

## Chapter 1

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# **Program Goal, Statutory Authority & Responsibilities of Operating Practices Personnel**

## **Program Goal**

The goal of the Operating Practices Division in FRA's Office of Safety Assurance and Compliance is to promote safety in railroad operations by reducing train accidents, deaths and injuries to persons, and property damage attributed to non-compliance with Federal safety standards and railroad operating rules, practices, and procedures.

FRA's programs for enforcement of safety standards governing the design and maintenance of railroad rolling stock or facilities are covered by guidance issued under other FRA discipline manuals. Our goal is to eliminate train accidents and railroad worker injuries through a properly conceived and executed balanced regulatory safety program, uniformly implemented by informed personnel. Through this program, we can ensure the public that risk of accidents will be progressively reduced toward that goal. Adherence to the guidance in this manual will enhance the individual inspectors' opportunity to significantly contribute to accomplishing our goal.

## **Basis for Regulation and Inspection Activities Statutory Authority**

The authority to establish a comprehensive rail safety program is contained in 49 U.S.C. §20103 (formerly the Federal Railroad Safety Act of 1970) (Laws). The Laws provide for the Secretary of Transportation (delegated to the Federal Railroad Administrator) to prescribe, as necessary, appropriate rules, regulations, orders and standards in all areas of railroad safety. The Laws required that initial rules be published within one year of enactment, but contemplated the continuous review of rules to ensure relevancy.

The Laws also provide authority for the State Participation Program (Part 212), penalties for failure to obey Federal safety standards and regulations, and authority to examine railroad property and records. In addition to civil penalties, other extraordinary compliance provisions are expressly provided in the Laws. An Emergency Order (E.O.) may be issued by the Federal Railroad Administrator when he or she has determined through testing, inspection, investigation or research that a facility or operation is unsafe and creates a hazard of death or injury to persons. These emergency powers are contained in 49 U.S.C. § 20104; Compliance Orders or Special Notice of Repair may also be invoked where circumstances demand (Part 216 Special Notice and Emergency Order Procedures). Chapter 4 of this manual provides guidance to the inspector on the use of these extraordinary remedies.

## **Regulatory Authority**

Regulations applicable to railroads were published under the authority of the Laws and are contained in the Code of Federal Regulations, Title 49, Parts 200 to 399. The development of operating rules and regulations began and continues today with the participation of labor, management and the public. Due to changing industry trends, technological innovations, as well as operational changes, some rules have been revised while others are being eliminated or replaced in order to accommodate technological advances.

It is the responsibility of the Operating Practices Division in FRA's Office of Safety Assurance and Compliance to review and analyze railroad operating and safety rules. If, during accident investigations,

an inspector discovers serious problems or deficiencies not otherwise covered by the Federal safety standards or regulations, a full report with recommendations and supporting documentation should be forwarded to the regional office and the Staff Director, Operating Practices, Office of Safety Assurance and Compliance, Washington, D.C.

## **FRA's Railroad Safety Board**

Persons outside the Federal government may petition the FRA for revisions to safety regulations or waivers from the requirements. 49 CFR Part 211 prescribes rules of practice that apply to rulemaking, waiver processing, review of emergency or compliance orders, safety related proceedings, and informal safety inquiries. If the Railroad Safety Board determines that a petition for waiver is justified, it may grant the waiver petition. Conditions may be imposed on the grant of waiver if the Board concludes that they are necessary to assure safety or are in the public interest. The Railroad Safety Board consists of a chairman, two voting members, and a legal advisor.

## **FRA's Locomotive Engineer Review Board**

Any person who has been denied locomotive engineer certification, recertification, or has had his/her certificate revoked may petition the Locomotive Engineer Review Board (LERB) to review the railroad's decision. The LERB is composed of at least three employees of the FRA selected by the Director, Office of Safety Assurance and Compliance. The Office of Chief Counsel appoints the Senior Counsel to the LERB. The LERB was created by FRA Order 1100.18, dated April 17, 1992, and currently consists of a chairman, two voting members, and a legal advisor.

## **FRA's Exercise of Jurisdiction Over Tourist or Scenic Railroads (Effective January 4, 1993)**

There are wide ranges of railroad operations that could be considered tourist or excursion railroads under the broadest reading of the term. Determining where Congress intended for FRA to exercise its jurisdiction has been a very difficult challenge. For our purposes, operations with less than 24-inch gage have never been considered railroads under the Federal railroad safety laws, and are not subject to FRA jurisdiction.

