



Memorandum

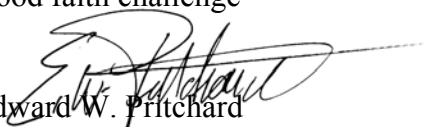
U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-07

Subject: Roadway Worker Protection Technical Bulletin
Roadway worker in charge, generally

From: 
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To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
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Section 214.315(c) requires that an employer designate at least one roadway worker in charge (RWIC) to provide on-track safety while a roadway work group¹ is 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 eliminated 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 (in relation to on-track safety) be communicated to and understood by all affected employees.

This Technical Bulletin addresses issues concerning the RWIC regarding his or her location and the identification of that individual in an authority issued to establish exclusive track occupancy.

§214.315 Location of Roadway Worker in Charge

Question: Must the RWIC be at the work site at all times?

¹ Roadway work group means two or more roadway workers organized to work together on a common task.

Recently, several interpretive questions about the location of the RWIC in relation to a work area have been posed by railroad management and labor. First, a review of the responsibilities of the RWIC, as detailed in §214.315 (Supervision and Communication), is shown below.

- **Job Briefing.** Sections 214.315(b) and (c) establish the duty of notification by the employer and the reciprocal duty of communicating acknowledgment by the employee. These sections essentially require a job briefing to inform all concerned of on-track safety methods at the beginning of each work period. The acknowledgment is an indication by the employee of understanding, or the opportunity to request explanation of any issues that are not understood. Usually, the RWIC will provide the briefing to a roadway work group. However, it is acceptable for other responsible employees to provide this briefing in situations where a roadway work group may be located along a considerable distance such as a large scale mechanized production activity.
- **RWIC Designation.** Section 214.315 (c) requires that an employer designate at least one RWIC to provide on-track safety while a group is 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. FRA believes that awareness will be enhanced and confusion eliminated 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.

When working limits are established as a form of on-track safety, the provisions of §214.319(b) apply which states: “*Only one roadway worker shall have control over working limits on any one segment of track.*” Therefore, it is imperative that only one worker have control, even when multiple work groups may be using a common working limits. This is necessary to avoid the complications of multiple or confusing instructions to trains and on-track equipment (OTE) that may be entering working limits.

- **RWIC Duties.** Paragraph (d) explains the duties of the RWIC that will provide on-track safety for a work group. Before roadway workers foul a track, the designated person must inform each roadway worker in the group of the on-track safety methods to be used at that time and location. Essentially, the designated person must conduct an on-track safety briefing prior to the beginning of work on or near the track.

Before changing on-track safety methods during a work period, the RWIC must again inform the group of the new methods to be used for their safety. If, for example, roadway workers are working on a track within working limits when the on-track safety method changes to train approach warning, all roadway workers fouling the track must first be informed that trains might approach on that track, and that they will be warned of the approaching train by watchmen/lookouts. They must also know that they can no longer depend on that track as a place of safety when a train approaches.

This provision also establishes methods to be used in the face of unforeseen circumstances. In these emergency situations, where notification of a change in methods cannot be accomplished, an immediate warning to leave the fouling space and not return until on-track safety is reestablished is required.

Given the above duties, it is important that the RWIC coordinate all on-track safety activities at a work site. This responsibility is an essential element of on-track safety especially when working limits are established and there are activities occurring such as train or on-track equipment movements within the working limits.

The Rule does not specify the location of the RWIC in relation to any work activity where on-track safety has been established or may be established. As such, it may be necessary for a RWIC to depart the work activity for a short period to travel to another area encompassing the same on-track safety (e.g., conduct on-track safety checks throughout a large mechanized production activity). However, during such periods where the RWIC may be away from a work site for short periods, it is imperative the roadway work group have readily available means to communicate with this employee. When a RWIC departs a work site for an extended period, a substitute employee, with the relevant qualifications may be designated. If any exclusive track occupancy authorities are involved (see below), the change in the RWIC designation must be formally addressed in the railroad operating rule procedures.

§214.321(b) Roadway Worker in Charge Designation in Exclusive Track Occupancy Authority

Question: Is it acceptable to use a “crew number” and not the RWIC’s name on an exclusive track occupancy authority?

Section 214.321(b), prescribes the procedures for establishing working limits called exclusive track occupancy² by means of an authority. An “authority” is the instrument that confirms trains and OTE movements have been withheld from the track(s) encompassing an exclusive track occupancy. As required by the Rule, the authority must be a written or printed document and includes such instruments as a “NORAC Form D,” “Track Bulletin Form B,” “Track Warrant,” “Track and Time,” “OCS Clearance,” etc. As required by §214.321(b)(2), the RWIC must maintain possession of the authority document while it is in effect.

Several interpretive questions about the naming of the RWIC on an authority has been posed by railroad management and labor. First, a review of exclusive track occupancy procedures as detailed in §214.321 is appropriate.

- Paragraph (a) requires that authority for exclusive track occupancy may only be granted by the train dispatcher or control operator who has control of that track to a roadway worker who has been trained and designated to hold such an authority (RWIC). No other person may be in control of the same track at the same time.

² Exclusive track occupancy means a method of establishing working limits on controlled track in which movement authority of trains and OTE is withheld by the train dispatcher or control operator, or restricted by flagmen, as prescribed in §214.321 of this part.

- Paragraph (b) and corresponding subparagraphs prescribe the methods for transferring the authority for exclusive track occupancy to the roadway worker with the requisite level of accuracy.
- Paragraph (c) and corresponding subparagraphs prescribe physical markers or features that may be used to indicate the extent of working limits established under this paragraph with the requisite level of precision. Flagmen are included as a valid means of establishing exclusive track occupancy because they are effective and they might be the only means available on short notice or at certain locations.
- Paragraph (d) allows a railroad to permit the movement of trains and equipment in working limits under the control of the RWIC. This accommodates a need to move work trains and roadway maintenance machines into and within working limits in connection with the work being performed. It also accommodates a need to move trains and equipment through working limits after all roadway workers and machines are moved into the clear or otherwise protected. Such movements will be under the direct authority of the RWIC, who must take the necessary steps to properly direct the train movement as well as protecting the roadway workers and roadway maintenance machines at the worksite.
- Paragraph (d) also requires that trains and OTE moving through working limits under the direction of the RWIC move at restricted speed unless higher speed is specifically authorized by the roadway worker in charge. This provision establishes a fail-safe default speed to apply in the absence of information to the contrary. It also establishes the sole direction of the RWIC to specify the speed of trains and OTE through the working limits.

It is a practice on many railroads to place the name of the specific RWIC at a work site on an authority. However, on some railroads a work crew designation system (e.g., number) is placed on the authority. A crew designation procedure may, in fact, reduce confusion if a railroad has multiple employees with the same or similar name. Therefore, FRA will accept procedures where a work crew designation system is used with authorities only if such procedures include precise communication protocols to ensure trains and OTE contact the proper RWIC to enter 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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