

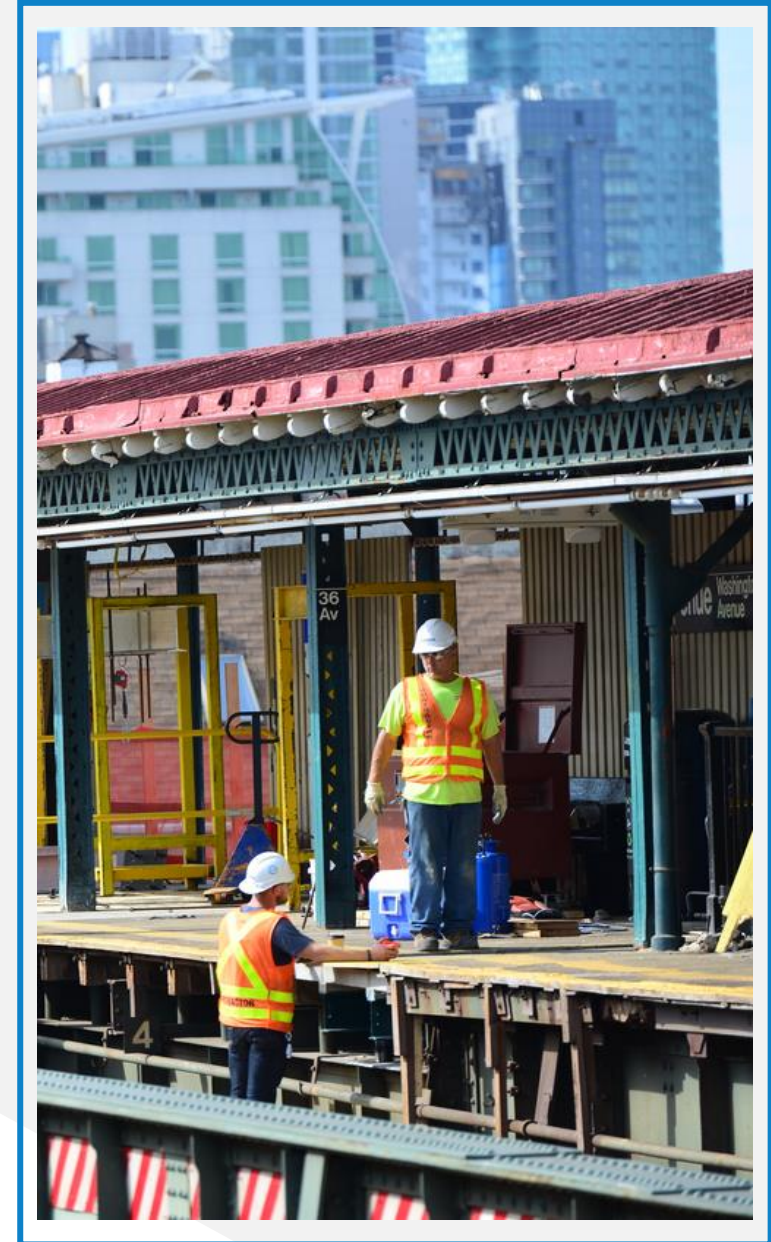
# Notice of Proposed Rulemaking: Rail Transit Roadway Worker Protection

