

# U.S. HOURS OF SERVICE CHANGES: TRAIN & ENGINE SERVICE EMPLOYEE JOB AID



## The Rail Safety Improvement Act of 2008 (RSIA 2008) introduces modifications to Hours of Service (HOS) requirements for U.S. Train & Engine (T&E) service employees beginning at 00:01 on Thursday, July 16, 2009.

A Railroad Safety Advisory Committee composed of members from the carriers, labor organizations and other parties, has jointly recommended changes to recordkeeping and reporting regulations to comply with the new federal requirements.

The Federal Railroad Administration (FRA) is still working on portions of the Act, and additional revisions, interpretations or amendments will be communicated as they become available.

The following summarizes revisions affecting T&E employees:

**1. Maximum of 276 on duty hours per month:** T&E employees are limited to 276 total hours on-duty time per calendar month. Employees reaching this cap will be placed in unavailable status for the remainder of the month. Note that the law interprets all covered and non-covered service performed at the behest of the carrier as on-duty time for purposes of the HOS Regulations.

**2. All covered and mandatory non-covered service performed at the behest of the carrier is on-duty time for purposes of the HOS Regulations:** This includes rules classes, training or safety meetings, etc. Upon completion, all service performed at the carrier's behest must promptly be reported by employees to their respective CMC so a Crew Caller can update their HOS Log to reflect this service in the cumulative monthly total time on-duty (276 cap) and the monthly limbo cap or consecutive start count when applicable.

Managers contacting T&E employees outside of duty will be required to log the contact with the CMC so the HOS Log can be updated accordingly. This does not include calls for duty.

**3. Mandatory Minimum 10 hours Undisturbed Rest (UDR):** All T&E employees engaged in pool, local, yard or other service are required to take a minimum of 10 hours of undisturbed rest upon tie-up.

**4. Additional rest if on duty for more than 12 hours:** T&E employees will receive additional mandatory undisturbed rest for any on-duty time that exceeds 12 hours on a minute-by-minute

basis. For example, an employee on duty for 13 hours, 10 minutes would receive a total of 11 hours, 10 minutes of undisturbed rest (10 UDR plus 1 hour, 10 minutes of additional undisturbed rest).

**5. 6 On 2 Off:** T&E employees initiating an on-duty working trip for six consecutive days will be placed in unavailable status for 48 hours following the on-duty period on the sixth day. If the employee tie-up occurs at an away-from-home-terminal, the employee may initiate a seventh day/start and work back to the home terminal. The employee will be placed in unavailable status for 72 hours upon tie-up.

**6. Maximum of 40 hours of limbo time per calendar month:** The bill defines limbo time as any on-duty time past the 12 hour mark. T&E employees are limited to a total of 40 hours of limbo time per month. This cap reduces to 30 hours per month on October 16, 2009.

**Note:** The Company and the Unions have filed two joint waiver petitions with the FRA. If granted, the first will allow employees to continue to follow the work/rest cycles contained in our current Collective Bargaining Agreements. The second petition requests two measurement periods for the 276 hour cap and limbo time cap. One group of employees would be measured beginning on the 1st of the month and the second group would begin on the 15th of the month.

Employees' cumulative monthly totals for hours on duty and limbo time, and the number of consecutive days worked, will be displayed on the U.S. Hours of Service Log (accessed from option 34 on the CATS main menu) and call board reports. As these totals must be certified by employees they will also appear on FRA tie-up screens/reports.

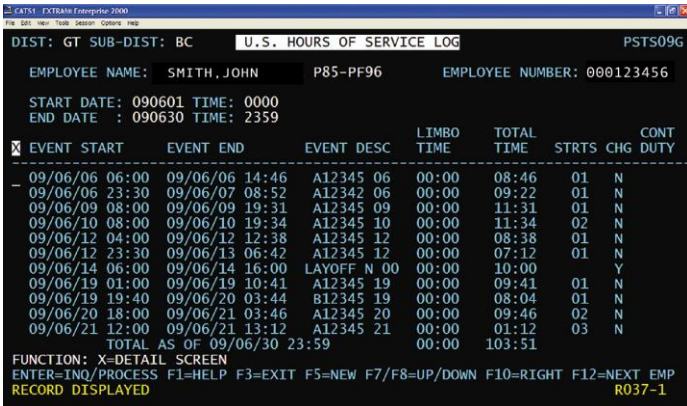
**Note:** Where employees are required to complete FRA reporting manually, the forms are being reformatted to provide fields for the reporting of cumulative monthly on duty & limbo times and consecutive days worked, accessed as above.

