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Supv Government Reporting

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SUBJECT: Summary of Interpretation on Hours of Service

The new interpretation/policy is effective on May 29, 2012.

Wording Changes

“Day” has been changed to reflect a 24 hour period that ends when the employee is finally released from duty and begins statutory rest period. Previously “Day” referred to a ‘Calendar Day’.

This change was for the purposes of determining whether an individual has initiated an on-duty period on six consecutive days and thus must be unavailable for 48 hours. Any on-duty period initiated during the succeeding 24 hours will be considered a start on a consecutive day.

“Work” has been identified to mean ‘initiate an on-duty period’. Furthermore *stand-alone* deadheads are **not** considered to ‘initiate on-duty period. A *stand-alone* deadhead may be used to break the consecutive starts.

Interpretive Reinforcement

Disturbing Statutory Rest Periods

Sending information by text or email to the employee’s personal cell phone is prohibited even if the employee voluntarily chooses to receive the information for their convenience. However, the employee may contact the railroad during their rest period and request a call back for that specific rest period and not be considered disturbing the rest.

If an employee is carrying a railroad provided device, the railroad may send messages/emails to that device at any time during rest period and not be considered disturbing the rest due to the employee has the option to turn off the device during rest periods.

276- Hour Monthly Maximum

“Other Mandatory Service for the Carrier,” such as audiograms, vision test, optional rules refresher classes, etc. are not to be considered to be added to the 276 hour cap as long as these activities can be planned by employees within broad windows to avoid conflicts with work assignments, maintain alertness, and does not commingle with any covered service. If the railroad requires the employee to complete a mandatory service without any discretion in scheduling on the part of the employee, it will be added to the 276 hour monthly maximum.

Consecutive Starts

“Report for duty”- If an employee is called to report for duty, but does not actually report for duty, the employee has not initiated an on-duty period for the purpose of the consecutive days limitation. However, if the employee reports for duty and has initiated an on-duty period, even if they are released from duty shortly thereafter, before performing any covered service, it will be considered a start.

30 Limbo Monthly Maximum

If employee is directly delayed by casualty, accident, act of God, derailment, major equipment failures, or unforeseeable causes are not to be counted towards the 30 hour limbo monthly maximum.

Fresh Start

“Fresh Start” is the ‘prior 24 hours’ end when an employee reports for a new duty tour. That the instant that the employee reports for duty, FRA looks back at the single 24-hour period before the employees reported for duty to see that the employee had at least 10 consecutive hours off following the prior duty assignment. Fresh Start will be adopted versus the proposed “continuous lookback.”