

# Regional Training Seminar

Safety and Legislative Representative Training Course



A large part of being an effective LR is getting people to talk with you. Here are some basic tips to become the person people share information with.



Know when to stop talking. Listen to what the other person is saying.

Take a mental moment to process what it means from their perspective.

You don't always need to solve their problem, sometimes just listening is enough and appreciated.



Ask a follow up question about something the other person shared. This should be done at a natural pause in the conversation, not as an interruption.



Keep an eye on body language.

Feet pointed away from you, they want to end the conversation and leave, for example.



Verbal cues can tell you when to end the conversation or change the subject.



Share something personal about yourself if you want the other person to feel comfortable enough to share with you.



Try to be relaxed. If you are tense, you'll make the other person tense.



If able, do some research on the person you are meeting. For example, if meeting with a company official known for a big ego, play into it.

Meeting with a Rep or Senator, look up their most recent social media posts and what bills they are chief authors of.

Get to know the members in your Local and what their interests are.



These skills are natural for a rare selection of individuals.

Most of us need to work at it.

You will be surprised at the results.



When in doubt, trust your instincts.

Less is more.



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## Focus of Day One-

We're going to give you the tools and resources every Local Safety and Legislative Rep needs.

Remember to make the job your own!



**Apple** 



**Smart App** 

**Android** 





#### **SMART-TD Member Portal**





**Apple** 



**FRA HOS App** 

**Android** 



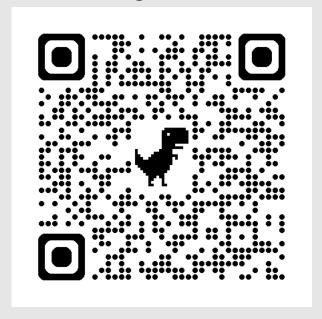


#### **National Mediation Board**





#### **FRA Safety Data Portal**





#### **Transportation Trades Dept**





#### **Electronic CFR**



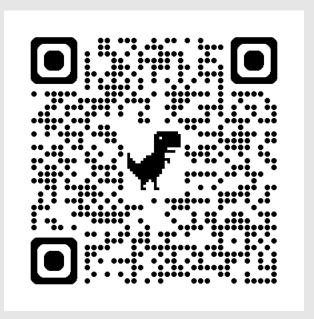


### **Apple**



#### **Electronic CFR App**

#### **Android**





#### **OSHA**





#### **Surface Transportation Board**



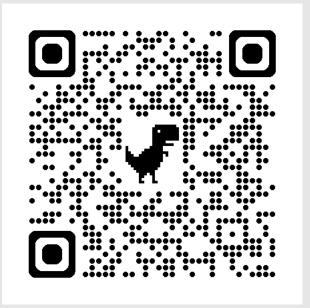


**Apple** 



**PATT App** 

**Android** 





### **Bookmarks**

#### Look up the following websites in your state-

- Senate
- House
- Governor
- DOT
- DOL

\*\*Your state may have one website directing you to all branches and departments\*\*



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Deputy National Safety and Legislative Director
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There are many components to this. That's why you're at this training.

Ultimately, be governed by the SMART Constitution and your State Board.

Here are a few pointers to get you going-

Know your place in the Local and your duties under the

**SMART Constitution.** 



Three major sides of the Legislative Rep job-

**Safety** 

**Political** 

Regulatory

You don't need to be an expert in all of these, but someone in your Local has to cover it if you don't.

**Utilize your A-LR** 

Spread out the workload



Build out a network of "spies" or "allies"

You can't do it all on your own. Consider adding Vice Safety and Legislative Reps.

Find members or officers who can report on safety conditions at locations you don't normally see in the course of working your normal assignment. (Industries, multiple AFHT)

Other members may be tied into social media and tuned into the personal aspects of your Local.

You may have a political junkie in your Local who can help.



**Recommended Practice-**

If you are off Union Business and have extra time that day, do a yard, industry, and facility audit.

This is a good opportunity to see for yourself what is going on with your property.

You can also check on the status of safety complaints.



Monthly Safety and Legislative Report to your Local- great tool for you to use.

This is a requirement under Section 66 of the SMART-TD Constitution-

"They (LRs) shall report to their Locals regarding the handling of all alleged unsafe or unsanitary working conditions found to exist, or reported to them, within their jurisdiction."

Helps the Secretary keep good and accurate minutes.

We have a sample template for you to use.





Monthly Legislative Department Report for Local \_\_\_\_\_508

Calls, emails, letters, communications with carrier/SLB/other

3 phone conversations with the state director about drinking water shortage for road crews. 2 emails with the Superintendent on the same subject.

The national office sent an email about railroad retirement and I have it printed for anyone who wants to read it.

Local safety report- Ongoing and resolved issues

The south #4 switch in the yard was finally replaced. #5 switch was lubricated. Let me know if you have any more problems with it.

Legislative Report- State and Federal

The State Director got Senator Johnson to introduce a bill establishing crew van safety standards. Stay tuned for more updates or legislative action requests over the next couple weeks.

No new updates on the Federal side

Regulatory Update- FRA, State DOT, etc.

FRA is in turmoil but the local inspectors are still in place.

The two-person crew lawsuit filed by the carriers hasn't gone anywhere yet.

Submitted by, (print	name)
(Signature)	
Local	Legislative Representative







Monthly Legislative Department Report for Local _	508

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(2. <u>g.</u> )	
Local	Legislative Representative





Safety-

Report, document, repeat.

Encourage other members to actively report safety issues to you. This doesn't replace their requirement to notify the carrier, but will keep you looped in.

The same is true for you. Report what is happening in your Local and on your property to your SLD.



#### Safety reporting fatigue is a thing!

This happens when the same issue doesn't get resolved and the members (or you) essentially give up and accept it as the new normal.

Brush, weeds, train lineups, snow removal, bad walking conditions, debris in the yard, etc.

What else is common?



Safety reporting fatigue is a thing. How do we overcome it?

Get your SLD involved. Escalate to higher level carrier officers.

Keep reporting it- squeaky wheel gets the grease.

Consider a quarterly update letter to the carrier placing them on notice of all outstanding safety issues.

Send a seasonally proactive letter to the carrier. (February- when is the brush cutter coming this year?)

Coordinate with your SLD.



Safety reporting fatigue is a thing. How do we overcome it? How do we get the members to overcome it?

Praise any member willing to take the time to report something to you, no matter how big/small/relevant it may be. This will encourage them to keep reporting!

Keep the members updated on your progress.

Recognize as LRs we can only do so much. Ultimately, if we can't get the carriers to fix the problem, we can document the hell out of it for a future (god forbid) FELA case.



We can also legislate a solution.

Crew van laws, walkway standards, lighting standards, brush/vegetation laws, etc.

Keep in contact with your SLD and provide them with ideas for state laws.



Someone in your Local needs to look after the health and welfare of the members. Why not you?

Be the backbone of decency in your Local. Lead by example.

Welcome all new members and make yourself approachable.

Be a mentor to all members, but especially those with less than 2 years.



Social Media. This is a tough one.

As the LR, whatever you post needs to be factual and should not be divisive.

Avoid getting down in the mud with the keyboard warriors. Maintain your integrity.

Keep it clean and classy. You never know who will be looking into your background.



Politics aren't just in government. Your Local may have internal political issues.

Stay above it. You represent everyone in the Local.

There are two "lanes" within our organization. Legislative and Bargaining.

Anything to do with the contract is NOT in your lane.

Stay in your lane.



Learn and know how to reference the SMART Constitution.

OWN YOUR POSITION! You are the safety rep for your Local.

Work with the other officers in your Local and support them in their duties.

Log into SMART University and learn how to use it as a resource.



Be active with your State Legislative Board.

Keep in contact with your SLD.



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Create a filing system that is searchable and standardized for your Local and State Board.

Implement a system mirroring what the International uses so they can assist if necessary.

All documents created will be backed up and stored on your computer and cloud.

Anticipate future needs and create a database that is lasting and impactful.

Whatever you decide, be consistent.



Format-

Year.month.day\_Local/entity\_title of file\_draft/final (if applicable)

Example:

2025.06.13\_RTSDenver\_background checks on class\_final



**Entity Examples-**

**Local Number** 

Railroad Name

Elected Official Office Elected Official Name

Government Agency\_Position\_Name of Person

CO SLB

CO SLD Smith

SMART-TD International\_office\_person



Give yourself a chance down the road when you need to pull up an old file.

Set up your successor with easy access to the history of safety in your Local.

Questions?



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### **Conduct**

Always be honest

Don't exaggerate

Keep it clean and to the point

Give everyone their space

Be aware and respectful of the diversity of others

\*\*Diversity is not a bad word.

It just means not everyone is a railroader and we need to at least act like we're housebroken when in public.\*\*



As Legislative Reps, we set our own standards within the framework of the SMART Constitution.

Much of what we do is interpretive and ambiguous.



Ethics: Moral principles that govern a person's behavior or the conducting of an activity.

Morals: Concerned with the principles of right and wrong behavior and the goodness or badness of human character.



Your integrity must be impeccable or you will lose all credibility.

This applies to your dealings with the carrier, elected officials, regulators, and your Local.

Once you lose it, it is very slow to grow back.



Stick to hard facts.

Be concise.

Do not exaggerate.

Follow these guidelines and you will do well!



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Apply what we've been learning-

Plan your appearance Prepare yourself to listen and communicate

Have a plan. Coordinate with your SLD



Learn the rules-

What is ok to discuss at the Capitol may be different than what you discuss at a fundraiser.

