violate an on-track safety rule, and shall inform the employer in accordance with Sec. 214.311 whenever the roadway worker makes a good faith determination that on-track safety provisions to be applied at the job location do not comply with the rules of the operating railroad.

**Sec. 214.315 Supervision and communication.**

(a) When an employer assigns duties to a roadway worker that call for that employee to foul a track, the employer shall provide the employee with a job briefing that includes information on the means by which on-track safety is to be provided, and instruction on the on-track safety procedures to be followed.

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

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

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

(e) 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.

**Sec. 214.317 On-track safety procedures, generally.**

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

**Sec. 214.319 Working limits, generally.**

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

(a) Only a roadway worker who is qualified in accordance with Sec. 214.353 of this part shall establish or have control over working limits for the purpose of establishing on-track safety.

(b) Only one roadway worker shall have control over working limits on any one segment of track.

(c) All affected roadway workers shall be notified before working limits are released for the operation of trains. Working limits shall not be released until all affected roadway workers have either left the track or have been afforded on-track safety through train approach warning in accordance with Sec. 214.329 of this subpart.

### **Sec. 214.321 Exclusive track occupancy.**

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

(a) The track within working limits shall be placed under the control of one roadway worker by either:

(1) Authority issued to the roadway worker in charge by the train dispatcher or control operator who controls train movements on that track,

(2) Flagmen stationed at each entrance to the track within working limits and instructed by the roadway worker in charge to permit the movement of trains and equipment into the working limits only as permitted by the roadway worker in charge, or

(3) The roadway worker in charge causing fixed signals at each entrance to the working limits to display an aspect indicating "Stop."

(b) An authority for exclusive track occupancy given to the roadway worker in charge of the working limits shall be transmitted on a written or printed document directly, by relay through a designated employee, in a data transmission, or by oral communication, to the roadway worker by the train dispatcher or control operator in charge of the track.

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

(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.

(c) The extent of working limits established through exclusive track occupancy shall be defined by one of the following physical features clearly identifiable to a locomotive engineer or other person operating a train or railroad equipment:

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

(2) A fixed signal that displays an aspect indicating "Stop";

(3) A station shown in the time-table, and identified by name with a sign, beyond which train movement is prohibited by train movement authority or the provisions of a direct train control system.

(4) A clearly identifiable milepost sign beyond which train movement is prohibited by train movement authority or the provisions of a direct train control system; or

(5) A clearly identifiable physical location prescribed by the operating rules of the railroad that trains may not pass without proper authority.

(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.

### **Sec. 214.323 Foul time.**

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

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

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

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

### **Sec. 214.325 Train coordination.**

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

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

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

- (1) The train is visible to the roadway worker who is establishing the working limits,
- (2) The train is stopped,
- (3) Further movements of the train will be made only as permitted by the roadway worker in charge of the working limits while the working limits remain in effect, and
- (4) The crew of the train will not give up its exclusive authority to move until the working limits have been released to the train crew by the roadway worker in charge of the working limits.

### **Sec. 214.327 Inaccessible track.**

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

- (1) A flagman with instructions and capability to hold all trains and equipment clear of the working limits;
- (2) A switch or derail aligned to prevent access to the working limits and secured with an effective securing device by the roadway worker in charge of the working limits;
- (3) A discontinuity in the rail that precludes passage of trains or engines into the working limits;
- (4) Working limits on controlled track that connects directly with the inaccessible track, established by the roadway worker in charge of the working limits on the inaccessible track; or
- (5) A remotely controlled switch aligned to prevent access to the working limits and secured by the control operator of such remotely controlled switch by application of a locking or blocking device to the control of that switch, when:
  - (i) The control operator has secured the remotely controlled switch by applying a locking or blocking device to the control of the switch, and
  - (ii) The control operator has notified the roadway worker who has established the working limits that the requested protection has been provided, and
  - (iii) The control operator is not permitted to remove the locking or blocking device from the control of the switch until receiving permission to do so from the roadway worker who established the working limits.

(b) Trains and roadway maintenance machines within working limits established by means of inaccessible track shall move only under the direction of the roadway worker in charge of the working limits, and shall move at restricted speed.

(c) No operable locomotives or other items of on-track equipment, except those present or moving under the direction of the roadway worker in charge of the working limits, shall be located within working limits established by means of inaccessible track.

