



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Oregon Occupational Safety & Health Division (OR-OSHA)

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George W. Lobb
Goldline International
PO Box 266062
Houston, TX 77207

Dear Mr. Lobb:

Your recent questions about fall protection for workers on rail cars are answered in this letter.

The issue of jurisdiction over rail cars once they leave the railroad line depends on where they finally sit. In most cases the jurisdiction would be ours, however, in some cases like port facilities or federal property, that might not be the case. Also, there are circumstances where the National Railway Safety Agency would have jurisdiction.

Normally a guard rail satisfies all fall protection requirements for people working from walkways or platforms. The OSHA standard for guard rails sets the height between 39 and 42 inches. This might vary depending on application and feasibility. The drawings you sent indicate that the guard rails on the stairs, platforms and walkways leading to the cars are in compliance. Your notes suggest that your platform systems makes the rail car guard rails unnecessary because it sits above the railings on the cars and the combined height is equal to or more than 42 inches. That is also indicated by one of the drawings. It appears that your system is the primary fall protection while the rail car guard rails then serve as the intermediate railing. If the result is same degree of protection, this arrangement would appear to meet the intent of the standard.

Regarding the use of harnesses, if your client can show a greater hazard by using them, they would not have to do so. They have the burden of proof.

For further information contact OR-OSHA, Technical section at (503)378-3272. You are also invited to see the OR-OSHA pages on the Internet at www.orosha.org.

Sincerely,

Marilyn K. Schuster, Manager
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