Know your states campaign finance laws (or consult your SLD)



If you are asked a question and you don't know the answer, say you will get back to them.

\*\*\*Get back to them ASAP!\*\*\*

Get to know legislative staffers. They are the key to getting meetings and intel.



Embrace who you are. No one else does your job. You ARE the expert.

The insight you can provide from your own experience is our major advantage over contract lobbyists.





Keep it clean and classy.

Beware the open bar. Have a plan.



Be factual. Don't exaggerate. Be prepared to back up your claims.

Remember, not everyone speaks railroad jargon. Use plain and concise language.



Be aware of the room and the diversity within it.

Remember your manners. Treat everyone with respect.



Give everyone their space.

No close talkers!



**BE HONEST!** 

BE FACTUAL!

Integrity and Reputation take a long time to grow back.



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As a Legislative Rep, you should seek out an equivalent level officer of the carrier to interact with.

This typically means a Superintendent or one level down from general manager or vice president.

Assistant Trainmasters, Trainmasters, and Assistant Superintendents may be used as tools in the right scenario, but are beneath your office in official dealings.



Carriers have done a great job of bogging us down in their bureaucracy. By dealing with underlings, we allow them to filter our issues and change the narrative before it gets to anyone accountable or capable of making change.

Find the checkbook! The person controlling the budget can make the decisions.



The checkbook may be in a different department. Get to know the heads of Mechanical, Signals, and MOW.

We've found success bringing issues straight to them and cutting transportation managers out of the process.



Be honest

Be factual

Avoid threats. If we are bringing a complaint to FRA, they don't need to know in advance.



Work on relationships. Sometimes the difference in getting one of our goals accomplished or not is a positive professional relationship with a carrier officer.

This is easier said than done and depends on the person you are dealing with.

Do your best and don't stoop to their level.



# **Dealing with the Carrier**

Communications with the carrier-

Preserve all correspondence.

Follow up verbal with written. (following up on our phone call about hard to throw switches, let me know when #2 is fixed)

CC another officer (Vice SLR is a good choice) on all communications.



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No matter what you believe personally, your duty as an LR is to represent the best interests of your fellow railroad workers.

This means keeping an open mind about who can help you reach your goals.



Follow multiple news outlets with different viewpoints.

Find an international news feed to follow.

Reset your phone's news app monthly so the software doesn't keep feeding you similar stories.



Know who owns the media you're consuming.

AAR sponsored periodicals like *Trains* or *Railway Age* carry a heavy slant in the carrier's favor.



None of this means you have to abandon your personal views.

Those are yours, but they MUST be put aside when it comes to rail labor priorities.



Sift through what is being said and focus on what is being done.

The new normal is to chase sensational headlines. Headlines don't change policy, official action does.

Keep in touch with your SLD. We're human and may miss something.



SMART-TD Newswire is a good resource. They provide links for you to learn more about what is being reported.

They delve into subjects large media outlets leave out.



# Keep an open mind



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What should we expect out of FRA?

Who should be reporting from our organization?

When should we call our local inspectors?

How should we report to FRA? Calls? Emails? Online Portal?

What does FRA need/want from us?



We should expect FRA to adhere to the letter of the CFR, nothing more.

Railroads only care about FRA inspections or violations when they disrupt the operation. For example, mechanical inspectors bad ordering your engines or entire trains.

FRA can be political. The DC office is run by folks appointed by the administration and they assign the fines. Inspectors are generally not political but can be overruled by their supervisor.



The old FRA is long gone. There is not a switch that can be flipped to bring it back.

There are really good people working at FRA who believe in safety and know what the railroads are up to. They will do everything they can to help.

FRA moves at the speed of government.



Building and maintaining relationships with our local inspectors is important. It is also important to speak with a united voice.

Coordinate with your SLD on how your Board files complaints.

Often, we are having the same issue in multiple Locals at the same time and linking the complaints together makes a stronger case.



When should we call in the local inspectors? Great question. There is not a hard and fast answer to this.

Ultimately, we want the unsafe practice corrected and stopped, we don't care how.

If it's possible to get it resolved without FRA, do it.

Repeat offense? Call FRA in to audit.

Thoughts?



As a state board, you need to decide how to communicate with FRA.

Historically, a phone call or email with an inspector could generate a complaint and result in a violation with closeout letter. Now, everything demanding a response must go through the FRA website.

This was designed to diminish relationships between us and our inspectors/specialists.

Website only and then call the inspector as a courtesy heads up is recommended.



When we communicate with FRA, keep it short and to the point. Omit details relating to CBAs or unregulated issues.

Inspectors appreciate invites to speak at our Local meetings.

Don't cry wolf.



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# The Quiz

We've given you tools and pointers, now let's make sure you know how to use them.

Answer what you can from memory. You don't have to know it all, but you should know where to look.

Pull out your phone and look up what you need to.



# The Quiz

Name the two US Senators from your State

What Congressional district do you live in? Who is your Congressperson?

What State Senate district do you live in? Who is your State Senator?

What is the name of your State Representative? What district?

Who is the Mayor of your City, Town, or Village?

Who is the Speaker of your State House?

Who is the leader of your State Senate?

Bonus!\*\* Name your Attorney General, Chief Justice, and State Auditor\*\*



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#### What we will discuss:

- Navigating the FRA regulations electronic Code of Regulations (eCFR)
- FRA Guidance Manuals
- PHMSA Special Permits
- Can you find the regulation?

