



Memorandum

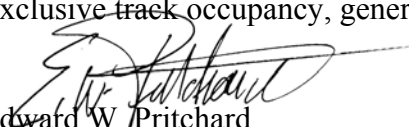
U.S. Department
of Transportation

**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.

Overlapping Authorities/Multiple Groups

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.

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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