

**TITLE 45—RAILROADS**

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**CHAPTER 1—SAFETY APPLIANCES AND EQUIPMENT ON RAILROAD ENGINES AND CARS, AND PROTECTION OF EMPLOYEES AND TRAVELERS**

**§§ 1 to 14. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 1, acts Mar. 2, 1893, ch. 196, § 1, 27 Stat. 531; June 22, 1988, Pub. L. 100-342, § 13(1)(A), 102 Stat. 630, related to use of power driving-wheel brakes and appliances for operating train-brake systems. See section 20302 of Title 49, Transportation.

Section 2, acts Mar. 2, 1893, ch. 196, § 2, 27 Stat. 531; June 22, 1988, Pub. L. 100-342, § 13(1)(B), 102 Stat. 630, re-

lated to use of cars not equipped with automatic couplers. See section 20302 of Title 49.

Section 3, acts Mar. 2, 1893, ch. 196, § 3, 27 Stat. 531; June 22, 1988, Pub. L. 100-342, § 13(1)(C), 102 Stat. 630, related to refusal to receive insufficiently equipped cars from connecting lines. See section 20302 of Title 49.

Section 4, acts Mar. 2, 1893, ch. 196, § 4, 27 Stat. 531; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(A), 80 Stat. 939; June 22, 1988, Pub. L. 100-342, § 13(1)(D), 102 Stat. 630, related to grab irons or handholds for security in coupling and uncoupling cars. See section 20302 of Title 49.

Section 5, acts Mar. 2, 1893, ch. 196, § 5, 27 Stat. 531; June 22, 1988, Pub. L. 100-342, § 13(1)(E), 102 Stat. 630, related to exclusion from traffic of freight cars not complying with prescribed standard for height of drawbars.

Section 6, acts Mar. 2, 1893, ch. 196, § 6, 27 Stat. 532; Apr. 1, 1896, ch. 87, 29 Stat. 85; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Aug. 14, 1957, Pub. L. 85-135, § 1(1), 71 Stat. 352; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(A), 80 Stat. 939; July 8, 1976, Pub. L. 94-348, § 3(a), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95-574, § 7(a), 92 Stat. 2461; Oct. 10, 1980, Pub. L. 96-423, § 8(b), 94 Stat. 1814; June 22, 1988, Pub. L. 100-342, § 13(1)(F), 102 Stat. 630; Sept. 3, 1992, Pub. L. 102-365, §§ 4(a)(1), (c)(3), 9(a)(3), 106 Stat. 973, 974, 977, related to use of cars in violation of sections 1 to 7 of this title and enforcement duties of United States attorneys and Secretary of Transportation. See sections 20301, 21302, and 21304 of Title 49, Transportation.

Section 7, acts Mar. 2, 1893, ch. 196, § 8, 27 Stat. 532; June 22, 1988, Pub. L. 100-342, § 13(1)(H), 102 Stat. 631, related to assumption of risk by railroad employees. See section 20304 of Title 49.

Section 8, acts Mar. 2, 1903, ch. 976, § 1, 32 Stat. 943; June 22, 1988, Pub. L. 100-342, § 13(2)(A), 102 Stat. 631, extended provisions of sections 1 to 7 of this title to include railroads in the Territories and the District of Columbia and to apply in other cases. See sections 20301, 20302, 20304, and 21302 of Title 49.

Section 9, acts Mar. 2, 1903, ch. 976, § 2, 32 Stat. 943; Apr. 11, 1958, Pub. L. 85-375, 72 Stat. 86; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(B), 80 Stat. 939; June 22, 1988, Pub. L. 100-342, § 13(2)(B), 102 Stat. 631, provided that locomotive engineers were to operate power and train brakes on not less than 50 percent of cars of trains operated with power or train brakes, and retained rules, standards, and instructions of Association of American Railroads for installation, inspection, maintenance, and repair of such brakes. See sections 20301, 20302, and 21302 of Title 49.

Section 10, acts Mar. 2, 1903, ch. 976, § 3, 32 Stat. 943; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(B), 80 Stat. 939; June 22, 1988, Pub. L. 100-342, § 13(2)(C), 102 Stat. 631; Sept. 3, 1992, Pub. L. 102-365, § 9(a)(4), 106 Stat. 977, related to continuation of duties, requirements, and liabilities specified under sections 1 to 7 of this title unless specifically amended by sections 8 to 10 of this title. See section 21302 of Title 49.

