

CITE-

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49 USC CHAPTER 211 - HOURS OF SERVICE

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION

SUBTITLE V - RAIL PROGRAMS

PART A - SAFETY

CHAPTER 211 - HOURS OF SERVICE

-HEAD-

CHAPTER 211 - HOURS OF SERVICE

-MISC1-

Sec.

21101. Definitions.

21102. Nonapplication and exemption.

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21104. Limitations on duty hours of signal employees.

21105. Limitations on duty hours of dispatching service employees.

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21107. Maximum duty hours and subjects of collective bargaining.

21108. Pilot projects.

AMENDMENTS

1994 - Pub. L. 103-440, title II, Sec. 203(b), Nov. 2, 1994, 108 Stat. 4620, added item 21108.

-SECREP-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 103, 501, 20105, 21303 of this title.

-End-

-CITE-

49 USC Sec. 21101

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION

SUBTITLE V - RAIL PROGRAMS

PART A - SAFETY

CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21101. Definitions

-STATUTE-

In this chapter -

(1) "designated terminal" means the home or away-from-home terminal for the assignment of a particular crew.

(2) "dispatching service employee" means an operator, train dispatcher, or other train employee who by the use of an electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders related to or affecting train movements.

(3) "employee" means a dispatching service employee, a signal employee, or a train employee.

(4) "signal employee" means an individual employed by a railroad carrier who is engaged in installing, repairing, or maintaining signal systems.

(5) "train employee" means an individual engaged in or connected with the movement of a train, including a hostler.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 888.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21101(1)	45:61(b)(4) (1st sentence).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 1(b)(4) (1st sentence); added Nov. 2, 1978, Pub. L. 95-574, Sec. 6, 92 Stat. 2461.
21101(2)-(4)	(no source).	
21101(5)	45:61(b)(2).	Mar. 4, 1907, ch. 2939, Sec. 1(b)(2), 34 Stat. 1415; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 463; July 8, 1976, Pub. L.

Clause (2) is added to avoid the necessity of repeating the substance of the definition every time a "dispatching service employee" is referred to in this chapter. The language in clause (2) is derived from 45:63.

Clause (3) is added to provide a definition of "employee" when the source provisions apply to all types of employees covered by this chapter.

Clause (4) is added to avoid the necessity of repeating the substance of the definition every time a "signal employee" is referred to in this chapter. The language in clause (4) is derived from 45:63a.

In clause (5), the words "train employee" are substituted for "employee" to distinguish the term from the terms "dispatching service employee" and "signal employee". The word "actually" is omitted as surplus.

-End-

-CITE-

49 USC Sec. 21102

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21102. Nonapplication and exemption

-STATUTE-

(a) General. - This chapter does not apply to a situation involving any of the following:

- (1) a casualty.
- (2) an unavoidable accident.
- (3) an act of God.
- (4) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.

(b) Exemption. - The Secretary of Transportation may exempt a railroad carrier having not more than 15 employees covered by this chapter from the limitations imposed by this chapter. The Secretary may allow the exemption after a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 888.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21102(a)	45:63a(d) (related to 45:64a).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(d) (related to Sec. 5); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635.
	45:64a(d).	Mar. 4, 1907, ch. 2939, Sec. 5(d), 34 Stat. 1417; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, Sec. 16(6)(D), 102 Stat. 635.
21102(b)	45:63a(d) (related to 45:64a).	Mar. 4, 1907, ch. 2939, Sec. 5(e), 34 Stat. 1417; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464.

In subsection (b), the words "with respect to one or more of its employees" are omitted as surplus because the authority to exempt a railroad carrier includes the authority to exempt only some of the employees of the carrier. The words "carrier to require or allow its employees to be on duty" are substituted for "any railroad described in this section to work its employees" for clarity and consistency in this chapter.

-End-

-CITE-

49 USC Sec. 21103

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21103. Limitations on duty hours of train employees

-STATUTE-

(a) General. - Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty -

(1) unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours; or

(2) after that employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty.

(b) Determining Time on Duty. - In determining under subsection (a) of this section the time a train employee is on or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time the employee is engaged in or connected with the movement of a train is time on duty.

(3) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in or connected with the movement of a train is time on duty.

(4) Time spent in deadhead transportation to a duty assignment

is time on duty, but time spent in deadhead transportation from a duty assignment to the place of final release is neither time on duty nor time off duty.

(5) An interim period available for rest at a place other than a designated terminal is time on duty.

