

Interim period of release

- An off-duty period of at least 4 hours, but less than a statutory off-duty period, at a designated terminal is considered a qualifying interim release that temporarily suspends the accumulation of time on duty, but does not end a duty tour.
- During a train employee’s interim period of release, a railroad carrier, its officers, and its agents must not communicate with the train employee by telephone, pager, or in any other way that could reasonably be expected to disrupt the employee’s rest. See Chapter 3, *Communication during the off-duty period*. (HSL § 21103(e))
 - To qualify as an interim release, the employee must have at a minimum 4 consecutive hours of time free from communication with the railroad.
- A release at a **non-designated** terminal, regardless of its length, counts as time on duty.
 - A release at a non-designated terminal may count as time off duty if adequate food and lodging are available and the employee is prevented from getting to his or her designated terminal because of a casualty, a track obstruction, an act of God, a derailment, or a major equipment failure resulting from a cause that was unknown and unforeseeable to the railroad when that employee left the designated terminal.
- A railroad is **not** required to notify an employee of an interim release, but FRA regards the practice of regularly calling employees to report back after an interim release without prior notification as poor crew management with possible fatigue implications.

Explanation: Interim release applies only to train employees. A qualifying interim release is considered as off duty for purposes of computing the total time on duty within a duty tour. However, qualifying interim release periods are included in the accumulation of time under the

24-hour time limit for broken or aggregated service. Qualifying interim releases are never considered part of a statutory off-duty period. See Chapter 2, *Duty tour*. (49 CFR § 228.5)

TIME LIMITATIONS

Time on duty

- After receiving a statutory off-duty period, a train employee is available for a total of 12 hours of time on duty in a 24-hour period.
- A train employee cannot be required or allowed to perform duty after he or she has accumulated a total of 12 hours of time on duty in a duty tour.
- A train employee cannot be required or allowed to perform duty after the 24-hour point in a duty tour.
- After an employee reaches either 12 hours of time on duty or the 24-hour point in a duty tour, that employee must receive a statutory off-duty period (at least 10 hours off duty) before returning to perform service for the railroad.

Activities after 12 hours of time on duty or the 24-hour point in a duty tour

- **Waiting for and in deadhead transportation from duty** to a point of final release is the only allowable railroad-required activity after an employee has 12 hours of time on duty, or after the 24-hour point in a duty tour. See Chapter 4, *Deadhead from duty to a point of final release*.
- A train crew is **not** waiting for deadhead transportation when:
 - Transportation has **not** been ordered for the crew, or transportation is available but the crew is required to remain with the train.
 - In these circumstances, the crew is considered to be monitoring the train (which is commingled service), not waiting for deadhead transportation, and this time will count as time on duty.
- **Alcohol and drug testing**
 - Railroad alcohol and drug testing (not required by Federal regulations) is considered activity at the behest of the railroad and will result in excess service when performed after 12 hours of time on duty in a duty tour. (Alcohol/Drug Manual)
 - FRA normally recommends a civil penalty when excess service occurs during FRA **random** drug and alcohol testing.
 - FRA does **not** normally recommend a civil penalty when excess service occurs during:
 - FRA postaccident.
 - FRA reasonable suspicion.

- FRA reasonable cause or railroad reasonable cause that would have met the criteria for testing under FRA authority.
- Railroads must report excess service when it occurs as a result of required alcohol and drug testing, and use due diligence to avoid or minimize the excess service. (Alcohol/Drug Manual)
- **Incidental service** involves a train crew providing limited, but necessary, information to the railroad after the expiration of the 12-hour duty limitation.
 - FRA recognizes that a certain amount of information must be exchanged for the benefit of both the employee and the railroad.
 - FRA has traditionally exercised its prosecutorial discretion to allow a limited amount of incidental service such as brief tie-ups, placing paperwork in an inbox, or plugging a laptop computer into a receptacle and hitting a send button.
 - A quick tie-up may be performed by calling or faxing information to a crew caller, or by completing a quick tie-up on a computer. An employee is limited to providing the following information during a quick tie-up. (49 CFR § 228.5)
 - Board placement time.
 - Relieved location, date, and time.
 - Final release location, date, and time.
 - Contact information for the employee during the statutory off-duty period.
 - Request for rest in addition to the statutory minimum, where applicable.
 - Basic payroll information, related only to the duty tour being tied up.
 - Employee certification.

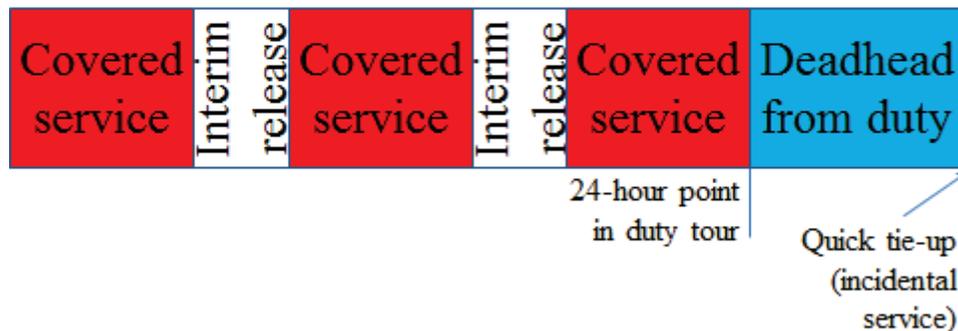
12 hours on duty

Employee cannot remain on duty or return to perform duty until he or she receives a statutory off-duty period.