We consider a tourist or excursion railroad operation to be insular if its operations are limited to a separate right-of-way, where there is no reasonable expectation that the safety of any member of the public (except a business guest, a licensee of the tourist operation or an affiliated entity, or a trespasser) would be affected by the railroad's operation. A tourist or excursion railroad operation will not be considered insular if one or more of the following exists on its right-of-way or line:

a public highway-rail crossing that is in use;

an at-grade railroad crossing that is in use;

a bridge over a public road or waterway used for commercial navigation; or

a common corridor with a railroad (i.e., its operations are within 30 feet of another railroad).

The fact that a tourist operation is not connected to the general railroad system would not make it insular under these criteria. Application of these criteria will exclude from our jurisdiction insular theme park and

museum railroads. However, the inspectors will still need to do case-by-case analysis of railroad operations in some situations.

## Applicability of the Safety Laws and Regulations

In order to ensure uniformity as to which statutes and regulations apply to those operations considered by FRA to be tourist railroads, inspectors should apply the following guidance:

If the railroad operates on the general system, all statutes and regulations apply unless and until any appropriate waiver has been applied for and granted. Note: FRA generally lacks authority to waive statutory requirements. If the railroad is insular, it is one over which FRA has decided not to exercise jurisdiction at this time. If the railroad is not insular (i.e., it is a stand-alone line with no freight traffic but has one or more features that preclude its being considered insular), all of FRA's procedural regulations (e.g., Parts 209, 211, and 216) and all general power and enforcement provisions of the rail safety statutes (e.g., subpoena authority, civil penalty authority, disqualification authority, and emergency order authority) apply.

Only the substantive laws and regulations apply to non-general system, non-insular tourist operations. All substantive provisions of the rail safety statutes (e.g., those laws formerly known as: the Hours of Service Law's restrictions on duty hours; the requirements of the Safety Appliance Acts found at 45 U.S.C. Sections 1, 2, 4, 9, and 11; section 2 of the Locomotive Inspection Act, 45 U.S.C. 22; and the Signal Inspection Act, 49 App. U.S.C. 26);

- Accident/incident reporting (Part 225);
- Steam Locomotive Inspection (Part 230);
- Noise Emission (Part 210): but note that the regulations do not apply to steam locomotives;
- Freight Car Safety Standards (Part 215): not limited to general system, but applies only to standard gage lines; unlikely to be a factor except with respect to cabooses or cars originally designed to carry freight and since converted to carry passengers (which, because they were designed for freight, remain covered by these standards); and
- Hazardous Materials Regulations (Parts 171-179): also unlikely to be a factor, except for hauling of a railroad's own materials and supplies that are hazmats (but note that torpedoes or fusees are not hazmats when carried in locomotives or rail cars).

Many FRA regulations do not presently apply to tourist or excursion railroads that are not operated over the general system. However, FRA's emergency order authority permits it to address a true safety emergency arising from conditions (e.g., improper maintenance of air brakes or track) covered by those regulations that do not apply outside of the general system. Thus, even off-the-system tourist railroads should understand that FRA has jurisdiction to inspect their operations and to take emergency action if those operations pose an imminent hazard of death or injury. (G-92-16, dated January 4, 1993, from Ed English to Regional Administrators)

A flow chart showing FRA's jurisdiction over tourist and excursion railroads is at the end of the Chapter.

## Responsibilities of the Regional OP Specialists

Specialists are responsible for providing technical supervision and guidance for FRA and State participation program inspectors in each region. They must maintain a high level of specialized

knowledge of FRA's Operating Practices Regulations, Railroad Operating Rules and Operations, and perform all duties with the advice and guidance of the Regional Administrator. Technical advice and information on technical matters are obtained from the Operating Practices Division of the Office of Safety Assurance and Compliance, at FRA's Washington Headquarters, and on legal matters from FRA's Office of Chief Counsel.

Serves as an expert concerned with the uniform interpretation and application of applicable Federal laws, orders, rules and regulations. In addition, he/she contributes expertise in the analysis and resolution of issues involving railroad rules, practices, and procedures in the overall promotion of safe railroad operations.

Assists the Regional Administrator in planning and managing safety projects and programs. Advises the Regional Administrator on compliance problems or trends involving Federal regulations, industry practices or railroad operating rules, practices, procedures, and qualifications.

Devises programs to evaluate complex circumstances to determine the extent of compliance erosion and develops the corrective countermeasure strategies and follow-up monitoring inspection activities to promote and ensure resolution measures.

Evaluates and critiques the Operating Practices Inspection Reports for technical and legal sufficiency and completeness, with recommendations for prosecution to the Office of Chief Counsel. Leads and coordinates the investigations of serious train accidents, special assessments/assignments, inspections and investigations, as well as actively coordinating and providing guidance to the preparation of reports of inspectors' findings.

