

# FRA Electronic Device Use – Final Rule Highlights

**Notice:** Railroad rules may be more restrictive than the Federal provisions listed below. FRA inspectors will report to the railroad any violations of carrier rules they observe. More importantly, violations will be logged and may impact future rules. This notice is for your information, your job is dependent on following your railroads operating rules which may or may not change based on this new rule.

1. The Federal rule goes into effect March 26<sup>th</sup>, 2011.
2. Emergency order #26 remains in effect until that date.
3. The rule requires railroads to provide a written plan, instruction, and examination for affected employees on authorized use.
4. Railroad provided devices when used for personal (non-authorized) use become personal electronic devices for enforcement purposes. Authorized use of railroad provided devices must be put in writing by the railroads.
5. Engineers may not use any electronic device other than those part of the locomotive:
  - a. While the train is moving
  - b. A crew member is on the ground or riding rolling equipment
  - c. Any employee is preparing the train for movement. (Eg. Carmen or Mechanical)
6. Other employees may use a “railroad supplied” electronic device for an authorized use if:
  - a. It does not interfere with any operating employees performance of safety related duties
  - b. A safety briefing is conducted with all crew members.
  - c. All crew members agree that the use is safe.
7. Electronic device use is now permitted in deadhead status (including on trains) as long as it is not in the controlling cab and it does not interfere with safety related duties. Awaiting transportation (limbo time) is considered deadhead status under the federal definition of deadheading.
8. Medical electronic devices used for health reasons are permitted consistent with the railroads medical fitness for duty standards.
9. Personal use of GPS devices is prohibited.
10. Personal cameras can only be used under the following conditions:
  - a. It is a standalone camera and not part of multifunction device such as a cell phone, I-Pod, etc.
  - b. Use is not on a moving train.
  - c. The photo taken is of a safety hazard or law/regulation violation.
  - d. It is turned off immediately after use.
  - e. It is not used to take videos.
11. FRA dropped the provision that electronic devices can only be used for “voice” communication, so texting is now permissible under the regulation subject to the same restrictions as other devices.
12. Calculators may be used for authorized business purposes.
13. Devices with digital storage may be used to access rules, timetables, special instructions, directives, etc.

Railroads tried to get access to employee’s personal phone records in decertifiable events but were denied in this rulemaking. Be aware that failure to adhere to federal and carrier rules combined with a high profile accident as happened at Chatsworth, CA will give FRA reason to grant this type of access in the future. Please use cell phones responsibly. **FRA still has subpoena power to access your phone records and will. Particularly where an accident exceeds the dollar amount reportable or a fatality is involved. Don’t put your career at risk.**

FRA declined to allow cell phone use exceptions for personal emergencies in this rulemaking on the premise that railroads have the ability to notify employees of emergencies at work. This may be an area we can get future leniency in rules if it can be proved the railroads are failing to timely notify employees of emergencies at home. Please report failures or untimely notifications to your Division LR.

FRA declined to make electronic device violations a decertifiable event in this rulemaking. Any big accident involving violations may make them change their position on this. Please use cell phones responsibly.

*NESLB-BLET, 01/27/2011*