

From: [REDACTED]
Cc: [REDACTED]
Subject: RE: Interpretation of definition regarding RMM's
Date: Wednesday, August 31, 2022 6:37:44 PM

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Hi Troy, please find the FRA interpretation regarding RMMs

FRA does not consider excavators being used as RMMs to be “roadway maintenance machines equipped with a crane.” As explained in FRA’s Railroad Workplace Safety Compliance Manual, the definition of the term “roadway maintenance machines equipped with a crane” means “any roadway maintenance machine equipped with a crane or boom that can hoist, lower, and horizontally move a suspended load. In general, it does not include excavating equipment such as wheel loaders, crawler or rubber tired backhoes or similar types of machines designed for excavating purposes or any device not meeting the requirements of a roadway maintenance machine, e.g., hand cranked winches.” CM 3.1.14 (emphasis added).

In addition, FRA coordinated with OSHA when drafting its regulations addressing crane RMMs. See, e.g., 79 Fed. Reg. 66460, 66474 (Nov. 7, 2014). When used outside the railroad context, OSHA similarly excludes excavating equipment from its regulations covering cranes. 29 CFR 1926.1400(c) (“Exclusions. This subpart does not cover: (1) Machinery included in paragraph (a) of this section while it has been converted or adapted for a non-hoisting/lifting use. Such conversions/adaptations include, but are not limited to, power shovels, excavators and concrete pumps. (2) Power shovels, excavators, wheel loaders, backhoes, loader backhoes, track loaders. This machinery is also excluded when used with chains, slings or other rigging to lift suspended loads. ...”).

FRA notes that RMMs that do not meet the specific definition of “roadway maintenance machines equipped with a crane” are nonetheless still subject to all applicable FRA safety regulations covering RMMs, including, among other things, training and qualification requirements for RMM operators on “Methods to determine safe operating procedures for each machine that the operator is expected to operate.” 49 CFR 214.355(a)(4).

POC this response is:

Lance Hawks
Federal Railroad Administration
HQ Safety Specialist – RWP/RMM

[REDACTED]
[REDACTED]

Tom Woodhams
Executive Staff Director (XO)
Office of Data Analysis and Program Support
Office of Railroad Safety
Federal Railroad Administration

[REDACTED]
[REDACTED]
[REDACTED]

From: Lloyd Troy [REDACTED]
Sent: Tuesday, August 30, 2022 3:22 PM
To: Woodhams, Thomas (FRA) [REDACTED]; [REDACTED]
<[REDACTED]>
Cc: Kilgore, Kenton (FRA) [REDACTED] >
Subject: RE: Interpretation of definition regarding RMM's

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Thank you Tom!

From: Woodhams, Thomas (FRA) [REDACTED] >
Sent: Tuesday, August 30, 2022 5:03 PM
To: Lloyd Troy <[REDACTED]>; FRA.NTSB.email <[REDACTED]>
Cc: Kilgore, Kenton (FRA) <[REDACTED]>
Subject: RE: Interpretation of definition regarding RMM's

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Lloyd, give us a bit of time to work this.

Tom

Tom Woodhams
Executive Staff Director (XO)
Office of Data Analysis and Program Support
Office of Railroad Safety
Federal Railroad Administration

[REDACTED]
[REDACTED]
[REDACTED]

From: Lloyd Troy <[REDACTED]>
Sent: Tuesday, August 30, 2022 2:46 PM
To: FRA.NTSB.email <[REDACTED]>
Cc: Woodhams, Thomas (FRA) <[REDACTED]v>; Kilgore, Kenton (FRA) <[REDACTED]>
Subject: Interpretation of definition regarding RMM's

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Good morning, Tom, and Kenton,

This NTSB request for interpretation of a definition is for the following accident: NTSB reference No. RRD21LR016, fatality of contract equipment operator in Castroville, Texas on September 22, 2021. The accident occurred on Union Pacific's Del Rio Subdivision.

FRA's Definition of RMM Equipped with a Crane: "Roadway maintenance machines equipped with a crane means any roadway maintenance machine equipped with a crane or boom that can hoist, lower, and horizontally move a suspended load". (page 11 in FRA's Roadway Workplace Safety Manual in the definitions)

RMM Utilization: At the time of the accident, the equipment operator was utilizing the above RMM (see attached pictures) to hoist (lift), and horizontally move (transport from one location to another) a suspended load while the load was being carried from the RMM's boom on the railroad tracks.

NTSB Question/FRA Interpretation: Would this RMM, while being used in the capacity to hoist, horizontally transport and lower suspended loads fall under FRA's definition as "Roadway maintenance machines equipped with a crane means any roadway maintenance machine equipped with a crane or boom that can hoist, lower, and horizontally move a suspended load". (page 11 in FRA's Roadway Workplace Safety Manual in the definitions).

Any questions or concerns regarding this email, please do not hesitate to contact me via email at [REDACTED], or via cellphone at (202) 441-9373.

Troy A. Lloyd; WSO-CSSD/TSSP
Railroad Accident Investigator
National Transportation Safety Board
[REDACTED]
[REDACTED]

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