

Gordon Robert (Joe)

From: Woolverton, Larry (FRA) [REDACTED] >
Sent: Thursday, January 11, 2018 2:33 PM
To: Gordon Robert (Joe)
Cc: Bucher David; Hall Robert; Alexy, Karl (FRA); Herrmann, Thomas (FRA); Kilgore, Kenton (FRA); Henriksen, Lucinda (FRA); Moore, Aaron (FRA)
Subject: RE: DCA17FR004- Supervision and Communication
Attachments: Job briefings - final.docx

Joe, the coordinated response to your question below regarding job briefings is attached. (Job Briefings – Final)

From: Gordon Robert (Joe) [REDACTED]
Sent: Wednesday, November 15, 2017 7:02 AM
To: Woolverton, Larry (FRA) [REDACTED]
Cc: Bucher David [REDACTED]
Subject: FW: DCA17FR004- Supervision and Communication

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From: Gordon Robert (Joe)
Sent: Tuesday, October 17, 2017 11:04 AM
To: 'FRA.NTSB.email@dot.gov' [REDACTED] >
Cc: Hall Robert [REDACTED] >; Kendall Edward [REDACTED] Beaton Robert [REDACTED] >; Bucher David [REDACTED] >
Subject: DCA17FR004- Supervision and Communication

NTSB would like FRA's legal opinion on what is considered when determining if a 214.315 (a) briefing satisfies the requirements of 214.315 (d). When would the (d) briefing satisfy the (a) requirement?

214.315 Supervision and communication.

(a) When an **employer** assigns a duty to a roadway worker that calls for that employee to foul a track, the **employer** shall provide the employee with an on-track safety job briefing that, at a minimum, includes the following:

- (1) Information on the means by which on-track safety is to be provided for each track identified to be fouled;
- (2) Instruction on each on-track safety procedure to be followed;
- (3) Information about any adjacent tracks, on-track safety for such tracks, if required by this subpart or deemed necessary by the roadway worker in charge, and identification of any roadway maintenance machines that will foul such tracks;
- (4) A discussion of the nature of the work to be performed and the characteristics of the work location to ensure compliance with this subpart; and
- (5) Information on the accessibility of the roadway worker in charge and alternative procedures in the event the roadway worker in charge is no longer accessible to the members of the roadway work group.

(d) Before any member of a roadway work group fouls a track, the designated person providing on-track safety for the group under paragraph (c) of this section shall inform each roadway worker of the on-track safety procedures to be used and followed during the performance of the work at that time and location. Each roadway worker shall again be so informed at any time the on-track safety procedures change during the work period. Such information shall be given to all roadway workers affected before the change is effective, except in cases of emergency. Any roadway workers who,

because of an emergency, cannot be notified in advance shall be immediately warned to leave the fouling space and shall not return to the fouling space until on-track safety is re-established.

The Compliance Manual provides the following guidance related to 214.315 (a) and 214.315 (d):

Paragraph (d) explains the duties of the roadway worker designated to provide on-track safety for the work group. Before roadway workers foul a track, the designated person must inform each roadway worker in the group of the on-track safety methods to be used at that time and location. Essentially, the designated person must conduct an on-track safety briefing prior to the beginning of work on or near the track. This briefing might also fulfill the requirements of paragraph (a) of this section.

Please contact me if you have any questions,

Joe Gordon

Rail Accident Investigator



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