#### **Sec. 214.329 Train approach warning provided by watchmen/lookouts.**

Roadway workers in a roadway work group who foul any track outside of working limits shall be given warning of approaching trains by one or more watchmen/lookouts in accordance with the following provisions:

(a) Train approach warning shall be given in sufficient time to enable each roadway worker to move to and occupy a previously arranged place of safety not less than 15 seconds before a train moving at the maximum speed authorized on that track can pass the location of the roadway worker.

(b) Watchmen/lookouts assigned to provide train approach warning shall devote full attention to detecting the approach of trains and communicating a warning thereof, and shall not be assigned any other duties while functioning as watchmen/lookouts.

(c) The means used by a watchman/lookout to communicate a train approach warning shall be distinctive and shall clearly signify to all recipients of the warning that a train or other on-track equipment is approaching.

(d) Every roadway worker who depends upon train approach warning for on-track safety shall maintain a position that will enable him or her to receive a train approach warning communicated by a watchman/lookout at any time while on-track safety is provided by train approach warning.

(e) Watchmen/lookouts shall communicate train approach warnings by a means that does not require a warned employee to be looking in any particular direction at the time of the warning, and that can be detected by the warned employee regardless of noise or distraction of work.

(f) Every roadway worker who is assigned the duties of a watchman/lookout shall first be trained, qualified and designated in writing by the employer to do so in accordance with the provisions of Sec. 214.349.

(g) Every watchman/lookout shall be provided by the employer with the equipment necessary for compliance with the on-track safety duties which the watchman/lookout will perform.

#### **Sec. 214.331 Definite train location.**

A roadway worker may establish on-track safety by using definite train location only where permitted by and in accordance with the following provisions:

(a) A Class I railroad or a commuter railroad may only use definite train location to establish on-track safety at points where such procedures were in use on January 15, 1997.

(b) Each Class I or commuter railroad shall include in its on-track safety program for approval by FRA in accordance with Sec. 214.307 of this part a schedule for phase-out of the use of definite train location to establish on-track safety.

(c) A railroad other than a Class I or commuter railroad may use definite train location to establish on-track safety on subdivisions only where:

(1) Such procedures were in use on January 15, 1997, or (2) The number of trains operated on the subdivision does not exceed:

(i) Three during any nine-hour period in which roadway workers are on duty, and

(ii) Four during any twelve-hour period in which roadway workers are on duty.

(d) Definite train location shall only be used to establish on-track safety according to the following provisions:

(1) Definite train location information shall be issued only by the one train dispatcher who is designated to authorize train movements over the track for which the information is provided.

(2) A definite train location list shall indicate all trains to be operated on the track for which the list is provided, during the time for which the list is effective.

(3) Trains not shown on the definite train location list shall not be operated on the track for which the list is provided, during the time for which the list is effective, until each roadway

worker to whom the list has been issued has been notified of the train movement, has acknowledged the notification to the train dispatcher, and has canceled the list. A list thus canceled shall then be invalid for on-track safety.

(4) Definite train location shall not be used to establish on-track safety within the limits of a manual interlocking, or on track over which train movements are governed by a Traffic Control System or by a Manual Block System.

(5) Roadway workers using definite train location for on-track safety shall not foul a track within ten minutes before the earliest time that a train is due to depart the last station at which time is shown in approach to the roadway worker's location nor until that train has passed the location of the roadway worker.

(6) A railroad shall not permit a train to depart a location designated in a definite train location list before the time shown therein.

(7) Each roadway worker who uses definite train location to establish on-track safety must be qualified on the relevant physical characteristics of the territory for which the train location information is provided.

### **Sec. 214.333 Informational line-ups of trains.**

(a) A railroad is permitted to include informational line-ups of trains in its on-track safety program for use only on subdivisions of that railroad upon which such procedure was in effect on March 14, 1996.

(b) Each procedure for the use of informational line-ups of trains found in an on-track safety program shall include all provisions necessary to protect roadway workers using the procedure against being struck by trains or other on-track equipment.

(c) Each on-track safety program that provides for the use of informational line-ups shall include a schedule for discontinuance of the procedure by a definite date.

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

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

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

(c) Roadway work groups engaged in large-scale maintenance or construction shall be provided with train approach warning in accordance with Sec. 214.327 for movements on adjacent tracks that are not included within working limits.

