

**Rail Safety Improvement Act of 2008**  
**Questions & Answers**  
**February 16, 2017**

The below questions and answers represent BNSF's understanding and interpretations concerning the new Hours of Service provisions. This information is subject to change based on future regulations, interpretations, or other communications that may be issued by the Federal Railroad Administration (FRA).

If this occurs, all changes will be communicated as they become available.

**Section A: General Questions**

- Q (1): When did the new Hours of Service rules go into effect?
- A. July 16, 2009, nine months after enactment of the Rail Safety Improvement Act of 2008 (the "Act").
- Q (2): How does the Act cap Hours of Service per month?
- A. The Act prohibits a carrier from requiring or allowing a train service employee to remain on duty, go on duty, wait for deadhead transportation, or be in deadhead transportation from a duty assignment to a place of final release, or be in any other mandatory service for the carrier in any calendar month where the employee has spent a total of 276 hours either (1) on duty; (2) waiting for deadhead transportation or in deadhead transportation from a duty assignment to a place of final release; or (3) in any other mandatory service for the carrier. A separate cap applies to time spent waiting for or in deadhead transportation following a period of 12 consecutive hours on duty.
- Q (3): When do the hours counted toward the 276-hour cap and the 30-hour limbo cap reset to zero?
- A. The caps reset at midnight on the last day of the month. For example, an employee who reaches the 30-hour limbo cap can incur limbo time after 12 consecutive hours on duty if the limbo time occurs after midnight on the last day of the month.
- Q (4): Whose responsibility is it to track employee hours so the caps found in RSIA are not exceeded?
- A. According to the FRA, the railroad is responsible for tracking employees' hours, except in cases where an employee deliberately misrepresents his or her availability. If there are reasonable expectations an employee will complete the covered service and/or deadhead within the available time and unforeseen events conflict with that expectation, the employee is required to provide advance notification of a potential violation under the provisions of General Code of Operating Rules, Rule 1.17 "Hours of Service Law."

**Section B: 276-Hour Cap**

*"A railroad carrier and its officers and agents may not require or allow a train employee to remain on duty, go on duty, wait for deadhead transportation, be in deadhead transportation from a duty assignment to the place of final release, or be in any other mandatory service for the carrier in any calendar month where the employee has spent a total of 276 hours [on duty, waiting for or deadheading, any mandatory service for the carrier]."*

- Q (5): Prior to the RSIA, how many employees typically exceeded 276 hours in a calendar month?
- A. Fewer than 1 percent of BNSF employees typically exceeded the 276-hour cap in any given month. For example, in August 2008, 195 employees had 276 or more on-duty hours, out of BNSF's nearly 18,000 Transportation employees. Of those 195 employees, only 24 had

consistently exceeded the 276-hour cap during each month in 2008.

Q (6): If an employee works a regular switch engine and he or she is given a 2 hour early quit, does the employee have 6 or 8 hours of reportable time on duty?

A. The actual time reported as on-duty time counts toward the hours of service. The employee must immediately tie up at the conclusion of the on-duty period. The pay may be for 8 hours, but only the 6 hours worked count toward the reportable time on duty.

Q (7): What is the definition of mandatory service that counts toward the 276-hour cap?

A. Mandatory service includes activities that may indirectly benefit BNSF and are necessary for an employee to maintain the status of being prepared and qualified to perform service as a TY&E employee. To qualify, the activity must be mandatory and include a requirement to complete immediately or to report at an assigned time and place to complete, without any discretion in scheduling on the part of the employee. For example, attending an investigation as a principal or company witness is considered "mandatory service." Activities that are not considered mandatory service include safety meetings, investigations attended as a representative or a witness for another employee and activities scheduled by the employee when appropriately rested (e.g. vision tests, optional rules refresher class and acquisition of Transportation Worker Identification Credential (TWIC) cards).

Q (8): If the mandatory service is at a location other than the home terminal, should driving time to and from the location be included in the mandatory service report?

