EXHIBIT 3-V

Docket No. DCA-08-MR009

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C. 20594

Federal Railroad Administration Cell Phone Inspection Exceptions, June 2008 through January 2009

NATIONAL, EO OR ROR/RSR AND CP, FROM JUNE 2008 TO PRESENT

		Total				On/Before 9/12/2008 Total				After 9/12/2008 Total			
		Fed Defs	Vio Defs	Non Fed	Insp Lines	Fed Defs	Vio Defs	Non Fed	Insp Lines	Fed Defs	Vio Defs	Non Fed	Insp Lines
Total		70	6	16	82	.	.	3	3	70	6	13	79
2008	July	.	.	1	1	.	.	1	1	.	.	.	.
	August	.	.	2	2	.	.	2	2	.	.	.	.
	September	.	.	2	2	.	.	.	.	.	.	2	2
	October	16	2	6	21	.	.	.	.	16	2	6	21
	November	20	.	.	19	.	.	.	.	20	.	.	19
	December	12	2	3	15	.	.	.	.	12	2	3	15
	Total	48	4	14	60	.	.	3	3	48	4	11	57
2009													
	January	10	1	2	10	.	.	.	.	10	1	2	10
	February	12	1	.	12	.	.	.	.	12	1	.	12
	Total	22	2	2	22	.	.	.	.	22	2	2	22
Alamo Gulf Coast RR Co. [AGCR]		1	.	.	1	.	.	.	.	1	.	.	1
Amtrak [ATK]		5	1	3	6	.	.	1	1	5	1	2	5
Bloomer Shippers Connecting RR Co. [BLOL]		1	.	.	1	.	.	.	.	1	.	.	1
BNSF Rwy Co. [BNSF]		4	1	2	6	.	.	.	.	4	1	2	6
Burlington Northern Santa Fe Suburban Operations [		1	.	.	1	.	.	.	.	1	.	.	1
Canadian National - North America [CN]		5	.	1	6	.	.	.	.	5	.	1	6
Canadian Pacific Rwy Co. [CP]		1	.	.	1	.	.	.	.	1	.	.	1
CSX Transportation [CSX]		1	.	2	3	.	.	1	1	1	.	1	2
Dakota, Minnesota & Eastern RR [DME]		1	.	.	1	.	.	.	.	1	.	.	1
Exel Switching Service [ESSV]		2	.	.	2	.	.	.	.	2	.	.	2
Pam Am Rwys/Guilford System [GRS]		1	.	.	1	.	.	.	.	1	.	.	1
Huron & Eastern Rwy [HESR]		2	1	.	2	.	.	.	.	2	1	.	2
Hondo Rwy LLC [HHRV]		1	.	.	1	.	.	.	.	1	.	.	1
Industrial Rwy Switching & Services [IRSS]		1	.	.	1	.	.	.	.	1	.	.	1
Kansas City Southern Rwy Co. [KCS]		1	.	.	1	.	.	.	.	1	.	.	1
Lake State Rwy Co. [LSRC]		1	.	.	1	.	.	.	.	1	.	.	1
Metro North Commuter RR Co. [MNCW]		2	1	1	3	.	.	.	.	2	1	1	3
Marquette Rail LLC [MQT]		1	.	.	1	.	.	.	.	1	.	.	1
Montana Rail Link [MRL]		2	1	1	3	.	.	.	.	2	1	1	3
Nashville & Eastern RR [NERR]		1	.	.	1	.	.	.	.	1	.	.	1
Northeast IL Regional Commuter Rail Corp. [NIRC]		1	.	1	2	.	.	.	.	1	.	1	2
New Jersey Transit Rail Operations [NJTR]		1	.	.	1	.	.	.	.	1	.	.	1
Northern Plains RR, Inc. [NPR]		1	.	.	1	.	.	.	.	1	.	.	1
Norfolk Southern Corp. [NS]		7	.	.	7	.	.	.	.	7	.	.	7
Over Land Trucking and Rail [OLTX]		3	.	.	3	.	.	.	.	3	.	.	3
Rock & Rail Inc [RRRR]		3	.	.	1	.	.	.	.	3	.	.	1
Regional Transportation Authority [RTA]		1	.	.	1	.	.	.	.	1	.	.	1
Southeastern Pennsylvania Transportation Authority		.	.	1	1	.	.	.	.	.	.	1	1
Tri-county Commuter Rail Authority [TCCX]		.	.	1	1	.	.	.	.	.	.	1	1
Transkentucky Transportation RR, Inc. [TTIS]		1	.	.	1	.	.	.	.	1	.	.	1
Texas, Gonzales & Northern Rwy Co. [TXGN]		1	.	.	1	.	.	.	.	1	.	.	1
Union Pacific RR Co. [UP]		15	1	3	18	.	.	1	1	15	1	2	17
Wiregrass Central RR Co. [WGCR]		1	.	.	1	.	.	.	.	1	.	.	1
Alabama		1	.	.	1	.	.	.	.	1	.	.	1
California		1	.	2	3	.	.	1	1	1	.	1	2
Colorado		4	.	.	2	.	.	.	.	4	.	.	2
Connecticut		1	1	1	2	.	.	.	.	1	1	1	2

(Continued)

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	Total				On/Before 9/12/2008 Total				After 9/12/2008 Total			
	Fed Defs	Vio Defs	Non Fed	Insp Lines	Fed Defs	Vio Defs	Non Fed	Insp Lines	Fed Defs	Vio Defs	Non Fed	Insp Lines
ist Of Columbia	1	1	.	1	.	.	.	.	1	1	.	1
orida	2	.	1	3	.	.	.	.	2	.	1	3
eorgia	2	.	.	2	.	.	.	.	2	.	.	2
aho	2	.	1	3	.	.	.	.	2	.	1	3
inois	8	.	2	10	.	.	.	.	8	.	2	10
diana	1	.	.	1	.	.	.	.	1	.	.	1
entucky	1	.	.	1	.	.	.	.	1	.	.	1
ouisiana	1	.	.	1	.	.	.	.	1	.	.	1
assachusetts	1	.	.	1	.	.	.	.	1	.	.	1
ichigan	8	1	2	10	.	.	1	1	8	1	1	9
innesota	3	.	.	3	.	.	.	.	3	.	.	3
ontana	2	1	1	3	.	.	.	.	2	1	1	3
ebraska	2	1	1	3	.	.	.	.	2	1	1	3
ew Jersey	1	.	.	1	.	.	.	.	1	.	.	1
ew Mexico	1	1	.	1	.	.	.	.	1	1	.	1
ew York	1	.	3	3	.	.	1	1	1	.	2	2
orth Carolina	3	.	.	2	.	.	.	.	3	.	.	2
hio	.	.	1	1	.	.	.	.	.	.	1	1
regon	1	.	.	1	.	.	.	.	1	.	.	1
ennsylvania	.	.	1	1	.	.	.	.	.	.	1	1
outh Dakota	1	.	.	1	.	.	.	.	1	.	.	1
ennessee	1	.	.	1	.	.	.	.	1	.	.	1
exas	13	.	.	13	.	.	.	.	13	.	.	13
rginia	1	.	.	1	.	.	.	.	1	.	.	1
isconsin	1	.	.	1	.	.	.	.	1	.	.	1
yoming	5	.	.	5	.	.	.	.	5	.	.	5
	4	1	4	7	.	.	1	1	4	1	3	6
	2	1	2	4	.	.	.	.	2	1	2	4
	10	.	1	10	.	.	.	.	10	.	1	10
	21	1	4	25	.	.	1	1	21	1	3	24
	15	1	.	15	.	.	.	.	15	1	.	15
	6	1	1	5	.	.	.	.	6	1	1	5
	1	.	2	3	.	.	1	1	1	.	1	2
	11	1	2	13	.	.	.	.	11	1	2	13
	20	1	.	19	.	.	.	.	20	1	.	19
	21	4	.	19	.	.	.	.	21	4	.	19
	2	.	.	2	.	.	.	.	2	.	.	2
	3	.	.	3	.	.	.	.	3	.	.	3
	4	.	.	4	.	.	.	.	4	.	.	4
	1	1	.	1	.	.	.	.	1	1	.	1
	2	.	.	2	.	.	.	.	2	.	.	2
	1	.	.	1	.	.	.	.	1	.	.	1
	7	.	.	7	.	.	.	.	7	.	.	7
	8	.	.	8	.	.	.	.	8	.	.	8
	1	.	.	1	.	.	.	.	1	.	.	1
	.	.	6	6	.	.	1	1	.	.	5	5
	.	.	4	3	.	.	1	1	.	.	3	2
	.	.	1	1	.	.	.	.	.	.	1	1
	.	.	1	1	.	.	.	.	.	.	1	1

