Q-1. As a remote control operator (RCO), am I required to be certified the same as a locomotive engineer?
A. Yes. The engineer certification regulation requires that anyone who moves a locomotive must be certified. There are two exceptions: 1) when operating a locomotive(s) within the confines of a locomotive repair or servicing area (no cars attached); and 2) when moving a locomotive(s) for distances of less than 100 feet for inspection and maintenance purposes.

Note: The term “locomotive engineer” as defined in the regulation means “any person who moves a locomotive or group of locomotives, regardless of whether they are coupled to other rolling equipment.” (49 CFR 240.7)

Q-2. What is required for certification?
A. The railroad must evaluate the employee’s safety conduct. This is accomplished by reviewing the employee’s work records, State and Federal motor vehicle operator records, and the employee’s compliance with drug and alcohol regulations. The employee must also meet certain hearing and visual acuity standards and pass a written knowledge test (rules test) and a skills-performance test [demonstrate skills to operate a remote control locomotive (RCL) to a designated supervisor of locomotive engineers]. (49 CFR 240.203)

Q-3. I was convicted of a DWI four years ago. Will this affect my certification status?
A. No. The regulation prohibits the railroad from considering information that occurred more than 36 months from the month in which the certification decision will be made. (49 CFR 240.115(b))

Q-4. I had my driver’s license suspended for speeding. Will this affect my certification status?
A. No. The railroad is only allowed to consider a conviction or completed State action that resulted in a license suspension for operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance, or for refusing to undergo such testing. (49 CFR 240.115(b))
Q-5. I had my driver’s license suspended for a DWI two years ago. What will happen when the railroad discovers this during the motor vehicle operator records check?

A. The railroad is required to provide this information to the railroad’s EAP Counselor and refer you for an evaluation to determine if you have an active substance abuse disorder. If the evaluation determines that you do not have a substance abuse problem, nothing further will occur. If it is determined that you do have an active substance abuse disorder, you will be required to complete a program of treatment before you are eligible for certification again. (49 CFR 240.115(c))

Q-6. I am currently certified as an RCO and was picked up last night for a DWI. Am I required to notify the railroad?

A. No. Your license has not been officially revoked until you plead guilty or you go to trial and are found guilty. (49 CFR 240.115 and 240.111(b))

Q-7. Referring to the same scenario above, I plead guilty and I am convicted of the DWI offense. Am I required to take any action?

A. Yes. You must report this information to the railroad within 48 hours of the conviction or completed State action. (49 CFR 240.111(h))

Q-8. What is required before I can be issued a student certificate?

A. The only requirement to obtain a student certificate is to pass the hearing and visual acuity test. (49 CFR 240.203(b))

Q-9. What if I fail the hearing and visual acuity test?

A. You are entitled to a retest. If you fail the retest, it is still possible to be certified if the railroad’s medical examiner, after consultation with the railroad’s DSLE, concludes that you can still operate safely. This is purely elective on the railroad’s part and is usually tied to collective bargaining agreements addressing medical and physical fitness issues. The railroad may issue you a certificate with special restrictions if recommended by the medical examiner. (49 CFR 240.121)

Q-10. Do I have any restrictions with a student certificate?

A. Yes. You can only operate under the direct and immediate supervision of a certified and qualified instructor. Another RCO could fill this position if experienced and knowledgeable enough to provide adequate instruction and training. (49 CFR 240.107(c)(3))
Q-11. How far away from the instructor can I be while operating the RCL?

A. The instructor must be close enough to monitor your performance and take immediate corrective action in the event of an emergency. To put this into perspective, under traditional locomotive operations, the instructor engineer is not allowed to leave the cab of the locomotive while the student is operating.

Q-12. What type of training can I expect to receive?

A. RCL training programs must be submitted to FRA for approval prior to implementation of these operations. (49 CFR 240.101 and 240.103). The majority of the programs received by FRA require a minimum of two weeks training for uncertified employees. Two to three days are spent in the classroom and the rest of the time is spent in the field.