A. Yes.

Q (9): If an employee has reached 270 hours of the 276-hour cap, can he or she be called for a trip that the railroad has determined will last a minimum of 8 hours (270 + 8 = 278)?

A. No. The employee cannot exceed the 276-hour cap.

Q (10): What if the employee has not exceeded the maximum service caps but has insufficient time left for a tour of duty?

A. If a good-faith estimate of the length of time for the trip exceeds the number of hours an employee has left to work in the month, the employee cannot be called for the trip.

Q (11): What if the previous trip takes the employee to the away-from-home terminal (AFHT) and there is insufficient time under the 276-hour cap for the employee to work home?

A. The intent of RSIA is to provide extended periods of rest at the home terminal. The FRA will allow the employee to be deadheaded home even if the hours incurred during the deadhead result in the employee exceeding the 276-hour cap, but the FRA expects all railroads to make every effort to plan an employee's work so that this situation does not regularly arise.

### **Section C: 10 Consecutive Hours of Undisturbed Rest**

*"A railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours. . ."*

Q (12): Do the 10 consecutive hours of rest apply at the home terminal, the away from home terminal (AFHT) and in yard service?

A. Yes. The 10 consecutive hours of undisturbed rest (UDR) start immediately after

the employee goes off duty.

Q (13): Can crews be turned out of the AFHT with more than 4 hours off, but less than 10 consecutive hours of rest?

A. Yes. The railroad can notify a crew they will turn out of the terminal after an interim period of at least 4 consecutive hours of rest. All time consumed during the trip to the AFHT, and the trip to the home terminal, will count as one continuous trip. The interim time spent at the AFHT will not count toward the hours of service. For example, if a crew goes on duty at the home terminal at 8 a.m., ties up at the AFHT at 1p.m., goes back on duty at 6 p.m. and then ties up back at the home terminal at 9 p.m., the crew will have 8 hours toward the hours of service (5 hours + 3 hours = 8). Interim rest between 1p.m. and 6 p.m. is not included.

Q (14): Can crews be turned out of the AFHT with less than 4 consecutive hours off duty?

A. Yes. All time consumed between the on-duty time at the home terminal until tie up at the home terminal will count toward the hours of service. For example, if a crew goes on duty at the home terminal at 8 a.m., ties up at the AFHT at noon, goes back on duty at 2 p.m., and ties up at the home terminal at 8 p.m., they will have 12 hours (8 a.m. to 8 p.m.) toward the hours of service.

Q (15): If an employee's time on-duty plus time spent waiting for, or in, deadhead transportation exceeds 12 hours, how much additional time off duty will the employee receive?

A. The employee will receive additional time off duty on a minute-by-minute basis for all time over 12 consecutive hours. For example, an employee who is on duty for 12 hours and then spends 2 hours and 30 minutes in deadhead transportation will receive 12 hours and 30 minutes of undisturbed rest (10 hours + 2 hours and 30 minutes).

Q (16): Can an employee decline the additional rest when on duty plus limbo time exceeds 12 hours?

A. No. The additional rest is mandatory and may not be declined.

#### **Section D: Undisturbed Rest (UDR)**

*"A railroad carrier, and its officers and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could reasonably be expected to disrupt the employee's rest."*

Q (17): What rest periods does undisturbed rest (UDR) apply to?

A. UDR applies to the minimum off-duty period of 10 consecutive hours, periods of interim release of at least 4 hours and additional rest required if the sum of the on-duty and limbo time exceeds 12 hours.

Q (18): Does UDR apply to the 48- or 72-hour periods of unavailability after 6 or 7 starts on consecutive days?

A. UDR does not apply to the entire 48- or 72-hour periods, but the employee will be given 10 consecutive hours of UDR upon tie up after the sixth or seventh start. See Section E for additional information.

Q (19): If an employee is called for service and released before the on-duty time, is a new 10-hour UDR period required?

