



## Federal Railroad Administration

Federal hours of service

WAITING FOR  
AND  
IN DEADHEAD  
TRANSPORTATION  
**FROM** DUTY TO A POINT  
OF FINAL RELEASE

## **§ 21103. Limitations on duty hours of train employees**

(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.

1969 Amendment to the hours of service act:

Argument made that time spent in a deadhead from duty to a point of final release (DHF) should be counted as time on duty (1<sup>st</sup> Bill from House of Representatives had DHF as time on duty)

Railroads argued that it would be difficult to get crews off of trains and tied-up in 12 hours

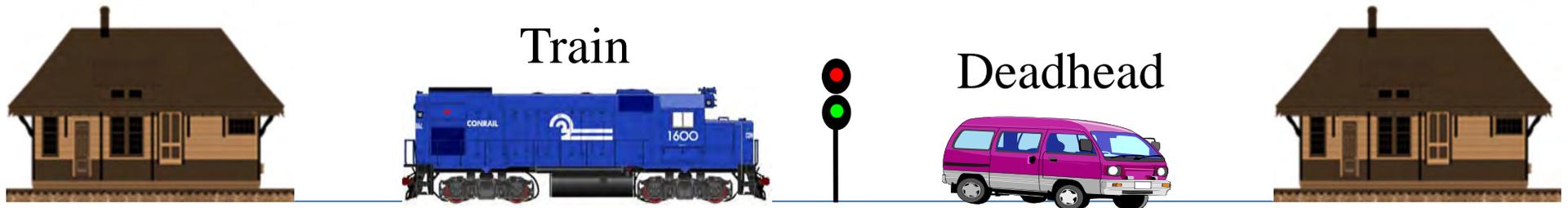
Amendment adopted DHF as neither time on duty nor time off duty (limbo time)

1992: 9<sup>th</sup> Circuit Court ruled that time spent waiting for DHF is time on duty

1994: 7<sup>th</sup> Circuit Court ruled that time spent waiting for DHF is limbo time

1996: US Supreme Court ruled that time spent waiting for DHF is limbo time

# Deadhead from duty to a point of final release



On duty: 0800

Relief crew takes train,  
deadhead begins: 1900  
(relieved)

Quick tie-up  
(incidental service)  
released: 2100

On duty:  
0800

Relieved:  
1900

Released:  
2100

**Covered service**

**Deadhead from  
duty**

Total time on duty = 11 hours

Limbo time = 2 hours

RELIEVED TIME:

RELIEVED TIME EXISTS FOR ONE  
REASON

TO ESTABLISH THE BEGINNING  
OF A DEADHEAD FROM DUTY TO  
A POINT OF FINAL RELEASE

## HOURS OF DUTY RECORD

PRIOR TIME OFF	HOS FUNCTION	TRAIN/JOB ID ACTIVITY			
			LOCATION	DATE	TIME
14 hours	On duty	Z1	A	12-21-2012	08:00
	Relieved	Z1	B	12-21-2012	19:00
0 hours	Beginning	Deadhead	B	12-21-2012	19:00
	Ending	Deadhead	C	12-21-2012	21:00
	Released	Z1	C	12-21-2012	21:00

**TOTAL TIME ON DUTY: 11 hours**

**TOTAL TIME OVER 12 HOURS: 1 hour**

On-duty period initiated: 08:00 on 12-21-2012

Time added to 276-hour monthly activity limit: 13 hours

Time added to 30-hour monthly limbo limit: 1 hour

- Is limbo time anything over 12 hours in a duty tour as long as the employee does not perform covered or commingled service? NO
- The only activity defined in the Federal hours of service laws as “neither time on duty nor time off duty” is a deadhead from duty to a point of final release.
- The US Supreme Court ruled that time spent waiting for deadhead transportation from duty to a point of final release is also considered neither time on duty nor time off duty
- After the 12-hour point in a train employee’s duty tour, he or she must either be waiting for DHF, or in a DHF.
- Can train employees waiting on an unsecured train after the 12-hour point in a duty tour consider this time limbo time? Yes, if they are legitimately waiting on deadhead transportation

Determining if the employee is **waiting** on deadhead transportation

How do we determine if an employee is waiting on deadhead transportation?