Section 11, acts Apr. 14, 1910, ch. 160, § 2, 36 Stat. 298; June 22, 1988, Pub. L. 100-342, § 13(3)(A), 102 Stat. 631, related to use of cars not equipped as required by sections 11 to 16 of this title. See section 20302 of Title 49.

Section 12, acts Apr. 14, 1910, ch. 160, § 3, 36 Stat. 298; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(C), 80 Stat. 939; June 22, 1988, Pub. L. 100-342, § 13(3)(B), 102 Stat. 631,

continued to maintain designations of safety appliances by Secretary of Transportation as standards of equipment for railroad cars, unless changed by order of Secretary, and authorized Secretary to modify standard height of drawbars. See sections 20302 and 21302 of Title 49.

Section 13, acts Apr. 14, 1910, ch. 160, § 4, 36 Stat. 299; Aug. 14, 1957, Pub. L. 85-135, § 1(2), 71 Stat. 352; July 8, 1976, Pub. L. 94-348, § 3(b), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95-574, § 7(b), 92 Stat. 2461; Jan. 14, 1983, Pub. L. 97-468, title VII, § 704, 96 Stat. 2580; June 22, 1988, Pub. L. 100-342, § 13(3)(C), 102 Stat. 632; Sept. 3, 1992, Pub. L. 102-365, §§ 4(a)(1), (c)(4), 9(a)(5), 106 Stat. 973, 974, 978, related to penalty for using cars not equipped as provided by sections 1 to 16 of this title, with provisos for hauling cars for repairs when equipment becomes defective, liability for death or injury to employees in connection with such hauling, and use of chains instead of drawbars in conducting such hauling. See sections 20303, 21302, and 21304 of Title 49.

Section 14, acts Apr. 14, 1910, ch. 160, § 5, 36 Stat. 299; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(C), 80 Stat. 939; June 22, 1988, Pub. L. 100-342, § 13(3)(D), 102 Stat. 632, related to liability for using cars with defective or insecure equipment. See section 21302 of Title 49.

**§ 15. Repealed. Pub. L. 97-449, § 7(b), Jan. 12, 1983, 96 Stat. 2444**

Section, acts Apr. 14, 1910, ch. 160, § 6, 36 Stat. 299; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(C), 80 Stat. 939, provided that it was the duty of the Secretary of Transportation to enforce the provisions of sections 11 to 16 of this title as to equipment of each car with safety appliances and that all powers theretofore granted to the Interstate Commerce Commission were extended to the Secretary for the purpose of such enforcement. See section 501(b) of Title 49, Transportation.

**§ 16. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section, acts Apr. 14, 1910, ch. 160, § 1, 36 Stat. 298; June 22, 1988, Pub. L. 100-342, § 13(3)(E), 102 Stat. 632, defined "railroad" as used in sections 1 to 16 of this title. See section 20102 of Title 49, Transportation.

**§§ 17 to 21. Repealed. Pub. L. 97-468, title VII, § 705, Jan. 14, 1983, 96 Stat. 2580**

Section 17, act May 30, 1908, ch. 225, §§ 1, 2, 35 Stat. 476, related to locomotives to be equipped with safety ash pans.

Section 18, acts May 30, 1908, ch. 225, § 3, 35 Stat. 476; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(D), 80 Stat. 939, set forth penalties for violations and authorized United States attorneys to bring actions for enforcement of provisions.

Section 19, acts May 30, 1908, ch. 225, § 4, 35 Stat. 476; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(D), 80 Stat. 939, provided for enforcement of the provisions of sections 17 to 21 of this title by the Secretary of Transportation.

Section 20, act May 30, 1908, ch. 225, § 5, 35 Stat. 476, specified those to be included in the term "common carrier".

Section 21, act May 30, 1908, ch. 225, § 6, 35 Stat. 476, provided that the provisions of sections 17 to 21 of this title not be applicable to locomotives on which an ash pan is not necessary.

**§§ 22 to 43a. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379**

Section 22, acts Feb. 17, 1911, ch. 103, § 1, 36 Stat. 913; June 7, 1924, ch. 355, § 1, 43 Stat. 659; June 22, 1988, Pub. L. 100-342, § 14(1), 102 Stat. 632, defined "railroad" as used in sections 22 to 29 and 31 to 34 of this title. See section 20102 of Title 49, Transportation.