A. No. The employee does not stand for a call until the UDR period is completed. A new UDR period is not required if the employee has not initiated an on-duty period.

- Q (20): Will employees receive notifications of awards or displacements during UDR?
- A. No. Employees may voluntarily access the TSSCREW system for information, including notifications of awards or displacements or elect to receive a data push of line-up and on-duty information to a text or e-mail device at any time. For more information on data push technology, go to the Crew Support Initiatives tab on the Labor Relations home page on the BNSF intranet, or contact the Crew Support Help Desk at (785) 676-2828.
- Q (21): Can a supervisor contact an employee during UDR?
- A. Generally, a supervisor may not communicate with a train employee by telephone, by pager or in any other manner that could reasonably be expected to disrupt the employee during his or her minimum off-duty period of 10 consecutive hours, interim rest at the AFHT, or the extended rest period after 12 consecutive hours on duty.
- Q (22): With push technology, can an employee tell the Crew System to automatically send a text message when he or she reaches a selected number of times out on the board?
- A. Yes, but such push messages may not be sent to an employee's personal phone or e-mail address during the UDR period
- Q (23): If an employee initiates a call to a supervisor during UDR, can the conversation take place or should the supervisor instruct the employee to call back after the rest period expires?
- A. The conversation can take place because the employee initiated the call. The content of the communication must be limited to the issue about which the employee called.
- Q (24): What if an employee calls an officer or agent and requests a return telephone call? Must the officer wait until the employee's UDR expires before returning the call?
- A. No. The prohibition on communication does not apply if the employee requests a return call. If the employee is seeking information and asks a railroad representative to call, the railroad will not be interfering with the employee's UDR as long as the call is brief and does not include other business.

### **Section E: 48-72 Hour Consecutive Hours Off**

*"A railroad carrier and its officers and agents may not require a train employee to remain or go on duty after that employee has initiated an on-duty period each day for six consecutive days, unless that employee has had at least 48 consecutive hours off at the employee's home terminal and an employee may work a seventh consecutive day if that employee completed his or her final period of on-duty time on his or her sixth consecutive day at a terminal other than his or her home terminal."*

- Q (25): The Act refers to starts in consecutive days. What is considered a "day"?
- A. The statutory "day" is the 24-hour period that ends when the employee is finally released from duty and begins his or her statutory minimum off-duty period; any new initiation of an on-duty period at any point during the 24-hour period following the employee's prior final release will have been initiated on a day consecutive to the prior duty tour, which will continue the series of consecutive days. On the other hand, if the employee does not initiate an on-duty period during the 24-hour period following the employee's prior release, then that 24-hour period breaks the consecutiveness of the days in the series.
- Q (26): If an employee is at the AFHT and receives a minimum of 10 hours of undisturbed rest before deadheading home, does the deadhead count as a start toward the 6 or 7 consecutive starts?
- A. No. Deadheading is neither time on duty nor time off duty, and a deadhead that has 10

hours of UDR before and after does not constitute initiating an on-duty period.

Q (27): How does being unavailable for 48 or 72 hours affect an employee's board standing?

A. Upon tie up of the sixth or seventh consecutive start, the employee's board position will be established. The employee's name and turn number will be displayed at the bottom of the board under the section called "Unavailable Due to RSIA." Upon completion of the 48 or 72 hours of unavailability, the employee and the turn will be placed back to the board in rotation based on the position established when placed in unavailable status.

Q (28): If an employee initiated an on-duty period on 4 consecutive days, initiates no on-duty periods on the fifth day, and then initiates an on-duty period on the sixth day, will this employee be considered unavailable for 48 hours?

A. No. The employee did not initiate an on-duty period (i.e., have a start) on each of 6 consecutive days.

Q (29): Does the consecutive day counter reset to zero if there is not a start within a 24-hour period after tie-up at the AFHT?

A. Yes; Note, however, that if the employee already has starts on 6 consecutive days, the employee cannot perform covered service until after he or she has been deadheaded home and unavailable for 48 hours after tie up at the home terminal .

