



APTA RT-OP-S-010-03, Rev. 3

First Published: October 14, 2015

First Revision: July 26, 2004

Second Revision: October 6, 2016

Third Revision: February 28, 2023

Rail Transit Standards Operating Practices
Working Group

Contractors' Responsibility for Safety on the Right-of-Way

Abstract: This rail standard identifies a contractor's responsibilities for knowing, complying with and enforcing rail transit agency (RTA) guidelines, rules and procedures and should govern the activities of contractors performing work on or near the right-of-way.

Keywords: contractor, right-of-way, safety

Summary: This standard shall be applied whenever contractors or other persons perform any work on or near the RTA's ROW in order to assist in protecting themselves, their employees and subcontractors, passengers, RTA employees, and the public. It is the responsibility of every individual entering or working in close proximity to the RTA to follow all safety rules and procedures contained in this standard, to use caution, and to apply all safe work practices.

Scope and purpose: This rail standard governs any type of construction, engineering or maintenance work performed by contractors or other persons at any location on, over, under, adjacent to or in the vicinity of the RTA ROW. This standard also applies to RTA yards, passenger stations, tracks, substations and any other facilities (structures, maintenance shops, etc.), where contractors are performing any type of work close to moving rail vehicles or to the traction power distribution system. It is the intent of this standard to give contractors a basic understanding of the special conditions that exist in and around the RTA right-of-way and to identify the safety rules, procedures and other precautions that they (and their employees, subcontractors, etc.) should follow while working in that environment. This standard should be part of a unified RTA safety program and supplements the Special Conditions Section of any engineering, maintenance or construction contract. This standard is not intended to amend or supersede any applicable safety standards, design criteria or codes (municipal building codes, NFPA, etc.), federal regulations (OSHA, EPA, FRA), state oversight requirements, or RTA standard operating procedures.

This document represents a common viewpoint of those parties concerned with its provisions, namely transit operating/planning agencies, manufacturers, consultants, engineers and general interest groups. APTA standards are mandatory to the extent incorporated by an applicable statute or regulation. In some cases, federal and/or state regulations govern portions of a transit system's operations. In cases where there is a conflict or contradiction between an applicable law or regulation and this document, consult with a legal adviser to determine which document takes precedence.

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Introduction

This introduction is not part of APTA RT-OP-S-010-03, Rev. 3, "Contractors' Responsibility for Safety on the Right-of-Way."

This standard is intended to supplement other standards with the goal of providing a safe working environment to those working on or near the ROW. Other APTA standards address different aspects of safety on the ROW, and they should be reviewed concurrently with this document. For example, APTA RT-OP-S-016-11, "Roadway Worker Protection Requirements," provides requirements to protect workers from high-voltage, moving trains and/or on-track equipment. APTA RT-OP-S-004-03, "Work Zone Safety Practices," focuses on the work being performed within the work zone to ensure that workers are trained on the rules and procedures associated with the various work conditions and activities related to work on or near the ROW.

These safety practices, as with all other practices, require a formal program framework inclusive of the rules and procedures, training requirements, and compliance program requirements. APTA RT-OP-S-021-14, "On-Track Equipment Safety Requirements," contains detailed requirements for the design and operation of OTE. APTA RT-OP-S-020-13, "Rail Transit Track Allocation Program Requirements" establishes a requirement and framework for a formal process to request and grant access to perform work on or near the ROW. APTA RT-OP-RP-026-20, "Roadway Worker Near-Miss Reporting Requirements," provides a framework for developing an effective near-miss reporting program for RTAs to implement. In contrast, this standard provides requirements for the RTA to establish a contractor-specific guideline that describes safety requirements that apply to contractor activities on or near the ROW.

Note on alternate practices

Individual rail transit systems may modify the practices in this standard to accommodate their specific equipment and mode of operation. APTA recognizes that some rail transit systems may have unique operating environments that make strict compliance with every provision of this standard impossible. As a result, certain rail transit systems may need to implement the standards and practices herein in ways that are more or less restrictive than this document prescribes. A rail transit system may develop alternates to APTA standards so long as the alternates are based on a safe operating history and are described and documented in the system's safety program plan (or another document referenced in the system safety program plan).

