

49 CFR PARTS 214, 232, 243

§214.341 Roadway maintenance machines.

(b) Instructions for the safe operation of each roadway machine shall be provided and maintained with each machine large enough to carry the instruction document.

(1) No roadway worker shall operate a roadway maintenance machine without having been trained in accordance with §214.355.

(2) No roadway worker shall operate a roadway maintenance machine without having knowledge of the safety instructions applicable to that machine. For purposes of this paragraph, the safety instructions applicable to that machine means:

(i) The manufacturer's instruction manual for that machine; or

(ii) The safety instructions developed to replace the manufacturer's safety instructions when the machine has been adapted for a specific railroad use. Such instructions shall address all aspects of the safe operation of the crane and shall be as comprehensive as the manufacturer's safety instructions they replace.

§214.357 Training and qualification for operators of roadway maintenance machines equipped with a crane.

(a) In addition to the general training and qualification requirements for operators of roadway maintenance machines set forth in §§214.341 and 214.355 of this subpart, each employer shall adopt and comply with a training and qualification program for operators of roadway maintenance machines equipped with a crane to ensure the safe operation of such machines.

(b) Each employer's training and qualification program for operators of roadway maintenance machines equipped with a crane shall require initial and periodic qualification of each operator of a roadway maintenance machine equipped with a crane and shall include:

(1) Procedures for determining that the operator has the skills to safely operate each machine the person is authorized to operate; and

(2) Procedures for determining that the operator has the knowledge to safely operate each machine the person is authorized to operate. Such procedures shall determine that either:

(i) The operator has knowledge of the safety instructions (*i.e.*, the manufacturer's instruction manual) applicable to that machine; or

(ii) The operator has knowledge of the safety instructions developed to replace the manufacturer's safety instructions when the machine has been adapted for a specific railroad use.

Such instructions shall address all aspects of the safe operation of the crane and shall be as comprehensive as the manufacturer's safety instructions they replace.

(c) Each employer shall maintain records that form the basis of the training and qualification determinations of each operator of roadway maintenance machines equipped with a crane that it employs.

§232.203 Training requirements.

(b) As part of this program, the railroad or contractor shall:

(6) An employee hired or working prior to June 1, 2001, for a railroad or contractor covered by this part will be considered to have met the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section if the employee receives training and testing on the specific Federal regulatory requirements contained in this part related to the performance of the tasks which the employee will be responsible for performing; and if:

(i) The training or testing, including efficiency testing, previously received by the employee is determined by the railroad or contractor to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and such training or testing can be documented as required in paragraphs (e)(1) through (e)(4) of this section;

(ii) The employee passes an oral, written, or practical, "hands-on" test developed or adopted by the railroad or contractor which is determined by the railroad or contractor to ensure that the employee possesses the skills and knowledge, or a portion of the skills or knowledge, required in paragraphs (b)(3) through (b)(5) of this section and the test is documented as required in paragraph (e) of this section; or

(iii) The railroad or contractor certifies that a group or segment of its employees has previously received training or testing determined by the railroad or contractor to meet the requirements, or a portion of the requirements, contained in paragraphs (b)(3) through (b)(5) of this section and complete records of such training are not available, provided the following conditions are satisfied:

(A) The certification is placed in the employee's training records required in paragraph (e) of this section;

(B) The certification contains a brief description of the training provided and the approximate date(s) on which the training was provided; and

(C) Any employee determined to be trained pursuant to this paragraph is given a diagnostic oral, written, or "hands-on" test covering that training for which this paragraph is relied upon at the time the employee receives his or her first periodic refresher training under paragraph (b)(8) of this section.

(iv) Any combination of the training or testing contained in paragraphs (b)(6)(i) through (b)(6)(iii) of this section and paragraphs (b)(3) through (b)(5) of this section may be used to satisfy the training and testing requirements for an employee in accordance with this paragraph.

§ 243.101 Employer program required.

(a) (1) Effective January 1, 2019, each employer conducting operations subject to this part with 400,000 total employee work hours annually or more shall submit, adopt, and comply with a training program for its safety-related railroad employees.