# CATS Hours of Service Changes for T&E Employees in the U.S.

On June 29, 2009, new programming was promoted into the CATS system to track time required under the new U.S. Hours of Service Legislation. Additional changes to the system will be introduced when the legislation goes into effect on July 16. The following is a list of system changes that became available on June 29:

## Hours of Service Log Inquiry

This inquiry allows users to view their Hours of Service totals for Monthly Total Time on Duty, Monthly Limbo time as well as the count of Consecutive Days Worked. The Time on duty log is available by selecting option 34 from the CATS menu.



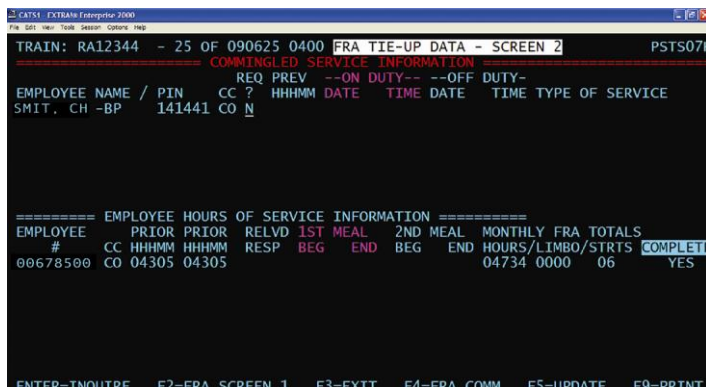
The example above shows an employee with 11 HOS records. Their HOS totals for the month are 103'51" Total Time on Duty, 0" of limbo time. This employee had three starts on three consecutive days when they tied up at 13:12 on June 21.

The totals contained in the HOS Log will be used by the CATS system and crew callers to determine if employees are available for call, based on the new regulations which go into effect at 0001 on July 16, 2009.

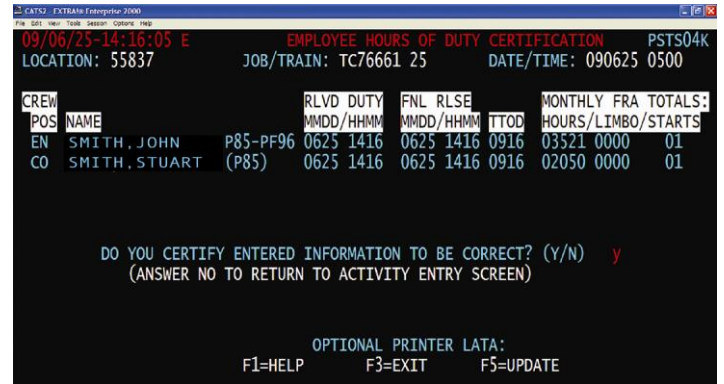
## FRA Reporting

Employees who are required to fill out FRA reports in the CATS system will have the three HOS values (TOD, Limbo and Consecutive Starts) presented to them when they fill out their FRA reports. The following are examples of changes to the old and new FRA screens:

### Old FRA



### New FRA



## Call Board Reports

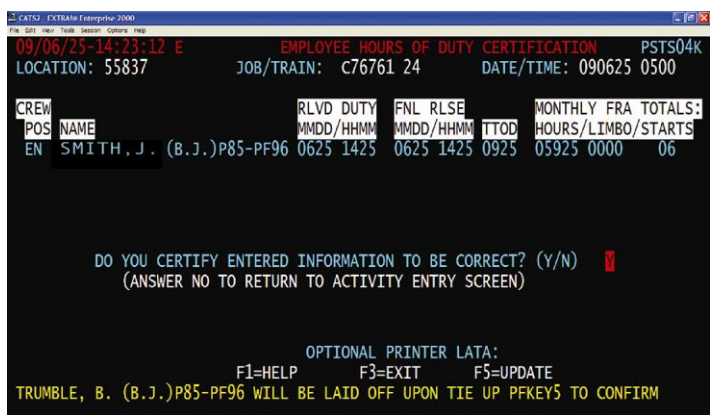
Call board reports will be modified to show the new HOS values.

The following is a list of system changes which will be available after July 16:

### Auto Markoff

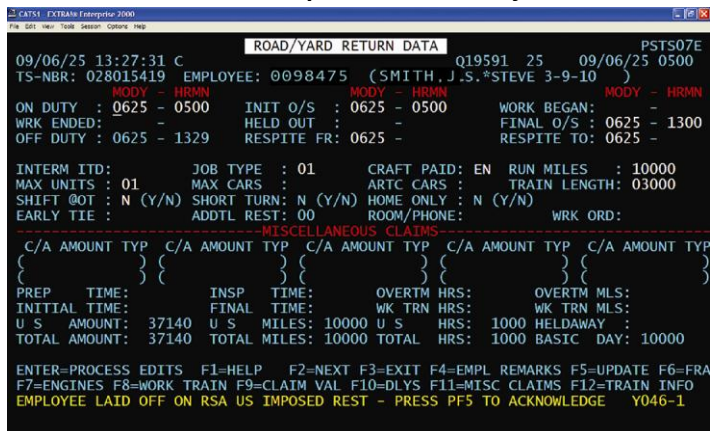
When tying up after working six or seven consecutive calendar days, CATS will advise users that they will be placed in off status for the required 48 or 72 hours.