Documentation of alternate practices shall:

- identify the specific APTA rail transit safety standard requirements that cannot be met;
- state why each of these requirements cannot be met;
- describe the alternate methods used; and
- describe and substantiate how the alternate methods do not compromise safety and provide a level of safety equivalent to the practices in the APTA safety standard (operating histories or hazard analysis findings may be used to substantiate this claim).

Contractors' Responsibility for Safety on the Right-of-Way

1. Overview

Safety on and along the right of way and throughout the rail transit agency (RTA) is a shared responsibility of both the RTA and any contractors who work in these areas. This standard defines rail transit agency (RTA) requirements for formalizing contractors' responsibilities for knowing, complying with and enforcing RTA contract scope of work, policies, plans, rules and procedures. These requirements shall govern the activities of contractors performing work on or near an RTA ROW.

2. Standard requirements

The RTA shall develop a standard set of requirements for how it ensures the safety and compliance (with the requirements of this standard) of contractors and subcontractors who may affect rail operations on or near the ROW.

Throughout this standard, the use of the term "contractor" shall include subcontractors and also any individual who may perform work on or near the ROW. The following provisions apply to contractors whose employees work on or near the ROW, but the RTA should determine how the provisions may also apply to those contractor employees whose work affects safety or efficiency of rail operations. The RTA shall require prime contractors to ensure that any subcontractors are held to the same standard requirements established herein and that the RTA has the ability to verify the contractor's compliance with the standard.

The RTA shall identify which department or departments are responsible for developing and maintaining the contractor safety requirements, documentation and guidelines.

The RTA shall establish requirements for inclusion of all contractor safety requirements in requests for proposals, contracts and other contractually required documentation.

The RTA shall determine how separate responsibilities for rail operations and maintenance, training, safety, procurement, contracting, and other departmental personnel shall coordinate in the development of the provisions of this standard.

2.1 Rules/procedures

The RTA shall establish requirements to ensure that contractors are obligated to understand and comply with the RTA scope of work, guidelines, rules and procedures. This includes the governance of the activities of contractors performing work such as an inspection, investigation, survey, design, construction, test, and/or any other activity on or near the ROW.

2.2 Coordination and interaction

The RTA shall require contractors to coordinate with RTA personnel as part of the project/scope of work that they are performing on or near the ROW.

The RTA shall specify how contractors interact with RTA personnel at the time of work being performed. Specifically, the RTA shall identify the following:

- when and how contractors are granted authorization to work on or near an RTA property
- the hours of work requirements that meet applicable RTA policy and procedures (e.g., compliance with the Track Allocation Standard, RTA ROW safety program, proper licensing, and/or permits)

When the RTA develops bid documentation for projects on or affecting the ROW or rail operations in general, the requirements of this standard shall be incorporated into procurement documentation.

The RTA may establish guidance for contractor responsibilities in relationship to interlocal agreements or memoranda of understanding that the RTA has established with other government agencies or transit agencies.

2.3 Personal protective equipment

The RTA shall identify the required minimum PPE for contractors who will work on or near the ROW. The RTA shall identify a means to verify and audit contractors for compliance with the required PPE. Examples of PPE include, but are not limited to, safety vests, hard toe boots, protective headwear, safety glasses and power-related PPE.

2.4 Training

The RTA shall do the following:

- Develop a documented training program for contractors working on or near an RTA's ROW.
- Determine if different levels of training are required based on the type of work the contractor is performing.
- Develop a documented training program with classroom or online curriculum.
- Determine if any specific job duties require field training in addition to classroom training.
- Require all contractors to complete RTA-established training, in accordance with the training program requirements.
- Establish testing and/or certification requirements.
- Retain records of all training performed for each contractor.

2.5 Compliance inspections

The RTA shall develop a formal program that outlines the consistent method of inspecting the contractors' compliance with RTA rules. The formal program shall include frequency and method in which the inspections are performed. The RTA shall develop a means of properly tracking and retaining records of inspections performed. The RTA shall determine how this is incorporated into the safety risk management element of its SMS program identified in its Public Transportation Agency Safety Plan.

In the contractor's scope of work, the RTA should consider including requirements for the collection of RTA-established compliance data.

For more information on compliance program structures, please see APTA RT-OP-S-011-10, "Rule Compliance Program Requirements."