O 0026C1	==EO 0026C1
O 0026C2A	==EO 0026C2A
O 0026C2B	==EO 0026C2B
O 0026C2C	==EO 0026C2C
O 0026C3A	==EO 0026C3A
O 0026C3B	==EO 0026C3B
O 0026D2B	==EO 0026D2B
O 0026D4A	==EO 0026D4A
O 0026E1A	==EO 0026E1A
O 0026G1A	==EO 0026G1A
O 0026G1B	==EO 0026G1B
OR H105	==ONE OR MORE EMPLOYEES FAILED TO COMPLY WITH ANY GENERAL CONDUCT RULE NOT LISTED IN THIS SECTION
OR H199	==ONE OR MORE EMPLOYEES FAILED A SPECIFIC ACTION NOT LISTED IN THIS SECTION
OR H304	==ONE OR MORE EMPLOYEES FAILED TO COMPLY WITH INSTRUCTIONS REGARDING JOB BRIEFINGS
OR H399	==ONE OR MORE EMPLOYEES FAILED TO COMPLY WITH A SWITCHING OPERATIONS ISSUE NOT LISTED IN THIS SECTION

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02

		Total				On/Before 9/12/2008 Total				After 9/12/2008 Total			
		Fed Defs	Vio Defs	Non Fed	Insp Lines	Fed Defs	Vio Defs	Non Fed	Insp Lines	Fed Defs	Vio Defs	Non Fed	Insp Lines
OR H699	==ONE OR MORE EMPLOYEES FAILED TO COMPLY WITH A SPEED ISSUE NOT LISTED IN THIS SECTION	.	.	1	1	.	.	.	.	.	.	1	1
OR H899	==OTHER CAUSES RELATING TO RCL/RCO OPERATIONS AND PROCEDURES (PROVIDE DETAILED DESCRIPTION IN ARRATIVE)	.	.	1	1	.	.	.	.	.	.	1	1
SR S599	==ONE OR MORE EMPLOYEES FAILED A SPECIFIC PROCEDURE, OPERATION OR SAFETY RULE NOT LISTED IN THIS SECTION	.	.	2	2	.	.	1	1	.	.	1	1

03

PERIOD=On/Before 9/12/2008 YEAR4=2008

Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
1	ATK	4	07	17	0	ROR H199	.	.	1	Y	I MONITORED THE CONDUCTOR OF TRAIN 353 CONTACT THE LOCOMOTIVE ENGINEER, VIA RADIO, ABOUT THE TRACK CONDITION AT THE BATTLE CREEK DEPOT, SPECIFICALLY, "CONFLICTING MOVEMENTS" BETWEEN BARON AND GORD ON THE CANADIAN NATIONAL (CN). THE CONDUCTOR STATED THE "...CN DISPATCHER SAYS THERE'S NOTHING OPERATING THROUGH THE DEPOT.." UPON ARRIVAL AT BATTLE CREEK, MI, I CONTACTED THE CN TRAIN DISPATCHER - TD-4 - ABOUT THIS "RELAYING OF DISPATCHER INFORMATION BY THE AMTRAK CONDUCTOR. "HE STATED, "...HE HAS NO IDEA WHO IMPLEMENTED THIS PROCEDURE. IT HAS BEEN GOING ON FOR SOME TIME. ALL AMTRAK TRAINS CONTACT ME BY CELL PHONE ABOUT MOVEMENTS AT THE DEPOT IN BATTLE CREEK." I THEN CONTACTED THE CN OPERATING RULES MANAGER FOR THE SOUTH BEND SUBDIVISION ABOUT THIS PRACTICE. HE STATED "...WE (CN) HAVE NO REQUIREMENT FOR THIS PROCEDURE, IN FACT, IT'S A VIOLATION OF OUR OPERATING RULE " L. " IF THE TRAIN CREW WANTS TO KNOW ABOUT MOVEMENTS AT THE DEPOT FOR THE PURPOSES OF LOADING AND UNLOADING
2	UP	7	08	19	0	ROR H105	.	.	1	Y	OBSERVED ONE OR MORE CREW MEMBERS OF UP 1386 WITH CELL PHONE ON WHILE TRAIN WAS MOVING NOT IN COMPLIANCE WITH GCORE RULE 1.10. EXCEPTION TAKEN
3	CSX	1	08	28	0	RSR S599	.	.	1	Y	WHILE RCO WAS TRAINING ANOTHER RCO AT THE EAST END. HE WAS OBSERVED TO BE TALKING ON A CELL PHONE WHILE HE WAS CROSSING NUMEROUS TRACKS. FRA INSPECTOR TALKED TO THE RCO ABOUT THE SAFETY CONCERNS. ALSO TALKED TO THE SENIOR ROAD FOREMAN ABOUT THE INCIDENT.
YEAR4							0	0	3		
PERIOD							0	0	3		

PERIOD=After 9/12/2008 YEAR4=2008

Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
4	MNCW	1	09	15	0	ROR H105	.	.	1	Y	THE ENGINEER RECEIVED A PHONE CALL ON HIS PERSONAL CELL PHONE WHILE WAITING FOR A COMMUNICATING SIGNAL TO PROCEED AT STAMFORD STATION. HE SPOKE FOR ABOUT 30-45 SECONDS AND ENDED THE CONVERSATION BY SAYING THAT HE WOULD SEE THE PERSON WHO CALLED AROUND NOON. VIOLATION OF RULE D(4)(B).
5	BNSF	4	09	23	0	ROR H105	.	.	1	Y	THE BRAKEMAN ON THE 630 A.M. JOB WAS OBSERVED USING A CELL PHONE FOUR DIFFERENT TIMES IN FIFTEEN MINUTES. THE LOCOMOTIVES WERE IN THE CLEAR WAITING TO MAKE THEIR NEXT MOVE SO THE EMPLOYEE WAS NOT IN VIOLATION OF THE CURRENT BNSF ELECTRONIC DEVICES RULE. THE EMPLOYEE WAS STANDING ON THE LEAD FOR 3 OF THE CALLS. THIS WOULD MAKE IT HARD FOR THE EMPLOYEE TO COMPLY WITH BNSF RULE 1.1.2, ALERT AND ATTENTIVE. THE EMPLOYEE DID WALK AWAY FROM THE SWITCHING LEAD TO TAKE THE 4TH CALL. I TALKED TO THE EMPLOYEE AND INFORMED THEM IT WAS NOT A GOOD IDEA TO USE THE CELL PHONE WHILE STANDING NEAR THE TRACKS ON THE SWITCHING LEAD. I OBSERVED A TRACK EMPLOYEE USE A CELL PHONE WHILE STANDING NEAR A WORK GROUP. I ALSO SAW A CREW MEMBER GET OUT OF A TAXI AND STAND NEXT TO THE LEAD AND MAKE A PHONE CALL. ALL SITUATIONS COMPLY WITH RULE 1.10 BUT DID NOT COMPLY WITH 1.1.2.
6	ATK	1	10	06	0	ROR H199	.	.	2	Y	INSPECTION AT R SWITCHING CENTER (EAST END) THE EAST AND WEST END YARDMASTERS BOTH HAD THEIR PERSONAL CELL PHONES IN FRONT OF THEM AT THEIR DESK SITE. VIOLATION OF SPECIAL INSTRUCTION SI E-S2.
7	SEPA	2	10	09	0	ROR H199	.	.	1	Y	AT 8:03 A.M. CONDUCTOR OF SEPTA MU 393 WAS OBSERVED TALKING ON HIS CELL PHONE WHILE APPLYING HANDBRAKE, WALKING DOWN STEPS FROM SEPTA MU 393, AND WALKING ACROSS TRACKS IN ROBERTS YARD.