Q-13. What type of operations can I expect to perform as an RCO?

A. The major railroads' (UP, BNSF, NS, CSX, KCS, CR) certification programs have defined the RCO certification class of service as follows: "The work assignments handled by remote control operators in the initial implementation will involve the gathering and distribution of freight and/or equipment that is typically required of yard, road switcher, or other similar assignments at the implementing location(s). The specific assignments involved will vary by location, and could include such work as: hump; trimmer; classification operations; transfer; interchange and industrial servicing; and station switching."

Q-14. Because of RCL communication problems and/or because we had to take turns operating the RCL, I did not receive sufficient on-the-job training. Do I have to accept this as tough luck and go without the prescribed training?

A. No. The regulation requires that you, at a minimum, complete the training program as described in the railroad's program that was submitted to FRA. If you have these types of problems and your training period was not extended, the railroad likely did not provide the minimum training it committed to FRA it would provide. You should make this fact known to the instructor, who should then afford you additional training. (49 CFR 240.211 and 240.213)

Q-15. I received the maximum amount of training described in the program, but I still feel I need additional training. Is there anything I can do about this?
A. Yes. These training programs set forth minimal training periods. Taking into account that individuals learn at different speeds, the railroads have assured the FRA that students will be given additional training time if they do not feel confident or comfortable after having completed the training program. You should make this fact known to your instructor.

Q-16. While in training, the largest move I ever handled was 50 cars. However, once I was certified, I was required to handle 70-100 car drafts. Is this acceptable?

A. No. The regulation requires that you be trained and tested in the most demanding service you will be expected to perform, and 70-100 cars would be significantly more demanding than 50 cars. Under these circumstances, the training was insufficient and you should request and be provided additional training. (49 CFR 240.127 and 240.213. See also 66 Fed. Reg. 10340, 10346 (2/14/01))

Q-17. I received sufficient training for the assignment I bid on, an industrial switcher that involved light switching movements. However, now I want to bid another assignment, which handles double or triple the tonnage that I was originally trained for. I am not experienced in handling these heavy drafts of cars. If I get the new assignment, can I get additional training?

A. Yes. By working the new assignment, you will exceed your original qualifications. You were never trained to handle the heavier drafts of cars. The railroad is required by the regulation to train and qualify you for the duties you are expected to perform. (49 CFR 240.123)

Q-18. Relating to the previous scenario, what type of additional training should I expect?

A. This is the railroad’s responsibility. However, most railroads have indicated that a road foreman of engines would spend time with you on the new assignment, instructing you on the procedures for handling the heavier tonnage.

Q-19. I know I should get additional training for the new duties I am experiencing, but I don’t want to appear troublesome or difficult to the railroad. Everyone tells me that I will do fine and that I should just do the work. How can I approach this subject without making enemies?

A. This decision is actually not elective on your part. The regulation requires that you notify the railroad any time you are instructed or expected to exceed your service qualifications. By making this fact known, you are simply complying with the regulation. The regulation also places a
burden on the railroad by stating that it is unlawful for the railroad to require you to exceed your qualifications. (49 CFR 240.305(c))

Q-20. Can I operate from the cab of the locomotive and can I sit in the engineer’s seat?

A. Yes. There is nothing in the regulation that prohibits you from occupying the cab of the locomotive while performing RCL operations, but you should not manipulate any of the locomotive controls unless you were specifically trained to do so.

Q-21. May I leave the yard and operate on the main track?

A. Yes. According to the regulation, there are no limitations on the duties you may perform provided you are properly trained for those duties. Currently, most training programs cover “yard switching” operations only. The programs do not cover “train” operations on the main track. Accept for handling a small number of cars a short distance on the main track, you would need significantly more training, i.e., track train dynamics, train handling, main track operating rules, and depending on distance and grade, you may need additional training on the physical characteristics of the territory over which you are expected to operate. (49 CFR 240.123 and 240.231)

Q-22. What are some examples of situations that would require additional training?

