

# NEW CHANGES TO ENGINEER CERTIFICATION

(effective January 07, 2000)

The following is a list of the recent changes to the engineer certification regulation that are most important to locomotive engineers:

1. Certification now applies to the operators of dual purpose vehicles (burrow cranes, trackmobiles, etc.) **that are used for purposes other than track maintenance**, such as switching operations or delivering and spotting revenue cars.
2. Designated Supervisors of Locomotive Engineers (DSLE or Road Foreman) requirements have been changed. A DSLE must be qualified on the physical characteristics of his or her assigned territory when qualifying engineers over that territory. The railroad must describe in its certification program how it intends to qualify its DSLEs. Also, DSLEs are now subject to decertification if they fail to prevent a decertifiable rule violation while monitoring an engineer.

However, the DSLE does not have to be qualified on the territory in order to perform the annual monitoring ride or the skills performance test that is required prior to (re)certification. The premise being that an engineer does not have to know the territory in order to determine if another engineer is complying with operating and train handling rules. The only exception to this is when DSLEs are conducting a skills test for **initial certification**, i.e., new engineers. Under these circumstances the DSLE is required to be qualified on the physical characteristics.

3. Motor Vehicle Data - Engineers are now required to report to the employing railroad **WITHIN 48 HOURS** any suspension or revocation of their driver license resulting from the use or possession of alcohol or drugs.
4. Important changes have been made to the operating rule violations which warrant a certificate revocation.

**STOP SIGNALS** - The following are not considered stop signals for the purpose of decertification: switches or switch targets, derails, hand signals, and radio signals.

**SPEED** - That portion of the rule pertaining to "by more than one half the authorized speed" has been removed. Speeding violations now occur only if the speed exceeds ten miles per hour or more above the maximum authorized speed. While operating under a rule that requires "stopping within half the range of vision," an incident does not become decertifiable unless the incident is reportable under Part 225. This means the incident must have resulted in damage exceeding \$6600 to railroad track and equipment or caused an employee injury reportable to FRA.

**BRAKE TESTS** - Certain passenger train air brake tests have been added to the list of required tests.

MAIN TRACK AUTHORITY - This rule now reads "occupying main track or a segment of main track without proper authority or permission. This is not new. Engineers have always been decertified for entering working limits or controlled yard limits without permission. The change merely clarifies that the terms "authority" and "permission" are synonymous.

TAMPERING - No change. However, keep in mind that by knowingly operating a locomotive or train with a safety device inoperative, without authorization or permission, is considered tampering. When in doubt, call someone to find out if proper authorization was given to deactivate the device.

DRUG & ALCOHOL VIOLATIONS - No changes. However, it is important to note that conductors or other individuals who hold certification cards are ineligible from working as engineers for nine months if they are found in violation of Rule G ( §219.101).

5. Revocation Periods have been reduced. The following are the new revocation periods:

1st offense - 30 days (at railroad's option can be reduced to 15 days)

2nd offense within a 24-month period - 6 months (at railroad's option, can be reduced to 3 months.

2nd offense after a 24-month period - back to 30 days.

3rd offense within a 36-month period - 1 year (at railroad's option, can be reduced to six months.

4th offense within a 36-month period - 3 years ( no option to reduce period)

The five-year penalty has been eliminated.

NOTE: Revocation periods are retroactive starting on the effective date of the revised rule (January 7, 2000).

6. Color Vision - A list of approved color vision screening tests has been added to the regulation. Additionally, engineers are now required to notify the railroad if they determine that their vision or hearing no longer meet the standards required by in the regulation.

NOTE: The regulation now prohibits the use of Chromatic Lenses during the initial color vision screening tests, but does not prohibit the use of such lenses on any subsequent tests.

7. Pilots - The requirements for the use of qualified engineer pilots have been expanded as follows:

Joint Operations Territory - Pilots must always be qualified engineers and can be an assigned crew member, i.e., the conductor (certified engineer qualified on the territory) can pilot the engineer.

Home Road - Engineers qualifying on territory they have never operated over before - Pilots must always be qualified engineers other than assigned crew members.

Home Road - Engineers "Re-qualifying" on territory after time limits have expired - Pilot can be a qualified (non-certified) person other than a crew member. Additionally, the railroad's certification program must address how these individuals will become qualified on the territory.

NOTE: Pilots are not required under the following conditions:

The average grade is less than 1% over 3 continuous miles, and

(1) The track is other than main track; or

(2) The maximum distance the train will operate does not exceed one mile; or

(3) The maximum authorized speed for any operation on the track does not exceed 20 miles per hour; or

(4) Operations are at restricted speed (stopping within half the range of vision).

The above criteria must be permanent and cannot be temporarily manipulated to meet the needs of the railroad.

8. Decertification Appeal Process - Engineers will now have only 120 days to petition the LERB for reconsideration of a certificate revocation. The original time period was 180 days.

A reminder:

DITCH LIGHTS: Engineers are prohibited from operating faster than 20 MPH over public crossings when both ditch lights have failed. Under these conditions, operating over a crossing at 30 MPH or more would result in a certificate revocation.

END-OF-TRAIN DEVICES (EOTs): When EOTs are required and they fail en route, engineers are prohibited from operating above 30 MPH. Under these conditions, operating at 40 MPH or more would result in a certificate revocation.

For additional information on engineer certification issues you can call John Conklin, FRA Engineer Certification Program Manager, at 202-493-6318.

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