



*A bold voice for transportation workers*

## **AMENDING HOURS OF SERVICE LAWS TO MAKE FREIGHT RAIL TRANSPORTATION SAFER**

Fatigue is a reality in the freight rail industry and is clearly a contributing factor in many accidents and incidents. While improvements to hours of service rules have been accomplished in recent years, important reforms for freight operating employees and signal workers must be implemented to combat chronic fatigue that still plagues this industry.

Many operating employees, particularly those who operate in freight service, face chaotic and unpredictable work schedules that make it difficult to obtain adequate rest. Signal employees are subject to arbitrary determinations that certain work does not count against their hours of service limits. Both problems contribute to a fatigued workforce in an industry that demands that its employees pay attention to detail and adhere to complex operating rules necessary to ensure the highest level of safety.

There is broad scientific consensus that predictable work schedules mitigate fatigue and improve operational safety. That is why combatting fatigue due to the excessive and irregular hours of transportation employees has long been a priority of the National Transportation Safety Board. Unfortunately, current hours of service rules fail to adequately address these issues.

Current law mandates that rail employees may not work more than 12 consecutive hours and then must receive 10 hours of undisturbed rest immediately following their last shift. After that point, an employee is required to report for duty in two hours or less of being notified by the railroad. This notification can come far earlier or later than an employee expects it to come. This means that an operating employee, after a 12 hour shift and 10 hours of rest, often has little idea when they are expected to return to work. After 10 hours of rest, a worker may go about his or her personal business only to be called to work at exactly the time they are in need of rest. Unpredictable work schedules create dangerous situations in which an employee must report for work fatigued or face discipline or possible dismissal.

Congress must change the current hours of service laws for freight railroad operating crews by moving the required 10 hours of undisturbed rest from immediately after service to immediately before service. In other words, freight railroad operating employees should be given 10 hours' notice before being expected to report to work. That advance notice and level of predictability would give workers the ability to be properly rested and prepared for work, and thereby reduce the risk of fatigue-related accidents. Or, as an alternative, it should be required that all rail operating employees be assigned a predictable work schedule.

Additionally, it is essential that Congress prevent the manipulation of hours of service laws by employers, a situation which has become all too commonplace for signal workers. Current law defines covered service for a signal employee as any time on duty in which the employee is engaged in installing, repairing or maintaining a signal system. Any work that does not require a signal worker to directly interact with safety-critical equipment is not considered covered service and does not count towards the hours of service limit. For example, when a signalman on duty is digging a ditch for the purposes of installing a railroad signal, the time spent digging that ditch does not count towards his hours of service limit even though in reality, that signal employee has the potential to come in contact with safety-critical circuits at any moment. The definition of covered service for a signal employee should instead mirror the definition for other safety-sensitive workers covered by the hours of

service laws. It is essential that Congress alter the hours of service laws to ensure that all work performed while on duty is covered as hours of service for all freight rail workers.

The men and women working on our railroads are skilled, hardworking professionals dedicated to the safety and efficiency of their industry. Give them the information they need to prepare, and they'll show up rested and ready to work. We need to provide them with a working environment that reflects their commitment to safety and that doesn't intensify risk in an already dangerous line of work. It is time for Congress to finally address fatigue in the freight rail industry by making the much needed changes to hours of service laws that will provide workers with more predictable schedules and the ability to attain adequate rest.

**Policy Statement No. W14-04**  
**Adopted February 16, 2014**

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