

# Right – of – Way Worker Protection (RWP) Program Assessment Checklist

## NEW YORK CITY TRANSIT (February 2014)

Evaluation Criteria	Comments	YES	NO	N/A
<b>RAIL TRANSIT AGENCY (RTA) APPROACH TO RIGHT-OF-WAY WORKER PROTECTION</b>				
1. Are all employees and contractors protected by the same forms of On-Track Safety protection?	Rule 3.71(a), 3.72(i), 3.80(k)&(l)	X		
2. Is the On-Track Safety program designed to address different work conditions?	3.76 (point to point) & 3.80 (full flagging)	X		
3. Does the On-Track Safety program offer the flexibility to add protections based on the type of work?	3.76 (point to point) & 3.80 (full flagging)	X		
4. Does the On-Track Safety program require specific protections to be used based on the type of work?	3.76 (point to point) & 3.80 (full flagging)	X		
5. Does the On-Track Safety program allow lone workers?	No lone workers- does allow lone qualified employee to walk ONLY from pt. A to pt. B. The walking person must have attended Track Safety training, wear a safety vest and carry an approved light.		X	
6. Does the On-Track Safety program allow workers onto the ROW under their own protection?	3.76 & 3.80 – No personnel (in-house and contractors) are allowed to perform work without flagging protection. Workers must be accompanied flagger(s) with flagging lights and a portable train stop.		X	
7. Does the On-Track Safety program allow workers on the ROW during peak service?	3.72(b) - Except in EMERGENCIES when full flagging is required. 3.76(a) prohibits pt to pt flagging during this time frame.		X	
8. Does the program offer the Right-of-way Worker in Charge the flexibility to exceed the requirements the program establishes?	Yes can increase from pt.-to-pt. flagging to full flagging	X		
9. Please describe the conditions (if any) under which the On-Track Safety program uses each of the following redundant protections recommended by the NTSB:	(Please use this box to provide a description of when and how these specific technologies may be used to provide redundant protection. If they are not used, please check N/A.)			
a. Shunt devices				X
b. Lock-outs from the train control system	3.80(k)&(l) Under General Orders– installation of lever locking devices at control points and blocking & clamping of switches on Right of Way.	X		
c. Secondary warning devices (such as Wayside Early Warning Alarm Systems)	3.76 & 3.80 Use of advance warning lamps or flags	X		
d. Positive stops (trippers)	3.76 & 3.80 Used during work under point to point flagging and during full flagging by installing portable train stop w/ base	X		
10. Does your program use a Wayside Early Warning Alarm System?			X	
11. Has your RTA explored the use of a Wayside Early Warning Alarm System?	ProTran	X		
12. Were any systems tested in the RTA system?	ProTran provided an onsite demonstration. ProTran could not demonstrate that the system would not	X		

	interfere with radio and wayside CBTC communications systems and was not pursued			
<b>PLANNING</b>				
13. Does the RWP program include track fouling distances from the outer rails?	NYCT marks No Clearance areas with red and white candy stripe signs and use of clear up niches.		X	
a. 4-feet	3.80(o) In stations NYCT requires flagging protection when work is being performed within 2'6" from the edge of the platform or when workers are engaged in work on ladders on a station platform within a distance equal to or less than the height of the ladder from the platform edge.			X
b. 6-feet				X
c. Outside of the Dynamic Envelop				X
d. 3-feet				X
14. Have practices for working in a manner that minimizes the danger of Right-of-Way Workers being struck by moving trains or other on-track equipment been prescribed by operating and/or safety rules?	NYCT Rules and Regulations (Flagging Rules 3.71 through 3.81, and Special Instructions to Train Operators and Others 3.82)	X		
• Operating Rules?	See above	X		
• Stand Alone Program?			X	
• Authority? (Comment should indicate the Authority that authorizes the RWP Program at the RTA)	NYCT	X		
15. Does your RTA have a stand-alone RWP committee?	There is a NYCT Track Safety Task Force (TSTF) (members include NYCT and TWU) and an Executive Track Safety Task Force (Exec TSTF) (members include DOT, DOL, NYCT, & TWU)	X		
16. How often does the RWP committee meet?	NYCT TSTF meets twice per month, Exec TSTF meets quarterly			
17. Are Labor Organizations a part of the committee?	Transport Workers Union – Local 100	X		
18. Is your SSO representative a part of the committee?	As a member of the Executive TSTF	X		
19. Does the program have a process for addressing reported unsafe acts or conditions?	NYCT Near Miss Reporting Program Safety Rule Dispute Resolution Forms NYCT TSTF	X		
20. Have procedures been established within the program to monitor the effectiveness of and compliance with the program?	NYCT Near Miss Trend Analysis Joint OSS/TWU Track Safety Inspection Program Department of Subways (DOS) Safety Audits Maintenance of Way (MOW) Quarterly Blitz Audits instituted in 2012	X		

