



Washington Legislative Office

Transportation Division

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JOHN PREVISICH
President

JOHN RISCH
National Legislative Director

January 5, 2015

Joseph C. Szabo, Administrator
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Szabo:

As you may be aware, FRA's regulation prohibiting the use of a cell phone to photograph railroad safety hazards is in conflict with the federal whistleblower law, 49 U.S.C. 20109.

Under that law, a railroad is prohibited from disciplining a railroad employee when the employee uses his/her cell phone or a camera to photograph a safety hazard. The FRA regulation that limits such cell phone use is invalid because it contradicts a specific congressional statute and congressional intent.

Therefore, we respectfully ask that FRA rescind the regulations as it relates to taking photographs with cell phones.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "John Risch", is written over a blue circular stamp. The signature is fluid and cursive.

John Risch
National Legislative Director

CC: Melissa Porter, FRA Chief Counsel
Bob Lauby, FRA Associate Administrator for Railroad Safety/Chief Safety Officer
John Previsich, President, SMART-Transportation Division
John Lesniewski, Vice President, SMART-Transportation Division
Greg Hynes, Alternate National Legislative Director, SMART-Transportation Division
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Dennis Pierce, President, Brotherhood of Engineers and Trainmen
John Tolman, Vice President and National Legislative Representative, Brotherhood of
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