

Training, Qualification, and Oversight for Safety-Related Railroad Employees; Compliance Guide

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Office of Railroad Safety



U.S. Department of Transportation
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Revision History

Date	Sections Changed	Page Numbers
November 2016	Frequently Asked Questions – Removed “Employee Off Work 180 or More Days” and added “Previously Qualified or Trained Employees but Not by the Current Employer”	37
April 2018	Purpose – Removed paragraphs referencing interim compliance guide. Added paragraph with instructions for accessing the Web portal	1
“	Important Dates to Remember – Updated all dates in table and guide to reflect extension of implementation dates	4 - 7
“	Important Dates to Remember – Added “Designating Employees” for employers that commence operations after applicable implementation dates	4
“	Overview and Guidance – Changed the word “Commentary” to “Guidance” throughout section	12 - 27
“	The Regulatory Definition of Safety-Related Railroad Employee – Added language limiting scope of 49 CFR Part 243 to inspection only with respect to on-track roadway maintenance machines	12
“	Section-by-Section Review / 49 CFR Section 243.101, <i>Employer program required</i> – Added paragraph discussing alternate OJT options FRA will consider on a case-by-case basis. Added paragraph stressing the importance of railroads that use safety-related railroad employees supplied by contractor to verify that their training programs were approved by FRA	14 - 15
“	Section-by-Section Review / 49 CFR Section 243.107, <i>Training program submission, introductory information required</i> – Added several paragraphs explaining 49 CFR § 243.107(a)(1)-(5) <i>Note: See May 2019 revision below.</i>	17 – 18
“	Section-by-Section Review / 49 CFR Section 243.111, <i>Approval of programs filed by training organizations or learning institutions</i> – Added clarifying language that relate to new TO/LIs	19 - 20
“	Section-by-Section Review / 49 CFR Section 243.201, <i>Employee qualification requirements</i> – Expanded table of Federal regulations requiring refresher training. .	22- 23
“	Frequently Asked Questions / Informational Filings and Training Programs Revisions – Revised answer with respect to informational filings	34

Date	Sections Changed	Page Numbers
April 2018	Section-by-Section Review and Frequently Asked Questions – Replaced the term “Grandfathering” with “Designating”	34
”	Frequently Asked Questions / Refresher Training for Trainers (i.e., “Designated Instructors”) – Added new FAQ for designated instructors employed by Training Organizations and Learning Institutions	35 - 36
“	Frequently Asked Questions / Contractor Compliance – Added new FAQ regarding the timing of training programs submitted by contractors and not yet approved, and a railroad’s responsibility to ensure contractor compliance with 49 CFR Part 243	43 - 47
“	Frequently Asked Questions / Roadway Maintenance Machines and OJT – Added new FAQ regarding FRA training expectations for roadway maintenance machines and roadway maintenance machines equipped with cranes or booms	47 - 48
“	Suggested Occupational Categories/Subcategories Matrix – Removed some occupational subcategories to simplify matrix	52
May 2019	Purpose – Added new language briefly describing FRA’s expanded interpretation on training programs that do not have to be submitted under 49 CFR Part 243. Removed old URL and added new URL to access the Web portal. <i>Note: Five (5) additional edits were made elsewhere in the guide where the older URL was mentioned. Each instance of these additional edits will not be listed here.</i>	1 - 2
“	Similar Training Programs Not Requiring Part 243 Submission – Detailed chart listing all FRA regulations by subsection not requiring submission under Part 243.	8 - 11
“	Section-by-Section Review / 49 CFR Section 243.107, Training program submission, introductory information required – Shortened the guidance section to reflect the simplification and consolidation of the information required at the Web portal.	17 - 18
“	Section-by-Section Review / 49 CFR Section 243.201, Employee qualification requirements – Added two 49 CFR Parts that require refresher training.	22 - 23
“	Frequently Asked Questions / Scope of Part 243 – Training Programs Required by Other FRA Regulations – Expanded answers in two questions to reflect FRA’s position on existing training programs not requiring submission under Part 243.	29 - 30

Date	Sections Changed	Page Numbers
“	Frequently Asked Questions / On-the-Job Training & Designated Instructors – Added “Designated Instructors” to the subheading and three new FAQs regarding designations.	32 - 33
“	Frequently Asked Questions / Contractor Compliance – Added new FAQ to address instances where railroad trains contractor employees and what contractor responsibilities are in terms of Part 243 submissions. Also added new FAQ to address Web-based RWP training.	46 - 47
“	Frequently Asked Questions / Plant/Port Railroads – Added new FAQ to address newly regulated plant/port railroads.	50

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Purpose

The Rail Safety Improvement Act of 2008 (RSIA) required that the Secretary of the United States Department of Transportation (Secretary or DOT) establish minimum training standards for all safety-related railroad employees. *See* Title 49 United States Code (U.S.C.) Sec. 20162. To comply with that statutory mandate, the Federal Railroad Administration (FRA) published a final rule on November 7, 2014, establishing Title 49 Code of Federal Regulations (CFR) Part 243, Training, Qualifications, and Oversight for Safety-Related Railroad Employees, which requires each railroad or contractor that employs one or more safety-related railroad employees to develop and submit a training program to FRA for approval and to designate the minimum training qualifications for each occupational category of employee. The rule also requires most employers to conduct periodic oversight of their employees and develop annual written reviews of their training programs to close performance gaps.

In addition to establishing the new 49 CFR Part 243, the rule modified two existing CFR parts. First, the rule includes specific training and qualification requirements in 49 CFR Part 214, Railroad Workplace Safety, for operators of roadway maintenance machines that can hoist, lower, and horizontally move a suspended load. Second, the rule clarifies the existing training requirements for railroad and contractor employees who perform brake system inspections, tests, or maintenance under 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices.

FRA recommends that users of this compliance guide¹ read the rule text (49 CFR Part 243) before using this guide as a resource. This guide provides information to assist organizations in complying with the rule and replaces FRA’s April 2018, Training, Qualification, and Oversight for Safety-Related Railroad Employees Compliance Guide. Please review the “Revision History” pages immediately following the cover page for a quick reference of revisions made since publication of the April 2018 Compliance Guide. The most notable revision to this guide is FRA’s expanded interpretation of training programs that do not have to be submitted to FRA under 49 CFR Part 243. Title 49 CFR § 243.103(b) relieves employers of duplicating submissions by allowing the cross-referencing of similar training programs required by other FRA regulations. This relief is provided even when these other FRA regulations do not independently have a submission requirement associated with them, and FRA makes clear it is not requiring employers to submit such training programs under 49 CFR Part 243. Please note that this expanded interpretation applies only to employers (railroads and railroad contractors); it does not apply to any other entity impacted by the rule. However, in accordance with 49 CFR § 243.103(b), employers are required to supplement the programs if those programs include on-the-job training (OJT), but do not include the OJT components specified in 49 CFR §§ 243.101(d) and 243.103(a)(3). (*See “Similar Training Programs Not Requiring Part 243 Submission” on pages 7–10 for more detailed information on this topic.*) Other revisions, including several new FAQs, were added in response to ongoing feedback FRA received from

¹ Although any person may use this compliance guide, FRA has drafted it with the understanding that the intended audience is primarily the regulated entities that are obligated to comply with 49 CFR Part 243. Therefore, this “compliance guide” has a different intended audience compared with an FRA “compliance manual,” as FRA personnel are the primary intended users of such a manual.

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the regulated community. FRA would like to thank the many organizations, associations, and other stakeholders that provided feedback on prior versions of this guide.

FRA recognizes that training needs and resources vary significantly from large to small employers. FRA is also aware of the cross-functional nature of safety-related railroad employees employed by small employers. While FRA has a duty to conduct appropriate oversight to ensure compliance with 49 CFR Part 243, FRA is committed to assisting the regulated community, especially small businesses, with becoming compliant without resorting to assessing civil penalties. However, FRA reserves the right to use its full enforcement authority as needed to ensure compliance, especially if it observes blatant disregard of 49 CFR Part 243.

With respect to training programs, this guide provides stakeholders with the information required to be included in a program. Stakeholders (*e.g.*, railroads, contractors, associations, and training organizations) can quickly see what information is necessary in the submission by reviewing two sections in this guide: “Training Components Identified in Program – Information Required” and “Additional Training Program Information Checklist – Information Required.” This guide also provides example course descriptions to meet the elements contained in 49 CFR § 243.103, *Training components identified in program*. The information found in the two examples later in this guide helps clarify the information required in the program submission.

In prior versions of this guide, FRA stated its intent to develop and publish job aids and tools (*e.g.*, OJT Matrix, OJT templates and training research materials) to facilitate stakeholder compliance with 49 CFR Part 243. These materials are posted at FRA’s public website: <https://www.fra.dot.gov/Page/P1023>.

Separate from FRA’s public website, FRA established a secure Web portal for the submission of programs under 49 CFR Part 243. All organizations, including small entities, are encouraged to use the secure Web portal to facilitate faster processing and to ensure that the required information is contained in the submission. The following Uniform Resource Locator (URL) is different from the previous URL that appeared in earlier versions of this guide. New registration and login are now under the same URL. In addition, the software managing the data within the Web portal was updated. However, the look, feel, and navigation should be nearly the same as the previous software. FRA is also posting a “how to” video tutorial at the Web portal. The video will provide new and existing users with step-by-step guidance on how to submit a program to the Web portal.

New and existing users to the Web portal may register and access the Web portal at: <https://safetydata.fra.dot.gov/Part243/>.

Web portal user login credentials consists of a User Name and Password. The User Name requires a valid email address. A temporary password is issued by the Webmaster, but should be changed by the user at first opportunity. Organizations that wish to share or view program submissions and track status across multiple departments or users might consider using a group email address during the initial registration process.

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All training organizations/learning institutions, associations and employers developing model programs must submit their training programs through the Web portal. All employers with 400,000 or more total employee work hours annually must submit their training programs through the Web portal.

Please direct questions regarding 49 CFR Part 243 or this guide to: Part243Questions@dot.gov

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Important Dates to Remember

49 CFR Part	Subject	Important Dates	Comments
<p>§ 214.007 § 214.341 § 214.357</p>	<p>Roadway Maintenance Machines with Cranes or Booms</p>	<p>Effective 01/6/2015</p>	<p>Employers also have the option of complying with Occupational Safety and Health Administration (OSHA) standards (29 CFR § 1926.1427) to meet the 49 CFR § 214.357 training requirements.</p>
<p>§ 232.203</p>	<p>Power Brake for Freight Training Requirements</p>	<p>Effective 01/6/2015</p>	<p>Minor corrections were needed to Part 232 as a result of the Part 243 rulemaking.</p>
<p>§ 243.101(a)(1) § 243.109(a)(2)</p>	<p>Employer Program <i>(Employers with 400,000 or more total employee work hours annually)</i></p>	<p>Implementation 01/01/2020</p>	<p>Employers shall submit a training program to FRA. Employers shall adopt and comply with the program. Employers are also required to submit copies of each program to the president of each labor organization if applicable.</p> <p>Note: Employers do not have to wait for FRA approval before adopting and implementing submitted program.</p>
<p>§ 243.101(a)(2) § 243.109(a)(2)</p>	<p>Employer Program <i>(Employers with fewer than 400,000 total employee work hours annually)</i></p>	<p>Implementation 05/01/2021</p>	<p>Before commencing operations, employers shall submit a training program to FRA. Employers shall adopt and comply with the programs. Employers are also required to submit copies of each program to the president of each labor organization if applicable.</p> <p>Note: Employers do not have to wait for FRA approval before adopting and implementing submitted program.</p>
<p>§ 243.101(b)</p>	<p>Employer Program <i>(Employers commencing operations after the applicable implementation date in 49 CFR § 243.101(a)(1) or (a)(2))</i></p>	<p>Before commencing operations</p>	<p>An employer commencing operations after the applicable implementation date in 49 CFR § 243.101(a)(1) or (a)(2) shall submit a training program to FRA for its safety-related railroad employees before commencing operations. Upon commencing operations, the employer shall adopt and comply with the training program. Employers are also required to submit copies of each program to the president of each labor organization if applicable.</p> <p>Note: Employers do not have to wait for FRA approval before adopting and implementing submitted program.</p>

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49 CFR Part	Subject	Important Dates	Comments
§ 243.105	Optional Model Program	Special Approval before 05/1/2019	Model programs submitted to FRA before May 1, 2019, are considered approved and may be implemented 180 days after the date of submission, unless FRA notifies the organization that developed and submitted the program that the program contains deficiencies.
§ 243.109(b)	Informational Filing <i>(Program modifications of previously approved programs)</i>	Varies; no later than 30 days after end of calendar year in which modification occurred	Modified programs are approved upon being modified and may be implemented unless FRA notifies the organization of deficiencies. Note: Nothing in the rule prevents an organization from submitting the modification earlier in the year. Employers are also required to submit copies of each program to the president of each labor organization if applicable.
§ 243.111	Programs Filed by Training Organization or Learning Institution	Implementation 01/01/2020	Training organizations and learning institutions (TO/LIs) that have provided training to safety-related employees before January 1, 2019, may continue without FRA approval until January 1, 2020. However, TO/LIs must receive FRA approval of their programs no later than January 1, 2020, to continue. Extensions may be granted on a case-by-case basis. Substantial additions/revisions to programs that are not considered informational filings must receive FRA approval before implementation . Informational filings for previously approved programs are considered approved upon submission and may be implemented, provided it is submitted to FRA no later than 30 days after the end of the calendar year in which the modifications occurred.
§ 243.201(a)(1)	Designating Employees <i>(Employers with 400,000 or more total employee work hours annually)</i>	Implementation 09/01/2020	Employers must declare the designations of their existing safety-related employees who perform safety-related service by occupational category or subcategory.

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49 CFR Part	Subject	Important Dates	Comments
§ 243.201(a)(2)	Designating Employees <i>(Employers with fewer than 400,000 total employee work hours annually)</i>	Implementation 01/01/2022	Employers must declare the designations of their existing safety-related employees who perform safety-related service by occupational category or subcategory.
§ 243.201(b)	Designating Employees <i>(Employers commencing operations after the applicable implementation date in 49 CFR §243.101(a)(1) or (a)(2))</i>	Before commencing operations	Employers must declare the designations of their safety-related employees who perform safety-related service by occupational category or subcategory before commencing operations.
§ 243.201(e)(1)	Refresher <i>(Employers with 400,000 or more total employee work hours)</i>	Begin Implementation 01/01/2022 Complete First 3-year cycle 12/31/2024	Part 243 3-year refresher training cycle begins. However, “if the last training event occurs prior to FRA’s approval of the employer’s program, the employer shall provide refresher training either within 3 calendar years from that prior training event or no later than December 31, 2024.” Note: Some FRA regulations require refresher training at more frequent intervals. Part 243 does not supersede those requirements.
§ 243.201(e)(2)	Refresher <i>(Employers with fewer than 400,000 total employee work hours)</i>	Begin Implementation 05/01/2023 Complete First 3-year cycle 12/31/2025	Part 243 3-year refresher training cycle begins. However, “if the last training event occurs prior to FRA’s approval of the employer’s program, the employer shall provide refresher training either within 3 calendar years from that prior training event, or no later than December 31, 2025.” Note: Some FRA regulations require refresher training at more frequent intervals. Part 243 does not supersede those requirements.

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49 CFR Part	Subject	Important Dates	Comments
§ 243.205	<p>Periodic oversight <i>(Applies to all railroads and some contractors)</i></p>	<p>Begin implementation the day employer files program</p>	<p>The scope of periodic oversight only applies to FRA regulations pertaining to personal and work group safety, specifically:</p> <ul style="list-style-type: none"> • Part 214, Railroad Workplace Safety • Part 218, Railroad Operating Practices • Part 220, Railroad Communications <p>Note 1: If an employer commences operations after the applicable implementation date in 49 CFR § 243.101(a)(1) or (a)(2), periodic oversight begins on the first day of operation.</p> <p>Note 2: Periodic oversight does not apply to apply to employees covered by Engineer and Conductor Certification.</p>
§ 243.207	<p>Annual review <i>(Required only for employers with 400,000 or more total employee work hours annually)</i></p>	<p>Beginning 01/01/2020, the review is required before September 1 each year</p>	<p>Review sources of information to assess the effectiveness of training programs and make curriculum adjustments to initial or refresher training programs as needed. Sources of information include:</p> <ul style="list-style-type: none"> • Periodic oversight data as required by 49 CFR § 243.205 • Accident/Incident data • FRA Inspection report data • Employee post-course training evaluation feedback (if available) • Feedback from labor organizations (if available)

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Similar Training Programs Not Requiring Part 243 Submission

49 CFR § 243.103(b)

May 1, 2019

Employers that maintain other FRA-required training programs, whether submitted to FRA or retained for FRA’s inspection and review, are not required to submit those same training programs to FRA under Part 243. The following chart is intended for use as a resource identifying those already-maintained training programs that FRA expects will not be submitted under Part 243. This chart applies to both initial and refresher training.

However, in accordance with 49 CFR § 243.103(b), employers are required to supplement the programs identified in the chart if those programs include on-the-job training (OJT), but do not include the OJT components specified in 49 CFR §§ 243.101(d) and 243.103(a)(3).

