Sec.
21109. Regulatory authority.

AMENDMENTS

2008—Pub. L. 110–432, div. A, title I, § 108(d)(2), (e)(2)(A), Oct. 16, 2008, 122 Stat. 4864, 4865, substituted item 21102 for former item 21102 ''Nonapplication and exemption'' and added item 21109.

1994—Pub. L. 103–440, title II, § 203(b), Nov. 2, 1994, 108 Stat. 4620, added item 21108.

§ 21101. Definitions

In this chapter—

(1) ''designated terminal'' means the home or away-from-home terminal for the assignment of a particular crew.

(2) ''dispatching service employee'' means an operator, train 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.

(3) ''employee'' means a dispatching service employee, a signal employee, or a train employee.

(4) ''signal employee'' means an individual who is engaged in installing, repairing, or maintaining signal systems.

(5) ''train employee'' means an individual engaged in or connected with the movement of a train, including a hostler.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 888; Pub. L. 110–432, div. A, title I, § 108(a), Oct. 16, 2008, 122 Stat. 4860.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
21101(1)	45:61(b)(4) (1st sentence).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, § 1(b)(4) (1st sentence); added Nov. 2, 1978, Pub. L. 95–574, § 6, 92 Stat. 2461.
21101(2)–(4)	(no source).	
21101(5)	45:61(b)(2).	Mar. 4, 1907, ch. 2939, § 1(b)(2), 34 Stat. 1415; restated Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 463; July 8, 1976, Pub. L. 94–348, § 4(c), 90 Stat. 818.

Clause (2) is added to avoid the necessity of repeating the substance of the definition every time a ''dispatching service employee'' is referred to in this chapter. The language in clause (2) is derived from 45:63.

Clause (3) is added to provide a definition of ''employee'' when the source provisions apply to all types of employees covered by this chapter.

Clause (4) is added to avoid the necessity of repeating the substance of the definition every time a ''signal employee'' is referred to in this chapter. The language in clause (4) is derived from 45:63a.

In clause (5), the words ''train employee'' are substituted for ''employee'' to distinguish the term from the terms ''dispatching service employee'' and ''signal employee''. The word ''actually'' is omitted as surplus.

AMENDMENTS

2008—Par. (4). Pub. L. 110–432 struck out ''employed by a railroad carrier'' after ''individual''.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–432, div. A, title I, § 108(g), Oct. 16, 2008, 122 Stat. 4866, provided that: ''The amendments made by subsections (a), (b), and (c) [amending this section and sections 21103 and 21104 of this title] shall take effect 9 months after the date of enactment of this Act [Oct. 16, 2008].''

RECORD KEEPING AND REPORTING

Pub. L. 110–432, div. A, title I, § 108(f), Oct. 16, 2008, 122 Stat. 4866, provided that:

''(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act [Oct. 16, 2008], the Secretary [of Transportation] shall prescribe a regulation revising the requirements for recordkeeping and reporting for Hours of Service of Railroad Employees contained in part 228 of title 49, Code of Federal Regulations—

''(A) to adjust record keeping and reporting requirements to support compliance with chapter 211 of title 49, United States Code, as amended by this Act;

''(B) to authorize electronic record keeping, and reporting of excess service, consistent with appropriate considerations for user interface; and

''(C) to require training of affected employees and supervisors, including training of employees in the entry of hours of service data.

''(2) PROCEDURE.—In lieu of issuing a notice of proposed rulemaking as contemplated by section 553 of title 5, United States Code, the Secretary may utilize the Railroad Safety Advisory Committee to assist in development of the regulation. The Secretary may propose and adopt amendments to the revised regulations thereafter as may be necessary in light of experience under the revised requirements.''

§ 21102. Nonapplication, exemption, and alternate hours of service regime

(a) GENERAL.—This chapter does not apply to a situation involving any of the following:

(1) a casualty.

(2) an unavoidable accident.

(3) an act of God.

(4) 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.

(b) EXEMPTION.—The Secretary of Transportation may exempt a railroad carrier having not more than 15 employees covered by this chapter from the limitations imposed by this chapter. The Secretary may allow the exemption after a full hearing, for good cause shown, and on deciding that the exemption is in the public interest and will not affect safety adversely. The exemption shall be for a specific period of time and is subject to review at least annually. The exemption may not authorize a carrier to require or allow its employees to be on duty more than a total of 16 hours in a 24-hour period.

(c) APPLICATION OF HOURS OF SERVICE REGIME TO COMMUTER AND INTERCITY PASSENGER RAILROAD TRAIN EMPLOYEES.—

(1) When providing commuter rail passenger transportation or intercity rail passenger transportation, the limitations on duty hours for train employees of railroad carriers, including public authorities operating passenger service, shall be solely governed by old section 21103 until the earlier of—

(A) the effective date of regulations prescribed by the Secretary under section 21109(b) of this chapter; or

(B) the date that is 3 years following the date of enactment of the Rail Safety Improvement Act of 2008.

(2) After the date on which old section 21103 ceases to apply, pursuant to paragraph (1), to the limitations on duty hours for train employees of railroad carriers with respect to the