(6) An interim period available for less than 4 hours rest at a designated terminal is time on duty.

(7) An interim period available for at least 4 hours rest at a place with suitable facilities for food and lodging is not time on duty when the employee is prevented from getting to the employee's designated terminal by any of the following:

(A) a casualty.

(B) a track obstruction.

(C) an act of God.

(D) a derailment or major equipment failure resulting from a cause that was unknown and unforeseeable to the railroad carrier or its officer or agent in charge of that employee when that employee left the designated terminal.

(c) Emergencies. - A train employee on the crew of a wreck or relief train may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of the crew is related to the emergency. In this subsection, an emergency ends when the track is cleared and the railroad line is open for traffic.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 888.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21103(a)	45:62(a)(1), (2).	Mar. 4, 1907, ch. 2939, Sec. 2(a)(1), (2), 34 Stat. 1416; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, Sec. 4(a)(1), (2), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, Sec. 16(2),

102 Stat. 634.

21103(b) 45:61(b)(3). Mar. 4, 1907, ch. 2939,
 Secs. 1(b)(3), 2(b), 34
 Stat. 1415, 1416; restated
 Dec. 26, 1969, Pub. L.
 91-169, Sec. 1, 83 Stat. 463.

45:61(b)(4) (last Mar. 4, 1907, ch. 2939, 34
 sentence). Stat. 1415, Sec. 1(b)(4)
 (last sentence); added Nov.
 2, 1978, Pub. L. 95-574,
 Sec. 6, 92 Stat. 2461; June
 22, 1988, Pub. L. 100-342,
 Sec. 16(1)(C), 102 Stat. 634.

45:62(b).

21103(c) 45:62(c). Mar. 4, 1907, ch. 2939, Sec.
 2(c), 34 Stat. 1416; Dec.
 26, 1969, Pub. L. 91-169,
 Sec. 1, 83 Stat. 464;
 restated July 8, 1976, Pub.
 L. 94-348, Sec. 4(b), 90
 Stat. 818.

In subsection (a), before clause (1), the words "Except as provided in subsection (c) of this section" are added to alert the reader to the exception restated in subsection (c). The words "train employee" are substituted for "employee" because of the definition of "train employee" in section 21101 of the revised title. In clause (2), the words "12 consecutive hours" are substituted for "continuously . . . fourteen hours" and "except that, effective upon the expiration of the two-year period beginning on the effective date of this paragraph, such fourteen-hour duty period shall be reduced to twelve hours" because the 2-year period has ended.

In subsection (b), the words before paragraph (1) are added as related to 45:61(b)(3) and (4) (last sentence) and substituted for "In determining, for the purposes of subsection (a), the number of hours an employee is on duty" in 45:62(b) for clarity. In paragraphs (2) and (3), the word "actually" is omitted as surplus. In paragraph (4), the words "neither time on duty nor time off duty" are substituted for "time off duty" for clarity and consistency with the source provisions restated in 21104(b)(3) and (4) of the revised title. In paragraph (7), before clause (A), the words "between designated terminals" are omitted as surplus. The text of 45:61(b)(3)(E) is omitted as surplus because of the restatement.

In subsection (c), the words "A train employee on" are added for consistency in this section. The word "actual" is omitted as surplus.

-SECFEF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21105 of this title.

-End-

-CITE-

49 USC Sec. 21104

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21104. Limitations on duty hours of signal employees

-STATUTE-

(a) General. - (1) In paragraph (2)(C) of this subsection, "24-hour period" means the period beginning when a signal employee reports for duty immediately after 8 consecutive hours off duty or, when required under paragraph (2)(B) of this subsection, after 10 consecutive hours off duty.

(2) Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a signal employee to remain or go on duty -

(A) unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours;

(B) after that employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty; or

(C) after that employee has been on duty a total of 12 hours during a 24-hour period, or after the end of that 24-hour period, whichever occurs first, until that employee has had at least 8 consecutive hours off duty.

(b) Determining Time on Duty. - In determining under subsection (a) of this section the time a signal employee is on duty or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in installing, repairing, or maintaining signal systems is time on duty.

(3) Time spent returning from a trouble call, whether the employee goes directly to the employee's residence or by way of the employee's headquarters, is neither time on duty nor time off duty, except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty.

(4) If, at the end of scheduled duty hours, an employee has not completed the trip from the final outlying worksite of the duty period to the employee's headquarters or directly to the employee's residence, the time after the scheduled duty hours necessarily spent in completing the trip to the residence or headquarters is neither time on duty nor time off duty.