Continually evaluates assigned inspection territories and work assignments to promote equitable work distribution and maximize inspector resource allocation. Provides guidance to inspectors in the development of individual priorities and scheduling of activities. Participates in individual training, technical assistance and monitoring of Operating Practices Inspectors.

Assists Office of Chief Counsel representatives at claims collection conferences and court proceedings when requested to do so.

Composes correspondence related to complaint investigations and replies to complainants, and responds to requests for information about, or interpretation of, FRA's regulations. All requests for interpretations are forwarded to headquarters for response and signature by the Director, Office of Safety Assurance and Compliance.

Represents the FRA as liaison between railroads, labor organizations, State rail safety program managers, and others on matters of compliance with laws, orders, rules and regulations to promote railroad safety.

Reviews and processes petitions for waivers of compliance submitted to FRA by railroads in accordance with the provisions 49 CFR 211 - Rules of Practice, subsequent to inspection and investigation.

Monitors participation by States as may be necessary and appropriate to assure compliance with the authorizing legislation.

Organizes and conducts regional conferences and training seminars for FRA and State participation program inspectors of all disciplines, and for industry management and labor organizations or groups, and for public agencies and the public.

Works with Operating Practices inspectors to provide technical guidance and to promote the uniform understanding and application of laws, orders, rules, and regulations applicable to the safe railroad operations.

## Responsibilities of OP Inspectors

The inspector is responsible for operating rules and practices, administration of Federal alcohol and drug control programs, hours of service for railroad employees involved with the movement of trains, Federal locomotive engineer certification standards, occupational safety conditions and reporting, and employee training and qualification. In this capacity, the inspector:

Investigates serious railroad accidents, visits the accident site, makes inspections and tests of situations and objects to determine the operational condition of affected equipment. Questions employees and witnesses to develop the facts. Writes a narrative report, describing the accident, the cause or causes and recommends measures to prevent similar accidents in the future;

Examines railroad records to determine that all reportable personal injuries and accidents have been properly reported;

Examines railroad records to determine if employees connected with the movement of a train were permitted to be or remain on duty contrary to provisions of the law;

Examines railroad records to determine if employees connected with the movement of a train are in compliance with Federal alcohol and drug regulations;

Examines railroad records to determine if employees connected with the operation of locomotives or a train is in compliance with Federal regulations concerning locomotive engineer certification;

Investigates complaints from railroad employees or the general public regarding unsafe practices involving train operations;

Investigates individually or as part of a team, reportable accidents and incidents involving railroad operations to determine probable cause and if Federal regulations were violated;

Observe railroad employees in the performance of operational duties related to the movement of trains for compliance with the law, including utility employees.

Assists MP&E inspectors in the inspection of railroad yards, repair shops, and locomotive repair and servicing facilities for compliance with blue signal protection regulations; and

When required, submits evidence for prosecution of violations, and enforces the provisions of the appropriate Federal laws. If a case goes to trial, the inspector must be prepared to appear in court as a witness for the prosecution to substantiate the Government's case;

Receives, as necessary, additional classroom and on-the-job training in accident investigation, operating rules and practices, and railroad occupational safety and health;

Performs other duties as assigned.

## Responsibilities of Headquarters OP Specialists

Headquarters specialists are responsible for identifying unsafe operating practices on railroads operating throughout the United States. The Specialist is responsible for evaluating the effectiveness of railroad operating rules, and assisting in the formulation of regulations governing railroad operating practices and rules. The Specialist receives only general policy guidance from the Staff Director in the performance of his work. Expertise is required in railroad operating practices and rules; in railroad safety regulations and procedures; and in understanding train operating methodologies and techniques employed by railroads throughout the United States. The position requires a high degree of proficiency in providing accurate

and practical solutions to a wide variety of railroad operating problems associated with operating practices regulations. The Specialist must employ reason, ingenuity and tact in coordinating FRA programs involving national representatives of railroad management and labor organizations.

Evaluates the overall effectiveness of rules, regulations, and standards administered by the OP division. Responsible for providing the Staff Director with advice, guidance, technical expertise and recommendations related to FRA policies and procedures, and railroad operating practices and rules.

Analyzes and evaluates information obtained through railroad reporting requirements, FRA inspection reports, and investigation procedures, to develop data relating to causal factors in railroad accidents; safe and unsafe railroad operating practices or approaches; practicality of railroad operating rules; rail company/employee compliance with FRA rules, regulations and standards applicable to rail operations; and the general level of physical and technical proficiency of qualifications of employees.

Informs the Staff Director of any significant occurrences or problems related to matters administered by the OP division and recommends appropriate remedial action. Subject to review by the Staff Director, is responsible for the solution of administrative problems within his/her area of responsibility.

