

section (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 re-statement.

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

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Rail Safety Improvement Act of 2008, referred to in subsecs. (a)(4)(B)(i) and (c)(1), is the date of enactment of div. A of Pub. L. 110-432, which was approved Oct. 16, 2008.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-432, §108(b)(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “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.”

Subsecs. (c), (d). Pub. L. 110-432, §108(b)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (e). Pub. L. 110-432, §108(b)(3), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-432 effective 9 months after Oct. 16, 2008, see section 108(g) of Pub. L. 110-432, set out as a note under section 21101 of this title.

§ 21104. Limitations on duty hours of signal employees

(a) IN GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow its signal employees to remain or go on duty and a contractor or subcontractor to a railroad carrier and its officers and agents may not require or allow its signal employees to remain or go on duty—

(1) for a period in excess of 12 consecutive hours; or

(2) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours.

(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.

(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. A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.

(d) COMMUNICATION DURING TIME OFF DUTY.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier or a contractor or subcontractor to a railroad carrier, and its officers and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation, as defined by the Secretary.

(e) EXCLUSIVITY.—The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be

subject to any hours of service rules, duty hours or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 889; Pub. L. 110-432, div. A, title I, §108(c), Oct. 16, 2008, 122 Stat. 4862.)

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

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-432, §108(c)(1), added subsec. (a) and struck out former subsec. (a) which limited the amount of time spent on duty by signal employees.

Subsec. (b)(3). Pub. L. 110-432, §108(c)(2), substituted “duty.” for “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.”

Subsec. (c). Pub. L. 110-432, §108(c)(3), inserted at end “A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.”

Subsecs. (d), (e). Pub. L. 110-432, §108(c)(4), added subsecs. (d) and (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-432 effective 9 months after Oct. 16, 2008, see section 108(g) of Pub. L. 110-432, set out as a note under section 21101 of this title.

§ 21105. Limitations on duty hours of dispatching service employees

(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.

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

HISTORICAL AND REVISION NOTES

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