### Markoff on Tie-Up Screen



As these totals must be certified by employees they will also appear on FRA tie-up screens/reports.

### Markoff on New FRA Tie Up Screen (GTW only)



## Incidental HOS Service Screen

Employees who are required to fill out New FRA reports (GTW) will be required to certify the times shown on their incidental HOS records. Enter the previous time off in the PTO field, modify the start, end, or limbo times as required. When the record is complete, put 'Y' in the certification field and press enter to certify.

U.S. HOURS OF SERVICE MAINTENANCE PSTS09D  
EMPLOYEE NAME: SMITH, J.H. (JIM) (P85) EMPLOYEE NUMBER: 000145789  
EVENT START: 090621 0800 TIE-UP AWAY: N (Y/N) COUNT AS START: N (Y/N)  
TRAIN SYMBOL: ASSIGNMENT:  
(6842) DO YOU CERTIFY ENTERED INFORMATION TO BE CORRECT? (Y/N)  
PTO: MONTHLY TTOD: 052:18 MONTHLY LIMBO: 004:00 CONSEC. STARTS: 00  
EVENT START EVENT END TYPE DURATION LIMBO HOS STATUS/REASON  
090621 0800 090621 1600 2 0800 0000 Y N 32  
COMMENTS: ATTEND RULES CLASS JUNE 21  
FUNCTION: I=INSERT D=DELETE LAST UPDATE: 090626 1401 BY: T819776  
TYPE: 1=WORKING 2=LAYOFF 3=DH 4=RESPITE 5=ADMIN/OTHER 6=CONTACT  
ENTER=INQ/PROCESS F1=HELP F3=EXIT F5=UPDATE  
PLEASE ADJUST LOG ENTRIES AS NEEDED, THEN ENTER PTO AND CERTIFY P265-1

## What if a tour of duty extends into the following measurement period?

The 276-hour cap resets at midnight on the first of each measurement period. For example, an employee is called to work at 11:00 p.m. on October 31, and ties-up at 7 a.m. on November 1, this counts 1 hour towards the October cap and 7 hours towards the November quota.

**Does time spent in rule exams, safety training, safety meetings, etc, count toward the 276-hour cap?** Yes, any mandatory non-covered service performed at the behest of the company counts towards the 276-hour cap.

**How is such time captured in CATS?** T&E employees must contact their respective CMC immediately upon completion of this type of service to report the time to a crew caller. The employee's HOS Log will be updated in CATS, which in turn will update the employee's status under the HOS regulations.

**Is time spent attending court or investigations (other than at the behest of the carrier), vacation, personal leave, holidays (paid not worked), jury duty, bereavement leave, FMLA, available days but not worked while assigned to an extra or pool assignment, or HAHT count toward the 276-hour cap?** No, this time does not count towards the 276-hour cap.

**Does time spent communicating with employees count towards the 276-hour cap?** No, if the carrier is calling employee for service or notifying them of displacement and/or assignment changes or if the employee initiated the communication. Yes, if the carrier (officer) is conferencing with the employee on issues such as service trips, attendance, or safety conferences, for example.

**What happens to the employee if they have accumulated too many hours to complete a tour of duty and remain under the 276-hour cap?** The employee is placed in unavailable status with a pended mark-up at the end of month in order to be available for a midnight on-duty time.

**What happens to an employee who reaches the 276-hour cap at an away-from-home terminal?** The employee may be held until the start of the following month, or they may be deadheaded home (FRA interpretation).

## Mandatory / Non-Mandatory Service

**What constitutes mandatory service?** Service governed by hours of service such as a working trip, deadhead, waiting for deadhead transportation, attending rule exams, and any other activity at the behest of the carrier.

**What are examples of non-mandatory service?** Examples include service not at the behest of the carrier such as volunteering or attending investigations at the union's request.

## Consecutive Days

Note: These Q&As apply if the FRA does not grant CN's waiver request. If the waiver request is granted, these Q&A's will be amended accordingly for territories where the waiver applies.

## U.S. Hours of Service Regulations Q&As

The following responses are subject to change based on FRA interpretations, amendments and/or their acceptance of our joint Waiver petitions.

### General

**How will employees know the number of hours they've accumulated towards the 276-hour limit, 30-hour limbo cap, or the number of consecutive days/starts they have?**

This data will display on the U.S. Hours of Service Log (accessed from option #34 on the CATS main menu), call board reports, shift reports and FRA tie-up screens and reports.

