



Rules Change Briefing

GCOR 2.21 – Electronic Devices

Effective March 28, 2011, GCOR 2.21 Electronic Devices will be added to the General Code of Operating Rules to reflect requirements of 49 CFR Part 220 Restrictions on Railroad Operating Employee's Use of Cellular Telephones and Other Electronic Devices. This regulation replaces and modifies requirements previously identified in Emergency Order 26, which BNSF outlined in GCOR 1.10 Games, Reading, or Electronic Devices. In order to ensure compliance with Federal Regulation and align with other GCOR roads to the extent possible, BNSF will move electronic device instructions from the amended GCOR 1.10 to GCOR 2.21 on March 28, 2011.

Key Changes:

The title of GCOR 1.10 will change to **Games, Reading, or other Media** and the BNSF amendment to GCOR 1.10 will exclude references to cellular phones or electronic devices.

The title of GCOR 2.0 will change to **Railroad Radio and Communication Rules**.

New Rule **2.21 Electronic Devices** will be added with BNSF amendments.

The information contained in GCOR 2.21 is arranged differently than it was in GCOR 1.10 but the concept and application remain consistent with minor differences; using an electronic device that jeopardizes safe performance of duties is still prohibited.

Electronic devices are not restricted when deadheading on other than a controlling locomotive.

When a personal electronic device must be turned off, it must also be stowed out of sight.

Texting is allowed on a personal device under the same conditions as voice communication.

Railroad supplied devices may be used when not operating a locomotive or foul of track and all members of the crew agree the device can be used safely.

Effective March 28, 2011.

GCOR 2.21 Electronic Devices

This rule outlines the requirements for use of electronic devices. As used in this rule, the following definitions apply:

Electronic Device means an electronic or electrical device used to conduct oral, written, or visual communication; place or receive a telephone call; send or read an electronic mail message or text message; look at pictures; read a book or other written material; play a game; navigate the Internet; navigate the physical world; play, view, or listen to a video; play, view or listen to a television broadcast; play or listen to music; execute a computational function; or, perform any other function that is not necessary for the health or safety of the person and that entails the risk of distracting the employee or another employee from a safety related task.

Railroad operating employee means an individual who is:

- engaged in or connected with the movement of a train including a hostler,
- a train employee providing commuter or intercity rail passenger transportation,
- or

- subject to hours of service governing train service employees.

The use of any electronic device is prohibited if that use would interfere with an employee's performance of safety-related duties.

A. Personal or Railroad Supplied Electronic Devices

Personal or railroad supplied electronic devices may be used as necessary:

- To respond to an emergency situation involving the operation of the railroad,
- To respond to an emergency encountered while on-duty,
- As a communication device in the event of radio malfunction.

B. Personal Electronic Devices

Except when deadheading in other than a controlling locomotive, railroad operating employees on duty (including supervisors) must have each electronic device turned off and stowed out of sight with any earpiece removed from the ear when:

- On moving rolling equipment or on track equipment.
- Any member of the crew is on the ground performing safety related duties.
or
- Any employee is assisting in preparation of the train, engine(s) or on-track equipment.

A railroad operating employee may use an electronic device only for voice communication, texting or emailing when:

- Rolling and on track equipment is stopped,
- A safety briefing is conducted with all crew members to confirm that it will not interfere with any safety related or required duty,
- No member of crew will foul any track.

Any other electronic device must remain turned off and stowed out of sight.

An electronic device used for voice communication, texting or emailing must be turned off when communication has been completed.

Railroad operating employees may use a digital storage and display function of an electronic device to refer to a railroad rule, special instruction, timetable, or other directive provided train is stopped and use does not interfere with any employee's performance of safety related duties and all other crew members have been briefed on its limited use. When not in use it must be turned off and stowed.

A personal stand alone camera may be used to take a photograph of a safety hazard or a violation of a rail safety law, regulation, order, or standard, provided that:

- A job briefing is conducted among all crewmembers and any other individuals in the controlling cab of moving equipment,
- It is turned off immediately after the photograph has been made;
- It is not used by an employee at the controls of moving equipment.

A personal stand-alone calculator, digital watch whose only purpose is as a timepiece and medical devices that are consistent with the railroad's standards may be used as necessary in the performance of duties.

C. Railroad Supplied Electronic Devices

After a safety briefing including all members of the crew determines railroad supplied devices can be used safely, railroad operating employees may use such devices to send or receive work related information with:

- Railroad supervisors.
- Railroad customers.
- Railroad dispatchers.

- Railroad customer service employees.
or
- Other railroad employees as necessary in the performance of their duties.

Railroad operating employees must not use a railroad supplied electronic device for purposes other than which it was intended or while:

- Operating the controls of a moving locomotive.
- On the ground within 4 feet of any track.
- On the ground and engaged in an active switching operation.
- Riding rolling equipment during a switching operation.
- At the controls of the locomotive and any other employee is assisting in the preparation of the train, engine(s), or on-track equipment, including testing of railroad equipment or brakes.
- Inside the controlling cab of a locomotive, train or on-track equipment, unless there has been a safety briefing and all crew members agree that it is safe to do so.
- Verbally obtaining or releasing mandatory directives when railroad radio communication is available.

Railroad authorized electronic devices may be used in the body of a business car or passenger train for railroad business when it will not interfere with an employee's performance of safety related duties.