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

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

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

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

- (1) By a lone worker who has been trained, qualified, and designated to do so by the employer in accordance with Sec. 214.347 of this subpart;
- (2) While performing routine inspection and minor correction work;
- (3) On track outside the limits of a manual interlocking, a controlled point, or a remotely controlled hump yard facility;

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

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

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

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

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

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

#### **Sec. 214.339 Audible warning from trains.**

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.

#### **Sec. 214.341 Roadway maintenance machines.**

(a) Each employer shall include in its on-track safety program specific provisions for the safety of roadway workers who operate or work near roadway maintenance machines. Those provisions shall address:

(1) Training and qualification of operators of roadway maintenance machines.

(2) Establishment and issuance of safety procedures both for general application and for specific types of machines.

(3) Communication between machine operators and roadway workers assigned to work near or on roadway maintenance machines.

(4) Spacing between machines to prevent collisions.

(5) Space between machines and roadway workers to prevent personal injury.

(6) Maximum working and travel speeds for machines dependent upon weather, visibility, and stopping capabilities.

(b) Instructions for the safe operation of each roadway machine shall be provided and maintained with each machine large enough to carry the instruction document.

(1) No roadway worker shall operate a roadway maintenance machine without having been trained in accordance with Sec. 214.355.

(2) No roadway worker shall operate a roadway maintenance machine without having complete knowledge of the safety instructions applicable to that machine.

(3) No employer shall assign roadway workers to work near roadway machines unless the roadway worker has been informed of the safety procedures applicable to persons working near the roadway machines and has acknowledged full understanding.

(c) Components of roadway maintenance machines shall be kept clear of trains passing on adjacent tracks. Where operating conditions permit roadway maintenance machines to be less than four feet from the rail of an

adjacent track, the on-track safety program of the railroad shall include the procedural instructions necessary to provide adequate clearance between the machine and passing trains.

**Sec. 214.343 Training and qualification, general.**

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

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

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

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

**Sec. 214.345 Training for all roadway workers.**

The training of all roadway workers shall include, as a minimum, the following:

(a) Recognition of railroad tracks and understanding of the space around them within which on-track safety is required.

(b) The functions and responsibilities of various persons involved with on-track safety procedures.

(c) Proper compliance with on-track safety instructions given by persons performing or responsible for on-track safety functions.

(d) Signals given by watchmen/lookouts, and the proper procedures upon receiving a train approach warning from a lookout.

(e) The hazards associated with working on or near railroad tracks, including review of on-track safety rules and procedures.

**Sec. 214.347 Training and qualification for lone workers.**

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

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

(1) Detection of approaching trains and prompt movement to a place of safety upon their approach.

(2) Determination of the distance along the track at which trains must be visible in order to provide the prescribed warning time.

(3) Rules and procedures prescribed by the railroad for individual train detection, establishment of working limits, and definite train location.

(4) On-track safety procedures to be used in the territory on which the employee is to be qualified and permitted to work alone.

(b) Initial and periodic qualification of a lone worker shall be evidenced by demonstrated proficiency.

**Sec. 214.349 Training and qualification of watchmen/lookouts.**

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

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

(b) Initial and periodic qualification of a watchman/lookout shall be evidenced by demonstrated proficiency.

**Sec. 214.351 Training and qualification of flagmen.**

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

(b) Initial and periodic qualification of a flagman shall be evidenced by demonstrated proficiency.

**Sec. 214.353 Training and qualification of roadway workers who provide on-track safety for roadway work groups.**

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

- (1) All the on-track safety training and qualification required of the roadway workers to be supervised and protected.
- (2) The content and application of the operating rules of the railroad pertaining to the establishment of working limits.
- (3) The content and application of the rules of the railroad pertaining to the establishment or train approach warning.
- (4) The relevant physical characteristics of the territory of the railroad upon which the roadway worker is qualified.

(b) Initial and periodic qualification of a roadway worker to provide on track safety for groups shall be evidenced by a recorded examination.

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

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

- (1) Procedures to prevent a person from being struck by the machine when the machine is in motion or operation.
- (2) Procedures to prevent any part of the machine from being struck by a train or other equipment on another track.
- (3) Procedures to provide for stopping the machine short of other machines or obstructions on the track.
- (4) Methods to determine safe operating procedures for each machine that the operator is expected to operate.

(b) Initial and periodic qualification of a roadway worker to operate roadway maintenance machines shall be

evidenced by demonstrated proficiency.

