



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: 
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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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