49 CFR Part	Training Synopsis
<i>Part 213 – Track Safety Standards</i>	
§ 213.7(a)	Persons designated by the track owner to supervise track inspection or track renewals.
§ 213.7(b)	Persons designated by the track owner to inspect track for defects.
§ 213.7(c)	Persons designated by the track owner under § 213.7(a) or (b) to inspect continuous welded rail (CWR).
§ 213.7(d)	Persons not fully qualified to supervise track renewals or inspection, but at least one year of maintenance of way or signal inspection experience may pass trains over broken rails.
<i>Part 213 – Subpart D – Track Structure</i>	
§ 213.119(i)	Persons designated under § 213.7(c) to supervise the installation, adjustment, maintenance or inspection of CWR.
<i>Part 213 – Subpart F – Inspection</i>	
§ 213.238	Flaw detection operators.
<i>Part 213 – Subpart G – Train Operations at Track Classes 6 and Higher</i>	

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49 CFR Part	Training Synopsis
§ 213.305	Training mandates for persons designated by the track owner to supervise various restoration, renewals, maintenance, and inspection of track classes identified under this subpart.
§ 213.343(g)	Persons designated under § 213.305(c) to supervise the installation, adjustment, maintenance, and inspection of CWR of track classes identified under this subpart.
<i>Part 214 - Railroad Workplace Safety</i>	
<i>Subpart B - Bridge Worker Safety Standards</i>	
§ 214.103(b)(2)	Bridge worker fall protection generally.
§ 214.105(a)(3)	Persons using fall protection systems.
<i>Subpart C - Roadway Worker Protection</i>	
§ 214.303-307	Railroad on-track safety programs, generally. The following are cites to specific on-track safety programs:
§ 214.341	Operators of roadway maintenance machines.
§ 214.343	Roadway worker protection – General.
§ 214.345	Roadway worker protection – All.
§ 214.347	Roadway worker protection – Lone workers.
§ 214.349	Roadway worker protection – Watchmen/lookouts.
§ 214.351	Roadway worker protection – Flagmen.
§ 214.353	Roadway worker protection – RWIC.
§ 214.355	Operators of roadway maintenance machines.
§ 214.357	Operators of roadway maintenance machines equipped with crane.
<i>Part 217 - Railroad Operating Rules</i>	
§ 217.11(a)	Railroad specific training on the application of railroad operating rules.
<i>Part 218 - Railroad Operating Practices</i>	
<i>Subpart F – Handling Switches and Fixed Derails</i>	
§ 218.95	Instruction, training, and examination. <i>Note: May integrate with § 217.11(a).</i>
<i>Part 219 - Control of Alcohol Use and Drug Use</i>	
§ 219.11(g)	Supervisor training on signs and symptoms and post-accident qualifying criteria.

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49 CFR Part	Training Synopsis
<i>Part 220 - Railroad Communications</i> <i>Subpart C – Electronic Devices</i>	
§ 220.313	Radio communication and personal electronic device prohibition. <i>Note: May integrate with § 217.11(a).</i>
<i>Part 225 - Railroad Accidents/Incidents</i>	
§ 225.33	Internal control plans.
<i>Part 227 - Occupational Noise Exposure</i>	
§ 227.119	Hearing conversation and use of hearing protection.
<i>Part 228 - Hours of Service Recordkeeping</i>	
§ 228.207	Hours of service record keeping: general, initial, and refresher.
§ 228.411	Additional requirements for employees in passenger train service.
<i>Part 229 - Railroad Locomotive Safety Standards</i> <i>Subpart E – Locomotive Electronics</i>	
§ 229.317	Locomotive safety-critical electronic control systems and sub-systems.
§ 229.319	Operating personnel familiarization with on-board control systems. <i>Note: May integrate with Parts 240 and 242.</i>
<i>Part 232 - Brake System Safety (Freight)</i>	
§ 232.203	Inspection, testing, and maintenance on freight train air brakes.
<i>Part 236 - Signal and Train Control</i> <i>Subpart H – Standards for Processor-Based S&TC</i>	
§ 236.921	Processor-based signal and train control systems – General.
§ 236.925	Processor-based signal and train control systems – Office personnel.
§ 236.927	Processor-based signal and train control systems – Locomotive engineer. <i>Note: May integrate with Part 240.</i>
§ 236.929	Processor-based signal and train control systems – Roadway worker.
<i>Subpart I – Positive Train Control Systems</i>	
§ 236.1041	Positive train control systems – General.
§ 236.1045	Positive train control systems – Office personnel.
§ 236.1047	Positive train control systems – Locomotive engineer. <i>Note: May integrate with Part 240.</i>

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49 CFR Part	Training Synopsis
§ 236.1049	Positive train control systems – Roadway worker.
<i>Part 238 - Passenger Equipment Safety Standards</i>	
§ 238.109	Inspection, testing, and maintenance of passenger trains.
<i>Part 239 - Passenger Train Emergency Preparedness</i>	
§ 239.101	Emergency preparedness procedures.
<i>Part 240 - Qualification and Certification of Locomotive Engineers</i>	
§ 240.101	Locomotive engineer certification program.
<i>Part 242 - Qualification and Certification of Conductors</i>	
§ 242.101	Conductor certification program.
<i>Part 270 - System Safety Program</i>	
§ 270.103(i)	System safety procedures plan.
§ 270.201	Filing and approval.
<i>Part 272 - Critical Incident Stress Plans</i>	
§ 272.101	Awareness of critical incident stress plan.

49 CFR Part 243 – Overview and Guidance

Purpose and Scope Set by Statute

- Required by the RSIA.
- Ensures that any person employed by a railroad or a contractor of a railroad as a “safety-related railroad employee” is trained and qualified to comply with any relevant Federal railroad safety laws.

Guidance

Congress required FRA, as delegated by the Secretary, to issue this training regulation and mandated that FRA’s regulation cover the training of certain employees, defined by the statute as “safety-related railroad employee.” Congress also required that the employees be covered regardless of whether their employer is actually a railroad. (*See* 49 U.S.C. 20102 and 20162, which are publicly available by entering the title “49” and sections “20102” and “20162,” respectively, at <http://uscode.house.gov/search/criteria.shtml>).

The Regulatory Definition of Safety-Related Railroad Employee

- Employees covered by the hours of service (HOS) laws.
- Employees performing work as an operating employee (including supervisors), even if not covered by the HOS laws.
- All engineering or maintenance-of-way (MOW) employees, including bridge workers, who inspect, install, repair, or maintain track, roadbed, signal, and communication systems.
- Mechanical personnel who inspect, repair, or maintain any locomotive, passenger car, or freight car. Mechanical personnel who inspect, repair, or maintain any other railroad on-track equipment are also included when the equipment is in service that constitutes a train movement.
- Any person, including a supervisor, who makes the determination that an MOW vehicle is safe for use in accordance with 49 CFR Part 214, Subpart D without repair of a non-complying condition.
- Any person who, as a primary duty, directly instructs, mentors, inspects, or tests others engaged in a safety-related task. This description generally covers first-line supervisors of safety-related railroad employees.
- Persons who conduct periodic oversight required by the Part 243 regulation even though they may not directly perform other safety-related tasks performed by other persons as described in the definition of safety-related railroad employee.

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Key Provisions of 49 CFR Part 243

- Employers must submit training programs to FRA.
- Employers must designate existing and new employees by category/training.
- Employers must train employees to measurable standards (including OJT when applicable).
- Some employers must conduct periodic oversight and annual reviews to determine the adequacy of training programs.
- Employers must retain adequate records.
- Beginning January 1, 2020, TO/LIs must have FRA approval before providing training services to employers of safety-related railroad employees.
- The regulation encourages any organization (*i.e.*, railroads, contractors, associations, TO/LIs) to develop model training programs and submit them to FRA so they can be shared with the industry and used by small employers.

Guidance

The term “employers” includes railroads and contractors. The purpose of training to measurable standards is to prove that the employees are qualified in a particular category and therefore can be expected to do the job safely and in accordance with all applicable employer rules and Federal regulations. When required, OJT means job training that occurs in the workplace, *i.e.*, the employee learns the job while doing the job.

Employers are not required to submit training programs under 49 CFR Part 243 for which a training mandate already exists under other FRA regulations. (*See “Similar Training Programs Not Requiring Part 243 Submission” on pages 7 – 10*). However, in accordance with 49 CFR § 243.103(b), employers are required to supplement the programs if those programs include OJT, but do not include the OJT components specified in 49 CFR §§ 243.101(d) and 243.103(a)(3).

TO/LIs also include entities that do not maintain fixed facilities (*i.e.*, do not have a physical location), but may rent or lease meeting space to deliver training.

Section-by-Section Review

49 CFR Section 243.101, *Employer program required*

Employers do not have to wait for FRA approval before adopting, implementing, and complying with training program(s). Employers that commence operations after the regulatory implementation dates must submit training programs to FRA before commencing operations and must adopt, implement, and comply with training programs upon commencing operations.

Classifying safety-related railroad employees simply means that each employer must identify its employees in categories or subcategories by class, craft, task, or other terminology. Classification of employees is not necessarily by job title. Classification is based on performance of safety-related tasks. Therefore, an employer is not constrained or compelled to use job titles that have traditionally been used by the railroad industry to classify railroad employee workgroups (*e.g.*, carman, brakeman, machinist, switchman).

Key learning points are generally captured in terminal learning objectives. Terminal learning objectives start with an action verb and are the learning objectives that apply to the entire course curriculum. A terminal learning objective is written to describe each major job performance outcome expected as a result of training.

Training design, development, and delivery is not prescriptive by regulation. The regulation provides the regulated community with the flexibility to design and develop training to meet the needs of its target audience. The regulation encourages using technology to deliver training, and only seeks to ensure safety-related employees have the skills to perform safety-related tasks in a correct and safe manner.

OJT is a critical aspect of 49 CFR Part 243. When tasks require neuromuscular coordination to learn, FRA will generally expect OJT or another formal training delivery method to include a “hands-on training component.”

OJT must be structured and consist of the following three elements:

- **Task** – a brief statement describing the tasks and related steps the employee learning the job must be able to perform.
- **Conditions** – the tools, equipment, documentation, briefings, demonstration, and practice necessary for learning transfer.
- **Standards** – the way in which proficiency is measured through a combination of completeness and repetition.

Contractor/railroad relationships must be understood between the parties. If a contractor chooses to train its own safety-related employees to perform safety-related duties on a railroad, the contractor must prove to the railroad that the training program was approved by FRA (by providing the approval document from FRA). Railroads that use contracted safety-related

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employees to perform safety-related duties are required to retain proof of contractor approval documents.

Guidance

Training program submission dates for employers differ based on the size of the employer. January 1, 2020, is the implementation date for large employers (400,000 or more total employee work hours annually). May 1, 2021, is the implementation date for smaller employers (fewer than 400,000 total employee work hours annually).

The definition of each category or subcategory must include a list of Federal railroad safety laws, regulations, and orders with which the employee is required to comply based on the employee's assignments and duties, broken down at a minimum to the applicable part of the CFR, section of the U.S.C., or citation to an order.

Terminal learning objectives are used to describe what participants will know and be able to do after training, and what levels of learning the designated instructor (DI) intends to achieve during course delivery. Terminal learning objectives are the backbone of any training framework. Once the terminal learning objectives are developed, the DI should focus on ensuring that participants are able to meet the objectives as a result of the training. For more information on developing terminal learning objectives, see the following URL provided by Vanderbilt University with its permission: <https://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/>.

Although OJT is a critical aspect of 49 CFR Part 243, FRA will consider, on a case-by-case basis, alternate approaches to OJT in lieu of the traditional approach (*see 49 CFR § 243.5 defining "On-the-job training"*). For example, some employers or training organizations may have access to state-of-the-art indoor/outdoor training facilities that permit students to practice tasks that require neuromuscular coordination to learn in a controlled environment with minimal or no risk of personal injury. Other approaches may include classroom practical exercises, role play, lab simulation, virtual reality (VR), and other emerging technologies. Thus, where FRA has indicated in the Occupational Categories/Subcategories Matrix that FRA expects to see OJT, alternate approaches may be substituted. FRA will certainly look favorably on alternate approaches that, similarly to OJT requirements, show a training regimen that includes the same types of considerations as required in 49 CFR § 243.101(d)(1)-(3).

A DI is a person designated as an instructor by an employer or a TO/LI who has demonstrated, per the training program submitted by the employer or TO/LI, an adequate knowledge of the subject matter under instruction and, where applicable, has the necessary experience to effectively provide formal training on the subject matter.

49 CFR Section 243.103, *Training components identified in program*

Each employer's training program must contain sufficient detail to enable FRA to make assessments during the review of each training program submitted. The submission must include the following components:

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- A unique name and identifier for each formal course of study.
- A course description including **terminal learning objectives**.
- A brief description of the target audience.
- A course outline.
- Method of course delivery.
- Course duration.
- Federal law, regulations, or FRA orders covered.
- Type of test/assessment to demonstrate employee proficiency.
- A document for each OJT program that includes the roles and responsibilities of each category of person involved in administering, implementing, and applying the OJT and developing and implementing guidelines for program coordination. FRA is seeking the categories of people involved (for example, by job title), not the names of individual people assigned with the role or responsibility.
- Contact information for the employer's (primary) training point of contact for each employee occupational category, if applicable.
- Additional information if any TO/LIs developed and delivered all or part of the training.

Guidance

Although the regulation allows small employers to submit hardcopies of training programs to FRA, all employers, regardless of size, are encouraged to use the secure Web portal to facilitate faster processing and to ensure the required information is contained in the submission.

New and existing users to the Web portal may register and access the site at:

<https://safetydata.fra.dot.gov/Part243/>.

The regulation does not require the submission of courseware (*i.e.*, lesson plans, instructor guides, participant guides, job aids, practical exercises, tests/assessments, and other materials used in the delivery of any course) as part of a training program submission. **However, FRA has the authority to request and review all or portions of program courseware at any time.**

49 CFR Section 243.105, *Optional model program development*

Model programs permit organizations, businesses, or associations to develop training programs that could be used by multiple employers and should result in lower training development costs. FRA encourages a modular approach to model program development to allow for easy customization by employers.

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Model programs submitted to FRA before May 1, 2019, are considered approved and may be implemented 180 days after date of submission, unless FRA notifies the organization that developed and submitted the program that the program contains deficiencies. An employer that uses an FRA-approved model program only needs to submit the unique identifier and any additional information specific to that employer or that deviates from the model program.

Guidance

Program detail requirements are the same as previously discussed in 49 CFR § 243.103. An employer can adopt a model program at the Web portal. However, an employer must get authorization from the model program developer. The Web portal will provide the contact information of the developer. Employers wishing to adopt and implement a model program must contact the model program developer and obtain the associated course/training materials necessary for training safety-related railroad employees. FRA expects that some model program developers will allow their programs to be available to any entity for free and potentially openly available without requiring explicit prior authorization. Other model program developers may choose to charge a fee and will want to keep track of employers using their programs. It is up to the model program developers to decide whether to make their programs free or fee-based, as well as whether to track users.

49 CFR Section 243.107, *Training program submission, introductory information required*

An employer must answer five questions with respect to training that is administered to safety-related railroad employees. Will you as the employer:

1. Primarily conduct training for your own safety-related railroad employees using your own resources?
2. Conduct training for safety-related railroad employees other than your own?
3. Implement a training program conducted by some other entity on its behalf, but adopted by you as the employer?
4. Qualify safety-related railroad employees previously qualified by other employers?
5. Qualify safety-related railroad employees previously trained by a training organization or learning institution?

FRA needs this information to understand an employer's approach to training. The TO/LI's full name needs to be provided if an employer uses a TO/LI to train all or some of its safety-related railroad employees. This also includes new hires previously trained by a TO/LI.

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Guidance

The Web portal will provide the navigational steps associated with this submission request. This section applies only to employers. FRA simplified and consolidated the information required by this section at the new Web portal.

49 CFR Section 243.109, *Training program submission, review, and approval process*

Apprenticeships and intern programs that began before the employer's initial program may continue, but must be described in the initial submission required by 49 CFR § 243.101(a) and (b).

Informational filings relating to previously approved programs can be submitted at any time, but no later than 30 days after the calendar year in which the modification occurred. All new courses and/or refresher courses developed since the previous submission must be submitted using the same criteria as discussed in 49 CFR §§ 243.103 and 243.107. With respect to model program revisions, the developer (business, organization, association, etc.) is required to notify known users of the model program of informational filings concerning model program revisions.

New portions or substantial revisions to a previously approved program not described in informational filings are considered approved and may be implemented upon submission to FRA.

Each railroad has the additional duty to serve copies of each relevant program or revision on each labor organization president that represents the railroad's employees simultaneous with its filing with FRA, and the labor organization president may file a comment no later than 90 days after the railroad's filing.

Following submission, FRA will review the program and inform the employer as to whether the initial program conforms to the regulations. If FRA determines that all or part of the program does not conform, FRA will inform the employer of the specific deficiencies. The deficient portions of the nonconforming program may remain in effect until approval of the revised program, unless FRA provides notification otherwise. An employer must resubmit the portion of its program, as revised to address specific deficiencies, within 90 days after the date of any notice of deficiencies from FRA. A failure to resubmit the program with the necessary revisions must be considered a failure to implement a program under 49 CFR Part 243.

Guidance

See FAQ section "Informational Filings and Training Program Revisions."

Model program developers may provide notice of any model program revisions by posting the information at the organization's Web site, writing letters to clients, including information in periodic newsletters, or other forms of communication that positively affirm the developer has given notice to employers likely to be impacted by the changes to the program. For example, if the developer makes its model program available to anyone with access to the developer's

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website, posting a notice of any revisions to the program on its Web site would be sufficient. On the other hand, if a model program developer requires explicit authorization to use its model programs, the developer must provide adequate notice to those entities that it has specifically authorized; while Web site or newsletter notice may be sufficient under such explicit authorization circumstances, individually sent notices may be more appropriate to ensure notification thoroughly covers each entity that adopted the model program. Once notified, the employer/user of the program has the burden to adopt the changes necessary.

49 CFR Section 243.111, *Approval of programs filed by training organizations or learning institutions*

TO/LIs must submit training programs for safety-related railroad employees to FRA for review and approval before offering such services except those TO/LIs that have provided training to safety-related employees before January 1, 2019, may continue without FRA approval until January 1, 2020 (extensions may be granted on a case-by-case basis). TO/LIs must submit and include all information previously discussed and required for an employer's program per 49 CFR § 243.101, unless the requirement could only apply to an employer's program.

TO/LIs must also submit the following information:

1. The full corporate or business name;
2. The primary business and email address;
3. The primary telephone number and POC;
4. A list of DIs;
5. A resume for each DI showing how subject-matter expert and training experience was acquired, unless the DI is employed by a railroad;
6. A list of references for the TO/LI's past services; and
7. A brief, but detailed, summary statement indicating how the TO/LI determined the knowledge, skills, and abilities necessary to develop training courses for safety-related railroad employees.