Section 23, acts Feb. 17, 1911, ch. 103, § 2, 36 Stat. 913; Mar. 4, 1915, ch. 169, § 1, 38 Stat. 1192; June 7, 1924, ch.

355, § 2, 43 Stat. 659; June 22, 1988, Pub. L. 100-342, § 14(2), 102 Stat. 632, made it unlawful for railroads to use locomotives and appurtenances unless they were safe and inspected in accordance with provisions of sections 22 to 29 and 31 to 34 of this title and tested as prescribed by rules and regulations. See section 20701 of Title 49.

Section 24, acts Feb. 17, 1911, ch. 103, § 3, 36 Stat. 914; Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148; May 27, 1947, ch. 85, § 1, 61 Stat. 120; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; June 22, 1988, Pub. L. 100-342, § 14(3), 102 Stat. 633, provided for appointment and salaries of a director of locomotive inspection and two assistant directors of locomotive inspection, and was previously omitted pursuant to Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 30 F.R. 9351, 79 Stat. 1320, formerly set out in the Appendix to Title 5, Government Organization and Employees, which abolished the offices of director of locomotive inspection, assistant directors of locomotive inspection, and district inspectors of locomotives. Acts June 26, 1918, ch. 105, 40 Stat. 616; June 7, 1924, ch. 355, § 6, 43 Stat. 659; June 27, 1930, ch. 644, § 1, 46 Stat. 822, which provided for the pay of chief inspector, assistant inspectors, and district directors of locomotives, and related to office allowances for each inspector, and which were cited as a credit to section 24, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643, 646, 648.

Section 25, acts Feb. 17, 1911, ch. 103, § 3, 36 Stat. 914; June 7, 1924, ch. 355, § 3, 43 Stat. 659; Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148; May 27, 1947, ch. 85, § 1, 61 Stat. 120, provided for location of office of director of locomotive inspection in Washington, D.C., and for staffing of such office, and was previously omitted pursuant to Reorg. Plan No. 3 of 1965, formerly set out in the Appendix to Title 5.

Section 26, acts Feb. 17, 1911, ch. 103, § 4, 36 Stat. 914; Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148; May 27, 1947, ch. 85, § 2, 61 Stat. 120, directed director of locomotive inspection to divide country into 50 locomotive boiler inspection districts so as to most effectively divide up work of inspector for each such district, and was previously omitted pursuant to Reorg. Plan No. 3 of 1965, formerly set out in the Appendix to Title 5, which abolished the offices of director of locomotive inspection, assistant directors of locomotive inspection, and district inspectors of locomotives, together with the function of the director of locomotive inspection with respect to dividing the country into districts. Acts June 26, 1918, ch. 105, 40 Stat. 616; June 27, 1930, ch. 644, § 2, 46 Stat. 823, which were cited as a credit to section 26, were repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 643, 648.

Section 27, act Feb. 17, 1911, ch. 103, § 4 (par), as added June 7, 1924, ch. 355, § 4, 43 Stat. 659; amended Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148, authorized appointment of 15 additional boiler inspectors over and above number authorized by section 26 of this title as the needs of the service may require, and was previously omitted pursuant to Reorg. Plan No. 3 of 1965, formerly set out in the Appendix to Title 5.

Section 28, acts Feb. 17, 1911, ch. 103, § 5, 36 Stat. 914; Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(E), 80 Stat. 939; June 22, 1988, Pub. L. 100-342, § 14(4), 102 Stat. 633, related to rules and instructions for inspection of locomotive boilers. See section 20702 of Title 49, Transportation.

Section 29, acts Feb. 17, 1911, ch. 103, § 6, 36 Stat. 915; Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148; Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(E), 80 Stat. 939; Oct. 10, 1980, Pub. L. 96-423, § 13, 94 Stat. 1816; June 22, 1988, Pub. L. 100-342, § 14(5), 102 Stat. 633, related to duties of district inspectors to make railroads inspect and repair locomotive boilers and notify railroads when boilers were not in serviceable condition and provided that railroads could appeal to director of locomotive inspection to have boiler reexamined and could then appeal to Secretary of Transportation if district inspector's decision was sustained by director. See section 20702 of Title 49.

Section 30, acts Mar. 4, 1915, ch. 169, § 2, 38 Stat. 1192; Apr. 22, 1940, ch. 124, § 2, 54 Stat. 148, related to powers,