(5) If an employee is released from duty at an outlying worksite before the end of the employee's scheduled duty hours to comply with this section, the time necessary for the trip from the worksite to the employee's headquarters or directly to the employee's residence is neither time on duty nor time off duty.

(6) Time spent in transportation on an ontrack vehicle, including time referred to in paragraphs (3)-(5) of this subsection, is time on duty.

(7) A regularly scheduled meal period or another release period of at least 30 minutes but not more than one hour is time off duty and does not break the continuity of service of the employee under this section, but a release period of more than one hour is time off duty and does break the continuity of service.

(c) Emergencies. - A signal employee may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of that employee is related to the emergency. In this subsection, an emergency ends when the signal system is restored to service.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 889.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21104(a)	45:63a(a) (1st sentence).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(a) (1st sentence), (b); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635.
	45:63a(a) (2d-last sentences).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(a) (2d-last sentences); added Nov. 2, 1978, Pub. L. 95-574, Sec. 4(a), 92 Stat. 2459.
21104(b)	45:63a(b). 45:63a(c).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415; Sec. 3A(c); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; restated Nov. 2, 1978, Pub. L. 95-574, Sec. 4(b), 92 Stat. 2460.
21104(c)	45:63a(f).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(f); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819.

In this section, the words "signal employee" are substituted for "an individual employed by the railroad who is engaged in installing, repairing or maintaining signal systems" and "an individual described in paragraph (1)" in 45:63a(a), "individual" in 45:63a(b) and (c), and "individual engaged in installing, repairing, or maintaining signal systems" in 45:63a(f) because of the definition of "signal employee" in section 21101 of the revised title.

Subsection (a)(1) is substituted for 45:63a(a) (last sentence) for clarity and because of the restatement.

In subsection (a)(2), before clause (A), the words "Except as provided in subsection (c) of this section" are added to alert the reader to the exception restated in subsection (c). The text of

45:63a(a) (2d sentence) is omitted as surplus.

In subsection (b), the words before paragraph (1) are added as related to 45:63a(c) and substituted for "In determining for the purposes of subsection (a) of this section the number of hours an individual is on duty" for clarity. In paragraph (2), the word "actually" is omitted as surplus.

In subsection (c), the word "actual" is omitted as surplus.

-SECFEF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21105 of this title.

-End-

-CITE-

49 USC Sec. 21105

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21105. Limitations on duty hours of dispatching service employees

-STATUTE-

(a) Application. - This section applies, rather than section 21103 or 21104 of this title, to a train employee or signal employee during any period of time the employee is performing duties of a dispatching service employee.

(b) General. - Except as provided in subsection (d) of this section, a dispatching service employee may not be required or allowed to remain or go on duty for more than -

(1) a total of 9 hours during a 24-hour period in a tower, office, station, or place at which at least 2 shifts are employed; or

(2) a total of 12 hours during a 24-hour period in a tower, office, station, or place at which only one shift is employed.

(c) Determining Time on Duty. - Under subsection (b) of this section, time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is on duty in

a tower, office, station, or other place is time on duty in that tower, office, station, or place.

(d) Emergencies. - When an emergency exists, a dispatching service employee may be allowed to remain or go on duty for not more than 4 additional hours during a period of 24 consecutive hours for not more than 3 days during a period of 7 consecutive days.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 890.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21105(a)	45:62(d).	Mar. 4, 1907, ch. 2939, Sec. 2(d), 34 Stat. 1416; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464.
	45:63a(e).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(e); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819.
21105(b)	45:63(a).	Mar. 4, 1907, ch. 2939, Sec. 3, 34 Stat. 1416; May 4, 1916, ch. 109, Sec. 1, 39 Stat. 61; Aug. 14, 1957, Pub. L. 85-135, Sec. 2, 71 Stat. 352; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, Sec. 16(3), 102 Stat. 635.
21105(c)	45:63(b).	
21105(d)	45:63(c).	

In this section, the words "dispatching service employee" are substituted for "operator, train dispatcher, or other employee who

by the use of the telegraph, telephone, radio, or any other electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements" in 45:63(a), "employee . . . on duty in a class of service . . . described in paragraph (1) or (2) of such subsection" in 45:63(b), and "employees named in such subsection" in 45:63(c) because of the definition of "dispatching service employee" in section 21101 of the revised title.