04

PERIOD=After 9/12/2008 YEAR4=2008

Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
8	CN	4	10	15	0	ROR H899	.	.	1	Y	OTHER CAUSES RELATING TO RCL/RCO OPERATIONS AND PROCEDURES - RCO OPERATOR WAS OBSERVED USING A CELL PHONE DURING THE PERFORMANCE OF HIS DUTIES, EMPLOYEE OPERATING WITH GTW 5828-4906 WAS OBSERVED ALIGNING A SWITCH WHILE TALKING ON A CELL PHONE. EFFECTIVE OCTOBER 27, 2008, THIS DEFECT IS COVERED BY EMEREGNCY ORDER NO. 26. SPOKE WITH EMPLOYEE AND EXPLAINED THE DEFECT.
9	BNSF	8	10	22	0	ROR H399	.	.	1	Y	ONE OR MORE EMPLOYEES FAILED TO COMPLY WITH A SWITCHING OPERATIONS ISSUE NOT LISTED IN THIS SECTION. AS STATED IN LINE ITEM # 4 OF THIS REPORT, I OBSERVED A MEMBER OF THE CREW ON THE BNSF 4498 SHOVE THE TRAIN BACK INTO THE HAUSER YARD. THE EMPLOYEE PROVIDING VISUAL PROTECTION WAS USING AN ELECTRONIC DEVICE WHILE DIRECTING THE SHOVE. THE EMPLOYEE WAS ON HIS CELL PHONE DURING THE FIRST PART OF THE SHOVE, WHICH ALSO FAILS TO COMPLY WITH GCOR RULE 1.10.
10	CN	4	10	27	1	EO 0026G1A	1	.	.		RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. I INTERVIEWED FIVE OPERATING EMPLOYEES AT BATTLE CREEK YARD, ALL EMPLOYEE WORKED IN THE TRANSPORTATION DEPARTMENT. NONE OF THE EMPLOYEES HAD BEEN INSTRUCTED OR BRIEFED ON THE REQUIREMENTS OF EO-26. I NOTIFIED THE ASSISTANT SUPERINTENDENT ON DUTY WHOM TOOK IMMEDIATE ACTION ON INSTRUCTING THE EMPLOYEES.
11	UP	6	10	27	1	EO 0026C2A	1	.	.	Y	EMPLOYEE FAILED TO TURN OF HIS CELL PHONE WHILE ON THE GROUND PERFORMING DUTIES AS A RCL OPERATOR. EXCEPTION TAKEN BY INSPECTOR.
12	HESR	4	10	27	1	EO 0026C2A	1	1	.		EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORMANCE OF HIS DUTIES. SEE FOLLOWING LINE ITEM FOR DESCRIPTION. ONE VIOLATION. CIVIL PENALTY IS RECOMMENDED.
13	HESR	4	10	27	1	EO 0026C2A	1	.	.	Y	AT 5:58 P.M. 10/27/08, HESR EMPLOYEE CONDUCTOR RUSS PAGE FAILED TO TURN OFF HIS PERSONAL ELECTRONIC DEVICE (CELL PHONE) WHILE EMPLOYEE WAS ON THE GROUND DURING THE PERFORMANCE OF HIS DUTIES. I OBSERVED THE EMPLOYEE AS HE WAS MAKING A SWITCHING MOVE, WHILE TALKING TO HIS WIFE ON HIS PERSONAL CELL PHONE AND ADMITTED IT WAS NOT RAILROAD RELATED. HE SAID HIS WIFE HAD AN INTERVIEW FOR A NEW JOB AND WANTED TO TELL HIM ABOUT IT. HE SAID HE HAD A SAFETY BRIEFING ABOUT USING PERSONAL CELL PHONES WHILE ON THE ENGINE. HE SAID HE JUST REALLY FORGOT ABOUT THE RULE AND WAS TALKING TO HIS WIFE ABOUT THE INTERVIEW. HE WAS GIVING CAR LENGTHS TO THE ENGINEER, USING RADIO, TELLING HIM THAT WOULD DO AND ASKING FOR 3 STEP PROTECTION ALL WHILE HE HAD THE CELL PHONE UP TO HIS EAR. THIS IS NON COMPLIANT WITH FEDERAL REGULATION AND HESR BULLETIN 43. I CALLED NORM SCHMIDT AT 6P.M. AND 6:02 P.M. TO NOTIFY HIM OF THE VIOLATION. I CALLED ASST.TRAINMASTER RICK ZIEMER AT 6:05 P.M.
14	NS	4	10	28	1	EO 0026G1A	1	.	.		RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. I INTERVIEWED TWO ASSIGNMENTS AT BOTSFORD YARD, NEITHER OF THE ASSIGNMENTS RECEIVED ANY INSTRUCTION ON EO-26. DEFECT NOTED.
15	NS	4	10	28	1	EO 0026G1A	1	.	.	Y	RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. I OBSERVED MECHANICAL EMPLOYEE INSPECTING NS 3070 WITH HIS CELL PHONE IN THE "ON" POSITION, EMPLOYEE STATED HE HAD NOT YET RECEIVED INSTRUCTION ON EO-26. DEFECT NOTED.
16	NS	4	10	28	1	EO 0026G1A	1	.	.		RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. I INTERVIEWED TWO ASSIGNMENTS AT GRAND RAPIDS, NEITHER ASSIGNMENT HAD RECEIVED INSTRUCTION ON EO-26. DEFECT NOTED.

