



January 9, 2010

Organization file # 134429200

USPS TRACKING# **7010 1060 0000 5391 4632**

To: Liz Dewald

Labor Relations

1400 Douglas Street STOP 0710

Omaha, NE. 68179-0710

Dear Liz,

This will serve as my formal notice of appeal to you for the following claim:

Craft/Title	Engineer
Claimant	James Genova
EMP ID	0141506
Claim Date	11/15/2010
=PE/Receipt for Claim #	134429200
Declination #:	1344292
Amount Claimed	\$203.30

On Claim Date Claimant was:

Assigned At:	WD640
Working Assignment:	DE15
Working From Board:	RE03

**ADDITIONAL SPECIFICS OF CLAIM:**

The payment should be made of \$203.30 for a 130 mile basic day penalty on account that claimant did not receive his lodging within the allotted 30 minutes after tie up.

**ARGUMENT:**

Claimant tied up off assignment RRLNE 15 at 23:30 at Bond KP768. He then departed Bond KP768 at 23:31 and arrived at lodging facility Oak Tree Inn Yampa Colorado at 00:10 and was given his room key at 00:14. He then called crew services and had CMS user OCMS743 adjust his rest from 11/16/10 09:30 to 11/16/10 10:14 to be properly rested per the FRA Rail Safety Bill.

**Specific, relevant agreement provision(s) and/or arbitration award(s) supporting claim:**

I.A.W. PLB 6312 Award 269, PLB 5916 Award 24, PLB 5739 Award 47, FRA Feb 3<sup>rd</sup> 2004 Memorandum, and article II section 1 of the UTU/BLE 1964 national agreement.

Federal Railroad  
Administration

Date: February 3, 2004 Reply to Attn of: OP-04-29

Subject: Hours of Service Interpretations

Original Signed By:

From: Edward W. Pritchard Director, Office of Safety Assurance and Compliance

TRAVEL TIME AT THE AWAY-FROM-HOME TERMINAL

FRA Policy:

FRA will continue to utilize a “thirty-minute commuting time” application of the laws to travel between the away-from-home release/on duty point and the crew’s lodging facilities. One way travel time of thirty minutes or less, including delays associated with transportation availability and reliability and lodging availability will be considered as COMMUTING. Any one-way travel time in excess of thirty minutes, including delays associated with the availability of transportation (e.g., time spent awaiting the arrival of the transportation vehicle) and/or lodging will be considered as either On-Duty or Limbo Time, as specified in the laws.

Travel From The Off-Duty Location To The Lodging Facility

Travel time is calculated from Final Release Time to the arrival time at the hotel or lodging facility. If the travel time is thirty minutes or less, the entire period is considered commuting time and is part of the off-duty period. If the travel time is more than thirty minutes, the entire period is considered Limbo Time, i.e., neither time on- nor off-duty, and the Final Release Time must be readjusted to reflect the employee’s arrival time. In the event room accommodations are not readily available after arrival at the lodging facility, all time spent waiting for room availability will be considered part of the travel time. If room availability occurs more than thirty minutes after the Final Release Time, the entire period is considered Limbo Time and the Final Release Time must be readjusted to reflect the room availability time.

Respectfully

Cullen Kemper  
Local Chairman UTU E 953C