In subsection (a), the words "This section applies, rather than section 21103 or 21104 of this title" are substituted for "The provisions of this section shall not apply" because of the restatement. The words "train employee" are substituted for "employee" in 45:62(d), and the words "signal employee" are substituted for "individual" in 45:63a(e), for consistency in this chapter and because of the definitions of "signal employee" and "train employee" in section 21101 of the revised title. The words "during any period of time the employee is performing duties of a dispatching service employee" are substituted for "during such period of time as the provisions of section 63 of this title apply to his duty and off-duty periods" in 45:62(d) and 63a(e) for clarity.

In subsection (b), before clause (1), the words "a total of" are substituted for "whether consecutive or in the aggregate" to eliminate unnecessary words.

In subsection (c), the words "a tower, office, station, or other place" are substituted for "a place, described in paragraph (1) or (2) of such subsection" for clarity.

In subsection (d), the words "When an emergency exists" are substituted for "in case of emergency" for consistency in this chapter.

-End-

-CITE-

49 USC Sec. 21106

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21106. Limitations on employee sleeping quarters

-STATUTE-

A railroad carrier and its officers and agents -

(1) may provide sleeping quarters (including crew quarters, camp or bunk cars, and trailers) for employees, and any individuals employed to maintain the right of way of a railroad carrier, only if the sleeping quarters are clean, safe, and sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier; and

(2) may not begin, after July 7, 1976, construction or reconstruction of sleeping quarters referred to in clause (1) of this section in an area or in the immediate vicinity of an area, as determined under regulations prescribed by the Secretary of Transportation, in which railroad switching or humping operations are performed.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 891.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21106	45:62(a)(3), (4).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 2(a)(3), (4); added July 8, 1976, Pub. L. 94-348, Sec. 4(a)(3), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, Sec. 16(2), 102 Stat. 634.
	45:62(e).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 2(e); added June 22, 1988, Pub. L. 100-342, Sec. 19(b)(1), 102 Stat. 638.
	45:63a(d) (related to 45:62(a)(3)).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(d) (related to Sec. 2(a)(3)); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat.

819; June 22, 1988, Pub. L.
100-342, Sec. 16(4), 102
Stat. 635.

In this section, before clause (1), the words "and any individuals employed to maintain the right of way of a railroad carrier" are substituted for 45:62(e) because of the restatement.

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21303 of this title.

-End-

-CITE-

49 USC Sec. 21107

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21107. Maximum duty hours and subjects of collective bargaining

-STATUTE-

The number of hours established by this chapter that an employee may be required or allowed to be on duty is the maximum number of hours consistent with safety. Shorter hours of service and time on duty of an employee are proper subjects for collective bargaining between a railroad carrier and its employees.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 891.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21107	45:63a(d) (related to 45:64).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(d) (related to Sec. 4); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635.
	45:64.	Mar. 4, 1907, ch. 2939, Sec. 4, 34 Stat. 1417; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, Sec. 16(5), 102 Stat. 635.

-End-

-CITE-

49 USC Sec. 21108

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
 SUBTITLE V - RAIL PROGRAMS
 PART A - SAFETY
 CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21108. Pilot projects

-STATUTE-

(a) Waiver. - A railroad carrier or railroad carriers and all labor organizations representing any class or craft of directly affected covered service employees of the railroad carrier or railroad carriers, may jointly petition the Secretary of Transportation for approval of a waiver, in whole or in part, of compliance with this chapter, to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the

requirements of this chapter to such class or craft of employees, including requirements concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary may, after notice and opportunity for comment, waive in whole or in part compliance with this chapter for a period of no more than two years, if the Secretary determines that such waiver of compliance is in the public interest and is consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

(b) Report. - The Secretary of Transportation shall submit to Congress, no later than January 1, 1997, a report that -

- (1) explains and analyzes the effectiveness of all pilot projects established pursuant to a waiver granted under subsection (a);
- (2) describes the status of all other waivers granted under subsection (a) and their related pilot projects, if any; and
- (3) recommends appropriate legislative changes to this chapter.

(c) Definition. - For purposes of this section, the term "directly affected covered service employees" means covered service employees to whose hours of service the terms of the waiver petitioned for specifically apply.

-SOURCE-

(Added Pub. L. 103-440, title II, Sec. 203(a), Nov. 2, 1994, 108 Stat. 4619.)

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21303 of this title.

-End-

9 USC CHAPTER 211 - HOURS OF SERVICE

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
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CHAPTER 211 - HOURS OF SERVICE

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Sec.

