

Question:

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?

Answer:

When determining if a job briefing satisfies the requirements of paragraphs (a) and/or paragraph (d) of § 214.315, FRA considers the content of the briefing, who participated in the briefing, and who provided the briefing. If a single briefing meets all elements of both paragraphs (a) and (d), that single briefing satisfies the requirements of both paragraphs. Specifically, if a job briefing compliant with paragraph (a) is performed (i.e., the briefing includes all the information required by paragraphs (a)(1) through (a)(5)) and the "roadway worker in charge" (or, prior to April 1, 2017, the "roadway worker designated by the employer to provide on-track safety for all members of the group under paragraph (c)") either gives the briefing or by participating in the briefing ensures all roadway work group members are informed of the on-track safety procedures to be used, that briefing would also satisfy paragraph (d). Likewise, if a briefing is performed that complies with paragraph (d) and includes all the information listed in paragraphs (a)(1) through (a)(5), that briefing would also satisfy the job briefing requirements of paragraph (a).