A. 1.1 - You are expected to operate at speeds above 10 mph while on the main track. Since you were only trained to operate at 10-15 mph within the yard, you would need additional training to operate at higher speeds (in addition to the training described in Q&A-21).

1.2 - You are trained to handle a maximum of 70 cars during switching operations without air and you are instructed to MU to an “outlawed” 100+ car train and yard it. There could be at least four training issues here:

a. If the train exceeds the tonnage you were initially trained to handle.

b. If you were never properly instructed to MU locomotives, you need to be trained for that task.

c. If you only operated a single locomotive during training, you now may be asked to operate a multiple locomotive consist representing 10-15 thousand more horsepower than the single locomotive. You would need additional training on this type of consist to learn about and prevent
excessive in-train forces.

d. If you never received training on handling cars with air, you would need additional training. Although handling cars without air is more difficult, some training on air would be required.

Q-23. Referring to the scenario above, what type of additional training can I expect?

A. The railroads are responsible for developing additional training procedures. Since these types of operations would be considered “train operations,” FRA would expect RCO’s to receive formal classroom training, as well as significant OJT to ensure the RCO’s develop the skills to safely perform these duties.

Note: Should you encounter a situation that requires skills you have not been trained on, notify your supervisor of this fact. Remember, the regulation requires that you do this.

Q-24. As an RCO, can I have my certification revoked?

A. Yes. You are subject to the same penalties as any other engineer. (49 CFR 240.117(c)(1))

Q-25. If I am accused of committing a rule violation, can the railroad just revoke my certification without an opportunity for a hearing?

A. No. Following an alleged rule violation, the railroad is obligated to take the following actions: 1) suspend your certification pending an investigation of the incident; 2) notify you of the reasons for the suspension; and 3) inform you that you are entitled to a certification hearing under the regulation. You must be afforded a hearing before your certificate is revoked. (49 CFR 240.307(b))

Q-26. When a rule violation is alleged, is a hearing always required for a certificate revocation to occur?

A. No. Similar to most collective bargaining agreement rules, you may waive your right to a certification hearing, accepting responsibility for the incident and the associated discipline. However, in order for the waiver to be valid under the regulation: 1) it must be in writing; 2) reflect the fact that you are waiving your right to a Federal certification hearing; and 3) you must sign it. (49 CFR 240.307(f))

Note: You cannot appeal a revocation if you waive the hearing!
Q-27. If the railroad revokes my certification, do I have the right to appeal this decision?

A. Yes. The regulation contains a dispute-resolution process. You have 120 days from the date of the railroad’s revocation decision to file a petition with FRA’s Locomotive Engineer Review Board. (49 CFR 240.401(d), 240.403, and 240.405)

Q-28. The RCL operations on my railroad involve a “pitch and catch” operation. There are two RCO’s assigned to one locomotive. If for some reason a decertifiable event occurs, such as the locomotive passes a stop signal, will both assigned RCO’s be subject to decertification?

A. No. Only the RCO operating the RCL at the time of the incident would be held responsible. However, if the non-operating RCO or another individual is functioning as a pilot or instructor, he or she could also be held responsible and subject to decertification.

Q-29. The “man down” tilt feature located on the transmitter that the RCO wears activates each time I bend over beyond a 45-degree angle. I find this feature bothersome and time consuming to deal with. If I purposely attach it to myself in such a manner that the device will not activate when I bend over, am I in violation of any regulation?

A. Yes. This feature is considered a safety device and is covered by FRA tampering regulations (49 CFR 218.57). Tampering with a safety device or knowingly operating a locomotive with the device cut out is a decertifiable event. (49 CFR 240.117(e)(5))

Q-30. In a “pitch & catch” operation, if one transmitter fails, can the operation continue with one transmitter?

A. Yes. Neither FRA’s safety advisory nor any Federal regulation prohibits a one-transmitter operation. However, it is expected that the crew would initiate a thorough job briefing to ensure that each member of the crew understands their new responsibilities.