Q (30): Can an employee work 7 starts on 7 consecutive days?

A. If an employee is at the home terminal at the end of the sixth consecutive start, he or she cannot have a 7th start and will begin the 48 hours of unavailable time immediately upon tie up for the 6th start. An employee can only have a seventh consecutive start if he or she is at the AFHT and is called out less than 24 hours after his or her last off-duty time (i.e., final release). Upon return to the home terminal, the employee will receive 72 hours of unavailable time.

Q (31): How do multiple on-duty periods on the same day count toward the 6 starts on 6 consecutive days?

A. If the on-duty periods are initiated during a 24-hour period, they are counted as multiple starts.

Q (32): If an employee is called for service and subsequently released before the on-duty time, does this count as a "start" toward the 6 consecutive starts?

A. No. An on-duty period was not initiated.

Q (33): If an employee is called for service and subsequently released after the on-duty time, does this count as a "start" toward the 6 consecutive starts?

A. Yes. The period from the report time until release time is considered time on duty and also counts toward the 276-hour cap. If 10 hours of UDR does not occur prior to the next call for service, the time will also reduce the time remaining for the next tour of duty. For example, an employee is called on duty at 10 a.m., the call is cancelled at 10:30 a.m., and 5 hours later the employee is called again for service. The 30 minutes between the report time and release time of the previous call will reduce the 12 hours available for the next call and the employee will have 11 hours and 30 minutes left to perform covered service. If the employee has more than 10 hours of UDR after the busted call, then the second call will count as a start and the employee can work up to 12 hours of covered service.

Q (34): [Intentionally omitted]

Q (35): Does an employee receive 48 or 72 hours off if he or she has 1 or more starts on each of 6 consecutive days, receives 10 hours UDR, and then deadheads home on the seventh day?

A. The employee receives 48 hours off. The RSIA uses two terms when describing the requirements for meeting the consecutive starts provisions: 1) during the 6 consecutive days an employee must "initiate an on-duty period" each day and 2) on the seventh day the only requirement is the employee must "work." A deadhead that is preceded and followed by a minimum of 10 hours UDR is neither time on duty, nor time off duty and does not constitute initiating an on duty period. Additionally, a deadhead does not meet the definition of "work."

Q (36): If an employee is at the AFHT after making 1 or more starts on 6 consecutive calendar days and does not receive an on-duty call until the eighth day, how long will the employee be unavailable once he or she returns to the home terminal?

A. Because the employee neither initiated an on-duty period nor deadheaded (i.e., "worked") on the seventh day, the 72-hour requirement is not triggered but the employee must be unavailable to return to work for 48 hours after tie-up at the home terminal.

Q (37): Does an employee receive 48 hours off if he or she has 1 or more starts on each of 5 consecutive days, receives 10 hours UDR and then deadheads home on the sixth day?

A. No. The employee did not initiate an on-duty period on six consecutive days.

Q (38): Does deadheading to and from an outlying point count as a start?

A. For an employee deadheading to an outlying point that will have 10 hours undisturbed rest after tie up, the deadhead (as long as there is no covered service performed) does not count as a start. If the employee deadheads to an outlying point and either immediately begins covered service or begins covered service prior to the expiration of a 10-hour undisturbed rest period the deadhead and duty tour will commingle and count as 1 start. The same applies on the return deadhead to the home terminal. In both cases, all time spent deadheading must be reported immediately upon tie up. Employees deadheading to an outlying assignment can include the deadhead time on the original tie-up ticket. Employees deadheading home must tie up electronically at the home terminal.

Q (39): [Intentionally Omitted]

Q (40): Will a switchman be allowed to double back on the same day?

A. A switchman could double back if the total time on duty is less than 8 hours or the start is early enough in the day to allow for a full 8-hour shift plus 10 hours of undisturbed rest. For example, a switchman who reports at 6 a.m. and for some reason has an early tie up at 10 a.m. could stand for a second call on that day after the 10-hour undisturbed rest expires at 8 p.m. Hours of service are based on actual time worked. Even if an early tie up results in 8 hours of pay, the rest time begins when the employee actually ties up.

