

### Track Protection—Violation

**Background:** On May 11<sup>th</sup>, 2019 a BNSF locomotive experienced a release of approximately 100 gallons of oily water to the right-of-way. A BNSF approved contractor was mobilized to assist with securement of the release and to identify impacts for future remediation. The contractor marked the area appropriately for 811 Utility Locate and also requested a BNSF Utility Locate. The contractor was provided with contact information for the BNSF Roadmaster to provide the required track protection and for scheduling the work. On May 16, 2019 the contractor was found to be performing remediation work without any track protection in place given the nature and location of the work. The Roadmaster had not been notified of the work and therefore did not schedule or provide track protection to the contractor. Although much of the remediation involved work that did not require fouling of track, a portion involving work within 25' of centerline of track was necessary. The Roadmaster mobilized to the location to conduct an investigation and identified that one of the employees was in fact directly fouling the track while looking for contamination. It was found that none of the contractors on-site had conducted a Track Protection Briefing and that work had been scheduled without notification to BNSF Hazmat/Remediation personnel. The BNSF Signal Department employee on-site at the time of work was only there to monitor for activities associated with remediation around telecommunication lines, not to provide track protection.



### Rules Not Followed or Observed:

- **No track protection** was in place for the crew to be fouling the track.
- Workers should **never walk between the rails** while working on property without adequate protection in place.
- Track protection was **not requested** and work was **not re-evaluated** if it became necessary to foul the track for any reason other than to physically cross the track.

## Related rules and sources of information:

1. Contractors are not authorized to work within 25' from the center of the track with people or equipment without some form of track protection being in place. Track protection should always be coordinated with appropriate BNSF Employees on-site, this may include Red Flag Protection (form B), Flagman Protection (working with traffic), Blue Flag Protection (working on equipment) or staying clear of the 25' zone. If you need to be within this restricted area and track protection is not in place or you don't understand what that protection is, then ask.
2. At a minimum the job safety briefing should include the **Method of Track Protection, Railroad (Employee In Charge) EIC, Railroad (Employee In Charge) EIC Phone Number, Type of Track Protection, Authority Number, Track Number(s), Track Limits, and Time Limits** with a job safety analysis indicating the anticipated work to be performed. If conditions or tasks change, a re-briefing should be conducted to reassess the hazards.
3. Employees should never use a cell phone within 4' of the nearest rail and must have a safe process for cell phone usage established while working within 25' from the center of the track
4. Contractors and subcontractors who will be performing work activities on BNSF property within 25 feet of the centerline of the track must provide roadway worker protection/on-track safety (RWP) training to their employees. This training is reinforced at the job site through Job Safety Briefings.
  - a. FRA Roadway Worker Protection (RWP, AKA On-Track Safety - 49CFR, part 214 subpart C) is required for those working within the restricted distance of the track. For the FRA, that is four feet from the nearest rail. For BNSF, any work within 25' from centerline of track requires a form of protection. Additionally, protection must be considered if working with equipment outside of the 25' zone where equipment failure could result in breaching the 25' boundary (boom collapse/errant operation with boom etc.).
  - b. **RWP Training is separate from BNSF Contractor Orientation and must be delivered by the contracting company to its own employees. Before sending any employee to a BNSF project where RWP will be required, make sure they have completed RWP training.**
  - c. Contractors must be able to produce a Certificate of Training provided by their company. This can be a form/card provided by their company or a copy of the Contractor's Certificate of Safety Training, found in the BNSF Supplier Safety Program Document.

### Information Sources:

- ⇒ [www.BNSFcontractor.com](http://www.BNSFcontractor.com)
- ⇒ [www.everifile.com/erailsafe-program-overview/](http://www.everifile.com/erailsafe-program-overview/)

- d. In cases where work is done on/near the right of way, within 25 feet of track, but more than 10 feet and no EIC is present, an orange construction fence must be placed no less than 10 feet from the nearest rail. **A BNSF Engineering Employee needs to approve and be present when the 10' orange fence is being erected.**
5. Contractors should ensure that they have an adequate system in-place to ensure that employees responding to Railroad property have the proper training as required by contract and per regulations.
6. All affected employees on-site whether from the same contractor or multiple contractors must ensure that track protection is in place and understand how they are protected. Everyone on-site has the ability to stop work to ensure that they have the appropriate information and the method of protection exists to protect employees and railroad operations.

While no one was injured in this incident, it highlights the need to ensure that Rules are understood and followed 100% of the time by all employees while on Railroad Property. Our goal and expectation is that we all return home safely at the end of each day. Nothing we do is more important than this. Take the opportunity to learn from this experience to improve what you do and to further enhance the safety of our actions while on Railroad property. We value the work that Contractors do for BNSF across our system each day and appreciate your attention to this matter.

**ASK 3 CRITICAL QUESTIONS**

Always **ask yourself** these questions before fouling the track.

**FOULING TRACK**

**BNSF RAILWAY**

4 ft. 4 ft.

1. Do I really **need** to foul the track?
2. Do I have **authority, protection or proper separation**?
3. Have I **looked and listened** for movement in all directions?

