

DATE: December 5, 2006

TO: D. M. Arterburn, Legislative Representative, Local #1313
United Transportation Union
Amarillo, TX

FROM: Rob Castiglione, Deputy Regional Administrator, FRA
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Concurrence at FRA Headquarters – Washington, DC:

Operating Practices Division
Douglas Taylor, OP Staff Director
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SUBJECT: Blue Signal Protection

The following answers to your questions concerning whether blue signal protection is required are as follows:

At locations other than crew change points: Crew member(s) of train A instructed to assist crew member(s) of train B for any purpose which would require crew member(s) of train A to go on, under, or between the rolling equipment of train B.
Note: Including working on ETD -- replacing, arming, and/or battery change.

Answer: At any location, a crew member from train A may attach him/herself to assist the crew of train B as a utility employee provided his/her work with train A is completed. The scope of the utility employee's work is limited to the following "six holy things": setting or releasing hand brakes; coupling or uncoupling air hoses and other electrical or mechanical connections; preparing rail cars for coupling; setting wheel blocks or wheel chains; conducting air brake tests to include cutting air brake components in or out and positioning retaining valves; and inspecting, testing, installing, removing or replacing a rear end marking device or end of train device. (*See 49 CFR Part 218.22 for additional utility employee conditions regarding communication, position of engineer, etc.*)

Concerning ETD battery changeouts, regularly assigned crewmembers may

replace the ETD battery but only on equipment they are called to operate. A utility employee, however, may not replace a battery, since this is not one of the “six holy things” permitted under Part 218.22. Exception: BNSF, CP, and UP have a waiver to permit properly attached utility employees to replace a battery on an ETD, but only if these employees are from the T&E ranks.

At crew change points: After a crew change, inbound crew member(s) instructed to assist outbound crew member(s) for any purpose, which would require inbound crew member(s) to go on, under, or between the rolling equipment that is controlled by the outbound crew. *Note:* Including working on ETD – replacing, arming, and/or battery change.

Answer: See Answer 1.

At any location: Crew members of train A instructed to assist crew members of train B by shoving train B up a hill that of which would require crew members of train A to go on, under, or between the rolling equipment of train B.

Answer: this is a simple matter of one entire crew, including the locomotive, assisting another entire crew, which has always been FRA’s traditional position on situations of this type. In essence, the train to be shoved becomes equipment that both crews are called to operate. Equipment that a crew is “called to operate” means rolling equipment, as defined in Part 218.5 (i.e., locomotives and railroad cars), that they are handling, or will handle, as in couple to and/or move, as an operating crew. The two crews must be in communication with each other and both crews must understand the moves to be made. It is therefore a non-blue signal and non-utility employee issue.

At any location: Crew members of train A instructed to assist crew members of train B by pulling train B up a hill that of which would require members of train A or train B to go on, under, or between the rolling equipment of the other respective train.

Answer: See Answer 3.

At a yard location: Members of yard crew A instructed to place a fill on or remove cut outs from train B (crewed) which would require member(s) of yard crew A to go on, under, or between the rolling equipment of train B.

Answer: See Answer 3.

At a yard location: Members of yard crew A are instructed to place a fill on or remove cut outs from train B (non crewed) which would require member(s) of yard crew A to go on, under, or between the rolling equipment of train B.

Answer: similar to Answer 3, except that arrangements must be made by the person giving the instructions to ensure either that the equipment will not move, or that if another crew will handle the same equipment, that each crew is notified of the other and that they will be handling the same equipment.

At any location: Member(s) of yard crew A or road crew B instructed to cross through standing train C (crewed) for any purpose which would require the member(s) of yard crew A or road crew B to go on, under, or between the rolling equipment of train C.

Answer: Blue signal protection is not required, whether crewed or non-crewed. Railroad operating and safety rules address this issue.

At any location: Member(s) of yard crew A or road crew B instructed to cross through standing train C (non crewed) for any purpose which would require the member(s) to yard crew A or road crew B to go on, under, or between the rolling equipment of train C.

Answer: See Answer 7.

9) And on an ending note, when this issue was initially brought to the attention of FRA back in August of this year, it was the opinion of the BNSF rules department, as relayed to me, that certain train events could be classified as emergency events and therefore would not require Blue signal protection for crew assisting another crew.

This therefore begs the question, how exactly does FRA define “emergency” and what examples of events might FRA describe that would preclude the requirement of Blue signal protection?

The only situation I can imagine in the instant that would warrant a classification of an emergency situation, would be when a train was left standing, fouling a public road crossing and emergency vehicles were attempting to cross the track. Would this not be correct?

Answer: out on the line of road, FRA considers a bonafide emergency to be a

situation whereby a train has become disabled, such as a break-in-two (caused by a broken knuckle or drawbar), or dragging brake rigging, and requires the assistance of others (either mechanical department employees or other T&E crews) without the capability of displaying blue signals. The assisting employees would be required to follow the provisions of Part 218.25(c) while engaged in the repairs, such as replacing a knuckle, chaining up a drawbar, or securing brake rigging, etc. Another example would be a shifted load, where the car had to be set out. FRA would likely not take exception to a crewmember from another train assisting in this regard. FRA would view each of these situations on a case-by-case basis.

Concerning blocked crossings, the mere fact that a train is stopped by an emergency application of the air brakes, or for other reasons, such as a stop signal, and a crossing is blocked, does not, in and of itself, constitute an emergency. However, once again, these situations must always necessarily be viewed on a case-by-case basis. For example, in the event an emergency vehicle was attempting to cross, FRA, under these circumstances, likely would not take exception if a crewmember from another train assisted the standing train in cutting the crossing. The emergency procedures in Part 218.25(c) would, of course, still need to be followed.

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