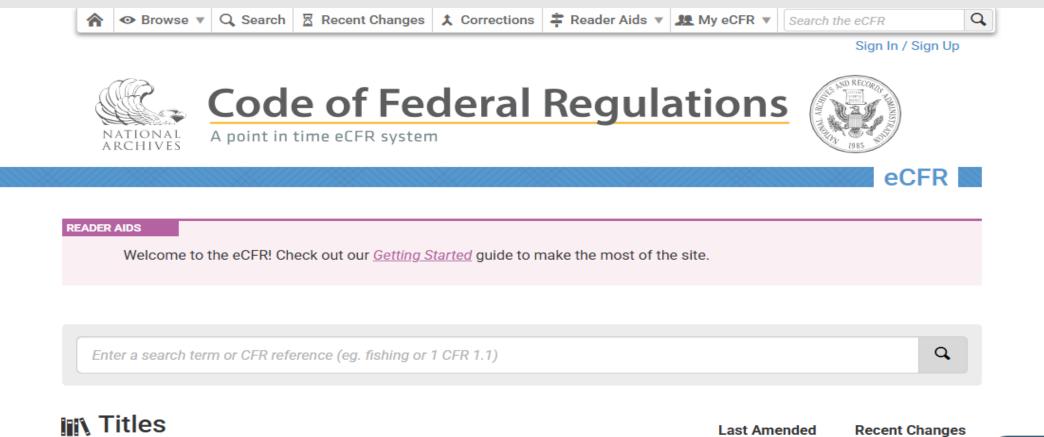
#### 95

Site Feedback

Dec 29, 2022

# Navigating eCFR: \*\*\*\*\*\*\*\*.ecfr.gov

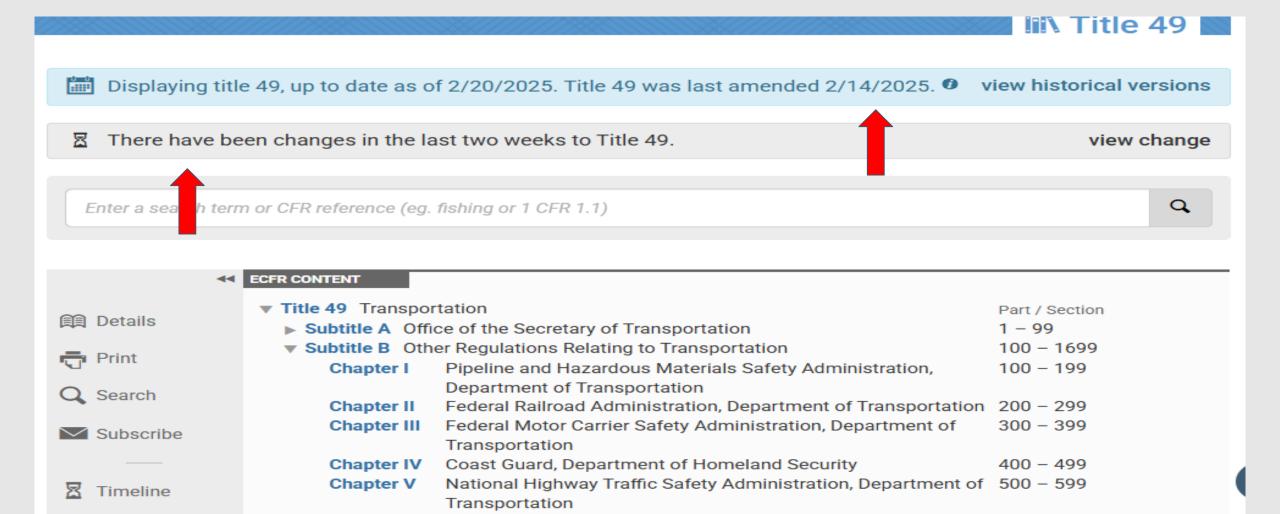
Title 1 :: General Provisions



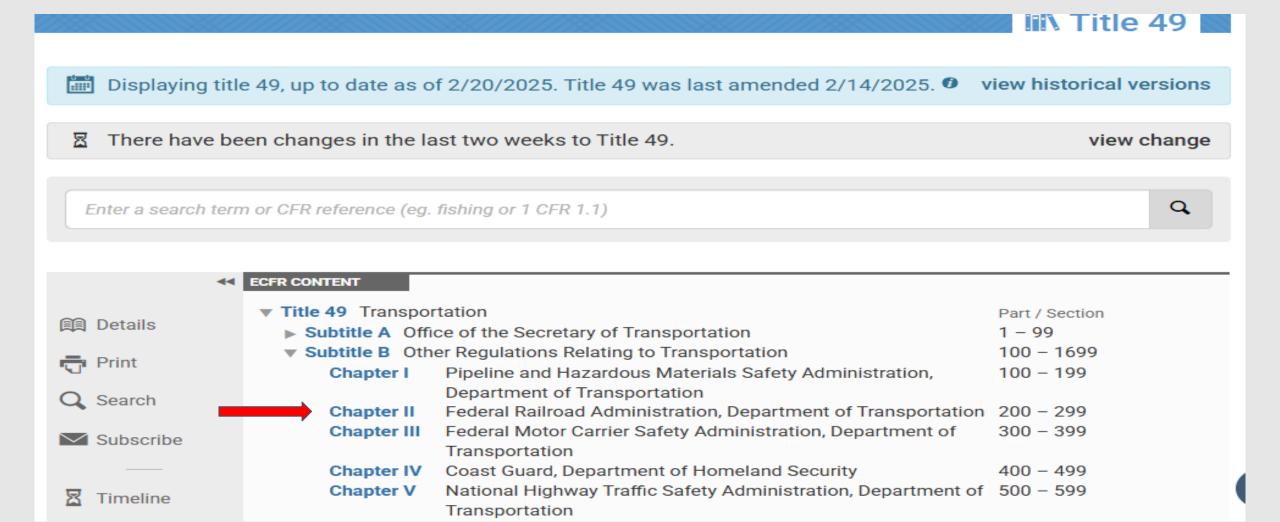
# **Select Title 49: Transportation**

Title 36 :: Parks, Forests, and Public Property	Feb 20, 2025	view changes
Title 37 :: Patents, Trademarks, and Copyrights	Jan 27, 2025	view changes
Title 38 :: Pensions, Bonuses, and Veterans' Relief	Feb 11, 2025	view changes
Title 39 :: Postal Service	Feb 10, 2025	view changes
Title 40 :: Protection of Environment	Feb 20, 2025	view changes
Title 41 :: Public Contracts and Property Management	Jan 21, 2025	view changes
Title 42 :: Public Health	Feb 19, 2025	view changes
Title 43 :: Public Lands: Interior	Feb 10, 2025	view changes
Title 44 :: Emergency Management and Assistance	Dec 31, 2024	view changes
Title 45 :: Public Welfare	Feb 19, 2025	view changes
Title 46 :: Shipping	Feb 19, 2025	view changes
Title 47 :: Telecommunication	Feb 20, 2025	view changes
Title 48 :: Federal Acquisition Regulations System	Jan 31, 2025	view changes
Title 49 :: Transportation	Feb 14, 2025	view changes
Title 50 :: Wildlife and Fisheries	Feb 18, 2025	view changes

# eCFR will tell you if changes have been made:



# Select Chapter II for FRA regulations:



# Select a CFR:

	Details
	Print
Q	Search
$\leq$	Subscribe
図	Timeline
::::::	Go to Date
	Published Edition
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Title 49 Transpor	rtation	Part / Section
▼ Subtitle B Other	er Regulations Relating to Transportation	100 – 1699
▼ Chapter II F	ederal Railroad Administration, Department of Transportation	200 - 299
▶ Part 200	Informal Rules of Practice for Passenger Service	200.1 - 200.13
Part 201 [	[Reserved]	
▶ Part 207	Railroad Police Officers	207.1 - 207.7
▶ Part 209	Railroad Safety Enforcement Procedures	209.1 - 209.501
▶ Part 210	Railroad Noise Emission Compliance Regulations	210.1 - 210.33
▶ Part 211	Rules of Practice	211.1 - 211.77
▶ Part 212	State Safety Participation Regulations	212.1 - 212.235
▶ Part 213	Track Safety Standards	213.1 - 213.369
▶ Part 214	Railroad Workplace Safety	214.1 - 214.533
▶ Part 215	Railroad Freight Car Safety Standards	215.1 - 215.421
▶ Part 216	Special Notice and Emergency Order Procedures: Railroad	216.1 - 216.27
	Track, Locomotive and Equipment	
▶ Part 217	Railroad Operating Rules	217.1 - 217.13
▶ Part 218	Railroad Operating Practices	218.1 - 218.137
▶ Part 219	Control of Alcohol and Drug Use	219.1 - 219.1007
▶ Part 220	Railroad Communications	220.1 - 220.315
▶ Part 221	Rear End Marking Device—Passenger, Commuter and Freight	221.1 - 221.17
	<b>—</b> .	

# Click the gray arrow to see a drop down:

@ Dataila	▼ Title 49 Transportation	Part / Section
🕮 Details	▼ Subtitle B Other Regulations Relating to Transportation	100 – 1699
- Drint	▼ Chapter II Federal Railroad Administration, Department of Transportation	200 – 299
Print	▶ Part 200 Informal Rules of Practice for Passenger Service	200.1 – 200.13
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Q Search	▶ Part 207 Railroad Police Officers	207.1 – 207.7
	▶ Part 209 Railroad Safety Enforcement Procedures	209.1 – 209.501
Subscribe	▶ Part 210 Railroad Noise Emission Compliance Regulations	210.1 – 210.33
	▶ Part 211 Rules of Practice	211.1 – 211.77
<b>-</b>	▶ Part 212 State Safety Participation Regulations	212.1 - 212.235
	► Part 213 Track Safety Standards	213.1 - 213.369
aturts	► Part 214 Railroad Workplace Safety	214.1 - 214.533
Go to Date	▶ Part 215 Railroad Freight Car Safety Standards	215.1 - 215.421
	▶ Part 216 Special Notice and Emergency Order Procedures: Railroad	216.1 - 216.27
Published	Track, Locomotive and Equipment	
Edition	► Part 217 Railroad Operating Rules	217.1 - 217.13
	► Part 218 Railroad Operating Practices	218.1 - 218.137
	▶ Part 219 Control of Alcohol and Drug Use	219.1 - 219.1007
>= Developer	▶ Part 220 Railroad Communications	220.1 - 220.315
7 Tools	► Part 221 Rear End Marking Device—Passenger, Commuter and Freight	221.1 - 221.17
	Trains	

# Click on Subpart G:

▼ Part 218 Rai	Iroad Operating Practices	218.1 - 218.137
Subpart A	General	218.1 - 218.11
Subpart B	Blue Signal Protection of Workers	218.21 - 218.30
Subpart C	Protection of Trains and Locomotives	218.31 - 218.41
Subpart D	Prohibition Against Tampering With Safety Devices	218.51 - 218.61
Subpart E	Protection of Occupied Camp Cars	218.71 - 218.80
Subpart F	Handling Equipment, Switches, and Fixed Derails	218.91 - 218.109
Subpart G	Train Crew Size Safety Requirements	218.121 - 218.137

# Clicking on the **BOLD** Subpart G will expand the Subpart:

218.1 - 218.137▼ Part 218 Railroad Operating Practices ▼ Subpart G Train Crew Size Safety Requirements 218.121 - 218.137 § 218.121 Purpose and scope. § 218.123 General train crew size safety requirements. § 218.125 Specific passenger and tourist train operation exceptions to crew size safety requirements. § 218.127 Specific freight train exceptions to crew size safety requirements. § 218.129 Conditional exceptions based on compliance dates for Class II and III legacy freight train operations, certain other Class II and III freight railroad train operations, work train operations, helper service train operations, and lite locomotive train operations staffed with a one-person train crew. § 218.131 Special approval petition requirements for train operations staffed with a oneperson train crew. § 218.133 Risk assessment content and procedures. § 218.135 Special approval procedure.

§ 218.137 Annual railroad responsibilities after receipt of special approval.

# Subpart 'Title':

▼ Part 218 Rail	road Operating Practices	218.1 – 218.137
Subpart A	General	218.1 - 218.11
Subpart B	Blue Signal Protection of Workers	218.21 - 218.30
Subpart C	Protection of Trains and Locomotives	218.31 - 218.41
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Subpart E	Protection of Occupied Camp Cars	218.71 - 218.80
Subpart F	Handling Equation ment, Switches, and Fixed Derails	218.91 - 218.109
Subpart G	Train Crew Size Safety Requirements	218.121 - 218.137