PERIOD=After 9/12/2008 YEAR4=2008

Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
17	ATK	4	10	28	1	EO 0026G1A	1	.	.		RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26.
18	UP	8	10	29	1	EO 0026C3A	1	.	.		INSPECTION OF SHAWNEE HELPER CREW AT SHAWNEE SPUR, FOUND ENGINEER HOWLE HAD PERSONAL LAPTOP COMPUTER ON ENGINEER'S CONSOLE OPEN AND ON WITH AIR CARD INSERTED, USING COMPUTER FOR OTHER THAN VOICE COMMUNICATION OR TO LOOK UP RAILROAD RULE. INSTRUCTED MR. HOWLE, THAT USE OF PERSONAL ELECTRONIC OR ELECTRICAL DEVICES FOR OTHER THAN VOICE COMMUNICATION OR USE AS RULE BOOK WHILE ON DUTY IS PROHIBITED UNDER FRA EMERGENCY ORDER 26.
19	UP	8	10	30	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. WHILE PERFORMING NORMAL INSPECTIONS I BOARDED 7895 AND DETERMINED THE ENGINEER HAD NOT TURNED OFF HIS CELL PHONE.
20	UP	8	10	30	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. WHILE PERFORMING NORMAL INSPECTIONS I BOARDED 7895 AND DETERMINED THE CONDUCTOR HAD NOT TURNED OFF HIS CELL PHONE.
21	UP	8	10	30	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. WHILE PERFORMING NORMAL INSPECTIONS I BOARDED 8544 AND DETERMINED THE ENGINEER HAD NOT TURNED OFF HIS CELL PHONE.
22	UP	8	10	30	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. WHILE PERFORMING NORMAL INSPECTIONS I BOARDED 8544 AND DETERMINED THE CONDUCTOR HAD NOT TURNED OFF HIS CELL PHONE.
23	KCS	5	10	31	1	EO 0026C2A	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORMANCE OF HIS/HER DUTIES. EMPLOYEES, DAVID MUNSELLE AND DAVID LEE CLASSEN, OF YBM102 HAD PERSONAL CELL PHONES IN A HOLSTER ON THEIR HIP. EMPLOYEES WERE ASKED AND RESPONDED THAT THE CELL PHONES WERE ON WHILE THEY WERE LINING AIR HOSES ON A CUT OF CARS THAT WAS COUPLED BY THEIR ENGINE. EMPLOYEES DID NOT USE THEIR CELL PHONES BUT THEY WERE ON WHILE ON THE GROUND PERFORMING THEIR DUTIES. EXCEPTION TAKEN
24	ATK	2	10	31	1	EO 0026C2A	1	1	.		EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS/HER DUTIES.
25	NIRC	4	10	31	1	EO 0026D4A	1	.	.	Y	DEFECT NOTED - AT 1:50 P.M., C.D.T., METRA CONDUCTOR MR. J. CAMPBELL USED A RAILROAD SUPPLIED CELL PHONE, WHILE HE WAS FOULING TRACK FIVE AT 179TH (ORLAND PARK) YARD.
26	NIRC	4	10	31	0	ROR H105	.	.	1	Y	DEFECT NOTED - AT 1:48 P.M., METRA CONDUCTOR MR. N. HILLSMAN JR. HAD A RAILROAD ISSUED CELL PHONE TURNED ON, WHILE HE PERFORMED A CLASS II BRAKE TEST ON TRAIN NO. 830 AT 179TH (ORLAND PARK) YARD. 1.10.1 USE OF ELECTRONIC DEVICES ADD NEW RULE: B. OUTSIDE THE CONTROLLING OPERATING CAB OF ENGINES USE OF A RAILROAD-ISSUED WIRELESS COMMUNICATION OR ELECTRONIC DEVICE BY CREW MEMBERS IS: • PROHIBITED AND IT MUST BE TURNED OFF, WITH EARPIECE REMOVED FROM THE EAR, WHEN: - PERFORMING DUTIES WITH OTHER EMPLOYEES, SUCH AS AIR BRAKE TESTS.
27	NERR	3	11	03	1	EO 0026C2A	1	.	.		EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS/HER DUTIES.

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Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
28	NPR	4	11	05	1	EO 0026C2A	1	.	.	Y	ENGINEER OF WORK TRAIN NPR 3509 FAILED TO TURN OFF PERSONAL CELL PHONE WHEN CONDUCTOR WAS ON THE GROUND DURING THE PERFORAMCE OF HIS DUTIES. OBSERED PERSONAL CELL PHONE OF LOCOMOTIVE ENGINEER ON NPR 3509 TO BE POWERED ON WHILE CONDUCTOR WAS ON THE GROUND. SUGGEST SPOT INSPECTIONS TO BE CARRIED OUT BY CARRIER MANAGERS TO INSURE COMPLIANCE TO EMERGENCY ORDER 26.
29	MNCW	1	11	05	1	EO 0026C3A	1	.	.	Y	INSPECTION FROM TRAIN 731. ALL LINE ITEMS PERTAIN TO TRAIN 731. DEFECT. THE FIRST TWO CARS OF TRAIN 750 WERE DEADHEAD CARS. I ENTERED FROM THE "B" END OF THE LEAD CAR APPROXIMATELY FOUR MINUTES PRIOR TO DEPARTURE TIME, AND WALKED TO THE HEAD END. AS I ENTERED THE CAB THE ENGINEER WAS LOOKING AT HIS PERSONAL CELL PHONE WHICH WAS LIT DUE TO DARKNESS IN THE CAB. I DID NOT SEE IF HE WAS READING A TEXT MESSAGE OR A PHONE NUMBER. THE ENGINEER SLOWLY TURNED THE PHONE OFF AND PUT IT OUT OF SIGHT. THERE WAS NO EAR PIECE NOTED. VIOLATION OF EMERGENCY ORDER 26 AND REVISED METRO-NORTH RULE D.
30	CN	4	11	05	1	EO 0026C2C	1	.	.		EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECES FROM THE EAR WHEN EMPLOYEE OF THE RAILROAD ASSISTED IN PREPARATION OF THE TRAIN. ENGINEER MR. J. HARRISON ON CN TRAIN LO - 555, AT MILEPOST 402.7, ON THE SUPERIOR SUBDIVISION AT 1:50 P M. EMPLOYEE ADVISED THAT THE ONLY INSTRUCTION GIVEN BY THE CN WAS THE POSTING OF OPERATING BULLETIN 56 DATED OCTROBER 24, 2008, FOR THE LAKE ZONE. NO VERBAL DISCUSSION OR DIRECTION.
31	CP	4	11	06	1	EO 0026C2A	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORMANCE OF HIS/HER DUTIES. AT 11:45 AM, OBSERVED PERSONAL CELL PHONE OF ENGINEER ASSIGNED TO 7:30 AM SWITCH ASSIGNMENT TO BE POWERED ON WHILE CREW MEMBERS WERE ON THE GROUND PERFORMING ASSIGNED DUTIES. ENGINEER WAS OPERATING THE CONTROLS OF THE LOCOMOTIVE.
32	BNSF	5	11	08	1	EO 0026C2A	1	.	.	Y	CONDUCTOR OF BNSF JOB 61 WAS LINING SWITCHES AND WAS ASKED BY FRA IF HE HAD A CELL PHONE. EMPLOYEE STATED HE DID AND IT WAS PROBABLY NOT OFF. EMPLOYEE THEN REACHED IN HIS POCKET AND PULLED OUT HIS CELL PHONE AND SHOWED FRA THAT IT WAS ON. EMPLOYEE THEN TURNED OFF HIS CELL PHONE AND PLACED IT BACK IN HIS POCKET. EMPLOYEE WAS ASKED IF HE WAS AWARE OF EO26 AND EMPLOYEE STATED HE WAS AND KNEW HIS PHONE SHOULD OF BEEN OFF. EXCEPTION TAKEN
33	CN	4	11	10	1	EO 0026C2A	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS/HER DUTIES. CONDUCTOR MICHAEL SINGLETON HAD A PERSONAL CELL PHONE WHICH WAS TURNED ON WHEN HE ENTERED THE CAB OF LOCOMOTIVE BNSF 9542. THIS LOCOMOTIVE WAS IN THE LEAD ON TRAIN M356 AND OCCUPIED BY LOCOMOTIVE ENGINEER VERSYE E. O'BERRY. THE TRAIN WAS STOPPED WEST OF ROUTE 59 WHILE CONDUCTOR SINGLETON WALKED FROM THE REAR OF THE TRAIN AFTER RE-ALIGNING SWITCHES BEHIND THE MOVEMENT WHICH CAME OFF THE EJ&E AT MONGER. CONDUCTOR SINGLETON WAS FAMILIAR WITH THE EMERGENCY ORDER REGARDING THE USE OF ELECTRONIC DEVICES AND WAS PROVIDED THE FRA FLOW CHART IN BLACK AND WHITE, BUT HE DID NOT UNDERSTAND THE REQUIREMENTS. AFTER A DISCUSSION HE PROMPTLY TURNED THE CELL PHONE OFF.
34	CN	4	11	10	1	EO 0026C2A	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS/HER DUTIES. LOCOMOTIVE ENGINEER VERSYE E. O'BRIAN (CERTIFICATE # 149076) HAD HIS PERSONAL CELL PHONE ON HIS PERSON, AND WHEN QUESTIONED ABOUT THE PROVISIONS OF EMERGENCY ORDER #26 HE PRODUCED A BLACK AND WHITE COPY OF THE FRA EO-26 FLOW CHART. ENGINEER O'BERRY PRODUCED THE CELL PHONE UPON REQUEST AND IT WAS TURNED ON. WE DISCUSSED THE FLOW CHART AND HE AGREED THE CELL PHONE NEEDED TO BE TURNED OFF AND