- If transportation is available, but cannot be used by the crew, the crew is not waiting on deadhead transportation
- If transportation has not been arranged before the crew reaches 12 hours of time on duty, the crew was not waiting for transportation from the 12-hour point to the time when the transportation was actually ordered
  - This can be difficult to determine, I have instructed inspectors to determine if the relief crew goes on duty after the crew they are relieving is past 12 hours

### **GCOR 1.17 Hours of Service Law**

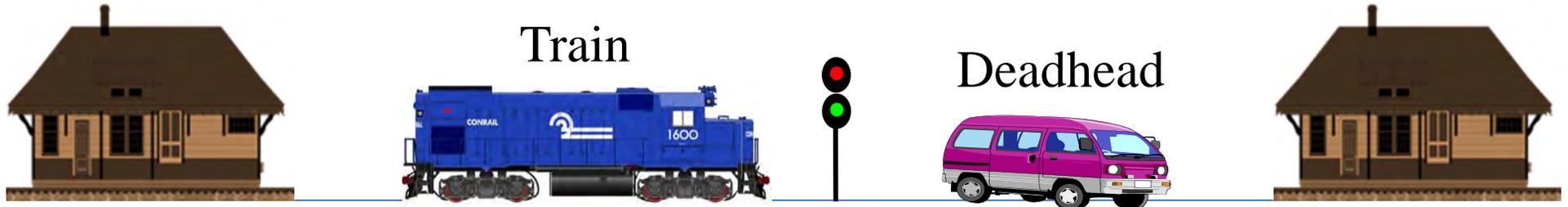
#### **A. Notification**

When communication is available, employees must notify the train dispatcher or another authority of the time the law requires them to be off duty. Employees must provide notification early enough that they may be relieved, or transportation provided, before they exceed the hours of service.

Finally:

Train employees must fill out their hours of duty records correctly, if they want FRA to take exception to excess service

# Deadhead from duty to a point of final release



On duty: 0800

Relief crew on duty: 2100  
arrives at train: 2200  
deadhead begins: 2200  
Relieved time: 2100

Quick tie-up  
(incidental service)  
released: 2300

On duty:  
0800

Relieved:  
2100

Released:  
2300

**Covered service**

**Deadhead from  
duty**

Total time on duty = 13 hours

Limbo time = 2 hours

## HOURS OF DUTY RECORD

PRIOR TIME OFF	HOS FUNCTION	TRAIN/JOB ID ACTIVITY	LOCATION	DATE	TIME
14 hours	On duty	Z1	A	12-21-2012	08:00
	Relieved	Z1	B	12-21-2012	21:00
0 hours	Beginning	Deadhead	B	12-21-2012	22:00
	Ending	Deadhead	C	12-21-2012	23:00
	Released	Z1	C	12-21-2012	23:00
<b><u>TOTAL TIME ON DUTY: 13 hours</u></b>			<b><u>TOTAL TIME OVER 12 HOURS: 3 hour</u></b>		
On-duty period initiated: 08:00 on 12-21-2012					
Time added to 276-hour monthly activity limit: 15 hours					
Time added to 30-hour monthly limbo limit: 2 hour					

Reason for excess service: Relief crew did not report until 2100, 1 hour past the 12-hour point in my duty tour. As such, I was not waiting for deadhead transportation from 2000 to 2100, I was waiting for the relief crew to report, so this time counts as time on duty, not limbo time.

# HOURS OF SERVICE COMPLIANCE MANUAL

<http://www.fra.dot.gov/eLib>

[https://www.fra.dot.gov/eLib/Find#p1\\_z5\\_gD\\_ICM\\_s27](https://www.fra.dot.gov/eLib/Find#p1_z5_gD_ICM_s27)

**THE END**