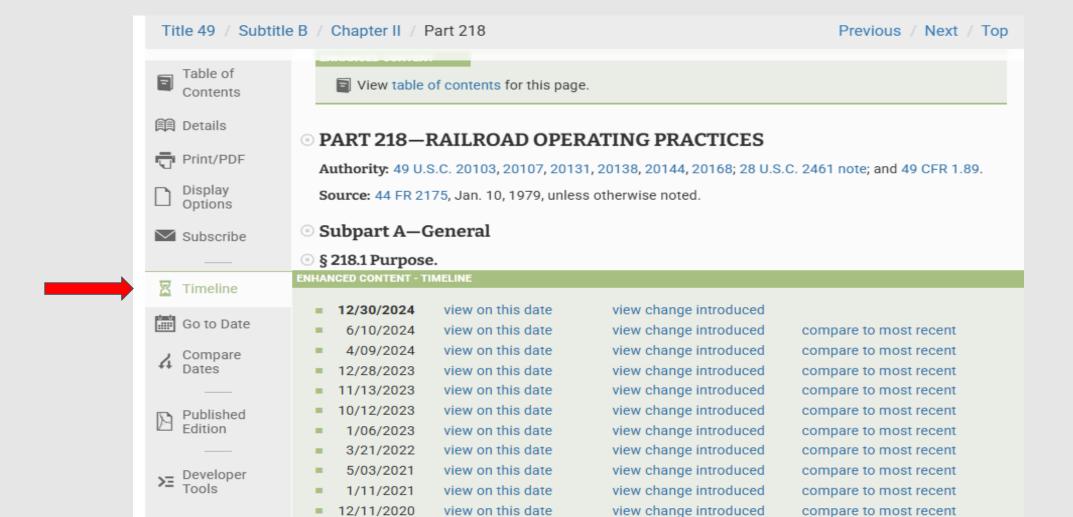
# Clicking on the Subpart's Title will expand the entire Subpart:

Subpart G—Train Crew Size Safety Requirements

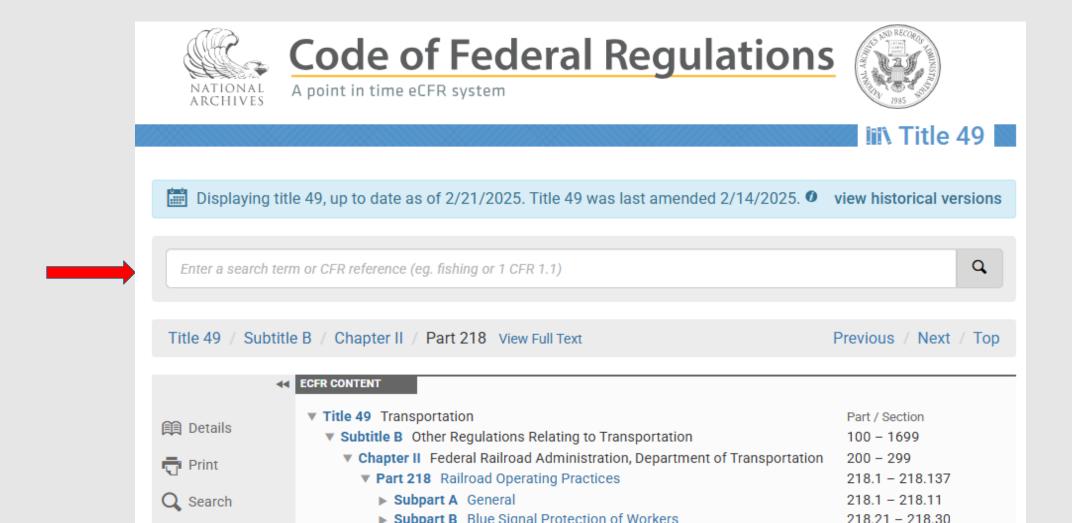
Source: 89 FR 25109, Apr. 9, 2024, unless otherwise noted.

- § 218.121 Purpose and scope.
  - (a) The purpose of this subpart is to ensure that each train is adequately staffed and has appropriate safeguards in place for safe train operations under all operating conditions.
  - (b) This subpart prescribes minimum requirements for the size of different train crews depending on the type of operation and operating conditions. The minimum crew size requirements reflect the safety risks posed to railroad employees, the public, and the environment. This subpart also prescribes minimum requirements for the location of a second crewmember on a moving train and promotes safe and effective teamwork. Each railroad may prescribe additional or more stringent requirements in its operating rules, timetables, timetable special instructions, and other instructions.

### Search functions:



### Search functions:



# Search a keyword - Shoving

Navigate by entering citations or phrases (eg: 1 CFR 1.1 49 CFR 172.101 Organization and Purpose 1/1.1 Regulation Y FAR ).	
Choosing an item from CITATIONS AND HEADINGS will bring you directly to the content. Choosing an item from FULL TEX SEARCH RESULTS will bring you to those results. Pressing enter in the search box will also bring you to search results. Background and more details are available in the Search & Navigation guide.	
shoving	Q.
FULL TEXT SEARCH RESULTS	
3 matching results in 49 CFR Part 218	Q
10 matching results in the full text	Q,
CITATIONS AND HEADINGS	
49 CFR 218.99 Shoving or pushing movements.	
49 CFR 220.49 Radio communication used in shoving, backing or pushing movements.	

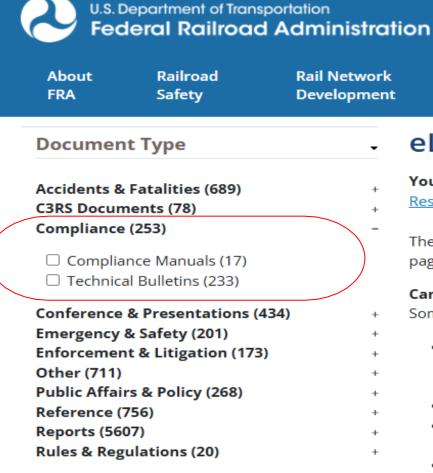
**FRA** 

eLibrary

# Searching for FRA Compliance Manuals:

Research &

Development



#### **eLibrary Search**

#### Your Selections:

Reset Compliance (253)

The FRA eLibrary contains all the documents that are found throughout the FRA Public Website. Multiple pages on the website may link to the same eLibrary item based on its set of metatdata.

Legislation &

Regulations

Search

Grants &

Loans

#### Can I find All FRA Documents in the Library?

Some "documents" may not appear here for the following reasons:

- Document resides on an external site for the record of source, links to the document are provided in context but not in the library as FRA does not maintain this record. This document lives on another website.
- · Document has not yet been assigned keywords.
- Document is historical and has been removed from library to avoid confusion with current publications.
- Document is public affairs & policy related, such as press releases, speeches, testimony, or fact sheet. These press-related documents can now be found in the FRA Newsroom.

#### MP&E Compliance Manual:



Home

#### **Motive Power and Equipment Compliance Manual**

**Document Series:** Compliance Manuals

Author: Office of Railroad Safety

**Discipline:** Motive Power and Equipment **Subject:** Motive Power and Equipment

Document: MPEComplianceManual2013.pdf (12.05 MB)

Due to our recent website upgrade some of the links in legacy documents might point to the decommissioned site location. We recommend that users take advantage of the search engine above to locate the material they seek on the current website. Be assured that we are working diligently to upgrade all legacy documents containing outdated links and to keep our content as current as possible.

#### What do you notice about this document?

FEDERAL RAILROAD ADMINISTRATION



OFFICE OF RAILROAD SAFETY

MOTIVE POWER AND EQUIPMENT COMPLIANCE MANUAL

July 2012

FRA

eLibrary

#### FRA Guidance Manuals:



**U.S. Department of Transportation** 

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Legislation &

Regulations

Search

**Grants &** 

Loans

#### Can I find All FRA Documents in the Library?

Some "documents" may not appear here for the following reasons:

- Document resides on an external site for the record of source, links to the document are provided in context but not in the library as FRA does not maintain this record. This document lives on another website.
- · Document has not yet been assigned keywords.
- Document is historical and has been removed from library to avoid confusion with current publications.
- Document is public affairs & policy related, such as press releases, speeches, testimony, or fact sheet. These press-related documents can now be found in the FRA Newsroom.

#### PHMSA Special Permits

September 03, 2020



East Building, PHH-30 1200 New Jersey Avenue S.E. Weshington, D.C. 20590

Pipeline and Hazardous Materials Safety Administration

DOT-SP 21053

EXPIRATION DATE: 2022-08-30

(FOR RENEWAL, SEE 49 CFR 107.109)

GRANTEE: Canadian National Railway Company

Montreal, Canada

US AGENT: Anthony Ippolito

Homewood, IL

#### PURPOSE AND LIMITATION:

- a. This special permit authorizes the use of electronic means to maintain and communicate on-board train consist and shipping paper information in lieu of paper documentation when hazardous materials are transported by rail. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
- b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
- d. No party status will be granted to this special permit.

#### Current list of Special Permits:

- Union Pacific SP-21059 (Elect. Consist) SP-20996 (Buffer car for DPU)
- Alaska Railroad SP-11583 & SP-14865
- Nebraska Central SP-20996 & SP-21799
- Illinois Central SP-20996
- GTW SP-20996
- Iowa Interstate SP-20996
- Bessemer and Lake Erie SP-20996
- Chicago, Central and Pacific SP-20996
- Cedar River SP-20996
- Richmond Pacific SP-21266

#### Can you find the regulation?

Without using the 'Search' functions, where can I find the regulation on shoving movements during remote control operations (RCO)?

#### Can you find the regulation?

Without using the 'Search' functions, where can I find the regulation on locomotive sanitation requirements?



## Regional Training Seminar

Safety and Legislative Representative Training Course



# How to Report and Track Unsafe Conditions

#### SAFETY STARTS WITH THE MEMBER

### Step 1: Safety Reporting, Documentation/Memorialization

When a safety exposure or unseen condition exists out in the field it's vitally important for you to be well versed on the important, must document details. This seems like a common-sense approach, unfortunately more times than not in the heat of the moment, members rely solely on their memories instead of writing down details.



#### **KEY TO SUCCESS IS THE RULE OF THE 5-W'S**

WHO - Who ordered you to commit the unsafe act or who you reported the safety issue to?

WHAT - What is the subject matter that is unsafe? Is it equipment, person(s), vegetation, areas, etc.?