(2) Effective May 1, 2020, each employer conducting operations subject to this part with less than 400,000 total employee work hours annually shall submit, adopt, and comply with a training program for its safety-related railroad employees.

(b) Except for an employer subject to the requirement in paragraph (a)(2) of this section, an employer commencing operations subject to this part after January 1, 2019, shall submit a training program for its safety-related railroad employees before commencing operations. Upon commencing operations, the employer shall adopt and comply with the training program.

(c) In the program required by this part, the employer shall:

(1) Classify its safety-related railroad employees in occupational categories or subcategories by craft, class, task, or other suitable terminology;

(2) Define the occupational categories or subcategories of safety-related railroad employees. The definition of each category or subcategory shall include a list of the Federal railroad safety laws, regulations, and orders that the employee is required to comply with, based on the employee's assignments and duties, broken down at a minimum to the applicable part of the Code of Federal Regulations, section of the United States Code, or citation to an order. The listing of the Federal requirements shall contain the descriptive title of each law, regulation, or order;

(3) Create tables or utilize other suitable formats which summarize the information required in paragraphs (c)(1) and (2) of this section, segregated by major railroad departments (e.g., Operations, Maintenance of Way, Maintenance of Equipment, Signal and Communications). After listing the major departments, the tables or other formats should list the categories and subcategories of safety-related railroad employees within those departments;

(4) Develop procedures to design and develop key learning points for any task-based or knowledge-based training; and

(5) Determine how training shall be structured, developed, and delivered, including an appropriate combination of classroom, simulator, computer-based, correspondence, OJT, or other formal training. The curriculum shall be designed to impart knowledge of, and ability to comply with applicable Federal railroad safety laws, regulations, and orders, as well as any relevant railroad rules and procedures promulgated to implement those applicable Federal railroad safety laws, regulations, and orders.

(d) On-the-job (OJT) training requirements:

(1) If a training program has [OJT](#), the [OJT](#) portion of the training program shall consist of the following three key components:

(i) A brief statement describing the tasks and related steps the employee learning the job shall be able to perform;

(ii) A statement of the conditions (prerequisites, tools, equipment, documentation, briefings, demonstrations, and practice) necessary for learning transfer; and

(iii) A statement of the standards by which proficiency is measured through a combination of task/step accuracy, completeness, and repetition.

(2) Prior to beginning the initial [safety-related tasks](#) associated with [OJT](#) exercises, [employers](#) shall make any relevant information or materials, such as operating rules, safety rules, or other rules available to employees involved for referencing.

(3) The tasks and related steps associated with [OJT](#) exercises for a particular category or subcategory of employee shall be maintained together in one manual, checklist, or similar document. This reference shall be made available to all employees involved in those [OJT](#) exercises.

(e) [Contractor](#)'s responsibility to validate approved program to a railroad: A [contractor](#) that chooses to train its own [safety-related railroad employees](#) shall provide each railroad that utilizes it with a document indicating that the [contractor](#)'s program of training was approved by FRA. A [contractor](#) is being utilized by a railroad when any of the [contractor](#)'s employees conduct safety-related duties on behalf of the railroad and the railroad does not otherwise qualify those employees of the [contractor](#) that are allowed to perform those duties.

(f) Railroad's responsibility to retain [contractor](#)'s validation of program: A railroad that chooses to utilize [contractor](#) employees to perform safety-related duties and relies on [contractor](#)-provided training as the basis for those employees' qualification to perform those duties shall retain a document from the [contractor](#) indicating that the [contractor](#)'s program was approved by FRA. A copy of the document required in [paragraph \(e\)](#) of this section satisfies this requirement.

[[79 FR 66501](#), Nov. 7, 2014, as amended at [82 FR 20552](#), May 3, 2017]

§ 243.103 Training components identified in program.