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April 2024



U.S. Department of Transportation  
Federal Transit Administration

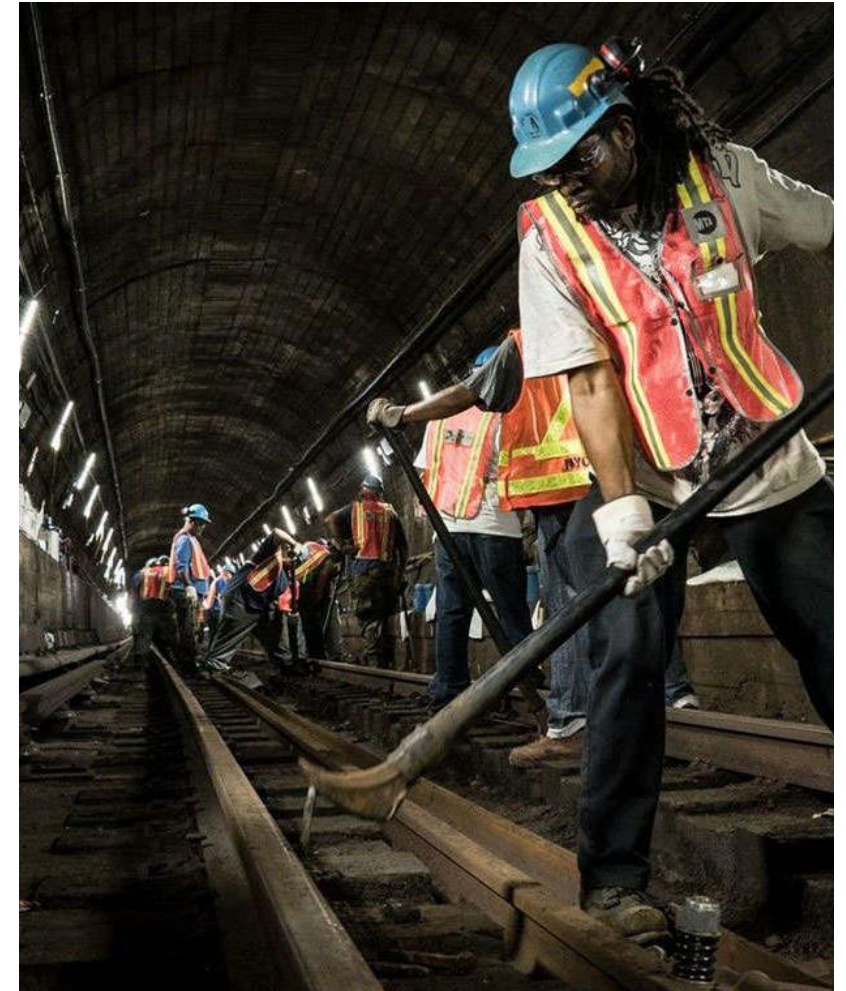


# Purpose and Agenda

The purpose of this session is to review the Rail Transit Roadway Worker Protection (49 CFR part 671) Notice of Proposed Rulemaking (NPRM).

## Webinar Agenda:

1. Rail Transit Roadway Worker Protection (RWP) Background
2. RWP Overview
3. RWP NPRM Structure
4. RWP Timeline
5. Public Comment Information



# RWP Overview

**The RWP Rule (49 CFR part 671) would establish minimum RWP safety standards to prevent accidents, incidents, fatalities, and injuries to transit workers who may access the roadway in the performance of their work.**

Key Stakeholders:



**Rail Transit Workers and Representative Labor Organizations**

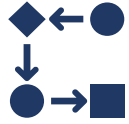


**Rail Transit Agencies (RTAs)** that operate Rail Fixed Guideway Public Transportation Systems



**State Safety Oversight Agencies (SSOAs)** responsible for overseeing those rail systems

# RWP NPRM Overview



Proposes baseline RWP protections for workers across all RTAs overseen by FTA



Proposes to support flexibility in building a compliant program commensurate with agency size and complexity



Proposes a specific role for SSOAs



Proposes to require RTAs to use their safety management systems (SMS) to build on Federal standards and determine additional mitigations

# Part 671 – Structure

**Subpart A – General**

**Subpart B – RWP Program and Manual**

**Subpart C – Responsibilities**

**Subpart D – Required RWP Program Elements**

**Subpart E – Recordkeeping**

# Subpart A – General

## § 671.1 Applicability

- FTA proposes that this regulation would apply to:
  - SSOAs
  - RTAs that receive Federal financial assistance authorized under 49 U.S.C. Chapter 53
  - Transit workers who must access the roadway



FTA proposes this regulation would not apply to rail systems subject to the safety jurisdiction of the Federal Railroad Administration

# Subpart A – General

§ 671.3 Policy – FTA proposes to highlight that this regulation establishes minimum RWP safety standards to prevent accidents, incidents, fatalities, and injuries to transit workers who may access the roadway in the performance of their work

- FTA proposes that RTAs must integrate these activities into their agency's SMS



FTA proposes that each RTA and SSOA may prescribe additional requirements for the RWP program, as long as they are consistent with part 671

§ 671.5 Definitions – FTA proposes to define terms used in this part to establish a standard RWP vocabulary.