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Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
34											PROMPTLY DID SO. IN OUR DISCUSSION IT WAS CLEAR HE DIDN'T UNDERSTAND THE EMERGENCY ORDER AND HAD NOT BEEN PROVIDED ANY FURTHER TRAINING OTHER THAN THE HAND OUT.
35	BNSF	5	11	10	1	EO 0026G1A	1	.	.	Y	RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. MANAGER OBSEVED CONDUCTOR OF HO 385 FOR COMPLIANCE OF RULE 1.10 CELL PHONE (EO-26). EMPLOYEE HAD CELL PHONE ON WHILE CONDUCTING SWITCHING OPERATIONS. EMPLOYEE STATED HE WAS NOT TRAINED ON EO-26. MANAGER THAN REVIEWED EMPLOYEES RECORDS AND HE WAS NOT TRAINED ON EO-26. BNSF RAILROAD HAS EMPLOYEES READING AND THEN SIGNING THERE IS NO FORMAL BRIEFING BEING DONE BY SOME TRAIN MASTERS IN SOUTH YARD AND CURRENT LIST HAS SEVERAL EMPLOYEES NAMES MISSING.
36	ATK	3	11	12	1	EO 0026C1	2	.	.	Y	AMTRAK TRAIN CREWS ON TRAINS # 80 & 73 HAD THEIR PERSONAL CELL PHONES TURNED OFF AND STORED IN THEIR BAGS..
37	BLOL	4	11	13	1	EO 0026C2A	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS/HER DUTIES. CONDUCTOR MARK SWALLOW HAD ON HIS PERSON A PERSONAL CELL PHONE WHICH WAS TURNED ON WHILE HE WAS ENGAGED IN SWITCHING ACTIVITIES WHILE EMPLOYED AS A CONDUCTOR AND WAS SWITCHING CARS IN THE YARD AT ALLIANCE GRAIN. CONDUCTOR SWALLOW WAS NOT FAMILIAR WITH EO-26 AND HAD BEEN PROVIDED NO TRAINING NOR ANY LITERATURE REGARDING THE EMERGENCY ORDER. BLOOMER LINE GENERAL MANAGER JOSEPH THOMPSON WAS INFORMED OF THE DEFECT AND HE WAS ALSO UNFAMILIAR WITH THE EMERGENCY ORDER CONCERNING THE USE OF ELECTRONIC DEVICES. MR THOMPSON WAS PROVIDED A COPY OF THE FRA FLOW CHART AND HE MADE A COMMITMENT TO TRAIN HIS OPERATING PERSONAL ON THE EMERGENCY ORDER. CONDUCTOR SWALLOW PROMPTLY TURNED OFF HIS CELL PHONE WHEN ADVISED OF THE EMERGENCY ORDER.
38	UP	8	11	18	1	EO 0026C3A	1	.	.		EMPLOYEE USED A PERSONAL ELECTRONIC OR ELECTRICAL DEVICE TO PERFORM A FUNCTION OTHER THAN VOICE COMMUNICATION WHILE ON DUTY. WHILE OBSERVING HUMP OPERATIONS, I OBSERVED "MYO" CLAY MILLER, WHO WAS OPERATING AS A STUDENT RCO, USING AN ELECTRONIC DEVICE FOR OTHER THAN VOICE COMMUNICATIONS. THIS ACTION TOOK PLACE IN THE HUMP OFFICE AND NO TRAIN MOVEMENT WAS BEING PERFORMED. ALTHOUGH MR. MILLER IS A MANAGER,WHILE OPERATING AS A STUDENT RCO AND STILL IN POSSESSION OF THE CONTROL BOX, HE WAS UNDER THE PROVISIONS OF EO-26 AND HIS ELECTRONIC DEVICE NEEDED TO BE TURNED "OFF".
39	NS	3	11	18	1	EO 0026C1	1	.	.	Y	ENGINEER OPERATING ON LOCOMOTIVE NS 6100 FAILED TO TURN OFF PERSONAL CELL PHONE WHILE OPERATING THE CONTROLS OF THE LOCOMOTIVE. ISSUE ADDRESSED WITH THE EMPLOYEE AND TRAINMASTER SUTTON. EXCEPTIONS NOTED.
40	NS	3	11	18	1	EO 0026C2A	1	.	.	Y	EMPLOYEE WORKING ON JOB NUMBER NS G83 FAILED TO TRUN OFF PERSONAL CELL PHONE WHILE ON THE GROUND DURING THE PERFORMANCE OF HIS DUTIES. EXCEPTION NOTED AND DISCUSSED WITH EMPLOYEE AND TRAINMASTER SUTTON.
41	UP	8	11	20	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. I OBSERVED UP TRAIN LEAD LOCOMOTIVE 4172 STOP AT THE FUEL SPOT AND SAW UP CONDUCTOR J BOYCE IMMEDIATELY DETRAIN AND I IMMEDIATELY ASKED HIM IF HIS CELL PHONE WAS OFF AND HE SAID YES. I ASKED HIM IF HE HAD IT ON HIS PERSON AND HE SAID YES. I ASKED HIM IF HE WOULD SHOW ME THAT THE CELL PHONE WAS OFF AND HE SAID NO AND WALKED AWAY. CONDUCTOR J BOYCE COULD NOT PROVE THAT HIS CELL PHONE WAS TURNED OFF.
42	UP	8	11	20	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. I OBSERVED UP TRAIN LEAD LOCOMOTIVE 4172 STOP AT THE FUEL SPOT AND SAW UP