Substantial additions/revisions to programs that are not considered informational filings must receive FRA approval before implementation. Informational filings for previously approved programs are considered approved upon submission and may be implemented, provided they are submitted to FRA no later than 30 days after the end of the calendar year in which the modifications occurred. In addition, the informational filing must contain the same information as required in the initial filing (*e.g.*, description of new or refresher courses, OJT, or practice sessions added, changes to delivery of training, or qualifying employees).

A student's training transcript or training record must be provided by the TO/LI to any employer upon request by the student.

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49 CFR Section 243.113, *Electronic and written program submission requirements*

Employers with 400,000 or more total employee work hours annually and TO/LIs must submit training programs (including model programs) electronically via FRA's Web portal. Before electronic submission, the employer, TO/LI, or association must provide the following information at the FRA Web portal to gain access:

1. Name of employer, TO/LI, or association;
2. POC name and job titles (minimum of two);
3. POC mailing addresses;
4. POC system or main headquarters address located in the United States;
5. POC email address; and
6. POC daytime telephone number.

Written material programs submitted for review must be addressed to: FRA, 1200 New Jersey Avenue SE, Washington, DC 20590. Notice of approval, partial approval, and disapproval will be provided via U.S. mail and/or email.

Guidance

All employers, regardless of size, are encouraged to use the secure Web portal to facilitate faster processing and to ensure that the required information is contained in the submission.

New and existing users to the Web portal may register and access the site at:
<https://safetydata.fra.dot.gov/Part243/>.

49 CFR Section 243.201, *Employee qualification requirements*

Implementation dates – Depending on size, each employer must declare the designations of its existing safety-related employees by occupational category or subcategory before commencing operations, and only permit designated employees to perform safety-related service in that category. Employers must follow the implementation dates:

- September 1, 2020 – Employers with 400,000 or more total employee work hours annually.
- January 1, 2022 – Employers with fewer than 400,000 total employee work hours annually.

FRA may grant extensions on a case-by-case basis.

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Employers that commence operations after the published implementation dates for filing a program has passed must designate their employees, and either:

- Train those designated employees according to the employer's program;
- Retain records from prior training; or
- Ensure knowledge through performance testing when records are missing.

For new hire employees to become a member of an occupational category, the employee must successfully complete all formal training curriculums, including OJT when required. OJT is permitted by an employee before formal completion of training under the watchful eye of a qualified person, provided that person can intervene if an unsafe act is observed, but the person must be qualified in the safety-related tasks being observed. When OJT is required, the employee must demonstrate proficiency in all safety-related tasks **to the DI's satisfaction**.

Safety-related employees qualified or trained by anyone other than the current employer may be deemed qualified provided:

1. A record of training from the previous entity is obtained; or
2. If no training records exist, the current employer may perform testing to assess the knowledge, skills, and abilities of the employee to be a member of the occupational category.

When an employee has not performed the safety-related duties, or has not received any training associated with the occupational category in the previous 180 days, testing as described above (Item 2) is required.

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Refresher training means periodic retraining required by an employer for each safety-related railroad employee to remain qualified. Implementation dates for refresher training vary depending on size of the employer and the date of the previous training event. See table below.

Begin implementation 01/01/2022 Complete first 3-year cycle 12/31/2024	Employers with 400,000 or more total employee work hours annually	Part 243, 3-year refresher training cycle begins. However, if the last training event occurs before FRA’s approval of the employer’s program, the employer must provide refresher training either 3 calendar years from that prior training event, or no later than December 31, 2024.
Begin implementation 05/01/2023 Complete first 3-year cycle 12/31/2025	Employers with fewer than 400,000 total employee work hours annually	Part 243, 3-year refresher training cycle begins. However, if the last training event occurs before FRA’s approval of the employer’s program, the employer must provide refresher training either 3 calendar years from that prior training event, or no later than December 31, 2025.

Note: Some FRA regulations require refresher training at more frequent intervals. Title 49 CFR Part 243 does not supersede those requirements.

Guidance

This section essentially allows designating of existing employees whom the employer believes are adequately trained.

When no training records exist, an employer may perform diagnostic testing to determine that the employee has the knowledge, skills, and abilities necessary to become a member of the desired occupational category. Testing may include an oral or written examination, as well as the ability to inspect, identify, and initiate corrective action for defects associated with Federal laws, regulations, or FRA orders. A DI must make the final determination as to whether the employee has the knowledge, skills, and abilities to become a member of an occupational category.

Rather than repeating initial training, refresher training may be carefully tailored to remind experienced employees of all the required steps of a complicated safety-related task or to address skill gaps that the employer identified in the workforce through efficiency testing, periodic oversight, annual reviews, accident/incident data, FRA inspection data, and other performance measuring metrics. Some FRA regulations require refresher training at more frequent intervals than every three years, e.g., 49 CFR Part 214 – Railroad Workplace Safety. Other FRA regulations, such as 49 CFR Part 232 – Brake System Safety Standards for Freight and Other

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Non-Passenger Trains and Equipment; End-Of-Train Devices – also require refresher training every three years. See table below for additional information relative to refresher training intervals and subject matter content.

49 CFR Part	213	214	217	218	220	227	228	229	232	236	238	239	240	242
Refresher	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Frequency (CY) or other	1 ¹	1	N	3 ²	3 ²	1	N	N	3 ³	N	3 ³	2	C	C

¹ Persons designated by track owner under 49 CFR §§ 213.7(c), 213.305(c) only.

² May integrate with § 217.11(a).

³ Requires classroom, testing, and “hands-on” component.

N = Needs based on operational requirements of the employer, employees, or location, or stated in program. Also may include identified skill gaps from analysis or changes in regulatory requirements.

C = Continuing education and frequency as stated in program submission to ensure locomotive engineers and conductors comply with applicable Federal laws, regulations, orders, and railroad safety/operational rules, and are familiar with the physical characteristics of a territory.

Note: FRA encourages each employer to find ways to provide remedial training and retesting of any employee who fails to successfully pass any training or testing. Under this part, a failure of any test or training does not bar the person from successfully completing the training or testing at a later date. Of course, FRA does not regulate employment issues and will leave those issues to be settled in accordance with any applicable collective bargaining agreement or employment and labor law.

49 CFR Section 243.203, *Records*

Employee records – employers must maintain records to prove the qualification status of each of its safety-related railroad employees. Records of former safety-related railroad employees must be retained for 6 years after the employment relationship ends. Current employee records must be accessible at the employer’s system headquarters.

The record must contain the following information:

- Employee name.
- Each occupational category or subcategory for which the employee is deemed qualified including the date of such qualification.
- Dates and title of each formal training course successfully completed.

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- If the course was provided by an FRA-approved TO/LI, attach copy of transcript.
- OJT program unique name or identifier.
- Date OJT successfully completed.
- Name of person(s) who determined the employee is qualified to perform safety-related tasks in occupational category.

Periodic oversight and annual review records must be accessible for 3 calendar years after the end of the year to which the event relates. Records must be accessible at a headquarters location within the United States.

TO/LIs must make records available to FRA upon request during normal business hours. In addition, TO/LIs must make an employee's, former employee's, or individual learner's records available to that person or that person's representative upon his or her written authorization (this applies to railroads, holding companies, joint ventures, and contractors).

Electronic records management – employers and TO/LIs must use reasonable security methods to prevent unauthorized access and ensure data integrity. The program must use an employee ID and password or comparable protocol for program access to include the following standards:

- No two persons may have the same ID.
- A record cannot be deleted or altered by anyone after the record is certified by the author.

Amended records must be:

- Electronically stored apart from the record it amends; or
- Electronically attached as information without changing the original record.

Amended records must uniquely identify the person making the amendment. Employers and TO/LIs must provide FRA access to electronic records in a usable format. Electronic records furnished to FRA must be authenticated by an employer's representative upon request.

Transferring records – employers ceasing to do business and taken over by another company must transfer records to the new employer. The (new) successor employer is required to maintain the records for the remainder of the period prescribed by the regulation.

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49 CFR Section 243.205, *Periodic oversight*

Periodic oversight is limited in scope and requires focus on FRA regulations pertaining to:

- 49 CFR Part 214, Railroad Workplace Safety
- 49 CFR Part 218, Railroad Operating Practices
- 49 CFR Part 220, Railroad Communications

Under 49 CFR Part 243, periodic oversight is similar to 49 CFR § 217.9, *Program of operational tests and inspections; recordkeeping*, in that it requires structured tests and inspections, which means: (1) a change in the work environment requiring an employee action, and (2) observations to determine compliance with Federal law, regulations, and FRA orders. All railroads, regardless of size, must conduct periodic oversight. Only qualified supervisors can perform oversight. Railroads are required to identify supervisory personnel in each category or subcategory responsible, except when:

- A contractor is required or voluntarily agrees to provide oversight of its own employees; or
- The railroad does not have a qualified supervisor to conduct oversight of a contractor's employees.

A railroad may train a contractor to provide periodic oversight as long as that point is specified in the program.

Periodic oversight commences the day an employer files its training program with FRA under 49 CFR § 243.101.

Periodic oversight is not required for locomotive engineers and conductors whose oversight is already required by other regulations. However, railroads should use data collected under 49 CFR Part 217, Railroad Operating Rules; Part 240, Qualification and Certification of Locomotive Engineers; and Part 242, Qualification and Certification of Conductors, to determine if additional training is the appropriate intervention to close performance gaps.

Periodic oversight options when contractors are involved – railroads are not required to conduct periodic oversight of a contractor's employees when the contractor:

- Employs more than 15 employees;
- Directly trains its own employees for safety-related duties; and
- Employs supervisors capable of periodic oversight.

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If all three conditions are met, the contactor is obligated to provide oversight of its own employees.

Railroad duty to contractors – a railroad is not required to conduct operational tests on contractor employees working on its property, but there is no prohibition against it. If a railroad conducts oversight and observes contractor employee noncompliance, the railroad has a duty to notify both the employee and the employer/contractor.

Detailed records – each employer that conducts periodic oversight must keep a record of each test. The record must include the following information:

- Date, time, and location of the test or inspection.
- Result of the test or inspection.

The records must specify each person administering tests and inspections and each person tested. The record must also indicate whether the employee complied with monitored duties, as well as any intervention used to remediate the noncompliance.

Guidance

Periodic oversight seeks to accomplish two goals: (1) take notice of individual employees who are in noncompliance and take corrective action to ensure that those specific employees know how to do the work properly (in some instances, the employee might need coaching or retraining, especially if the person has not had much experience doing the work; in other instances, training may not be an issue and other remedial action may be appropriate); and (2) review all of the oversight data, in the aggregate, to detect patterns of noncompliance. The annual review in 49 CFR § 243.207 is intended to spur a global review of training and trigger adjustments that improve the effectiveness of training courses. Taken together, these oversight and review actions should lead to significant improvements in compliance and the overall quality of training programs. Recording oversight and identifying problem areas are intended to compel each employer to focus on how a training course can be improved to place greater emphasis on the causes of such noncompliance. The essence of oversight and annual reviews is to assess the effectiveness of training programs and make curriculum adjustments to initial or refresher training programs to focus on problem areas.

Railroads are not required to conduct periodic oversight on supervisors who are responsible for conducting oversight. However, FRA inspectors may conduct oversight of supervisors to assess their knowledge, skills, and abilities related to the tests required by 49 CFR § 243.205. This is analogous to the oversight FRA conducts per 49 CFR § 217.9. Railroads may combine the operational test program required by 49 CFR § 217.9 with 49 CFR § 243.205, but must notify FRA of that fact in their training program submission.

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49 CFR Section 243.207, *Annual review*

The purpose of the annual review is to assess if any training program improvements are possible by reviewing information that may indicate gaps in employee knowledge or performance. An annual review is not required for a railroad with fewer than 400,000 employee work hours annually. Contactors also are not required to conduct an annual review, although contractors must use any information provided by a railroad to adjust training that is specific to personal and work-group safety.

Railroads are required to designate a person or persons to conduct a written annual review. The annual review must be designed to identify knowledge or performance gaps in occupational categories and determine whether adjustments to the training component of the program are the appropriate intervention to close those gaps or otherwise improve the effectiveness of the program.

Sources of information for the annual review include:

- Periodic oversight data as required by 49 CFR § 243.205.
- Accident/incident data.
- FRA inspection report data.
- Employee post-course training evaluation feedback (if available).
- Feedback from labor organizations (if available).

The annual review must be completed before September 1 of each year.

49 CFR Section 243.209, *Railroad maintained list of contractors utilized*

Railroads that use contractors for safety-related duties must maintain a list at their system headquarters with the following information:

- The full corporate or business name of the contractor.
- The contractor's primary business address, email address, and primary telephone number.

Guidance

This information is not required if the railroad qualifies the contractor's safety-related employees and maintains records for each safety-related railroad employee.

The information required by this section must be continuously updated as additional contractors are used, and no contractor information may be deleted from the list unless the contractor has not been used for at least 3 years from the end of the calendar year the contractor was last used.

Frequently Asked Questions

FRA Training Program Web Portal

Q. I heard FRA maintains a secure Web site where I can submit my training programs. Is that true?

A. Yes, on November 10, 2015, FRA posted a formal announcement in the Part 243 docket regarding the opening of a secure Web portal established to receive and process training programs from the regulated community. Employers (*i.e.*, railroads and contractors) with 400,000 employee work hours and TO/LIs must submit training programs (including model programs) electronically to FRA. **All employers, regardless of size, are encouraged to use the secure Web portal to facilitate processing and to ensure the required information is contained in the submission.** New and existing users to the Web portal may register and access the site at: <https://safetydata.fra.dot.gov/Part243/>.

Q. Can I go to the Web portal to see what other employers' programs look like to get ideas?

A. No. Training programs are considered proprietary and/or confidential business information. You will need to contact the program submitter directly to see if it will share those documents with you.

Q. Can I go to the Web portal to see which employers, training organizations, and learning institutions have approved programs?

A. Yes, you can look at FRA's approval letters.

Q. Can I go to the Web portal to see what model programs have been approved?

A. Yes, and you can adopt a model program while you are on the Web portal. However, you must get authorization from the model program developer. The Web portal will guide you through the steps for contacting the developer if you decide to adopt a model program. Of course, if you adopt it, you need to implement and comply with it.

Small Entity Considerations

Q. Employees working for small employers perform a variety of safety-related tasks daily. Will small employers be expected to train new hires on every aspect of Federal railroad safety law, regulation, or order?

A. Yes, but only those aspects of Federal railroad safety law, regulation, or order that the employee is expected to apply. The training does not have to cover an entire CFR part if the employee is only responsible for applying a specific subsection in connection with his or her duties. FRA believes model programs are likely to be a good fit for small employers in that

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they can be tailored to meet the cross-functional nature of activities that employees on small railroads perform.

Q. Title 49 CFR Part 243 requires us to classify our employees by occupational category class, craft, or other suitable terminology. Our employees perform a variety of tasks that cross traditional occupational boundaries, making it difficult to classify our employees using traditional job titles. How do we overcome this obstacle?

A. In the context of 49 CFR Part 243, the job title you use to classify your employees is not necessarily a critical factor. As noted in the previous answer, the employee only needs to be trained on those aspects of Federal railroad safety law, regulation, or order that the employee is expected to apply. In other words, training is based on assignments, duties, or tasks the employee performs.

Q. I have a shortline railroad with several highway/railroad-grade crossings and an interlocking with a Class I railroad. I have one employee who works as a general handyman and takes care of our signal systems. What type of training do I have to provide this individual?

A. The employee responsible for the installation, inspection, maintenance, and repair of any highway/railroad-grade crossing system or signal and train control system, device, or appliance must be trained on applicable sections of Part 234, Grade Crossing Safety, and Part 236, Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances, that apply to the equipment on your railroad.

Scope of Part 243 – Training Programs Required by Other FRA Regulations

Q. There are some Federal regulations that require employers to submit programs to FRA for review and/or approval, most notably: 49 CFR §§ 213.118, 213.343, Continuous Welded Rail (CWR); 49 CFR Part 240, Qualification and Certification of Locomotive Engineers; 49 CFR Part 242, Qualification and Certification of Conductors; and 49 CFR Part 236, Subpart I, Positive Train Control Systems. Will employers be required to resubmit the training aspects of these programs to FRA under 49 CFR Part 243?

A. No. All the above-mentioned regulations have an equivalent (or more restrictive) training requirement embedded in the rule text. Presumably, FRA has already reviewed and approved these programs. FRA suggests that you cross-reference other programs rather than resubmitting them under 49 CFR Part 243.

Q. I am an employer and I know that FRA has some other FRA regulations that have a training mandate that doesn't require the training program to be submitted for FRA review and approval, such as: 49 CFR Part 214, 49 CFR Part 232, and 49 CFR Part 238. What is the purpose of 49 CFR Part 243, and am I required to do anything extra under this new training standards rule with regard to the types of regulations cited?

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A. As an employer, you are already maintaining these types of training programs for FRA’s review even though there is no submission and FRA-approval requirement. Because these employer-maintained training programs are reviewable by FRA during audits and other inspection and oversight activities, and FRA can independently address these training programs’ compliance with their governing regulations, FRA has clarified that employers do not need to submit these already maintained training programs. FRA recommends you review the chart titled “Similar Training Programs Not Requiring Part 243 Submission” for more detailed information on this topic (see pages 7–10). However, in accordance with 49 CFR § 243.103(b), employers are required to supplement the programs identified in the chart if those programs include OJT, but do not include the OJT components specified in 49 CFR §§ 243.101(d) and 243.103(a)(3).

Q. Does 49 CFR Part 243 cover hazardous materials training?

A. No.

Q. Are manufacturers or lessors of rolling stock covered by this regulation?

A. Yes, if your company has any contractual obligation to inspect, repair, or maintain the equipment for the railroad in compliance with Federal railroad safety laws, regulations, and orders, regardless of whether those actions are taken on or off railroad property. Otherwise, a company that merely sells or leases equipment would not be covered by this rule.

Q. Does this regulation require the employee to only know the rule or does it require the employee to perform the tasks in accordance with the applicable rules?

