

“SAFETY TASK FORCE ALERT: ELECTRONIC DEVICE BAN

The Federal Railroad Administration's permanent ban on use of electronic devices, including cell phones, became effective March 28. Please make careful note of the following:

* In the event of a collision, derailment or fatality, one of the first actions taken by National Transportation Safety Board investigators is pull the phone records of all crew members involved.

* NTSB investigators ALSO pull the phone records of crew members on other trains in the area of the event, including the last train at that location, or any other person they think may even remotely shed light on the event being investigated.

* You don't have to be directly involved to have your phone records examined by NTSB investigators. The NTSB has authority under the law to demand these records from cell phone providers. These actions are taken because the NTSB considers distractions to be major contributors to collisions, derailments and fatalities, and the use of electronic devices, including cell phones, are considered a distraction. Moreover, a carrier's rule relating to the FRA ban on the use of electronic devices, including cell phones, may be more restrictive than the FRA regulations. It is thus essential you also be aware of your carrier's rules as they relate to the electronic device and cell phone ban. While the FRA does not permit carrier bans to be less restrictive than the FRA final rule on the ban, the FRA does permit carriers to have a more restrictive rule. The BLET cautions that the safest course of action for our members working in train service is to turn off your cell phone at the beginning of a shift and keep it off. Many of our members are taking a leadership role in reminding fellow crew members to turn off cell phones and other electronic devices. We understand many conductors and engineers are starting their shift by showing other crew members that they have turned off their phone. This is an outstanding way to promote safety through leadership, and we encourage each BLET member to be a leader in this effort. Highlights of the permanent ban on electronic devices and cell phones:

* 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 cell phone 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 cell phone records from a cell phone provider. To read the FRA's final 40-page rule imposing the permanent ban on electronic devices, including cell phones, click on the following link:
["http://edocket.access.gpo.gov:80/2010/2010-23916.htm"](http://edocket.access.gpo.gov:80/2010/2010-23916.htm)