

89TH CONGRESS  
1ST SESSION

# H. R. 9649

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## IN THE HOUSE OF REPRESENTATIVES

JULY 7, 1965

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

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## A BILL

To amend the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon", approved March 4, 1907.

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

3 That the Act entitled "An Act to promote the safety of em-  
4 ployees and travelers upon railroads by limiting the hours of  
5 service of employees thereon", approved March 4, 1907 (45

6 U.S.C. 61, 62, 63, 64), is hereby amended to read as fol-  
7 lows:

8 "That (a) this Act shall apply to any common carrier or car-  
9 riers, their officers, agents, and employees, engaged in the  
10 transportation of passengers or property by railroad in the

1 District of Columbia, or from one State or the District of  
2 Columbia to any other State or the District of Columbia, or  
3 from any place in the United States to an adjacent foreign  
4 country, or from any place in the United States through a  
5 foreign country to any other place in the United States.

6 “(b) For the purposes of this Act—

7 “(1) The term ‘railroad’ includes all bridges and ferries  
8 used or operated in connection with any railroad, and also  
9 all the road in use by any common carrier operating a rail-  
10 road, whether owned or operated under a contract, agree-  
11 ment, or lease;

12 “(2) The term ‘employee’ shall be held to mean a per-  
13 son actually engaged in or connected with the movement of  
14 any train;

15 “(3) In computing time on duty, an individual shall be  
16 deemed to be continuously on duty from the time of re-  
17 porting for duty until finally released from duty, except that  
18 any interim period available for rest for more than three  
19 hours shall not be regarded as time on duty.

20 “SEC. 2. (a) It shall be unlawful for any common car-  
21 rier, its officers or agents, subject to this Act—

22 “(1) to require or permit an employee, in case  
23 such employee shall have been continuously on duty for  
24 twelve hours, to continue on duty or to go on duty until  
25 he has had at least ten consecutive hours off duty; or,

1 where the engine crew consists solely of a locomotive  
2 engineer, to require or permit such locomotive engineer  
3 who shall have been continuously on duty for nine  
4 hours, to continue on duty or to go on duty until he has  
5 had at least ten consecutive hours off duty.

6 “(2) to require or permit an employee to continue  
7 on duty or to go on duty when he has not had at least  
8 eight consecutive hours off duty during the preceding  
9 twenty-four hours.

10 “(b) In determining, for the purposes of subsection  
11 (a), the number of hours an individual is on duty, there shall  
12 be counted, in addition to time on duty in service of the char-  
13 acter referred to in subsection (b) (2) of the first section of  
14 this Act, all time on duty in other service performed for  
15 the common carrier during the twenty-four-hour period  
16 involved.

17 “(c) Crews of relief trains or wreck trains may be per-  
18 mitted to remain on duty for a longer period than is other-  
19 wise permitted by this section when necessary to clear the  
20 track at the scene of a wreck, if an additional crew cannot be  
21 made available by rail or road, but only until such time as  
22 the track is cleared sufficiently to permit movement of trains.

23 “(d) The provisions of this section shall not apply to an  
24 employee during such period of time as the provisions of sec-  
25 tion 3 apply to his duty and off-duty periods.

1       “SEC. 3. (a) No employee, who by the use of the tele-  
2 graph, telephone, radio, or any other electrical or mechani-  
3 cal device, directs or controls the movement of a train or  
4 trains, or other mobile equipment operated on the rails of car-  
5 riers, or who by the use of any such means, dispatches, re-  
6 ports, transmits, receives, or delivers orders, pertaining to or  
7 affecting the movement of a train or trains, or other mobile  
8 equipment—

9           “(1) shall be required or permitted to be or remain  
10 for more than nine hours, whether consecutive or in the  
11 aggregate, in any twenty-four-hour period in any tower,  
12 office, station, or place where two or more shifts are em-  
13 ployed; or

14           “(2) shall be required or permitted to be or remain  
15 on duty for more than eleven hours, whether consecutive  
16 or in the aggregate, in any twenty-four-hour period in  
17 any tower, office, station, or place where only one shift  
18 is employed.

19           “(b) In determining, for the purposes of subsection  
20 (a), the number of hours an individual is on duty in a class  
21 of service, and at a place, described in paragraph (1) or  
22 (2) of such subsection, there shall be counted, in addition  
23 to the time spent by him on duty in such service at such  
24 place, all time on duty in other service performed for the  
25 common carrier during the twenty-four-hour period involved.

1       “(c) Notwithstanding subsection (a) of this section, in  
2 case of emergency the employees named in such subsection  
3 may be permitted to be and remain on duty for four addi-  
4 tional hours in any period of twenty-four consecutive hours  
5 on not exceeding three days in any period of seven consecu-  
6 tive days, if no relief for them is available.

7       “SEC. 4. (a) Any such common carrier, or any officer  
8 or agent thereof, requiring or permitting any employee to go,  
9 be, or remain on duty in violation of section 2 or section 3  
10 of this Act shall be liable to a penalty of \$500 for each and  
11 every violation, to be recovered in a suit or suits to be  
12 brought by the United States district attorney in the district  
13 court of the United States having jurisdiction in the locality  
14 where such violations shall have been committed; and it  
15 shall be the duty of such district attorney to bring such suit  
16 upon satisfactory information being lodged with him; but no  
17 such suit shall be brought after the expiration of one year  
18 from the date of such violation.

19       “(b) It shall be the duty of the Interstate Commerce  
20 Commission to lodge with the proper district attorney infor-  
21 mation of any such violations as may come to its knowledge.

22       “(c) In all prosecutions under this Act the common car-  
23 rier shall be deemed to have knowledge of all acts of all its  
24 officers and agents: *Provided*, That the provisions of this Act  
25 shall not apply in any case of casualty or unavoidable acci-

1 dent or the act of God; nor where the delay was the result of  
2 a cause not known to the carrier or its officer or agent in  
3 charge of the employee at the time said employee left a  
4 terminal, and which could not have been foreseen.

5 "SEC. 5. It shall be the duty of the Interstate Commerce  
6 Commission to execute and enforce the provisions of this Act,  
7 and all powers granted to the Interstate Commerce Commis-  
8 sion are hereby extended to it in the execution of this Act."

9 SEC. 2. This Act shall take effect on the thirtieth day  
10 after the date of its enactment.

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