ROADWAY WORKER PROTECTION\(^1\)

Part 214 Subpart C--Roadway Worker Protection

§ 214.301 -- PURPOSE AND SCOPE

(a) To prevent accidents and casualties caused by moving railroad cars, locomotives or on-track equipment striking roadway workers.

(b) Prescribes minimum safety standards for roadway workers.

(c) This subsection prescribes safety standards for roadway maintenance machines as they apply to the safety of roadway workers. This subpart does not otherwise affect movements of roadway maintenance machines that are conducted under the authority of train dispatcher, control operator, or railroad operating rules.

§ 214.303 -- RAILROAD ON-TRACK SAFETY PROGRAMS, GENERALLY

(a) Each railroad shall adopt and implement a program for on-track safety.

(b) Each railroad program shall include procedures for monitoring the effectiveness and compliance with the program. Such internal procedures will not replace FRA inspection and monitoring.

§ 214.309 -- ON-TRACK SAFETY PROGRAM DOCUMENTS

(a) Rules and operating procedures for track occupancy and protection shall be maintained in one manual.

(b) Manual shall be provided to Roadway Workers in charge of on-track safety and be readily available to all roadway workers.

§ 214.311 -- RESPONSIBILITY OF EMPLOYERS

(a) All employers, including contractors, are responsible to assure that employees are trained and understand on-track safety procedures.

(b) Employers shall guarantee the absolute right of each employee to: 1) challenge on-track safety procedures, and 2) remain clear of track until challenge is resolved.

(c) Employer must develop written procedures for equitably resolving such challenges.

---

\(^1\) To date the FRA has issued 31 roadway worker protection technical bulletins which clarify the application of the rule. They are identified as G-05-01 through G-05-31. Copies may be obtained from the FRA's Office of Safety Assurance and Compliance.
§ 214.313 -- RESPONSIBILITY OF INDIVIDUAL ROADWAY WORKERS

(a) Roadway workers are responsible for following the roadway worker rules.
(b) Roadway workers shall not foul track unless necessary to perform duties.
(c) Roadway workers must ascertain on-track safety is being provided.
(d) Roadway workers may refuse any directive to violate on-track safety rules.

§ 214.315 -- SUPERVISION AND COMMUNICATIONS

(a) Requires job briefings regarding on-track safety procedures.
(b) Roadway worker must acknowledge understanding of job briefing.
(c) Employer shall designate one roadway worker to provide on-track safety for each work group.
(d) Designated roadway worker in charge must notify crew members of on track safety procedures in effect for each job, at each location, where work is to be performed.
(e) Lone workers are required to receive job briefing with supervisor or other designated employee.

§ 214.317 -- ON-TRACK SAFETY PROCEDURES, GENERALLY

(a) Each employer shall adopt a program that complies with sections 214.319 through 214.335. NOTE: The rule does not recognize restricted speed as a sole means of providing on-track safety.

§ 214.319 -- WORKING LIMITS, GENERALLY

Working limits on controlled track shall conform to provisions of Exclusive Track Occupancy (214.321) or Foul time (214.323). Working limits on non-controlled track shall conform to provisions of Inaccessible Track (214.325).

(a) Only employees qualified under this rule (214.351) shall establish working limits for on-track safety.
(b) Only one roadway worker shall have control over working limits.
(c) All movements within working limits shall be under the control of
roadway worker in charge. Such movements shall be at restricted speed unless specifically authorized by roadway worker in charge.

(d) All affected roadway workers shall be notified before working limits are released.

§ 214.321 -- EXCLUSIVE TRACK OCCUPANCY

Working limits established on controlled track through Exclusive Track Occupancy shall:

(a) Be placed under the control of qualified (214.351) roadway worker.

(b) Be transmitted by written or printed document, or by relay in a data transmission, or orally where:

1. Oral transmission is written as received by roadway worker and repeated for verification;

2. Roadway worker shall maintain possession of written authority;

3. Dispatcher or control operator shall make record of all authorities issued.

(c) Working limits established under this provision must be clearly identifiable by one of the following features:

1. Flagman to hold trains and equipment clear;

2. Fixed signal displaying "stop";

3. Station identified in timetable and marked with sign;

4. Clearly identifiable mile post;

5. Clearly identifiable physical location prescribed by RR operating rules.

§ 214.323 -- FOUL TIME

Working limits established on controlled track by foul time shall:

(a) Be given orally or in writing only after authority for all train movements has been withheld.

(b) Roadway worker shall repeat information for verification before foul time becomes effective.
(c) Roadway worker must be trained and qualified to provide on-track safety.

(d) Dispatcher or control operator shall not permit movement into protected work limits until roadway worker to whom foul time was issued reports clear.

§ 214.325 -- TRAIN COORDINATION

Working limits established through “Train Coordination” shall comply with the following requirements:

(a) Only one train holds exclusive authority to move within segment(s) of track or tracks.

