



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.

###