



Memorandum

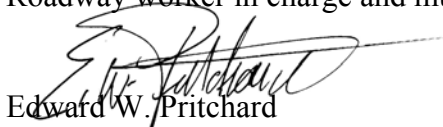
U.S. Department
of Transportation

**Federal Railroad
Administration**

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Reply to Attn of: G-05-17

Subject: Roadway Worker Protection Technical Bulletin
Roadway worker in charge and multiple groups

From: 
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To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
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It is a common practice for two or more separate work groups to utilize the same working limits (and authority). The regulation clearly specifies that only one roadway worker can be in charge (RWIC) of the working limits. However, questions have arisen regarding the required qualifications for the workers providing on-track safety for a second or third roadway work group that may be utilizing the working limits held by the initial RWIC.

For example, group B has asked and been given permission by the initial RWIC of group A to use their working limits to foul the track. Sharing the working limits would not necessarily require a person with the qualification under §214.353 for group B, depending upon the type of work being performed. This would not be considered overlapping working limits, but group B would conduct its work within the initial RWIC's working limits. Group A, if affected, would receive a second job briefing prior to giving group B permission to occupy the same working limits. Should a member of group B be asked to perform a duty such as a watchman/lookout, then that individual would need to be qualified to perform that function.

It is also important to remember that only one RWIC can control working limits (214.319(b)). In this scenario, it would be RWIC of group A. Should group B require additional on-track safety above and beyond that afforded by the RWIC controlling the working limits (group A), then an equally qualified worker must be present with that group to provide any additional or changed on-track safety. For example, group B needs to foul an adjacent track not included in group A's working limits. Sec. 214.315 - Supervision and Communication - is a key element with respect to this discussion:

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.

The foregoing requires that an employer designate at least one RWIC to provide on-track safety while groups are working together. This designation can either be for a specific job or for a particular work situation. This section is vital to the success of any on-track safety program because the mere presence of two or more persons together can be distracting for all persons involved. The Federal Railroad Administration (FRA) believes that awareness will be enhanced and confusion limited by requiring railroads to formally designate a responsible person. This designation must be clearly understood by all group members in order to be effective. An individual, such as a foreman, may generally be designated to be responsible for his or her group, but if two groups are working together or roadway workers of different crafts are assisting one another, it is imperative that this formal designation be communicated to and understood by all affected employees.

To summarize the foregoing, when a second work group joins another work group within an existing working limits in a common task, it generally would not be necessary for the second work group to have a employee that has the qualification prescribed by §214.353. However, if the RWIC of the working limits (group A) calls upon someone from group B that is not engaged in a common task to provide on-track safety for their work group, they must have an employee with the qualification prescribed by §214.353.

Prior to the RWIC who controls the working limits (group A) permitting trains and other on-track equipment (OTE) into the limits, all effected workers must be notified. For example, if the RWIC holding the working limits (group A) directs a train or OTE to move into their limits he or she may ask group B to provide their own on-track safety in the form of train approach warning or flagman (if the work is to continue). If group B does not have a worker qualified to perform flagging or watchman/lookout duties then all workers must vacate the track. If an individual is qualified to act as the flagman or watchman/lookout and all workers determine during a “new” job briefing that one of these types of on-track safety is sufficient the group can continue to work.

It is also necessary to consider the scenario where an RWIC becomes unavailable or calls upon another individual to establish additional on-track safety such as train approach warning. Should a qualified RWIC not be available then the work group must vacate the track. In the event on-track safety conditions change, a new job briefing should be conducted before any worker continues to foul the track.

The forgoing example is based on working limits on controlled track under the provisions of exclusive track occupancy. Therefore, the RWIC of the working limits must direct all movements in accordance with §214.321(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.

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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