Assists in relaying established interpretive guidance on FRA operating practices, rules, and regulations, to FRA field inspection forces, labor union officials, and railroad management, to ensure uniform understanding of compliance requirements. Assists in the development of rulemaking documentation and reviews revisions to railroad operating rules as necessary to promote the safety of railroad operating practices.

Analyzes complex railroad operating procedures and operating rules submitted to the FRA by railroads operating in the U.S. as appropriate. Where necessary, initiates corrective action relative to deficiencies discovered through such analysis, utilizing an appropriate venue to initiate change.

Identifies hazards and determines their respective magnitude, recommending appropriate action to be taken in response. Will identify specific train operational problems and hazards through review of data submissions and field reports to develop a methodology to minimize or eliminate those problems.

Conducts, directs, and participates in special investigations, assessments, and studies as assigned, concerning railroad operations. Analyzes FRA inspection and investigation reports and procedures relative to identification of causal factors in train accidents and incidents. Plans, develops, and implements orders, rules, standards, and regulations, concerning railroad train operations, operating practices, and operating employees. Evaluates effectiveness of FRA regulations relative to operating practices and control of train operations. Assesses the qualifications and proficiency of railroad operating personnel and other railroad employees concerned with the operation of trains, making such recommendations as are appropriate to remedy any potential shortcomings.

Furnishes input on the performance of field personnel conducting inspections and investigations related to work of the OP division. Prepares appropriate technical manuals as assigned, detailing investigations, inspections, and inspector conduct. Participates in preparation of technical training courses as assigned.

Maintains close liaison with functionaries within the rail industry, with professional societies, and with Federal, State and local governmental agencies.  
Performs other duties as assigned.

## **Operating Practices Publications and References**

The following list comprises the essential Operating Practices publications and references:

Operating Practices Compliance Manual

Title 49 CFR Parts 200-399

Title 49 CFR Part 40

Federal Register publications of proposed and final rulemaking actions

Office of Safety OP, General, and Safety Technical Bulletins (TB)

Substance Abuse Professional Procedures

Breath Alcohol Technician (BAT) Training Curriculum

Screening Test Technician (STT) Training Curriculum

Engineer Certification Reference Guide

Control of Alcohol and Drug Use Reference Guide

Urine Specimen Collection Procedure Guidelines

FRA Emergency and Compliance Orders

Waivers of compliance for certain Federal safety standards

Accident/Incident Report Summaries

FRA Guide for Preparing Accident/Incident Reports

Railroad Inspection Point Listings and Summaries

Railroad operating rules and guidance associated with operation of the railroad (i.e., safety rules, maintenance of way & equipment rules, efficiency testing programs, timetables, etc.) for railroads within the inspector's area of responsibility

Train and Yard Operations Reference Guide

## **Inspector Protocol**

Inspectors are not to offer directives, instructions, or advice, nor become involved in any advisory capacity, to any person during emergency response and recovery operations involving railroad accidents or incidents. An inspector may refer responders to published FRA guidance (i.e., 49 CFR Parts 200-399) to respond to a query.

Inspectors shall not operate railroad equipment for any purpose. There is no exception to this rule. Inspectors may request the railroad move a piece of equipment to facilitate investigation of accidents or incidents, or to preserve evidence.

Inspectors must comply with railroad safety policies and procedures while working in or around railroad carrier property or facilities (i.e., use of hard hats, vision and hearing protection, breathing apparatus, safety footwear, etc.)

## Correspondence and Communications Requirements

FRA Order 1325.2, dated December 7, 1990, promulgates standards and procedures, which will assure the systematic and efficient processing of correspondence and communication requirements throughout the FRA.

Any incoming mail or correspondence having been delivered directly to an FRA Office from organizations or agencies external to FRA, requesting information potentially affecting FRA or Departmental policy, shall be:

- (1) Reported to the Executive Secretariat for inclusion into its Correspondence Tracking System upon receipt;
- (2) Formally coordinated with other FRA Offices potentially affected by the outcome of the request or participating in the development of the response, within a reasonable time frame prior to any due date; and,
- (3) Formally coordinated with the Office of the Administrator within a reasonable time frame prior to any due date.

Any major initiative under development (e.g., rulemaking, reorganization) or revision potentially affecting FRA or Departmental policy shall have major milestones and be incorporated into the FRA Management by Objectives system.

FRA Offices are responsible for ensuring that any and all Congressional correspondence and inquiries are entered into the Executive Secretariat Correspondence Tracking System.

Any response to Congressional correspondence of inquiries potentially affecting FRA or Departmental policy shall be submitted to the Office of the Administrator for coordination within a reasonable time frame prior to any due date.