WHEN - When did the unsafe condition occur or was discovered.

WHERE - Where does the unsafe condition exist? Milepost, building address, public areas, etc.

WHY - Why is this an unsafe condition? Can it cause harm or death, or does it have potential to worsen to those points? This is where a detailed description comes in handy.

Members need to report in detail: specific names, times, exact locations, radio channels and other possible witnesses to the event. This also helps in protecting everyone around them while shifting liability on the carrier.



#### **Example of Notes**

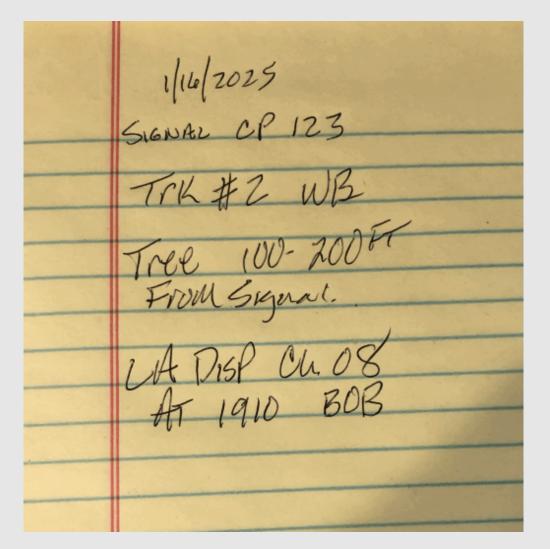
Who - Reported to LA Dispatcher

What - Tree is the issue.

When - 1/16/2025

Where - CP123, milepost CD 123.0 Track 2 westbound direction 100-200 feet from signal.

Why - The problem is an absolute signal obstructed.





#### **Step 2: Recommended Process for Reporting**

Once you have compiled all relevant, <u>detailed facts</u> surrounding the complaint we recommend information be promptly forwarded as follows:



#### **Step 2: Recommended Process for Reporting**

**Notify the Carrier - Manager, Dispatcher, etc.** 

**Utilize the SMART-TD App** 

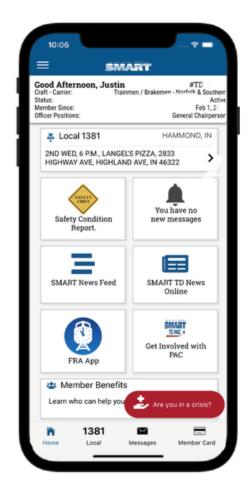
Reports are received by the SLD and GCA with jurisdiction.

Reports are held by SMART-TD for retaining documents to protect membership in the event of injury or worse.

Note other SLD may have their own recommended process.



#### **Download the new SMART Mobile App**



- See your Member Status, Exempt Status, Member Since Date, and other membership information
- Get the most recent info from your Local on the dedicated Local Page
- Quick access to your Local leaders using the Local Directory
- Receive Messages from your Chairperson, Legislative Reps, President, Secretary, and Treasurer via push notifications and alerts
- Access your Electronic TD Membership Card
- Easy and quick access to report a **Safety Condition** and read the **TD News**
- Take advantage of your Union benefits like the Membership Assistance Program

#### A QUICK TECH TIP:

If members with a previous version of the SMART app installed on their devices have automatic updates enabled, new versions will be installed with no action needed on the part of the user. If automatic updates are not turned on, members will have to visit the Apple App Store or Google Play (or use the URL or QR code on this flier) to install new updates manually. For all users, if not prompted to log in, please log out, then log back in manually for the new update to take effect.

#### **Download the App Today**



http://smart-union.org/mobile

text APP to 67336\* or follow the QR code at left with your smart device.
\*Message and data rates may apply

#### Step 2: Recommended Process for Reporting





#### **Step 2: Recommended Process for Reporting**

Some SLDs utilize SLR's and forward complaints received from members for handling at the local level.

State Legislative Director always needs to remain in the loop.



#### **Safety Condition Reporting Details**

#### Member Information

Name: Clyde Whitaker Member would like to be contacted by a union officer: Yes

Local: 0145 Email: smartunionoslb@gmail.com

Carrier: CSX Phone: 419-565-2629
Committee: 049 Member Type: RailFreight

Board: 38 - OHIO Status: Submitted

#### **Safety Condition**

Description of Safety Hazard: Signal State condition is located in: OH

Location of the unsafe condition (city, yard, terminal, subdivision, milepost, etc.)

Ridgeway OH. Milepost CD123.0, CP 124 track 2 in westbound direction.

Have you been or feel you may have been retaliated against for reporting this? No

Has the unsafe condition been reported to your carrier?

Yes

When was the condition reported? 1/16/2025

To whom was the condition reported?

LA Dispatcher BOB at 1910 hours

channel 08

Was the unsafe condition taken out of service?

Did a carrier officer prevent you from mitigating the unsafe condition?

To your knowledge, has the condition been previously reported?

Approximate date condition had been previously reported: 1/14/2025

To whom was the condition previously reported?

LA Dispatcher

Are there any additional details that you wish to report?

The tree obstructing the signal is on the north side approximately 100-200 feet from the westbound signal. It obstructs the middle signal head. Previously reported by brother D. Roach on 1/14/25

#### Step 2: Recommended Process for Reporting





#### **Step 3: Placing the Carrier on Notice**

- Common concern is members do not feel comfortable going to the carrier, because they want to avoid targeting. What should I do?
  - The SLR or SLD needs to place the carrier on notice as soon as possible to avoid injury or a fatality.
  - One or combination of SLR and SLD need to educate the member(s).
- Remember as elected officers we are the voice for our members.
   Members are our eyes and ears on the property.
- Place the carrier on notice and retain all documentation.
  - If a verbal discussion is had, follow that up with an email or lettering of understanding from the conversation.
- The goal is to protect the membership at all cost.



#### Step 4: Follow-up

- Once action is taken with a members safety complaint, follow-up by giving them a brief update. You may also want them to keep you updated in the event they see any change in the condition.
- Once the safety issue is resolved, follow-up with the member, show them
  you took their concern seriously and addressed it.
- Why would you do this?
  - It builds your credibility.
  - Puts faith back into the union.
  - Places faith in the process.
  - Because it's the right thing to do, the member is part of our UNION TEAM also.



ABC RAILROAD COMPANY
JOHNNY MAJORS – SUPERINTENDENT
1001 DEPOT ST.
COLUMBUS, OH. 43123

MARCH 2, 2022

Mr. Majors,

I have received various unsafe condition complaints, which need immediate attention to prevent injury. (or loss of life if it is a major issue.)

Item 1 - Parsons Ave. Yard Milepost LM 0001

- At the west end of track number 5 scrap from an overloaded car has spilled into the walking path. This
  condition is 400 feet in the track from the west end clearance point. Thus, creating a slip, trip, and fall
  condition.
- The west end yard ladder has ruts between switches #1 through #6. These ruts were created by re-railing
  the company's equipment from the derailment that occurred on February 28, 2022. These ruts are directly
  in the conductors walking path and creating a slip, trip, and fall hazard due to the mud.

Item 2 - Westbound Siding, Marion, OH., Milepost QI 103

 At the Center Street road crossing on the north side of the track the local business has been parking their trailers close to the railroad tracks. Several conductors riding a shove at night have had to stop and dismount equipment. This has created a close clearance issue.

Should these issues not be resolved within the required ten business days, they will be further adjudicated to the SMART-TD, Ohio State Legislative Board for further handling.

I'm hopeful we can work together to resolve such issues for the safety of our people. I stand ready to assist in any way possible.

Respectfully,

C. Whitaker SMART-TD Local 0145 Legislative Representative

cc:

J. Mill – LCA T. Ford – Local President File/

#### **Proper Write-Up To Carrier**

- Date the Letter.
- Address the letter to the appropriate carrier officer.
- Be factual, leave emotions out of it!
- Itemize by area and include milepost.
- Detail the safety concern.
- Why is the item a safety hazard?
- You may include the or describe the severity of the safety issue.
- Category Slip, trip, fall, close clearance, etc.
- Include tracks, distances, and other specific details.
- Place on notice if you have timelimit laws.
- Add name and title and sign.





#### **Proper Write-Up To Carrier**

- What should I do if the carrier ignores my letter?
  - Contact your State Legislative Director.
- What should I do if the carrier begins taking action?
  - Sometimes you have to play this by ear, keep in mind if they're working on it, they're not ignoring you.
  - Contact your State Legislative Director.
- You should also discuss this in your regular union meeting report.
- What do I do when the complaint is complete?
  - Retain all records in the event of a recurrence, which shows a pattern issue.
  - Close complaint out with State Legislative Director.
  - Suggest forwarding copies to the State Legislative Director for record keeping.
    - This protects the records in the event of an Legislative Representative change.
    - Historical records with patterns and solutions are beneficial and protects members in the event of a FELA issue.



#### **Change the Mindset**

We have all heard the same cliche' saying: "They can do that".

When it comes to safety, almost everything has a regulation or law in our industry. Such laws are normally regulated by FRA, State Laws, DOT, OSHA, or other regulatory bodies.

We have to change the mindset of the membership that safety reporting is not treated the same as collective bargaining (CBA).

Safety Reporting is our equivalent of efficiency testing in a sense as we are holding the carrier accountable to the standard of the law or regulation for the safety of our membership.



