

2008, the Secretary of Transportation shall prescribe regulations that require railroad carriers—

(1) to provide emergency escape breathing apparatus suitable to provide head and neck coverage with respiratory protection for all crewmembers in locomotive cabs on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of release;

(2) to provide convenient storage in each freight train locomotive to enable crewmembers to access such apparatus quickly;

(3) to maintain such equipment in proper working condition; and

(4) to provide their crewmembers with appropriate training for using the breathing apparatus.

(Added Pub. L. 110-432, div. A, title IV, §413(a), Oct. 16, 2008, 122 Stat. 4889.)

REFERENCES IN TEXT

The date of enactment of the Rail Safety Improvement Act of 2008, referred to in text, is the date of enactment of div. A. of Pub. L. 110-432, which was approved Oct. 16, 2008.

§ 20167. Railroad safety infrastructure improvement grants

(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for safety improvements to railroad infrastructure, including the acquisition, improvement, or rehabilitation of intermodal or rail equipment or facilities, including track, bridges, tunnels, yards, buildings, passenger stations, facilities, and maintenance and repair shops.

(b) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers, and State and local governments for projects described in subsection (a). Grants shall also be made available to assist a State or political subdivision thereof in establishing a quiet zone pursuant to part 222 of title 49, Code of Federal Regulations.

(c) CONSIDERATIONS.—In awarding grants, the Secretary shall consider, at a minimum—

(1) the age and condition of the rail infrastructure of the applicant;

(2) the railroad carrier's safety record, including accident and incident numbers and rates;

(3) the volume of hazardous materials transported by the railroad;

(4) the operation of passenger trains over the railroad; and

(5) whether the railroad carrier has submitted a railroad safety risk reduction program, as required by section 20156.

(d) MATCHING REQUIREMENTS.—Federal funds for any eligible project under this section shall not exceed 50 percent of the total cost of such project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$5,000,000 for each of fiscal years 2010 through 2013 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

(Added Pub. L. 110-432, div. A, title IV, §418(a), Oct. 16, 2008, 122 Stat. 4891.)

CHAPTER 203—SAFETY APPLIANCES

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§ 20301. Definition and nonapplication

(a) DEFINITION.—In this chapter, “vehicle” means a car, locomotive, tender, or similar vehicle.

(b) NONAPPLICATION.—This chapter does not apply to the following:

(1) a train of 4-wheel coal cars.

(2) a train of 8-wheel standard logging cars if the height of each car from the top of the rail to the center of the coupling is not more than 25 inches.

(3) a locomotive used in hauling a train referred to in clause (2) of this subsection when the locomotive and cars of the train are used only to transport logs.

(4) a car, locomotive, or train used on a street railway.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 881; Pub. L. 104-287, §5(52), Oct. 11, 1996, 110 Stat. 3393.)

HISTORICAL AND REVISION NOTES PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20301(a)	45:8 (“trains, locomotives, tenders, cars, and similar vehicles”).	
	45:9 (3d sentence).	
20301(b)	45:6 (1st sentence proviso).	Mar. 2, 1893, ch. 196, §6 (1st sentence proviso), 27 Stat. 532; restated Apr. 1, 1896, ch. 87, 29 Stat. 85.
	45:8 (words after 16th comma).	Mar. 2, 1903, ch. 976, §1 (words after 23d comma), 32 Stat. 943.

Subsection (a) is added to avoid repeating the substance of the definition throughout this chapter.

In subsection (b), the words before clause (1) are substituted for “*Provided*, That nothing in sections 1 to 7 of this title shall apply to” in 45:6 because 45:9, 11, and 16 provide that 45:9 and 11-16 apply to the same vehicles and trains as 45:1-7 apply to. In clause (1), the word “coal” is added for clarity because of the decision of the Supreme Court in *Baltimore & Ohio Railway Co. v. Jackson*, 353 U.S. 325, 333 (1957) and the legislative history of 45:6 (proviso). See 24 Cong. Rec. 1477 (1893). The text of 45:8 (words after last comma) is omitted as unnecessary because of the definition of “railroad” in section 20102 of the revised title.

PUB. L. 104-287

This amends 49:20301(b) to clarify the restatement of 45:8 by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 881).

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104-287 added par. (4).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.