



Memorandum

U.S. Department
of Transportation

**Federal Railroad
Administration**

Date: January 10, 2005

Reply to Attn of: G-05-21

Subject: Roadway Worker Protection Technical Bulletin
Other than maintenance of way crafts performing duties


From: Edward W. Pritchard
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To: Regional Administrators
Deputy Regional Administrators
Track Supervisory Specialists
Signal and Train Control Supervisory Specialists
Operating Practices Supervisory Specialists

There is an on-going question with respect to other crafts who may be performing peripheral activities similar to engineering activities. For example, a train crew/hostler cleaning a switch during a train movement or a mechanical employee performing light building maintenance in a shop under blue signal protection.

The definition of a "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. The Advisory Committee determined that the term roadway worker was intended to describe employees who are covered and not to describe when this coverage begins and ends. 61 FR 65962.

The question arises whether an individual normally not assigned to conduct roadway worker activities, but occasionally engaging in such duties is subject to the rule. If the work to be performed is included within the definition of roadway worker, the employee performing such work must do so in compliance with the roadway worker regulation.

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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