



# Memorandum

U.S. Department  
of Transportation

**Federal Railroad  
Administration**

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Date: January 10, 2005

Reply to Attn of: G-05-15

Subject: Roadway Worker Protection Technical Bulletin  
Audible warning from train and duration

From:   
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To: Regional Administrators  
Deputy Regional Administrators  
Track Supervisory Specialists  
Signal and Train Control Supervisory Specialists  
Operating Practices Supervisory Specialists

Both historically and today, roadway workers commonly acknowledge an approaching train that is sounding an audible warning and the train crew stops sounding the warning. The Federal Railroad Administration (FRA) is frequently asked whether a roadway worker's acknowledgment and the engineer's subsequent decision to stop sounding the whistle are in compliance with the regulation. The concern is determining when the length or duration of the audible warning is sufficient.

The regulations states at 49 C.F.R. §214.339, "... 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." The railroad's on-track safety program requires sounding the locomotive whistle and may provide guidelines regarding its duration. In the absence of specific guidelines by the railroad, the locomotive engineer/operator must exercise his or her best judgement. If a railroad does not provide guidance, since the regulation does not specify the duration of the warning the engineer must exercise discretion predicated on his or her best judgment for effectively warning roadway workers on or about the track. This discretion only applies to the duration of the audible warning, since the warning itself is clearly required. Compliance with the responsible carrier's rules and institutional knowledge should help the engineer/operator arrive at the appropriate duration of audible warning.

This Technical Bulletin does not in any way or manner relieve the requirement to sound the horn and ring the bell of locomotives approaching roadway workers.

*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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