



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 16 2009

To Whom It May Concern:

The employee presenting this letter represents that he or she is a signal employee, which term is defined by title 49 of the United States Code, section 21101(4) (49 U.S.C. § 21101(4)) as "an individual who is engaged in installing, repairing, or maintaining signal systems." This definition applies to any individual performing these functions, regardless of whether the individual is employed by a railroad or a contractor or subcontractor to a railroad.

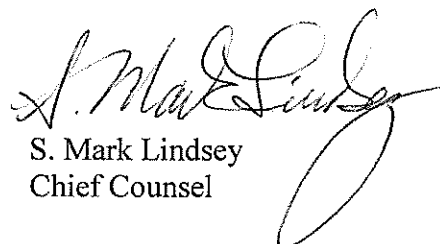
As such, this employee is subject only to the hours of service requirements of 49 U.S.C. chapter 211. This employee is not required to comply with the regulations of the Federal Motor Carrier Safety Administration, including the requirement that the employee maintain and have available for inspection a driver's record of duty status pursuant to title 49 of the Code of Federal Regulations, section 395.8 (49 C.F.R. § 395.8).

Effective July 16, 2009, 49 U.S.C. § 21104(e) provides as follows:

Exclusivity.--The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be subject to any hours of service rules, duty hours or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Administration.

This provision was enacted October 16, 2008, by Section 108(c) of the Rail Safety Improvement Act of 2008 (Public Law No. 110-432, Division A). As a result, the associated recordkeeping and reporting of the hours of service and rest periods of signal employees are likewise solely governed by the recordkeeping requirements for hours of service of railroad employees found at 49 C.F.R. part 228. See Volume 74 of the Federal Register, page 25330 (May 27, 2009).

Sincerely,



S. Mark Lindsey
Chief Counsel