(a) Each [employer](#)'s program shall include the following components:

(1) A unique name and identifier for each formal course of study;

(2) A course outline for each course that includes the following:

(i) Any prerequisites to course attendance;

(ii) A brief description of the course, including the terminal learning objectives;

(iii) A brief description of the target audience, e.g., a list of the occupational categories and subcategories of employees the course will be delivered to;

- (iv)** The method(s) of course delivery, which may include, but are not limited to, classroom, computer-based, on-the-job, simulator, laboratory, correspondence courses, or any combination thereof;
 - (v)** The anticipated course duration;
 - (vi)** A syllabus of the course to include any applicable U.S.C. chapters, 49 CFR parts, or FRA orders covered in the training; and
 - (vii)** The kind of assessment (written test, performance test, verbal test, [OJT](#) standard, etc.) performed to demonstrate employee competency.
- (3)** A document for each [OJT](#) program component that includes the following:
- (i)** The roles and responsibilities of each category of [person](#) involved in the administration and implementation, guidelines for program coordination, and the progression and application of the [OJT](#);
 - (ii)** A listing of the occupational categories and subcategories of employees for which the [OJT](#) program applies; and
 - (iii)** Details of the [safety-related tasks](#) and subtasks, conditions, and standards covered by the program components.
- (4)** The job title and telephone number of the [employer's](#) primary training point(s) of contact, listed separately by major department or employee occupational category, if applicable.
- (5)** If any training organization or learning institution developed and will deliver all or any part of the training, the [employer](#) must include the following:
- (i)** A narrative, text table, or other suitable format which describes those portions of the training that fit into this category;
 - (ii)** The business name of the organization that developed and will deliver the training; and
 - (iii)** The job title and telephone number of the training organization or learning institution's primary training point of contact.
- (b)** An [employer](#) that is required to submit similar training programs or plans pursuant to other regulatory requirements contained elsewhere in this chapter may elect to cross-reference these other programs or plans in the program required by this part rather than resubmitting that similar program or plan. When any such similar program or plan did not include the [OJT](#) components specified in [paragraph \(a\)\(3\)](#) of this section, the [employer](#) shall supplement its program in accordance with this part by providing that additional information.
- (c)** If an [employer](#) arranges job-related practice and practice related feedback sessions to supplement classroom, laboratory, simulator training, or [OJT](#), the program shall include a description of the supplemental training.

(d) FRA may require modifications to any programs, including those programs referenced in [paragraph \(b\)](#) of this section, if it determines essential program components, such as [OJT](#), or arranged practice and feedback, are missing or inadequate.

§ 243.105 Optional model program development.

(a) Any organization, business, or association may develop and submit one or more model training programs to FRA for review and approval so that the model program(s) may be used by multiple employers.

(1) Any such model program should be submitted with a unique identifier associated with the program, or FRA will assign a unique identifier.

(2) The program associated with the organization's unique identifier shall include all information required by [§ 243.103](#).

(3) Each model training program submitted to FRA before May 1, 2018, is considered approved and may be implemented 180 days after the date of submission unless the [Associate Administrator](#) advises the organization, business, or association that developed and submitted the program that all or part of the program does not conform.

(b) An [employer](#) that chooses to use a model program approved by FRA is not required to submit the entire program to FRA. Instead, the [employer](#) must submit only the unique identifier, and all other information that is specific to that [employer](#) or deviates from the model program.

[[79 FR 66501](#), Nov. 7, 2014, as amended at [82 FR 20552](#), May 3, 2017]

§ 243.107 Training program submission, introductory information required.

(a) An [employer](#) who provides or is responsible for the training of [safety-related railroad employees](#) shall submit its training program to FRA for review and approval. Each [employer](#) shall state in its submission whether, at the time of filing, it:

(1) Primarily conducts the training program of its own safety-related railroad employees, utilizing its own resources;

(2) Conducts any training for other than its own safety-related railroad employees;

(3) Implements any training programs conducted by some other entity on its behalf but adopted by that [employer](#);

(4) Qualifies [safety-related railroad employees](#) previously [qualified](#) by other employers;

(5) Qualifies [safety-related railroad employees](#) previously trained by training organizations or learning institutions; or

(6) Any combination of paragraph (a)(1) through (5) of this section.

