

**CHAPTER 3—HOURS OF SERVICE OF
EMPLOYEES**

Sec.

61 to 64b. Repealed.

65. Establishment of eight hour day.

66. Penalty for violation.

**§§ 61 to 64b. Repealed. Pub. L. 103-272, §7(b),
July 5, 1994, 108 Stat. 1379**

Section 61, acts Mar. 4, 1907, ch. 2939, §1, 34 Stat. 1415; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, §4(c), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95-574, §§5, 6, 92 Stat. 2461; June 22, 1988, Pub. L. 100-342, §16(1), 102 Stat. 634, provided that this chapter applied to any railroad and defined "railroad", "employee", "time on duty", and "designated terminal" for purposes of this chapter. See sections 20102, 21101, and 21103 of Title 49, Transportation.

Section 62, acts Mar. 4, 1907, ch. 2939, §2, 34 Stat. 1416; Oct. 15, 1966, Pub. L. 89-670, §6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 463; July 8, 1976, Pub. L. 94-348, §4(a), (b), 90 Stat. 818; June 22, 1988, Pub. L. 100-342, §§16(2), 19(b)(1), 102 Stat. 634, 638, related to limitations on employees' hours of service, determination of number of hours an employee is on duty, additional duty for crew of wreck or relief trains during emergencies, and inapplicability of this section when provisions of section 63 of this title applied, and defined "employees" for purpose of subsec. (a)(3) of this section. See sections 21103, 21105, and 21106 of Title 49.

Section 63, acts 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; Oct. 15, 1966, Pub. L. 89-670, §6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, §16(3), 102 Stat. 635, related to dispatchers' hours of service. See section 21105 of Title 49.

Section 63a, acts Mar. 4, 1907, ch. 2939, §3A, as added July 8, 1976, Pub. L. 94-348, §4(d), 90 Stat. 819; amended Nov. 2, 1978, Pub. L. 95-574, §4(a), (b), 92 Stat. 2459, 2460; June 22, 1988, Pub. L. 100-342, §16(4), 102 Stat. 635, related to signal system employees' hours of service. See sections 21102, 21104 to 21107, and 21303 of Title 49.

Section 64, acts Mar. 4, 1907, ch. 2939, §4, 34 Stat. 1417; Oct. 15, 1966, Pub. L. 89-670, §6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 464; June 22, 1988, Pub. L. 100-342, §16(5), 102 Stat. 635, provided that time on duty requirements of this chapter were maximum permissible hours of service, but shorter periods were proper subjects for collective bargaining. See section 21107 of Title 49.

Section 64a, acts Mar. 4, 1907, ch. 2939, §5, 34 Stat. 1417; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 464; July 8, 1976, Pub. L. 94-348, §4(e), 90 Stat. 819; Oct. 10, 1980, Pub. L. 96-423, §12, 94 Stat. 1816; June 22, 1988, Pub. L. 100-342, §16(6), 102 Stat. 635; Sept. 3, 1992, Pub. L. 102-365, §§4(a)(2), (c)(2), 9(a)(2), 106 Stat. 973, 974, 977, related to manner of enforcing this chapter concerning hours of service of employees. See sections 21102, 21303, and 21304 of Title 49.

Section 64b, act Mar. 4, 1907, ch. 2939, §6, as added Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 465, provided that Secretary of Transportation was to have duty to carry out provisions of this chapter.

SHORT TITLE

Act Mar. 4, 1907, ch. 2939, 34 Stat. 1415, which enacted this chapter and which was repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, was popularly known as the "Hours of Service Act".

§ 65. Establishment of eight hour day

Eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be em-

ployed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of subtitle IV of title 49, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than one hundred miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads, or between railroads and industrial plants.

(Sept. 3, 5, 1916, ch. 436, §1, 39 Stat. 721.)

CODIFICATION

"Subtitle IV of title 49" substituted in text for "the Act of February fourth, eighteen hundred and eighty-seven, entitled 'An Act to regulate commerce,' as amended [49 U.S.C. 1 et seq.]" on authority of Pub. L. 95-473, §3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV of Title 49, Transportation.

Section was enacted as part of act Sept. 3, 5, 1916, popularly known as the Adamson Act, and not as part of act Mar. 4, 1907, popularly known as the Hours of Service Act, which formerly comprised this chapter.

SHORT TITLE

Act Sept. 3, 5, 1916, ch. 436, 39 Stat. 721, which enacted this section and section 66 of this title, is popularly known as the "Adamson Law".

DATE OF APPROVAL

Act Sept. 3, 5, 1916, was approved on Sept. 3 and again on Sept. 5, because Sept. 3 was Sunday, and some doubt existed as to the validity of an act approved on that day.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 66 of this title.

§ 66. Penalty for violation

Any person violating any provision of section 65 of this title shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

(Sept. 3, 5, 1916, ch. 436, §4, 39 Stat. 722.)

CODIFICATION

Section was enacted as part of act Sept. 3, 5, 1916, popularly known as the Adamson Act, and not as part of act Mar. 4, 1907, popularly known as the Hours of Service Act, which formerly comprised this chapter.

CHAPTER 4—CARE OF ANIMALS IN TRANSIT**§§ 71 to 74. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 71, act June 29, 1906, ch. 3594, § 1, 34 Stat. 607, related to transportation of animals, provided maximum time for their confinement while in transit, unloading for rest and feeding, and included special provision for unloading sheep. See section 80502 of Title 49, Transportation.

Section 72, act June 29, 1906, ch. 3594, § 2, 34 Stat. 608, provided that animals in transit were to be fed and watered by or at expense of owner and that railroad was to have a lien upon such animals for food, care, and custody. See section 80502 of Title 49.