If **ANYTHING** changes, pause the work and rebrief.

## Contractor Safety Briefing Card

(includes all non BNSF personnel)  
Revised 3/01/16

### Job Safety Briefing:

Before beginning any task, a complete job safety briefing will be conducted with all individuals involved with the task, and again if the task changes. If the task is within 25 feet of any track, the job briefing must include the BNSF flagman.

All contractor employees will receive safety instruction from the contractor's safety officer or a qualified BNSF representative prior to the start of any project.

Contractor's supervision will review the safety guidelines contained in this briefing card to familiarize their employees with safety issues that exist when working in a railroad environment. This should be reviewed at least weekly, and immediately with any new employees(s) coming on the job. It is the responsibility of the contractor's safety officer to instruct employees on these guidelines and to require their compliance.

### Housekeeping:

Good housekeeping is of the utmost importance in the prevention of accidents, injuries, and fires. Clean-up will be conducted on a daily basis.

### Personal Protective Equipment:

All contractor employees working on BNSF property will be required to wear OSHA approved safety glasses with side shields, hard hats, and above the ankle, lace up, safety toe boots, with a defined heel. Office employees restricted to office work will not be required to comply. Reflective vests are required in certain locations as specified by the BNSF representative in charge of the project. During inclement weather, proper clothing to protect against frostbite, etc. will be worn. Particular attention to footing and the use of proper footwear are essential when working in snow or other slippery conditions. Hearing protection, fall protection, and respirators will be worn as required by state and federal regulations.

### Fouling Tracks:

Train or equipment movement should be expected on any track, in any direction, at any time. Work will not be performed at less than 25 feet from the centerline of any track without a BNSF representative present, unless track is protected by track bulletin and work has been authorized by the BNSF representative in charge of the project. Do not walk between rails or foul tracks, except when duties require and proper protection is provided. When necessary to cross tracks, look in both directions and keep a minimum of 25 feet from the nearest end of stationary

rail equipment. Do not crawl under or between rail cars. Under certain conditions, trains and equipment can approach without being heard. Proper attention and protection are essential to personal safety when working near railroad tracks.

### Work Protection:

If work protection is provided, **every** employee must know:

1. Who the BNSF flagman is and how to contact him,
2. Limits of the work protection,
3. The method of communication to stop and resume work,
4. Entry into work limits when designated.

**Note: Men or equipment entering work limits that were not previously job briefed must notify the flagman immediately and be given a job briefing if working less than 25 feet from the centerline of track.**

### Riding on Equipment:

Riding on rail equipment is prohibited unless authorized by the BNSF representative in charge of the project.

### Damage to BNSF Property:

Any damage to BNSF property will be reported immediately to the BNSF representative in charge of the project. Any vehicle or machine contact with a track, signal equipment, or structure (bridge) could result in derailment and is to be reported by the quickest means possible to the BNSF representative in charge of the project or the respective System or Network Operations Center. Emergency numbers are to be obtained from the BNSF representative in charge of the project prior to the start of any work and posted at the job site for the duration of the project.

### Passing Trains:

When a train is approaching, men or equipment working at less than 25 feet from the centerline of track will stop work and move as far away from the track as practical until the entire train has passed. This assures the train engineer that the train has been seen and it is safe to proceed. Failure to do this could result in the engineer placing the train into emergency, which could result in damage to the train and delay to railroad traffic. After notification by the BNSF flagman that no other trains are within the working limits, work may then resume. Note: Some projects may require a different procedure. In these cases, the BNSF representative in charge of the project will advise the contractor of the proper work procedure adjacent to passing trains. Violent arm, flag, or flashlight movement while trains are passing indicates an emergency (requires train to stop) and must not be done unless an emergency exists. NEVER stand with your back to a moving train. Metal banding and other components sometimes break during shipment and can swing out several feet from the train.

### Stepping or Sitting on Rails:

Stepping, walking, or sitting on the top of a rail is prohibited. The rail head becomes very slick from oil build up and presents a slipping hazard.

### Environmental:

No contaminants are to be discharged on BNSF property. Should it occur, it must be reported by the quickest means possible to the BNSF representative in charge of the project (this includes oils, diesel fuel, gasoline, etc.).

### Excavation:

Excavating on the right of way could result in damage to buried cables resulting in delay to railroad traffic. Before any excavation commences, contact the BNSF signal and track representative in charge of the area. All underground and overhead wires are to be considered HIGH VOLTAGE and dangerous until verified with the company having ownership of the line. It is the contractor's responsibility to notify any other companies that have underground utilities in the area before excavating. All excavation will be protected as required by the BNSF representative in charge of the project and backfilled as quickly as possible.

### Reporting:

Any personal injury sustained by a contractor employee while on BNSF property must be reported immediately (by phone mail if unable to contact) to the BNSF representative in charge of the project. The injury report form provided by BNSF is to be completed and sent by fax to the address indicated on the form, no later than close of shift on the date of injury.