TO: Jared Cassity, Alternate National Legislative Director

FROM: Jim Chase, State Legislative Director

DATE: December 16, 2021

RE: Faulty Handbrakes Continuing Issues

I recently was made aware of a concerning issue of handbrakes not working on a certain series of intermodal (spine) car. The issue was identified by a SMART TD member in Minneapolis in early February 2021 and has continued to be an issue to this date. The cars are owned and maintained by the TTX company. Below is a description of the issue with attached photos.

Synopsis of Handbrake Defects found at Midway Yard (2021) Car type: NAF 30 spine style intermodal cars (QMI)

In the calendar year 2021, multiple cars of this type have been found during regular switching operations at Midway Hub (BNSF St. Paul Yard). The concern with each car identified is that when the handbrake is fully applied, there is binding within the rod/chain linkage that passes through the car body and the brake shoes are not being fully engaged on the car wheels.

Although the initial thought was that this condition was an anomaly, clearly, with multiple cars identified, there is a larger issue with this car type that needs to be ad-dressed. The following is a chronological ac-count of different cars identified through 2021:

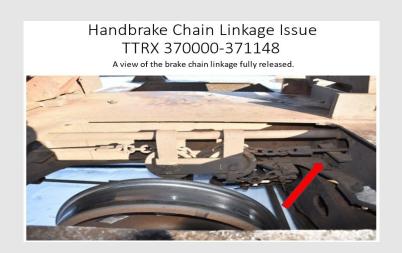
Early February 2021: Car# TTRX 370024 found. Photos were taken to help describe the defect observed. The defect was that the brake linkage rod was catching on a bracket at an opening in the car frame and was bind- ing not allowing the brake linkage/chain as- sembly to pull and fully engage the brake shoes to the wheels. Refer to TTRX 370024 Handbrake Linkage Issue.ppt for photos and details of the defect.

#### Handbrake Chain Linkage Issue TTRX 370000-371148

Handbrake chain linkage issue has been reported as having a plate that causes the brake rod to bind during the handbrake application.







This condition was reported to the Yardmaster at Midway and to Mike Lund, Manager of Safety (SSOP) of the Twin Cities Division. The defect information was passed along through the BNSF Mechanical Dept. to TTX Corp. and they eventually tracked the car and corrected the condition.

September 1, 2021: Car# TTRX 371001 found. No photos are available as a camera was not available at the time; however, the defect was identical to the original condition found in Febru- ary 2021.

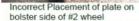
This condition was reported to the Yardmaster at Midway and to Mike Lund, Manager of Safety (SSOP) of the Twin Cities Division. The defect information was again passed along through the BNSF Mechanical Dept. to TTX Corp. This time the condition was again tracked and found and, in addition, TTX created a briefing slide on these defects, which was emailed back to BNSF on or about Sept. 9, 2021. Refer to NAF30 Handbrake Linkage.pdf.

#### TTX

#### TTRX Handbrake Linkage Issue

» Issue: Two cars (370024 and 371001) have been reported as having a plate that causes the brake rod to bind during handbrake application as seen in the photo below.







Correct Placement of plate at non-bolster side of #2 wheel



Correct Placement of plate at bolster side of #1 wheel

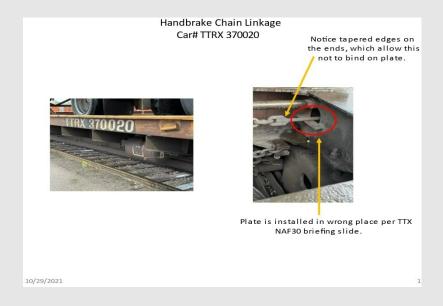
- » 2/20 Evaluation: On 2/19 TTX was alerted that 370024 had this plate and issue, TTX confirmed through the builder drawings that the plate was not supposed to be there and could not find any billing related to the application of the plate. BNSF inspected TTRX370068 and a few other TTRX370xxx cars that were on the ramp and they did not have this plate at the incorrect location so it was determined to be a one off condition with the plate removed by BNSF and no further action necessary.
- » 9/7 Evaluation: On 9/2 BNSF alerted TTX that this condition was seen on 371001. TTX inspected 3 additional NAF30 cars (TTRX 370000-371148) and none have had this plate applied.
- » Conclusion: TTX has created an engineering help desk log related to this issue on the NAF30 cars and will monitor if additional cars are identified as having this condition/issue and will create countermeasures as appropriate.

>

TTX Company. Copyright 2021. Confidential.

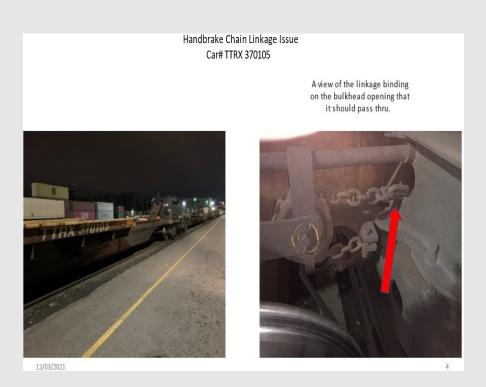
#### October 28, 2021: Car# TTRX 370020 found.

Photos were taken and although the condition that was highlighted as defective in the TTX briefing slide from 9/9/2021 (plate attached to bolster side of #2 wheel) was observed on this car, the handbrake did function properly. TTX did not correct the plate placement. It is important to note that the linkage rod did not have flat ends but were instead tapered on this car, so the linkage rod could not bind at the plate that was in the wrong place.



December 2, 2021: Car# TTRX 370105 found. Photos were taken and this car had the plate installed in the correct location. However, the linkage rod was found to bind on the car frame opening. Refer to TTRX 370105 Handbrake Linkage Issue.ppt for photos and details of the condition.

This condition was reported to the Yardmaster at Midway and to Mike Lund, Manager of Safe- ty (SSOP) of the Twin Cities Division. Also, a discussion happened at Midway Hub with a TTX Field Manager and he was unaware of the defect briefing slide that had been created in Sep- tember. Car was eventually corrected by TTX carmen at Midway on 12/6/2021.



December 9, 2021: Car# TTRX 371054 found. Photos were taken and this car had the same de-fect condition as TTRX 370105: linkage rod found to bind on the car frame opening. This condition was reported to the Yardmaster at Midway and to Mike Lund, Manager of Safety (SSOP) of the Twin Cities Division. TTRX carmen were made aware of the defect but had not corrected the condition as of 1430.



As you can see, we have substantial documentation of a serious safety concern with these cars. Contrary to what TTX says in their briefing, this problem seems to be more prevalent than they want to admit. For one employee to find this number of cars is disturbing and the fact that no one outside the people directly involved seem to know anything about this is problematic. I think we need to elevate this issue to the FRA and AAR. All mechanical inspectors nationwide should be made aware of this possible condition as well as anyone tasked with safety and me- chanical and air brake inspections. We rely on the proper functioning of handbrakes to secure trains properly and with the rules allowing to apply handbrakes without releasing to test the brakes' effectiveness.



## Regional Training Seminar

Safety and Legislative Representative Training Course



#### 49CFR Part 240/242 and Pilot

#### **Subpart B - Program and Eligibility Requirements**

- § 242.101 Certification program required.
- (a) After the pertinent date specified in § 242.105(d) or (e), each railroad shall have a certification program approved in accordance with § 242.103 that includes:
- (1) A designation of the types of service that it determines will be used in compliance with the criteria established in § 242.107;
- (2) A procedure for evaluating prior safety conduct that complies with the criteria established in § 242.109;

- (3) A procedure for evaluating visual and hearing acuity that complies with the criteria established in § 242.117;
- (4) A procedure for training that complies with the criteria established in § 242.119;
- (5) A procedure for knowledge testing that complies with the criteria established in § 242.121; and
- (6) A procedure for monitoring operational performance that complies with the criteria established in § 242.123.

<u>Subpart B - Component Elements of the Certification Process</u> § 240.101 Certification program required.

- (a) Each railroad subject to this part shall have in effect a written program for certifying the qualifications of locomotive engineers.
- (b) Each railroad shall have such a program in effect prior to commencing operations.

- (c) Each railroad shall have a certification program approved in accordance with
- § 240.103 that includes:
- (1) A procedure for designating any person it determines to be qualified as a supervisor of locomotive engineers that complies with the criteria established in § 240.105;
- (2) A designation of the classes of service that it determines will be used in compliance with the criteria established in § 240.107;

- (3) A procedure for evaluating prior safety conduct that complies with the criteria established in § 240.109;
- (4) A procedure for evaluating visual and hearing acuity that complies with the criteria established in § 240.121;
- (5) A procedure for training that complies with the criteria established in § 240.123;

- (6) A procedure for knowledge testing that complies with the criteria established in § 240.125;
- (7) A procedure for skill performance testing that complies with the criteria established in § 240.127; and
- (8) A procedure for monitoring operational performance that complies with the criteria established in § 240.129.

#### **CFR Part 242.7 - Definitions**

Qualified instructor means a person who has demonstrated, pursuant to the railroad's written program, an adequate knowledge of the subjects under instruction and, where applicable, has the necessary operating experience to effectively instruct in the field, and has the following qualifications:

- (1) Is a certified conductor under this part; and
- (2) Has been selected as such by a designated railroad officer, in concurrence with the designated employee representative, where present; or
- (3) In absence of concurrence provided in paragraph (2) of this definition, has a minimum of 12 months service working as a train service employee.

If a railroad does not have designated employee representation, then a person employed by the railroad need not comply with paragraphs (2) or (3) of this definition to be a qualified instructor.

