engineer assigned to helper or hostler service must frequently perform work, such as placing rear end markers or making connections between locomotives, that puts that employee in danger, particularly when this work is performed in congested terminals and rail yards. FRA believes that if singleengineer assignments are not carefully controlled, the industry may risk an entirely avoidable safety problem. Safety can be assured only by providing protection against unexpected movement of equipment equivalent to a crew member occupying the cab. AAR, in its joint submission with the United Transportation Union (UTU) dated March 5, 1993, agreed that crews need to have complete control over the equipment on which they are working. FRA believes this can be achieved and therefore issues a new §218.24 as an amendment that prohibits an engineer working alone from going on, under, or between rolling equipment to perform inspections, tests, repairs, or servicing without blue signal protection unless all of the following conditions are met:

(1) Each locomotive in the locomotive engineer's charge is either (i) coupled to the train or other railroad rolling equipment to be assisted or (ii) stopped a sufficient distance from the train or rolling equipment to ensure a separation of at least 50 feet; and,

(2) Before a controlling locomotive is left unattended, the one-member crew shall secure the locomotive as follows:

(i) The throttle is in the IDLE position;(ii) The generator field switch is in the

OFF position; (iii) The reverser handle is removed

(if so equipped);

(iv) The isolation switch is in the ISOLATE position;

(v) The locomotive independent (engine) brake valve is fully applied;

(vi) The hand brake on the controlling locomotive is fully applied (if so equipped); and

(vii) A bright orange engineer's tag (a tag that is a minimum of three by eight inches with the words ASSIGNED LOCOMOTIVE—DO NOT OPERATE) is displayed on the control stand of the controlling locomotive.

If the single-engineer crew is working in helper service, safety must also be assured by effective communication between engineers of controlling locomotives to prevent unexpected movement. Single-engineer helper service crews are most commonly found in heavy grade territory on main track routes, where additional locomotives are added to trains to push or pull trains on steep grades.

FRA believes the single engineer is particularly vulnerable while attaching his or her locomotive to, or detaching it from, the train to be assisted. FRA provides protection by requiring that communication be established between engineers of controlling locomotives on a common track or working a common train, and these engineers reach an understanding of the work to be performed before taking advantage of the exclusion for train and yard crews. FRA proposes the following language to achieve that purpose:

When assisting another train or yard crew with the equipment the other crew was assigned to operate, a single engineer must communicate directly, either by radio in compliance with Part 220 of this chapter or by oral telecommunication of equivalent integrity, with the crew of the train to be assisted. The crews of both trains must notify each other in advance of all moves to be made by their respective equipment. Prior to attachment or detachment of the assisting locomotive(s), the crew of the train to be assisted must inform the single engineer that the train is secured against movement. The crew of the train to be assisted must not move the train or permit the train to move until authorized by the single engineer.

Use of single-person crews is a relatively recent practice. FRA gave notice in the NPRM of its intent to consider the safety of such crews, but only addressed the issue in the preamble to the final rule. While FRA is not obliged to provide further opportunity to comment, it has decided that soliciting comment is the better course. FRA therefore invites comment on this amendment before it takes effect. FRA will provide a 60-day comment period from the date of publication. At the close of this period, FRA will review the materials received and make necessary adjustments to the amendment.

FRA notes that the contemplated requirements are nearly identical to operating rules of several railroads that currently use single-member crews.

2. Ranking Crew Member. Section 218.5 of the Final Rule defined "ranking crew member" as the assigned locomotive engineer, if the person in general charge of the train was not named by the railroad's operating rules. The UTU argued that the definition dilutes the traditional authority of railroad conductors at the expense of safety. In response to these comments, the final rule is modified to permit the designation of the crew member responsible for coordination with the utility employee only by the railroad's operating rules. Accordingly, the last sentence of the definition of "ranking crew member" is deleted, and the term is changed to "designated crew member.'

3. Occupied Locomotive Cab. Rail management argued that the requirement in $\S218.22(b)(2)$, which requires the locomotive engineer, or another crew member, to be present in the cab of the controlling locomotive in order for the crew to make use of a utility employee, was overly restrictive. FRA believes that a crew member in the controlling locomotive who is aware that others are working on the train can prevent equipment movement that would endanger the crew. This crew member's presence in the cab serves to prevent such events as unexpected couplings when crew members are in jeopardy and is, therefore, an essential element of the exclusion.

4. Craft lines. In the Final Rule, at §218.22(b)(5), FRA clarified the agency's intention not to expand the type of work that could be performed by crews without blue signal protection. In order to accomplish this goal, FRA listed the duties that a utility employee is allowed to perform within the exclusion. This list was intended to be inclusive of all essential and routine duties traditionally performed by crews. Several petitioners objected that the list was incomplete, preventing carriers from making full use of utility employees. FRA disagrees. FRA has, in letters to each petitioner, addressed the duties each has raised. The few specific duties which the petitioners identified as not on the list are in truth parts of jobs listed or jobs which do not require blue signal protection. FRA will not, therefore, amend the list.

A labor union petitioner, the Brotherhood of Railway Carmen (BRC), objected that the list contained duties beyond those traditionally performed by train and yard crews. BRC did not identify the duties to which it objected. The petitioner asserts that the agency therefore acted beyond the scope provided by the notice of proposed rulemaking. FRA disagrees. The Final Rule merely permits utility employees to work like other crew members under specific conditions, which was the expressed intent of the proposed rule.

Rail labor also objected to the preamble explanation that if noncrewmember supervisors perform duties that constitute inspecting, testing, repairing, or servicing, and that cause them to go on, under, or between the equipment, they are not excused from blue signal requirements by virtue of their supervisory occupation. This example illustrated FRA's position that blue signal requirements are based on function and not craft. Any title could be used in place of "supervisors." It was not a suggestion that supervisors replace other employees who currently perform