**Appendix A to Part 214 [Amended]**

5. Amend Appendix A to Part 214 by adding the provisions of this subpart C into the table as set forth below.

**Appendix A to Part 214—SCHEDULE OF CIVIL PENALTIES**

Section	Violation	Willful
<b>Subpart C— Roadway Worker Protection Rule</b>		
214.303 Railroad on-track safety programs, generally:		
(a) Failure of a railroad to implement an On-track Safety Program	10,000	20,000
(b) On-track Safety Program of a railroad includes no internal monitoring procedure		5,000
10,000		
214.305 Compliance Dates:		
Failure of a railroad to comply by the specified dates	5,000	10,000
214.307 Review and approval of individual on-track safety programs by FRA:		
(a)(i) Failure to notify FRA of adoption of On-track Safety Program	1,000	5,000
(ii) Failure to designate primary person to contact for program review	1,000	2,000
214.309 On-track safety program documents:		
(1) On-track Safety Manual not provided to prescribed employees	2,000	5,000
(2) On-track Safety Program documents issued in fragments		2,000
5,000		
214.311 Responsibility of employers:		
(b) Roadway worker required by employer to foul a track during an unresolved challenge	5,000	10,000
(c) Roadway workers not provided with written procedure to resolve challenges of on-track safety procedures	5,000	10,000
214.313 Responsibility of individual roadway workers:		
(b) Roadway worker fouling a track when not necessary in the performance of duty.		
1,000		
(c) Roadway worker fouling a track without ascertaining that provision is made for on-track safety		1,500
(d) Roadway worker failing to notify employer of determination of improper on-track safety provisions		3,000
214.315 Supervision and communication:		
(a) Failure of employer to provide job briefing	2,000	10,000
(b) Incomplete job briefing.....	2,000	5,000
(c)(i) Failure to designate roadway worker in charge of roadway work group.	2,000	5,000
(c)(ii) Designation of more than one roadway worker in charge of one roadway work group	1,000	2,000
(c)(iii) Designation of non-qualified roadway worker in charge of roadway work group	3,000	6,000
(d)(i) Failure to notify roadway workers of on-track safety procedures in effect.	3,000	6,000
(d)(ii) Incorrect information provided to roadway workers regarding on-track safety procedures in effect		3,000
6,000		
(d)(iii) Failure to notify roadway workers of change in on-track safety procedures	3,000	6,000
(e)(i) Failure of lone worker to communicate with designated employee for daily job briefing		
1,500		
(e)(ii) Failure of employer to provide means for lone worker to receive daily job briefing	3,000	6,000
214.317 On-track safety procedures, generally:		
On-track safety rules conflict with this part	5,000	10,000
214.319 Working limits, generally:		
(a) Non-qualified roadway worker in charge of working limits	5,000	10,000

Section	Violation	Willful
(b) More than one roadway worker in charge of working limits on the same track segment	2,000	5,000
(c)(1) Working limits released without notifying all affected roadway workers	5,000	10,000
(c)(2) Working limits released before all affected roadway workers are otherwise protected		5,000
10,000		
214.321 Exclusive track occupancy:		
(b) Improper transmission of authority for exclusive track occupancy	2,000	5,000
<b>Appendix A to Part 214—SCHEDULE OF CIVIL PENALTIES</b>		
(b)(1) Failure to repeat authority for exclusive track occupancy to issuing employee		1,500
(b)(2) Failure to retain possession of written authority for exclusive track occupancy		1,000
(b)(3) Failure to record authority for exclusive track occupancy when issued		
2,000		
(c) Limits of exclusive track occupancy not identified by proper physical features	2,000	4,000
(d)(1) Movement authorized into limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(d)(2) Movement authorized within limits of exclusive track occupancy without authority of roadway worker in charge	5,000	10,000
(d)(3) Movement within limits of exclusive track occupancy exceeding restricted speed without authority of roadway worker in charge	5,000	10,000
214.323 Foul time:		
(a) Foul time authority overlapping movement authority of train or equipment.	5,000	10,000
(b) Failure to repeat foul time authority to issuing employee		1,500
214.325 Train coordination:		
(a) Train coordination limits established where more than one train is authorized to operate	1,500	4,000
(b)(1) Train coordination established with train not visible to roadway worker at the time		1,500
(b)(2) Train coordination established with moving train		1,500
(b)(3) Coordinated train moving without authority of roadway worker in charge	2,000	5,000
(b)(4) Coordinated train releasing movement authority while working limits are in effect	3,000	6,000
214.327 Inaccessible track:		
(a) Improper control of entry to inaccessible track	3,000	6,000
(a)(5) Remotely controlled switch not properly secured by control operator	3,000	6,000
(b) Train or equipment moving within inaccessible track limits without permission of roadway worker in charge	3,000	6,000
(c) Unauthorized train or equipment located within inaccessible track limits.	2,000	5,000
214.329 Train approach warning provided by watchmen/lookouts:		
(a) Failure to give timely warning of approaching train		5,000
(b)(1) Failure of watchman/lookout to give full attention to detecting approach of train		3,000
(b)(2) Assignment of other duties to watchman/lookout	3,000	5,000
(c) Failure to provide proper warning signal devices	2,000	5,000
(d) Failure to maintain position to receive train approach warning signal		2,000
(e) Failure to communicate proper warning signal	1,500	3,000
(f)(1) Assignment of non-qualified person as watchman/lookout	3,000	5,000
(f)(2) Non-qualified person accepting assignment as watchman/lookout		1,500
(g) Failure to properly equip a watchman/lookout	2,000	4,000
214.331 Definite train location:		
(a) Definite train location established where prohibited	3,000	5,000

