

HOURS OF SERVICE (OPERATING EMPLOYEES)

When an employee has been continuously on duty for a period of 12 hours, it shall be unlawful for a railroad to require or permit that employee to continue on duty or go on duty when he has not had at least 10 consecutive hours off duty. Also, it is unlawful for a railroad to require or permit an employee to continue on duty or to go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24-hour period.

"Time on Duty" commences when an employee reports to duty, and terminates when he is finally released from duty, and shall include:

- (a) Interim periods available for rest at other than a designated terminal. Designated terminal means a home and away-from-home terminal for the assignment of a particular crew;
- (b) Interim periods available for less than 4 hours rest at a designated terminal;
- (c) Time spent by an employee in deadhead transportation to a duty assignment; provided, however, that time spent by an employee in deadhead transportation from duty assignment to the point of final release shall not be counted as time off duty (nor is it to be counted in computing time on duty);
- (d) The time an employee is actually engaged in or connected with the movement of any train; and commingled service. Time on duty shall not include interim periods of 4 or more hours between designated terminals where the employee is prevented from leaving his or her designated terminal by an act of God, track obstruction, casualty, derailment or other major disabling equipment failure, which derailment or disabling equipment failure was the result of a cause not known to the carrier at the time the employee left the designated terminal and which could not have been foreseen and only then at a place where suitable facilities for food and lodging were available.

So long as an employee performs any work which is subject to the Hours of Service Act during a tour of duty, then the entire work during that tour of duty is counted as time on duty.

Crews of wreck or relief trains may work up to 16 hours in any period of 24 consecutive hours when an emergency exists and the work of the crew is related to that emergency. An emergency ceases to exist when the track is cleared and open for traffic.

Shorter hours of service and time on duty for less periods of time than set forth in the statute may be negotiated under collective bargaining.

The Act shall not apply in any case of casualty or unavoidable accident or of an act of God; nor where the delay is the result of a cause not known to the carrier at the time an employee left a terminal, and which could not have been foreseen.

Short-line railroads which employ no more than 15 persons may obtain an exemption from the Act upon good cause shown. The Secretary must find that the exemption is in the public interest and will not adversely affect safety.

Appendix A- Statement of Agency Policy and Interpretation

49 U.S.C. §§ 21103-21107, 21303-21304

49 C.F.R. §§ 228.1-228.23