Q (41): Is a switchman allowed to work overtime on his or her days off?

A. The answer depends on the collective bargaining agreement (CBA). Some agreements prohibit overtime if the employee is unavailable to protect the regular shift(s). If there are no prohibitions in the CBA, a switchman may work 6 consecutive days (5 regularly-assigned days plus 1 overtime day) but will not be available to work again for 48 hours. This will result in being unavailable to work the second rest day plus the first day of the regular work week.

Q (42): How are job assignments in the daily mark system handled?

- A. Switchmen participating in the daily mark system must have 10 consecutive hours of undisturbed rest between shifts and cannot mark to a job on the following day that has a start time less than 10 hours later.
- Q (43): Mandatory service for the railroad counts toward the 276-hour monthly cap. Does it also count as a start toward the 6 starts in 6 consecutive days?
- A. No; however, if the mandatory service is not followed by 10 hours UDR, it will commingle with the subsequent covered service and reduce the number of hours the employee has available to work.
- Q (44): If an employee stands to work a seventh consecutive day out of the AFHT, must the employee work or deadhead home before the end of the seventh day?
- A. No, the Act does not require that the employee be worked home or deadheaded before the end of the seventh day. If the employee has spent more than 24 hours off duty at the AFHT, then BNSF must deadhead the employee to his or her home terminal and the employee must be unavailable for covered service for 48 consecutive hours at the home terminal. If the employee has been at the AFHT for less than 24 hours, then he or she can work home but must then be unavailable for 72 hours before he or she can report for duty again to perform covered service.
- Q (45): [Intentionally Omitted]
- Q (46): If an employee's seventh consecutive start is short turnaround service out of the AFHT, can the employee be tied up at the AFHT and have an eighth start that returns him or her to the home terminal?
- A. No. An employee can be called for short turnaround service out of the AFHT, but must be deadheaded home under continuous service to begin the 72 hours of unavailability.
- Q (47): If an employee is called on duty at the home terminal and turned out of the AFHT with less than 10 hours of undisturbed rest, will the railroad count 1 or 2 starts toward the employee's consecutive starts?
- A. An employee turned out of the AFHT with less than 10 hours of undisturbed rest at the AFHT will have 1 start credited toward the consecutive starts for the entire round trip. This is because the trip to the AFHT and the return trip to the home terminal count as a single trip (and therefore a single start) under the RSIA - the times from on-duty time at the home terminal to tie up at the AFHT and from the AFHT on-duty time to tie up at the home terminal are added together.
- Q (48): If an employee is working on a guaranteed extra board and is unavailable to work due to either reaching the sixth consecutive start or the 276-hour cap, will the employee's guarantee be reduced?
- A. Yes. The agreements for guarantee state the guarantee may be prorated or reduced for each 24-hour period or portion thereof, when an employee marks off or is otherwise unavailable for service.

#### **Section F: "Limbo" Time**

*"A railroad carrier may not require or allow an employee to exceed a total of 30 hours per calendar month spent waiting for deadhead transportation or in deadhead transportation and the limitations in paragraph (1) shall apply unless the train carrying the employee is directly delayed by (A) a casualty; (B) an accident; (C) an act of God; (D) a derailment; (E) a major equipment failure that prevents the train from advancing; or (F) a delay resulting from a cause unknown and unforeseeable. "*

Q (49): Does the Act set a maximum amount of "limbo" time an employee can have each month?

A. Yes. As of Oct. 16, 2009, the cap is 30 hours per calendar month.

Q (50): If an employee has reached the 30 hour cap in the month, can he or she be called for jobs that will work 12 hours or less?

A. The railroad cannot require or allow an employee to exceed the limbo cap, but the employee can be called for service if the job will not work more than 12 hours.