- 21101. Definitions.
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- 21105. Limitations on duty hours of dispatching service employees.
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AMENDMENTS

1994 - Pub. L. 103-440, title II, Sec. 203(b), Nov. 2, 1994, 108 Stat. 4620, added item 21108.

-SECREf-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 103, 501, 20105, 21303 of this title.

-End-

-CITE-

49 USC Sec. 21101

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21101. Definitions

-STATUTE-

In this chapter -

(1) "designated terminal" means the home or away-from-home terminal for the assignment of a particular crew.

(2) "dispatching service employee" means an operator, train dispatcher, or other train employee who by the use of an electrical or mechanical device dispatches, reports, transmits,

receives, or delivers orders related to or affecting train movements.

(3) "employee" means a dispatching service employee, a signal employee, or a train employee.

(4) "signal employee" means an individual employed by a railroad carrier who is engaged in installing, repairing, or maintaining signal systems.

(5) "train employee" means an individual engaged in or connected with the movement of a train, including a hostler.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 888.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21101(1)	45:61(b)(4) (1st sentence).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 1(b)(4) (1st sentence); added Nov. 2, 1978, Pub. L. 95-574, Sec. 6, 92 Stat. 2461.
21101(2)-(4)	(no source).	
21101(5)	45:61(b)(2).	Mar. 4, 1907, ch. 2939, Sec. 1(b)(2), 34 Stat. 1415; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, Sec. 4(c), 90 Stat. 818.

Clause (2) is added to avoid the necessity of repeating the substance of the definition every time a "dispatching service employee" is referred to in this chapter. The language in clause (2) is derived from 45:63.

Clause (3) is added to provide a definition of "employee" when the source provisions apply to all types of employees covered by this chapter.

Clause (4) is added to avoid the necessity of repeating the

substance of the definition every time a "signal employee" is referred to in this chapter. The language in clause (4) is derived from 45:63a.

In clause (5), the words "train employee" are substituted for "employee" to distinguish the term from the terms "dispatching service employee" and "signal employee". The word "actually" is omitted as surplus.

-End-

-CITE-

49 USC Sec. 21102

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21102. Nonapplication and exemption

-STATUTE-

(a) General. - This chapter does not apply to a situation involving any of the following:

- (1) a casualty.
- (2) an unavoidable accident.
- (3) an act of God.
- (4) a delay resulting from a cause unknown and unforeseeable to a railroad carrier or its officer or agent in charge of the employee when the employee left a terminal.

(b) Exemption. - The Secretary of Transportation may exempt a railroad carrier having not more than 15 employees covered by this chapter from the limitations imposed by this chapter. The Secretary may allow the exemption after a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 888.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21102(a)	45:63a(d) (related to 45:64a).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(d) (related to Sec. 5); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635.
	45:64a(d).	Mar. 4, 1907, ch. 2939, Sec. 5(d), 34 Stat. 1417; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, Sec. 16(6)(D), 102 Stat. 635.
21102(b)	45:63a(d) (related to 45:64a). 45:64a(e).	Mar. 4, 1907, ch. 2939, Sec. 5(e), 34 Stat. 1417; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464.

In subsection (b), the words "with respect to one or more of its employees" are omitted as surplus because the authority to exempt a railroad carrier includes the authority to exempt only some of the employees of the carrier. The words "carrier to require or allow its employees to be on duty" are substituted for "any railroad described in this section to work its employees" for clarity and consistency in this chapter.

-End-

-CITE-

49 USC Sec. 21103

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21103. Limitations on duty hours of train employees

-STATUTE-

(a) General. - Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty -

(1) unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours; or

(2) after that employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty.

(b) Determining Time on Duty. - In determining under subsection (a) of this section the time a train employee is on or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time the employee is engaged in or connected with the movement of a train is time on duty.

(3) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in or connected with the movement of a train is time on duty.

(4) Time spent in deadhead transportation to a duty assignment is time on duty, but time spent in deadhead transportation from a duty assignment to the place of final release is neither time on duty nor time off duty.

(5) An interim period available for rest at a place other than a designated terminal is time on duty.

(6) An interim period available for less than 4 hours rest at a designated terminal is time on duty.

(7) An interim period available for at least 4 hours rest at a place with suitable facilities for food and lodging is not time on duty when the employee is prevented from getting to the employee's designated terminal by any of the following:

(A) a casualty.

(B) a track obstruction.

(C) an act of God.