All correspondence from Headquarters offices to state and local officials is to be coordinated through the Chief of Staff who is responsible for Congressional relations (ROA-3). The Associate Administrator for Safety is responsible for ensuring consistency of correspondence originating in the field; therefore, this coordination is not needed for correspondence from field offices to local and state officials or district offices of Members of Congress. Copies of such correspondence, however, should be provided to ROA-3 in a timely manner.

Any outgoing mail or correspondence requiring the Administrator's or Deputy Administrator's signature or concurrence, or which has an impact on FRA or Departmental policy, shall be reported to the Executive Secretariat for inclusion into its Correspondence Tracking System immediately following the approval, prior to actual distribution. A courtesy copy shall be delivered to the Executive Secretariat within one working day.

Any direct requests from the Office of the Secretary or another Modal Administration for information on a substantive issue will be cleared through the Office of the Administrator.

Any contact or communication with a Member of Congress, a staff aide, or the Office of Management and Budget (OMB) will be reported to the Chief of Staff, Office of the Administrator. If the contact involves the OMB, a copy of the report shall go to the Director, Office of Budget, for appropriate review prior to responding. Form FRA-F-141 will be used for this report.

## Personal Safety

Each Regional Administrator will comply with the safety and health provisions of FRA Order 3902.1. At a minimum, each Regional Administrator is responsible for:

The safety and health of each employee under his or her supervision;

Establishing safe work methods;

Informing the employee of the hazards that may be encountered on the job and how to eliminate, avoid, or overcome the hazards;

Determining the need for, and acquisition of, personnel protective equipment, clothing, and proper tools for performing assigned tasks;

Observing employees' work habits and making on-the-spot corrections whenever unsafe work practices or conditions are observed;

Arranging medical care for employees who may be injured;

Investigating accidents under his or her jurisdiction, initiating corrective measures as necessary, and reporting accidents through the proper channels and to the FRA Industrial Hygienist.

Regularly inspecting workstations for identification and correcting unsafe and/or unhealthful working conditions; and for providing for the safety and health of all employees under his or her jurisdiction.

**Current FRA Safety Bulletins**, updated: 1/1/98: FRA's Safety and Health Committee, comprised of representatives of AFGE Local 2814 and FRA management, has issued the following Safety Bulletins. You should refer to these bulletins for important information & guidance affecting your and your co-workers personal safety. Safety bulletins are posted at FRA offices and summarized in this manual for your ready reference.

S&HB-98-01 Procedure for Notification of Possible Safety & Health Issues

S&HB-98-02 Sleep Deprivation

S&HB-98-03 Exposure to Blood borne Pathogens

S&HB-98-04 Confined Space Entry

S&HB-98-05 Exposure to Hazardous Materials

S&HB-98-06 Personal Safety

S&HB-98-07 Extreme Weather Conditions Suggested Guidelines

S&HB-98-08 On-the-Job Incident Reporting

S&HB-98-09 Inspection Procedure Tips

Procedure for Notification of Possible Safety and Health Issues (Reference FRA Order 3902.1A, 1/23/96): FRA Order 3902.1A requires all employees to report unsafe and unhealthful working conditions to their supervisors. Furthermore, in the event of unsatisfactory corrective action, the employees are to notify their Regional Partnership Committee and the Industrial Hygienist.

Occasionally situations arise affecting the safety and health of FRA employees which are not covered by normal instructions or which cannot be settled at a local level. Also, an incident, which occurs in one area, may reveal a safety issue, which should be brought to the attention of all FRA employees. Employees encountering such incidents are asked to complete the enclosed form and submit it to the Safety and Health Committee, Attention: Ed Pritchard, RRS-12, 400 7th Street, S.W., Washington, D.C. 20590.

Occasionally situations involving a serious safety and health risk may arise that demand immediate resolution and which cannot be solved by the immediate supervisor or Regional management. These situations should immediately be brought to the attention of the Office of Safety in Washington at any time.

Edward W. Pritchard: Office: 202-493-6247

The following safety and health item(s) should be brought to the attention of the Safety and Health Committee:

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Name & Office (Optional)

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Date Submitted: \_\_\_\_\_

Action Taken:

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Submit completed form to: RRS-12, 400 7th Street, S.W., Washington, D.C., 20590 (S&HB-98-01, dated January 1, 1998, from Director, Office of Safety and Assurance to all FRA employees)

## Sleep Deprivation

Studies have shown that lack of rest can adversely affect health, safety, and job performance. FRA personnel are subject to unexpected emergency calls of undefined duration. In many instances, this involves long hours of travel and investigation. It is in the best interest of the FRA and the employee to not work the employee beyond his reasonable endurance. Only the employee knows his condition and should be able to request relief from further duty.

Should the supervisor feel this is an unreasonable request and an agreement cannot be reached between the employee and Regional management, then an immediate ruling will be requested directly from the Office of Safety Assurance and Compliance in Washington, regardless of the time.

