

104TH CONGRESS  
2D SESSION

# H. R. 3413

To amend chapter 211 of title 49, United States Code, with respect to hours of service of railroad employees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 1996

Mr. MARTINI (for himself and Mr. FRANKS of New Jersey) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend chapter 211 of title 49, United States Code, with respect to hours of service of railroad employees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commuter Rail Safety  
5 Act of 1996”.

6 **SEC. 2. HOURS OF SERVICE.**

7 Section 21103 of title 49, United States Code, is  
8 amended—

1           (1) in subsection (a)(1), by striking “or” at the  
2 end;

3           (2) in subsection (a)(2), by striking the period  
4 at the end and inserting in lieu thereof a semicolon;

5           (3) by adding after paragraph (2) of subsection  
6 (a) the following new paragraphs:

7           “(3) after that employee has completed a tour  
8 of duty, unless that employee has had at least 8 con-  
9 secutive hours of undisturbed rest; and

10           “(4) unless that employee has received at least  
11 8 hours notice before the time for reporting for duty,  
12 except in the event of an emergency, in which case  
13 the employee may not be required to work for more  
14 than 8 hours after reporting for duty.”; and

15           (4) by adding at the end the following new sub-  
16 sections:

17           “(d) COMMUTER RAIL SPLIT SHIFTS.—A railroad  
18 carrier and its officers and agents may not require or  
19 allow a commuter rail train employee to operate a split  
20 shift unless that shift begins between 4:00 a.m. and 8:00  
21 a.m.

22           “(e) DEFINITIONS.—For purposes of this section—

23           “(1) the term ‘commuter rail’ has the meaning  
24 given the term ‘commuter rail passenger transpor-  
25 tation’ in section 24102 of this title;

1           “(2) the term ‘split shift’ means a regularly as-  
2 signed work shift which includes an interim period  
3 off duty of at least 4 hours;

4           “(3) the term ‘tour of duty’ means an employ-  
5 ee’s shift on duty of 8 hours or more, including a  
6 shift of consecutive hours and a shift that encom-  
7 passes an interim period off duty of at least 4 but  
8 not more than 8 hours; and

9           “(4) the term ‘undisturbed rest’ means a period  
10 during which the employing rail carrier and its offi-  
11 cers and agents do not communicate with an em-  
12 ployee, except for one communication described in  
13 subsection (a)(4).”.

14 **SEC. 3. ACCIDENT AND INJURY REPORTING.**

15           (a) DISCHARGE AND DISCRIMINATION PROTEC-  
16 TION.—Section 20109 of title 49, United States Code, is  
17 amended—

18           (1) by redesignating subsections (c), (d), and  
19 (e) as subsections (d), (e), and (f), respectively; and

20           (2) by inserting after subsection (b) the follow-  
21 ing new subsection:

22           “(c) ACCIDENT AND INJURY INFORMATION.—A rail-  
23 road carrier engaged in interstate or foreign commerce,  
24 and an employee of such a railroad carrier, may not dis-  
25 charge or in any way discriminate against an employee

1 because the employee has furnished information to the  
2 railroad carrier, the Federal Railroad Administration, or  
3 any other appropriate Federal or State agency, as to the  
4 facts incident to any accident or injury occurring in con-  
5 nection with rail transportation.”.

6 (b) PENALTIES.—

7 (1) CIVIL PENALTIES.—Section 21302(a)(1) of  
8 title 49, United States Code, is amended by striking  
9 “a regulation prescribed or order issued under chap-  
10 ter 201 of this title” and inserting in lieu thereof  
11 “chapter 201 of this title or a regulation prescribed  
12 or order issued under chapter 201”.

13 (2) CRIMINAL PENALTIES.—Section 21311 of  
14 title 49, United States Code, is amended by adding  
15 at the end the following new subsection:

16 “(c) ACCIDENT AND INJURY INFORMATION.—A per-  
17 son shall be fined under title 18, imprisoned for not more  
18 than 1 year, or both, if the person knowingly and willfully  
19 violates section 20109(c).”.

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