Q (51): Limbo time is technically described as starting when a train crew is relieved from the responsibility of protecting their train, ends when the crew ties up at either their home terminal or AFHT and typically includes the time spent waiting for transportation and being driven to the terminal. Is this the "limbo" time covered by the Act?

A. The only time the Act counts toward the 30 maximum is the time in excess of 12 consecutive hours on duty spent waiting for or in deadhead transportation to the point of final release. The type of limbo time addressed in the Act is more limited than the common definition of limbo time.

Q (52): Are there circumstances where the consecutive on-duty time over 12 hours does not count toward the 30-hour cap?

A. Yes. The 30 hour cap does not apply if the train carrying the employee is directly delayed by a casualty, an accident, an Act of God, a derailment, a major equipment failure that prevents the train from advancing, or 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.

Q (53): What if an employee exceeds the 30 hour cap, whether due to an emergency or otherwise?

A. The railroad must report to the Secretary of Transportation each instance where an employee spends time waiting for deadhead transportation or in deadhead transportation in excess of the 30 hour limbo cap.

### **Section G: Yardmaster / Commingled Service**

Q (54): What crafts are covered by the Rail Safety Improvement Act (RSIA) hours-of-service law?

A. It is the nature of the work performed by an employee, rather than a job title, that determines whether an employee is subject to the hours-of-service (HOS) law and RSIA. A yardmaster or any other craft, based on the work performed, can fall into one of these categories as defined in the HOS law:

- A "train service employee" is defined as "an individual engaged in or connected with the movement of a train, including a hostler."
- A "signal service employee" is defined as "an individual employed by a railroad carrier who is engaged in installing repairing or maintaining signal systems."
- A "dispatching service employee" is defined under the statute as "an operator, 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."

Q (55): Are all yardmasters covered by RSIA and its HOS law?

A. If a yardmaster engages in one or more covered service activities in a 24-hour period, the time spent performing other duties is also considered time on duty for the purpose of HOS. For example:



Issuing track warrants: This falls within the definition of dispatching HOS. The yardmaster is limited to a maximum on-duty period of 9 hours in any 24-hour period if 2 or more shifts are employed, and 12 hours if there is only 1 shift. This does not include the delivery to TY&E of printer of fax copied track warrants issued by a dispatcher.

Issue and communicate mandatory directives that affect the movement of a train: This activity falls under dispatching service. While some mandatory directives do not fall within this category, those affecting the movement of a train are functions of a dispatching service employee. This does not include the delivery to TY&E of printer of fax copied track warrants issued by a dispatcher.

Relaying mandatory directives to train and engine employees: This is considered performing "covered service," because the yardmaster is functionally involved in the communication of train orders. It also falls within the definition of a dispatching service employee.

Protecting RCO zones: Issuing instructions to employees within an RCO zone does not constitute covered service.

Handling control points or handling automatic- or computer-controlled switches: The positioning of switches, whether remotely or manually, is an activity "engaged in or connected with the movement of a train," which brings the yardmaster within the definition of a "train service employee" and subject to the provisions of HOS. If main track switches and/or controlling signals that provide authority are remotely controlled by the yardmaster, dispatching service restrictions apply.

Assisting crews, protecting shoves, installing EOTs, relaying communications: Protecting shoves, installing EOTs, relaying communications is "engaged in or connected with the movement of a train," and places the yardmaster within the definition of a train service employee.

Protecting tracks for TY&E. MOW and Mechanical employees: If the protection is through a control machine that prohibits lining switches and derails for protection to block out a track, the service is subject to the HOS as a train service employee. If the employee is solely providing protection through the use of roadway worker or blue signal protection, it is not HOS.

Q (56): Yardmasters get up to 15 minutes of turnover pay, before or after their regular shift. Does this turnover time count in the calculation of time worked?

A. Yes. The 15 minutes of turnover time must be counted as part of the total time on duty.

Q (57): If a yardmaster regularly performs work that falls under the definition of a train service employee, is it correct to say the employee will fall under the 276-hour monthly cap and will receive 10 hours of undisturbed rest prior to the next tour of duty?