Q-31. If I am a certified engineer who has been set back as a conductor, do I need the same training as a noncertified employee?

A. No. Your training could be significantly reduced since you already possess train-handling skills. The training programs vary from railroad to railroad. Some railroads require all employees to complete the entire training program and others have developed a 2-3 day training program
for engineers.

Q-32. Does FRA believe RCL operations are safe?

A. Remote control devices have been used to operate locomotives in Canada for more than a decade and at various locations in the United States, especially within certain industrial sites, for many years. The safety record concerning use of these devices has thus far been very positive. Many believe that, if properly used, these devices can actually reduce the number of injuries and fatalities that occur in yard operations where employees are sometimes struck by trains being operated by an engineer on board the locomotive. However, FRA is monitoring RCL operations very closely to assure they are implemented safely. FRA has accident/incident reporting procedures in place to obtain data on these operations for review. If at any time unsafe conditions are detected, FRA will take immediate corrective action.

Q-33. Whom may I contact if I have questions pertaining to RCL operations and Federal regulations?

A. You may contact John Conklin by telephone at 202-493-6318 or by e-mail at john.conklin@fra.dot.gov.

WORK SAFELY AND BE SAFE!

Recent Developments

Riding Cars: - After reviewing RCL operations for over a year, FRA is taking the position that RCO's who are operating the RCL, regardless of the technology used, should not ride on the side of moving equipment under any circumstances. This does not include locomotive or caboose steps or platforms.

Both the UTU and the AAR have taken the position that riding cars does not pose a safety threat. The UTU position is based on the fact that employees are empowered to determine when it is safe to ride a car and when it is not.

You should follow your railroad's operating rules and policies on this subject. Since FRA's position is in the form of a safety advisory recommendation, no penalties are involved.

Main Track RCL Operations: - The Notice of Safety Advisory 2001-01 was written to address the use of RCL technology in "switching" operations only. If
this technology is used for “train” operations on the main track, FRA has a few immediate concerns that need to be addressed before this occurs:

The current RCO training programs on file with FRA are not adequate for train operations. FRA would expect RCO’s to receive the same training on the basic fundamentals of train operations as any other locomotive engineer. This would entail significantly more classroom and on-the-job training. A new training program would have to be developed and submitted to FRA for approval.

The current technology may not be sufficient to conduct train operations. This technology was designed for yard switching operations and basically controls movements by the independent brake. This would be inappropriate for train movements.

FRA believes railroads would have to develop instructions and procedures to govern these operations. For example, RCO’s should be required to be located in the cab of the locomotive, out of harms way, while operating from point A to point B. The RCO’s should be in a position to observe air gages and other monitors during these operations.

**Electromagnetic Frequency (EMF) Emissions**

FRA has contracted the Volpe National Transportation Systems Center to conduct a study of the EMF emissions produced by bellpacks. The Volpe Center is located in Cambridge, MA, and is used by the Department of Transportation to conduct research on transportation matters. The study is currently underway. The United Transportation Union (UTU) will be notified of the results of this study when it is completed.

**Congressional RCL Safety Audit**

Senator John McCain (R-AZ), Chairman, Committee on Commerce, Science, and Transportation, and Senator Ernest Hollings (D-SC), Ranking Member, have requested that FRA conduct an assessment of the impact of RCL operations on safety, including a comparison of the rate of accidents, injuries, and fatalities involving RCL’s with similar operations involving manned locomotives. The Committee further requested that this audit assess the effects of RCL operations on the safety of highway-rail grade crossings, hazardous materials transportation, the safety of RCL’s in urban areas, any unique operating characteristics presented by RCL’s, and an assessment of the safety benefits of such operations. The Committee requests that FRA’s report include any recommendations for legislative or regulatory changes that FRA determines necessary, and that FRA report back to the Committee with preliminary findings and initial accident statistics within 6 months, and that a detailed report be submitted within 18 months.
A preliminary analysis of the data received thus far has indicated that fewer accidents and injuries have occurred during RCL operations.