

responsible for executing that mandatory directive. The employee responsible for on-track safety shall retain a copy of the mandatory directive while it is in effect.

(6) A mandatory directive which has not been completed or which does not comply with the requirements of the railroad's operating rules and this part, may not be acted upon and shall be treated as though not sent. Information contained in a mandatory directive may not be acted upon by persons other than those to whom the mandatory directive is addressed.

### Subpart C—Electronic Devices

SOURCE: 75 FR 59602, Sept. 27, 2010, unless otherwise noted.

#### § 220.301 Purpose and application.

(a) The purpose of this subpart is to reduce safety risks resulting from railroad operating employees being distracted by the inappropriate use of electronic devices, such as mobile telephones (cell phones or cellular phones) and laptop computers.

(b) The applicability of this subpart is governed by § 220.3; this subpart, however, does not affect the use of working wireless communications pursuant to subparts A and B of this part.

(c) The restrictions of this subpart C do not apply—

- (1) To the working radio; or
- (2) When a working radio failure occurs and an electronic device is used in accordance with railroad rules.

#### § 220.302 Operating rules implementing the requirements of this subpart.

Each railroad shall adopt operating rules that implement the requirements of this subpart.

#### § 220.303 General use of electronic devices.

A railroad operating employee shall not use an electronic device if that use would interfere with the employee's or another railroad operating employee's performance of safety-related duties. No individual in the cab of a controlling locomotive shall use an electronic device if that use would interfere with

a railroad operating employee's performance of safety-related duties.

#### § 220.305 Use of personal electronic devices.

A railroad operating employee must have each personal electronic device turned off with any earpiece removed from the ear—

- (a) When on a moving train;
- (b) When any member of the crew is—
  - (1) On the ground, or
  - (2) Riding rolling equipment during a switching operation; or
- (c) When any railroad employee is assisting in preparation of the train for movement.

#### § 220.307 Use of railroad-supplied electronic devices.

(a) *General restriction.* A railroad operating employee may use a railroad-supplied electronic device only for an authorized business purpose as specified by the railroad in writing. An authorized business purpose involving the taking of a photograph or video must be approved by FRA. A railroad subject to this subpart must submit to FRA's Associate Administrator for Railroad Safety/Chief Safety Officer a document specifying in writing the authorized business purpose(s) involving the taking of a photograph or video for which a railroad-supplied electronic device may be used by the carrier's railroad operating employees.

(b) *Use by locomotive engineers operating controls.* A locomotive engineer operating the controls of a train shall not use a railroad-supplied electronic device—

- (1) When on a moving train;
- (2) When any member of the crew is—
  - (i) On the ground, or
  - (ii) Riding rolling equipment during a switching operation; or
- (3) When any railroad employee is assisting in preparation of the train for movement.

(c) *Use in freight and passenger locomotive cabs generally.* In addition to the restrictions on locomotive engineers described in paragraph (b) of this section, a railroad operating employee who is not in deadhead status shall not use a railroad-supplied electronic device in the cab of a controlling locomotive unless—