

Leaving Equipment in the Clear

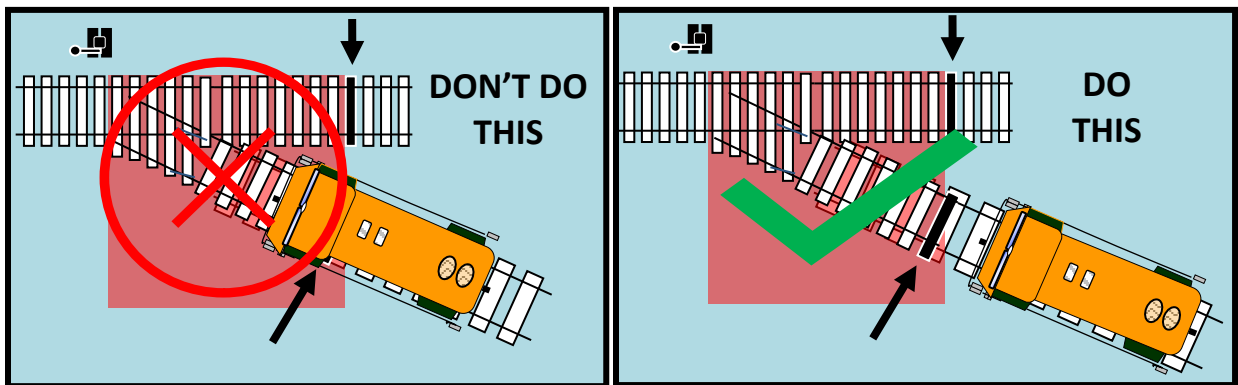
Departments: All Operations Employees

Railroad officials, managers, supervisors, and employees must comply with all applicable rules as it applies to leaving rolling and on-track maintenance-of-way equipment in the clear of connecting tracks. Any authorization permitting equipment to be left in the foul of a connecting track is prohibited and conflicts with these requirements and federal regulations. In a case where an employee is so ordered to violate these requirements, the employee may make a good faith challenge.

49 CFR § 218.101 specifies the requirements railroads must adopt to ensure the safety of employees and to ensure equipment shall not be left where it will foul a connecting track.

Q: What is the definition of leaving equipment in the foul?

A: Rolling equipment or on-track Maintenance of Way equipment being located such that the end of the on-track equipment is between the clearance/fouling point and the switch points leading to the track on which the equipment is standing.



Q: What is the definition of a Clearance point?

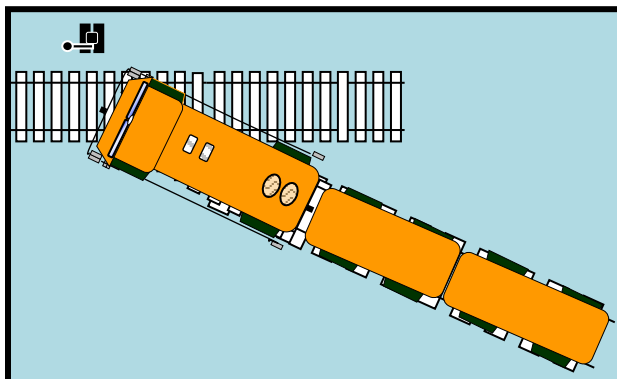
A: The location near a turnout beyond which it is unsafe for passage on an adjacent track(s). Where a person is permitted by a railroad's operating rules to ride the side of a car, a clearance point shall accommodate a person riding the side of equipment.

Q: Why must equipment be left in the clear?

A: To ensure the safety of employees and equipment, including those employees riding the side of equipment.

Q: Can I leave or be ordered to leave equipment in the foul of a connecting track?

A: No, equipment must not be left fouling a connecting track; exception 1 through of 4 of CFR of **218.101 (b)** must apply. When unable to leave equipment in the clear of a connecting track, the end of equipment must be positioned over the switch points so that the equipment completely occupies the switch leading to the connecting track.



July 21, 2021

OPA 2021-04

Leaving Equipment in the Clear

Departments: All Operations Employees

§ 218.101 Leaving rolling and on-track maintenance-of-way equipment in the clear.

While each railroad has its own Operating Rules regarding 49 CFR § 218.101 part (a) & (b), 1 - 4 are identical.

- (a) When any person including, but not limited to, each railroad, railroad officer, supervisor, and employee violates any requirement of an operating rule which complies with the requirements of this section, that person shall be considered to have violated the requirements of this section.
- (b) Rolling and on-track maintenance-of-way equipment shall not be left where it will foul a connecting track unless:
 - (1) The equipment is standing on a main track, and a siding track switch that the equipment is fouling is lined for the main track on which the equipment is standing; or
 - (2) The equipment is standing on a siding, and a main track switch that the equipment is fouling is lined for the siding on which the equipment is standing; or
 - (3) The equipment is standing on a yard switching lead track, and the yard track switch that the equipment is fouling is lined for the yard switching lead track on which the equipment is standing; or
 - (4) The equipment is on an industry track beyond the clearance point of the switch leading to the industry.

Each railroad has instructions to determine clearance points, and employees must be familiar with these instructions.

- (c) Each railroad shall implement procedures that enable employees to identify clearance points, and a means to identify locations where clearance points will not permit a person to safely ride on the side of a car.

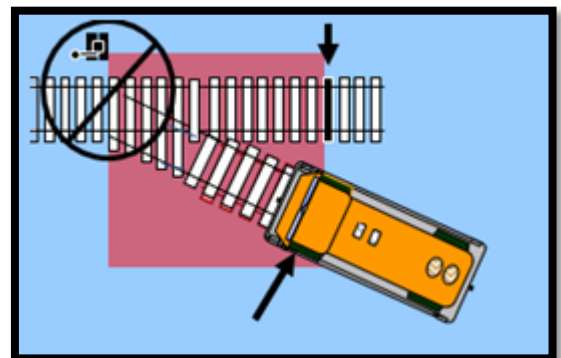
During job briefings, emphasize the danger of leaving equipment in the foul. Remember, no one can authorize an employee to leave equipment in the foul. This is in violation of the regulation, regardless of who controls the track or if any other protective measures that may be in effect on the tracks involved (e.g. RWP, Blue Signal Protection).

Employees must be knowledgeable of the following operating rules that implement CFR 218:

NORAC: 101, GCOR: 7.1, CSX, BBR & CFRC: 407, NS: 223, CN USOR: 601, Metro North: 19-A (5)

49 CFR § 218.103- Hand-operated switches

- (c) Rolling and on-track maintenance-of-way equipment shall not foul a track until all hand-operated switches connected with the movement are properly lined, or in the case of hand-operated switches designed and permitted to be trailed through, until the intended route is seen to be clear or the train has been granted movement authority. When a conflicting movement is approaching a hand-operated switch, the track shall not be fouled, or the switch operated.



Frontline Supervisors are required to discuss this advisory with direct reports whose jobs may be affected and document with SPARTN TEST OPA2021-04 before September 17th, 2021. This advisory should be used as a reference available to employees in field operations.

OPERATING PRACTICES ADVISORY

