

## PUMP Act Protections for Transportation Workers

The Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act requires employers of all sizes to provide a reasonable amount of break time and a clean, private non-bathroom space for lactating workers to express milk for their nursing child for up to one year following their birth.

- **Nearly all transportation workers are covered by the law.**
- Special rules apply to **certain rail carrier employees and motorcoach employees.**
- Airline **flight crewmembers (flight attendants, pilots, and others who perform duties on an aircraft during flight time)** are not protected by the PUMP Act, but may have a right to break time and space under other laws.

**Rail Carrier Employees<sup>1</sup>** are covered by the PUMP Act. Many rail carrier employees, from customer service agents to station attendants, have the [exact same rights](#) under the PUMP Act as employees in other industries starting on December 29, 2022. However, there are a few differences in when and how the law<sup>2</sup> is applied for certain railway employees:

1. members of train crews<sup>3</sup> involved in the movement of a locomotive or rolling stock, and
2. rail carrier employees who maintain the right of way.<sup>4</sup>

For these two groups of employees, the law will go into effect on December 29, 2025, which means they are not protected by the PUMP Act until that date. (See “Other Laws that Cover Lactating Transportation Workers,” below, for information about other protections that may apply earlier.) When the law goes into effect for these 2 groups of rail carrier employees, their employer must provide:

- Break time for pumping as often as needed, and
- A non-bathroom pumping space that is free from intrusion and view

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<sup>1</sup> ‘Rail carrier’ means an employer engaged in the operation of a rail carrier subject to Part A of Subtitle IV of Title 49 of the U.S. Code, which defines a “rail carrier” as an entity “providing common carrier [railroad transportation](#) for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail [transportation.](#)”

<sup>2</sup> The special rules that apply to rail carriers can be found at 29 U.S.C. § 218d(e).

<sup>3</sup> ‘Train crew’ is not explicitly defined by the PUMP Act, but has the same meaning as “train crew” as used in Chapter II of subtitle B of Title 49 of the Code of Federal Regulations.

<sup>4</sup> ‘Employee who maintains the right of way’ means a safety-related railway employee described in section 20102(4)(C) of title 49 of the U.S. Code.

When providing pumping breaks and space to these 2 groups of rail carrier employees, their employers are not required to take actions that would be unsafe for employees who maintain the right of way. According to the Department of Labor,<sup>5</sup> a rail carrier employee on a pump break must be allowed to temporarily block the field of view of an image recording device (like a video camera) on a locomotive or rolling stock if the passenger train is not in motion.

Additionally, when providing pumping breaks and space to these 2 groups of rail carrier employees, their employers are not required to take any action that would result in a “significant expense.” A significant expense may be caused by:

- adding an additional train crewmember,
- removing or retrofitting seats, or
- making other significantly expensive modifications to the railway vehicle

A significant expense is *not* caused by:

- installing a privacy curtain or other screening device on a railway vehicle, or
- making other modifications or retrofits to the vehicle that are not significantly expensive

**Motorcoach Service Operator Employees** are protected by the PUMP Act. Many motorcoach employees - from customer service agents, to drivers of passenger vehicles that are designed to carry under 11 people, to public transportation and school bus drivers - have the [exact same rights](#) under the PUMP Act as employees in other industries starting on December 29, 2022. However, there are a few differences in when and how the law<sup>6</sup> is applied for motorcoach employees who both:

1. work for a private company that provides passenger transportation for a fee, **and**
2. are “involved in the movement” of a motorcoach vehicle that is designed for carrying more than 10 people (not school buses)

For this specific group of motorcoach employees, the law will go into effect on December 29, 2025, which means they are not protected by the PUMP Act until that date. (See “Other Laws that Cover Lactating Transportation Workers,” below, for information about other protections that may apply earlier.) When the law goes into effect for this specific group of motorcoach employees, their employer must provide:

- Break time for pumping as often as needed, and
- A non-bathroom pumping space that is free from intrusion and view

When providing pumping breaks and space to this specific group of motorcoach employees, their employers are not required to take actions that would create unsafe conditions for an

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<sup>5</sup> See Department of Labor Wage and Hour Division Field Assistance Bulletin No. 2023-02, May 17, 2023, page 4, footnote 3, available at <https://www.dol.gov/sites/dolgov/files/WHD/fab/2023-2.pdf>.

<sup>6</sup> The special rules that apply to motorcoach operators can be found at 29 U.S.C. § 218d(f).

employee or passenger. Additionally, their employer is not required to take any actions that would result in a “significant expense.” A significant expense may be caused by:

- unscheduled stops,
- removing or retrofitting seats, or
- making other significantly expensive modifications to the motorcoach.

A significant expense is *not* caused by:

- pumping during a schedule stop,
- installing a curtain or other screening protection on a motorcoach, or
- making modifications or retrofits to the motorcoach that are not significantly expensive.

**Flight crewmembers** are not covered by the PUMP Act. This includes pilots, flight attendants, and any other employee who is assigned to perform duty on board an aircraft during flight time.<sup>7</sup> Unfortunately the PUMP Act does not give flight crewmembers the right to receive break time and private space to express milk, even when they are not in flight. However, flight crewmembers may have a right to lactation break time and private space under other federal and state laws (see below) or through their employer’s internal policies.

Employees who work at the airport or aboard an aircraft but are not assigned duty during flight time (for example, ticket agents, aircraft cleaners and mechanics, baggage handlers, etc.) have the [exact same rights](#) under the PUMP Act as employees in other industries starting on December 29, 2022.

### Other Laws that Give Rights to Lactating Transportation Workers

Transportation workers who do not have a right to break time and space under the PUMP Act may have rights under other laws. Most notably, they [may be able to receive break time and private space as a “reasonable accommodation”](#) under the [Pregnant Workers Fairness Act](#), which goes into effect on June 27, 2023. Additionally, the laws of [many states](#) give a right to break time and space to breastfeeding, chestfeeding, and pumping workers.

#### Questions?

Contact the Center for WorkLife Law free and confidential legal helpline by emailing [hotline@worklifelaw.org](mailto:hotline@worklifelaw.org) or calling **(415) 703-8276**.

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<sup>7</sup> “Flight time” means time that commences when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing. 14 C.F.R. §1.1.