(b) The roadway worker who establishes working limits through “train coordination” shall communicate with a member of the train crew and shall determine that:

(1) The train is visible to the roadway worker,
(2) The train is stopped,
(3) Further movements of the train will be made only as permitted by the roadway worker in charge of working limits, and
(4) The train crew shall not give up its exclusive authority to move until working limits have been released to the train crew by the roadway worker in charge.

§ 214.327 -- INACCESSIBLE TRACK

Working limits on non-controlled track shall be established by rendering working limits physically inaccessible to trains. No operable locomotives or on-track equipment shall be located within working limits, unless moving under the direction of roadway worker in charge.

The working limits established as inaccessible track shall be protected by at least one of the following:

(a) Flagman with authority to hold all movement clear.

(b) Switch or derail lined and secured to prevent access.

(c) Remotely controlled switch lined and secured by control operator and verified to roadway worker.

(d) A discontinuity in the rail.

§ 214.329 -- TRAIN APPROACH WARNING PROVIDED BY
WATCHMAN/LOOKOUTS

(a) Train approach warning must provide at least 15 seconds warning.

(b) Assigned watchman/lookout shall devote full attention to detecting and communicating approach of trains and shall not be assigned any other duties when so assigned.

(c) Train approach warning shall be distinctive and clearly signify approach of trains or equipment.

(d) Every roadway worker protected by watchman/lookout must maintain a position which enables worker to receive train approach warning.

(e) Warning must be provided by means which does not require warned employee to be looking in a particular direction and must be detectable regardless of noise or work distractions.

(f) Watchman/lookouts must be trained, qualified, and designated in writing by employer.

(g) Watchman/lookouts shall be provided with necessary equipment for performing duties of watchman/lookout.

§ 214.331 -- DEFINITE TRAIN LOCATION

On-track safety may be provided under Definite Train Location procedures only in accordance with the following:

(a) Class I railroads may only utilize Definite Train Location procedures for establishing on-track safety where such procedures were in use on the effective date of the final rule.

(b) Each Class I must include a schedule for phase-out of Definite Train Location procedures for on-track safety.

(c) Other than Class I may use Definite Train Location provisions on sub-divisions where:

   (1) Such procedures were in use on the effective date of this rule; or

   (2) The number of trains operated on sub-division does not exceed:

       (i) Three during any nine hour period in which roadway workers are on duty; and

       (ii) Four during any 12 hour period in which roadway workers are on duty; and
workers are on duty.

(d) Definite Train Location shall only be used as follows:

1. Shall only be issued by the one train dispatcher with authority over movements over that section of track.

2. Definite Train Location list shall list all trains to be operated.

3. Trains not shown on list may not be operated during time when list is in effect.

4. Shall not be used for on-track protection within limits of manual interlocking, Traffic Control System, or Manual Block System.

5. Roadway worker shall not foul track within ten minutes of the earliest time train is to depart last station.

6. Trains shall not depart location designated on list before time shown therein.

7. Each roadway worker who uses this provision for establishing on-track safety must be qualified in physical characteristics of the territory.

§ 214.333 -- INFORMATIONAL LINE-UPS OF TRAINS

(a) May be used only on sub-divisions where such procedures were in effect prior to March 14, 1996.

(b) Must include all provisions necessary to protect roadway workers from being struck by moving trains and equipment.

(c) Each railroad must include a schedule for discontinuance of Informational Line-ups by a definite date.

§ 214.335 -- ON-TRACK SAFETY PROCEDURES FOR ROADWAY WORK GROUPS

(a) No roadway work group member shall be required to foul a track unless on-track protection is established by either Working Limits, Train Approach Warning, or Definite Train Location in accordance with these rules.

(b) No roadway worker shall foul a track until informed by roadway worker in charge that on-track safety is provided.
(c) Large scale maintenance or construction work groups shall be provided with Train Approach Warning (214.327) on adjacent tracks not included within working limits.

§ 214.337 -- ON-TRACK SAFETY PROCEDURES FOR LONE WORKERS

(a) A Lone Worker who fouls a track while performing routine inspection or minor correction may use Individual Train Detection only where permitted by this section and the railroad's on-track safety program.

(b) A Lone Worker retains the absolute right to use more protective on track safety procedures and to occupy a place of safety until such other procedures can be established.

(c) Individual Train Detection may only be used:

   (1) By a Lone worker who has been trained, qualified, and designated to do so (214.345);

   (2) While performing routine inspection and minor correction work;

   (3) Outside the limits of a manual interlocking, controlled point, or remotely controlled hump yard facility;

   (4) Where the lone worker is able to visually detect train and move to place of safety not less than 15 seconds before movement's arrival;

   (5) Where no power-operated tools or roadway maintenance machines are within the hearing of Lone Worker; and

   (6) Where the ability to hear or see approaching movements is not impaired by any conditions.