### Weekend/After Hours Work:

When contractor employees are required to work on BNSF property after normal working hours or on weekends, the BNSF representative in charge of the project must be notified. When necessary to work during these times, a minimum of two employees is required to be present. This could be a BNSF employee with a contractor employee or two contractor employees. Exceptions must be approved by the BNSF representative in charge of the project. Any work performed at less than 25 feet from the centerline of track must be protected by a BNSF flagman or by a qualified lookout.

### Operation of Vehicles and Equipment:

Equipment and vehicles must operate at a safe speed being aware of operating conditions as well as other equipment and men working in close proximity. Vehicles left unattended must be secured so as to prevent unexpected roll away. Extreme caution must be exercised at all grade crossings.

When in Doubt, Take the Safe Course.

Figure 24-1a. Side 1 of Contractor Safety Briefing Card

## **Job Briefing Guidelines**

Safety, Quality, and Productivity are the result of well-planned and conducted job briefings.

### **STEP I Plan the Job Briefing**

#### **Develop your own work plan by:**

1. Reviewing work or task to be accomplished.
2. Checking the job location and work area.
3. Breaking the work or task down into step-by-step procedure.
4. Determining tool, equipment, and material requirements.
5. Determining what safety rules or procedures are applicable.

#### **Consider existing and potential hazards that might be involved as a result of:**

1. Job and weather conditions.
2. The nature of the work to be done.
3. The job location.
4. The tools, equipment, and materials used.
5. Equipment to be worked on.
6. Traffic conditions and visibility.
7. Time of day.
8. Safety or personal protective equipment required.

#### **Consider how work assignments will be made.**

1. Group assignments
2. Individual assignments
3. Abilities and experiences of individuals

### **STEP II Conduct the Job Briefing**

#### **Explain work or task to employees.**

1. What is to be done.
2. Why it is to be done.
3. When it is to be done.
4. Where it is to be done.
5. How it is to be done.
6. Who is to do it.
7. What safety precautions are necessary.

#### **Discuss existing or potential hazards and ways to eliminate or protect against them.**

#### **Make definite work assignments.**

1. Make sure employees understand assignments.
2. Ask "how" and "why" type questions.

**If special tools, materials, equipment, or methods are to be used, make sure employees know how to proceed safely.**

**Issue all instructions clearly and concisely; check to see that they are understood.**

### **STEP III Job Brief for Special Conditions**

#### **Complex jobs.**

1. Brief only a portion of the job.
2. Give additional briefing as the job progresses.

Change in job conditions—when it becomes necessary to change plans and procedures as the job progresses, brief employees on these changes. (For example, the weather condition changes.)

### **STEP IV Follow up By Supervisor**

**It is important that frequent checks be made as the job progresses to be sure that:**

1. Your plans are being followed and correct work methods used.
2. Each person is carrying out the assigned responsibilities.
3. Any hidden hazards have been identified and action initiated to eliminate or what precautions are required.

### **STEP V Individual Responsibility**

**All employees are responsible to see that the work plan is carried out according to the Job Briefing or modified when conditions change.**

#### **Supplement to BNSF Contractor Safety Briefing Card**

All provisions to the Safety Briefing Card dated revised March 1, 2016 remain in effect.

#### **Fouling Tracks:**

Work cannot be performed within 10 feet of the nearest rail of any live track without first providing for positive protection for men and equipment.

Note that current instructions do not require a Form B (or positive protection) for any work to be performed within 25 feet of any track. If a BNSF employee is present and the contractor's operations will not be within 10 feet of the nearest rail, work can proceed with lookout protection being provided by the Railway's employee.

A Form B (or positive protection) should be obtained whenever the contractor's operations may result in his equipment or men entering within 10 feet of the nearest rail. This would include the case where a crane was being used, where if the boom

on the crane dropped, it could land within 10 feet of the nearest rail of a live track. Positive protection must be secured for the crane to operate.

If a continuous fence is erected 10 feet or more from the nearest rail of the live track, the contractor may continue work until the train approaches "headlight visible or ¼ mile away." All work is to be stopped until the train has passed the work site. A Form B (or positive protection) will not be necessary unless high speed, heavy equipment is being used, or as is stated elsewhere. The continuous fence must be constructed with the fence fabric being at least 4 feet in height and properly supported such that it remains vertical and is clearly visible. An appropriate footing order is to be issued for notice to train crews if this fencing is left in place overnight.

There may be some operations performed by the contractor's forces that neither a Form B (or positive protection) or fencing is necessary. In these cases, the BNSF Construction Manager shall first discuss these instances with the flagmen involved. The BNSF Construction Manager will then at the job briefing with contractor forces and flagmen outline how the protection will be provided by the flagmen, acting as lookouts, and any other steps necessary to be implemented for the work to proceed.

#### **Passing trains:**

If a train is stopped on a track, work can only be performed that is beyond 10 feet of the nearest rail of the track the train is on. No work within 10 feet of the nearest rail can be performed.

**BNSF 24-Hour Emergency  
Phone Number:  
1-800-832-5452**

**Be prepared to give BNSF  
milepost location, division,  
and subdivision.**

**Figure 24-1b. Side 2 of Contractor Safety Briefing Card**