Edward W. Pritchard: Office: 202-493-6247

When an employee has been awake for 24 hours or more, the agency shall automatically allow the inspector to obtain the proper rest. (S&HB-98-02, dated January 1, 1998, from Director, Office of Safety and Assurance to all FRA employees)

## Exposure to Blood borne Pathogens

Regional Administrators must ensure that their staff is aware of FRA's policy on blood borne pathogens. While performing their duties, FRA employees may encounter situations where they occasionally are around areas where human blood or body fluids may exist, e.g., accident/incident and employee fatalities investigations. Under no circumstances are employees to directly put themselves in a situation where they knowingly receive exposure to human blood and/or body parts. These include human blood, blood products, or blood components. Other potentially infectious materials include, but are not limited to, human body fluids (e.g. mucus, saliva), skin tissue, or muscle. In addition, employees are to review "Blood borne Pathogens" pamphlet for general guidance. If you did not receive a copy of this pamphlet, contact the Collateral Duty Safety Officer in your Region or office.

Since a single exposure to blood borne pathogens can result in a serious illness or death, FRA employees are to refuse any order requiring possible exposure to blood borne pathogens. Situations that cannot be resolved by the supervisor or Regional management should be immediately brought to the attention of the Office of Safety Assurance and Compliance in Washington at any time.

Edward W. Pritchard: Office: 202-493-6247

(S&HB-98-03, January 1, 1998, from Director, Office of Safety and Assurance to all FRA employees)

## Confined Space Entry

Employees required to perform inspection in confined spaces (e.g., tank cars/IM portable tanks, steam engines, etc.) are only to conduct such internal inspections in facilities that have confined space entry programs that meet OSHA requirements. Field internal inspections of tank cars/IM portable tanks are prohibited.

Prior to performing confined space inspections, employees are required to contact a representative from the Hazardous Materials Staff in Washington, D.C., to get an entry authorization. Purpose of entry authorization is to ensure compliance of OSHA regulations and to ensure hazard review of each entry. In addition, employees are to review "Confined Space Entry" pamphlet for general guidance. If you did not receive a copy of this pamphlet, contact the Collateral Duty Safety Officer in your Region or office. (S&HB-98-04, January 1, 1998, from Director, Office of Safety Assurance and Compliance to all FRA employees)

## Exposure to Hazardous Materials

The question of FRA employees being exposed to hazardous conditions has again come up. Supervisors must ensure that they and their staffs are aware of this policy. Refer to FRA Order 3902.2A paragraph 6, which states, in part, "...inspectors are not to expose themselves to known hazardous conditions, such as tank cars leaking hazardous chemicals, and are to use good judgment in assessing potential exposure to hazardous conditions."

While performing their duties, FRA employees may encounter situations where hazardous materials are present. Since accidents do happen, some personal protective equipment is provided to employees. The equipment is designed to provide protection where continuous exposure to chemical contaminants is not expected. Employees will not place themselves in situations where they knowingly receive exposure to hazardous materials. This includes toxic or flammable chemicals, radioactive materials, or other hazardous materials like silica or asbestos dust.

The issue pertaining to inspection of steam locomotives and exposure to loose asbestos was raised. Employees required to inspect steam locomotives must not knowingly expose themselves to loose or friable (i.e., easily crumbled or reduced to a powder) asbestos. Steam locomotives that have asbestos sealed or wrapped in a sheathing (i.e., metal jacket) where employees are not exposed to loose asbestos fibers, may be inspected.

It will be the responsibility of each Region, when requested by a railroad to inspect a steam locomotive for a flue extension of time, to determine if:

1. The steam locomotive is equipped with asbestos;
2. The asbestos is sealed or sheathed; or
3. The asbestos is loose or friable.

If it has been determined that a steam locomotive has loose or friable asbestos which may be contacted by the employee in performing inspections, the railroad will be advised that FRA will not perform the flue inspection. The inspection will only be performed when the railroad has removed the loose or friable asbestos, in accordance with acceptable Federal standards (i.e., 29 CFR 1910.1001; 40 CFR 61 Subpart M; 49 CFR 171 and 172; and 40 CFR 763 Subpart G). If the asbestos is not removed then the railroad, in the absence of an extension of time for the removal of the flues, must comply with 49 CFR Section 230.10 and remove all the flues and examine the entire interior of the boiler.

