BLUE FLAG PROTECTION FOR UTILITY EMPLOYEES

The final rule prescribes the requirements for the protection of utility employees while working in yards. This includes such operations as operating switches, working with yard and train crews in assembling trains, participating in power brake inspections and performing federal freight car safety standard inspections. A new section has been added to the Blue Flag regulations to cover the utility employee work. This section describes the circumstances which the utility employee may be permitted to function as a member of a train or yard crew without blue flag protection:

(a) This requires that before a utility employee becomes a temporary member of a train or yard crew, he/she must be subject to the same requirements as other yard or train crews with regard to efficiency tests to determine compliance with operating rules, timetable and special instructions; and also subject to the drug and alcohol regulations as well as the Hours of Service Act.

(b) The utility employee shall perform service as a member of only one train or yard crew at any given time. The employee's assignment must be completed before being assigned to a second crew. Therefore, such an employee could not simultaneously perform duties on two different trains.

(c) The utility employee may serve as a member of a yard and train crew without blue flag protection only under the following conditions:

(1) The train and yard crew is assigned a controlling locomotive that is under the actual control of the locomotive engineer of that crew;

(2) The locomotive engineer is in the cab of the controlling locomotive;

(3) The locomotive engineer may be temporarily replaced by a member of his/her crew so long as the locomotive remains stationary;

(4) The utility employee must establish communication with the crew by contacting the designated crew member on arriving at the train and before commencing any duties with the crew. A utility employee shall not be excluded from blue signal protection unless effective communications is established. If a radio malfunction prevents the required crew notice, then the utility employee must be protected by the blue signal, unless the communication is achieved by talking in person or other equivalent forms of telecommunications. The "designated crew member" is defined as an individual designated under the railroad’s operating rules as the point of contact between a train or a yard crew and a utility
employee working with that crew. Such person is typically the conductor, yard engine foreman or locomotive engineer. It should be pointed out that a single locomotive engineer in helper service or a single hostler must provide blue signal protection to a utility employee;

(5) Before any duties are performed, the designated crew member shall provide notice to each of the other crew members of the presence and identity of the utility employee.

(6) The utility employee must be performing one or more of the following functions: set or release hand brakes; couple or uncouple air hoses and other electrical or mechanical connections; prepare rail cars for coupling; set wheel blocks or wheel chains; conduct air brake test which includes cutting air brake components in or out and position retaining valves; inspect, test, install, remove or replace a rear end marking device or end of train device. (It should be emphasized that the utility employee shall not be assigned other responsibilities without full blue flag protection. Therefore, under all other circumstances a utility employee working on, under, or between railroad rolling equipment must be provided with blue signal protection).

(d) The rule prohibits an engineer working alone from going on, under, or between rolling equipment to perform inspections, tests, repairs, or servicing without blue signal protection unless the following conditions are met:

(1) Each locomotive in the locomotive engineer's charge is either:

(i) coupled to the train or other railroad rolling equipment to be assisted; or

(ii) stopped a sufficient distance from the train or rolling equipment to ensure a separation of at least 50 feet; and,

(2) Before a controlling locomotive is left unattended, the one-member crew shall secure the locomotive as follows:

(i) The throttle is in the IDLE position;

(ii) The generator field switch is in the off position;

(iii) The reverser handle is removed (if so equipped);
(iv) The isolation switch is in the ISOLATE position;

(v) The locomotive independent (engine) brake valve is fully applied;

(vi) The hand brake on the controlling locomotive is fully applied (if so equipped); and

(vii) A bright orange engineer's tag (a tag that is a minimum of three by eight inches with the words ASSIGNED LOCOMOTIVE-DO NOT OPERATE) is displayed on the control stand of the controlled locomotive.

If the single engineer crew is working in helper service, safety must also be assured by effective communication between engineers of the controlling locomotives to prevent unexpected movement.1/

(e) When the utility employee has completed all work he/she shall notify the ranking crew member. Then the ranking crew member shall give notice to each of the other crew members that the utility employee is being released.

(f) No more than 3 utility employees may be attached to one train or yard crew at any given time.

(g) Any railroad employee who is not assigned to a specific train or yard crew shall be provided blue signal protection.

(h) Nothing in this new section shall affect the protection required with respect to inspection of rear end marking devices.

See Appendix B to Part 218 for Statement of Agency Enforcement Policy on Blue Signal Protection For Utility Workers

49 C.F.R. § 218.22

1/ The FRA had proposed that the following protections under (1) and (2) be provided, but they were suspended on May 15, 1995, 60 F.R. 30469:

(1) A single engineer must communicate directly, either by radio or by oral communication of equivalent integrity, with the crew of the train to be assisted.

(2) The crews of both trains must notify each other in advance of all moves to be made by their respective equipment. The crew of the train to be assisted must inform the single engineer that the train is secured against movement, and must not move the train or permit the train to move until authorized by the single engineer.