

MEMORANDUM

February 26, 2009

TO: ALL LOCAL CHAIRPERSONS
FROM: JOHN C. HANCOCK, GENERAL CHAIRMAN *JCH*
RE: CODE OF FEDERAL REGULATIONS (CFR)

The regulations of the Department of Transportation establishing the Federal Railroad Administration provide the framework for our working conditions. Many of the railroad rules are based on those regulations, but the regulations also outline standards for track structure, safety appliances on cars and locomotives, and other conditions. Although they are not always easy to read, sometimes those regulations can be very helpful in fighting to correct an unsafe condition or defending a member who has been charged with a rule violation. It is, therefore, important that our local chairmen know how to access these regulations and the interpretive material available from the FRA.

All the regulations can be found in the Code of Federal Regulations (CFR), which is divided into 50 "Titles". Title 49 establishes the Department of Transportation. Sections 100-185 of that title outline the regulations on the transportation of hazardous materials by air, ship, and rail, and provide the basis for our hazmat rules. Sections 200-299 contain the regulations for rail transportation in general.

The quickest access to the entire CFR is through the "E-CFR" website at <http://www.gpoaccess.gov/ecfr/>. From that page, use the drop-down menu to go to Title 49 and then choose the sections that you want to access.

In addition to the regulations themselves, the various agency websites can be useful resources. For example, the search mechanism on the FRA website (www.fra.dot.gov) allows you to look for interpretations of various regulations. And there is quick access to a number of manuals used by FRA inspectors in determining whether or not the railroad is in compliance. For example: <http://www.fra.dot.gov/us/content/1248> -- Motive Power & Equipment Compliance Manual; and <http://www.fra.dot.gov/us/content/460> -- Track Safety Standards Compliance Manual.

For hazmat questions, the Pipeline and Hazardous Materials Safety Administration website (www.phmsa.dot.gov) has a lot of information, including training materials that can be downloaded for education in your locals.

Finally, some safety issues may also be addressed by the Occupational Safety and Health Administration. As railroaders, we don't often think of this agency as holding jurisdiction over our safety. But, where the FRA has not taken jurisdiction, OSHA generally holds sway. Any safety condition that is away from the track -- for example, an electrical

problem in a locker room or missing handrails in stairwells – may be addressed by the OSHA regulations. These can be accessed through the E-CFR by going to Title 29, Section 1910 (General Industry).

If you would like help researching any specific questions, you are – as always – encouraged to give us a call.

YRH:gmt