

## **Rail cellphone ban permanent March 28**

**The Federal Railroad Administration's ban on the use of cellphones and other electronic devices -- personal and carrier-issued -- becomes permanent Monday, March 28. The ban applies to all on-duty train crew members.**

### **Here are highlights of the permanent ban:**

- \* The ban prohibits the use of an electronic device -- whether personal or railroad supplied - - if it interferes with that employee's or another employee's performance of safety-related duties. This means while the train is moving, a member of the crew is on the ground or riding rolling equipment during switching, or any railroad employee is assisting in the preparation of the train for movement.
- \* While railroad-supplied electronic devices may not be used by the engineer while the train is moving, they may be used by the conductor for authorized business purposes in the cab if use does not interfere with performance of safety-related duties, a safety briefing is conducted that includes all crew members, and all crew members agree that it is safe to use the railroad-supplied electronic device.
- \* There is no exception for personal or medical emergencies, such as to check on an ill or injured family member.
- \* The ban includes use of personal global positioning service (GPS) devices.
- \* The use of calculators is permitted for determining formulas such as train stopping calculations or tons per operative brake.
- \* Stand-alone cameras (not part of a cellphone or other electronic device) are permitted to document a safety hazard or a violation of a rail safety law, regulation order, or standard. The camera must be turned off immediately after use. Stand-alone cameras may not be used by the engineer for the above purposes when the train is in motion.
- \* Crew members may use railroad-supplied multi-functional devices that include a camera for authorized business purposes as specified by the railroad in writing, and only after being approved by the FRA. An engineer is banned from using such a device when the train is in motion. The railroad-supplied device must be turned off immediately after use.
- \* Deadheading crews may use personal electronic devices when not in the cab of the controlling locomotive and such use does not compromise the safety of any operating employee or the safety duties of another operating employee. But when in the cab of the controlling locomotive, deadheading employees are prohibited from using any electronic devices; and they must be turned off and the earpiece must be removed.
- \* Personal medical devices such as hearing aids and blood sugar monitors may be used, but must be consistent with the railroad's standards for medical fitness for duty.
- \* A passenger train conductor or assistant conductor may use a railroad-supplied electronic or electrical device for an approved business purpose while on duty within the body of a passenger train or railroad business car. Use of the device shall not interfere with the responsibility to call or acknowledge any signal, inspect any passing train, or perform any

other safety-sensitive duty assigned under the railroad's operating rules and special instructions.

\* A passenger-train conductor or assistant conductor located inside the cab may use a GPS application or a railroad-supplied camera if the crew has held a safety briefing and all crewmembers have unanimously agreed that it is safe to use the device.

\* A passenger-train crewmember outside the cab of a locomotive may use a railroad-supplied camera to photograph a safety hazard if it is for an authorized business purpose and does not interfere with safety-related duties.

\* Railroads have the right to implement their own more stringent rules on the use of electronic devices; but railroads may not liberalize any provisions of the FRA permanent ban.

\* The ban does not subject engineers or conductors (when conductor certification is implemented) to revocation of their certification for a violation of the ban.

\* The FRA has authority under the law to subpoena cellphone records from a cellphone provider.

To read the FRA's final 40-page rule, click on the following link:

<http://edocket.access.gpo.gov:80/2010/2010-23916.htm>



# FRA Federal Regulations Concerning the Use of Electronic Devices

## 49 CFR Part 220 Subpart C

### General Prohibitions – §220.303

Railroad operating employees (Generally T & E employees - refer to 49 CFR §220.5 for complete definition) shall not use an electronic device if that use would interfere with their safety-related duties or safety-related duties of another railroad operating employee.

No individual in the cab of a controlling locomotive shall use an electronic device that would interfere with a railroad operating employee's performance of safety-related duties.

### Personal Electronic Devices – §220.305

### Railroad Supplied Electronic Devices – §220.307

#### Must be turned OFF with earpieces removed when:

- On a moving train
- Any member of the crew is on the ground
- Any member of the crew is riding equipment during a switching operation
- Any RR employee is assisting in the preparation of the train for movement

Note: A railroad supplied electronic device not being used for an authorized business purpose is subject to the provisions of *Use of Personal Electronic Devices* in this regulation.

#### May only be used for authorized business purposes which must be designated in writing by the railroad

A locomotive engineer operating the controls of a train may **NOT** use a device when –

- On a moving train
- Any crewmember is on the ground
- Any crewmember is riding equipment during a switching operation
- Any RR employee is assisting in the preparation of the train for movement

Use in a controlling cab (freight and passenger locomotives): Railroad operating employees shall **NOT** use a device unless-

- A safety briefing is held between all crewmembers; and
- All crew members agree it is safe to use the device

Use outside freight locomotive cabs is permitted if-

- The freight train crewmember is not fouling a track; and
- All crewmember agree it is safe to use the device

### Dead Head Status – §220.311

Use by Dead Heading employees **NOT** in the controlling locomotive:

- May use an electronic device only if the employee is not using the device in such a way that interferes with any railroad operating employee's personal safety or performance of safety-related duties.

Use by Dead Heading employees **IN** the controlling locomotive: Each electronic device must be turned OFF with earpieces removed when-

- On a moving train
- Any crewmember is on the ground (while any safety-related duty is being performed)
- Any crewmember is riding equipment during a switching operation
- Any RR employee is assisting in the preparation of the train for movement

### Exceptions to Subpart C Prohibitions – §220.309

(Must not interfere with any employee's performance of safety-related duties)

Use of a personal device to take a photograph of a safety hazard or a violation of rail safety law, regulation, order or standard, provided:

- Camera is stand-alone, unless device is provided by RR and used in accordance with written guidance
- Camera, unless otherwise permitted, is turned off immediately after documentation
- Crewmember using the device is other than the locomotive engineer on a moving train

(Refer to 49 CFR §220.307 regarding use of RR supplied devices to take photographs)

A Medical device consistent with RR standards for medical fitness for duty

Device is a stand-alone calculator used for authorized business purposes

Use of a device to conduct train or switching operations on a RR exempt under §220.9(b) when RR has fewer than 400,000 annual working hours

**This document is general guidance only. Refer to 49 CFR Part 220 Subpart C for complete regulatory text.**

**\* Railroad operating rules may implement more stringent requirements than this Federal regulation. \***