A. This rule is performance-based. As such, it requires “that employers of each safety-related railroad employee be required to qualify or otherwise document the proficiency of such employees in each class and craft regarding their knowledge of, and ability to comply with Federal railroad safety laws and regulations....” (*see* FR Volume 79; Number 216; Friday, November 7, 2014; Page 66460). The phrase “ability to comply” specifies that the employee be able to perform the task in accordance with the regulation, not just know what the regulation states. FRA will not expect safety-related railroad employees to be able to cite the specific CFR part and section.

Training Programs

Q. Am I required to submit my entire course curriculum to FRA or just certain parts?

A. No, you are not required to include your entire course curriculum associated with any particular training program submission. The easiest way to ensure you are covering all elements in your submission is to submit your program at the Web portal located at: <https://safetydata.fra.dot.gov/Part243/>. **Note:** FRA has the authority to request and review all or portions of your program courseware at any time.

Q. Title 49 CFR § 243.103(a)(2)(vi) mentions a syllabus of the course. Please clarify what the term “syllabus” means in this context. It appears that the information required by all of 49 CFR § 243.103 does in fact meet the needs of the course syllabus.

A. Agreed. But once again, the easiest way to ensure you are covering all elements in your submission is to submit your program at the Web portal located at:
<https://safetydata.fra.dot.gov/Part243/>.

Q. I am a training manager for a Class I railroad and responsible for submitting our training program to FRA for approval. Does my employer have to wait on FRA approval before adopting and complying with the submitted training program?

A. No, your employer (railroad) may adopt and comply with any training program upon submission. However, your programs must be submitted to FRA no later than January 1, 2020.

Training Requirement Questions

Q. It appears that most Federal regulations pertaining to motive power and rolling stock are primarily limited to tasks that require inspection, testing, and the identification of defective conditions or components. What Federal law, regulation, or order requires an employer to also include the remediation or repair of defective conditions in our training curriculum?

A. With respect to Federal regulations pertaining to motive power and rolling stock, there are two. Title 49 CFR Part 232, Brake System Safety Standards for Freight, and 49 CFR Part 238, Passenger Equipment Safety Standards, requires employers to provide training to persons they designate as Qualified Mechanical Inspectors (QMI) and Qualified Maintenance Persons (QMP) on various aspects of mechanical inspection, including testing, troubleshooting, maintenance, or repair. Please note that 49 CFR Part 243 does not supersede specific training requirements for persons designated as QMIs or QMPs pursuant to 49 CFR Parts 232 and 238 respectively. Parts 232 and 238 notwithstanding, 49 CFR Part 243 requires other safety-related railroad employees assigned to mechanical-related duties to be trained on the correct application of the Federal safety standards pertaining to their work so they can identify deviations from standards and initiate remedial action procedures such as tagging the defective locomotive or car for movement to a repair shop.

Q. I noticed this regulation mentioned amendments to 49 CFR Part 214, Subpart C, Roadway Worker Protection. What do the amendments to 49 CFR Part 214 entail and when is the effective date?

A. The amendments to 49 CFR Part 214 require roadway workers who operate roadway maintenance machines equipped with a boom or crane to be trained and qualified according to a training program adopted by the employer. The training must ensure that the operator understands either (1) the manufacturer’s safety instructions found in the manual or (2) the safety instructions developed to replace the manual when the machine has been adapted for a

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specific railroad use. The training must address both safe movement of the vehicles and safe operation of the boom or crane. Training is required for new users and periodic retraining is required for those previously trained. The amendments to 49 CFR Part 214 offer a training compliance alternative to an existing OSHA mandate impacting roadway workers who operate roadway maintenance machines equipped with a boom or crane. Thus, employers have the option of complying with OSHA standards (29 CFR § 1926.1427, *Operator qualification and certification*) or FRA standards 49 CFR § 214.357, *Training and qualification for operators of roadway maintenance machines equipped with a crane*. The effective date of 49 CFR § 214.357 was January 6, 2015. Employers of roadway workers who operate roadway maintenance machines equipped with a boom or crane should have established such training programs by January 6, 2015, *i.e.*, the effective date of the rule, and will need to submit such programs to FRA pursuant to the implementation dates in 49 CFR § 243.101.

Q. I have numerous contractors working on my railroad. How do I verify that the contractor's employees have received the required training?

- A. You must receive a document from the contractor indicating that the contractor's program was approved by FRA. It is the contractor's responsibility to ensure that the employees have been trained according to the contractor's approved plan. You are only responsible for ensuring that the contractor has an approved plan. For additional information, FRA intends to post all program approval letters at the Web portal located at: <https://safetydata.fra.dot.gov/Part243/>.

On-the-Job Training & Designated Instructor

Q. My concern has to do with OJT. Does my OJT program have to address observing and verifying proficiency in every aspect of a particular task and subtask?

- A. If you are referring to critical steps involved in performing the task correctly, the answer is yes. To illustrate, consider the critical steps establishing Blue Signal Protection for workers on other-than-main track at night. The critical steps are:

- (1) lining any manually operated switch or crossover switch against movement providing access to the track;
- (2) locking each manually operated switch with an effective locking device;
- (3) displaying a blue light at or near each manually operated switch; and
- (4) placing a Blue Signal on the controlling locomotive if one is present.

There may be many other tasks, subtasks, expectations, and assumptions made before performing the critical tasks, but FRA will only require that the OJT program focus on the critical steps.

Q. Will FRA consider other OJT methodologies if employers can replicate the task, conditions, and standards and measure/observe task completion proficiency in an objective manner?

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A. FRA recognizes that a variety of training methodologies can teach new skills and objectively measure proficiency in learners. Please be certain to thoroughly explain the details of your OJT program in your training program submission so that FRA training experts can make an informed assessment regarding how your OJT program will be administered. Also, remember that safety-related railroad employees are still required to demonstrate OJT proficiency to the satisfaction of the designated instructor in order to become a qualified member of an occupational category or subcategory.

Q. Does all OJT have to be overseen by the designated instructor?

A. No. A person (trainee) may perform OJT under the direct onsite observation of any qualified person, provided the qualified person has been advised of the circumstances and is capable of intervening if he or she observes any unsafe act or noncompliance with Federal railroad safety laws, regulations, or orders. An employee designated to provide formal training to other employees (sometimes referred to as a peer trainer), and who is not a designated instructor, shall be qualified on the safety-related topics or tasks in accordance with the employer's training program and the requirements of 49 CFR Part 243.

Q. Can the designated instructor and qualified person be the same person?

A. Yes.

Q. Does the designated instructor have to be an employee of the employer?

A. No, the designated instructor can be any qualified person the employer chooses to designate. However, the designated instructor must be qualified in the subject matter under instruction. Employers have a duty to ensure non-employees used as designated instructors have the necessary knowledge, skills, and abilities to provide sound coaching, mentoring, and guidance to new learners.

Q. Can an employer (railroad or railroad contractor) designate me as their designated instructor even though I am self-employed or employed by a community college?

A. Yes. As required for all designated instructors of OJT, the employer would need to include your name in any employee training records required by 49 CFR § 243.203(b)(6) associated with any training you provide to safety-related railroad employees in which you made the determination that the employee successfully completed the OJT program component.

Q. Follow-up to the previous question, can an employer rely on the training I provide, including any OJT and subsequent recommendations, to qualify their safety-related railroad employees?

A. Yes.

Informational Filings and Training Programs Revisions

Q. I understand that if an employer changes its previously approved program, it must file updates with FRA. However, I see that there are two different filing requirements for updates. Please help me understand what FRA is requiring when an employer needs to make updates to its training program.

A. FRA envisions that some training programs will not change from year to year, while some programs may need several changes during a single calendar year to address newly-issued Federal requirements or new safety-related technologies, procedures, or equipment. These types of changes to previously-approved training programs can potentially be managed by submission of an informational filing once a year addressing all the changes in a single document. See 49 CFR § 243.109(b). Such a filing would be due not later than 30 days after the end of the calendar year in which the modifications were implemented. Thus, this filing requirement puts FRA on notice after the employer has made its changes and implemented them.

The second type of filing requirement is more stringent because it requires filing before the employer implements the changes. This type of filing is reserved for substantial additions and revisions. See 49 CFR § 243.109(c). An employer does not have to wait for FRA approval to implement substantial additions or revisions to a previously-approved program; instead, FRA will review the program in the same manner as it does new programs and will inform the employer whether the program is approved.

Designating Safety-Related Railroad Employees and Refresher Training

Q. I am a brakeman for a very small railroad. My railroad employs only six train and engine service employees, including me. I have been working in the same job since January 2013. Does this regulation mean I must be trained all over again?

A. No. In your case, you would be designated without additional training assuming your employer declared your occupational category/subcategory (job title) no later than February 1, 2020. However, you will be subject to refresher training either 3 calendar years from your previous training event or no later than December 31, 2023.

Q. What is required of large employers (*over 400k or more total employee hours annually*) not in existence yet? For example, suppose an employer goes into business on February 1, 2020 and it hires people with no previous railroad experience or training. What would FRA expect in terms of training?

A. In this case, before a new employee can become a qualified member of an occupational category/subcategory, the employee must first successfully complete all formal training curriculums for that occupational category/subcategory.

Q. In the context of 49 CFR § 243.201, *Employee qualification requirements*, what does designating a safety-related employee mean?

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A. This phrase means that employers must declare which occupational category/subcategory its employees belong to, and thus the employer is confirming the employees are trained and qualified on relevant Federal railroad safety laws, regulations, and orders, as well as any relevant railroad rules and procedures to implement Federal railroad safety laws, regulations, and orders.

Q. I am a journeyman carman for a Class I railroad. I have been working in the same job since 1990. Does this regulation mean I have to be trained all over again?

A. No. In your case, you would be designated without training assuming your employer declared your occupational category/subcategory (job title) no later than September 1, 2020. However, you will be subject to refresher training either 3 calendar years from your previous training event or no later than December 31, 2024.

Q. Are all current employees that are designated without training subject to refresher training?

A. Yes, but the implementation and completion dates vary depending on the size of the employer (see the “Important Dates to Remember” refresher section in this guide). Please note that some FRA regulations require refresher training at more frequent intervals. Title 49 CFR Part 243 does not supersede those requirements.

Q. What should be covered in refresher training?

A. The elements of refresher training may consist of a variety of subjects and could be driven by several factors including, but not limited to: employer accident/incident data; FRA inspections noting noncompliance; FRA law, regulations, or orders; or other safety-critical topics as determined by the employer.

Q. I noticed 49 CFR Part 243 requires refresher training every 3 years, but other FRA regulations require a shorter refresher training period. When there are competing periods, which applies?

A. This final rule does not supersede any other FRA regulation that may have more stringent requirements. Thus, the shorter refresher period would apply.

Refresher Training for Trainers (*i.e.*, “Designated Instructors”)

Q. I am an employer that sends my in-house trainers to a “Train the Trainer” seminar for Roadway Worker Protection (RWP). The seminar is provided by a learning institution or training organization with an FRA-approved RWP training program. If I send an associate or myself to the Train the Trainer seminar and use that person to train my associates on RWP, how often do we have to repeat this process?

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A. An employer's in-house trainers, once initially trained as trainers, will need to receive refresher "Train the Trainer" training at a minimum once every 3 calendar years in accordance with 49 CFR § 243.201(e). If the trainers are also roadway workers, the trainers will need the annual initial and recurrent training on the "on-track safety rules and procedures" required by 49 CFR § 214.343(b). Please note that 49 CFR Part 243 uses the term "designated instructor" instead of "trainer."

Q. I am a designated instructor and employed by a small community college. The community college I work for has an associates program on various railroad related occupational categories. I worked on a Class I railroad for thirty years and now I like staying busy, sharing what I know with the next generation. Do I have to take refresher training?

A. Refresher training is not required for designated instructors employed by training organizations/learning institutions. Instead, FRA will review a resume for each designated instructor employed by a training organization/learning institution, showing how the instructor achieved the subject-matter expertise necessary to develop and deliver training to safety-related railroad employees. As a condition for you to remain a designated instructor at the community college, FRA expects the community college to require that you remain current on Federal railroad laws, regulations, or orders pertaining to the relevant subject matters on which you instruct. Thus, if you are unwilling to keep current on the relevant changes to the requirements, you should not be a designated instructor.

Employee Records Are Lost/Missing

Q. I worked as a locomotive machinist and electrician for a large railroad for 20 years and performed all FRA inspections and tests required by the locomotive safety standards. I resigned my position because my railroad was purchased by another large railroad, and the locomotive shop was shut down after the sale. Four years later, the large railroad is now selling a portion of the railroad I used to work for, including the locomotive shop, to a small shortline railroad. The new railroad owns several locomotives and is restoring rail service to about a dozen lumber mills. The new railroad also intends to market locomotive maintenance service to the railroad industry. I would like to go work for the new railroad as a machinist/electrician, but it only wants experienced people. All my training records are lost. How can I prove I am qualified?

A. The new railroad for which you wish to work could perform testing to ensure you have the knowledge necessary to become a member of the occupational category you seek. Assuming you pass the tests, a person designated by the railroad as the designated instructor will make the final determination as to whether you have the knowledge to be a member of the occupational category. In your case, testing might include an oral or written test, as well as your ability to inspect, identify, and initiate corrective action for defects associated with 49 CFR Part 229 Subparts B, Inspections and Tests, and C, Safety Requirements. The testing your employer performs to determine your qualifications must be recorded and entered into your personnel training file.

Previously Qualified or Trained Employees but Not by the Current Employer

Q. I own a company that conducts tests and inspections of signal systems for railroads. I have a potential applicant who appears to be qualified as a signal maintainer from another company. However, his training records were lost by his previous employer. He has been out of work for over 10 months, but I believe he's qualified based on the job interview I conducted with him. I read that 49 CFR § 243.201(d) requires testing if the employee has not performed his or her safety-related duties in the previous 180 days. Please explain what kind of testing is required.

A. The requirement in 49 CFR § 243.201(d) is applicable when an entity other than the current employer determined that the person was previously qualified or trained. FRA does not expect this to be an extensive exercise. A designated instructor would likely begin the testing with a job briefing and a thorough discussion of the critical job tasks to be accomplished. Testing would include an observation of the tasks until the designated instructor is satisfied that the signal maintainer has the knowledge to remain a member of that occupational category. Perhaps the easiest way to ensure that an employee is ready to perform safety-related duties would be for him or her to perform the periodic tests and inspections as required by 49 CFR Parts 234 and 236. The designated instructor could observe the individual performing the tests and inspections using an OJT task list as a guide to ensure the requisite level of proficiency is performed. Many of the tests and inspections required by 49 CFR Parts 234 and 236 are required monthly. Therefore, scheduling such observations could be combined with existing requirements. If the employee can successfully complete the tests and inspections, FRA believes you have satisfied the requirements of 49 CFR § 243.201(d)(1)(ii).

Periodic Oversight

Q. What is the difference between periodic oversight and annual reviews?

A. Periodic oversight is more focused on and limited to tests and/or observations of safety-related railroad employees engaged in activities connected with 49 CFR Part 214, Railroad Workplace Safety; Part 218, Railroad Operating Practices; and Part 220, Railroad Communications. Annual reviews require analyzing larger data sets, including data derived from periodic oversight. Periodic oversight is required for both large and small employers (*conditions may apply; see next Q&A below*). Annual reviews only apply to railroads with 400,000 or more total annual employee work hours.

Q. In terms of periodic oversight, please summarize what I am responsible for as a transportation operations supervisor employed by a large railroad. We have railroad employees as well as contractors at the facility at which I work. One contractor on our property conducts inspections and air brake tests on our freight trains at an adjacent intermodal facility. Another contractor we use performs extensive track maintenance on our entire railroad division. I understand the contractors have a duty to conduct their own periodic oversight. Is that correct?

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- A. If a contractor on your railroad employs more than 15 employees, directly trains its own employees for safety-related duties, and employs supervisors capable of periodic oversight, the contractor is obliged to provide oversight of its own employees, not the railroad. In addition, please note that a contractor that is not required to conduct periodic oversight may voluntarily agree to provide such oversight of its own employees to relieve a railroad that would otherwise be required to provide the periodic oversight.

Furthermore, if the railroad for which you work does not employ supervisors qualified to conduct periodic oversight of contractor employees, the railroad cannot be required to provide the periodic oversight.

Note: If your railroad employs qualified supervisors, your railroad is not prohibited from conducting oversight of contractor employees.

Q. I am a Roadmaster and typically hire a small local contracting firm to do trenching, excavating, digging, and general housekeeping duties along the railroad right-of-way I am responsible for maintaining. Am I responsible for conducting periodic oversight of the contractor employees?

- A. Generally, your railroad is responsible for conducting periodic oversight tests and inspections for a contractor's employees that are performing safety-related duties on railroad property, although there are several exceptions. For example, your railroad is exempt if it does not employ supervisory employees who are qualified to conduct the oversight of the contractor's employees. Your railroad would also be exempt if the contractor is required to provide its own periodic oversight or you have a written agreement with the contractor stating the contractor will provide the oversight. In determining whether a small local contracting firm is required to conduct its own periodic oversight, you would have to determine whether all three of the following conditions are met:

- (1) the contractor employs more than 15 employees
- (2) the contractor trains and qualifies its own employees, and
- (3) the contractor employs supervisory safety-related railroad employees capable of oversight.

Please note that regardless of whether you are responsible for conducting periodic oversight of contractor employees, your railroad also has a duty to notify the contractor employee and his or her employer of any noncompliance observed.

Q. How often is periodic oversight required?

- A. The employer is required to explain the details of periodic oversight strategy along with its submission of the training program to FRA. FRA recommends that each railroad consider modeling its Periodic Oversight program similarly to how it drafted its program of operational tests and inspections under 49 CFR § 217.9, *Program of operational tests and inspections; recordkeeping*.

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Note: Railroads may wish to modify its operational test program under 49 CFR § 217.9 to include Periodic Oversight to meet the requirements of 49 CFR § 243.205, *Periodic oversight*.

Q. When do I commence periodic oversight?

- A. Periodic oversight must commence the day the employer files its training program with FRA pursuant to 49 CFR § 243.101(a) or on the day the employer commences operations pursuant to 49 CFR § 243.101(b).

