



National Transportation Safety Board

Washington, DC 20594

Safety Recommendation

Date: October 22, 2014

In reply refer to: R-14-33 through -37,
R-14-44, and R-14-47

The Honorable Joseph C. Szabo
Administrator
Federal Railroad Administration
Washington, DC 20590

On September 24, 2014, the National Transportation Safety Board (NTSB) adopted its special investigation report on railroad and rail transit roadway worker protection.¹ Additional information about this investigation and the resulting recommendations may be found in the report of the investigation, which can be accessed at our website, <http://www.nts.gov>, under report number SIR-14-03.

As a result of this investigation, we reiterated and reclassified Safety Recommendation R-08-4 to the Washington Metropolitan Area Transit Authority and issued 15 new safety recommendations, including recommendations to the Federal Transit Administration, the Occupational Safety and Health Administration, the Fatality Analysis of Maintenance-of-Way Employees and Signalmen Committee, and the following 6 safety recommendations to the Federal Railroad Administration:

R-14-33

Revise the portions of Title 49 *Code of Federal Regulations* (CFR) Part 214 for comprehensive job briefings for roadway workers to include the best practices in the Occupational Safety and Health Administration standards contained in Title 29 CFR Parts 1910 and 1926.

¹ National Transportation Safety Board, *Special Investigation Report on Railroad and Rail Transit Roadway Worker Protection*, SIR-14/03 (Washington, DC: National Transportation Safety Board, 2014).

R-14-34

Revise your national inspection program to include specific emphasis on roadway worker activities, including emphasizing hazard recognition and mitigation in job briefings.

R-14-35

Work with the Occupational Safety and Health Administration (OSHA) to establish clear guidelines for use by railroads and railroad workers detailing when and where OSHA standards are to be applied.

R-14-36

Require initial and recurring training for roadway workers in hazard recognition and mitigation. Such training should include recognition and mitigation of the hazards of tasks being performed by coworkers.

R-14-37

Include union participation in accident investigations similar to that allowed by the Occupational Safety and Health Administration. Seek authority from Congress to allow such participation, if necessary.

R-14-44

Assist the Federal Transit Administration in establishing roadway worker protection rules, including requirements for job briefings.

R-14-47

Include in the Fatality Analysis of Maintenance-of-Way Employees and Signalmen Committee's publications data on all roadway worker fatalities, regardless of whether the employee is performing roadway worker tasks as defined by the Federal Railroad Administration.

Acting Chairman HART, and Members SUMWALT, ROSEKIND, and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 90 days detailing the actions you have taken or intend to take to implement them. When replying, please refer to the safety recommendations by number. We encourage you to submit your response electronically to correspondence@ntsb.gov.

[Original Signed]

By: Christopher A. Hart,
Acting Chairman



National Transportation Safety Board

Washington, DC 20594

Safety Recommendation

Date: October 22, 2014

In reply refer to: R-14-36 through -43

Ms. Therese W. McMillan
Acting Administrator
Federal Transit Administration
Washington, DC 20590

On September 24, 2014, the National Transportation Safety Board (NTSB) adopted its special investigation report on railroad and rail transit roadway worker protection.¹ Additional information about this investigation and the resulting recommendations may be found in the report of the investigation, which can be accessed at our website, <http://www.nts.gov>, under report number SIR-14/03.

As a result of this investigation, we reiterated and reclassified Safety Recommendation R-08-4 to the Washington Metropolitan Area Transit Authority and issued 15 new safety recommendations, including recommendations to the Federal Railroad Administration, the Occupational Safety and Health Administration, the Fatality Analysis of Maintenance-of-Way Employees and Signalmen Committee, and the following 8 safety recommendations to the Federal Transit Administration:

R-14-36

Require initial and recurring training for roadway workers in hazard recognition and mitigation. Such training should include recognition and mitigation of the hazards of tasks being performed by coworkers.

R-14-37

Include union participation in accident investigations similar to that allowed by the Occupational Safety and Health Administration. Seek authority from Congress to allow such participation, if necessary.

¹ National Transportation Safety Board, *Special Investigation Report on Railroad and Rail Transit Roadway Worker Protection*, SIR-14/03 (Washington, DC: National Transportation Safety Board, 2014).

R-14-38

With assistance from the Federal Railroad Administration and the Occupational Safety and Health Administration, establish roadway worker protection rules, including requirements for job briefings.

R-14-39

Once the action specified in Safety Recommendation R-14-38 is completed, update the state safety oversight program to ensure that rail transit systems are meeting the safety requirements for roadway workers.

R-14-40

Establish a national inspection program that specifically includes roadway worker activities.

R-14-41

Revise Title 49 *Code of Federal Regulations* (CFR) Part 659 to require all federally funded rail transit properties to comply with 29 CFR Parts 1904, 1910, and 1926.

R-14-42

Establish an agreement with the Occupational Safety and Health Administration to collaborate on any investigation of the fatality of an on-duty rail transit employee.

R-14-43

Establish a committee for rail transit, similar to the Fatality Analysis of Maintenance-of-Way Employees and Signalmen Committee, that includes participation from interested parties, analyzes all rail transit employee fatalities, and makes recommendations that, when implemented, will prevent future accidents.

Acting Chairman HART, and Members SUMWALT, ROSEKIND, and WEENER concurred in these recommendations.

The NTSB is vitally interested in these recommendations because they are designed to prevent accidents and save lives. We would appreciate receiving a response from you within 90 days detailing the actions you have taken or intend to take to implement them. When replying, please refer to the safety recommendations by number. We encourage you to submit your response electronically to correspondence@ntsb.gov.

[Original Signed]
By: Christopher A. Hart,
Acting Chairman