



U.S. Department
of Transportation

**Federal Railroad
Administration**

Memorandum

Date: February 3, 2004

Reply to Attn of: OP-04-13

Subject: Part 240 - Annual Operational Monitoring and Operational
Rules Compliance Testing of Engineers

Original Signed By:

From: Edward W. Pritchard
Director, Office of Safety Assurance and Compliance

To: Regional Administrators

The following procedures are designed to guide and assist inspectors in determining railroad compliance with Parts 240.129 and 240.303 (annual operational monitoring and operating rules compliance testing of engineers). Initially, the railroad should be advised of FRA's policy concerning the time limitations described in Parts 240.129 and 240.303 (b) and (c). Following this visit, the railroad will be required to comply.

Inspection Procedures

Part 240.303 (b) Operational Monitoring Observations:

This procedure is performed by a DSLE and must be performed at least once each calendar year (January 1 to December 31). The operational monitoring observation date should appear on the engineer's certificate or in his supplemental documents (timetable, rule book, etc.) If this observation has not been conducted within the calendar year, a violation of Part 240.303 (b) may have occurred; and

Part 240.303 (c) Operating Rules Compliance Test:

1. This test can be performed by any railroad official and must be performed each calendar year. The date of this test is not required to be written on any of the engineer's documents, but must be kept in railroad records required by Part 240.215 (e) (3) and Part 217.9 (c). If this test was not conducted within the calendar year (January 1st to December 31st), a violation of Part 240.303 (c) may have occurred.

2. Determine if this test included the following:
 - a. was unannounced;
 - b. signal (Part 236) compliance less favorable than a “clear” aspect ;
or
 - c. engineer response to slow orders; stop signs;
work limits; flagmen; etc.; or
 - d. were rules tested that were attributed to
accidents the previous year, that involved
engineer rules compliance;
 - e. were the tests conducted throughout whatever
portion of a 24-hour day that the railroad
conducts operations; and
 - f. no prior notice should have been given to the
engineer being tested.

If the test was not performed according to the procedures outlined above, a violation of Part 240.303 (d) may have occurred.

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