Q. Does periodic oversight apply to locomotive engineers and conductors?

- A. No, employees subject to 49 CFR Parts 240 and 242 are exempt, but railroads are required to use the results of assessments required by those parts to determine if changes in its training programs are necessary to close any proficiency gaps found during those assessments.

Annual Reviews

Q. When are annual reviews required?

- A. Before September 1 of each year. **Note:** Annual reviews required by 49 CFR § 243.207, *Annual review*, may be conducted in conjunction with 49 CFR Part 217.

Q. Are small railroads required to conduct annual reviews?

- A. No, annual reviews are not required on railroads with fewer than 400,000 total employee work hours annually.

Q. Are contractors required to conduct annual reviews?

- A. No.

Q. Are railroads required to analyze specific data sources during annual reviews?

- A. Yes. These data sources include:

- Periodic Oversight data (49 CFR § 243.205);
- Reportable accident/incident data (Part 225);
- FRA Inspection report data;
- Employee training feedback received through a course evaluation (if available); and
- Feedback from labor representatives (if available).

Q. What do we do with our annual review results?

- A. Depending on the results, a designated person shall coordinate any necessary adjustments to initial and refresher training programs.

Training Organizations and Learning Institutions

Q. When do I have to submit a training program for FRA to review and approve if I am a TO/LI?

- A. If you represent a TO/LI that has provided training to safety-related railroad employees before January 1, 2019, you may continue without FRA approval until January 1, 2020. Thus, to ensure continuity and avoid a disruption in the training services you provide, FRA recommends that you file a training program as soon as possible, well in advance of the January 1, 2020 implementation date.

If you represent a TO/LI that is beginning to offer training to safety-related railroad employees on or after January 1, 2019, you may not offer such services until receiving FRA approval. Thus, you will want to submit your program as soon as it is developed. You should alert FRA that you would like to start offering training services on a specific date and FRA will attempt to accommodate all reasonable requests.

Q. I own a very small training firm and I conduct air brake training for freight railroads. I heard that trainers will need to be recertified every 3 years. Who will recertify me?

- A. The “recertification” to which you refer is refresher training, not certification. Title 49 CFR Part 243 does not require safety-related railroad employees to be certified. In 49 CFR § 243.201(e), there is a requirement for refresher training every 3 years. In 49 CFR § 232.203(a)(8), there is a requirement that employers keep employee records and transfer those records to new employers. As a training consultant who is not an employee, neither requirement applies to you or your firm. Please be aware that it appears your business of providing air brake-related training to employers (railroads and possibly railroad contractors) would make your firm essentially a training organization, but probably without the brick-and-mortar business characteristics. Therefore, if you intend to provide training to safety-related railroad employees (as defined) in 49 CFR § 243.3, *Definitions*, you will need to submit your program to FRA per 49 CFR §§ 243.101, *Employer program required*; 243.103, *Training components identified in program*; and 243.111, *Approval of programs filed by training organizations or learning institutions*.

Q. Will FRA permit TO/LIs to develop and administer OJT in connection with its formal training programs for students wishing to acquire skills to become more attractive for a potential railroad employer?

- A. The regulation does not prohibit TO/LIs from developing OJT in conjunction with any training program submitted to FRA for approval. However, by definition, OJT means “job training that occurs in the workplace, i.e., the employee learns the job while doing the job.” (See 49 CFR § 243.5, *Definitions*)

Q. Will a learning institution, i.e., a college or university, be allowed to teach a CWR or similar type class that it has presented in the past without first submitting the

curriculum to FRA for review? For example, a railroad calls a college for a CWR class which must be designed specifically for each entity. The contract is signed a week or two before the railroad or contractor needs it to be designed and delivered. Although better planning might have prevented the need for the training on such short notice, the railroad or contractor has an immediate need for the training due to end-of-the-year time constraints to meet annual FRA training requirements. The college would like to send the curriculum to FRA as soon as it is completed and would like near instantaneous feedback from FRA on whether it is approved. Would this be acceptable? If not, how much lead time would be required by FRA to receive and complete the review? The timing of the review, if it ran into several weeks or even months, could cost the college the contract. Does FRA have a methodology in place to request an expedited review?

- A. Training organizations, which include private for profit or not-for-profit businesses, associations, and learning institutions, are required to seek FRA approval before providing training. The rule was written with the expectation that these entities would be able to present any particular training program to FRA for approval before implementation. The question implies that the college asking the question has taught this training course before but needs to tailor its course to each employer. As long as the college presented its general training course to FRA in its program with an explanation for how the program could be tailored to different employers, the program could be approved one time, and it would be unnecessary for FRA to review each time the program was tailored to a specific employer client.

However, other questions raised in the example ask whether FRA could perform an expedited review, at the last minute. The short answer is that FRA cannot promise any entity an expedited review. For that reason, FRA strongly suggests that each training organization and learning institution plan ahead as to the types of training it is qualified to offer and design at least the structure of any such training program to show FRA it has the potential to offer the training.

- Q. Once the learning organization/university has an approved CWR plan training curriculum on file with FRA, would FRA consider allowing the class to be taught pending review of a new submission for a different railroad, realizing that each railroad requesting a CWR class will require a class tailored to their individual CWR plan?**
- A. As stated in the previous answer, if FRA approves a general CWR program, that should suffice. No “tailor made” programs would need review.

Training Consultants

- Q. It is January 1, 2020. I worked in the railroad industry for almost 20 years and held many positions beginning with laborer, machine operator, track inspector, roadmaster, and track trainer. I developed numerous training programs for track workers during my last 5 years on the railroad. For the last 3 years, I have been working as a training consultant and I have several shortline railroads as my clients. I have developed a track**

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worker training program that I can tailor to each of my shortline railroad clients. Am I required to do anything under FRA's Part 243 training regulation?

- A. Although you could choose to do nothing and make each of your clients file for FRA approval, with your program identified as the employer client's program, FRA believes it would be more beneficial to you and your clients if you submit your program under the 49 CFR § 243.111 provision for approval of programs filed by training organizations or learning institutions.

Benefits to you and your railroad clients if you are a training organization:

- You can tell current and prospective clients that your consultant business and program are FRA-approved.²
- You can tell a client to provide your unique training program name and identifier, so the client does not have to submit your program to FRA.
- You or the client could seek FRA approval if any tailoring modifications to the program are necessary.
- Clients could still arrange for their own job-related practice or practice-related feedback sessions to supplement your training program as long as the client described the supplemental training to FRA in their submission.

Requirements for you if you are a training organization:

- You will need FRA approval before initiating any training for your clients.
- With any of your training programs submitted, you must provide FRA with the following information about your company:
 - Your full corporate or business name;
 - Your primary business and email address;
 - Your primary telephone number and point of contact;
 - A list of DIs;
 - A resume for each DI showing how subject matter expertise and training experience was acquired;
 - A list of references of employer clients if training services were provided before the date you are filing with FRA for approval; and
 - A brief but detailed summary statement indicating how you determined the knowledge, skills, and abilities necessary to develop training courses for safety-related railroad employees.
- Because training organizations and learning institutions are typically junior colleges or technical trade schools, FRA expects these organizations may accept independent students who are not affiliated with a railroad or contractor employer. For this reason, FRA requires that these organizations maintain records for each student and you will too unless you request a waiver from the requirements found in 49 CFR

² Please note if you falsely claim you received approval, FRA may initiate civil enforcement action against you, including but not limited to imposing civil money penalties against you and your company.

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§ 243.111(g) and (h), explaining that the employer has agreed to maintain the employees' records. *See* 49 CFR § 211.41, *Processing of petitions for waiver of safety rules* (describing the requirements for filing a waiver).

- Q. I am a career railroad employee with more than 25 years of experience. My last position with the railroad was as a superintendent. For the last 5 years, I've been working as an independent consultant for various railroads. My principal duties consist of conducting observations or audits of railroad employees performing their work. I use Federal Regulations as the performance standard for measuring safety-related railroad employee performance. Observation examples include, train air brake tests, freight and passenger car inspections, Roadway Worker Protection, and Blue Signal Display. I provide a report of my observations to railroad management. How does 49 CFR Part 243 apply to me?**
- A. Title 49 CFR Part 243 does not apply to you. You are not a safety-related railroad employee or railroad supervisor, nor does the work you do satisfy the requirements the railroad is obligated to perform under 49 CFR § 243.205. It might be wise for you to make certain that the railroads with which you do business understand they are still required to conduct periodic oversight of their safety-related railroad employees using their own supervisory employees.
- Q. Following up on the previous question, but with slightly different circumstances. What if the railroads with which I do business hire me to conduct periodic oversight pursuant to 49 CFR § 243.205? How does 49 CFR Part 243 apply to me?**
- A. Although the regulation is silent on such an arrangement, FRA believes you have two options: First, each railroad that hires you is required to determine your qualifications pursuant to 49 CFR § 243.201(d) and maintain a record of qualifications pursuant to 49 CFR § 243.203. Second, you may also petition FRA for a waiver and maintain your own qualification records.

Contractor Compliance

- Q. We hire diverse individuals who may or may not be fluent in English. How will 49 CFR Part 243 impact our non-English speaking employees?**
- A. As an employer, you have a duty to ensure your employees have the knowledge to comply with FRA laws, regulations, and orders. There is no requirement in 49 CFR Part 243 that a safety-related railroad employee be proficient in English, but, as the employer, you have a duty to determine that your employees are qualified.
- Q. I own a railroad contracting firm and we perform a variety of duties for railroads on and off the general system of transportation. We do not perform any inspection, test, maintenance, or repair duties relating to railroad operations. However, we do perform duties associated with design, survey, assessments, permitting, staking, and construction observation management all along the railroad right-of-way. Our work**

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does require us to foul live tracks. How does 49 CFR Part 243 apply to my organization?

- A. Except for 49 CFR Part 214, Subpart C, Part 243 would have limited impact on your firm. If the duties you describe above involve fouling live tracks on the general system of transportation, RWP applies. Thus, your firm would be required to submit a training program to FRA that addresses the elements of Subpart C that apply to your employees. Please note that since RWP falls within “Workgroup Safety” your firm is also responsible for Periodic Oversight, unless you arrange an agreement with the railroad to perform the periodic oversight on your employees, or employ 15 or fewer safety-related railroad employees and meet two other requirements for a small employer exception found in 49 CFR § 243.205(g). In addition, refresher training for RWP is more restrictive than 49 CFR Part 243. RWP requires annual refresher training. Please note that 49 CFR Part 243 does not apply to activities off the general system of transportation.

Q. I work for a railroad and responsible for procuring contractors to perform some of the work on our property. For example, I am preparing to solicit bids from firms interested in performing inspection, maintenance, and repairs along our railroad right-of-way. We are also looking at contracting out some of our passenger car and locomotive maintenance. We are building a new maintenance facility on our property. Would it be a good idea to include a requirement in our future Request for Proposals that firms interested in doing business with us have appropriate training programs submitted to and approved by FRA?

- A. Each railroad needs to make its own decisions about which contractors it wants to use, but a railroad that fails to inquire with a contractor about how the contractor’s safety-related railroad employees are trained runs the risk of violating one or more provisions of 49 CFR Part 243. A prudent railroad will make inquiries about a contractor’s training program and abilities or intentions to conduct any periodic oversight to prevent untrained workers from performing safety-related tasks required by Federal safety requirements on its property. Additionally, unless a railroad qualifies and keeps records for a contractor’s employees, the railroad is required to maintain the contractor on a list of contractors pursuant to 49 CFR § 243.209, *Railroad maintained list of contractors utilized*. Thus, although FRA is not dictating the terms of your RFPs, it might be useful to request that information from contractors and decide what the railroad’s policy will be with respect to contractors that train themselves versus those who will need training from your railroad. In many situations, a railroad may have no choice but to train each contractor’s employees on RWP rules that are tailored to that particular railroad, but may be able to shift the burden of other types of training to the contractor, depending on the contractor’s supervisory and training capabilities.

Q. Please clarify what constitutes a crane in the context of 49 CFR Part 243.

- A. The answer can be found in 49 CFR § 214.7, *Definitions*, which reads “any roadway maintenance machine with a crane or boom that can hoist, lower, and horizontally move a suspended load.”

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- Q. I own a railroad track maintenance business and I routinely hire laborers from a third-party organization on a per-job basis to help with tasks such as digging, trenching, replacing rail, installing angle bars, replacing ties, driving spikes, and various other track-related tasks. Just to be clear, the laborers I hire are temporary and employed by my company on an as-needed basis. My company performs work on both passenger and freight railroads. How does 49 CFR Part 243 apply to my business with respect to the laborers I hire?**
- A. Based on the tasks you described above, 49 CFR Part 243 will likely have some impact on your business. Either you or the organization from which you hire laborers will need to submit a training program to FRA for review and approval. In addition, records will need to be maintained for each laborer to document qualifications pursuant to 49 CFR § 243.203, *Records*. The scope of work the laborers perform will dictate what FRA regulations must be covered in training. Compliance with 49 CFR Part 213 is the responsibility of the track owner. Each track owner must designate a qualified person to supervise certain renewals and inspect track (*see 49 CFR § 213.7, Designation of qualified persons to supervise certain renewals and inspect track*). FRA has never required training under 49 CFR Part 213 for every category or subcategory of employee working on the railroad right-of-way, including laborers. However, if the work involves operating roadway maintenance machines or fouling live tracks, training on some aspects of 49 CFR Part 214 will likely apply. If the laborers are handling switches and derails, training on some aspects of 49 CFR Part 218, Subpart F, Handling Equipment, Switches, and Fixed Derails, will also apply.
- Q. My company contracts with railroads around the nation. We perform various types of track restoration services. My question pertains specifically to on-track roadway maintenance machines since we use several different types at my company. My employees are cross-functional in that they will be called upon to operate different machines in any given work week. Am I required to provide comprehensive training to each employee regarding the operation of every single aspect of each machine?**
- A. No, 49 CFR § 214.341(b)(2) was amended on January 6, 2015, and addresses this issue. Part 243 does not require an operator to have comprehensive knowledge of every instruction associated with each machine. FRA expects each operator to have sufficient knowledge of the safety instructions to operate the machine under routine conditions and know where to look in the machine's instruction manual for guidance when operation of the machine is not routine. In addition, employers have a duty to amend safety instructions whenever a particular machine has been adapted for a specific railroad use.
- Q. My contracting firm does business with many railroads. Our work primarily consists of wrecking operations relating to derailments and track restoration. We currently use a variety of methods to meet our annual RWP training requirements. Some of our clients require my employees to attend their RWP training annually, other clients require us to take annual RWP training online, and we do some RWP training using our own resources. How do I reference all the above training situations in my program submission to FRA?**

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A. The presumption is that each training program you refer to above will have been approved by FRA under Part 243. Since your employees are being trained by several different sources, each program should be mentioned separately in your submission (*see* 49 CFR § 243.107, *Training program submission, introductory information required*).

Q. How will contractors who provide rail-flaw detection services to railroads be impacted by 49 CFR Part 243? The contractor operates a self-propelled high-rail vehicle over the track structure and is accompanied by a qualified (pilot) safety-related railroad employee employed by the railroad. The railroad employee is responsible for gaining track and time authority from the train dispatcher for the rail-flaw detection vehicle to operate over the railroad. Rail-flaw detection vehicles are equipped with systems that apply nondestructive examination (NDE) techniques on the rail as the vehicle is moving. The results of the NDE report are provided to the railroad for analysis and appropriate remedial action if necessary.

A. Title 49 CFR Part 243 requires entities that provide rail flaw detection services to submit the training program referenced in 49 CFR § 213.238, *Qualified operator*, to FRA for review and approval. Title 49 CFR Part 214, Railroad Workplace Safety, applies to employees of contractors whose duties require them to staff rail-flaw detection vehicles. Therefore, contractors providing these services are required to submit appropriate programs to FRA for review and approval. Please note that a rail-flaw detection contractor does not have to wait on FRA review and approval before adopting and implementing its program.

Q. What FRA guidelines are there for railroads when/if a contractor's training program isn't approved?

A. Because the regulation requires that each railroad is responsible for retaining a document from a contractor indicating that the contractor's program was approved by FRA (*see* 49 CFR § 243.101(f)), a railroad should not use a contractor's safety-related railroad employees without obtaining that proof. Certainly, a railroad may contact FRA for up-to-date information. FRA recommends that a railroad encourage its contractors to submit early, well in advance of the applicable implementation date(s), to avoid having to turn away those contractors who are not in compliance with the training standards regulation.

Q. I own a small railroad contracting firm and we do business with two large railroads (Class I's) in the southeast United States. Some of the work we do for Class I's involves safety-related tasks as defined in 49 CFR § 243.5. The work we do for both Class I's is almost identical in terms of safety-related tasks performed. One of the Class I's that we do business with prefers to conduct all the training for my employees including any applicable OJT. The other Class I we do business with does not want any responsibility training my employees. I realize 49 CFR § 243.107(a) does permit some options in this regard, but my question relates to what my obligation to FRA is regarding information I need to submit to the Web portal. If I qualify my employees based on the training they receive from the first Class I, and obtain a copy of the training records for each safety-related railroad employee from the first Class I to maintain, do I need to submit anything to FRA through the Web portal?

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A. Assuming the second Class I railroad requires identical training, the answer is no: you don't need to submit any training programs to FRA's Web portal. Also, note that 49 CFR § 243.201(d)(1)(i) specifically addresses your question and permits you to qualify your employees based on another entity's approved training program. Please be aware that 49 CFR § 243.201(d)(2) requires you, as the employer, to conduct additional testing on the employee if 180 days has passed since the employee has either not performed safety-related duties or not received initial or periodic training for an occupational/subcategory category.

Q. My contracting firm performs maintenance-of-way work for several large railroads. In the past, the railroads we do business with required our employees to take their specific Roadway Worker Protection Training (RWP) annually through a third-party vendor. The training is Web-based and taken online. None of our employees are assigned as Lone Worker, Watchman/Lookout, Flagman, or Roadway Worker in Charge. Can we continue taking the RWP training online after the implementation of 49 CFR Part 243?