#### **CFR Part 240.7 - Definitions**

Instructor engineer, as used in this part:

- (1) Means a person who has demonstrated, pursuant to the railroad's written program, an adequate knowledge of the subjects under instruction and, where applicable, has the necessary operating experience to instruct effectively in the field, and has the following qualifications:
- (i) Is a certified locomotive engineer under this part; and
- (ii) Has been selected as such by a designated railroad officer, in concurrence with the designated employee representative, where present, to teach others proper train handling procedures; or (iii) In absence of concurrence provided in paragraph (1)(ii) of this definition, has a minimum of 12 months service working in the class of service for which the person is designated to instruct.
- (2) If a railroad does not have designated employee representation, then a person employed by the railroad need not comply with paragraph (1)(ii) or (iii) of this definition to be an instructor engineer.



Hello Don.

I have you called to work the Y303R But you must take this job, it's a must fill!



Snoring....Hello? Snoring...

I'm not qualified...snoring....

WHAT SHOULD DON DO?

**ASK FOR A PILOT!** 

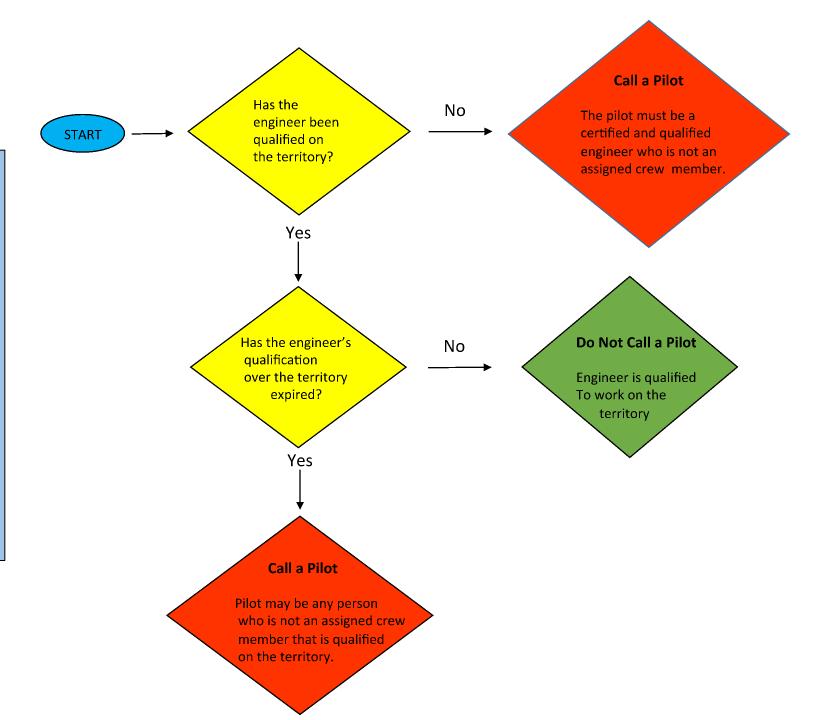


FRA Part 240 Locomotive Engineer Pilot Flow Chart 240.231 (Engineer's unfamiliar with Physical Characteristics in other than joint territory)

#### NO PILOT REQUIRED 240.231(c)

If the movement will occur on a section of track with an average grade of less than 1% over 3 continuous miles, **AND** 

- 1. The track is other than main track, or
- 2. The maximum distance will not exceed 1 mile, or
- 3. The maximum authorized speed for any operation on the track does not exceed 20 mph, **or**
- 4. Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping in half the range of vision of the engineer.



#### Call an Assistant The Assistant must be a certified conductor that meets the qualifications for MT physical characteristics FRA Part 242 Conductor Pilot Flow Chart

and is not assigned to the

crew

242.301(c)(1)

Yes—▶



Has the conductor's qualification over the territory expired?

Has it been 1 year or less and the conductor has regularly traversed the territory prior to expiration?

242.301(c)(2)

qualified

on the territory?

242.301 (c)

No

Do not call an Assistant,

conductor is qualified to

work on the territory

Call an Assistant

person including an assigned crew member other than the locomotive engineer who meets the territorial qualifications, and it will not interfere with that persons duties 242.301(c)(3)

The assistant may be any

The assistant may be any person including an assigned crew member who meets the territorial qualifications 242.301(c)(2)

Call an Assistant

Territory Other Than Main Track

Conductor lacks qualification on other than main track territory

- If practical, they shall be provided a qualified assistant
- If not practical a job aid will be provided.
   242.301 (d)(3)

#### No Pilot Required 242.301(e)

If the movement will occur on a section of track where an average grade is less than 1% over 3 continuous miles, **And** 

- 1. Track is other than main track or
- 2. The distance does not exceed 1 mile or
- 3. The maximum authorized speed does not exceed 20 mph or
- The operation requires movement at restricted speed.

WHAT IS A JOB AID? § 242.7 Definitions

Means information regarding other than main track physical characteristics that supplements the operating instructions of the territory over which the locomotive or train movement will occur. See definitions of "main track" and "physical characteristics" in this section.

WHAT IS A JOB AID? § 242.7 Definitions

A job aid may consist of training on the territory pursuant to § 242.119, maps, charts or visual aids of the territory, or a person or persons to contact who are qualified on the territory and who can describe the physical characteristics of the territory. At a minimum, a job aid must cover characteristics of a territory including: permanent close clearances, location of permanent derails and switches, assigned radio frequencies in use and special instructions required for movement, if any, and railroad-identified unique operating conditions.

JOB AID § 242.301(d)

If a conductor lacks territorial qualification on other than main track physical characteristics required by paragraph (a) of this section, where practicable, he or she shall be assisted by a person who is a certified conductor and meets the territorial qualification requirements for other than main track physical characteristics. Where not practicable, the conductor shall be provided an appropriate <u>up-to-date job aid</u>.

JOB AID § 242.301(e)

An assistant is not required if the movement is on a section of main track with an average grade of less than 1% over 3 continuous miles, and

- (1) The maximum distance the locomotive or train will be operated does not exceed one mile; or
- (2) The maximum authorized speed for any operation on the track does not exceed 20 miles per hour; or
- (3) Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping within one half the range of vision of the locomotive engineer.



# Regional Training Seminar

Safety and Legislative Representative Training Course

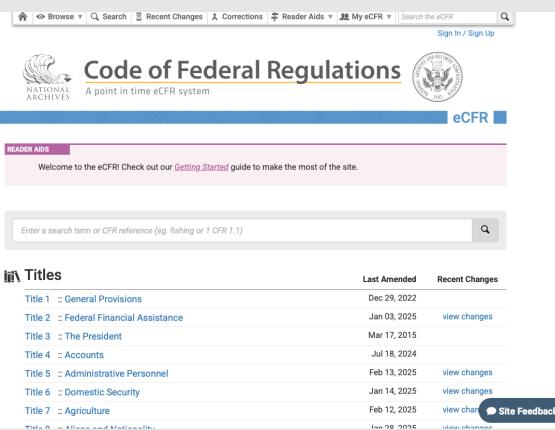


## On-the-job accident/injury Part 225 and reporting

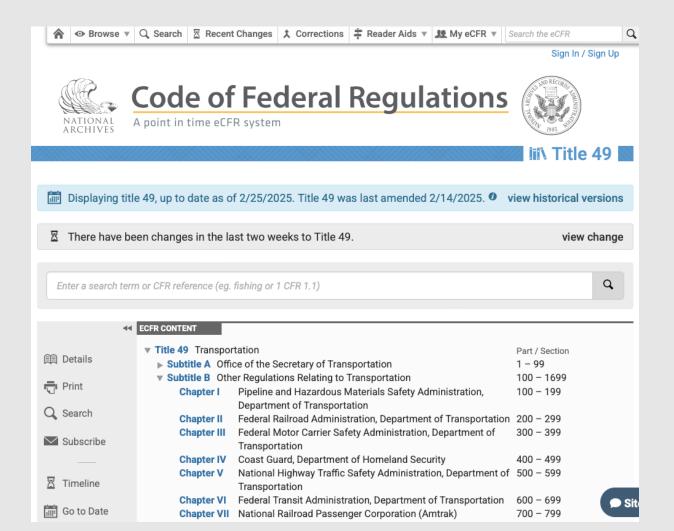
Where and how do we research this regulation?

Easy if you have a laptop or tablet let's visit \*\*\*.ecfr.gov

**Select > Title 49 for Transportation** 



Then select chapter II for FRA



Select the applicable part number. For this exercise select Part 225

Title 49 / Subtitle B / Chapter II		Previous / Next / Top
44	Track, Locomotive and Equipment	
	7 Railroad Operating Rules	217.1 – 217.13
(ala) Detaile	8 Railroad Operating Practices	218.1 - 218.137
▶ Part 21	9 Control of Alcohol and Drug Use	219.1 – 219.1007
Print	0 Railroad Communications	220.1 – 220.315
P Fait 22	1 Rear End Marking Device—Passenger, Commuter and Freight Trains	221.1 – 221.17
Q Search Part 22	2 Use of Locomotive Horns at Public Highway-Rail Grade	222.1 - 222.59
Out = ==!h =	Crossings	
Subscribe Part 22	3 Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses	223.1 – 223.17
_ ▶ Part 22	4 Reflectorization of Rail Freight Rolling Stock	224.1 - 224.111
- T: 1:	5 Railroad Accidents/Incidents: Reports Classification, and Investigations	225.1 – 225.41
Go to Date	7 Occupational Safety and Health in the Locomotive Cab	227.1 - 227.219
	Passenger Train Employee Hours of Service; Recordkeeping and Reporting; Sleeping Quarters	228.1 – 228.413
Published Part 22	9 Railroad Locomotive Safety Standards	229.1 - 229.319
L Edition	Steam Locomotive Inspection and Maintenance Standards	230.1 - 230.116
	1 Railroad Safety Appliance Standards	231.0 - 231.35
	2 Brake System Safety Standards for Freight and Other Non- Passenger Trains and Equipment; End-of-Train Devices	232.1 – 232.719
▶ Part 23	3 Signal Systems Reporting Requirements	233.1 - 233.13
	4 Grade Crossing Safety	234.1 - 234.415
	5 Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System o Relief from the Requirements of Part 236	235.1 - 235.20
Part 23	Rules Standards and Instructions Governing the Installation	236 0 - 236 1049

#### Part 225 - Railroad Accidents/Incidents

The purpose of this part is to provide the Federal Railroad Administration with accurate information concerning the hazards and risks that exist on the Nation's railroads. FRA needs this information to effectively carry out its regulatory responsibilities under 49 U.S.C. chapters 201-213. FRA also uses this information for determining comparative trends of railroad safety and to develop hazard elimination and risk reduction programs that focus on preventing railroad injuries and accidents. Any State may require railroads to submit to it copies of accident/incident and injury/illness reports filed with FRA under this part, for accidents/incidents and injuries/illnesses which occur in that State.