(D) a derailment or major equipment failure resulting from a cause that was unknown and unforeseeable to the railroad carrier or its officer or agent in charge of that employee when that employee left the designated terminal.

(c) Emergencies. - A train employee on the crew of a wreck or relief train may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of the crew is related to the emergency. In this subsection, an emergency ends when the track is cleared and the railroad line is open for traffic.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 888.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21103(a)	45:62(a)(1), (2).	Mar. 4, 1907, ch. 2939, Sec. 2(a)(1), (2), 34 Stat. 1416; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, Sec. 4(a)(1), (2), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, Sec. 16(2), 102 Stat. 634.
21103(b)	45:61(b)(3).	Mar. 4, 1907, ch. 2939, Secs. 1(b)(3), 2(b), 34 Stat. 1415, 1416; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 463.
	45:61(b)(4) (last sentence).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 1(b)(4) (last sentence); added Nov. 2, 1978, Pub. L. 95-574, Sec. 6, 92 Stat. 2461; June 22, 1988, Pub. L. 100-342,

45:62(b).
21103(c) 45:62(c). Mar. 4, 1907, ch. 2939, Sec.
2(c), 34 Stat. 1416; Dec.
26, 1969, Pub. L. 91-169,
Sec. 1, 83 Stat. 464;
restated July 8, 1976, Pub.
L. 94-348, Sec. 4(b), 90
Stat. 818.

In subsection (a), before clause (1), the words "Except as provided in subsection (c) of this section" are added to alert the reader to the exception restated in subsection (c). The words "train employee" are substituted for "employee" because of the definition of "train employee" in section 21101 of the revised title. In clause (2), the words "12 consecutive hours" are substituted for "continuously . . . fourteen hours" and "except that, effective upon the expiration of the two-year period beginning on the effective date of this paragraph, such fourteen-hour duty period shall be reduced to twelve hours" because the 2-year period has ended.

In subsection (b), the words before paragraph (1) are added as related to 45:61(b)(3) and (4) (last sentence) and substituted for "In determining, for the purposes of subsection (a), the number of hours an employee is on duty" in 45:62(b) for clarity. In paragraphs (2) and (3), the word "actually" is omitted as surplus. In paragraph (4), the words "neither time on duty nor time off duty" are substituted for "time off duty" for clarity and consistency with the source provisions restated in 21104(b)(3) and (4) of the revised title. In paragraph (7), before clause (A), the words "between designated terminals" are omitted as surplus. The text of 45:61(b)(3)(E) is omitted as surplus because of the restatement.

In subsection (c), the words "A train employee on" are added for consistency in this section. The word "actual" is omitted as surplus.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21105 of this title.

-End-

-CITE-

49 USC Sec. 21104

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21104. Limitations on duty hours of signal employees

-STATUTE-

(a) General. - (1) In paragraph (2)(C) of this subsection, "24-hour period" means the period beginning when a signal employee reports for duty immediately after 8 consecutive hours off duty or, when required under paragraph (2)(B) of this subsection, after 10 consecutive hours off duty.

(2) Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a signal employee to remain or go on duty -

(A) unless that employee has had at least 8 consecutive hours off duty during the prior 24 hours;

(B) after that employee has been on duty for 12 consecutive hours, until that employee has had at least 10 consecutive hours off duty; or

(C) after that employee has been on duty a total of 12 hours during a 24-hour period, or after the end of that 24-hour period, whichever occurs first, until that employee has had at least 8 consecutive hours off duty.

(b) Determining Time on Duty. - In determining under subsection (a) of this section the time a signal employee is on duty or off duty, the following rules apply:

(1) Time on duty begins when the employee reports for duty and ends when the employee is finally released from duty.

(2) Time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is engaged in installing, repairing, or maintaining signal systems is time on duty.

(3) Time spent returning from a trouble call, whether the employee goes directly to the employee's residence or by way of the employee's headquarters, is neither time on duty nor time off duty, except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty.

(4) If, at the end of scheduled duty hours, an employee has not completed the trip from the final outlying worksite of the duty period to the employee's headquarters or directly to the employee's residence, the time after the scheduled duty hours necessarily spent in completing the trip to the residence or headquarters is neither time on duty nor time off duty.

(5) If an employee is released from duty at an outlying worksite before the end of the employee's scheduled duty hours to comply with this section, the time necessary for the trip from the worksite to the employee's headquarters or directly to the employee's residence is neither time on duty nor time off duty.

