



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-09

Subject: Roadway Worker Protection Technical Bulletin
Plant trackage and on-track safety for railroad employees

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

Question: Does the Roadway Worker Protection (RWP) regulation apply to railroad employees who are on duty when conducting work on trackage located inside an installation that is not part of the general system (e.g., “plant trackage”)?

Roadway worker means any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in this section.

As noted in §214.3, the Federal Railroad Administration (FRA) is concerned with track that is part of the general system of railroad transportation. However, Part 209, Appendix A, details FRA’s policy in regard to operations of general system railroads on trackage that is not part of the general system of transportation (e.g., plant railroads). Part 209, Appendix A, states: “...*the railroad that is part of that system while inside the installation; thus, all of its activities are covered by FRA’s regulations during that period.*” Therefore, 49 CFR Part 214 will apply to roadway workers who are on-duty with a general system railroad when conducting engineering functions within plant trackage.

When working independently and directly for an industry (plant railroad), a person performing engineering type functions in this environment would not be subject to the RWP regulation. However, such activities come under the jurisdiction of other Federal agencies and FRA highly encourages workers follow on-track safety procedures when working under this environment.

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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