### 276-Hour Limit

**Will the carrier track the 276-hour limit, limbo time, and consecutive days with starts information?** Yes, the carrier will track this information.

**How does the RSIA cap hours of service per month?** The carrier will not require or allow running trades employees to remain on-duty, go on-duty, wait on deadhead transportation, or be in deadhead transportation, or any other mandatory service in excess of 276 hours in a calendar month. If a Waiver is granted, then the measurement period will be either from the 1st day of the month until the last day of the month, or, from the 15th of the month until the 14th of the next month.

**When does the 276 hours begin accumulating?** The clock resets at midnight (local time) on the first of each month. If a waiver is granted by the FRA, this reset will depend on which measurement period an employee is assigned to. For instance, the clock resets at midnight (local time) on the first of every month or at midnight (local time) on the 15th of the month.

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## U.S. Hours of Service Regulations Q&As *continued*

**What happens to an employee's assignment if they have worked 6/7 consecutive days?** The employee is placed in unavailable status and their assignment will be handled in the same manner as it is in any other laid/off unavailable status.

**How long is an employee to be unavailable after initiating an on-duty period of six consecutive days?** The employee must be unavailable for a period of 48 hours.

**How much time is an employee to be unavailable after initiating an on-duty period of seven consecutive days?** Employees must be unavailable for 72 hours. The 7<sup>th</sup> day must be a trip out of other than the home terminal and the employee must tie-up at the home terminal after the tour of duty.

**How are the 6/7 consecutive days measured?** The measure is consecutive days in which an on-duty period was initiated. If employees do not initiate an on-duty period within a given calendar day, the consecutive day/start count resets to zero.

**Does two starts in one calendar day count as one start towards the six consecutive on-duty period?** Yes, as long as there is one or more starts in each calendar day for six consecutive days.

**Is a call and release considered initiating an on-duty period within a calendar day and count toward the six consecutive days?** Yes, if the employee is released after their on-duty start.

**Can an employee choose to work seven consecutive days to qualify for 72 hours of unavailable time?** No. The only way an employee can work seven consecutive days is if they initiate on-duty period at the home terminal on the sixth day and tie-up at an away-from-home terminal.

### Unavailable Time

**When does the 48/72 hours unavailable time begin?** The clock starts once the employee ties-up from the sixth or seventh start at the home terminal.

**Can the 48/72 hours be observed at other than the home terminal?** No, it cannot be observed at a terminal other than the home terminal.

**If an employee works out of the home terminal for their fifth consecutive on-duty period and is not called out of the away-from-home-terminal on their sixth day, are they entitled to a 48 hours unavailable period when they tie-up back at the home terminal?** No. The employee must work six consecutive days to receive a 48-hour unavailable period.

**May communication be initiated with an employee observing 48 or 72 hours unavailable time?** Yes.

### 10 Hours of Rest / Undisturbed Rest (UDR)

**Is the 10-hour rest undisturbed?** Yes.

**Is there a different UDR if an employee ties up after 11'59" vs. 12 hours?** No.

**When does the 10-hours rest begin?** The 10-hours rest begins at tie-up.

**Is the 10-hour rest extended if the employee is on-duty greater than 12-hours?** Yes, on a minute-by-minute basis. For example: if your total on-duty time is 14'25" (OD at 0600, relieved at 1800, released at 2025), you would be required to take 12'25" of undisturbed rest (10 UDR plus 2'25" UDR for the on-duty time greater than 12').

**May the employee decline the extended rest due to on-duty time greater than 12 hours?** No.

**If I hold a regularly assigned position that has a show time, can I return to duty immediately upon completion of my statutory rest period?** Yes. For example: if you were off duty at 08:00 and your previous on-duty time did not exceed 12 hours, in other words you only required 10 hours UDR, you could start your next tour of duty at the assigned start time of 18:00.

**Are text messages, email, or other electronic correspondence permitted during the rest period?** Yes, employees have the ability to control when they view these messages and can turn off their devices.

**Are four-hour breaks (interim release) still applicable?** Yes.

### Limbo Time

**When does the limbo time that is counted toward the cap start?** When time on-duty is in excess of 12-hours (monthly accumulation begins at midnight each calendar month).

**What if limbo time extends into the following measurement period during a tour of duty?** The limbo cap resets at midnight each measurement period. For example: an employee is called at 11:00 a.m. on October 31 and ties-up at 1 a.m. on November 1, they would have two hours limbo, one hour toward the October cap and one hour toward the November cap.

**Does the limbo time also count toward the 276 hours of service cap?** Yes, all service at the behest of the company counts towards the 276-hour cap.

**Additional information is available on the Employee Extranet and CNiNet where you can check for updates**