Section 73, act June 29, 1906, ch. 3594, § 3, 34 Stat. 608, provided penalty for failure to comply with provisions of sections 71 and 72 of this title with proviso that provisions regarding unloading of animals would not apply when animals in transit had proper food, water, space, and opportunity to rest. See section 80502 of Title 49.

Section 74, acts June 29, 1906, ch. 3594, § 4, 34 Stat. 608; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided that penalty created by section 73 of this title was recoverable by civil action and that United States attorneys had duty to prosecute violations of this chapter. See section 80502 of Title 49.

SHORT TITLE

Act June 29, 1906, ch. 3594, 34 Stat. 607, which enacted this chapter and which was repealed by Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379, was popularly known as the "Live Stock Transportation Act" and also as the "Cruelty to Animals Act", "Twenty-Eight Hour Law", and "Food and Rest Law".

§§ 75, 76. Transferred**CODIFICATION**

Section 75, acts Mar. 3, 1891, ch. 521, § 1, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 789, relating to rules as to accommodations for export animals, was transferred to section 466a of Title 46, Shipping, and subsequently repealed and reenacted as section 3901 of Title 46 by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500.

Section 76, acts Mar. 3, 1891, ch. 521, § 2, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 790, relating to penalties for rule violations, was transferred to section 466b of Title 46, and subsequently repealed and reenacted as section 3902 of Title 46 by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500.

CHAPTER 5—GOVERNMENT-AIDED RAILROADS**§§ 81 to 92. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 81, R.S. § 5256; Nov. 6, 1978, Pub. L. 95-598, title III, § 322(g), 92 Stat. 2679, related to Union Pacific Railroad Company, its books, records, correspondence, other documents, dividends, stock issuance, mortgages or pledges, and directors or officers.

Section 82, R.S. § 5257, provided for connection of other roads with Union Pacific Railroad or any of its branches.

Section 83, acts July 2, 1864, ch. 216, § 15, 13 Stat. 362; June 20, 1874, ch. 331, 18 Stat. 111; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided that companies authorized by Pacific Railroad Acts to construct railroads were required to operate roads and telegraphs as one continuous line and to afford equal advantages and facilities as to rates, time, and transportation to the other companies without discrimination.

Section 84, R.S. § 5258, authorized interstate transport by railroads.

Section 85, R.S. § 5259, related to compensation of directors, engineers, commissioners, or other agents ap-

pointed by the United States to examine roads or to act in conjunction with other officers of railroads or other corporations receiving land grants or other subsidies.

Section 86, R.S. § 5260, related to withholding by Secretary of the Treasury of payments to certain railroads.

Section 87, R.S. § 5261; June 25, 1948, ch. 646, § 4, 62 Stat. 986; Apr. 2, 1982, Pub. L. 97-164, title I, § 161(8), 96 Stat. 49; Oct. 29, 1992, Pub. L. 102-572, title IX, § 902(b)(2), 106 Stat. 4516, provided that companies from whom payments for freight and transportation had been withheld under provisions of section 86 of this title could sue in Court of Federal Claims.

Section 88, R.S. § 5262; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, related to jurisdiction of proper United States district court to hear and determine all cases of mandamus to compel Union Pacific Railroad Company to operate its road.

Section 89, acts June 22, 1874, ch. 414, 18 Stat. 200; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, directed Secretary of the Treasury to require that railroad companies, their successors and assigns, pay United States a percentage of net earnings as provided for by law.

Section 90, act Mar. 3, 1879, ch. 183, § 1, 20 Stat. 420, authorized Secretary of the Treasury to settle accounts of Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies for services provided to Government in transporting the Army and mails.

Section 91, act Mar. 3, 1897, ch. 386, 29 Stat. 663, provided that provisions of section 90 of this title were extended and made applicable to Navy and Marine Corps transportation.

Section 92, act Mar. 3, 1901, ch. 831, § 1, 31 Stat. 1023, authorized and directed Secretary of the Treasury to settle claims stemming from Government transportation over non-bond-aided lines.

§ 92a. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 92a, acts Feb. 14, 1933, ch. 51, 47 Stat. 800; Mar. 2, 1933, ch. 187, 47 Stat. 1424, related to compensation of certain railroads for transportation of property and troops of United States. See section 10721 of Title 49, Transportation.

Prior to repeal, section was classified to section 1375b of former Title 10, Army and Air Force.

§ 93. Transferred**CODIFICATION**

Section, act Apr. 30, 1908, ch. 153, 35 Stat. 73, relating to transportation of Indian goods and supplies, was transferred to section 443b of Title 25, Indians.

§§ 94, 95. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 94, act Mar. 3, 1887, ch. 345, § 4, 24 Stat. 491, authorized Secretary of the Treasury, whenever deemed necessary by President, to redeem liens, mortgages, or other incumbrances paramount to right, title, or interest of United States in railroad property.

Section 95, act Mar. 3, 1887, ch. 345, § 5, 24 Stat. 492, related to permissible investments of sinking funds held to secure debts of railroad companies to United States.

CHAPTER 6—MEDIATION, CONCILIATION, AND ARBITRATION IN CONTROVERSIES BETWEEN CARRIERS AND EMPLOYEES**§§ 101 to 125. Repealed. May 20, 1926, ch. 347, § 14, 44 Stat. 587**

Section 101, act July 15, 1913, ch. 6, § 1, 38 Stat. 103, related to carriers and shipping affected by application of provisions of this chapter. See section 151 et seq. of this title.

Section 102, act July 15, 1913, ch. 6, § 1, 38 Stat. 103, related to defining "railroad" and "transportation" as