GCOR 2.21 Instruction & Examination:

*Each TY&E employee and their supervisor shall receive **instruction & examination** on this rule by 03/27/11. Prior to the exam, supervisors should **instruct** TY&E employees on the requirements of GCOR 2.21 and consequences of noncompliance, using this briefing, including the FAQs below.*

Frequently Asked Questions:

1. **Q. When on a moving train, can I use a cell phone to respond to an emergency encountered while on duty?**
A. Yes. Personal and railroad supplied electronic devices may be used as necessary to respond to an emergency situation.
2. **Q. When on a moving train, can I have my cell phone powered on if it is out of reach in my luggage/grip?**
A. No. All personal electronic devices must be turned off with ear pieces removed while the train is moving unless it is being used during an emergency, as a Communication Redundancy according to the rules, or while deadheading on other than the controlling locomotive.
3. **Q. I'm the engineer on a train. My train is stopped and the conductor is lining a switch for our movement; can I make a call on my cell phone?**
A. No. Even though the train is stopped, cell phones must not be used if any member of your crew is on the ground performing safety related duties.
4. **Q. May I make a voice call using my cell phone, while on the ground standing clear of the track, while conducting a train inspection of a passing train as outlined in GCOR 6.29.1?**
A. No. Cellular phones and other personal electronic devices must not be turned on while any member of your crew, including you, is on the ground performing safety related duties.
5. **Q. May I have my cell phone or other approved personal electronic device powered on while my train is stopped during an air brake test?**
A. No. Cellular phones and other personal electronic devices must not be powered on while any employee is assisting in preparation of your train or engine for movement.

6. **Q. May a supervisor such as a road foreman of engines have a cell phone turned on and use it while riding the head end of a moving freight train?**
A. No, under normal circumstances, supervisors riding in the controlling cab of a locomotive or engaged with railroad operating employees on a train are expected to comply with GCOR 2.21.
7. **Q. While on a moving train, may I look up a railroad rule on my PDA which is a combination cell phone/display device capable of storing an electronic rule book?**
A. No. BNSF is more restrictive than the regulation. The only time an electronic device can be powered on to look up a rule is while the train is stopped.
8. **Q. May I use my laptop computer to watch a movie, while on a stopped freight train?**
A. No. Laptops may be used on a stopped train to access electronically stored rule-related files.
9. **Q. May I use my laptop computer to look up a rule, while on a stopped freight train?**
A. Yes. Laptops may be used on a stopped train to access electronically stored rule-related files if all crew members agree it is safe to use the device.
10. **Q. May I use my cell phone or other approved personal electronic device to send or receive text messages, while stopped in a siding, waiting for a train?**
A. Yes, if no member of the crew will foul any track and all crew members confirm it will not interfere with any safety related or required duties.
11. **Q. May I listen to an MP3 while deadheading on other than the controlling locomotive?**
A. Yes. Electronic devices may be used while deadheading on other than the controlling locomotive if it does not interfere with any employee's performance of safety related duties.
12. **Q. May I use a calculator to total train tonnage on a moving train after picking up en route?**
A. Yes. A stand alone calculator can be used for an authorized business purpose if it does not interfere with any employee's performance of safety related duties.
13. **Q. As a conductor on a passenger train or business car may I make a business-related voice call using a railroad supplied electronic device on a moving train?**
A. Yes, as long as you are not riding in the controlling unit or cab room of the controlling cab car and all crew members agree it is safe to use the device.
14. **Q. May I use Renegade inside the depot to report work while the rest of my crew continues switching on the lead?**
A. Yes, you can use a railroad supplied device for its intended purpose if not foul of track or operating the controls of a train or engine and all crew members agree it is safe to do so.
15. **Q. While operating a moving locomotive may I use my digital watch to check the accuracy of my speedometer?**
A. Yes. A digital watch whose only purpose is a timepiece is not restricted or prohibited.
16. **Q. While operating the controls of a moving locomotive, may I use an electronic device to control remote locomotives in my train?**
A. Yes. Electronic control systems and information displays within the locomotive cab (whether fixed or portable) or on a remote control transmitter necessary to operate a train or conduct switching operations are not prohibited or restricted.
17. **Q. Can the FRA fine me for using a personal cell phone while working in the controlling cab of a moving train?**
A. Yes. 49 CFR Part 220 provides penalty assessment for violation. An individual may be fined for willful violation.
18. **Q. Can BNSF discipline me for using an electronic device outside the guidelines of this rule?**

- A. Yes. BNSF will include use of electronic devices in its operations testing program. Violations will be subject to BNSF discipline guidelines, up to and including dismissal.

GCOR 2.21 Examination for TY&E Employees and Their Supervisors:

After instruction, each TY&E employee and their supervisor shall receive **examination** on this rule by **03/27/11**.

The following questions must be answered correctly.

1. **Q. When GCOR 2.21 requires personal electronic devices to be powered off with any earpiece removed, is the device also required to be stowed out of sight?**
A. Yes No.
2. **Q. Does GCOR 2.21 permit a railroad operating employee deadheading on a non-controlling locomotive to use electronic devices that do not interfere with any employee's performance of safety related duties?**
A. Yes No
3. **Q. Does GCOR 2.21 require a railroad operating employee in the controlling locomotive to have each personal electronic device turned off when a mechanical employee is inspecting the train?**
A. Yes No
4. **Q. Does GCOR 2.21 permit a railroad operating employee to use a personal cell phone for voice communication or texting while occupying the controlling locomotive of a stopped train when no member of the crew will foul track and all members of the crew agree it is safe to use the device?**
A. Yes No
5. **Q. Does GCOR 2.21 permit a railroad operating employee inside the depot to use work order reporting devices, such as Renegade, while other members of the crew continue working foul of track if all members of the crew agree work can be performed safely?**
A. Yes No

Completion of **instruction and examination** should be recorded for each TY&E employee and their supervisor in the Operations Testing database using **number 902**.

- The appropriate occupation code should be used to document each TY&E employee.
- Occupation code 52 (management employee) should be used to document supervisors.