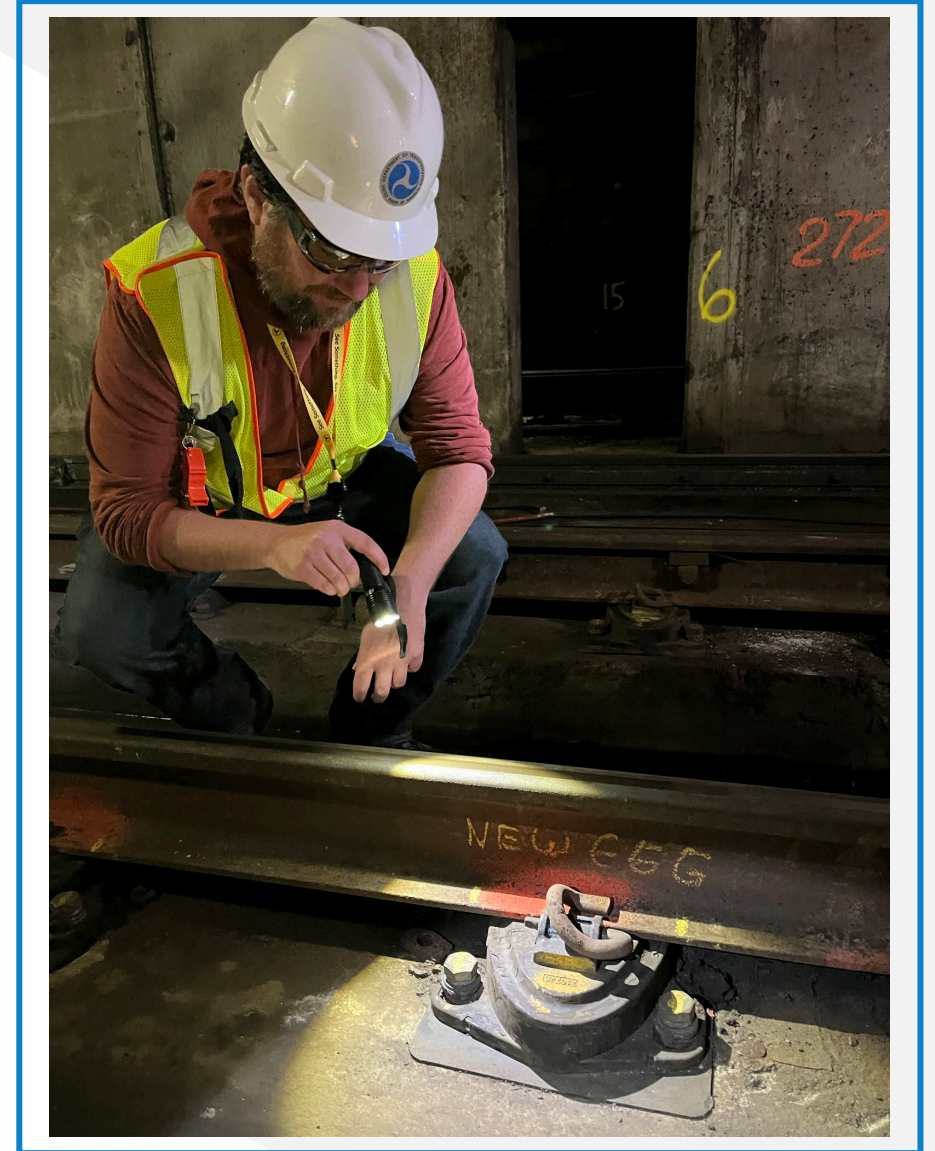


Rail Transit Roadway Worker Protection: Opportunities for Flexibility

Jeremy Furrer
Division Chief, Office of Transit Safety
and Oversight

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Purpose and Agenda



Purpose

The purpose of this session is to discuss 49 Code of Federal Regulations (CFR) Part 671 and provide an overview of flexibilities in the rule that allow agencies to tailor their Rail Roadway Worker Protection (RWP) programs according to their size and needs.