(b) An [employer](#) who utilizes any of the options specified in paragraphs (a)(2) through (5) of this section shall provide the following information in its submission:

- (1) The categories of [safety-related railroad employees](#) who, at the time of filing, will receive training utilizing one or more of these options; and
- (2) Whether the training delivered, utilizing one or more of these options, composes all or part of the overall training program regimen for that category of employee at the time of filing.
- (c) An [employer](#) that elects to use training organizations or learning institutions to train some or all of its [safety-related railroad employees](#), or to hire new [safety-related railroad employees](#) that have previously received training from any training organizations or learning institutions, shall include the full name of the training organization or learning institution in its submission.

§ 243.109 Training program submission, review, and approval process.

(a) Initial programs.

- (1) Apprenticeship or similar intern programs, that began prior to submission of the [employer's](#) initial program filed in accordance with this part, shall be described in the [employer's](#) initial program. Any such apprenticeship or similar intern programs may continue, but if the [Associate Administrator](#) advises the [employer](#) of specific deficiencies, the [employer](#) shall resubmit that portion of its program, as revised to address specific deficiencies, within 90 days after the date of any notice of deficiencies from the [Associate Administrator](#). A failure to resubmit the program with the necessary revisions shall be considered a failure to implement a program under this part. The [Associate Administrator](#) may extend this 90-day period upon written request.
- (2) An [employer's](#) initial program, as required by [§ 243.101\(a\)](#) or (b), must be submitted to the [Associate Administrator](#) and is considered approved, and may be implemented immediately upon submission. Following submission, the [Associate Administrator](#) will review the program and inform the [employer](#) as to whether the initial program conforms to this part. If the [Associate Administrator](#) determines that all or part of the program does not conform, the [Associate Administrator](#) will inform the [employer](#) of the specific deficiencies. The deficient portions of the non-conforming program may remain in effect until approval of the revised program, unless FRA provides notification otherwise. An [employer](#) shall resubmit the portion of its program, as revised to address specific deficiencies, within 90 days after the date of any notice of deficiencies from the [Associate Administrator](#). A failure to resubmit the program with the necessary revisions shall be considered a failure to implement a program under this part. The [Associate Administrator](#) may extend this 90-day period upon written request.

(b) Previously approved programs require an informational filing when modified. The [employer](#) must review its previously approved training program and modify it accordingly when new safety-related Federal railroad laws, regulations, or orders are issued, or new safety-related technologies, procedures, or equipment are introduced into the workplace and result in new knowledge requirements, safety-related tasks, or modification of existing safety-related duties. An [employer](#) that modifies its training program for these described reasons shall submit an informational filing to the [Associate Administrator](#) not later than 30

days after the end of the [calendar year](#) in which the modification occurred, unless FRA advises otherwise to individual employers, one or more group of employers, or the general public. Programs modified in accordance with this paragraph, after the initial FRA approval, are considered approved upon being modified and may be implemented immediately. Any program deficiencies noted by the [Associate Administrator](#) shall be addressed in the same manner as [paragraph \(a\)\(2\)](#) of this section. The filing shall contain a summary description of sufficient detail that FRA can associate the changes with the [employer's](#) previously approved program, and shall include:

- (1) Descriptions of all new or [refresher training](#) courses developed since the previous FRA approval, using the same criteria required for an initial filing;
- (2) Explanations whenever [OJT](#) or arranged practice is added to, or discontinued from, a program;
- (3) Explanations as to how the methods of delivering training, or [qualifying](#) employees has changed; and
- (4) A statement from an organization, business, or association that has submitted a model program pursuant to this part, that the organization, business, or association has informed each [employer](#) who requested the right to use the affected training program of the changes and the need for the [employer](#) to comply with those changes that apply to the [employer's](#) operation.

