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**Labor & Workforce Development  
Committee**

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**HB 1621**

**Brief Description:** Regulating the hours of service for certain railroad employees.

**Sponsors:** Representatives Haler, Blake, Ryu, Sells, Manweller, Takko, Ormsby, Zeiger, Liias, Sawyer, Haigh, Jinkins, Appleton, Wilcox, Pedersen, Rodne, Angel, Upthegrove, Stanford, Pollet, Vick, Condotta, Kristiansen, Moeller, Moscoso and Santos.

**Brief Summary of Bill**

- Requires railroad carriers to observe rules limiting the hours of service for railroad yardmasters.
- Prohibits a railroad carrier from communicating with a yardmaster in a way that disrupts sleep during an off-duty period.

**Hearing Date:** 2/19/13

**Staff:** Alexa Silver (786-7190).

**Background:**

The federal Hours of Service Act (Act) prescribes maximum hours and minimum rest periods for train employees, signal employees, and dispatching service employees employed by railroad carriers. A signal employee installs, repairs, and maintains signal systems. A dispatching service employee is an operator, train dispatcher, or other employee who dispatches orders affecting train movements. A train employee is a person engaged or connected with the movement of a train.

Yardmasters are not covered by the federal Act, and the federal Act does not apply to situations involving certain emergencies and accidents. The United States Secretary of Transportation may exempt railroad carriers with 15 or fewer employees.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Federal law provides that laws, regulations, and orders related to railroad safety must be nationally uniform to the extent practicable. A state may adopt a law related to railroad safety until the United States Secretary of Transportation issues a rule or order covering the subject matter. A state may adopt an additional or more stringent law on railroad safety if the law: (1) is necessary to eliminate or reduce an essentially local safety hazard; (2) is not incompatible with federal law; and (3) does not unreasonably burden interstate commerce.

Federal regulations classify railroad carriers as Class I, Class II, and Class III based on their annual operating revenues.

### **Summary of Bill:**

The Legislature declares that regulating the hours of service for yardmasters is an exercise of the state's police power to protect health, safety, and welfare.

Railroad carriers must observe the following rules related to the hours of service for employees:

- An employee may not be on duty for a railroad carrier in excess of 276 hours per month.
- An employee may not remain on duty for more than 12 hours.
- An employee may not go on duty unless he or she has had at least 10 hours off duty during the prior 24 hours.
- An employee may not go on duty after he or she has gone on duty six days in a row unless he or she has had 48 consecutive hours off duty. If an employee works a seventh day in a row, he or she must have 72 consecutive hours off duty.
- An employee may not go on duty during a statutory rest period under the federal Act.
- At the end of a shift, an employee must remain unavailable for service for at least 10 hours.

An employee is on duty during any time that he or she performs the duties of a yardmaster, train employee, signal employee, or dispatching service employee. Shorter hours and time on duty are proper subjects of collective bargaining.

"Employee" is defined as an individual employed by a railroad carrier, or a contractor or subcontractor of a railroad carrier, who performs the duties of a yardmaster. The duties of a yardmaster include: routing and directing trains in a rail yard; operating switching equipment in a rail yard tower; monitoring switching orders and schedules to determine the time trains arrive and depart; supervising the breaking up and putting together of train cars according to a schedule; receiving and transmitting switching orders to and from yard crews; directing, overseeing, monitoring, and supervising switching crews and road switcher assignments; and arranging for defective cars to be removed from a train for repair.

A railroad carrier may not communicate with an employee in a manner that could reasonably be expected to disrupt the employee's sleep during an off-duty period. Communication necessary to notify an employee of an emergency is permissible.

The requirements related to hours of service and the prohibition on certain communications do not apply in situations involving a casualty, an unavoidable accident, an act of God, or a delay resulting from an unforeseeable cause.

A Class I railroad carrier that violates these requirements is subject to a civil penalty of \$10,000 to \$50,000, or up to \$1 million in cases where a grossly negligent violation or a pattern of repeated violations caused an imminent hazard of death or injury. A Class II or III carrier is subject to a civil penalty of \$500 to \$25,000, or up to \$100,000 in cases where a grossly negligent violation or a pattern of repeated violations caused an imminent hazard of death or injury.

The Utilities and Transportation Commission may adopt rules to administer the law. Following a hearing and subject to annual review, the Utilities and Transportation Commission may exempt a Class II or III carrier that has 15 or fewer employees. However, the exemption may not authorize a carrier to allow its employees to be on duty for more than 16 hours per 24-hour period.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.