Any questions pertaining to steam locomotive inspections are to be addressed to the Motive Power & Equipment Division. [S&HB-98-05, January 1, 1998, from Director, Office of Safety Assurance and Compliance to all FRA employees]

## **Personal Safety**

FRA Order 3901A requires supervisors at all levels to provide their personnel with personal protective equipment and/or clothing. FRA Order 3902.2A states that employee's personal protective equipment shall comply with all applicable OSHA requirements (29 CFR 1910). In addition, employees should refer to Article 13, Safety and Health, Memorandum of Agreement between FRA and AFGE Local 2814, July 1997. FRA employees shall comply with a facility operator's request that FRA safety equipment be worn before conducting inspections. In instances where specialized safety equipment is necessary, the facility operator will provide that equipment (i.e., full face shield, emergency breathing apparatus, etc.). Employees, who are denied access to a facility due to safety equipment requirements, are to contact their immediate supervisor and advise them of the reasons as to why they are being denied access, including the name and title of the individual denying access.

It is imperative that we promote safety while performing our duties and set an example for industry. Failure to comply with established safety rules severely jeopardizes the mission of the FRA. (S&HB-98-06, January 1, 1998, from Director, Office of Safety and Assurance to all FRA employees)

## **Extreme Weather Conditions Suggested Guidelines**

Each individual has their own tolerance threshold for extreme hot or cold environmental conditions. Therefore, each individual should know his or her own limitations. Some common sense measures can be taken to reduce potential effects of environmental extremes such as heat stroke, dehydration, or hypothermia. The following are suggested guidelines you should consider:

## Hot Weather

When possible, strenuous activities should be rescheduled to the coolest time of the day (i.e., using AWS).

Dress for summer. Lightweight, light-colored clothing made of natural fibers (i.e., cotton) reflects heat and sunlight and helps your body maintain normal temperatures. Also, wear a light-colored and breathable cap in other than designated hardhat areas.

Drink plenty of water or other non-alcoholic and non-caffeine fluids. Individuals who (1) have epilepsy or heart, kidney, or liver disease, (2) are on fluid-restrictive diets, or (3) have a problem with fluid retention should consult a physician before increasing their consumption of fluids.

Do not take salt tablets unless specified by a physician. Persons on a salt-restrictive diet should consult a physician prior to increasing their salt intake.

Wear sunglasses (safety) or clip-ones for safety glasses.

Use sunscreen/block on exposed skin to avoid sunburn.

Use insect repellent to reduce risk of exposure to disease-bearing insects.

Note: Be aware of the following symptoms of heat disorders:

Sunburn: Redness and pain. In severe cases, swelling of skin, blisters, fever, and headaches.

Heat Cramps: Heavy sweating. Painful spasms usually in muscles of legs and abdomen.

Heat Exhaustion: Heavy sweating. Weakness. Skin cold, pale, and clammy. Fainting and vomiting. Normal temperature possible.

Heat or Sun Stroke: High body temperature (106 degrees or higher). Hot, dry skin. Rapid and strong pulse. Possible unconsciousness.

## Cold Weather

Dress in layers

Knit hat (most body heat loss is through the head)

Insulated mittens or gloves

Ear muffs and scarf

Insulated boots and wool socks

Emergency kit: extra clothing; blanket, space blanket, or sleeping bag; coffee can with lid; candy bars, granola bars, or other food items; instant hand warmer; candles with matches; water; flashlight with extra batteries. This kit should be kept in the vehicle cab and not in the trunk.

Car kit: shovel, sand, fusees, antenna flag, chains or other traction device, ice scraper, extra winter-grade windshield cleaner fluid, and first aid kit. This kit could be kept in the trunk.

Note: Be aware of the following symptoms of hypothermia and frostbite:

Mild Hypothermia: Shivering. Cold hands and feet. Alert, but some numbness. Clumsiness and pain from the cold.

Frostbite: During exposure - shivering, slurred speech, memory loss or gradual numbness and paleness in the affected area. Upon rewarming -- pain and tingling or burning in the affected area, with color change from white to red, then purple.

When planning your travel, consider the possibility of extreme weather conditions, paying particular attention to rapidly changing conditions (severe temperature changes, snow, hail, rain). Keep your fuel tank full. If you become stranded in an isolated area, stay with your vehicle ensuring that your exhaust pipe remains clear of snow or obstructions. It is recommended that you keep your emergency kit and winter clothing in the vehicle cab and not in the trunk. (S&HB- 98-07, January 1, 1998, from Director, Office of Safety and Assurance to all FRA employees.)

## On-the-Job Incident Reporting

Workman's Compensation is a benefit; accordingly, it is the employee's responsibility to report all on-the-job injuries. Every on-the-job injury, regardless of severity, should be reported to your immediate supervisor and the Regional Collateral Duty Safety Officer (CDSO). Injury also means any illness or disease that is caused or aggravated by the employment.