(c) *New portions or revisions to an approved program.* Substantial additions or revisions to a previously approved program, that are not described as informational filings in accordance with [paragraph \(b\)](#) of this section, shall be considered approved and may be implemented immediately upon submission. Following submission, the [Associate Administrator](#) will review the new portions or revisions to the previously approved program and inform the [employer](#) as to whether the modifications conform to this part. Any program deficiencies noted by the [Associate Administrator](#) shall be addressed in the same manner as [paragraph \(a\)\(2\)](#) of this section. The [Associate Administrator](#) will inform the [employer](#) as to whether a new portion or revision to an approved program conforms to this part. If the [Associate Administrator](#) has determined that the changes do not conform to this part, the [employer](#) shall resubmit the portion of its program, as revised to address specific deficiencies, within 90 days after the date of any notice of deficiencies from the [Associate Administrator](#). Failure to resubmit the program with the necessary revisions shall be considered a failure to implement a program under this part. The [Associate Administrator](#) may extend this 90-day period upon written request.

(d) *Additional submission, resubmission, or informational filing requirement for railroads.*

(1) Each railroad shall:

- (i) Simultaneous with its filing with the FRA, serve a copy of any submission, resubmission, or informational filing required pursuant to this section, to the president of each labor organization that represents the railroad's employees subject to this part; and

(ii) Include in its submission, resubmission, or informational filing required pursuant to this section a statement affirming that the railroad has served a copy to the president of each labor organization that represents the railroad's employees subject to this part, together with a list of the names and addresses of [persons](#) served.

(2) Not later than 90 days from the date a railroad files its submission, resubmission, or informational filing required pursuant to this section, a representative designated by the president of each labor organization that represents railroad employees subject to this part, may file a comment on the submission, resubmission, or informational filing:

(i) Each comment shall be submitted to the [Associate Administrator](#) for Railroad Safety/Chief Safety Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; and

(ii) The commenter shall certify that a copy of the comment was served on the railroad.

§ 243.111 Approval of programs filed by training organizations or learning institutions.

(a) A training organization or learning institution that provides training services for safety-related railroad employees, including providing such training services to independent students who enroll with such training organization or learning institution and who will rely on the training services provided to qualify to become safety-related railroad employees, must submit its program to FRA for review and approval.

(b) A training organization or learning institution that has provided training services to [employers](#) covered by this part before January 1, 2018, may continue to offer such training services without FRA approval until January 1, 2019. The [Associate Administrator](#) may extend this period at any time based on a written request. Such written requests for an extension of time to submit a program should contain any factors the training organization or learning institution wants the [Associate Administrator](#) to consider before approving or disapproving the extension.

(c) A program submitted by a training organization or learning institution must include all information required for an [employer's](#) program in accordance with this part, unless the requirement could only apply to an [employer's](#) program. The submitted program for a training organization or learning institution must also include the following information:

(1) The full corporate or business name of the training organization or learning institution;

(2) The training organization or learning institution's primary business and email address;

(3) The training organization or learning institution's primary telephone number and point of contact;

(4) A listing of the training organization or learning institution's designated instructors;

(5) A resume for each [designated instructor](#), showing how the instructor achieved the subject-matter and training expertise necessary to develop and deliver training to safety-

related railroad employees, unless the designated instructors are currently employed by a railroad;

(6) A list of references of [employer](#) customers the learning organization or training institution has provided services to in the past; and

(7) A brief summary statement indicating how the training organization or learning institution determined the knowledge, skills, and abilities necessary to develop the training courses it provides to [employers](#) and independent students who enroll with such training organization or learning institution in order to become safety-related railroad employees. This brief summary should be of sufficient detail so that FRA can ascertain the methodologies the training organization or learning institution used during training development.

(d) Except as specified in [paragraph \(b\)](#) of this section, prior approval by the [Associate Administrator](#) is required before FRA will accept such training as sufficient to meet the requirements of this part. The [Associate Administrator](#) will advise the training organization or learning institution in writing whether FRA has approved the program. If all or part of the program is not approved by FRA, the [Associate Administrator](#) will inform the training organization or learning institution of specific deficiencies. At the time that the [Associate Administrator](#) informs of any deficiencies, the [Associate Administrator](#) will clarify whether any particular training courses shall be considered approved.

