

Section 419 of the
Rail Safety Improvement Act of 2008,
PL 110-432 (Oct. 16, 2008)

Renumbers and amends the employee protection provision at 49 U.S.C. §
20109

SEC. 419. PROMPT MEDICAL ATTENTION.

49 USC 20109.

(a) IN GENERAL.—Section 20109 is amended—

(1) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(2) by inserting after subsection (b) the following:

“(c) PROMPT MEDICAL ATTENTION.—

“(1) PROHIBITION.—A railroad carrier or person covered under this section may not deny, delay, or interfere with the medical or first aid treatment of an employee who is injured during the course of employment. If transportation to a hospital is requested by an employee who is injured during the course of employment, the railroad shall promptly arrange to have the injured employee transported to the nearest hospital where the employee can receive safe and appropriate medical care.

“(2) DISCIPLINE.—A railroad carrier or person covered under this section may not discipline, or threaten discipline to, an employee for requesting medical or first aid treatment,

or for following orders or a treatment plan of a treating physician, except that a railroad carrier's refusal to permit an employee to return to work following medical treatment shall not be considered a violation of this section if the refusal is pursuant to Federal Railroad Administration medical standards for fitness of duty or, if there are no pertinent Federal Railroad Administration standards, a carrier's medical standards for fitness for duty. For purposes of this paragraph, the term 'discipline' means to bring charges against a person in a disciplinary proceeding, suspend, terminate, place on probation, or make note of reprimand on an employee's record."

(b) CONFORMING AMENDMENTS.—Section 20109 is amended—

49 USC 20109.

(1) in subsection (d), as redesignated by subsection (a) of this section—

(A) by striking "(a) or (b)" in paragraph (1) and inserting "(a), (b), or (c)";

(B) by striking "(c)(1)" in paragraph (2)(A)(i) and inserting "(d)(1)";

(C) by striking "(a) or (b)" in paragraph (2)(A)(ii) and inserting "(a), (b), or (c)"; and

(2) in subsection (e), as so redesignated—

(A) by striking "(c)" in paragraph (1) and inserting "(d)";

(B) by striking "(c)" in paragraph (2) and inserting "(d)";

(C) by striking "(c)(3)" in paragraph (2) and inserting "(d)(3)"; and

(D) by striking "(c)" in paragraph (3) and inserting "(d)".

SEC. 420. EMPLOYEE SLEEPING QUARTERS.

Section 21106 is amended—

(1) by inserting "(a) IN GENERAL.—" before "A railroad carrier";

(2) by striking "sanitary and give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier;" in paragraph (1) and inserting "sanitary, give those employees and individuals an opportunity for rest free from the interruptions caused by noise under the control of the carrier, and provide indoor toilet facilities, potable water, and other features to protect the health of employees;"; and

(3) by adding at the end the following:

"(b) CAMP CARS.—Not later than December 31, 2009, any railroad carrier that uses camp cars shall fully retrofit or replace such cars in compliance with subsection (a)."

Deadline.

"(c) REGULATIONS.—Not later than April 1, 2010, the Secretary of Transportation, in coordination with the Secretary of Labor, shall prescribe regulations to implement subsection (a)(1) to protect the safety and health of any employees and individuals employed to maintain the right of way of a railroad carrier that uses camp cars, which shall require that all camp cars comply with those regulations by December 31, 2010. In prescribing the regulations, the Secretary shall assess the action taken by any railroad carrier to fully retrofit or replace its camp cars pursuant to this section."

Deadlines.

"(d) COMPLIANCE AND ENFORCEMENT.—The Secretary shall determine whether a railroad carrier has fully retrofitted or replaced