



Memorandum

Date: April 10, 2024

Subject: INFORMATION: Audit Announcement | FRA's Oversight of the Roadway Worker Protection Regulation | Project No. 24S3002S000
Federal Railroad Administration

From: David Pouliott 
Assistant Inspector General for Surface Transportation Audits

To: Federal Railroad Administrator

In August 2023, a railroad track maintenance machine struck and killed a roadway worker blowing leaves on the same track in Great Barrington, Massachusetts. As there are tens of thousands of roadway workers¹ employed on or near our Nation's tracks, this incident underscores the importance of safety measures to protect them from death and injury on the job. In addition, an unprecedented amount of Federal funding for rail improvement projects—\$102 billion from the Infrastructure Investment and Jobs Act—has also heightened the need to monitor roadway workers' on-track safety.

FRA is responsible for enforcing the Roadway Worker Protection (RWP) regulation, implemented in 1997, to protect roadway workers by preventing accidents and deaths caused by moving trains or maintenance machines, such as the August 2023 incident in Massachusetts. However, according to the Fatality Analysis of Maintenance-of-way Employees and Signalmen, 96 roadway workers died in accidents between the 1997 implementation of the RWP regulation through 2022. This is roughly 22 percent of all 442 railroad employee fatalities during this period.

Given the continuing occurrence of RWP-related accidents and upcoming rail projects, we are initiating an audit to evaluate FRA's oversight of railroads' implementation of the RWP regulation. We plan to begin the audit this month and will contact your audit liaison to schedule an entrance conference. We will conduct our work primarily at FRA Headquarters and may observe FRA RWP

¹ Any employee of a railroad, or of a contractor to a railroad, whose duties include inspection, construction, maintenance or repair of railroad track, bridges, roadway, signal and communication systems, electric traction systems, roadway facilities or roadway maintenance machinery on or near track or with the potential of fouling a track, and flagmen and watchmen/lookouts as defined in 49 Code of Federal Regulations § 214.7.

inspections or audits in other locations. If you have any questions, please contact me or Wendy Harris, Program Director.

cc: DOT Audit Liaison, OST/M1
FRA Audit Liaison, RCFO-50