(6) Time spent in transportation on an ontrack vehicle, including time referred to in paragraphs (3)-(5) of this subsection, is time on duty.

(7) A regularly scheduled meal period or another release period of at least 30 minutes but not more than one hour is time off duty and does not break the continuity of service of the employee under this section, but a release period of more than one hour is time off duty and does break the continuity of service.

(c) Emergencies. - A signal employee may be allowed to remain or go on duty for not more than 4 additional hours in any period of 24 consecutive hours when an emergency exists and the work of that employee is related to the emergency. In this subsection, an emergency ends when the signal system is restored to service.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 889.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21104(a)	45:63a(a) (1st sentence).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(a) (1st sentence), (b); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635.

- 45:63a(a) (2d-last sentences). Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(a) (2d-last sentences); added Nov. 2, 1978, Pub. L. 95-574, Sec. 4(a), 92 Stat. 2459.
- 21104(b) 45:63a(b).
45:63a(c). Mar. 4, 1907, ch. 2939, 34 Stat. 1415; Sec. 3A(c); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; restated Nov. 2, 1978, Pub. L. 95-574, Sec. 4(b), 92 Stat. 2460.
- 21104(c) 45:63a(f). Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(f); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819.

In this section, the words "signal employee" are substituted for "an individual employed by the railroad who is engaged in installing, repairing or maintaining signal systems" and "an individual described in paragraph (1)" in 45:63a(a), "individual" in 45:63a(b) and (c), and "individual engaged in installing, repairing, or maintaining signal systems" in 45:63a(f) because of the definition of "signal employee" in section 21101 of the revised title.

Subsection (a)(1) is substituted for 45:63a(a) (last sentence) for clarity and because of the restatement.

In subsection (a)(2), before clause (A), the words "Except as provided in subsection (c) of this section" are added to alert the reader to the exception restated in subsection (c). The text of 45:63a(a) (2d sentence) is omitted as surplus.

In subsection (b), the words before paragraph (1) are added as related to 45:63a(c) and substituted for "In determining for the purposes of subsection (a) of this section the number of hours an individual is on duty" for clarity. In paragraph (2), the word "actually" is omitted as surplus.

In subsection (c), the word "actual" is omitted as surplus.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21105 of this title.

-End-

-CITE-

49 USC Sec. 21105

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21105. Limitations on duty hours of dispatching service employees

-STATUTE-

(a) Application. - This section applies, rather than section 21103 or 21104 of this title, to a train employee or signal employee during any period of time the employee is performing duties of a dispatching service employee.

(b) General. - Except as provided in subsection (d) of this section, a dispatching service employee may not be required or allowed to remain or go on duty for more than -

(1) a total of 9 hours during a 24-hour period in a tower, office, station, or place at which at least 2 shifts are employed; or

(2) a total of 12 hours during a 24-hour period in a tower, office, station, or place at which only one shift is employed.

(c) Determining Time on Duty. - Under subsection (b) of this section, time spent performing any other service for the railroad carrier during a 24-hour period in which the employee is on duty in a tower, office, station, or other place is time on duty in that tower, office, station, or place.

(d) Emergencies. - When an emergency exists, a dispatching service employee may be allowed to remain or go on duty for not more than 4 additional hours during a period of 24 consecutive hours for not more than 3 days during a period of 7 consecutive days.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 890.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21105(a)	45:62(d).	Mar. 4, 1907, ch. 2939, Sec. 2(d), 34 Stat. 1416; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464.
	45:63a(e).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(e); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819.
21105(b)	45:63(a).	Mar. 4, 1907, ch. 2939, Sec. 3, 34 Stat. 1416; May 4, 1916, ch. 109, Sec. 1, 39 Stat. 61; Aug. 14, 1957, Pub. L. 85-135, Sec. 2, 71 Stat. 352; restated Dec. 26, 1969, Pub. L. 91-169, Sec. 1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, Sec. 16(3), 102 Stat. 635.
21105(c)	45:63(b).	
21105(d)	45:63(c).	

In this section, the words "dispatching service employee" are substituted for "operator, train dispatcher, or other employee who by the use of the telegraph, telephone, radio, or any other electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements" in 45:63(a), "employee . . . on duty in a class of service . . . described in paragraph (1) or (2) of such subsection" in 45:63(b), and "employees named in such subsection" in 45:63(c) because of the definition of "dispatching service employee" in section 21101 of the revised title.