	RTO Efficiency Test Program – Element 5.2 Train Operation through a Work Area (Flagging)			
21. Do all Right-of-Way Workers have, or have access to the On-Track safety program guidance document?	<p>NYCT employees are issued Track Safety Manuals and Track Flagging Manuals during training. Revisions are communicated via Bulletins and Advisories that are issued to employees and included in the training.</p> <p>Flagging Rules are also available on NYCT Intranet.</p> <p>Contractor employees are issued Track Safety Manuals at training which includes any Bulletins or Advisories noting changes. Bulletins/Advisories issued during the year are provided to the Contractor through CPM Safety</p>	X		
22. Does the program include a Good Faith Challenge?	Safety Rule Dispute Resolution Form – this is used for all safety related rules. If the issue is a RWP Protection issue that could affect the safety of the gang, the workers stay in the clear until the issue is resolved.	X		
23. Does the program include provisions for multiple work groups within a common work area?	3.80(k)&(l) and 3.81	X		
24. Does the program include an Access Guide that indicates areas where sight distances or Right-of-Way awareness is compromised?	<p>3.80(d) - However additional flaggers and flagging protection is required where visibility is obstructed.</p> <p>MOW Bulletin 13-06 Establishing a Safe Work Environment addresses these types of hazards on a per job basis.</p>		X	
<b>WORKING LIMITS</b>				
25. Who can request working limits?				
a. Rail Operations Control	<p>NYCT Employees that are qualified as flagman request flagging limits as dictated by the nature of work as identified by the employee-in-charge.</p> <p>MOW Procedure 4.0 - Supervisor in Charge call on the General Order (GO) for an In-house GO</p> <p>CPM Engineer in Charge call on GO for contractor work</p>		X	
b. Flagman		X		
c. Watchman				X
d. Right-of-Way Worker In Charge		X		
e. Lone Worker				X
f. All Right-of-Way Workers			X	
26. Who authorizes working limits?				
a. Rail Operations Control	3.72(b)	X		
b. Transportation Supervision			X	
c. Flagman			X	
d. Watchman				X
e. Right-of-Way Worker in Charge			X	
f. Lone Worker				X

27. How is the authorization of working limits communicated?				
a. Cell Phone – Recorded Line	Authorization is communicated verbally through land line and cell phone recorded lines	X		
b. Cell Phone – Non-Recorded Line				X
c. Radio – Recorded Channel			X	
d. Radio – Recorded Channel with Repeat-Back Requirement			X	
28. Are multiple work groups allowed to work within the same working limits?	3.72(h), 3.80(k)&(l) and 3.81	X		
29. Who controls the working limits if multiple work groups are within the working limits?				
a. Each Gang Leader/Right-of-Way Worker in Charge; individually	3.72(h) – the Employee-in-Charge of the majority of the work		X	
b. One Gang Leader/Right-of-Way Worker in Charge; <del>established by seniority</del>		X		
c. Rail Operations Control			X	
30. How are working limits delineated?				
a. Milepost	Limits are identified by structural column markers.		X	
b. Chain Markers			X	
c. Station ID's			X	
d. Other		X		
<b>ACCESS TO THE RIGHT OF WAY</b>				
31. Is access to the right of way restricted?	3.71(a)	X		
32. Who may access the right of way?				
a. Anybody	As prescribed by 3.71(a)			X
b. Transit Police				X
c. Municipal Responders				X
d. Contractors				X
e. SSO Representatives				X
f. All RTA employees at any time				X
g. All RTA employees when necessary for the performance of duty.				X
h. Only individuals that have been properly trained in On-Track Safety when necessary for the performance of duty.		X		
33. Are contractor employees allowed access to the right of way without an RTA representative?	3.72(i)		X	
<b>DUTIES AND RESPONSIBILITIES</b>				
34. Does the program establish varying levels of responsibility for Right-of-Way Worker qualifications?	3.71(a) – Track Safety Qualified	X		

