



# Memorandum

U.S. Department  
of Transportation

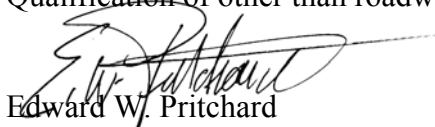
**Federal Railroad  
Administration**

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Date: January 10, 2005

Reply to Attn of: G-05-18

Subject: Roadway Worker Protection Technical Bulletin  
Qualification of other than roadway workers providing on-track safety

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

A number of railroads utilize transportation employees, whose primary function is the movement and protection of trains, to provide on-track safety to contractors. These employees are not roadway workers but are sometimes directly involved with on-track safety in accordance with the roadway worker safety regulation. For example, conductors may provide on-track safety to contractors engaged by a railroad to perform work covered under the roadway worker protection regulation. The concern addressed in this technical bulletin deals with the frequency of training of individuals whose primary duty is not that of roadway worker. The pertinent section of the regulation that deals with such employees is 49 C.F.R. §214.343 (c) - Training and qualification, general:

*Railroad employees other than roadway workers, who are associated with on-track safety procedures, and whose primary duties are concerned with the movement and protection of trains, shall be trained to perform their functions related to on-track safety through the training and qualification procedures prescribed by the operating railroad for the primary position of the employee, including maintenance of records and frequency of training.*

As indicated above, those railroad employees whose primary function is transportation, that is, the movement and protection of trains, will be directly involved with on-track safety as well. These employees would not necessarily be considered roadway workers in the rule. They **must**, of course, be capable of performing their functions correctly and safely. Accordingly, if a conductor is to provide on-track safety for a roadway work group, it is incumbent on that employee to have the capability to fulfill the obligations of a roadway worker who provides on-track safety, §214.353 (c). The regulation requires that the training and qualification for their primary function, under the railroad's program related to that function, will also include the means by which they will fulfill their responsibilities to

roadway workers for on-track safety. For instance, a train dispatcher would not be considered a roadway worker, but would have to be capable of applying the railroad's operating rules when establishing working limits for roadway workers.

Since the regulation does not specify the interval of such training, it can be less frequent than that of a roadway worker. A conductor who provides on-track safety for a roadway maintenance machine, or a contractor working on railroad property, would not be considered a roadway worker. That individual would receive periodic training on functions related to on-track safety as part of the training and qualification of a conductor and would need to be proficient on the elements stipulated under §214.353 (c).

*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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