

To: All Local Chairpersons
From: John Whitaker, General Chairman
Subject: EO-26

Attached hereto is a chart furnished by the FRA concerning Emergency order EO-26. It is an excellent short cut device for posting. I suggest that you make a copy and distribute in crew rooms. If you have access to a laminate machine, it would be good to cover in such and keep for your easy reference

From: Legislative Information [<mailto:utuleginfo@msn.com>]
Sent: Friday, March 18, 2011 2:12 PM
To: utuleginfo@msn.com
Subject: Part 220 Subpart C Chart

On March 28, 2011, Part 220 Subpart C – Electronic Devices will become effective. This subpart will nullify and replace the provisions of EO26. On this date all RISPC codes related to Part 220 Subpart C will be automatically turned on and will ready for use. Any non-compliance with the provisions of Subpart C should be documented as a Federal defect/violation as appropriate. An ROR code (H112) was added to RISPC to allow the recording of non-compliance related to railroad operating rules that go beyond the Federal regulations (see note 2).

Attached is a chart which illustrates significant portions of Part 220 Subpart C. This chart has been reviewed and approved for distribution to the rail industry. Feel free to distribute as you see fit.

Notes:

1. This chart was not designed to address all aspects of Subpart C. Please refer to the appropriate regulatory text for all subsections under Part 220 Subpart C. The regulatory text concerning Part 220 Subpart C can be found in the new teal CFRs. Additionally, the most recent Reg-Trieve update (First quarter 2011) has Subpart C incorporated in Part 220.
2. Subpart C establishes the minimum federal requirements for the use of electronic devices. Railroads may establish more stringent requirements and employees are to comply with those requirements accordingly.

Please let me know if you have any questions.

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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

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.

Railroad Supplied Electronic Devices – §220.307

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. ***