(e) Previously approved programs require an informational filing when modified. The training organization or learning institution shall review its previously approved training program and modify it accordingly when new safety-related Federal railroad laws, regulations, or orders are issued, or new safety-related technologies, procedures, or equipment are introduced into the workplace and result in new knowledge requirements, safety-related tasks, or in modifications of existing safety-related duties. A training organization or learning institution that modifies its training program for these described reasons shall submit an informational filing to the [Associate Administrator](#) not later than 30 days after the end of the [calendar year](#) in which the modification occurred, unless FRA advises otherwise. Programs modified in accordance with this paragraph are considered approved upon modification and may be implemented immediately. Any program deficiencies noted by the [Associate Administrator](#) shall be addressed as specified in this section. The filing shall contain a summary description of sufficient detail so that FRA can associate the changes with the training organization's or learning institution's previously approved program, and shall include:

(1) Descriptions of all new or [refresher training](#) courses developed after the previous FRA approval, using the same criteria required for an initial filing;

(2) Explanations whenever [OJT](#) or arranged practice is added to, or discontinued from, a program; and

(3) Explanations as to how the methods of delivering training, or [qualifying](#) employees has changed.

(f) New portions or revisions to an approved program: Substantial additions or revisions to a previously approved program, that are not described as informational filings in accordance

with [paragraph \(e\)](#) of this section, shall require prior approval by the [Associate Administrator](#) before FRA will accept such training as sufficient to meet the requirements of this part. The [Associate Administrator](#) will advise the training organization or learning institution in writing whether FRA has approved the new or revised program. If all or part of the program is not approved by FRA, the [Associate Administrator](#) will inform the training organization or learning institution of specific deficiencies. At the time that the [Associate Administrator](#) informs the training organization or learning institution of any deficiencies, the [Associate Administrator](#) will clarify whether any particular new or revised training courses shall be considered approved.

(g) Training organizations and learning institutions subject to this part are required to maintain records for each [safety-related railroad employee](#) that attends the training, in accordance with the recordkeeping requirements of this part.

(h) Training organizations and learning institutions subject to this part shall provide a student's training transcript or training record to any [employer](#) upon request by the student.

[[79 FR 66501](#), Nov. 7, 2014, as amended at [82 FR 20553](#), May 3, 2017]

§ 243.113 Electronic and written program submission requirements.

(a) Except for an [employer](#) with less than 400,000 total employee work hours annually, each [employer](#), training organization, or learning institution to which this part applies is required to file by electronic means any program submissions required under this part in accordance with the requirements of this section. Each organization, business, or association that develops an optional model program in accordance with [§ 243.105](#) of this part is required to electronically file the program in accordance with the requirements of this section.

(b) Prior to any [person's](#) first program submission electronically, the [person](#) shall provide the [Associate Administrator](#) with the following information in writing:

(1) The name of the [employer](#), organization, learning institution, business, or association;

(2) The names of two individuals, including job titles, who will be the [person's](#) points of contact and will be the only individuals allowed access to FRA's secure document submission site;

(3) The mailing addresses for the [person's](#) points of contact;

(4) The [person's](#) system or main headquarters address located in the United States;

(5) The email addresses for the [person's](#) points of contact; and

(6) The daytime telephone numbers for the [person's](#) points of contact.

(c) A [person](#) that electronically submits an initial program, informational filing, or new portions or revisions to an approved program required by this part shall be considered to have provided its consent to receive approval or disapproval notices from FRA by email.

(d) A request for FRA review of written materials shall be addressed to the [Associate Administrator](#) for Railroad Safety/Chief Safety Officer, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

(e) FRA may electronically store any materials required by this part regardless of whether the [person](#) that submits the materials does so by delivering the written materials to the [Associate Administrator](#) and opts not to submit the materials electronically.

(f) A [person](#) that opts not to submit the materials required by this part electronically, but provides one or more email addresses in its submission, shall be considered to have provided consent to receive approval or disapproval notices from FRA by email or mail.