2.6 Enforcement

The RTA shall develop/identify a means of enforcement of RTA policies, rules and procedures. The RTA shall develop/identify a means of timely action when a contractor fails to comply with RTA rules, policies and procedures. The RTA shall develop a means to record, track and maintain a record of violations and any corrective actions taken.

3. Guide for contractors

The RTA shall develop a contractor's guide that includes all applicable rules, procedures, training and requirements of the RTA while working on or near the ROW.

The purpose of this document is to notify contractors of the restrictions for working on or near the RTA ROW during day/night revenue hours, during nonrevenue hours and during adjustments to rail service.

The RTA shall identify a means to ensure that the contractor is in receipt of the guide prior to allowing access to the RTA property or property near the RTA.

Related APTA standards

APTA RT-OP-S-016-11, “Roadway Worker Protection Program Requirements”

APTA RT-OP-S-004-03, “Work Zone Safety Practices”

APTA RT-OP-S-021-14, “On-Track Equipment Safety Requirements”

APTA RT-OP-S-020-13, “Rail Transit Track Allocation Program Requirements”

APTA RT-OP-S-011-10, “Rule Compliance Program Requirements”

APTA RT-OP-RP-026-20, “Roadway Worker Near-Miss Reporting Requirements”

References

American National Standards Institute, ANSI/ISEA Z87.1, “American National Standard for Occupational and Educational Personal Eye and Face Protection Devices,” March 2020. <https://webstore.ansi.org/standards/isea/ansiiseaz872020>

Federal Highway Administration, “Manual on Uniform Traffic Control Devices,” May 2012. http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm

Definitions

contractor/consultant: The individuals, partnership, firm, corporation, joint venture or other entity identified in the contract, including the contractor’s own personnel and the personnel of any subcontractors.

roadway worker: Any employee of an RTA, or a contractor to an RTA, whose duties include inspection, construction, maintenance or repair of RTA 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 other personnel directly involved with their protection. Flag persons are considered wayside workers.

train: Any motorcar, locomotive or other self-propelled on-rail vehicle, with or without other cars coupled.

work zone: A section of track where train operations are temporarily restricted due to the presence of one or more roadway workers and that may be designated by the use of a temporary warning device.

Abbreviations and acronyms

| | |
|-------------|---|
| EPA | Environmental Protection Agency |
| FRA | Federal Railroad Administration |
| NFPA | National Fire Protection Association |
| OSHA | Occupational Safety and Health Administration |
| OTE | on-track equipment |
| PPE | personal protective equipment |
| ROW | right-of-way |
| RTA | rail transit agency |

Summary of document changes

- Document formatted to the new APTA standard format.
- Sections have been moved and renumbered.
- A “Note on Alterations” section was moved and renamed to “Note on alternative practices.”
- Scope and summary moved to the front page.
- Appendix deleted from text.
- Title changed from “Standard for Contractor’s Responsibility for Right of Way Safety” to “Contractors’ Responsibility for Safety on the Right-of-Way.”
- “Rail transit system” (RTS) was changed to “rail transit agency” (RTA).
- The introduction was expanded.

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Contractors' Responsibility for Safety on the Right-of-Way

- The “Coordination” and “Interaction with RTS Personnel” sections were combined to form the “Coordination and interaction” section.
- Two standards were added to “Related APTA Standards”:
 - “Rule Compliance Program Requirements” (APTA RT-OP-S-011-10)
 - “Roadway Worker Near-Miss Reporting Requirements,” (APTA RT-OP-RP-026-20)
- The “Acronyms” section was updated.

Document history

| Document Version | Working Group Vote | Public Comment/ Technical Oversight | Rail CEO Approval | Policy & Planning Approval | Publish Date |
|-------------------------|---------------------------|--|--------------------------|---------------------------------------|---------------------|
| First published | Feb. 14, 2003 | — | May 23, 2003 | Sept. 28, 2003 | Sept. 28, 2003 |
| First revision | — | — | — | — | July 26, 2004 |
| Second revision | Oct. 14, 2015 | April 1, 2016 | May 19, 2016 | Sept. 30, 2016 | Oct. 6, 2016 |
| Third revision | June 28, 2022 | July 11, 2022 | Oct. 10, 2022 | Nov. 11, 2022 | Feb. 28, 2023 |