Agenda

1. Overview
2. RWP Timeline
3. RWP Key Requirements
4. Key Notes on Flexibility
5. Key Areas of Flexibility
6. Examples of Flexibilities in the Rule

Overview: Part 671 Rail Transit RWP

Purpose

This part **establishes** minimum safety standards for Roadway Worker Protection (RWP) to **prevent safety events, fatalities, and injuries to transit workers.**

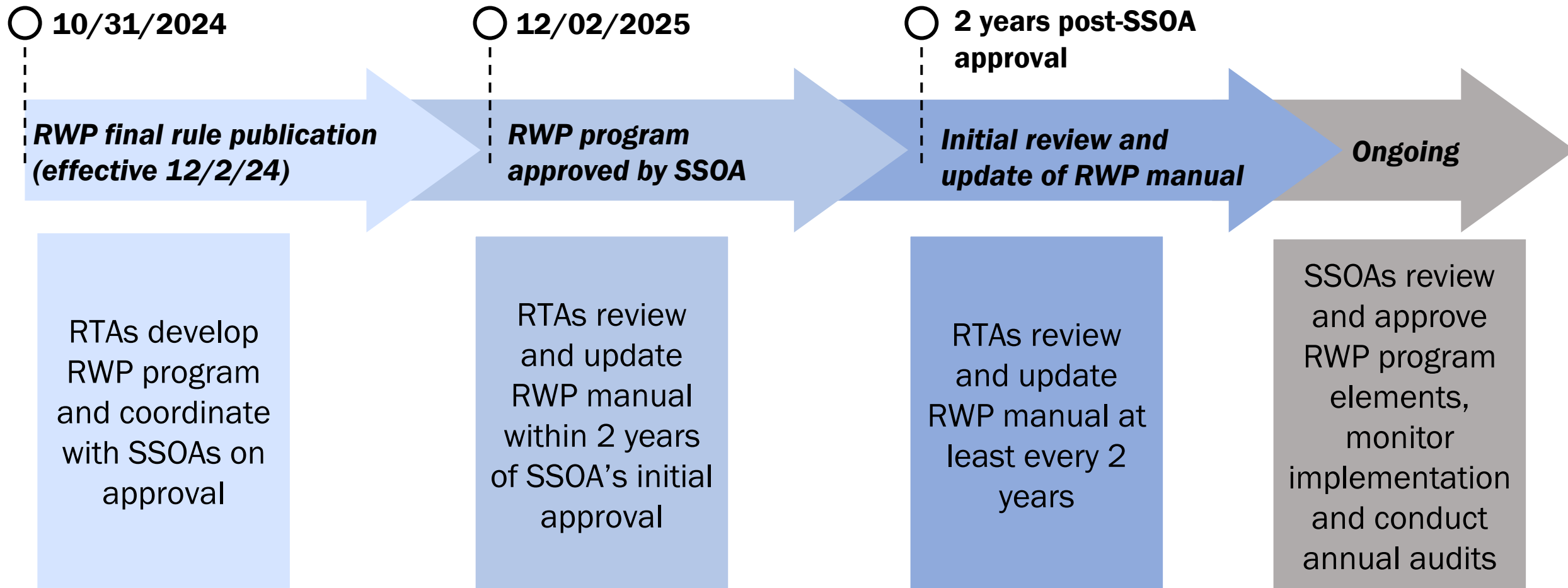
FTA recognizes that hazards exist on and near the roadway for all RTAs, **regardless of size.** FTA intends the RWP rule to be flexible enough to allow RTAs to **craft a program** that is **compliant** and still **fits the size and complexity** of each agency.

