

111TH CONGRESS
2^D SESSION

H. R. 6519

To amend title 49, United States Code, with respect to hours of service rules for railroad employees.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2010

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, with respect to hours of service rules for railroad employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Hours of
5 Service Act of 2010”.

6 **SEC. 2. REDESIGNATIONS.**

7 Chapter 211 of title 49, United States Code, is
8 amended by redesignating sections 21101 through 21109
9 as sections 21102 through 21110, respectively.

1 **SEC. 3. PURPOSE.**

2 Chapter 211 of title 49, United States Code, is fur-
3 ther amended by inserting before section 21102 (as so re-
4 designated by section 2 of this Act) the following:

5 **“§ 21101. Purpose**

6 “Railroad employees covered by this chapter shall be
7 provided predictable and defined work and rest periods.”.

8 **SEC. 4. DEFINITIONS.**

9 Section 21102 (as so redesignated by section 2 of this
10 Act) of chapter 211 of title 49, United States Code, is
11 amended—

12 (1) in paragraph (5), by inserting “and
13 yardmaster employee” before the period; and

14 (2) by adding at the end the following:

15 “(6) ‘yardmaster employee’ means an employee
16 who supervises and coordinates the activities of
17 workers engaged in railroad traffic operations, in-
18 cluding making up or breaking up trains and switch-
19 ing inbound or outbound traffic.”.

20 **SEC. 5. NONAPPLICATION, EXEMPTION, AND ALTERNATE**
21 **HOURS OF SERVICE REGIME.**

22 Section 21103(c) (as so redesignated by section 2 of
23 this Act) of chapter 211 of title 49, United States Code
24 is amended—

25 (1) in paragraph (1)(A), by striking
26 “21109(b)” and inserting “21110(b)”;

1 (2) in paragraph (3), by striking “21109(b)”
2 and inserting “21110(b)”;

3 (3) by striking subparagraph (C) of paragraph
4 (4);

5 (4) by redesignating subparagraph (D) of para-
6 graph (4) as subparagraph (B); and

7 (5) by striking “new section 21103” each place
8 it appears and inserting “section 21104”.

9 **SEC. 6. LIMITATIONS ON DUTY HOURS OF TRAIN EMPLOY-**

10 **EES.**

11 Section 21104 (as so redesignated by section 2 of this
12 Act) of chapter 211 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) in paragraph (3)—

16 (i) by striking “remain or go on duty
17 unless” and inserting “initiate an on duty
18 period unless”; and

19 (ii) by striking “during the prior 24
20 hours; or” and inserting “immediately
21 prior to going on duty; or”;

22 (B) in paragraph (4)(A)—

23 (i) in clause (i), by striking “work”
24 and inserting “initiate an on duty period”;
25 and

1 (ii) in clause (ii), by striking “works”
2 and inserting “initiates an on duty period
3 on”; and

4 (C) in the matter after paragraph (4) by
5 inserting “For purposes of paragraph (4)(A)
6 and (B), within 12 months after the date of en-
7 actment of the Railroad Hours of Service Act
8 of 2010, the Secretary shall prescribe regula-
9 tions to require all deadhead transportation in
10 excess of a specific number of hours to be
11 counted as time on duty and shall reset the cal-
12 endar day clock.” before “The Secretary may
13 waive”;

14 (2) in subsection (b)(7), by striking “when the
15 employee is prevented” and all that follows through
16 “employee left the designated terminal.” and insert-
17 ing “. A train employee shall be notified before
18 going off duty whether such period off duty is an in-
19 terim release.”; and

20 (3) in subsection (c)(1)—

21 (A) in subparagraph (A)(ii), by striking
22 “and” at the end;

23 (B) in subparagraph (B)(ii), by striking
24 “21109.” and inserting “21110; and”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(C) to exceed 2 hours in deadhead trans-
4 portation per each tour of duty.”.

5 **SEC. 7. LIMITATIONS ON DUTY HOURS OF SIGNAL EMPLOY-**
6 **EES.**

7 Section 21105 (as so redesignated by section 2 of this
8 Act) of chapter 211 of title 49, United States Code, is
9 amended—

10 (1) in subsection (b)(2), by inserting “, includ-
11 ing all work where there is a potential to interact or
12 otherwise come into contact with safety-critical de-
13 vices or circuits,” before “is time on duty”;

14 (2) in subsection (e), by adding at the end the
15 following: “Signal employees operating motor vehi-
16 cles requiring a commercial driver’s license while on
17 duty shall be considered covered service.”; and

18 (3) by adding at the end the following new sub-
19 section:

20 “(f) SAFETY-CRITICAL DEVICES OR CIRCUITS.—
21 Time on duty shall include all work where there is a poten-
22 tial to interact or otherwise come into contact with safety-
23 critical devices or circuits.”.

1 **SEC. 8. LIMITATIONS ON DUTY HOURS OF DISPATCHING**
2 **SERVICE EMPLOYEES AND YARDMASTER EM-**
3 **PLOYEES.**

4 Section 21106 (as so redesignated by section 2 of this
5 Act) of chapter 211 of title 49, United States Code, is
6 amended—

7 (1) in the section heading by inserting “**and**
8 **yardmaster employees**” after “**service em-**
9 **ployees**”;

10 (2) in subsection (a)—

11 (A) by striking “21103 or 21104” and in-
12 serting “21104 or 21105”; and

13 (B) by inserting “or yardmaster employee”
14 after “service employee”;

15 (3) in subsection (b), by inserting “or
16 yardmaster employee” after “a dispatching service
17 employee”;

18 (4) in subsection (c), by adding at the end the
19 following: “All commingle service involving
20 yardmaster service and dispatcher service mixing
21 with freight service shall be covered under the provi-
22 sions of section 21104.”; and

23 (5) in subsection (d), by inserting “or
24 yardmaster employee” after “dispatching service em-
25 ployee”.

1 **SEC. 9. CLERICAL AMENDMENT.**

2 Chapter 211 of title 49, United States Code, is fur-
3 ther amended by amending the table of sections at the
4 beginning of the chapter to read as follows:

“Sec.

“21101. Purpose.

“21102. Definitions.

“21103. Nonapplication, exemption, and alternate hours of service regime.

“21104. Limitations on duty hours of train employees.

“21105. Limitations on duty hours of signal employees.

“21106. Limitations on duty hours of dispatching service employees and
yardmaster employees.

“21107. Limitations on employee sleeping quarters.

“21108. Maximum duty hours and subjects of collective bargaining.

“21109. Pilot projects.

“21110. Regulatory authority.”.

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