

RSIA Technical Corrections: Explanation and Application draft

- (1) Ten Hours of Undisturbed Rest immediately prior to reporting for service – A 10 Hour Call - Since July 16, 2009 when the Hours of Service Provisions of the RSIA went into effect, our experience with the 10 hours of undisturbed rest has been that the rest occurs immediately following service, not necessarily just before performing service for employees in unassigned service in pools and extra boards.
 - a. In many cases, an employee remains off duty in excess of 24 hours between tours of duty, with an unknown reporting time.
 - b. 10 hours of rest following service does not prepare the employee for their next tour of duty if that reporting time is unknown and many hours after their rest period ends.
 - c. FRA has recommended a 10 Hour Call for the following reasons.
 - i. In order to ensure that an employee has received proper rest before performing service, the 10 hours of rest must be started after the employee is notified of their next reporting time.
 - ii. Employees with regular start times known in advance (regular assignment), and employees that are notified of their next reporting time prior to going off duty on their previous duty period already have the advance notification needed to take their rest immediately prior to performing service.
 - iii. Employees working in unassigned service (on call 24/7) indicate that advance knowledge of the next reporting time is the single most important fatigue mitigating factor.

- (2) Assignments with regular start times will be covered by the same provisions that now apply to passenger and commuter rail assignments.
There will be 8 hour rest periods required between shifts.
 - a. Yard assignments have regular start times known in advance and work 8 hour shifts, with five 8 hour shifts each 7 day period.
 - b. Swing assignments (relief assignments) are now prohibited because of the requirement for 10 hours of rest for all employees, regardless of assignment.
 - c. There has been no indication or data that even implies that employees that work five 8 hour shifts per week with regular start times have any problems with fatigue. Safety will be improved by increasing scheduled assignments.
 - d. An example of how assignments should be arranged:
 - i. There are 21 eight hour shifts each week, with 3 eight hour shift assignments made each calendar day where there is continuous service around the clock.
 - ii. With the 10 hour rest requirement, that means that only 15 of this 21 shifts can be assigned for an employee with a regular start time, and the other 6 shifts must be filled by extra employees working basically in unassigned service.
 - iii. With an 8 hour rest requirement between shifts for yard service employees, 20 of the 21 shift assignments can be assigned with 4 regular jobs with regular known start times. For example, we will deal with only one assignment around the clock (21 shifts) –
 1. Normally the first shift assignment will work Monday through Friday, with rest days of Saturday and Sunday.

2. Normally the second shift assignment will work Wednesday through Sunday, with Monday and Tuesday as rest days.
 3. Normally the third shift assignment will work Monday through Friday, with Saturday and Sunday as rest days.
 4. That will allow a fourth regular assignment, normally referred to as a "Swing" or "Relief" assignment with defined start times to be advertised - This 4th assignment will work first shift on Saturday and Sunday, take 8 hours of rest Sunday evening, work third shift on Sunday evening, take 8 hours of rest on Monday morning, and then complete their 5 shifts by working second shift on Monday and Tuesday. This assignment will then observe Wednesday, Thursday, and Friday as rest days.
 - a. There are also many other combinations of "Relief" assignments available in large operations where many assignments are scheduled around the clock.
 - b. The 8 hours off between shifts in yard service is consistent with good fatigue management and allows regular assignments to be created so the employee will know days in advance the dates and times that they must report for service.
- (3) All Yardmaster assignments will be covered Hours of Service operating employee assignments. All co-mingled service with yardmaster and freight service will fall under the requirements of the current freight HOS interpretations applicable to yard service.
- (4) Separate service deadheads not counting as job starts – The Secretary shall have the authority to set standards for types of deadheads that count as starts.
- (5) 24 hours off duty at the home terminal that does not match a full calendar day will reset the calendar day clock – Movement towards a 24 hour period instead of a calendar day.
- (6) Except when deadheading to the Home Terminal, any Interim Release Periods require notification of the crew before going off duty. If the crew is not notified before going off duty, the 10 hours of undisturbed rest will prohibit changing the service to include an interim release. A blanket notification of all crews to avoid specific notification will be a violation of law.
- (7) There will be a two hour limit on limbo time linked to a single tour of duty.