(d) The place of safety may not be on a track unless working limits are established on that track.

(e) A lone worker using Individual Train Detection may not put self in any situation which would interfere with worker's ability to maintain vigilant lookout and detect movements from any direction.

(f) Lone Worker using Individual Train Detection shall complete a written "Statement of On-track Safety" under the requirements of this section.

§214.339-- AUDIBLE WARNING FROM TRAINS
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. Such audible warning shall not substitute for on-track safety procedures prescribed in this part.

§ 214.341 -- ROADWAY MAINTENANCE MACHINES

(a) Each employer's on-track safety program shall include provisions for:

(1) Training and qualifications for operators;
(2) Establishment and issuance of safety procedures for general application and specific types of machines;
(3) Communication between operators and other roadway workers;
(4) Equipment spacing;
(5) Spacing between equipment and roadway workers;
(6) Maximum working and traveling speeds under various conditions.

(b) Instruction for the safe operation of each machine shall be provided and maintained with each machine large enough to carry instruction document.

(1) No roadway worker shall operate roadway maintenance machinery without having been trained in accordance with 214.353;
(2) No roadway worker shall operate roadway maintenance machine without having complete knowledge of safety instructions for machine;
(3) No roadway worker shall be assigned to work near roadway maintenance machinery unless informed of, and acknowledge, safety procedures applicable to such duties.

(c) Components of roadway maintenance machinery shall be kept clear of passing trains on adjacent tracks.

§ 214.343 -- TRAINING AND QUALIFICATION, GENERAL

(a) No roadway worker shall accept, or be assigned, roadway worker duties unless trained and able to demonstrate the ability to perform such duties with regard to on-track safety.

(b) All roadway workers shall receive initial or recurrent training annually in on-track safety.
(c) Employees, other than roadway workers, whose duties concern the movement of trains shall be trained to perform their function as it relates to on-track protection rules.

(d) Each employer shall maintain records of roadway worker qualifications in effect and shall be available for inspection by FRA.

§ 214.345 -- TRAINING FOR ALL ROADWAY WORKERS

Roadway worker training shall include:

(a) Recognition and understanding of when and where on-track protection is required.

(b) Functions and responsibilities of persons involved with on-track safety procedures.

(c) Proper compliance with on-track safety instructions.

(d) Signals given by watchmen/lookouts.

(e) Hazards associated with working on or near tracks.

§ 214.347 -- TRAINING AND QUALIFICATION FOR LONE WORKERS

Each Lone Worker shall be trained, qualified and authorized by the railroad.

(a) Training for Lone Workers shall include:

   (1) Detection of approaching trains and clearing to place of safety;

   (2) Determination of distance to assure prescribed warning time;

   (3) Rules and procedures for Individual Train Detection;

   (4) On-track safety procedures for territory where employee is working alone.

(b) Qualification of Lone Worker shall be evidenced by demonstrated proficiency.

§ 214.349 -- TRAINING AND QUALIFICATION OF WATCHMEN/LOOKOUTS

(a) Training and qualifications for Watchmen/Lookouts shall include:
(1) Detection and recognition of approaching movements;
(2) Effective warning of roadway workers;
(3) Determination of distance to assure prescribed warning time;
(4) Rules and procedures to be used for train approach warning.

(b) Qualification for Watchmen/Lookouts shall be evidenced by demonstrated proficiency.

§ 214.351 -- TRAINING AND QUALIFICATION OF FLAGMEN

(a) Shall include operating rules pertaining to giving stop signal to trains and holding trains clear of work limits.

(b) Qualification for Flagmen shall be evidenced by demonstrated proficiency.

§ 214.353 -- TRAINING AND QUALIFICATION OF ROADWAY WORKERS WHO PROVIDE ON-TRACK SAFETY FOR ROADWAY WORK GROUPS

(a) Training and qualifications for roadway workers responsible for establishing on-track safety protection shall include:

   (1) All training required of the roadway workers being supervised and protected;
   (2) Operating rules pertaining to work limits;
   (3) Rules pertaining to Train Approach Warning;
   (4) Physical characteristics for territory.

(b) Qualifications for roadway worker responsible for the safety of roadway work groups shall be evidenced by recorded examination.

§ 214.355 -- TRAINING AND QUALIFICATION IN ON-TRACK SAFETY FOR OPERATORS OF ROADWAY MAINTENANCE MACHINES

(a) Training and Qualifications for roadway worker machine operators shall include:

   (1) Procedures to prevent person from being struck by machine;
(2) Procedures to prevent machine from being struck by train or other equipment;

(3) Procedures for stopping machine short of collision;

(4) Safe operating procedures for each machine.

(b) Qualifications for roadway worker machine operators shall be evidenced by demonstrated proficiency.

Title 49 C.F.R. Part 214