

Hours-of-Service Requirements Beginning July 15, 2009

All TY&E employees must contact their supervisors between June 19 and July 12 2009, for an instructional briefing on new hours-of service (HOS) requirements of the Rail Safety Improvement Act (RSIA) and a new TSS tie-up process.

The tie-up process, known as Express Tie-up, takes effect in TSS on July 15, 2009.

What you need to know before July 15:

- 1) **RSIA changes several HOS rules** for Transportation employees, including the addition of **monthly caps for limbo hours** and **total HOS**.
- 2) Employees must be sure they **accurately report their relieved and released times**.

Because of the monthly caps on limbo and total duty time, employee data entry errors that overstate hours could restrict an employee's ability to be called to work later in the month. Likewise, data entry errors that understate hours worked could result in HOS violations.

- 3) Depending on the circumstances, **BNSF and/or FRA can hold employees personally accountable for any reporting errors**
- 4) **Employees are required to tie up immediately following their tour of duty.**
 - TY&E employees must tie up in the TSSCREW system within 30 minutes of their actual release time. Release times cannot be estimated, and the time reported cannot be more than 30 minutes in advance of the current time shown on the computer.
 - Beginning June 15, employees keying in a released time more than 30 minutes in the future will receive a warning screen: "Due to RSIA reporting requirements, after July 15, 2009, you will no longer be able to enter a released time more than 30 minutes in the future."
 - BNSF is allowed to pre-populate some fields in the tie-up screen if the information is known to be factually accurate for the specific employee. Because rest periods, relieved and released times are used to calculate the employee's status against RSIA caps, the employee must verify all information during the tie-up process. Tie-up information will impact BNSF's ability to return an employee to his or her assignment, and so delayed or inaccurate information could negatively affect the employee's income.

- If an employee begins, or is in the process of, tying up at or after 11 hours and 55 minutes of a tour of duty, the employee will automatically be redirected to a “Quick Tie-Up” screen. A “Quick Tie-Up” bypasses the FRA Interview screen and allows an employee to enter only basic tie-up information.
 - Basic payroll information will be automatically applied to the ticket, with the option of adding more CA codes after completing the “Quick Tie-up” process. The additional FRA interview screen can only be accessed during the employee’s next tour of duty.
- If crews do not have access to the TSS computer system, they must access the VRU and follow instructions. Crews will need to supply the train symbol, relieved time, released time and arrival to final terminal.

5) **Employees are required to report all “other” mandatory service immediately upon completion through CCTM option 15.** Accurate start and stop times are required. If the employee does not have computer access, he or she must access the VRU and report the activity with accurate beginning and ending times. Mandatory service time goes towards the monthly 276 hour total duty time cap.

Other mandatory service typically includes:

- Alternative handling as a principal. It does not include participation as a union representative.
- Required rules exams.
- Investigations as a principal or company witness. It does not include participation as a union representative.
- Site safety team participation when required as part of assigned duties. It does not include voluntary safety team participation.
- “Other” service at the behest of the BNSF. “Other” services must be approved by a BNSF officer before entry into TSS or VRU.

About Express Tie-Up:

BNSF has modified the TSS screens to make it easier for employees to tie up at the end of each tour of duty and to more accurately track their status against the monthly caps for total HOS and limbo time under RSIA.

- A single tie-up process applies for all types of TY&E service, including road, local, yard and switch service.
- A simplified process automatically assigns pay for most categories.
- A single tie-up screen captures most important information and the total number of screens access for tie up is reduced. A few additional screens address other FRA HOS reporting questions, but the main tie up occurs on one screen.

Definitions:

Hours of service (HOS) - includes all time that an employee performs service at the behest of BNSF. This includes all time for a tour of duty and other mandatory service. HOS time is calculated for the RSIA 276 hour cap.

Tour of duty - begins with the “on-duty” time and includes all time on-duty performing covered service, commingled service and limbo. Tour of duty time counts toward the monthly 276 hour total duty time cap.

Covered service time - the portion of the employee’s tour of duty time during which the employee is engaged in, or connected with, the movement of a train or engines. Covered service cannot take place after 12 hours of a tour of duty without being considered an **HOS violation**. Examples include activities surrounding:

- Preparing, assembling or moving a train and/or engine.
- Securing a train or engine by operating hand brakes, air brakes, switches or derails.

Commingled service - time connected to a tour of duty where employee is performing an activity not included as covered service. Commingled service cannot be performed after 12 hours of a tour of duty without being considered an **HOS violation**. Examples of commingled service include:

- Participation in safety meetings or data collection at the behest of the BNSF.
- Deadheading to a location to perform covered service or one of the above activities.

Relieved time - actual time the employee completes his or her last activity of covered service or commingled service. A train crew can be relieved of covered or commingled service at any time during their duty tour.

