

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21105(b)	45:63(a).	Mar. 4, 1907, ch. 2939, § 3, 34 Stat. 1416; May 4, 1916, ch. 109, § 1, 39 Stat. 61; Aug. 14, 1957, Pub. L. 85-135, § 2, 71 Stat. 352; restated Dec. 26, 1969, Pub. L. 91-169, § 1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, § 16(3), 102 Stat. 635.
21105(c)	45:63(b).	
21105(d)	45:63(c).	

In this section, the words “dispatching service employee” are substituted for “operator, train dispatcher, or other employee who by the use of the telegraph, telephone, radio, or any other electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements” in 45:63(a), “employee . . . on duty in a class of service . . . described in paragraph (1) or (2) of such subsection” in 45:63(b), and “employees named in such subsection” in 45:63(c) because of the definition of “dispatching service employee” in section 21101 of the revised title.

In subsection (a), the words “This section applies, rather than section 21103 or 21104 of this title” are substituted for “The provisions of this section shall not apply” because of the restatement. The words “train employee” are substituted for “employee” in 45:62(d), and the words “signal employee” are substituted for “individual” in 45:63a(e), for consistency in this chapter and because of the definitions of “signal employee” and “train employee” in section 21101 of the revised title. The words “during any period of time the employee is performing duties of a dispatching service employee” are substituted for “during such period of time as the provisions of section 63 of this title apply to his duty and off-duty periods” in 45:62(d) and 63a(e) for clarity.

In subsection (b), before clause (1), the words “a total of” are substituted for “whether consecutive or in the aggregate” to eliminate unnecessary words.

In subsection (c), the words “a tower, office, station, or other place” are substituted for “a place, described in paragraph (1) or (2) of such subsection” for clarity.

In subsection (d), the words “When an emergency exists” are substituted for “in case of emergency” for consistency in this chapter.

§ 21106. Limitations on employee sleeping quarters

(a) IN GENERAL.—A railroad carrier and its officers and agents—

(1) may provide sleeping quarters (including crew quarters, camp or bunk cars, and trailers) for employees, and any individuals employed to maintain the right of way of a railroad carrier, only if the sleeping quarters are clean, safe, and sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees; and

(2) may not begin, after July 7, 1976, construction or reconstruction of sleeping quarters referred to in clause (1) of this section in an area or in the immediate vicinity of an area, as determined under regulations prescribed by the Secretary of Transportation, in which railroad switching or humping operations are performed.

(b) CAMP CARS.—Not later than December 31, 2009, any railroad carrier that uses camp cars shall fully retrofit or replace such cars in compliance with subsection (a).

(c) REGULATIONS.—Not later than April 1, 2010, the Secretary of Transportation, in coordination with the Secretary of Labor, shall prescribe regulations to implement subsection (a)(1) to protect the safety and health of any employees and individuals employed to maintain the right of way of a railroad carrier that uses camp cars, which shall require that all camp cars comply with those regulations by December 31, 2010. In prescribing the regulations, the Secretary shall assess the action taken by any railroad carrier to fully retrofit or replace its camp cars pursuant to this section.

(d) COMPLIANCE AND ENFORCEMENT.—The Secretary shall determine whether a railroad carrier has fully retrofitted or replaced a camp car pursuant to subsection (b) and shall prohibit the use of any non-compliant camp car. The Secretary may assess civil penalties pursuant to chapter 213 for violations of this section.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 891; Pub. L. 110-432, div. A, title IV, § 420, Oct. 16, 2008, 122 Stat. 4893.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21106	45:62(a)(3), (4).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, § 2(a)(3), (4); added July 8, 1976, Pub. L. 94-348, § 4(a)(3), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, § 16(2), 102 Stat. 634.
	45:62(e).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, § 2(e); added June 22, 1988, Pub. L. 100-342, § 19(b)(1), 102 Stat. 638.
	45:63a(d) (related to 45:62(a)(3)).	Mar. 4, 1907, ch. 2939, 34 Stat. 1415, § 3A(d) (related to § 2(a)(3)); added July 8, 1976, Pub. L. 94-348, § 4(d), 90 Stat. 819; June 22, 1988, Pub. L. 100-342, § 16(4), 102 Stat. 635.

In this section, before clause (1), the words “and any individuals employed to maintain the right of way of a railroad carrier” are substituted for 45:62(e) because of the restatement.

AMENDMENTS

2008—Pub. L. 110-432 designated existing provisions as subsec. (a), inserted heading, in par. (1), substituted “sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees;” for “sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier;”, and added subsecs. (b) to (d).

§ 21107. Maximum duty hours and subjects of collective bargaining

The number of hours established by this chapter that an employee may be required or allowed to be on duty is the maximum number of hours consistent with safety. Shorter hours of service and time on duty of an employee are proper subjects for collective bargaining between a railroad carrier and its employees.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 891.)