



Memorandum

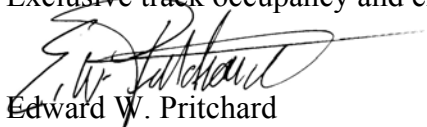
U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-22

Subject: Roadway Worker Protection Technical Bulletin
Exclusive track occupancy and emergencies

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

Section 214.321 (d) - Exclusive Track Occupancy states: "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." To authorize movement of either trains and roadway maintenance machines within working limits without the permission of the roadway worker in charge (RWIC) would constitute a violation of this section.

Movements of trains and on-track equipment that are not under the direction of the RWIC within exclusive track occupancy limits, are not in compliance with section 214.321. However, the Federal Railroad Administration (FRA) recognizes that there may be times when the RWIC cannot be contacted for an extended period of time, due to emergency or unusual circumstances, and that in extraordinary circumstances trains must be authorized to move despite lack of permission from the RWIC. The present regulation does not address this irregular situation and thus, FRA's enforcement action under these circumstances will be determined on a case-by-case basis.

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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