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Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
42											ENGINEER B. A. STAPLES IMMEDIATELY DETRAIN AND I WAS AT THE BOTTOM OF THE STAIRS AND ASKED HIM IF HIS CELL PHONE WAS OFF AND HE SAID NO HE SAID HE DID HAVE IT OFF WHEN HE WAS ON THE MOVING TRAIN. I OBSERVED HIM STAND UP AND REACH DOWN FOR HIS GRIP AND WALK OUT THE FRONT DOOR, FROM THE TIME HE STOPPED THE TRAIN TO THE TIME HE DETRAINED HE WOULD NOT HAVE HAD TIME TO STOP AND TURN HIS CELL PHONE ON BEFORE DETRAINING.
43	BNSO	4	11	21	1	EO 0026C2C	1	.	.	Y	DEFECT NOTED - AT 12:08 P.M., BNSF HOSTLER MR. L. KIBBLE FAILED TO TURN OFF HIS PERSONAL CELL PHONE, WHILE IN THE OPERATING CAB OF A STANDING LOCOMOTIVE (187). MR. KIBBLE SAID HE WAS ALLOWED TO HAVE HIS PERSONAL CELL PHONE ON AS LONG AS THE LOCOMOTIVE WAS NOT UNDERWAY. MR. KIBBLE WAS ASKED WHERE IS HELPER WAS LOCATED. HE SAID HE WAS NOT SURE. THE HOSTLER'S CREW MEMBER MR. D. WILSON WAS ON THE GROUND ASSISTING IN THE PREPARATION OF THREE LOCOMOTIVES ON THE SERVICE TRACK, WHICH INCLUDED 187. THE TWO EMPLOYEES WERE EXPECTED TO MOVE THE LOCOMOTIVES TO THE A AND B YARD.
44	BNSF	5	11	24	1	EO 0026C1	1	.	.	Y	EXCEPTION TAKEN:EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN. ASKED CREW MEMBERS ON CSY-103 WHILE IN CAB OF LOCOMOTIVE IF I COULD SEE PERSONAL CELL PHONES, ENGINEER HAD HIS PHONE OFF FOREMAN'S PHONE WAS STILL TURNED ON. TALKED WITH EMPLOYEE ABOUT EO-26 AND NOTIFIED HIS MANAGER.
45	IRSS	4	11	25	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN. AT 10:30 A.M. OBSERVED LOCOMOTIVE ENGINEER, DUSTIN BOHN, OPERATE LOCOMOTIVE IRSS 1237 WHILE SWITCHING AT HARVEST STATES FACILITY IN MANKATO WITH HIS PERSONAL CELL PHONE TURNED ON IN NON-COMPLIANCE WITH FRA EMERGENCY ORDER 26. TRAIN WAS OPERATING ON UP TRACK 401 AT MP 87.1 NEAR THE HUBBLE ST. ROAD CROSSING.
46	UP	6	12	01	1	EO 0026C3B	1	1	.		EMPLOYEE USED A PERSONAL ELECTRONIC OR ELECTRICAL DEVICE THAT INTERFERED WITH THE PERFORMANCE OF SAFETY-RELATED DUTIES. EMPLOYEE DAVID HENGEN WAS OBSERVED WHILE ON DUTY AS A REMOTE CONTROL OPERATOR WITH A TRANSISTOR RADIO IN THE POUCH OF HIS REMOTE CONTROL VEST. RCL OPERATOR (MR. HENGEN) STATED THAT HE HAD BEEN USING THE ELECTRICAL DEVICE TO MONITOR THE WEATHER. INSPECTOR TAKES EXCEPTION AND RECOMMENDS A VIOLATION.
47	NJTR	1	12	02	1	EO 0026C1	1	.	.	Y	TICKET COLLECTOR HAD PERSONAL CELL PHONE ON AND AVAILABLE WHILE IN THE CONTROLLING COMPARTMENT OF MOVING EQUIPMENT. EMPLOYEE INSTRUCTED TO TURN OFF PERSONAL CELL PHONE AND NOT USE CELL PHONE WHILE IN CONTROL COMPARTMENT OR WHILE ON DUTY.
48	UP	5	12	03	1	EO 0026C2A	1	.	.	Y	CONDUCTOR WORKING WITH TRAIN YWG54 FAILED TO TURN OFF CELL PHONE AND WAS OBSERVED USING PHONE WHEN HE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS DUTIES. EMPLOYEE WAS USING CELL PHONE WHILE STANDING IN THE MIDDLE OF TRACK #220 (WESTBANK INDUSTRIAL LEAD) AND IN FRONT OF HIS TRAIN THAT WAS IN TRACK #120. THIS OCCURED ABOUT 10:45 A.M. ON DECEMBER 3, 2008.
49	MRL	8	12	03	0	RSR S599	.	.	1	Y	EXCEPTION NOTED-ONE OR MORE EMPLOYEES FAILED A SPECIFIC PROCEDURE, OPERATION OR SAFETY RULE NOT LISTED IN THIS SECTION. I RODE WITH THE HELENA DAY SWITCH JOB AS THE CREW SWITCHED CARS IN HELENA YARD. THE CREW SWITCHED SAFELY AND OBSERVED ALL SOFA RULES EXCEPT FOR SOFA RULE 4, COMMUNICATIONS, THAT STATES IN PART THAT "...WHEN CONTROLLING TRAIN OR ENGINE MOVEMENTS, ALL CREW MEMBERS MUST COMMUNICATE BY HAND SIGNALS OR RADIO SIGNALS. A COMBINATION OF HAND AND RADIO SIGNALS IS PROHIBITED. ALL CREW MEMBERS MUST CONFIRM WHEN THE MODE OF COMMUNICATION CHANGES." THE CREW SWITCHED FROM RADIO TO HAND SIGNALS WITH OUT A CONFIRMATION BY ALL THREE CREW MEMBERS ON SEVERAL OCCASIONS. RADIO PROCEDURES WERE IN ACCORDANCE WITH THE GCOR. THE CREW WAS AWARE OF AND COMPLIED WITH EO 26 AND HAD NO CELL PHONES IN USE DURING OPERATIONS. THE ENGINEER PROVIDED

