



# Memorandum

U.S. Department  
of Transportation

**Federal Railroad  
Administration**

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Date: January 10, 2005

Reply to Attn of: G-05-23

Subject: Roadway Worker Protection Technical Bulletin  
Retention of exclusive occupancy records by dispatcher

  
From: Edward W. Pritchard  
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To: Regional Administrators  
Deputy Regional Administrators  
Track Supervisory Specialists  
Signal and Train Control Supervisory Specialists  
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Section 214.321(b) states in part, “An authority for exclusive track occupancy given to the roadway worker in charge (RWIC) of the working limits shall be transmitted on a written or printed document directly, by relay through a designated employee, in a data transmission, or by oral communication, to the roadway worker by the train dispatcher or control operator in charge of the track.” The rule also states:

- (1) Where authority for exclusive track occupancy is transmitted orally, the authority shall be written as received by the RWIC and repeated to the issuing employee for verification.
- (2) The roadway worker in charge of the working limits shall maintain possession of the written or printed authority for exclusive track occupancy while the authority for the working limits is in effect.
- (3) The train dispatcher or control operator in charge of the track shall make a written or electronic record of all authorities issued to establish exclusive track occupancy.

The Federal Railroad Administration (FRA) has reviewed whether the record under this provision must be retained for an extended period. Section 214.321(b)(2) requires the written or printed document only be maintained by the roadway worker in charge while the authority for the working limits is in effect.

With respect to the requirement of a dispatcher's written or electronic record, the Roadway Worker Protection regulation does not specify a required time for such records. Retention of dispatching records is governed by 49 C.F.R. Part 228.

*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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