Applicability:

RTAs that receive Federal financial assistance authorized under 49 U.S.C. chapter 53

SSOAs that oversee the safety of rail fixed guideway public transportation systems

RWP Timeline



RWP Key Requirements

Develop and implement a RWP program, and receive SSOA approval

49 CFR part 671.11(a) & 671.25(a)

Must document RWP programs in a dedicated manual, which includes or incorporates a Track Access Guide

49 CFR part 671.13(d)

Job Safety Briefings

49 CFR part 671.33

Establishment of RWP training and qualification and RWP compliance monitoring activities

49 CFR part 671.41 & 671.43



Prohibition of individual rail transit vehicle detection; implementation of risk-based redundant protections for workers

49 CFR part 671.21(a)(2) & 671.39

On-track safety and supervision requirements

49 CFR part 671.21(b) & 671.35(a)

Good-faith safety challenges and reporting unsafe acts and conditions and near-misses

49 CFR part 671.37 & 671.23(e)

Specific Requirements

RTAs must document their RWP program in a manual (including certain required elements) *49 CFR part 671.13*

The RWP manual must include or incorporate by reference a track access guide
49 CFR part 671.13(d)

RTAs must completely review the RWP manual at least every two years *49 CFR part 671.13(e)*

The final rule prohibits the use of individual rail transit vehicle detection as a sole protection *49 CFR part 671.21(a)(2)*

The final rule requires comprehensive job safety briefings, a good faith safety challenge provision, and required reporting of near-misses *49 CFR part 671.21(a)(3), 671.21(a)(5), 671.21(a)(6)*

Formal training and qualification programs are required for all workers who access the roadway *49 CFR part 671.41*

RTAs must adopt a program for RWP program compliance auditing and monitoring
49 CFR part 671.43

SSOAs must approve, oversee, and enforce implementation for each RTA in their jurisdiction *49 CFR part 671.25*



Key Notes on Flexibility

Agencies can build RWP programs based on their own safety risk assessment. This means:

- 1 RWP programs fit the size and complexity of the agency**
- 2 Agencies may use existing RWP programs**
- 3 Flexibility in developing RWP programs based on operating characteristics and environments**
- 4 FTA encourages collaboration between SSOAs and RTAs early and often**

Examples of Flexibilities in the Rule



RWP Manual

- Flexibility for format of manual and track access guide, and flexibility on how to distribute it.
 - Can include electronic dissemination.
- Ability to maintain the track access guide separately.
- Flexibility to include additional in track access guide.



Redundant Protections

- Agencies use a safety risk assessment to implement protections that are proportional to the RTA's determined risk, which will not be the same across agencies.
- FTA provides a list of example protections, but RTAs may identify other redundant protections suitable to their specific circumstances.
- Redundant protections for lone workers must include, at a minimum, foul time or an equivalent protection approved by the SSOA.

Examples of Flexibilities in the Rule Cont.



Job Safety Briefing

- Method of written acknowledgement flexible (could be a secondary document, could be forms, notebooks, logs, or other tools for lone workers)
- Remote or virtual briefing permitted.
- For transit workers who are not roadway workers and who must momentarily access the roadway, agencies have flexibility to establish appropriate permissions.



Training

- Biennial training requirement meant to strike a balance between safety and operational flexibility.
- Online training is permitted in certain circumstances.

Examples of Flexibilities in the Rule Cont.



PPE

- RTAs can develop personal protective equipment policies that adequately protect workers while being appropriately flexible.



Terminology

- “Fouling a track” definition states: “typically within four feet of the outside rail on both sides of any track” FTA opted to use the term “typically,” as FTA intends for RTAs to have flexibility.
- FTA also declined to establish distance threshold in the definition of “Track zone.”
- FTA did not define “Unsafe Acts” and “Unsafe Conditions” to allow for adaptability in different scenarios and environments and ensure workers do not feel constrained in their ability to report potential hazards.

Examples of Flexibilities in the Rule Cont.



Cooperation and Review

- FTA expects that SSOAs and RTAs will coordinate throughout the development of the RTA's RWP program to ensure (1) an effective RWP program to support roadway worker safety, and (2) the SSOA and RTA can meet the December 2, 2025 implementation deadline.
- FTA provides flexibility to both the RTA and the SSOA to establish a review process that works best in their situation.

Thank you!

Jeremy Furrer

jeremy.furrer@dot.gov



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