#### Part 225 - Railroad Accidents/Incidents

- § 225.19 Primary groups of accidents/incidents.
- (a) For reporting purposes reportable railroad accidents/incidents are divided into three groups:
- **Group I Highway-Rail Grade Crossing;**
- **Group II Rail Equipment;**
- **Group III Death, Injury and Occupational Illness.**

#### Part 225 - Railroad Accidents/Incidents

(b) Group I - Highway-rail grade crossing. Each highway-rail grade crossing accident/incident must be reported to the FRA on Form FRA F 6180.57, regardless of the extent of damages or whether a casualty occurred. In addition, whenever a highway-rail grade crossing accident/incident results in damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, or roadbed, that accident/incident shall be reported to the FRA on Form FRA F 6180.54. For reporting purposes, damages include labor costs and all other costs to repair or replace in kind damaged on-track equipment, signals, track, track structures, or roadbed, but do not include the cost of clearing a wreck.

#### Part 225 - Railroad Accidents/Incidents

(c) Group II - Rail equipment. Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God, and other events involving the operation of on-track equipment (standing or moving) that result in damages higher than the current reporting threshold to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and costs for acquiring new equipment and material.

#### Part 225 - Railroad Accidents/Incidents

(d) Group III - Death, injury, or occupational illness. Each death, injury, or occupational illness that is a new case and meets the general reporting criteria listed in paragraphs (d)(1) through (6) of this section shall be reported to FRA on Form FRA F 6180.55a, "Railroad Injury and Illness Summary (Continuation Sheet)" if an event or exposure arising from the operation of a railroad is a discernible cause of the resulting condition or a discernable cause of a significant aggravation to a pre-existing injury or illness. The event or exposure arising from the operation of a railroad need only be one of the discernable causes; it need not be the sole or predominant cause.

Part 225 - Railroad Accidents/Incidents

The general injury/illness reporting criteria are as follows:

- (1) Death to any person;
- (2) Injury to any person that results in:
  - (i) Medical treatment;
- (ii) Significant injury diagnosed by a physician or other licensed health care professional even if it does not result in death, medical treatment or loss of consciousness of any person; or
  - (iii) Loss of consciousness;

Part 225 - Railroad Accidents/Incidents

- (3) Injury to a railroad employee that results in:
  - (i) A day away from work;
  - (ii) Restricted work activity or job transfer; or
  - (iii) Significant injury diagnosed by a physician or other licensed health care professional even if it does not result in death, medical treatment, loss of consciousness, a day away from work, restricted work activity or job transfer of a railroad employee;

#### Part 225 - Railroad Accidents/Incidents

- (6) Illness or injury that:
  - (i) Meets the application of any of the following specific case criteria:
    - (A) Needlestick or sharps injury to a railroad employee;
    - (B) Medical removal of a railroad employee;
    - (C) Occupational hearing loss of a railroad employee;
    - (D) Occupational tuberculosis of a railroad employee;
    - (E) Musculoskeletal disorder of a railroad employee if this disorder is reportable under one or more of the general reporting criteria; or
    - (ii) Is a covered data case.

Why is reporting a Group I - Highway-Rail Grade Crossing Incident important?

Accurate data reflected in reporting to FRA and State DOT

Allows for possible improvements to Highway-Rail Grade crossing warning devices.

**Protects our members and the public** 

Anyone has access to reports via FOIA request

Why is reporting a Group II -Rail Equipment Incidents important?

**Accurate data on collisions and derailments** 

Creates a record of damage to any equipment

**Anyone has access to reports via FOIA request** 

Why is reporting a Group III - Death, Injury, or Occupational Illness important?

**Accurate data** 

Possible FELA Case (Remember we do not have workman's comp benefits.)

#### Note:

Remember C.Y.A. document everything.

Get a local union officer to help you, LCA, SLR, President, etc.

Speak to a DLC or union officer before completing any railroad paperwork, you're injured and under stress.

Have the Carriers figured out a way to circumvent accurate reporting?

- Possible loopholes and/or workarounds within FRA Regulations exist.
- Not reporting on-duty injuries/train accidents properly
- Creating doubt to the employee's injury or train accident
- The carriers proclaim that accidents/injuries are at an ALL TIME LOW!

- § 225.17 Doubtful cases; alcohol or drug involvement.
- (a) The reporting officer of a railroad will ordinarily determine the reportability or non reportability of an accident/incident after examining all evidence available. The FRA, however, cannot delegate authority to decide matters of judgment when facts are in dispute. In all such cases the decision shall be that of the FRA.
- (b) Even though there may be no witness to an accident/incident, if there is evidence indicating that a reportable accident/incident may have occurred, a report of that accident/incident must be made.

§ 225.17 Doubtful cases; alcohol or drug involvement.

(c) All accidents/incidents reported as "claimed but not admitted by the railroad" are given special examination by the FRA, and further inquiry may be ordered. Accidents/incidents accepted as reportable are tabulated and included in the various statistical statements issued by the FRA. The denial of any knowledge or refusal to admit responsibility by the railroad does not exclude those accidents/incidents from monthly and annual figures. Facts stated by a railroad that tend to refute the claim of an injured person are given consideration, and when the facts seem sufficient to support the railroad's position, the case is not allocated to the reporting railroad.



press (someone) into doing something by rushing or coercing them.

"she hesitated, unwilling to be railroaded into a decision"

rail·road /ˈrālˌrōd/ cause (a measure) to be passed or approved quickly by applying pressure.

"the Bill had been railroaded through the House"

verb

send (someone) to prison without a fair trial or by means of false evidence.

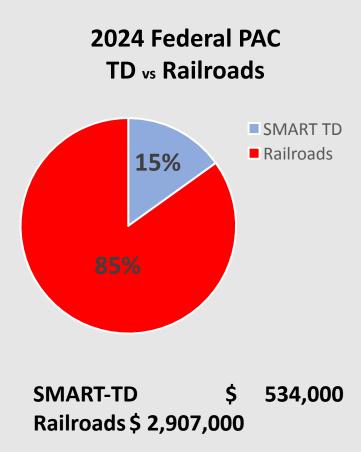
"they know I was railroaded and falsely accused"



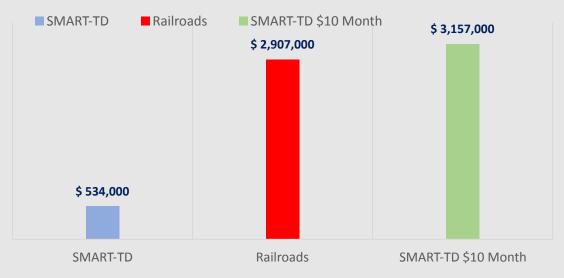
# Regional Training Seminar

Safety and Legislative Representative Training Course

#### **2024 Election PAC Federal Contributions Comparison**



PAC: TD vs RAILROADS



#### **To Match Railroads**

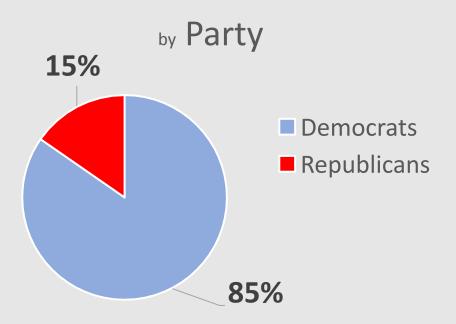
\$9.20 per month average \$1.82 per month current average

#### 2024 PAC Federal Contributions Comparison

#### **SMART-TD**

Democrats \$ 452,000 Republicans \$ 82,000

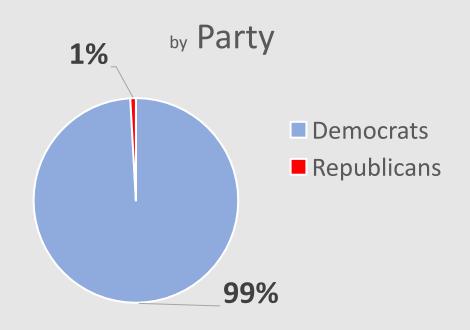
TOTAL \$ 534,000



#### **BLE**

Democrats \$ 383,500 Republicans \$ 4,000

TOTAL \$ 387,500





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