

FRA Certification – 48 hour rule

Locomotive Engineers and RCO Operators:

The following is taken from the Code of Federal Regulations (CFR) 49, Part 240, Subpart B, Sec. 240.111:

(h) Each certified locomotive engineer or person seeking initial certification shall report motor vehicle incidents described in Sec. 240.115 (b)(1) and (2) to the employing railroad within 48 hours of being convicted for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle drivers license for, such violations. For the purposes of engineer certification, no railroad shall require reporting earlier than 48 hours after the conviction, or completed state action to cancel, revoke, or deny a motor vehicle drivers license.

The following is taken from the Code of Federal Regulations (CFR) 49, Part 240, Subpart B, Sec. 240.115:

(b) When evaluating a person's motor vehicle driving record, a railroad shall not consider information concerning motor vehicle driving incidents that occurred more than 36 months before the month in which the railroad is making its certification decision and shall only consider information concerning the following types of motor vehicle incidents:

(1) A conviction for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle drivers license for, operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance;

(2) A conviction for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for, refusal to undergo such testing as is required by State law when a law enforcement official seeks to determine whether a person is operating a vehicle while under the influence of alcohol or a controlled substance.

It is important to remember that you are required to report within **48 hours of conviction or completed state action.**

* These rules apply to initial and subsequent recertification. The term Engineer, as stated in the above rules applies to both engineers and RCO operators. The FRA considers anyone that operates a locomotive to be an engineer. The term RCO operator is a collective bargaining term, and the absence of this terminology in the above rules does not relieve any card carrying operator of compliance. Also important to remember, is that a refusal to undergo testing to determine sobriety, under your state law, could be an immediate and complete state action, and require you to comply with the above rules within 48 hours of such refusal.

Conductors:

The following is taken from the Code of Federal Regulations (CFR) 49, Part 242, Subpart B, Sec. 242.111:

(l) Each certified conductor or person seeking initial certification shall report motor vehicle incidents described in paragraphs (n)(1) and (2) of this section to the employing railroad within 48 hours of being convicted for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle drivers license for, such violations. For purposes of this paragraph and paragraph (n) of this section, "state action" means action of the jurisdiction that has issued the motor vehicle driver's license, including a foreign country. For the purposes of conductor certification, no railroad shall require reporting earlier than 48 hours after the conviction, or completed state action to cancel, revoke, or deny a motor vehicle drivers license.

(m) *Evaluation of record.* When evaluating a person's motor vehicle driving record, a railroad shall not consider information concerning motor vehicle driving incidents that occurred:

(1) Prior to the effective date of this rule;

(2) More than 36 months before the month in which the railroad is making its certification decision; or

(3) At a time other than that specifically provided for in §§242.111, 242.115, or 242.403.

(n) A railroad shall only consider information concerning the following types of motor vehicle incidents:

(1) A conviction for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle drivers license for, operating a motor vehicle while under the influence of or impaired by alcohol or a controlled substance; or

(2) A conviction for, or completed state action to cancel, revoke, suspend, or deny a motor vehicle driver's license for, refusal to undergo such testing as is required by State or foreign law when a law enforcement official seeks to determine whether a person is operating a vehicle while under the influence of alcohol or a controlled substance.

It is important to remember that you are required to report within **48 hours of conviction or completed state action.**

* These rules apply to initial and subsequent recertification. It is important to remember, that a refusal to undergo testing to determine sobriety, under your state law, could be an immediate and complete state action, and require you to comply with the above rules within 48 hours of such refusal.