# Subpart B – RWP Program and Manual

§ 671.11 RWP program – FTA proposes that RTAs must adopt and implement an RWP program, including:

- RWP manual that documents the program and defines responsibilities
- Risk-based redundant protections
- RWP training and qualification program
- RWP compliance monitoring program



# Subpart B – RWP Program and Manual

§ 671.13 RWP manual – FTA proposes that RTAs must create, maintain, and distribute a dedicated RWP manual – to be reviewed and updated every 2 years – that includes:

- Terminology used to describe all elements of the RWP program
- Defined responsibilities
- Required training, qualification, and supervision
- Processes and procedures for all rail transit workers who may access the track zone

FTA proposes that the RWP manual must include or incorporate by reference a track access guide that includes:

- Track locations where clearance may be a concern
- Curves and track locations with limited or no visibility
- Portals with restricted views
- Other locations with access considerations

# Subpart C – Responsibilities

§ 671.23 Transit workers – FTA proposes that transit workers must:

- Follow the requirements of the RTA's RWP program
- Not foul the track unless necessary and only to do so with permission and protections specified in the RWP manual
- Understand and acknowledge in writing the on-track safety provided before accessing the roadway or track zone
- Report unsafe acts and conditions and near misses



FTA proposes that transit workers may refuse to foul the track under a good faith challenge

# Subpart C – Responsibilities

§ 671.21 Rail transit agency – FTA proposes that RTAs must establish procedures to:

- Provide ample time and determine sight distance
- Prohibit using individual train detection as the only form of protection
- Provide job safety briefings and the right to good faith challenges to workers
- Require reporting of unsafe acts and conditions, and near-misses on the roadway
- Ensure workers understand, are qualified in, and comply with the RWP program

FTA proposes that RTAs must establish protections, including:

- Required equipment and credentials for accessing the roadway or track zone
- Required protections for emergency response personnel and for multiple work groups within a common area

# Subpart C – Responsibilities

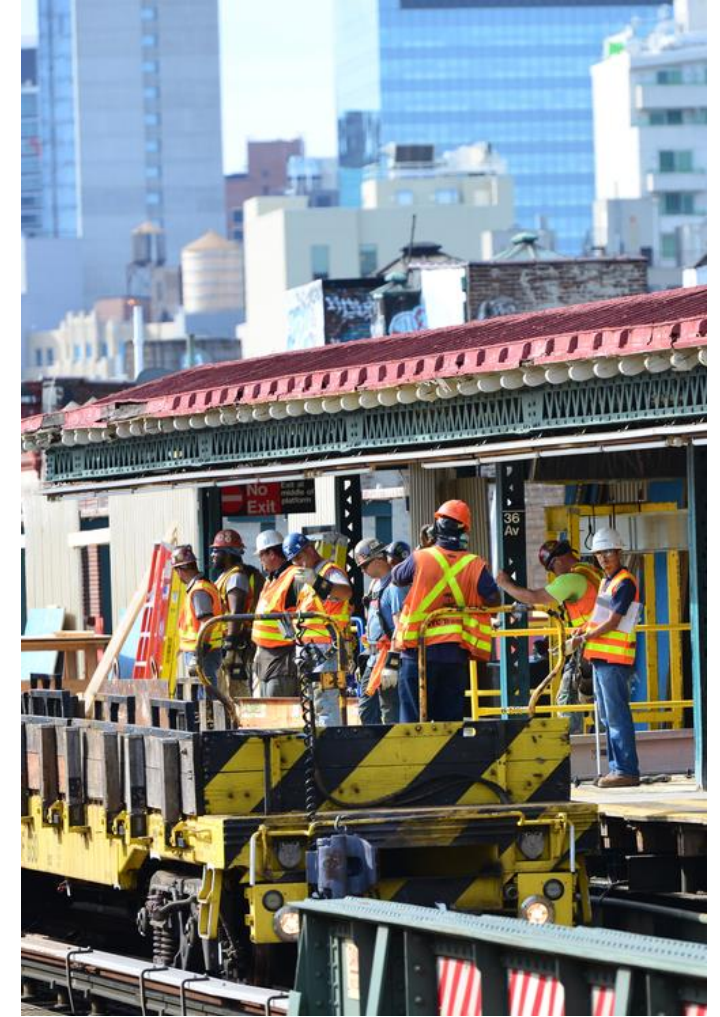
§ 671.25 State Safety Oversight Agency – FTA proposes that SSOAs must:

- Review and approve RWP program elements and program manual for each RTA under their jurisdiction. Initial approval must be completed within **90 days** of receipt of the program.
- Review and approve any subsequent updates to RWP program elements
- Submit all approved RWP program elements, and any subsequent updates, to FTA within **30 days** of approval
- Monitor the RWP program for each RTA within its jurisdiction
- Conduct an annual audit of the RTA's compliance with its RWP program and require corrective action as appropriate

# Subpart D – Required RWP Program Elements

§ 671.31 Roadway worker in charge – FTA proposes that RTAs must designate one roadway worker in charge for each roadway work group, who must:

- Be qualified under the RTA's RWP program
- Provide on-track safety for all members of the roadway work group
- Provide a job safety briefing before any member of the group fouls a track, when any of the on-track safety procedures change, and/or following a violation of on-track safety protections



# Subpart D – Required RWP Program Elements

**§ 671.33 Job safety briefing** – FTA proposes that the job safety briefing must include, as appropriate:

- A discussion of the work to be performed
- Working limits, safety information about adjacent tracks, and identification of equipment that will foul the tracks, and how track safety is being provided
- Hazards involved in performing the work
- Communication roles and responsibilities
- Identity and location of key personnel, including the roadway worker in charge
- Required personal protective equipment and designated place(s) of safety
- A follow up safety briefing must be conducted if there is any change in scope of work, change in work group, or if any violation of on-track safety is observed



FTA proposes that the roadway worker in charge must confirm that each worker understands the content and acknowledges the briefing in writing.

# Subpart D – Required RWP Program Elements

§ 671.35 Lone worker – FTA proposes that RTAs must:

- Require lone workers to be qualified as a roadway worker in charge and a lone worker under the RTA's training and qualification program
- Only allow lone workers to perform limited work in limited locations
- Prohibit lone workers using individual rail transit vehicle detection
- Require lone workers to communicate with a supervisor or other designated employee to receive an on-track safety briefing

FTA has proposed to define *Lone worker* to mean an individual roadway worker who is not afforded on-track safety by another roadway worker, who is not a member of a roadway work group, and who is not engaged in a common task with another roadway worker

# Subpart D – Required RWP Program Elements

§ 671.37 Good faith safety challenge – FTA proposes that RTAs must:

- Document their procedures that provide the right to challenge
- Allow workers to refuse, in good faith, any RWP assignment a worker believes is unsafe or in violation of the RTA's RWP program



# Subpart D – Required RWP Program Elements

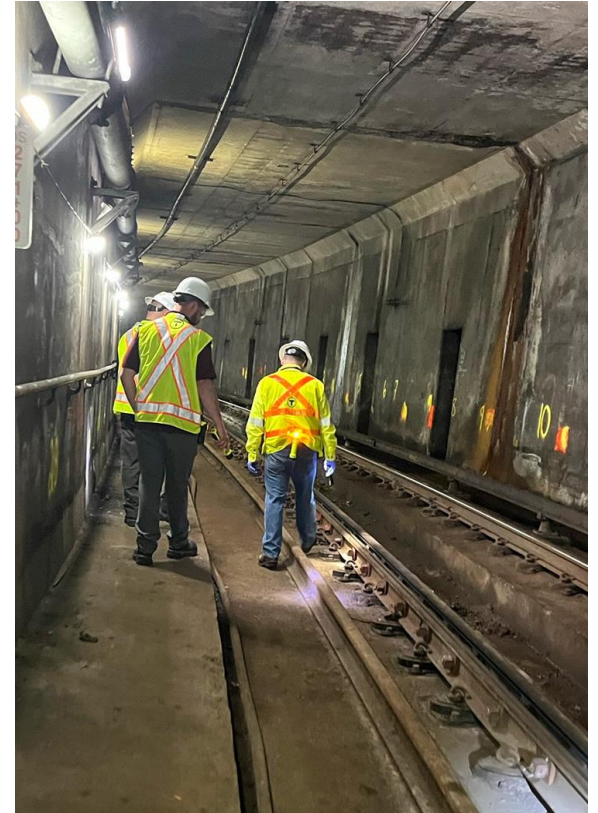
§ 671.39 Risk-based redundant protections – FTA proposes that RTAs must:

- Identify and provide procedural and/or physical redundant protections as part of a risk-based assessment
- Review and update this assessment biennially at a minimum

# Subpart D – Required RWP Program Elements

§ 671.41 RWP training and qualification program – FTA proposes that RTAs must adopt an RWP training program, which must:

- Address all transit workers, by position, responsible for on-track safety
- Include interactive training with opportunities for discussions and to ask the trainers questions.
- Include RWP hazard recognition and mitigation, and lessons learned
- Include initial and refresher training, by position
  - Initial training must include experience in a representative field setting
  - Refresher training must occur biennially at a minimum
  - Both initial and refresher training must include worker demonstrations and trainer assessments of the worker's ability



# Subpart D – Required RWP Program Elements

## § 671.41 RWP training and qualification program *(continued)*

- FTA proposes that the RWP training program must cover:
  - How to understand and use the RWP manual and track access guide
  - Good faith safety challenges and reporting unsafe acts and conditions and near-misses
  - Functions and responsibilities of workers involved in on-track safety
  - How to carry out on-track safety instructions and how to cross tracks
  - Signals and protection rules and procedures, as appropriate
  - Hazards associated with working on or near tracks
- The proposed RWP training program must include specialized training and qualification for transit workers with additional responsibilities for on-track safety
- FTA proposes that RTAs must ensure RWP trainers are competent to provide effective RWP training

# Subpart D – Required RWP Program Elements

**§ 671.43 RWP compliance monitoring program** – FTA proposes that RTAs must adopt a program for assessing compliance with the requirements of its RWP program, including:

- Inspections, observations, and audits consistent with the RTA’s Agency Safety Plan and the SSOA’s Program Standard
- Monthly reports to the SSOA documenting their compliance with and sufficiency of the RWP program
- Annual briefing to the Accountable Executive and Board of Directors regarding RWP program performance and any identified deficiencies

# Subpart E – Recordkeeping

**§ 671.51 Recordkeeping** – FTA proposes that RTAs must maintain the documents that set forth their RWP program for a minimum of three years

- This includes documents related to implementation and results of RWP program procedures, processes, training, and activities
- These documents must be made available upon request by the FTA or other Federal entity, or an SSOA having jurisdiction



# RWP Timeline

FTA publishes RWP  
NPRM in *Federal  
Register*

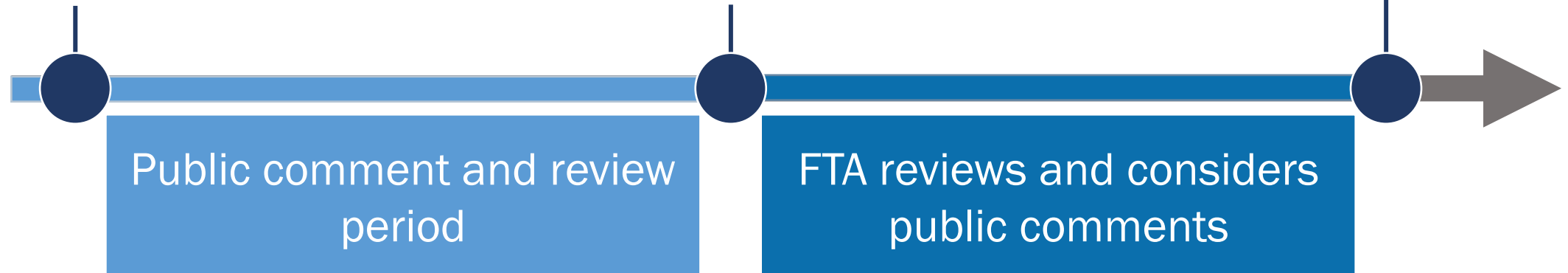
March 25, 2024

End of public review  
and comment  
period

May 24, 2024

FTA publishes RWP  
final rule in *Federal  
Register*

TBD



# Public Review and Comment

FTA has published the RWP NPRM on [federalregister.gov](https://www.federalregister.gov) for notice and comment.

Docket Number: **FTA-2023-0024**



[Tips For Submitting Effective Comments](#), published by Regulations.gov, offers tips that help the public submit impactful comments and that help agency policy makers improve federal regulations.



# Thank you!

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