A. Yes, the current method of taking online RWP training is acceptable to FRA. However, be aware that a record of the online training must be created for each employee. Further, if the assignments of your employees expand to include tasks typically performed by a Lone Worker, Watchman/Lookout, Flagman, or Roadway Worker in Charge, FRA will expect an OJT component in addition to the online training.

Roadway Maintenance Machines and OJT

Q. Please explain what FRA expects in terms of OJT in the context of operators of roadway maintenance machines, including machines equipped with cranes or booms.

A. For operators of roadway maintenance machines, including those machines equipped with cranes or booms, FRA expects employers to comply with the requirements in 49 CFR § 214.341 and 49 CFR § 214.355 with an emphasis on:

- (1) Understanding safety procedures both for general application and for specific types of machines.
- (2) Demonstrating proper communication between machine operators and roadway workers assigned to work near or on-track roadway maintenance machines.
- (3) Recognizing proper spacing between machines to prevent collisions.
- (4) Recognizing proper spacing between machines and roadway workers to prevent personal injury.
- (5) Demonstrating maximum working and travel speeds for machines dependent upon weather, visibility, and stopping capabilities.
- (6) Understanding procedures to prevent a person from being struck by the machine when the machine is in motion or operation.
- (7) Understanding procedures to prevent any part of the machine from being struck by a train or other equipment on another track.
- (8) Understanding procedures to provide for stopping the machine short of other machines or obstructions on the track.
- (9) Understanding methods to determine safe operating procedures for each machine that the

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operator is expected to operate.

Operators of on-track roadway maintenance machines must also demonstrate the ability to apply the requirements of 49 CFR § 214.527.

With respect to operators of roadway maintenance machines equipped with cranes or booms, FRA will expect an additional “OJT” component to ensure the operator has the skills to operate the machine safely to the satisfaction of the person designated by the employer as the “designated instructor.” The operator must also have knowledge of the safety instructions (i.e., the manufacturer’s instruction manual) applicable to that machine, or knowledge of the safety instructions developed to replace the manufacturer’s safety instructions when the machine has been adapted for a specific railroad use.

Note: Training for operators of roadway maintenance machines equipped with cranes or booms has been in effect since January 6, 2015 (see 49 CFR § 214.357).

Tourist and Excursion

Q. How can a tourist, scenic, historic, or excursion railroad or a contractor to one of those types of operations readily determine if this rule applies to it?

A. If the railroad operates on the general railroad system of transportation and the employer (railroad or contractor) employs at least one employee required to comply with Federal railroad safety laws, regulations, or orders, then the employer must comply with 49 CFR Part 243.

Q. I have a limited liability company (LLC) and own several pieces of vintage passenger cars including steam locomotives. Most of my railroad operations remain insular, off the general system of transportation. However, on occasion, the equipment I own operates over the general system of transportation through a lease arrangement with a Class II railroad in my State. The lease not only includes use of my steam locomotives and rolling stock, but employees of my LLC, including me. Some of the employees I use are volunteers. We perform all maintenance, repair, and inspection, including operation of the steam locomotives. Does 49 CFR Part 243 apply to my LLC?

A. Yes, 49 CFR Part 243 does apply to your LLC, the railroad over which your equipment operates, or both, since the operation you describe entails use of the general system of transportation. Title 49 CFR Part 243 requires that your paid employees and volunteers, including yourself, be trained in accordance with all Federal rail-safety requirements that are currently applicable to your operation. Please review 49 CFR Part 209, Appendix A, Statement of Agency Policy Concerning Enforcement of the Federal Railroad Safety Laws, regarding the extent and exercise of FRA’s safety jurisdiction and FRA’s policy on different operations that are like your LLC.

Bridge Inspections by Small Engineering Firms

Q. On page 66468 of the final rule (November 7, 2014) for Part 243, FRA indicated that the compliance guide would clarify requirements imposed by the rule and ease the burden on small engineering firms that conduct bridge inspections. How exactly does this compliance guide do that?

A. After further consideration of this issue, FRA has concluded that the background to the final rule already addressed this concern by stating on page 66471 that:

FRA is aware that a person reading this rule might be persuaded to interpret that an employer would be required to adopt and comply with a training program to satisfy certain training requirements of 49 CFR Part 237 that could not realistically be supported by an employer's training program because such training could only reasonably be afforded by a training organization or learning institution. For example, the rule does not require railroad bridge engineers to receive "in-house" training when an engineering degree is what is required by 49 CFR § 237.51(b). This rulemaking also does not change the bridge owner's authority under 49 CFR part 237 to determine whether the railroad bridge engineers, inspectors, and supervisors are technically competent. Training on 49 CFR part 237, subpart E – Bridge Inspection is required under this rule. A railroad bridge engineer, inspector, or supervisor would need to be trained on roadway worker protection requirements pursuant to this rule and 49 CFR part 214. So, . . . these individuals are covered by the final rule, and employers will need to submit plans explaining how training will be provided and what Federal laws, regulations, and orders will be covered during the training for each category of employee.

To clarify the explanation in the final rule, engineering firms that conduct bridge inspections are not expected to teach engineering or other technical training that typically involves earning a college degree. However, each track owner is required under 49 CFR § 237.31, *Adoption of bridge management programs*, to adopt a bridge safety management program that complies with 49 CFR § 237.33, *Content of bridge management programs*. Moreover, engineering firms must ensure that appropriate training is conducted for their employees to the extent a railroad bridge engineer under 49 CFR § 237.51, *Railroad bridge engineers*; a railroad bridge inspector under 49 CFR § 237.53, *Railroad bridge inspectors*; or a railroad bridge supervisor under 49 CFR § 237.55, *Railroad bridge supervisors*, needs to understand that bridge safety management program to meet FRA's minimum requirements in 49 CFR Part 237, Bridge Safety Standards. That may mean that the engineering firm conducts some in-house training pursuant to a training program filed with FRA as required by 49 CFR Part 243, but it could also mean that the engineering firm uses a training organization, a learning institution, a railroad, or some other entity to fill any training gaps.

In most instances, FRA would expect that the best option for a small engineering firm that conducts bridge inspections is to adopt and implement a model Part 237 training program developed by another entity such as a railroad, association, training organization, or learning institution.

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Of course, the Part 237 training is in addition to any roadway worker protection requirements under 49 CFR Part 214. FRA would expect small engineering firms to coordinate closely with each host/client railroad in developing any Part 214 training, and would also expect small engineering firms to adopt each host/client railroad's programs as a matter of safety necessity.

Plant/Port Railroads

Q. I am a plant manager and work for a large seaport on the gulf coast. We have rail operations within our facility. We were recently informed by the FRA in writing that we now come under FRA jurisdiction. We have more than one contractor in our facility that manages the day-to-day aspects of our entire railroad operation. How does 49 CFR Part 243 impact my plant?

A. FRA likely informed your organization as to which entity or entities are primarily responsible for compliance with FRA requirements. However, any contractor working in the plant/port as a safety-related railroad employee performing safety-related tasks is also responsible for compliance with FRA requirements, including 49 CFR Part 243. (See 49 CFR § 243.5, *Safety-related railroad employee*). This is particularly significant because the contracting railroad has a duty to ensure contractor employees performing safety-related tasks are properly trained. (See 49 CFR § 243.101(f)).

FRA Enforcement/Auditing

Q. I have a concern that FRA will not enforce 49 CFR Part 243 consistently across the nation. How can I be certain that my contracting business or railroad operating in California will be treated the same as my operations in Florida?

A. In order to maintain consistent enforcement, only designated FRA personnel with instructional design experience and Master Trainer accreditation will be involved in reviewing and approving training programs. Field audits will be led by the same designated FRA personnel, with the assistance of other FRA personnel. FRA personnel who do not have instructional design experience and Master Trainer accreditation will, however, have the authority to request copies of training records to ascertain the qualification status of any safety-related railroad employee.

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Q. What will field audits entail?

A. FRA is in the process of developing audit procedures for 49 CFR Part 243 to ensure a systematic and consistent approach is applied by the FRA oversight team. FRA plans to begin scheduling routine audits 12 to 18 months after training program implementation. Additional audits will be scheduled as warranted by audit findings or events such as accidents, fatalities, or other negative safety performance outcomes. FRA will likely engage in the following activities during most Part 243 audits:

- Attend classes and observe different types of training.
- Review periodic oversight records.
- Review annual review records.
- Review employee training records.
- Review training evaluation methods.
- Confirm that each employer is complying with its training program.

Q. Will FRA provide any grace period in terms of enforcement and citing violations?

A. As with all new regulations, FRA understands that it will take some time for employers to learn how to comply with this regulation. FRA will help employers, particularly small entities, comply with this regulation. However, FRA reserves the right to use its full enforcement authority to ensure compliance, especially in cases where gross disregard for compliance is observed.

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Suggested Occupational Categories/Subcategories Matrix

Sub. / CFR	213	214	215	217	218	219	220	221	222	223	224	225	227	228	229	230	231	232	233	234	235	236	237	238	239	240	242		
Operations Department																													
Locomotive Engineer				X	X		X	X	X	X			X	X	X	X	X	X		X		X		X	X	X			
Fireman				X	X		X	X	X	X			X	X	X	X	X	X		X		X		X	X	X			
Hostler				X	X		X	X	X	X			X	X	X		X	X						X		X			
Conductor			X	X	X		X	X	X	X			X	X			X	X		X		X		X	X	X	X		
Brakeman			X	X	X		X	X	X	X			X	X			X	X		X		X		X	X	X			
Utility Worker			X	X	X		X						X	X			X	X											
TY&E Trainee				X	X		X	X					X	X						X									
Yardmaster				X	X		X							X															
Hump Operator				X	X		X							X															
Train Disp./Operator				X	X		X							X						X		X			X				
Responsible RR Supervisor						X																							
Maintenance of Equipment Department																													
Machinist					X					X			X	X	X	X							X		X				
Electrician					X					X			X	X	X	X						X		X					
Pipe Fitter					X								X		X	X								X					
Sheet Metal Worker					X								X		X	X								X					
Carman			X		X			X		X	X						X	X						X					
Signal and Communications Department																													
Signal Maintainer		X		X	X		X							X					X	X	X	X							
Signal Worker		X		X	X		X							X					X	X	X	X							
Maintenance of Way Department																													
Track Inspector	X	X			X		X														X								
Road Master	X	X			X		X														X								
Track Welders	X	X			X		X																						
Roadway Worker		X																											
Laborer		X			X		X																						
Railroad Bridge Supervisor		X		X	X		X																					X	

Note: The subcategory descriptions used in this matrix are not intended to represent the universe of job titles that employers may use and are for illustration purposes only. FRA developed this suggested matrix in calendar year 2015, so Federal rail safety requirements promulgated after 2015 may not be identified here. Regardless of the job title used, safety-related railroad employees must receive training on each relevant railroad Federal safety law, regulation, or order that they are expected to apply in connection with their duties.

Training Components Identified in Program – Information Required
49 CFR § 243.103

The information below, along with the companion document titled “Additional Training Program Information Checklist,” contains all the required program elements that need to be considered when submitting a training program to FRA. Please note that FRA is in the final stages of building and testing a Web-based service that will allow railroads, contractors, associations, and other organizations to safely upload training programs to a secure Web portal. Unless you are an employer with fewer than 400,000 total employee work hours annually, you must submit any type of training program electronically. In addition, if you are a business, organization, or association that develops model programs, you must submit any type of training program electronically. The secure Web portal may be accessed at:
<https://rrsp.fra.dot.gov/Part243Training/>.

Note: If you adopt a model program, you must get authorization from the model program developer. The Web portal will guide you through the steps for gaining authorization from the developer if you choose to adopt a model program.

Submitter Name: Enter your company’s name (*e.g.*, railroad, contractor, association)

Unique Course Name: Determined by you or, if previously FRA-approved, the developer

Unique Course Identification Number: Determined by you or the developer

Course Duration: Number of hours

Prerequisite(s): Y/N (*If yes, enter Unique Course ID Number*)

Previously Submitted Training Programs or Plans: Cross-reference other training programs or plans previously that may not have included an OJT component

Federal Law, Regulations, or Orders: Enter or list all that apply by USC Chapter, CFR Part, or FRA Order number/title

Type of Assessment: Describe type of test (written, performance, verbal, OJT standard, or other) used to demonstrate employee competency

Course Developed and Delivered by Training Organization or Learning Institution: Y/N

If yes, provide additional information as follows:

- A narrative, text table, or other suitable format which describes those portions of the training that fit into this category.
- The business name that developed and will deliver training.

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- The job title and phone number of primary POC.

Course Description: Provide three or four sentences that describe the course and include the information below:

- What the course introduces, examines, topics covered, *etc.*
- Who the intended target audience is by occupational categories and subcategories.
- Method of course delivery (*i.e.*, type of formal training: instructor-led in-classroom, computer-based, simulator, correspondence, OJT, laboratory, or blended).
- If the employer arranges for job-related practice and feedback sessions to supplement formal training, include a description of the supplemental training.

Terminal Learning Objectives: List all terminal objectives for the course. Terminal objectives start with an action verb and are the general objectives that apply to the entire course curriculum. A terminal objective is written to describe each major job performance outcome expected from training.

Employer's Primary POC Information: Enter job title and phone number for each POC listed separately for each major department or employee occupational category

OJT (if applicable): Indicate if the OJT component is to bring into compliance a previously submitted training program that did not include OJT, making sure to reference the training program above.

In addition, include the following information for each OJT program component:

- Description of the roles and responsibilities of each category of persons involved in administration and implementation, guidelines for program coordination, and the progression and application of the OJT.
- A listing of the occupational categories and subcategories of employees for which the OJT program applies.
- Details of the safety-related tasks and subtasks, conditions, and standards covered by the program components.

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Additional Training Program Information Checklist – Information Required **49 CFR §§ 243.107, 243.109, 243.113, 243.205**

For FRA to understand more about the training program submission, it needs information about who conducts the training. The secure Web portal (<https://safetydata.fra.dot.gov/Part243/>) contains all the appropriate fields necessary to provide the additional information on this and the following two pages.

Note: If you adopt a model program, you must get authorization from the model program developer. The Web portal will guide you through the steps for contacting the developer if you decide to adopt a model program. Of course, if you adopt it, you need to implement and comply with it.

49 CFR § 243.107

1. Will you as the employer:

1. Primarily conduct training for your own safety-related railroad employees using your own resources? Y/N
2. Conduct training for safety-related railroad employees other than your own? Y/N
3. Implement a training program (model programs) conducted by some other entity on its behalf, but adopted by you as the employer? Y/N
4. Qualify safety-related railroad employees previously qualified by other employers? Y/N
5. Qualify safety-related railroad employees previously trained by a TO/LI? Y/N

2. If you answered yes to questions 2–5 above, provide the following additional information:

List the categories of safety-related railroad employees who, at the time you filed, will receive training using one or more of the options (2–5) above.

_____	_____	_____
_____	_____	_____

Explain whether the training delivered, using one or more of the above options (2–5), comprises all or part of the overall training program regimen for that category of employee at the time of filing.

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3. Provide the full name of any TO/LI on which you, as the employer, will rely to provide training to any of your safety-related railroad employees or which you intend to accept as valid training from any prospective new hires who were previously trained by that TO/LI.

49 CFR § 243.109

4. Did you have an apprenticeship or intern program which began before your training program submission to FRA? Y/N

If you answered yes, provide a description of the apprenticeship/intern program below:

49 CFR § 243.113

5. Unless you are an employer with fewer than 400,000 total employee work hours annually, you must submit any type of training program electronically to FRA. You must also submit your training program electronically if you are a business, organization, or association that develops model programs. However, before submission, you must provide the following information to FRA using the secure Web portal URL above.

Two POCs are required, and all POC information should be filled out for both individuals serving as POC.

1. Name of company, TO/LI, or association.

2. POC name to include job titles (*minimum of two*).

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3. POC mailing addresses.

4. POC system or main HQ address located in the United States.

5. POC email addresses.

6. POC daytime telephone numbers.

49 CFR § 243.205 Periodic oversight (pertaining to 49 CFR Parts 214, 218, or 220)

6. Questions for contractors:

1. Have you voluntarily agreed in writing with the railroad to conduct oversight of your employees, rather than allow the railroad to conduct such oversight? Y/N
 - i. If yes, did the railroad train your supervisory employee(s) responsible for training and oversight? Y/N
 - ii. If no, you are required to conduct oversight if you answer yes to all 3 of the following questions:
 - a) Do you employ more than 15 employees? Y/N
 - b) Do you directly train your own employees for safety-related duties? Y/N
 - c) Do you employ supervisors capable of performing the oversight? Y/N

7. Questions for railroads using contractors to perform safety-related duties:

1. Did each contractor voluntarily agree in writing with you to conduct oversight of its employees? Y/N
2. If yes, did you train the contractor's supervisory employee(s) responsible for training and oversight? Y/N
3. If no to question 1, have you determined that each contractor is required to provide its employees with oversight by rule? Y/N
4. If no, do you employ qualified supervisors who have been trained in the category or subcategory of any of the contractor's employees who will not receive oversight from the contractor so that it is possible for you to conduct oversight? Y/N
5. If yes, list the names of the contractors and the category or subcategory of employees who will conduct oversight for contractor employees.

8. Question for railroads: will periodic oversight required by 49 CFR Part 243 be incorporated into railroad's Operational Test Program pursuant to 49 CFR § 217.9? Y/N

Employee Training Record Checklist
49 CFR § 243.203

Formal Course Attendance/Completion Information

- Employee name.
- Occupational category name (*if more than one, list all*).
- Formal training course(s) (*list course title and date of each formal training course successfully completed.*)
- If course provided by TO/LI, attach transcript to record.

OJT Completion Information

- OJT Program unique name or identifier.
- Date OJT successfully completed.
- Name of person(s) who determined employee is qualified to perform safety-related tasks in occupational category.
- Date employee qualified in occupational category.

Qualification From Other Entity

- If employee qualified from other entity with an approved program, attach training records from other entity, and any other information required by 49 CFR Part 243.