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Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
49											PROPER HORN WARNING WHEN MOVING OVER GRADE CROSSINGS. THE LOCOMOTIVE, MRL 123 HAD A PROPERLY FILLED OUT DAILY INSPECTION.
50	UP	4	12	03	1	EO 0026C1	1	.	.	Y	DEFECT NOTED - AT 12:05 P.M., A RAILROAD EMPLOYEE FAILED TO COMPLY WITH ONE OR MORE OF THE REQUIREMENTS OF EO-26. WHILE AT THE CONTROLS OF A MOVING TRAIN (UP 5727 NORTH) BETWEEN YARD CENTER AND DOLTON JUNCTION STATIONS ENGINEER K. SHANNON, FAILED TO TURN OFF HIS PERSONAL CELL PHONE, WHILE ON A MOVING TRAIN (GSTEHD/YCH201-3).
51	TTIS	3	12	04	1	EO 0026G1A	1	.	.		RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. RAILROAD HAS NOT ISSUED RULE IN EFFECT FOR EO26 AT THIS TIME. RAILROAD WAS PROVIDED COPY OF EO26 AND EO26 WAS DISCUSSED WITH VP OPERATIONS FOR IMMEDIATE INCLUSION WITHIN OPERATING RULES AND IMPLEMENTATION AND TRAINING.
52	UP	6	12	05	0	ROR H105	.	.	1	Y	ONE OR MORE EMPLOYEES FAILED TO COMPLY WITH ANY GENERAL CONDUCT RULE NOT LISTED IN THIS SECTION. EMPLOYEE WAS OBSERVED DRIVING A COMPANY VEHICLE WHILE USING A CELL PHONE CROSSING THE WEST DEPARTURE TRACKS. EMPLOYEE IS IN VIOLATION OF UP GCOR 1.10. INSPECTOR TAKES EXCEPTION.
53	WGCR	3	12	09	1	EO 0026E1A	1	.	.		THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26.
54	TCCX	3	12	10	0	ROR H304	.	.	1	Y	CREW MEMBER FAILED TO COMPLY WITH CSX SAFETY RULE NO. GS-29 REGARDING CONDUCTING A SAFETY BRIEFING PRIOR TO USING COMPANY ISSUED CELLPHONE ON A MOVING TRAIN.
55	MNCW	1	12	10	1	EO 0026C1	1	1	.		INSPECTION FROM TRAIN. ALL LINE ITEMS PERTAIN TO TRAIN 1510 (ENGINE 8434). VIOLATION OF EMERGENCY ORDER 26. EMPLOYEE FAILED TO REMOVE EAR PIECE FROM EAR WHILE OPERATING TRAIN 1510.
56	RTA	3	12	11	1	EO 0026C1	1	.	.		EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR.
57	MRL	8	12	16	1	EO 0026C3A	1	.	.	Y	INSPECTION REVEALED THAT ALL THREE CELL PHONES FOR CREW MEMBERS ON MRL 125 WERE TURNED OFF.
58	MQT	4	12	17	1	EO 0026D2B	1	.	.		EMPLOYEE, OTHER THAN A LOCOMOTIVE ENGINEER, DID NOT CONDUCT A SAFETY BRIEFING OR USED A DEVICE WITHOUT ALL CREWMEMBERS AGREEING THAT IT IS SAFE TO DO SO. NO EXCEPTIONS - CONDUCTOR CONDUCTED A SAFETY BRIEFING PRIOR TO USING A RAILROAD SUPPLIED ELECTRONIC DEVICE.
59	NS	2	12	18	1	EO 0026C2A	1	.	.	Y	EXCEPTION TAKEN: CONDUCTOR FAILED TO TURN OFF HIS PERSONAL CELL PHONE WHILE ON THE GROUND DURING THE PERFORAMCE OF HIS DUTIES. TM NOTIFIED.
60	ATK	4	12	23	1	EO 0026C2C	1	.	.	Y	DEFECT NOTED: AT 9:22 A.M., MR. R. TORGESEN THE LOCOMOTIVE ENGINEER ASSIGNED TO TRAIN NO. 391 FAILED TO TURN OFF HIS PERSONAL CELL PHONE, WHILE IN THE OPERATING CAB OF A STANDING LOCOMOTIVE (ATK 508). A CREW MEMBER WAS ON THE GROUND AND THEY HAD JUST PERFORMED A CLASS II AIR BRAKE TEST. MR. TORGESEN SAID HE WAS UNSURE IF HE WAS AUTHORIZED TO HAVE A PERSONAL CELL PHONE TURNED ON WHEN REQUIRED TO PERFORM SERVICE.
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Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
61	CSX	3	01	06	1	EO 0026C1	1	.	.	Y	DISCUSSED EMERGENCY ORDER 26 WITH CREW AND VERIFIED THAT EACH CREW MEMBER HAD RECEIVED REQUIRED INSTRUCTION. WHEN ASKED ABOUT PERSONAL ELECTRONIC DEVICES, THE ENGINEER RESPONDED THAT HE HAD HIS CELL PHONE IN HIS POCKET (WHILE PERFORMING DUTY) AND THAT IT WAS SET TO VIBRATE. EMPLOYEE WAS INFORMED THAT FEDERAL REGULATIONS REQUIRE THAT PERSONAL ELECTRONIC DEVICES BE TURNED OFF AND THAT RAILROAD RULES MAY BE MORE RESTRICTIVE THAN THAT.
62	UP	6	01	08	1	EO 0026C1	1	.	.	Y	INSPECTED CONVENTIONAL SWITCH CREW ON UP 5245/HCLC 3857 FOR RULES COMPLIANCE DURING SWITCHING MOVES IN FRONT OF YARD OFFICE: I ASKED THE ENGINEER FOR HIS CERTIFICATION CARD, THEN ASKED IF HE HAD A CELL PHONE: YES; WAS IT ON: YES. HE SAID HE FORGOT TO TURN IT OFF. 3:50 P.M.
63	RRRR	6	01	09	1	EO 0026C2A	3	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR: ENGINEER ON RRRR 401/201 HAD MOVED INTO CLEAR WHILE TWO-MAN TRAIN CREW RODE CARS INTO TRACK. WHEN ALL WERE ON BOARD THE ENGINE, I ASKED IF THEY HAD CELL PHONES; ALL SAID YES; I ASKED IF THEY WERE ON; ALL SAID YES. ALL THREE SAID THEY HAD RECEIVED TRAINING CONCERNING PERSONAL CELL PHONE USAGE AND ELECTRONIC DEVICES. THEY WERE NOT USING THE CELL PHONES WHILE PERFORMING THEIR DUTIES, BUT ONE CELL PHONE DID GO OFF AS WE WERE DISCUSSING USAGE. TO FOLLOW UP. (LATER: SUPT BOEHM INFORMED ME THE CELL PHONES WERE RAILROAD CELL PHONES BUT SHOULD HAVE BEEN TURNED OFF UNLESS RADIO WENT OUT OR EMERGENCY--HE WILL HANDLE WHEN HE RETURNS TO CANON CITY.)
64	UP	5	01	09	1	EO 0026C2B	1	.	.	Y	OBSERVED EMPLOYEE OF THE YHO 11R RIDING ON LOCOMOTIVE, CREW GOT OFF LOCOMOTIVE AND WENT INTO SHANTY WITH FRA INSPECTOR FOLLOWING THE CREW INTO SHANTY, FRA ASKED CREW MEMBERS ASKED IF THEY HAD CELL PHONES AND TWO CREW MEMBERS STATED THEY DID NOT OTHER CREW MEMBER STATED HE HAD ONE IN HIS POCKET AND DID NOT HAVE TO SHOW FRA INSPECTOR. EMPLOYEE FINALLY SHOWED FRA INSPECTOR AND CELL PHONE WAS ON. FRA SPOKE WITH DRO AND DRO INDICATED HE WOULD SPEAK TO CREW MEMBER. EXCEPTION TAKEN
65	CSX	2	01	12	0	ROR H699	.	.	1	Y	OBSERVED TRACK EMPLOYEE USING CELL PHONE WHEN WALKING AROUND HIS HIGH RAIL VEHICLE ON THE MAIN LINE CHECKING TO SEE IF IT WAS ON THE RAIL. EMPLOYEE WAS BENDING OVER AND LOOKING UNDER THE VEHICLE AS HE WAS TALKING ON HIS CELL PHONE.EMPLOYEE THEN GOT INTO HIS VEHICLE AND BEGAN BACKING UP NEAR A PUBLIC GRADE CROSSING AS HE CONTINUED TALKING ON HIS CELL PHONE. EMPLOYEE WAS CONFRONTED BY THIS INSPECTOR WHO STATED HE WAS TALKING TO HIS SUPERVISOR. DEFECT TAKEN FOR FAILURE TO FOLLOW CSX'S POLICY ON CELL PHONES.
66	GRS	1	01	12	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL. DISPATCHER MIKE MORETTO HAD HIS CELL PHONE OFF AND IN HIS BAG WHILE PERFORMING HIS DUTIES AS REQUIRED BY CARRIER SPECIAL INSTRUCTION.
67	MRL	8	01	15	1	EO 0026C2A	1	1	.	Y	VIOLATION NOTED: EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORMANCE OF HIS/HER DUTIES. CREW MEMBER GARY L. FUNSFON, EMPLOYEE IDENTIFICATION NUMBER 163491, ON THE 7:00 AM REMOTE CONTROL LOCOMOTIVE JOB AT MISSOULA WAS OBSERVED WITH CELL PHONE TO HIS EAR WHILE NEXT TO THE LEAD WHERE HIS FELLOW CREW MEMBER WAS OPERATING THE REMOTE CONTROL LOCOMOTIVE MRL 404. THIS IS IN VIOLATION OF FRA EMERGENCY ORDER 26.
68	NS	3	01	21	1	EO 0026C2A	1	.	.	Y	CONDUCTOR ON PO-98 FAILED TO HAVE HIS PERSONAL CELL PHONE OFF AND STORED WHILE PERFORMING SWITCHING DUTIES IN THE SHOP TRACK..
69	UP	7	01	23	0	ROR H105	.	.	1	Y	ENGINEER OF TRAIN "W RAIL" HAD A PERSONAL CELLULAR PHONE IN USE WHILE INSPECTION WAS BEING PERFORMED. ENGINEER ANSWERED ONE CALL DURING INSPECTION. THIS IS NOT IN COMPLIANCE WITH UNION PACIFIC'S ADDITION TO THE GENERAL CODE OF OPERATING REGULATIONS (RULE 1.10)

