

May 8, 2003

Mike Russell
Tri-Met
4012 SE 17th Ave
Portland, OR 97202

Dear Mr. Russell:

Recently a question came up about the definition of "railway" as found in OAR 437-002-1910.302, Electrical. In researching the matter we discovered the attached letter from us to Tri-Met dated November 30, 1990.

We now rescind that letter and offer the following information.

The term "railway" as cited above does not include community rapid transit systems like Tri-Met except in those cases where you share track with a traditional railroad that is under the jurisdiction of the Federal Railroad Administration (FRA).

We consulted with OSHA and the FRA and take this position after finding that the FRA does not claim jurisdiction over your operations except as noted above. This interpretation is also necessitated because OSHA gave no hint in the preamble of Subdivision 2/S, Electrical as to its position on this issue.

The final impact here is that Subdivision 2/S, Electrical applies to all aspects of your organization otherwise covered by the standard except as noted above.

For further information contact Ron Preece at 1-503-378-3272. You're invited to see the OR-OSHA pages on the Internet at www.orosha.org.

Sincerely,

Marilyn K. Schuster, Manager
Standards & Technical Resources Section
Oregon Occupational Safety & Health Division