Section	Violation	Willful
(b) Failure to phase out definite train location by required date	3,000	5,000
(d)(1) Train location information issued by unauthorized person	2,000	5,000
(d)(2) Failure to include all trains operated on train location list	3,000	5,000
(d)(5) Failure to clear a by ten minutes at the last station at which time is shown		2,000
(d)(6) Train passing station before time shown in train location list	3,000	5,000
(d)(7) Non-qualified person using definite train location to establish on-track safety	2,000	3,000
214.333 Informational line-ups of trains:		
(a) Informational line-ups of trains used for on-track safety where prohibited	3,000	5,000
(b) Informational line-up procedures inadequate to protect roadway workers		5,000
10,000		
(c) Failure to discontinue informational line-ups by required date	5,000	10,000
214.335 On-track safety procedures for roadway work groups :		
(a) Failure to provide on-track safety for a member of a roadway work group	3,000	5,000
(b) Member of roadway work group fouling a track without authority of employee in charge		2,000
(c) Failure to provide train approach warning or working limits on adjacent track where required	3,000	5,000
214.337 On-track safety procedures for lone workers:		
(b) Failure by employer to permit individual discretion in use of individual train detection	5,000	10,000
(c)(1) Individual train detection used by non-qualified employee	2,000	4,000
(c)(2) Use of individual train detection while engaged in heavy or distracting work		2,000
(c)(3) Use of individual train detection in controlled point or manual interlocking		2,000
(c)(4) Use of individual train detection with insufficient visibility		2,000
(c)(5) Use of individual train detection with interfering noise		2,000
(c)(6) Use of individual train detection while a train is passing		3,000
(d) Failure to maintain access to place of safety clear of live tracks		2,000
(e) Lone worker unable to maintain vigilant lookout		2,000
(f)(1) Failure to prepare written statement of on-track safety		1,500
(f)(2) Incomplete written statement of on-track safety		1,000
(f)(3) Failure to produce written statement of on-track safety to FRA		1,500
214.339 Audible warning from trains:		
(a) Failure to require audible warning from trains	2,000	4,000
(b) Failure of train to give audible warning where required	1,000	3,000
214.341 Roadway maintenance machines:		
(a) Failure of on-track safety program to include provisions for safety near roadway maintenance machines	3,000	5,000
(b) Failure to provide operating instructions	2,000	4,000
(b)(1) Assignment of non-qualified employee to operate machine	2,000	5,000
(b)(2) Operator unfamiliar with safety instructions for machine	2,000	5,000
(b)(3) Roadway worker working with unfamiliar machine	2,000	5,000
(c) Roadway maintenance machine not clear of passing trains	3,000	6,000
214.343 Training and qualification, general:		
(a)(1) Failure of railroad program to include training provisions	5,000	10,000
(a)(2) Failure to provide initial training	3,000	6,000
(b) Failure to provide annual training	2,500	5,000
(c) Assignment of non-qualified railroad employees to provide on-track safety	4,000	8,000
(d)(1) Failure to maintain records of qualifications	2,000	4,000
(d)(2) Incomplete records of qualifications	1,000	3,000
(d)(3) Failure to provide records of qualifications to FRA	2,000	4,000
214.345 Training for all roadway workers		
214.347 Training and qualification for lone workers		
214.349 Training and qualification of watchmen/lookouts		