PERIOD=After 9/12/2008 YEAR4=2009

Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
70	DME	8	01	29	1	EO 0026C2B	1	.	.	Y	INSPECTION OF TRAIN CREW SWITCHING AT AURORA YARD, FOUND CONDUCTOR LEFT HIS PERSONAL CELL PHONE ON AND IN THE CAB OF THE LOCOMOTIVE WHILE HE WAS ON THE GROUND DIRECTING SWITCHING MOVES. I INSTRUCTED THE CONDUCTOR TO ENSURE HIS PERSONAL CELL PHONE WAS TURNED OFF ANYTIME HIS CREW WAS PERFORMING ANY TYPE OF SAFETY SENSITIVE DUTY.
71	BNSF	5	02	02	1	EO 0026C2A	1	1	.		EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE OR FAILED TO REMOVE EAR PIECE FROM EAR, WHEN EMPLOYEE WAS ON THE GROUND DURING THE PERFORAMCE OF HIS/HER DUTIES.RAILROAD EMPLOYEE FAILED TO COMPLY WITH ONE OR MORE REQUIREMENTS OF EO-26,ONBOARD INSPECTION OF CREW MEMBERS OF TRAIN H-BARKCK1-01A.CONDUCTOR B S REDLICH HAD PERSONAL ELECTRONIC DEVICE ON WHILE IN PERFORMANCE OF HIS DUTIES NOT IN COMPLIANCE WITH EO-26 2A,2B,2C,. INFORMED TERMINAL MANAGER BOB CHAPPELL OF FINDING AND THAT A VIOATION WOULD BE RECOMMENED.
72	CN	4	02	02	1	EO 0026C1	1	.	.	Y	I BOARDED CN 2723 AND CONDUCTED AN INSPECTION OF THE CREW MEMBERS FOR COMPLIANCE WITH EO-26 - PERSONAL CELL PHONE PROHIBITION. BOTH CREW MEMBERS POSSESSED PERSONAL ELECTRONIC DEVICES. THE ENGINEER'S WAS TURNED OFF AND STOWED. HOWEVER, WHEN I ASKED THE CONDUCTOR ABOUT HIS CELL PHONE, HE STATED HIS WAS "ON." WHEN I QUERIED HIM ABOUT EMERGENCY ORDER 26 AND CN OPERARTING RULE L, HE STATED HE HAD AN IMMEDIATE FAMILY MEMBER WHO WAS SICK AND HE NEEDED TO HAVE THE PHONE ON. IT MUST BE POINTED OUT, THAT WHILE THIS TRAIN, 37131-31 WAS NOT MOVING THIS CREW HAD BEEN GIVEN AUTHORITY TO OPEN THE CONNECTION SWITCH ONTO MAIN TRACK 3 AND PROCEED ON SIGNAL INDICATION SOUTHWARD. THEREFORE, THIS EMPLOYEE WAS IN VIOLATION OF CN RULE L AND EO-26. EXCEPTION NOTED
73	LSRC	4	02	03	1	EO 0026E1A	1	.	.		THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26. I NOTIFIED THE RAILROAD OF THIS REQUIREMENT.
74	UP	7	02	06	1	EO 0026D2B	1	.	.		EMPLOYEE, OTHER THAN A LOCOMOTIVE ENGINEER, FAILED TO CONDUCT A SAFETY BRIEFING OR USED A DEVICE WITHOUT ALL CREWMEMBERS AGREEING THAT IT IS SAFE TO DO SO. - INSPECTION OF THE LOCOMOTIVE REVEALED THAT ONE EMPLOYEE HAD PHONE CLIPPED TO THEIR BELT AND POWERED ON. OTHER EMPLOYEE STATED HE DID NOT KNOW WHERE PHONE WAS AND THOUGH IT WAS STOWED IN THEIR BAG. WHILE PERFORMING REQUIRED DUTIES ON THE GROUND EMPLOYEES PHONE RANG IN EMPLOYEES GRIP IN THE LOCOMOTIVE CAB. ADVISED EMPLOYEES OF THE FEDERAL REGULATIONS.
75	OLTX	5	02	06	1	EO 0026C1	1	.	.	Y	EMPLOYEE FAILED TO TURN OFF EACH PERSONAL ELECTRONIC OR ELECTRICAL DEVICE WHILE ON A MOVING TRAIN, INCLUDING FAILURE TO REMOVE EAR PIECE FROM EAR. FOREMAN ON LD 2012 HAD CELL PHONE ON DUTY WHILE MAKING SHOVE MOVE TOWARD LOUIS DREYFUSS ELEVATOR. INSPECTOR SPOKE WITH CREW AND TERMINAL MANAGER AND THEY WERE NOT AWARE OF EMERGENCY ORDER NO. 26. INSPECTOR DISCUSSED THE EMERGENCY ORDER AND RECOMMENDED TO TERMINAL MANAGER TO FULLY IMPLEMENT THIS ORDER IMMEDIATELY. EXCEPTION TAKEN
76	OLTX	5	02	06	1	EO 0026E1A	1	.	.		THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26. INSPECTOR SPOKE AND BRIEFED TERMINAL MANAGER ON THE REQUIREMENTS OF EMERGENCY ORDER NO. 26. KASE LACKING, TERMINAL MANAGER, WILL IMPLEMENT PROCEDURES IMMEDIATELY. EXCEPTION TAKEN
77	OLTX	5	02	06	1	EO 0026G1A	1	.	.		RAILROAD FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF RAILROAD OPERATING EMPLOYEES ON THE REQUIREMENTS OF EO-26. OVERLAND TRUCKING AND RAIL FAILED TO PROPERLY INSTRUCT ITS OPERATING EMPLOYEES AND SUPERVISORS OF THE REQUIREMENTS OF EO 26. EXCEPTION TAKEN

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Obs	RAILROAD	REGION	MONTH	DAY	DEFCODE	DEFECT	FEDDEFS	VIODEFS	OTHDEFS	cp	describe
78	ESSV	5	02	09	1	EO 0026E1A	1	.	.		THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26. EXCEPTION TAKEN
79	ESSV	5	02	09	1	EO 0026G1B	1	.	.		FAILURE TO ENSURE THAT THE EMPLOYEES WERE SUFFICIENTLY INSTRUCTED REGARDING THE REQUIREMENTS OF EO-26 WERE UNDERSTOOD, INCLUDING ANY RELEVANT DISTINCTIONS BETWEEN MINIMUM REQUIREMENTS OF THIS RULE AND ANY MORE STRINGENT REQUIREMENTS IMPLEMENTED BY THE RAILROAD. EXCEPTION TAKEN
80	AGCR	5	02	11	1	EO 0026E1A	1	.	.		EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF EO-26. THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26.
81	HHRV	5	02	11	1	EO 0026E1A	1	.	.		EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF EO-26. THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26.
82	TXGN	5	02	12	1	EO 0026E1A	1	.	.		EXCEPTION TAKEN: INSPECTED FOR COMPLIANCE OF EO-26. THE RAILROAD FAILED TO REVISE ITS PROGRAM OF OPERATIONAL TESTS AND INSPECTIONS UNDER 49 CFR PART 217 TO INCLUDE THE REQUIREMENTS OF EO-26.
YEAR4							22	2	2		
PERIOD							70	6	13		
							70	6	16		