

Div. 13,

Recently 4 La Crosse employees were charged with allegedly putting in invalid fishhook claims while in Galesburg. None of the 4 knowingly put in an invalid claim. Galesburg can be confusing as to where the GSLs are. Below are the GSL limits from their pilot with my addition of the applicable subdivisions. Take a pic of it so you have it on your phone to use. Keep this email on file so you have the qualification CFRs handy.

BN Line to Creston:	MP 172.0.	Ottumwa sub
BN Line to Quincy:	MP 168.2	Brookfield sub
BN Line to Peoria:	MP 2.25	Peoria sub
BN Line to Chicago:	MP 159.0	Mendota sub
BN Line to Savanna:	MP 5.0	Barstow
SF Line to Fort Madison:	MP 186.0	Chillicothe sub (west of Galesburg)
SF Line to Corwith (Chicago):	MP 172.5.	Chillicothe sub (east of Galesburg)

What happened in at least a couple cases was the member(s) were asked if they could go out and get their train. They were then told that it was a fishhook by the YM. They do so and put in the claim. They are then told they put in an invalid fishhook and will receive a coach and counseling. The problem with a C&C is that down the road they may make a similar mistake on a fishhook and then they will possibly be subject to a charge for violating rule 1.6 failure to follow instructions aka insubordination. This charge can carry up to a level S or worse. It is important we avoid a C&C. How do we protect ourselves and still be paid the monies owed to us for the claim?

#1. Never put in a fishhook simply because someone told you it was a good claim. The YM was sincere in these cases, but also incorrect. You are responsible for ensuring the validity of your claim.

#2 When you log on to PTC take note of the MP and sub it indicates you are on.

#3 Check your iPad timetables to make sure what the sequence of the MPs are for the direction you are going. This will help you know if the GSL is past you or in front of you.

#4 Your entire train must be behind the GSL for a fishhook to be valid.

#5 If you have any question if you should put in a fishhook or not, contact me or McMakin.

#6 Know where you are qualified and where you are not and know where your familiarization is up to date and where it is not.

#7 If you are asked to go somewhere you are not qualified or familiarized with, it is up to **you** to make that decision to go or not. However, the FRA has an expectation that CFR 49 section 240.231 and 242.301 are adhered to. (**See the CFRs listed below this email**)

#8 If you think the BNSF will not discipline you if something goes wrong because you were doing them a favor by moving the train, you're wrong. I know 4 people from La Crosse just last week alone that will confirm that sometimes no good deed goes unpunished on the BNSF. That time you save or that claim you get will seem exceptionally insignificant if you get a charge letter.

Mike Banks
LC Div. 13

§ 242.301 Requirements for Conductors territorial qualification.

(a) Except as provided in [paragraph \(c\)](#), [\(d\)](#), or [\(e\)](#) of this section, a railroad, including a railroad that employs conductors working in joint operations territory, shall not permit or require a person to serve as a conductor unless that railroad determines that the person is certified as a conductor and possesses the necessary territorial qualifications for the applicable territory pursuant to [§ 242.119](#).

(b) Each person who is called to serve as a conductor shall:

(1) Meet the territorial qualification requirements on the segment of track upon which he or she will serve as a conductor; and

(2) Immediately notify the railroad upon which he or she is employed if he or she does not meet the required territorial qualifications.

(c) Except as provided in [paragraph \(e\)](#) of this section, if a conductor lacks territorial qualification on main track physical characteristics required by [paragraph \(a\)](#) of this section, he or she shall be assisted by a person who meets the territorial qualification requirements for main track physical characteristics.

(1) **For a conductor who has never been qualified** on main track physical characteristics of the territory over which he or she is to serve as a conductor, the assistant shall be a person who is certified as a conductor, meets the territorial qualification requirements for main track physical characteristics, and **is not an assigned crew member.**

(2) **For a conductor who was previously qualified** on main track physical characteristics of the territory over which he or she is to serve as a conductor, but whose qualification has been expired for one year or less and who regularly traversed the territory prior to the expiration of the qualification, the assistant **may be any person, including an assigned crewmember,** who meets the territorial qualification requirements for main track physical characteristics.

(3) **For a conductor who was previously qualified** on main track physical characteristics of the territory over which he or she is to serve as a conductor, and whose qualification has been expired for one year or less but who has not regularly traversed the territory prior to the expiration of the qualification, or a conductor whose territorial qualification on main

track has been expired for more than a year, the assistant **may be any person, including an assigned crewmember** other than the locomotive engineer so long as serving as the assistant would not conflict with that crewmember's other safety sensitive duties, who meets the territorial qualification requirements for main track physical characteristics.

(d) If a conductor lacks territorial qualification on other than main track physical characteristics required by [paragraph \(a\)](#) of this section, where practicable, he or she shall be assisted by a person who is a certified conductor and meets the territorial qualification requirements for other than main track physical characteristics. Where not practicable, the conductor shall be provided an appropriate up-to-date job aid.

(e) An assistant is not required if the movement is on a section of main track with an average grade of less than 1% over 3 continuous miles, and

(1) The maximum distance the locomotive or train will be operated does not exceed one mile; or

(2) The maximum authorized speed for any operation on the track does not exceed 20 miles per hour; or

(3) Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping within one half the range of vision of the locomotive engineer.

[[76 FR 69841](#), Nov. 9, 2011, as amended at [77 FR 6491](#), Feb. 8, 2012]

§ 240.231 Requirements for locomotive engineers unfamiliar with physical characteristics in other than joint operations.

(a) Except as provided in [paragraph \(b\)](#) of this section, no locomotive engineer shall operate a locomotive over a territory unless he or she is qualified on the physical characteristics of the territory pursuant to the railroad's certification program.

(b) Except as provided in [paragraph \(c\)](#) of this section, if a locomotive engineer lacks qualification on the physical characteristics required by [paragraph \(a\)](#) of this section, he or she shall be assisted by a pilot qualified over the territory pursuant to the railroad's certification program.

(1) **For a locomotive engineer who has never been qualified on the physical characteristics of the territory over which he or she is to operate a locomotive or train, the pilot shall be a person qualified and certified as a locomotive engineer who is not an assigned crew member.**

(2) **For a locomotive engineer who was previously qualified** on the physical characteristics of the territory over which he or she is to operate a locomotive or train, but whose qualification has expired, the pilot **may be any person, who is not an assigned crew member.** qualified on the physical characteristics of the territory.

(c) Pilots are not required if the movement is on a section of track with an average grade of less than 1% over 3 continuous miles, and

(1) The track is other than a main track; or

(2) The maximum distance the locomotive or train will be operated does not exceed one mile; or

(3) The maximum authorized speed for any operation on the track does not exceed 20 miles per hour; or

(4) Operations are conducted under operating rules that require every locomotive and train to proceed at a speed that permits stopping within one half the range of vision of the locomotive engineer.

[[64 FR 60993](#), Nov. 8, 1999]