Training Components Identified in Program – Example 1
49 CFR § 234.103

Submitter Name: Comet Railroad

Unique Course Name: Highway-Rail Grade Crossing Inspection Fundamentals

Unique Course Identification Number: HRX 0101A

Course Duration: 16 hours

Prerequisite: None

Previously Submitted Training Programs or Plans: N/A

Federal Law, Regulations, or Orders: 49 CFR Part 234

Type of Assessment: Verbal 20-Question True/False Test

Course Developed and Delivered by Training Organization or Learning Institution: No

Course Description: This course is intended for employees responsible for conducting periodic inspections, tests, and maintenance of highway-rail grade crossing signal systems installed on Comet Railroad. The course will entail a comprehensive lecture and review of FRA regulations 49 CFR Part 234, Subparts B–E. The course will also entail hands-on inspection, test, and maintenance of actual highway-rail grade crossing signal systems in use on Comet Railroad, under the supervision of a qualified signal maintainer.

Terminal Learning Objectives: At the conclusion of this course, participants will be able to:

1. Apply railroad safety rules and Federal regulations during the inspection of highway-rail grade crossing signal systems.
2. Identify deviations from the regulations.
3. Demonstrate an understating of proper highway-rail grade crossing inspection procedures.

Course Outline:

Module 1 – HRX Definitions

Module 2 – Subpart B – Reports and Plans

Module 3 – Subpart C – Response and Reports of Warning System Malfunction

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Module 4 – Subpart D – Maintenance Inspection and Testing

Module 5 – Subpart E – Emergency Notification for Telephonic Reporting

Employer’s Primary POC Information: Mr. Ralph L. Dancer, President, Comet Railroad,
(405) 666-3000 (office phone)

OJT (*if Applicable*): Students completing this course are concurrently enrolled in a separate OJT program described below:

Training Components Identified in Program – Example 2
49 CFR § 234.103

Submitter Name: XYZ Railroad

Unique Course Name: Mechanical Train Yard Inspection Phase II

Unique Course Identification Number: Mechanical TYI 201

Course Duration: 40 Hours

Prerequisite: Yes / Mechanical TYI 101

Previously Submitted Training Programs or Plans: N/A

Federal Law, Regulations, or Orders: 49 CFR Parts 215; 218, Subparts A–B; 221; 231; 232

Type of Assessment: Pre- and Post-25-Question Written Test

Course Developed and Delivered by Training Organization or Learning Institution: No

Course Description: This course is intended for carmen responsible for conducting train yard inspections and air brake tests on freight rolling stock. This course provides advanced learning of Federal regulations pertaining to Freight Cars Safety Standards, Safety Appliance Standards, Rear End Markers, Brake System Safety Standards for Freight, and Blue Signal Protection. The course will also cover railroad mechanical safety rules and basic Association of American Railroads (AAR) standards and billing procedures.

The course consists of a series of interactive instructor-led lectures using a multimedia presentation and participant workbooks, followed by practical exercises for each learning module. A building block concept is used and incorporated into practical exercises of each module so that learning lessons are reinforced throughout the course. There is a pre- and post-written test to evaluate participant knowledge levels at the beginning and end of the course.

Terminal Learning Objectives: At the conclusion of this course participants will be able to:

1. Apply railroad safety rules and Federal regulations during the inspection of freight rolling stock.
2. Identify deviations from the regulations.
3. Demonstrate proper Blue Signal Display based on a scenario.
4. Explain the difference between AAR standards and FRA safety standards.

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Course Outline:

Module 1 – Review Federal regulations pertaining to freight car inspection and tests

Module 2 – Methods of Blue Signal Display in yards and shops

Module 3 – Freight train air brakes; Class I, Class, IA, Class II, Class III, extended haul, and tests using yard air

Module 4 – Safety appliance inspection and acceptable yard repairs

Module 5 – AAR billing

Module 6 – Two-way end-of-train device, inspection, repair, and test

Employer’s Primary POC Information: Mr. Randall Smith, Director of Technical Training and Development, (202) 595-0000 (office phone).

OJT (if Applicable): Students completing this course are concurrently enrolled in a separate OJT program described below:

On-the-Job Training Roles and Responsibilities – Purpose

49 CFR § 243.103(a)(3)(i)

One of FRA’s primary objectives in 49 CFR Part 243 is to improve OJT. When evaluating the OJT portion of the program, FRA needs to have a good understanding about roles, responsibilities, administration, and implementation.

The roles and responsibilities section should contain a description of each category of person involved in the administration and implementation of the OJT program. This document should thoroughly explain the duties and expectations of each type of trainer, senior manager, first-level supervisor, mentor, trainee, or any other category of person involved in administering the OJT. Trainees in particular should have a clear understanding of their roles and responsibilities during the entire OJT process.

Implementation and progression guidelines must clearly articulate how the program will be coordinated. Program coordination must include a complete description of the minimum requirements necessary in terms of performance and repetition of any given task, and record the successful completion of the task. This section should describe whether there will be a specific order of task learning for employees to progress through the OJT program for a particular occupational category or subcategory of employee (*i.e.*, the progression of the OJT). The section should describe the level of proficiency expected of a trainee before the trainee is considered successful in any given task (*i.e.*, the application of the OJT).

On-the-Job Training Roles and Responsibilities – Example Template

1. The **designated instructor** serves as the overall coordinator of the specific OJT program and is primarily responsible for:
 - Acting as the principal point of contact for the process, and ensuring the process is properly implemented.
 - Ensuring that all trainees and qualified persons involved in the OJT process have received hard copies of the OJT program or electronic copies of the checklist.
 - Providing guidance to both the trainee and qualified person in the process once they have received the OJT program.
 - Ensuring that trainees have access to all of the supporting publications listed in this OJT program.
 - Ensuring the trainee has successfully completed all safety-related tasks to become a qualified member of an occupational category or subcategory.
2. The **qualified person** (sometimes referred to as a peer trainer) may serve as the mentor/coach for trainees. The qualified person must be qualified and has a duty to communicate with the trainees to ensure OJT is properly administered throughout the process. The qualified person will also provide daily briefings at the beginning and end of each day regarding the specific tasks focused on during that day. The trainee may perform OJT under the direct onsite observation of any qualified person, provided the qualified person has been advised of the circumstances and is capable of intervening if an unsafe act or noncompliance with Federal railroad safety laws, regulations, or orders is observed. **However, the trainee must demonstrate OJT proficiency to the satisfaction of the designated instructor to become a qualified member of an occupational category or subcategory.** A designated instructor and qualified person can be the same person.
3. The **trainee** (new hire) has the responsibility to pay close attention to the qualified person providing OJT, and to take advantage of the knowledge and experience he or she has to offer. Tracking progress of the OJT is essential and is the trainee's responsibility. Trainees should be aware of, and abide by, the following:
 - The designated instructor and/or qualified person will provide practical information and advice on the requirements and responsibilities of assigned duties.
 - Trainees are responsible for completing any narrative and self-study assignments outside the scope of this OJT program. Additional assignments are an integral part of the training experience, and must be completed before being deemed qualified by the employer.
 - To gain the maximum benefit from the OJT experience, trainees should:

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- Remain alert and involved in the training activities.
 - Ask questions and learn from feedback.
 - Take notes and apply previous lessons.
 - Complete all required assignments.
 - Become familiar with and comply with FRA regulations, railroad safety rules, and other procedures mandated as a condition of employment by the employer.
 - Develop and maintain a learning attitude.
- The OJT experience is designed to be much more than following a qualified person around and watching what he or she does. Trainees must take an active role in the OJT and thoroughly engage in the various job tasks outlined in this OJT program.
 - Expect the qualified person to say, “Here, you give it a try.” Remember, while progressing through the OJT program, trainees have the opportunity to learn skills, to develop knowledge, and to adopt work habits and routines that will last throughout a railroad career.
 - Tracking and documenting OJT progress is an essential process step.

Guidelines for On-the-Job Training Program Coordination and Administration

In most cases, the first week or so of employment will involve administrative details and an overall orientation. Although it is understood that a trainee’s duties may overlap with other organizational requirements, each day of OJT should focus on one of the major duties of the OJT program to the extent possible. Once the tasks have been selected, there should be both an initial briefing on the tasks to be completed at the beginning and end of each day.

- The purpose of the debriefing is to go through the day’s activities, and to focus on each of the tasks associated with the task selected.
- There is no required sequential order for completing the OJT associated with any task, and no attempt is made to prioritize any tasks. Although OJT should be focused on a particular task, it is anticipated that the task standards will actually be accomplished based on available training opportunities.

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On-the-Job Training Template Task, Conditions, and Standards – Definitions

Task: Each task noted in the subheadings is the description of a series of related tasks that must be performed to meet the requirements of the job. The description should include an action verb. In this context, duties are all tasks associated with Federal regulations that safety-related employees are expected to perform, or may perform, in connection with the discharge of their duties.

Note about accuracy and the relationship between conditions and standards: A rule of reasonableness should be applied. For example, the organization might require 100-percent accuracy for a simple task or one that is absolutely essential, but 90-percent accuracy for a more complex task that takes into consideration that anyone can occasionally miss a noncomplying condition.

<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Performance is a basic description of the task or related tasks that the learner is supposed to be able to do. It should be no longer than one sentence.</p>	<p>Conditions are the things the organization, including the trainers, are required to give the learners so that they can prepare themselves to meet the standards that relate to this task. They include:</p> <ul style="list-style-type: none"> • Gauges, level boards, or other tools and equipment necessary. • Documents, such as the applicable CFR part/section, railroad standard operating procedures or safety rule manuals, etc. • Practice, which is essential for the sake of both fairness, and enhancement of proficiency. It is not reasonable to expect certain things of employees unless they are given sufficient exposure to them. A good rule of thumb is at least two practice sessions for each repetition expected in the Standards column. 	<p>Standards start with an educational verb. The amount of repetition, the completeness, and the percentage of accuracy are driven by the complexity of the related task, as described in the Performance column.</p> <ul style="list-style-type: none"> • Repetition might be one time for a simple task such as identifying the number of placards required on a car load of one hazardous materials product, or it might be three, four, or five repeats for a complex task, such as inspecting a locomotive for compliance with the locomotive inspection standards. • Completeness is the ability to show the person doing the evaluation that the learner is able to go through all of the steps necessary to successfully perform the task. It is a strong indicator of proficiency.

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49 CFR Part 234 – On-the-Job Training Example Template
Signal Maintenance Personnel

These OJT standards are written with the understanding that the employee performing each task has the requisite understanding of basic electricity, ability to operate a volt-ohm-milliamp (VOM) meter, and ability to interpret its readings as well as a laptop or hand-held computer. The employee must also understand the basic operating principles of highway-railroad grade crossing warning systems. The following skills are critical to the safety of the public and safety-related railroad employees.

Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance</u> Tasks	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 1-1: Ground tests (234.249) Test for and detect circuit grounds.	Given a VOM meter, and the applicable circuit plan, the employee must be able to demonstrate the ability to:	<p>Determine which circuits affect the proper function of the warning system.</p> <p>Detect any circuit ground or combination of grounds that permit a current flow of 75 percent or more of the release value of any relay or electromagnet device in the circuit.</p> <p>Troubleshoot, locate, and eliminate the ground or grounds.</p> <p>Alternatively, if the ground(s) cannot be eliminated or reduced to less than 75 percent of the release value of any relay or electromagnet device in the circuit, take appropriate action(s) to warn highway traffic and railroad employees.</p> <p>Reference: 49 CFR §§ 234.213 and 234.103.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-2: Standby power (234.251) Test standby power system for proper function and capacity.</p>	<p>Given a highway-rail grade crossing warning system circuit plan, an accurate timing device, and a VOM meter, hydrometer, or a peak hold meter, the employee must be able to demonstrate the ability to:</p>	<p>Determine if the standby power system provides sufficient capacity to operate the warning system for the time that is specified on the location circuit plans.</p> <p>Reference: 49 CFR § 234.215.</p>
<p>Task 1-3: Flashing light units and lamp voltage (234.253) Test and inspect flashing light units and lamp voltage.</p>	<p>Given a VOM meter, an accurate timing device, and appropriate hand tools, the employee must be able to demonstrate the ability to:</p> <p>This standard must be successfully completed on at least three warning systems. If three systems are not available, the task must be completed three times on the same warning system on three different inspections.</p>	<p>Determine if each flashing light unit is positioned and aligned properly and visible to highway users approaching the crossing.</p> <p>Determine that each flashing light unit is sealed properly to prevent dust and moisture from entering the unit.</p> <p>Determine that all light units flash alternately at a rate between 35 and 65 flashes per minute.</p> <p>Determine that the voltage to each lamp is maintained at not less than 85 percent of the rated voltage for each incandescent lamp or LED.</p> <p>Clean lenses as needed.</p> <p>Reference: 49 CFR §§ 234.217 and 234.221.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-4: Gate arm and gate mechanism (234.255) Test each gate arm and gate mechanism.</p>	<p>Given an accurate watch or other timing device and necessary hand tools, the employee must be able to demonstrate the ability to:</p> <p>This standard must be successfully completed on at least three warning systems. If three systems are not available, the task must be completed three times on the same warning system on three different inspections.</p>	<p>Determine that each gate arm extends across each lane of approaching highway traffic.</p> <p>Ensure that the gate arm is maintained in a condition sufficient to be clearly seen by an approaching motorist or pedestrian.</p> <p>Determine that the gate arm starts downward movement after a delay of at least 3 seconds of the activation of the warning system.</p> <p>Ensure that the gate arm is in its full horizontal position no less than 5 seconds before the arrival of a normal train movement.</p> <p>Determine the proper function of each gate mechanism's hold clear device.</p> <p>Reference: 49 CFR § 234.223.</p>
<p>Task 1-5: Warning system operation (234.257) Operationally test the highway-rail grade crossing system.</p>	<p>Given an accurate watch or other timing device and a .06 ohm shunt, the employee must be able to demonstrate the ability to:</p>	<p>Confirm that each direct current (DC), alternating current (AC), and electronic track circuit within the system detects the presents of a .06 ohm shunt across the rails.</p> <p>Determine if sand, rust, dirt, grease, or other foreign matter is preventing effective train detection and take appropriate action to ensure the safety of motorists and pedestrians.</p> <p>Reference: 49 CFR §§ 234.105, 234.227, and 234.229.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-6: Warning time (234.259) Operationally confirm the warning time of the highway-rail grade crossing system.</p>	<p>Given a watch or other accurate timing device, the employee must be able to demonstrate the ability to:</p>	<p>Determine that the warning system activates no less than 20 seconds before the crossing is occupied by rail traffic.</p> <p>This can be accomplished by observation, calculation, or shunt simulation.</p> <p>Reference: 49 CFR § 234.225.</p>
<p>Task 1-7: Highway traffic signal pre-emption (234.261) Operationally confirm the proper operation of any highway traffic signal pre-emption interconnections.</p>	<p>Given the appropriate circuit plans, the employee must be able to demonstrate the ability to:</p>	<p>Determine that the appropriate output is being provided to the highway traffic signal systems.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
<p>Task 1-8: Relays (234.263) Test relays for proper operation.</p>	<p>Given the appropriate relay test device and the appropriate manufacturer’s design specification and condemning limits, the employee must be able to demonstrate the ability to:</p> <p>Note: This test is required:</p> <p>Every 4 years for DC relays,</p> <p>Every 2 years for AC relays, and</p> <p>Every year for AC centrifugal relays.</p> <p>Maintaining proficiency at this task may be problematic. Hence, retraining may be required before repeating this task.</p>	<p>Test at least 10 DC relays to ensure that they are operating within the manufacturer’s design parameters (if applicable).</p> <p>Test at least 10 AC vane-type relays to ensure that they are operating within the manufacturer’s design parameters (if applicable).</p> <p>Test at least 10 AC centrifugal relays to ensure that they are operating within the manufacturer’s design parameters (if applicable).</p> <p>If a relay fails to function in accordance with the manufacturer’s design parameters, remove the device from service.</p> <p>The employee should observe the relay for improperly installed or burnt ribbons and contacts, moisture, or foreign materials within the relay.</p> <p>The employee must complete this task with 100-percent accuracy.</p> <p>Reference: 49 CFR § 234.247.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-9: Timing relays and timing devices (234.265) Test timing relays and timing devices.</p>	<p>Given a watch or other accurate timing device, the employee must be able to demonstrate the ability to:</p> <p>This standard must be successfully completed on at least three warning systems. If three systems are not available, the task must be completed three times on the same warning system on three different inspections.</p>	<p>Determine that timing relays and timing devices are maintained such that the timed intervals are no less than 90 percent and not more than 110 percent of the value as indicated on the circuit plans.</p> <p>If the timing relay or timing device fails to function as intended, make the necessary adjustment, repair, replacement, or other action to ensure the safety of motorists and pedestrians.</p> <p>Reference: 49 CFR § 234.247.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-10: Insulation resistance tests, wires in trunking and cables (234.267) Test insulation resistance of wires in trunking and cables.</p>	<p>Given a megohmmeter or other high-voltage resistance-checking device, the employee must be able to demonstrate the ability to:</p> <p>Note: This test is required every 10 years. Maintaining proficiency at this task may be problematic. Hence, retraining may be required before repeating this task.</p>	<p>Determine if wires, cables, and insulation are dry.</p> <p>Determine the insulation resistance value of at least 10 conductors, between each other and between each conductor and the ground.</p> <p>Take action to repair or replace any wire or cable with resistance between any wires or between any wires and the ground is less than 500,000 ohms.</p> <p>Immediately remove from service any wire or cable with insulation resistance between wires or between any wire and the ground is less than 200,000 ohms.</p> <p>If the trunking or cable fails to function as required above, make the necessary repair or replacement, or take action as required by 49 CFR § 234.247.</p> <p>This task must be successfully completed on at least one trunking or one multiconductor cable.</p>

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Task 1: Apply 49 CFR Part 234, Subpart D, Maintenance, Inspection, and Testing		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-11: Cut-out circuits (234.269) Operationally test each cut-out circuit.</p>	<p>Given a highway-rail grade crossing warning system, the appropriate circuit plan, and a switch obstruction gauge (if necessary) the employee must be able to:</p> <p>This standard must be successfully completed on at least three warning systems. If three systems are not available, the task must be completed three times on the same warning system on three different inspections.</p>	<p>Determine that each cut-out circuit is functioning as intended. If the cut-out circuit is used to detect a reversed switch, it must only cut out the warning system when the switch point is within one-half inch of the full reverse position.</p> <p>Reference: 49 CFR § 234.237.</p>
<p>Task 1-12: Insulted rail joints, bond wires, and track connections (234.271) Ensure the physical integrity and functionality of insulated rail joints, bond connections, and track connections.</p>	<p>Given a highway-rail grade crossing warning system installation and the appropriate circuit plans, the employee must be able to:</p> <p>This standard must be successfully completed on at least three warning systems. If three systems are not available, the task must be completed three times on the same warning system on three different inspections.</p>	<p>Inspect the highway-rail grade crossing warning to ensure that all fouling wires consist of two discrete conductors and that each conductor is of sufficient conductivity to ensure proper operation of the warning system when the train detection circuit is shunted.</p> <p>Inspect the highway-rail grade crossing warning to ensure that each noninsulated rail joint in the train detection circuit is bonded and maintained in such condition as to ensure conductivity.</p> <p>Inspect and/or test all insulated joints in the warning system to ensure that no current is flowing between rails separated by the insulated joint sufficient to interfere with the proper function of the warning system.</p> <p>Reference: 49 CFR §§ 234.231, 234.233, and 234.235.</p>

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49 CFR Part 232 – On-the-Job³ Training Example Template

Car Department Personnel

Task 1: Identify Air Brake Systems and Maintenance Requirements – Freight		
<u>Performance</u> Tasks	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 1-1: Demonstrate an understanding of freight locomotive brake systems.	Given an opportunity to read the appropriate air brake pamphlets, and 49 CFR Part 232, the trainee will evaluate three different locomotives air brake systems to the satisfaction of the designated instructor/qualified person as follows:	Describe for each of the three systems: <ul style="list-style-type: none"> • Brake system name. • Component names and purpose. • Periodic cleaning and test intervals.