The employee is responsible for initiating and submitting the appropriate Workman's Compensation form(s) to his or her immediate supervisor. These forms include CA-1 (Notice of Traumatic Injury & Claim for Continuation of Pay/Compensation); CA-2 (Notice of Occupational Diseases and Claim for Compensation); CA-16 (Authorization for Examination and/or Treatment). For more detailed information, carefully read the "Benefits" and "Instructions" sheets, which are attached to the forms.

A "Receipt" of Notice of Injury is attached to each form CA-1 and Form CA-2. Your supervisor is to complete the receipt and return it to you for your personal records. If it is not returned to you, ask your supervisor for it. If you have any questions concerning job related injuries, you may contact Yvonne F. Inman on (202) 493-6122, in the Office of Human Resources.

Employees are reminded that auto accidents involving government-owned vehicles must be reported on Standard Form 91, "Motor Vehicle Accident Report," and Standard Form 94, "Statement of Witness," if there are witnesses. The SF-91 should be completed at the time of the accident if at all possible, and then must be signed by the employee's supervisor. If, due to personal injury, an employee is unable to complete the forms, someone must complete the forms on the employee's behalf and forward them to the employee's supervisor. Within 10 working days of the accident, forward the original forms to the servicing Fleet Management Center. Copies of the SF-91 should also be mailed to the following individuals: Garth Roseau in the Office of Chief Counsel (Mail Stop 10/RCC-20) and Debra Steward in the Office of Information Technology and Support Systems (Mail Stop 35/RAD-20). Copies should be forwarded to Headquarters through the Regional Administrators. When injury occurs in an accident involving a government-owned vehicle, the Motor Vehicle Accident Report does not take the place of the Workman's Compensation form CA-1, "Notice of Traumatic Injury." Further use of form FRA F-129 (Incident, Injury, Illness, Damage or Loss) is hereby canceled. (S&HB-98-08, January 1, 1998, from Director, Office of Safety Assurance and Compliance to all FRA employees.)

Inspection Procedure Tips: The following are simple common sense safety practices that warrant consideration while conducting inspections:

When appropriate, tell the carrier which tracks you plan to inspect. Let them know where you will be working.

Look before you step down from ladders. Make sure there is a rung there and the ground area is clear of debris.

Test all walkways, ladders, and handrails before placing your full weight on these safety devices.

Always keep a firm handhold while on or under a rail car. Be alert for vibrations and/or sounds of movement. Always expect the unexpected car movement.

The following guidelines apply to tank cars:

Resist the temptation to step down on vacuum release valves. They can be damaged, and you may also be exposed to chemical vapors from within the tank car.

When opening a protective housing cover, always stay upwind from the valves. Determine upwind by looking into the wind and sensing the air movement equally across each ear and squarely on the tip of your nose. You are now facing upwind.

While inspecting pressure cars, lift the safety valve vent cover before opening the entire protective housing cover. Be sensitive to evidence of leakage (e.g., wetness around the area, strong odor, hissing sounds emanating from the vent).

Guard yourself as you begin to lift a protective housing cover. Turn your body away from the valve area. Face upwind. Listen for any hissing noise and be alert to any unusual odors. Be sensitive to evidence of leakage before fully opening the protective housing cover. There may be an accumulation of vapors in the dome.

Do not place any portion of your body over the gaging device. Pressure in the tank may cause the gaging rod device to shoot out of its housing with impaling force.

To easily replace a pressure car protective housing cover pin, rotate it so that the retainer (flipper) is horizontal as it is inserted. This prevents the retainer from flipping down and blocking its entrance into the protective housing.

Avoid skin irritation after inspecting any hazardous material packaging (e.g., tank car, IM portable tank, drums, cylinders, boxes, etc.). Wash your hands before eating or using the restroom. (S&HB-98-09, January 1, 1998, from Director, Office of Safety Assurance and Compliance to all FRA employees.)

## **OSHA Standards**

All employees of the FRA shall comply with the Occupational Safety and Health Standards (29 CFR 1960) and rules, regulations, and orders established by FRA which are applicable to their own actions and conduct on the job and shall include:

Reporting unsafe and unhealthful working conditions to the Regional Specialist;

Performing duties in a safe manner to avoid endangering self or other employees (If the inspector detects a hazardous material leak, he or she shall leave the area and notify authorities.);

Reporting all injuries, illnesses, and governmental property damage to the Regional Specialist; and for inspecting workplaces, and reporting any defects that they are unauthorized to correct.

## **Regular Inspection Point List**

Each inspector will prepare and maintain an accurate Regular Inspection Point (RIP) list of inspection points for railroads within his or her assigned territory. The RIP list, and any subsequent changes to the list, shall be forwarded to the Regional Specialist. The Specialist is responsible for maintaining accurate Regional RIP list.