A. Yes.

Q (58): If an HOS yardmaster is on a relief position that works a short turnaround, 8 hours off between shifts (e.g., second shift one day and first shift the next day), would this job need to be changed so the HOS yardmaster has off at least 10 hours between shifts?

A. Yes. A yardmaster engaged in or connected with the movement of a train(s) cannot remain or go on duty unless that employee has had at least 10 undisturbed hours off duty.

Q (59): Is a yardmaster responsible as bridge tender for raising and lowering drawbridges covered by the HOS?

A. No. Movement of the bridge is not a covered function. The HOS only applies if the yardmaster actually controls the signals and they are not automatically controlled, or if the movement across the bridge is controlled by the yardmaster operating switches or signals.

Q (60): Does an extra yardmaster with at least 1 start on 6 consecutive days in train service and

unavailable for 48 hours stand for yardmaster service during those 48 hours?

A. No. An employee who has had starts on 6 consecutive days or who works a seventh consecutive day due to being at the AFHT is unavailable for any service during the 48/72 hours.

Q (61): When is an extra yardmaster who worked from 6 a.m. until 2 p.m. available for service as a conductor?

A. The employee must have 10 hours of undisturbed rest before he or she can be called for train service.

Q (62): Must an extra yardmaster who tied up from train service 8 hours earlier have 10 hours of undisturbed rest before he or she can protect a yardmaster position that does not perform duties covered under RSIA?

A. Yes. The RSIA provisions do not apply to non-covered positions, but the time spent working the yardmaster position can commingle with the covered service if the rest period is less than 10 hours of undisturbed rest. For example, a switchman performs covered service for 8 hours, and 8 hours later is called to protect a non-covered yardmaster position. Because the employee has 8 hours of covered service, he or she will only be available for yardmaster for 4 hours (8 hours of covered service + 4 hours of yardmaster work = 12 hours). If 10 hours of undisturbed rest does not occur after working a non-covered yardmaster position and prior to working a covered position, the time will also commingle (8 hours of non-covered yardmaster service + 4 hours of covered service = 12 hours - the maximum time available under RSIA).

Q (63) If a switchman is also working as an extra yardmaster and protecting both non-covered yardmaster positions and train service during the month, should the employee report the time spent in non-covered yardmaster service as "mandatory service"?

A. Yes, the time will count toward the 276-hour monthly cap and must be reported at the conclusion of each shift as "mandatory service."

Q (64): If a clerk/operator works 5 days as an operator and is subsequently called for an HOS yardmaster position on the sixth consecutive day, is he or she required to have 48 hours of unavailability?

A. No. Only starts in train service count for purposes of determining whether an employee initiated a start on 6 consecutive days and therefore must have 48 hours of unavailability.

## Section H: Train Crews

Q (65): Can a crew tie-up in the computer after 12 hours on duty?

A. Yes, a "quick tie up" is permitted. A quick tie-up is a data entry process used only when an employee is within 3 minutes of, or is beyond, his or her statutory maximum on-duty period, which process allows an employee to enter only the basic information necessary for the railroad to identify the beginning of an employee's statutory off-duty period, to avoid the excess service that would otherwise be incurred in completing the full record for the duty tour. The information permitted in a quick tie-up process is limited to, at a maximum:

- (1) Board placement time;
- (2) Relieved location, date, and time;
- (3) Final release location, date, and time;
- (4) Contact information for the employee during the statutory off-duty period;
- (5) Request for rest in addition to the statutory minimum, if provided by collective bargaining agreement or local practice;

- (6)** The employee may be provided an option to enter basic payroll information, related only to the duty tour being tied up; and
- (7)** Employee certification of the tie-up information provided.

Q (66): Can a crew secure a train to prevent movement if expired on the HOS?

A. No. This is "covered service" so it has to be done before the expiration of 12 hours.