



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

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.

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-14-44 through -46

The Honorable David Michaels, PhD, MPH
Assistant Secretary of Labor for Occupational Safety and Health
US Department of Labor
Occupational Safety and Health Administration
200 Constitution Ave. NW
Washington, DC 20210

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of the accidents and issue safety recommendations aimed at preventing future accidents. In addition, we carry out special studies concerning transportation safety and coordinate the resources of the federal government and other organizations to provide assistance to victims and their family members affected by major transportation disasters. We are providing the following information to urge the Occupational Safety and Health Administration to take action on the safety recommendations being issued in this letter.

On September 24, 2014, we adopted our 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 Federal Transit Administration, the Fatality Analysis of Maintenance-of-Way Employees and Signalmen Committee, and the following 3 safety recommendations to the Occupational Safety and Health Administration:

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-14-44

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

R-14-45

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

R-14-46

Establish an agreement with the Federal Transit Administration to collaborate on any investigation of the fatality of an on-duty rail transit employee.

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. If it exceeds 10 megabytes, including attachments, please e-mail us at the same address for instructions. Please do not submit both an electronic copy and a hard copy of the same response.

[Original Signed]

By: Christopher A. Hart,
Acting Chairman