24-hour point in duty tour

Employee cannot remain on duty or return to perform duty until he or she receives a statutory off-duty period.



Duty tour: 25 hours (includes 1-hour deadhead from duty)
Time on duty: 10 hours

Consecutive day limitation—initiating on-duty periods

- After initiating an on-duty period, each day, for 6 consecutive days, a train employee is required to have 48 consecutive hours off duty at his or her home terminal, unavailable

for **any service for any railroad**, before **returning to perform covered service** as a train employee in freight operations. (HSL § 21103(a)(4))

- If an employee is released at his or her away from home terminal on the sixth consecutive day, he or she may initiate an on-duty period on the seventh consecutive day, but must receive 72 consecutive hours off duty at the home terminal, unavailable for any service for any railroad, before returning to perform covered service as a train employee in freight operations.
 - The initiation of an on-duty period is the beginning time of a duty tour. See Chapter 2, *Duty tour*.
 - The term “start” is commonly used to define a consecutive day, using five starts to mean the initiation of an on-duty period, each day, for 5 consecutive days. As it relates to this provision, an on-duty period is a duty tour, not an individual covered service assignment.
 - After initiating an on-duty period, each day, for 6 or 7 consecutive days, an employee is prohibited from performing covered service as a train employee (freight operations) until receiving 48 or 72 consecutive hours off duty at his or her home terminal, unavailable for any service for any railroad.
 - An employee who has initiated an on-duty period on 6 or 7 consecutive days may return to perform non-covered service for the railroad before the completion of the 48 or 72 consecutive hours off duty, but the 48- or 72-hour off-duty period must be restarted after the non-covered service.
 - An employee may perform covered service or non-covered service for a secondary railroad before the completion of a required 48- or 72-hour off-duty period required by the primary railroad. In these cases, the employee must report such service to the primary railroad and have his or her rest period reset with the required off-duty period of 48 or 72 consecutive hours beginning at the end of the service performed for the secondary railroad.
 - If an employee is finally released at an away from home terminal on his or her sixth consecutive day of initiating on-duty periods, he or she may initiate an on-duty period on the seventh consecutive day, but must receive 72 consecutive hours off duty at the home terminal, unavailable for any service for any railroad, before returning to perform covered service as a train employee in freight operations, subject to the following conditions. (FR Vol. 78, No. 185)
 - In this case, the employee will have to initiate the on-duty period within the 24-hour period following the employee’s final release at the away from home terminal.
 - After the 24-hour period, an employee is prohibited from initiating an on-duty period as a train employee in freight operations until he or she has 48 consecutive hours off duty at his or her home terminal unavailable for any service for any railroad.

- If an employee initiates on-duty periods for 6 consecutive days, and then initiates an on-duty period after the end of what would have been the seventh consecutive day, he or she must receive 72 consecutive hours off duty at the home terminal. This would constitute non-compliance with the hours of service laws (HSL) and FRA may take enforcement actions.

Passenger train employees, dispatching service employees, and signal employees

- The initiation of an on-duty period by train employees engaged in commuter or intercity rail passenger transportation (49 CFR Part 228 Subpart F), counts equally as the initiation of an on-duty period by a train employee in freight operations. (FR Vol. 78, No. 185)
 - To determine a train employee’s availability based on the number of consecutive days of initiating on-duty periods under the HSL § 21103(a)(4), the initiation of an on-duty period in passenger service, or a combination of passenger and freight service duty tours, will apply.
 - If a train employee engaged in commuter or intercity rail passenger transportation, or in any combination of freight and passenger service, initiates an on-duty period each day for 6 consecutive days (with a day defined as a 24-hour period), he or she must have 48 consecutive hours off duty, unavailable for any service for any railroad, at the home terminal before performing covered service as a train employee in freight operations covered by the HSL § 21103.
 - If a train employee engaged in commuter or intercity rail passenger transportation, or in any combination of freight and passenger service, initiates an on-duty period each day for 7 consecutive days, he or she must have 72 consecutive hours off duty, unavailable for any service for any railroad, at the home terminal before performing covered service as a train employee in freight operations covered by the HSL § 21103.

Note: When a train employee triggers the rest requirements of the HSL § 21103(a)(4), these rest requirements will only restrict an employee from performing covered service as a train employee in freight operations. After triggering the rest requirements of the HSL § 21103(a)(4), a train employee’s ability to perform covered service as a passenger train employee will be determined by the requirements of Title 49 Code of Federal Regulations § 228.405(a)(3), which restrict the number of consecutive days initiating on-duty periods for train employees engaged in commuter and intercity rail passenger transportation.

- An employee performing covered service as a dispatching service employee under the HSL § 21105, or a signal employee under the HSL § 21104, alone during a duty tour, will **not** count as an initiation of an on-duty period when considering the consecutive day count under the HSL § 21103(a)(4). (FR Vol. 78, No. 185)
- If an employee performs covered service as a train employee (freight or passenger operations) and covered service as either a signal employee, a dispatching service