Limbo time – the time spent waiting for or in deadhead transportation to the point of final release. Limbo time starts at the actual time a crew completes the last activity of covered service or commingled service. The time calculated toward the RSIA “limbo cap” begins after 12 hours of the tour of duty. Limbo time includes the time spent performing the “Quick Tie-Up.”

Released time - the time when an employee ties up at the terminal marking an end of his or her tour of duty and begins the statutory off-duty period.

- BNSF can inform an employee that he or she will be returned to covered service after an interim period of rest, with a minimum of four continuous hours. All time on the trip to the away-from-home-terminal (AFHT) and back to the home terminal will count as one trip. The interim period of rest does not count toward the total time for the tour of duty.

- Employees can be turned back from AFHT with less than four consecutive hours off. All time consumed from the on-duty time at the home terminal will count toward the total time for the tour of duty.

Hours-of-Service Scenarios

Scenario 1:

A train crew is called for 0100 on the M KCKBAR9 01 between Kansas City and Wellington.

The crew is instructed to tie the train down at 1100 due to Maintenance of Way (MOW) work outside of Wellington.

The crew completes this task at 1115 - “relieved time” - which is the end of their covered service.

The van arrives to the train at 1200 and the crew arrives at the Wellington yard office at 1230.

The crew’s off-duty time – “release time” – is 1245, when they have completed their Express Tie-Up in the computer.

- Total time on duty = 11 hours and 45 minutes toward the 276 hour cap
- Covered service = 10 hours 15 minutes (0100 to 1115)
- Limbo time = 1 hour 30 minutes (1115 to 1245)

Time counted toward limbo cap = 0 because the crew’s tour of duty did not exceed 12 hours.

RSIA rest period = 10 hours

Scenario 2:

A train crew is called for 0100 on the M KCKBAR9 01 between Kansas City and Wellington.

The crew is instructed **not** to tie the train down at 1230 – “relieved time” -- because of MOW work outside of Wellington and they wait for a relief crew.

The crew’s covered service ends at 1230, “relieved time.” The van with relief crew arrives at 1300 and the crew arrives at the Wellington yard office at 1430.

The crew’s off-duty time – “release time” -- is 1445 when they have completed their Quick Tie-Up.

- Total time on duty = 13 hours 45 minutes toward the RSIA 276 hour monthly cap
- Covered duty time = 11 hours 30 minutes (0100 to 1230)
- Limbo time = 2 hours 15 minutes (1230 to 1445)
- Time toward limbo cap = 1 hour 45 minutes (1300 to 1445). Only limbo time after the 12 hour of the tour of duty is calculated to the RSIA limbo cap

RSIA rest period = 11 hours 45 minutes, which is 10 hours, plus 1 hour and 45 minute for all time in excess of 12 hours, calculated on a minute-by-minute basis.

Scenario 3:

A train crew is called for 0100 on the M KCKBAR9 01 between Kansas City and Wellington.

The crew experiences several departure delays at the terminal and across the territory.

The crew is instructed to tie the train down at 1245 due to MOW work going on outside of Wellington.

Relief crew is not available.

The crew completes this task at 1315 due to some mechanical difficulty with hand brakes, and covered service ends.

This is an hours-of-service violation, and must be reported.

A crew van arrives at the train at 1330 and the crew arrives at the Wellington yard office at 1400. The crew's off-duty time – "release" time – is 1415 when they have completed their Quick Tie-Up in the computer.

The crew would not be able to access the FRA hours-of-service violation report to record the violation occurring between 1300 and 1315 until their next tour of duty.

- Total time on duty = 13 hours 15 minutes toward the RSIA 276 hour monthly cap
- Covered duty time = 12 hours 15 minutes, due to HOS violation when tying hand brakes after the 12 hours of on-duty time.
- Limbo time = 1 hour. Limbo time starts when final activity of covered service is completed.
- Time toward limbo cap = 1 hour. Limbo time after 11 hours and 59 minutes of total duty time is calculated to the RSIA limbo cap

RSIA rest period = 11 hours 15 minutes (1445 to 0200) for all time over 12 hours calculated on a minute-by minute basis.

Scenario 4:

The R CAL111 is called for 0600 to perform industry road switching service at Pittsburg, Calif. The conductor is responsible for all inventory reporting functions.

The crew finishes the last switching move and secures engines in siding five miles outside of Pittsburgh at 1500 due to heavy mainline volumes (covered service ends and marks the start of commingled service).

The van is standing by and the crew deadheads back to Pittsburgh to perform inventory responsibilities and an extended safety briefing with trainmasters until 1600 (commingled service ends and marks the relieved time). The crew ties up in the computer at 1600 (released time).

- Total time on duty = 10 hours toward the RSIA 276 hour monthly cap
- Covered duty time = 9 hours (0600 to 1500)
- Commingled service = 1 hour (1500 to 1600)
- Time toward limbo cap = 0 hours, as crew was not on duty more than 12 hours

RSIA rest period = 10 hours