

FRA Policy on Remote Control Locomotives

History, Background and Current Status

March 11, 2003

History

- \$ The abbreviation "RCL" stands for Remote Controlled Locomotive. The term RCL refers to a locomotive that, through use of a radio transmitter and receiver system, can be operated by a person not physically located at the controls within the confines of the locomotive cab.
- \$ Remote controlled locomotives (RCL) have been in use on Canadian railroads for well over a decade and appear to have a credible safety record.
- \$ RCL systems are designed to be fail-safe; that is, if communication is lost between the remote control unit and the onboard control unit, the locomotive is brought to a stop automatically.
- \$ Historically, the use of RCL technology has been confined largely to in-plant rail operations. Over the past year (2002), Class I railroads have begun implementing RCL operations on a wider scale, as have several regional railroads.
- \$ As RCL operations have expanded, some of the traditional ways of conducting rail movements have been significantly modified. Under such circumstances, certain safety risk factors may change.
- \$ Some in the industry believe that, if properly used, RCL technology may actually reduce the number of injuries and fatalities that occur in yard operations due to miscommunications between crewmembers.

Background

- \$ FRA issued a Notice of Safety Advisory, which was published in the Federal Register on February 14, 2001 (66 Fed. Reg. 10340). The advisory is a *non-regulatory* approach in delivering specific guidance to the railroad industry on how, in FRA's view, these operations should be conducted. The safety advisory on RCL was specifically written to address yard-switching operations only. The advisory does not address RCL technology used in "train operations."
- \$ As of early 2001, the information and data available to the FRA about the safety of RCL operations was insufficient to conclude that such operations should be prohibited. FRA elected to proceed cautiously. The range of views and safety

concerns expressed during various public meetings on the subject underscored the need to proceed with the implementation of the new technology in a sound and consistent manner.

\$ Note: Although the safety advisory guidelines are *recommendations*, RCL operators are fully subject to three distinct federal safety regulations: (1) Railroad Accident/Incident Reporting (49 CFR Part 225); (2) Railroad Locomotive Safety Standards (49 CFR Part 229); and (3) Qualification and Certification of Locomotive Engineers (49 CFR Part 240).

\$ The guidelines, with which compliance is voluntary, resulted from a technical conference FRA held in July 2000 at which all interested parties, including rail labor, presented their views on remote control operations. The guidelines cover several subjects:

- C** Safety design and operational requirements
- C** Training of persons who operate the devices
- C** Operating practices for safe use of the devices
- C** Security of the devices when not in use
- C** Inspection and testing of the devices (the guidelines note that the devices should be inspected as part of the daily locomotive inspection).
- C** Notification of remote control use and protection of nearby workers
- C** Accident-incident reporting procedures

C In November 2000, BLE had filed a petition for rulemaking with FRA asking the agency to restrict the use of remote control technology. Instead, FRA issued the safety advisory and guidelines three months later.

C Although, FRA did not officially deny BLE's petition, issuance of the guidelines implicitly conveyed FRA's conclusion that rules were not necessary at the time. BLE's complaint in its lawsuit does not mention the petition.

C Since the February 2001 Safety Advisory was issued, railroads as a whole have implemented RCL technology consistent with recommended guidelines.

\$ The advisory states that employees using RCL control units are subject to the regulations for Qualification and Certification of Locomotive Engineers (49 CFR Part 240). Railroads implementing the technology are required to submit amendments to their training plans to ensure that RCL operators are properly trained and qualified to handle the most demanding type of service that they will be assigned to perform in their job.

\$ Remote control devices are "appurtenances" of locomotives subject to daily and periodic test and inspection under existing rule (49 CFR Part 229). FRA is carefully monitoring compliance with this requirement.

- \$ FRA uses all data it collects to aid in identifying potential safety problems and objectively allocate inspection and safety assurance and compliance program resources. By doing so, deficiencies may be addressed at either the local or systemic level in a manner consistent with the relative effect on the safety of railroad employees, operations, and civilians.
- \$ In November 2001, six major railroads submitted to FRA their training programs for remote control operators. Some railroads made changes in their proposed remote control training programs at FRA's behest, and FRA is closely monitoring the training and making suggestions for its improvement on certain railroads.
- C In late 2001, several major freight railroads began using RCL devices at locations across their systems, and indicated their intention to employ members of the United Transportation Union (UTU) to operate these devices. The railroads interpreted certain communications from the Brotherhood of Locomotive Engineers (BLE) as a threat to strike if the work were assigned to UTU members.
- C In January 2002, the railroads obtained an injunction from a federal district court judge in Chicago prohibiting BLE from engaging in a strike concerning what was deemed to be a collective bargaining issue, as to which union's members the railroads will assign to operate the devices.
- \$ By opinion dated Jan. 15, 2002, the court enjoined the BLE from striking on the issue of the carriers' intent to allow UTU members to be assigned the task of operating remote control devices.
- \$ The court found the issue was a "minor dispute" under the Railway Labor Act, subject to exclusive arbitral jurisdiction.
- \$ In a statement issued subsequent to the ruling, the BLE asserted that FRA contributed to the decision by saying, "In essence the FRA circumvented its own regulations -- 49 CFR Part 240 -- by creating a deskilled engine craft (remote control operator)." BLE also criticized the FRA for failing "to adopt enforceable federal regulations to govern the operation of remote control trains."
- \$ The BLE's stated concern is that carriers are trying parlay the dispute into a 'blank check' to operate all road switchers and locals via remote control regardless of whether they operate in terminals."
- \$ On Aug. 20, 2002, the carriers signed an agreement with UTU. Prior to an evidentiary hearing on a motion filed by BLE in federal court in Chicago, the parties agreed, without prejudice, that pending a final decision by the arbitration board, remote control operators (RCOs) would be instructed that they "shall not use remote control operating units to effectuate locomotive movements from inside the locomotive cab, except in an emergency."

Current Status

- C** The Brotherhood of Locomotive Engineers (BLE) sued DOT and FRA on March 22, 2002 in the U.S. District Court for the District of Columbia. The suit alleges that DOT and FRA have not fulfilled their statutory obligation to inspect, prescribe tests for, and issue rules on remote control locomotives.
- C FRA remains confident that it has satisfied any statutory obligations that may be relevant.
- C In order to ensure that any accidents/incidents associated with RCL operations are identified and reported to FRA under the provisions of FRA's accident/incident reporting regulation (49 CFR Part 225), FRA developed specific reporting codes for these operations. These mandatory reporting code procedures become effective on May 1, 2003.
- C FRA inspectors are observing the developing remote control operations and working with railroads to resolve any safety concerns revealed by the inspections.
- C In summary, certain of FRA's existing rules (engineer certification, locomotive inspection, accident/incident reporting requirements) already apply to remote control operations.
- C To date, the BLE has not identified any specific safety issues related to RCL operations that FRA has not addressed.