In subsection (a), the words "This section applies, rather than section 21103 or 21104 of this title" are substituted for "The provisions of this section shall not apply" because of the restatement. The words "train employee" are substituted for

"employee" in 45:62(d), and the words "signal employee" are substituted for "individual" in 45:63a(e), for consistency in this chapter and because of the definitions of "signal employee" and "train employee" in section 21101 of the revised title. The words "during any period of time the employee is performing duties of a dispatching service employee" are substituted for "during such period of time as the provisions of section 63 of this title apply to his duty and off-duty periods" in 45:62(d) and 63a(e) for clarity.

In subsection (b), before clause (1), the words "a total of" are substituted for "whether consecutive or in the aggregate" to eliminate unnecessary words.

In subsection (c), the words "a tower, office, station, or other place" are substituted for "a place, described in paragraph (1) or (2) of such subsection" for clarity.

In subsection (d), the words "When an emergency exists" are substituted for "in case of emergency" for consistency in this chapter.

-End-

-CITE-

49 USC Sec. 21106

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21106. Limitations on employee sleeping quarters

-STATUTE-

A railroad carrier and its officers and agents -

(1) may provide sleeping quarters (including crew quarters, camp or bunk cars, and trailers) for employees, and any individuals employed to maintain the right of way of a railroad carrier, only if the sleeping quarters are clean, safe, and sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier; and

(2) may not begin, after July 7, 1976, construction or reconstruction of sleeping quarters referred to in clause (1) of

this section in an area or in the immediate vicinity of an area, as determined under regulations prescribed by the Secretary of Transportation, in which railroad switching or humping operations are performed.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 891.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21106	45:62(a)(3), (4).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 2(a)(3), (4); added July 8, 1976, Pub. L. 94-348, Sec. 4(a)(3), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, Sec. 16(2), 102 Stat. 634.
	45:62(e).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 2(e); added June 22, 1988, Pub. L. 100-342, Sec. 19(b)(1), 102 Stat. 638.
	45:63a(d) (related to 45:62(a)(3)).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(d) (related to Sec. 2(a)(3)); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635.

In this section, before clause (1), the words "and any individuals employed to maintain the right of way of a railroad carrier" are substituted for 45:62(e) because of the restatement.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21303 of this title.

-End-

-CITE-

49 USC Sec. 21107

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21107. Maximum duty hours and subjects of collective bargaining

-STATUTE-

The number of hours established by this chapter that an employee may be required or allowed to be on duty is the maximum number of hours consistent with safety. Shorter hours of service and time on duty of an employee are proper subjects for collective bargaining between a railroad carrier and its employees.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 891.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21107	45:63a(d) (related to 45:64).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, Sec. 3A(d) (related to Sec. 4); added July 8, 1976, Pub. L. 94-348, Sec. 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, Sec. 16(4), 102 Stat. 635. Mar. 4, 1907, ch. 2939, Sec. 45:64.

4, 34 Stat. 1417; restated
Dec. 26, 1969, Pub. L.
91-169, Sec. 1, 83 Stat.
464; June 22, 1988, Pub. L.
100-342, Sec. 16(5), 102
Stat. 635.

-End-

-CITE-

49 USC Sec. 21108

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 211 - HOURS OF SERVICE

-HEAD-

Sec. 21108. Pilot projects

-STATUTE-

(a) Waiver. - A railroad carrier or railroad carriers and all labor organizations representing any class or craft of directly affected covered service employees of the railroad carrier or railroad carriers, may jointly petition the Secretary of Transportation for approval of a waiver, in whole or in part, of compliance with this chapter, to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the requirements of this chapter to such class or craft of employees, including requirements concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary may, after notice and opportunity for comment, waive in whole or in part compliance with this chapter for a period of no more than two years, if the Secretary determines that such waiver of compliance is in the public interest and is consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

(b) Report. - The Secretary of Transportation shall submit to

Congress, no later than January 1, 1997, a report that -

- (1) explains and analyzes the effectiveness of all pilot projects established pursuant to a waiver granted under subsection (a);
- (2) describes the status of all other waivers granted under subsection (a) and their related pilot projects, if any; and
- (3) recommends appropriate legislative changes to this chapter.

(c) Definition. - For purposes of this section, the term "directly affected covered service employees" means covered service employees to whose hours of service the terms of the waiver petitioned for specifically apply.

-SOURCE-

(Added Pub. L. 103-440, title II, Sec. 203(a), Nov. 2, 1994, 108 Stat. 4619.)

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 21303 of this title.

-End-