

Title 7—DEPARTMENT OF TRANSPORTATION  
Division 265—Motor Carrier and Railroad Safety  
Chapter 9—Rail Fixed Guideway Systems

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OCT 06 2017

SECRETARY OF STATE  
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

**7 CSR 265-9.070 Hours of Service.** The Missouri Highways and Transportation Commission is amending sections (1) through (7) and subsection (3)(B).

*PURPOSE: This amendment clarifies the requirements of the rule and eliminates unnecessarily restrictive wording.*

COPY

(1) This rule *[shall apply]* **applies** to every employee who operates a train on the main line or is directly involved in controlling the operations of a train on the main line of a rail fixed guideway system (RFGS). No RFGS **may** *[shall]* require or allow any of these employees to perform work in excess of the allowable hours established in this rule.

(2) No employee *[shall]* **will** be required or allowed to continue on duty or to go on duty until the employee has had at least ten (10) consecutive hours off duty, if that employee has been continuously on duty for twelve (12) hours or more.

(3) Time on duty *[shall]* commences when an employee begins to work or is required to be in readiness to work and continues until the time the employee is relieved from work and all responsibility for performing work. Time on duty *[shall]* include:

(A) Interim periods of rest less than or equal to one (1) hour; and

(B) Time spent in the transportation of an employee to a duty assignment, except that time spent transporting an employee from a duty point of final release *[shall]* **is not** *[be]* counted.

(4) No employee *[shall]* **will** be required or allowed to continue on duty or go on duty unless s/he has had at least *[eight (8)]* **ten (10)** consecutive hours off duty during the preceding twenty-four (24) hours.

(5) When a situation requiring the extended service of an employee covered by this rule occurs, which is both unforeseeable and beyond the control of the RFGS, the employee may be on duty in excess of the twelve (12)-hour limit **in section (2) of this rule** but *[shall not]* **cannot** be required or allowed to continue on duty in excess of fifteen (15) hours. *[Under the provisions of this section]* **Notwithstanding the exception in this section (5)**, an employee shall not work in excess of the twelve (12)-hour limit more than two (2) days in a seven (7)-day period.

(6) The RFGS *[shall]* **will** establish and maintain at one (1) or more locations where employees covered by this rule report on or off duty, a written hours of service log which shall record the hours of service of these employees. The RFGS *[shall]* **will** keep this log current for each of these employees showing the time of the last change of duty status of the employee. Any supervisor making an entry on behalf of any of these employees must initial such an entry. For each of these employees, the hours of service log *[shall]* **will** include at least the following information:

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- (A) Employee's signature and badge number;
- (B) Amount of rest since last duty in hours and minutes, except that if the amount of rest is in excess of twelve (12) hours an entry of "12+" is sufficient;
- (C) The time at which the employee signs in for duty;
- (D) The time at which the employee is off duty; and
- (E) Total time on duty in hours and minutes.

(7) The RFGS [shall] **will** retain in its custody and make available to the division for inspection the hours of service log for a period of one (1) year after the last entry is made in each daily log.

*AUTHORITY: sections 389.1005 and 622.027, RSMo 2000. \* This rule originally filed as 4 CSR 265-9.070. Emergency rule filed Feb. 5, 1993, effective Feb. 15, 1993, expired June 14, 1993. Original rule filed Nov. 4, 1992, effective June 7, 1993. Emergency amendment filed June 17, 1993, effective June 27, 1993, expired Oct. 24, 1993. Emergency amendment filed Oct. 13, 1993, effective Oct. 24, 1993, expired Feb. 20, 1994. Emergency amendment filed Feb. 10, 1994, effective Feb. 20, 1994, expired June 14, 1994. Emergency amendment filed June 2, 1994, effective June 14, 1994, expired Oct. 11, 1994. Emergency amendment filed Sept. 30, 1994, effective Oct. 12, 1994, expired Jan. 10, 1995. Amended: Filed June 2, 1994, effective Dec. 30, 1994. Amended: Filed June 22, 1998, effective Feb. 28, 1999. Moved and amended: Filed Nov. 20, 2006, effective June 30, 2007. Amended: Filed October 6, 2017.*

*\*Original authority: 389.1005, RSMo 1996 and 622.027, RSMo 1985, amended 1993, 1995.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Highways and Transportation Commission, Pamela J. Harlan, Secretary to the Commission, 105 W. Capitol Avenue, PO Box 270, Jefferson City, MO 65102 or [Pamela.Harlan@modot.mo.gov](mailto:Pamela.Harlan@modot.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*