	3.72(f) – Track Flagging Qualified			
35. How many seconds prior to the arrival of on-track equipment do Right-of-Way Workers have to be in a position of safety?				
a. Determined by Right-of-Way Worker in Charge	3.76(c), 3.80, and 3.82(g)&(j) – RWP is established in accordance with the civil configuration of the track. Any time an individual stops to perform work on the ROW a flagger places caution lights on the ROW in advance of the work to warn the train operator and cause him to slow/stop the train. Additionally, a portable train stopping device is secured to the rail to stop the train if the train is not slowing down or stopping as directed by the flagger.			X
b. 10 seconds				X
c. 15 seconds				X
d. 30 seconds				X
e. Not specified in the program		X		
36. Who warns the Right-of-Way Workers to clear?				
a. Right-of-Way Worker in Charge	3.77(e)		X	
b. Gang Leader				X
c. Watchman				X
d. Flagman		X		
37. Are Watchman allowed to perform any other duties?	3.72(k) NOTE - NYCT has flagmen not watchmen		X	
38. Are Watchman required to remain in a place of safety at all times in the discharge of their duties?	3.77(c),(d) & (e)		X	
39. What equipment are Watchman required to carry?				
a. Warning Disk	3.75(b) - List of equipment for flaggers		X	
b. Whistle		X		
c. Air Horn		X		
d. Working Watch			X	
e. Working Radio			X	
40. Is On-track and Revenue equipment required to slow down when observing workers on or about the tracks?	3.82	X		
41. Are On-track equipment and railcar Operators required to acknowledge the presence of Right-of-Way Worker by sounding the train horn?	3.82	X		
42. Are Right-of-Way Workers required to signal the operator that they acknowledge the movement of the railcar or on-track equipment?	3.71(e) and 3.77(e)	X		
<b>PROGRAM COMPLIANCE</b>				
43. Does your On-Track Safety Program monitor performance?	Joint OSS/TWU Track Safety Inspections Quarterly Trend Analysis of Near Misses Department of Subways (DOS) Safety Audits Maintenance of Way (MOW) Quarterly Blitz Audits instituted in 2012	X		

	RTO Efficiency Test Program – Element 5.2 Train Operation through a Work Area (Flagging)			
44. How is performance monitored?				
a. Compliance Checks	Joint OSS/TWU inspection team performs compliance checks	X		
b. Quality Assurance Audits	RTO Efficiency Test Program – Element 5.2 Train Operation through a Work Area (Flagging) performs compliance checks and quality assurance audits	X		
c. Program performance is not monitored				X
d. Program performance is monitored without formal goals?	DOS Safety performs audits/compliance checks			X
e. Announced Field Verification	MTA is auditing CBTC Flagging		X	
f. Un-announced Field Verification	<p>Program performance goals: 4 NYCT Near Miss Trend Analysis per year; 2 Joint OSS/TWU Track Safety Inspection Common Findings per year; DOS Safety in 2014 has Goal of 180 inspections/year RTO Efficiency Test (Flagging) goal for 2014 is 24 tests.</p> <p>Joint OSS/TWU inspections are unannounced</p> <p>DOS Safety Audits/compliance checks are unannounced</p>	X		
45. How is the performance data tracked?				
a. Manually Counted	NYCT Near Miss Information and Joint OSS/TWU Inspection information is tracked in a database		X	
b. Recorded Electronically into a database	DOS Safety information is tracked in a database	X		
c. Each department collects and individually files their internal compliance information	Quarterly MOW Blitz audits are manually reviewed and filed.		X	
d. The RTA does not track performance data	RTO Efficiency Test Program – Element 5.2 Train Operation through a Work Area (Flagging) is tracked in a database.		X	
46. When was the last On-track Safety performance monitoring performed?	NYCT Near Miss Program, Joint OSS/TWU Inspections, DOS Safety Audits, and MOW Blitz Audits and RTO Efficiency tests are on going			
47. How many times was the On-track Safety program monitored in CY10?	<p>NYCT Near Miss Trend Analysis – 4; 15 Near miss incidents</p> <p>Joint OSS/TWU Inspection Common Findings – 4; 391 joint inspections</p> <p>DOS Safety Inspections 151</p> <p>RTO Efficiency Tests – 33</p>			
48. How many times was the On-track Safety program monitored in CY 11?	<p>NYCT Near Miss Trend Analysis – 4; 11 Near miss incidents</p> <p>Joint OSS/TWU Inspection Common Findings – 4; 402 joint inspections</p> <p>DOS Safety Inspections 231</p> <p>RTO Efficiency Tests – 28</p>			

