

PART A

CALL AND RELEASE

Call and Release is the railroad act of issuing an employee a Report-for-Duty Time, then Releasing the employee from the requirement to report PRIOR to the Report-for-Duty Time.

Call and Release is known by other names, such as “Busted Call and Set Back.” In all cases, both the call and the release occur prior to the Report-for-Duty Time. A release, busted call, or set back occurring on or after the Report-for-Duty Time is an EARLY Release from duty.

FRA Policy:

FRA will generally view a brief call from the railroad to the employee that establishes a Report-for-Duty Time as incidental, i.e., not a material disruption of the employee’s off-duty period. In addition, FRA will generally view as incidental a brief call to CHANGE the original Report-for-Duty Time, or to RELEASE the employee from the original Report-for-Duty Call, provided the employee RECEIVES the call PRIOR to DEPARTURE from his or her place of rest.

When the railroad changes or releases the employee from his or her original Report-for-Duty Time after the employee has arrived at the duty location, but prior to the Report-for-Duty Time, FRA will view the travel time to the duty point as LIMBO TIME (neither on- nor off-duty time). If all or part of the limbo time occurs during the employee’s statutory off-duty period, FRA will view the limbo time as a material disruption of the employees opportunity to secure meaningful rest.

Railroad Options:

Generally, the railroad may utilize one of the following options when notifying a train service employee of a release from a Report-for-Duty Call after his or her arrival at the duty point but before the Report-for-Duty Time:

Option 1: The employee may be released to begin a new 8- or 10- hour statutory duty period.

NOTE: The off-duty period will begin when the employee completes the required duty record and establishes a Final Release time with the railroad. Although the original call no longer exists, the railroad is required to maintain a record of the employees activity under the COMMINGLED SERVICE provisions of the Federal hours of service laws. See 49 U.S.C. §21103(b)(3). As a result of considering travel time as limbo time the administrative duties involved in establishing a new release time may commingle with the previous covered service to produce excess service. In these cases, the “quick tie-up” process described in Operating Practices Safety Advisory OPSA-96-03 and Technical Bulletin OP-97-34 should be used to void excess service.

Option 2: The employee may be allowed to begin duty at original Report-for-Duty Time and immediately be given a qualifying interim release.

NOTE: The release period is subject to the provisions of the Federal hours of service laws, and FRA’s interpretation set forth in Operating Practices Safety Advisory OPSA 96-06 and Technical Bulletin OP-97-37. Also, the release will not begin until the employee has established a new Release Time with the railroad.

Option 3: The railroad may maintain the original Report-for-Duty time and utilize the employee in service for which he or she is qualified.

A release, busted call, or set back occurring at or after the Report-for-Duty Time is an EARLY Release that is subject to the reporting requirements for covered service and future Total Time On-Duty considerations imposed by the Federal hours of service laws. In this scenario, the following will apply.

1. A new Report-for-Duty Time issued to take effect within four hours of the release will continue the employee in CONTINUOUS On-Duty Status calculated from the ORIGINAL Report-for-Duty Time.
2. A new Report-for-Duty Time issued to take effect on or after 4 hours but not more than 7 hours and 59 minutes from the release will constitute a valid Interim Release and continue the employee in AGGREGATE On-Duty Status calculated from the ORIGINAL Report for Duty Time.
3. A release of eight hours or more qualifies as a Statutory Off-Duty Period that resets the employee's subsequent on-duty availability to the maximum 12 hours.

APPENDIX TO PART A

The following scenarios are provided as examples of how FRA will apply the Federal hours of service laws with respect to Call and Release (C&R) issues covered in Operating Practices Agency Interpretations OPAI-98-01, Part A. While ERA cannot foresee all possible scenarios, the examples presented are intended to aid the understanding of the reader. Any changes in the specifics of a scenario MAY or MAY NOT change FRA's application of the laws as applied to the original example. Where doubt as to FRA's application to an actual issue is present, the reader is encouraged to contact FRA for further analysis and policy guidance.

Call and Release Examples for Train Service Employees

C&R #1: At 10 p.m., Engineer A and Conductor B are called and given a Report-for-Duty time of 12:01 am, for train XYZ. At the Report-for-Duty Time, Engineer A would have 17 hours and 36 minutes of time off duty, while Conductor B would have completed her Statutory Off-Duty Period at 11:30 p.m. Shortly after the Report-for-Duty Call was issued, the railroad became aware of operating problems that would delay departure of Train XYZ by several hours, whereupon, the railroad decided to terminate the 12:01 am. Report-for-Duty Time. Crew Management contacted Engineer A at 10:25 p.m. and Conductor B at 10:28 a.m., prior to departure from their respective residences (places of rest) and informed each person that the Report-for-Duty Time had been cancelled.

FRA Application: FRA will view the Report-for-Duty Call as incidental. The Release Call is also viewed as incidental and an **effective release** that does not break the Continuity of each employee's off-duty period. Each employee may be re-called at a later time without acquiring an additional Statutory Off-Duty Period.

C&R #2: Same scenario as C&R #1 except the railroad attempted, but was unable to contact Engineer A at 11:20 p.m. and Conductor B at 11:22 p.m. to give them an effective release. Due to driving distances, Engineer A departed his place of rest at 10:55 p.m. and Conductor B departed her place of rest at 11:05 p.m. Engineer A arrived at the on-duty location at 11:40 p.m. Conductor B arrived at the on-duty location at 11:45 p.m. On arrival at the on-duty location each employee was informed that the Report-for-Duty Time of 12:01 am, had been cancelled. Since the notification of the cancelled Report-for-Duty Time was delivered after the employees arrived at the on-duty site but BEFORE the original Report For Duty Time ERA will apply the Federal hours of service laws in the following manner.

FRA Application relative to Engineer A: While FAA considers Engineer A's travel time of 45 minutes as LIMBO, it did not erode the Statutory Off-Duty Period that had been acquired earlier. Therefore, the railroad may employ any one of the THREE options listed in this advisory.

FRA Application relative to Conductor B: Since part of Conductor B's travel (11:06 p.m. to 11:30 p.m.) occurred during her Statutory Off-Duty Period, FRA considers the total travel time as both LIMBO and an EROSION of her Statutory On Duty Period below the minimum required by the Federal hours of service laws. Therefore, the railroad must consider Conductor B's previous Total Time On Duty prior to determining which of the three options are available. In this application, Conductor B's Previous Off-Duty Period becomes an Interim Release of 7 hours and 35 minutes, which will commingle ALL previous activities with any activity that occurs within a new Statutory Off-Duty Period beginning when Conductor B establishes a new Final Release Time with the railroad's crew management.