



# Memorandum

**U.S. Department  
of Transportation**

**Federal Railroad  
Administration**

**Date:** August 20, 2021

**Subject:** Technical Bulletin MP&E 21-02, Failure to Comply with Blue Signal Protections:  
Title 49 Code of Federal Regulations Section 218.22.

**From:** Mr. Charles King   
Director, Office of Railroad Infrastructure and Mechanical Equipment

**To:** All Safety Management Teams, Specialists, State Program Managers, and all  
Federal and State MP&E Inspectors

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The purpose of this Technical Bulletin (TB) is to advise Federal Railroad Administration (FRA) and participating State MP&E inspectors regarding the scope of functions a member of a train or yard crew, or a utility employee properly attached to a train or yard crew, may perform without establishing blue signal protection (BSP). This TB also reinforces the requirement that any assigned utility employees must meet all the conditions provided in § 218.22 to perform tasks without BSP.

**Background:** Recent shifts in the railroad industry have resulted in the reassignment of tasks, traditionally performed by railroad car inspectors, to train or yard crews or utility employees without either the protection of an attached locomotive or BSP. In addition, recent incidents involving utility employees, including an amputation and fatality, have raised safety concerns about continued industry changes and the proper interpretation of what both train or yard crews, and utility employees attached to those crews, are permitted to do without BSP. These incidents also highlight the importance of compliance with all requirements of the utility employee regulation.

Title 49 CFR Part 218 delineates which railroad employees may be excluded from BSP as utility employees (§ 218.22) and defines “train or yard crew” (§ 218.5). In § 218.22(g), FRA states that any railroad employee not assigned to a train or yard crew or authorized to work with a crew as a utility employee, is a worker required to have BSP. The definition of “train or yard crew” provides in part that train or yard crews must be “involved with the train or yard movement of railroad rolling equipment they are to work with as an operating crew; reporting and working

together as a unit that remains in close contact.”

Utility employees are excluded from BSP only when assigned to and functioning as temporary members of a specific train or yard crew under all the conditions set forth in § 218.22, which are essential to the employees’ safety. These conditions include measures to properly attach to a train or yard crew and establish and maintain clear communications in such a manner that each member of the train or yard crew understands the duties to be performed and whether those duties will cause any crewmember to go on, under, or between the rolling equipment. Further, § 218.22(c)(5) limits the tasks that an assigned utility employee may perform without BSP. In all other circumstances, utility employees working on, under, or between railroad rolling equipment must be provided with BSP.

**Guidance:** FRA has recently found that railroads have occasionally utilized train or yard crewmembers or utility employees, rather than car inspectors, to complete tasks traditionally performed under BSP, under the mistaken impression that the exclusion from BSP for train or yard crews extends to all work assigned to these employees.

In addition, FRA has become aware that railroads have directed train or yard crews, and assigned utility employees, to perform work on equipment not part of the train to which such crewmembers or utility employees were assigned. FRA reaffirms its position, as codified in § 218.22, that the BSP exclusions apply only to tasks involving equipment that is part of the train to which a crewmember or utility employee is assigned. Safety can be assured only by providing protection against unexpected movement of equipment equivalent to a crewmember occupying the cab of an attached locomotive. FRA believes that crews need to have complete control over the equipment that is part of the train on which they are working. Accordingly, a yard airbrake test performed without a locomotive on equipment not part of the train to which train or yard crewmembers or utility employees are assigned, for example, can only be performed under BSP.

If there are any questions or concerns regarding this TB, please contact Mr. John D. Brahaney, Railroad Safety Specialist (SME), FRA Motive Power & Equipment Division, at (202) 805.5359 or [john.brahaney@dot.gov](mailto:john.brahaney@dot.gov).