<p>49. How many times was the On-track Safety program monitored in CY12?</p>	<p>NYCT Near Miss Trend Analysis— 4; 5 Near miss incidents</p> <p>Joint OSS/TWU Inspection Common Findings— 4; 341 joint inspections</p> <p>DOS Safety Inspections 175</p> <p>MOW Blitz Audits 306</p> <p>RTO Efficiency Tests— 7</p>			
<p>50. How many times was the On-track Safety program monitored in CY13?</p>	<p>NYCT Near Miss Trend Analysis— 4; 11 Near miss incidents</p> <p>Joint OSS/TWU Inspection Common Findings— 2; 351 joint inspections</p> <p>DOS Safety Inspections 50</p> <p>MOW Blitz Audits 354</p> <p>RTO Efficiency Test Program — 18</p>			
<p><b>TRAINING</b></p>				
<p>51. Has your agency established an On-track safety training program?</p>	<p>Track Safety Training Program</p> <p>Track Flagging Training Program</p>	<p>X</p>		
<p>52. Please summarize the length of the training class/es</p>	<p>Track Safety initial is 1 day (8 hours)</p> <p>Track Flagging Training initial is 9 days</p>			
<p>53. Is refresher training required?</p>	<p>Track Safety — 8 hours taken every two years</p> <p>Track Flagging Training — 8 hours taken annually</p>	<p>X</p>		
<p>54. Are contractor employees required to be trained in On-track Safety?</p>	<p>3.71(a)</p>	<p>X</p>		
<p>55. How often are contractor employees trained in On-track Safety?</p>	<p>Initially and then every two years</p>			
<p>56. Have all SSO Region Representatives received On-track Safety training for your RTA?</p>		<p>X</p>		
<p>57. Are exercises built into the training that require the trainee to demonstrate proficiency?</p>	<p>During initial and refresher training for both Track Safety and Track Flagging training</p>	<p>X</p>		
<p>58. Are trainees taken into the right-of-way as part of the training?</p>	<p>During initial training for both Track Safety and Track Flagging training</p>	<p>X</p>		
<p>59. Does the program include training and qualification?</p>	<p>Initial training for both Track Safety and Track Flagging training include training and qualification</p>	<p>X</p>		
<p>60. Does the program include pass/fail criteria?</p>	<p>Initial Track Safety requires 70% on the written exam and must demonstrate their ability to clear up on tracks</p> <p>Refresher Track Safety requires 70% on written exam</p> <p>Initial Track Flagging training requires 100% on the written exam and must demonstrate ability to perform during multiple day posting in field</p> <p>Refresher Track Flagging training requires 100% on written exam.</p>	<p>X</p>		

61. Is the program supported by a record-keeping system capable of monitoring training and qualification records?	Certification cards are issued with expiration date. A record of attendance is kept in ELM database and original attendance sheets kept on file.	X		
62. Are Safety Department Representatives qualified in all aspects of the On-track Safety program? (this includes the Safety Director/Chief Safety Officer/Safety Manager, etc.)	Minimum of Track Safety qualified	X		
63. Are Operational Managers required to qualify at the highest level of your On-track Safety Program?	Operational Managers that enter the ROW must have a minimum of Track Safety Training. Certain Managers (including those in charge of Flaggers) receive Track Flagging training		X	
64. Are the trainers that provide the training required to have wayside experience?	However, Trainers predominantly have wayside experience		X	