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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

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Sec.

21101. Definitions.

21102. Nonapplication and exemption.

21103. Limitations on duty hours of train employees.

21104. Limitations on duty hours of signal employees.

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.

-SECFEF-

CHAPTER REFERRED TO IN OTHER SECTIONS

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

-End-

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49 USC Sec. 21105

01/06/03

-EXPCITE-

TITLE 49 - TRANSPORTATION

SUBTITLE V - RAIL PROGRAMS

PART A - SAFETY

CHAPTER 211 - HOURS OF SERVICE

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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).

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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-