³ In these examples of OJT, the employer could require the employee to provide oral explanations or descriptions during other types of formal training if offered by the employer. The assumption in these templates is that OJT is the only type of formal training being provided to the employee and therefore the employee might not otherwise have an opportunity to prove knowledge of the subject matter without specifically being asked during OJT.

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Task 1: Identify Air Brake Systems and Maintenance Requirements – Freight		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 1-2: Demonstrate an understanding of freight car brake systems.</p>	<p>Given an opportunity to read the appropriate air brake pamphlets, and 49 CFR Part 232, the trainee will evaluate three different freight air brake systems to the satisfaction of the designated instructor/qualified person as follows:</p>	<p>Orally explain in sufficient detail on three separate occasions:</p> <ul style="list-style-type: none"> • Brake system name. • Component names and purpose. • Periodic cleaning and test intervals (where applicable). • Graduated release (where available). • Direct release. • Electro pneumatic brake (where available). • Dynamic brake. • Feed valve braking. • Secondary brake (where available). • Blended brake (where available). <p>Note: FRA believes that a structured conversation between a designated instructor/qualified person and a trainee is an acceptable method for demonstrating competency for some tasks, or when a trainee has previously demonstrated competency for a similar task. However, the conversation must be thorough enough to ensure the trainee has mastered the task to the desired level of proficiency.</p>

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Task 2: Apply Air Brake Inspection and Testing Requirements – Freight		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 2-1: Demonstrate an understanding of when a Class I (initial terminal) freight air brake test must be performed.</p>	<p>Given an opportunity to read 49 CFR § 232.205 and to assist in at least five Class I freight air brake tests with a designated instructor/qualified person, the trainee will:</p>	<p>Find, on three separate inspections, at least 95 percent of any noncomplying conditions noted by the designated instructor/qualified person. Noncomplying conditions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Improper brake pipe pressure. • Inoperative brake. • Excessive brake pipe leakage. • Excessive air flow (CFM). • Improper gradient. • Brake rigging fouling. • Excessive piston travel. • Insufficient piston travel. • Brakes ineffective. • Brake connection rods/pins worn or missing. • Brake shoes worn or missing. • Brake hose worn. • Brake pipe insecure. • Slack adjuster inoperative (if equipped). • Angle or cut-out cock not properly positioned. • Documentation or record of Class I brake test missing or required information incomplete.

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Task 2: Apply Air Brake Inspection and Testing Requirements – Freight		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 2-2: Demonstrate an understanding of when a Class IA (1000 mile) freight air brake test must be performed.</p>	<p>Given an opportunity to read 49 CFR § 232.207 and to assist in observing at least four Class IA freight air brake tests with a designated instructor/qualified person, the trainee will:</p>	<p>Find, on two separate inspections, at least 95 percent of any noncomplying conditions noted by the designated instructor/qualified person. Noncomplying conditions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Improper brake pipe pressure. • Inoperative brake. • Excessive brake pipe leakage. • Excessive air flow (CFM). • Improper gradient. • Brake rigging fouling. • Excessive piston travel. • Insufficient piston travel. • Brakes ineffective. • Brake connection pins worn or missing. • Brake shoes worn or missing. • Slack adjuster inoperative (if equipped). • Angle or cut-out cock not properly positioned.

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Task 2: Apply Air Brake Inspection and Testing Requirements – Freight		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
<p>Task 2-3: Demonstrate an understanding of when a Class II (intermediate) freight air brake test must be performed.</p>	<p>Given an opportunity to read 49 CFR § 232.209 and to assist in observing at least four Class II freight air brake tests with a designated instructor/qualified person, the trainee will:</p>	<p>Find, on two separate inspections, at least 95 percent of any noncomplying conditions noted by the designated instructor/qualified person. Noncomplying conditions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Improper brake pipe pressure. • Inoperative brake. • Excessive brake pipe leakage. • Excessive air flow (CFM). • Improper gradient. • Brake rigging fouling. • Excessive piston travel. • Insufficient piston travel. • Brakes ineffective. • Brake connection pins worn or missing. • Brake shoes worn or missing. • Slack adjuster inoperative (if equipped). • Angle or cut-out cock not properly positioned.
<p>Task 2-4: Demonstrate an understanding of when a Class III freight air brake test must be performed.</p>	<p>Given an opportunity to read 49 CFR § 232.211 and to assist in observing at least two Class III freight air brake tests with a designated instructor/qualified person, the trainee will:</p>	<p>Orally describe how, when, and where Class III freight air brake tests are required to be performed.</p>

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Task 2: Apply Air Brake Inspection and Testing Requirements – Freight		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 2-5: Demonstrate an understanding of a transfer train freight air brake test.	Using 49 CFR Part 232 as a reference, the trainee will, to the satisfaction of the designated instructor/qualified person:	Orally describe by whom, how, when, and where transfer train freight air brake tests are required to be performed, and describe the difference between the release requirements of this type of brake test when compared to those specified in Tasks 2-1 through 2-3.
Task 2-6: Demonstrate an understanding of freight brake tests using a yard test plant.	Given an opportunity to read 49 CFR Part 232 and to assist in observing at least three freight air brake tests conducted with a yard test plant with a designated instructor/qualified person, the trainee will, to the satisfaction of the designated instructor/qualified person:	Orally describe the relevancy of each of the following: <ul style="list-style-type: none"> • Test plant performance. • Connection of the device to train. • Overcharging considerations. • Off-air considerations. • Minimum brake pipe pressure. • Gradient requirement. • Calibration. • Periodic inspection, maintenance, and documentation. • Cold weather considerations.
Task 2-7: Demonstrate an understanding of brake system operation during freight double heading and helper service.	Using 49 CFR Part 232 as a reference, the trainee will, to the satisfaction of the designated instructor/qualified person:	Orally define and/or describe the relevancy of each of the following: <ul style="list-style-type: none"> • Double heading service. • Helper service. • Controlling locomotive. • Helper Link device. • Calibration and documentation.

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Task 2: Apply Air Brake Inspection and Testing Requirements – Freight		
<u>Performance Tasks</u>	<u>Conditions Tools, Equipment, Documents, Practice</u>	<u>Standards Time, Completeness, or Accuracy</u>
Task 2-8: Explain two-way end-of-train device functions.	Given an opportunity to study 49 CFR Part 232, Subpart E, and at least one oral briefing by the designated instructor/qualified person, the trainee will, to the satisfaction of the designated instructor/qualified person:	Orally describe the relevancy of each of the following: <ul style="list-style-type: none"> • Unique identification code. • Comparing quantitative values. • Emergency brake activation and initiation. • Front unit emergency activation switch. • Emergency functional capability. • New locomotives. • Arming. • Heavy grade. • Trailing tons. • En route failures. • Exceptions for use. • Inspection and installation considerations. • Calibration and documentation.

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49 CFR Part 215 – On-the-Job Training Example Template

Car Department Personnel

Task 1: Perform a Freight Car Truck, Running Gear, Body Underframe, and Draft System Inspection		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 1-1: Apply Federal regulations when inspecting freight cars.	Given an opportunity to read 49 CFR Part 215 and to perform at least 10 inspections of at least 30 freight cars (<i>e.g.</i> , inter-modal, hopper, box, gondola), the trainee will:	Find, on five separate inspections, at least 75 percent of any noncomplying conditions noted by the designated instructor/qualified person. Noncomplying conditions may include, but are not limited to, the following: <ul style="list-style-type: none"> • Truck bolster, side frame cracked/broken. • Coil springs cracked/broken. • Spring plank cracked/broken. • Center casting cracked/broken. • Side bearing clearance excessive or running in contact when not designed to do so. • Roller bearing adapter worn out or out of position. • Roller bearing defective. • Clearance above top of rail less than 2½ inches. • Wheel slid flat or shelled spot more than 2½ inches. • Wheel flange height more than 1½ inches. • Wheel flange thickness seven-eighths of an inch or less. • Body bolster or body center casting cracked/broken. • Body crossbearer, side sill, end sill, or center sill cracked/broken. • Draft gear or cushion unit broken/components missing. • Crack/break in coupler outside shaded area. • Crack/break in coupler knuckle pulling face. • Crack/broken coupler yoke or carrier. • Coupler height in excess of 34½ inches. • Coupler height less than 31½ inches. • Uncoupling lever inoperative.

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Task 2: Apply Movement for Repair Provisions for Defective Rolling Equipment – Freight		
<u>Performance</u> Tasks	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 2-1: Demonstrate an understanding of movement of a defective freight car.	Using 49 CFR Part 215 as a reference, the trainee will, to the satisfaction of the designated instructor/qualified person:	Orally describe the relevancy on each of the following: <ul style="list-style-type: none"> • Noncomplying freight car. • Tagging. • Written notification. • Notification to crew. • Location where repairs are made. • Loading and unloading of car. • Retention requirements.

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49 CFR Part 231 – On-the-Job Training Example Template

Car Department Personnel

Task 1: Perform a Freight Safety Appliance Inspection		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
<p>Task 1-1: Apply Federal regulations when inspecting freight cars.</p>	<p>Given an opportunity to read 49 CFR Part 231, Safety Appliance Standards, and to perform at least 10 inspections of at least 30 freight cars (<i>e.g.</i>, inter-modal, hopper, box, gondola), the trainee will:</p>	<p>Find, on five separate inspections, at least 95 percent of any noncomplying conditions noted by the designated instructor/qualified person. Noncomplying conditions may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Hand brake improperly applied, located, inoperative, ineffective, or components broken or missing. • Hand brake wheel with less than 4 inches of clearance around the rim or with less than 4 inches of clearance to the vertical plane of the knuckle face. • Brake step in the wrong dimensions, improperly applied, or improperly located or brackets/fasteners loose, broken, or missing. • End platform in the wrong dimensions, improperly applied, or improperly located or brackets/fasteners loose, broken, or missing. • Handhold or ladder tread improperly applied or located or brackets/fasteners or stiles loose, broken, or missing. • Ladder in the wrong dimensions, improperly applied, or improperly located or brackets/fasteners loose, broken, or missing. • Running board in the wrong dimensions, improperly applied, or improperly located or brackets/fasteners loose, broken, or missing. • Sill step in the wrong dimensions, improperly applied, improperly located or brackets/fasteners loose, broken, or missing. • End platform in the wrong dimensions, improperly applied, or improperly located or brackets/fasteners loose, broken, or missing. • Uncoupling lever in the wrong dimensions, improperly applied, improperly located or brackets/fasteners loose, broken, or missing.

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49 CFR Part 218 – On-the-Job Training Example Template

All Mechanical Department Personnel

Task 1: Apply Blue Signal Regulations (49 CFR Part 218, Subpart B)		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 1-1: Demonstrate an understanding of Blue Signal scope and display requirements.	Given an opportunity to read 49 CFR Part 218, Subpart A, along with any necessary clarification by the designated instructor/qualified person, the trainee will, to the satisfaction of the designated instructor/qualified person:	Write a minimum of one sentence, and a maximum of one paragraph, explaining each of the following: <ul style="list-style-type: none"> • 49 CFR § 218.21. • 49 CFR § 218.23. • Distinctions between Blue Signal versus blue light. <p>Note: The written report must be reviewed and approved by the designated instructor/qualified person.</p>
Task 1-2: Gain an understanding of how to properly apply 49 CFR § 218.22, <i>Utility employee</i> .	Given sufficient study of 49 CFR § 218.22, the trainee will:	Write a report listing the eight factors necessary to comply with the Blue Signal Display regulations concerning utility employees. <p>Note: The written report must be reviewed and approved by the designated instructor/qualified person.</p>
Task 1-3: Apply Federal regulations when working on a main track, 49 CFR § 218.25.	Given sufficient study of 49 CFR § 218.25, the trainee will:	Demonstrate proper Blue Signal Protection on the main track achieving 100-percent accuracy on three occasions by: <ul style="list-style-type: none"> • Displaying Blue Signal at each end of the equipment. • Attaching Blue Signal to the controlling locomotive (if applicable).

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Task 1: Apply Blue Signal Regulations (49 CFR Part 218, Subpart B)		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
<p>Task 1-4: Apply Federal regulations when working on a track other than a main track, 49 CFR § 218.27.</p>	<p>Given sufficient study of 49 CFR § 218.27, the trainee will:</p>	<p>Demonstrate proper Blue Signal Protection on other than main track achieving 100-percent accuracy on three occasions by:</p> <ul style="list-style-type: none"> • Displaying Blue Signal at or near each switch providing entrance. • Locking and lining each switch against movement. • Attaching Blue Signal to the controlling locomotive (if applicable). • Lining, locking, and flagging each crossover switch when required.
<p>Task 1-5: Apply Federal regulations using alternate methods of protection, in a locomotive servicing track area § 218.29(a).</p>	<p>Given sufficient study of 49 CFR§ 218.29(a), the trainee will:</p>	<p>Demonstrate proper Blue Signal Protection using alternate methods of protection in a locomotive service area achieving 100-percent accuracy on three occasions by:</p> <ul style="list-style-type: none"> • Displaying Blue Signal at or near each switch providing entrance. • Locking and lining each switch against movement. • Attaching Blue Signal to each controlling locomotive where it is readily visible to the operator of the locomotive. <p>Orally describe with 100-percent accuracy:</p> <ul style="list-style-type: none"> • Proper use of derails. • Movements under the direction of an authorized person in charge. • Locomotives stopping short of coupling to other locomotives, • Locomotives moving in and out of serving area. • Requirements for repositioning locomotives within service area and the notification of workers. • Requirements for restoring protection

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Task 1: Apply Blue Signal Regulations (49 CFR Part 218, Subpart B)		
<u>Performance Tasks</u>	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
Task 1-6: Apply Federal regulations using alternate methods of protection in a car shop repair track area, 49 CFR § 218.29(b).	Given sufficient study of 49 CFR § 218.29(b), the trainee will:	Demonstrate proper Blue Signal Protection using alternate methods of protection in a car shop repair track area by performing the following actions with 100-percent accuracy on three occasions: <ul style="list-style-type: none"> • Displaying Blue Signal at or near each switch providing entrance. • Locking and lining each switch against movement.
Task 1-7: Apply Federal regulations using derails in lieu of manually operated switches, 49 CFR § 218.29(c).	Given sufficient study of 49 CFR § 218.29(c), the trainee will:	Orally describe with 100-percent accuracy: <ul style="list-style-type: none"> • Location of derails from equipment being protected. • Blue Signal Display and locking requirements. • Emergency repair work.
Task 1-8: Apply Federal regulations when inspecting remotely controlled switches, 49 CFR § 218.30.	Given sufficient study of 49 CFR § 218.30, the trainee will:	Orally describe with 100-percent accuracy: <ul style="list-style-type: none"> • Operation of the remotely controlled switch obligations with respect to applying and removing Blue Signal Protection. • Methods for locking remotely controlled switches. • Information required when providing remote control Blue Signal Protection. • Record retention requirements.

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49 CFR Part 221 – On-the-Job Training Example Template

Transportation and Car Department Personnel

Task 1: Rear End Marker Regulations (49 CFR Part 221, Read End Marking Device–Passenger, Commuter and Freight Trains)		
<u>Performance</u> Task	<u>Conditions</u> Tools, Equipment, Documents, Practice	<u>Standards</u> Time, Completeness, or Accuracy
<p>Task 1-1: Demonstrate an understanding of 49 CFR Part 221, Subpart B, Marking Devices.</p>	<p>Given an opportunity to read 49 CFR Part 221, Subpart B, Marking Devices, along with any necessary clarification by the designated instructor/qualified person, the trainee will, to the satisfaction of the designated instructor/qualified person:</p>	<p>Orally describe, in complete detail as specified in the regulations, the regulatory requirements for each of the following:</p> <ul style="list-style-type: none"> • Display requirements. • Installation. • Weather and/or visibility considerations. • Hours of operation. • Inspection procedure (49 CFR § 221.16). • Movement for repair. • Telemetry considerations – cross reference to 49 CFR § 232.409.

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Questions?

Part243Questions@dot.gov