

Laws Governing Railroad Employees Involved in Railroad Accidents

	Pursuant to Section 49 CFR Part 240, the National Railroad Passenger Corporation has certified:	
Donald H. Savidge as a		
Train Service Engineer		
Certificate Number: 130	D/SLE <input checked="" type="checkbox"/>	O/JTI: <input checked="" type="checkbox"/>
Height: 6'0	Hair: Brown	DOB: 10/19/1948
Weight: 185	Eyes: Hazel	Sex: M
Hearing Restrictions: NONE		
Vision Restrictions: Corrective Lenses		
ISSUED: 5/18/2004	EXPIRES: 5/17/2007	<i>D.A. Hines</i> Authorized Signature

Example of an Engineer Certificate, required to be carried by train engineers in lieu of a driver's license.

Trains involved in fatalities and accidents involving a motor vehicle or other highway conveyance where roadways cross railroad lines are governed by federal laws and regulations, and are not subject to state or local highway laws. Railroad employees involved in accidents at grade crossings or other locations have no obligation to submit to a breath or toxicological test requested by state or local law enforcement authority, unless the authority has specific cause to believe a particular individual they wish to test has committed a criminal law violation.

Section 20106 of Title 49 of the United States Code (previously Section 205 of the Federal Railroad Safety Act of 1970) prohibits states from adopting laws with respect to railroad safety if the United States Department of Transportation has adopted standards governing the subject matter, unless the state requirement is necessary to deal with a unique local problem and is not incompatible with the federal standards. Localities are not permitted to adopt laws with respect to railroad safety under any circumstances. The federal regulatory authority has been delegated to the Federal Railroad Administration (FRA).

In Part 219 of Title 49 of the Code of Federal Regulations (C.F.R.), the FRA has promulgated broad regulations regarding the control and use of alcohol and drugs by railroad employees. These regulations include very specific provisions concerning testing of employees after major accidents and in other situations - See 49 C.F.R. 219.201 (a).

They govern who must be tested and who may not be tested, and prescribe precise standards and procedures that must be followed in performing testing. In adopting these regulations, the FRA specifically determined that, in absence of reasonable cause to believe a particular individual is impaired based on their appearance or behavior, train crews should not be required to submit to testing in connection with the collision of a train and a motor vehicle or other highway conveyance at a rail/highway grade crossing - See 49 C.F.R. 219.201 (b).

In addition, testing is normally not permitted when a person on the railroad right-of-way is hit by a train. Section 219.13 specifies that the regulations in Part 219 of 49 C.F.R. have the preemptive effect contemplated by the Section 20106 of Title 49 of the United States Code, and therefore, states and localities may not adopt laws requiring employees to submit to testing after an accident that does not involve reckless conduct in violation of criminal law.

State and local law enforcement authorities can call the Amtrak Police Department 24 hours a day at (800) 331-0008 to speak with a supervisor to obtain further information concerning the permissible treatment of railroad employees involved in an accident.

