

(1) revisions to the existing locomotive headlight standards, including standards for placement and intensity;

(2) requiring the use of reflective material to enhance locomotive visibility;

(3) requiring the use of additional alerting lights, including ditch, crossing, strobe, and oscillating lights;

(4) requiring the use of auxiliary lights to enhance locomotive visibility when viewed from the side;

(5) the effect of an enhanced visibility measure on the vision, health, and safety of train crew members; and

(6) separate standards for self-propelled, push-pull, and multi-unit passenger operations without a dedicated head end locomotive.

(e) FINAL REGULATIONS.—(1) Not later than June 30, 1995, the Secretary shall prescribe final regulations requiring enhanced locomotive visibility measures. The Secretary shall require that not later than December 31, 1997, a locomotive not excluded from the regulations be equipped with temporary visibility measures under subsection (b) of this section or the visibility measures the final regulations require.

(2) In prescribing regulations under paragraph (1) of this subsection, the Secretary may exclude a category of trains or rail operations from a specific visibility requirement if the Secretary decides the exclusion is in the public interest and is consistent with rail safety, including grade-crossing safety.

(3) A locomotive equipped with temporary visibility measures prescribed under subsection (b) of this section when final regulations are prescribed under paragraph (1) of this subsection is deemed to be complying with the final regulations for 4 years after the final regulations are prescribed.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 880.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 20143(a) through 20143(e)(3).

In this section, the word “visibility” is substituted for “conspicuity” for clarity and consistency in this chapter.

In subsection (a), the words “by means of lighting, reflective materials, or other means” are omitted as surplus.

In subsection (b), the words “those lights” are substituted for “such measures” for clarity.

In subsection (c), the word “Secretary’s” is substituted for “Department of Transportation’s” because of 49:102(b). The word “using” is substituted for “having . . . in service” to eliminate unnecessary words.

In subsection (e)(2) and (3) of this section, the reference is to paragraph (1) of this subsection, rather than to subsection (d) of this section, because the regulations are prescribed under paragraph (1).

In subsection (e)(2), the words “a category” are substituted for “and category” to correct an apparent mis-

take in the source provision. See S. Rept. 102–990, 102d Cong., 2d Sess., p. 18 (1992).

In subsection (e)(3), the word “full” is omitted as surplus.

§ 20144. Blue signal protection for on-track vehicles

The Secretary of Transportation shall prescribe regulations applying blue signal protection to on-track vehicles where rest is provided.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 881.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 20144.

The words “prescribe regulations” are substituted for “within one year after the date of the enactment of this Act, amend part 218 of title 49, Code of Federal Regulations” because the regulations to carry out this section have been prescribed.

§ 20145. Report on bridge displacement detection systems

Not later than 18 months after November 2, 1994, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report concerning any action that has been taken by the Secretary on railroad bridge displacement detection systems.

(Added Pub. L. 103–440, title II, §207(a), Nov. 2, 1994, 108 Stat. 4621; amended Pub. L. 104–287, §5(48), (49), Oct. 11, 1996, 110 Stat. 3393.)

AMENDMENTS

1996—Pub. L. 104–287 substituted “November 2, 1994” for “the date of enactment of the Federal Railroad Safety Authorization Act of 1994” and “Committee on Transportation and Infrastructure” for “Committee on Energy and Commerce”.

§ 20146. Institute for Railroad Safety

The Secretary of Transportation, in conjunction with a university or college having expertise in transportation safety, shall establish, within one year after November 2, 1994, an Institute for Railroad Safety. The Institute shall research, develop, fund, and test measures for reducing the number of fatalities and injuries relevant to railroad operations. There are authorized to be appropriated to the Secretary \$1,000,000 for each of the fiscal years 1996 through 2000 to fund activities carried out under this section by the Institute, which shall report at least once each year on its use of such funds in carrying out such activities and the results thereof to the Secretary of Transportation and the Congress.

(Added Pub. L. 103–440, title II, §210(a), Nov. 2, 1994, 108 Stat. 4621; amended Pub. L. 104–287, §5(49), Oct. 11, 1996, 110 Stat. 3393.)

AMENDMENTS

1996—Pub. L. 104–287 substituted “November 2, 1994” for “the date of enactment of the Federal Railroad Safety Authorization Act of 1994”.

§ 20147. Warning of civil liability

The Secretary of Transportation shall encourage railroad carriers to warn the public about potential liability for violation of regulations related to vandalism of railroad signs, devices, and equipment and to trespassing on railroad property.

(Added Pub. L. 103-440, title II, §211(a), Nov. 2, 1994, 108 Stat. 4622.)

§ 20148. Railroad car visibility

(a) REVIEW OF RULES.—The Secretary of Transportation shall conduct a review of the Department of Transportation's rules with respect to railroad car visibility. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced visibility measures in service.

(b) REGULATIONS.—If the review conducted under subsection (a) establishes that enhanced railroad car visibility would likely improve safety in a cost-effective manner, the Secretary shall initiate a rulemaking proceeding to prescribe regulations requiring enhanced visibility standards for newly manufactured and remanufactured railroad cars. In such proceeding the Secretary shall consider, at a minimum—

- (1) visibility of railroad cars from the perspective of nonrailroad traffic;
- (2) whether certain railroad car paint colors should be prohibited or required;
- (3) the use of reflective materials;
- (4) the visibility of lettering on railroad cars;
- (5) the effect of any enhanced visibility measures on the health and safety of train crew members; and
- (6) the cost/benefit ratio of any new regulations.

(c) EXCLUSIONS.—In prescribing regulations under subsection (b), the Secretary may exclude from any specific visibility requirement any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety.

(Added Pub. L. 103-440, title II, §212(a), Nov. 2, 1994, 108 Stat. 4622.)

§ 20149. Coordination with the Department of Labor

The Secretary of Transportation shall consult with the Secretary of Labor on a regular basis to ensure that all applicable laws affecting safe working conditions for railroad employees are appropriately enforced to ensure a safe and productive working environment for the railroad industry.

(Added Pub. L. 103-440, title II, §213(a), Nov. 2, 1994, 108 Stat. 4623.)

§ 20150. Positive train control system progress report

The Secretary of Transportation shall submit a report to the Congress on the development, deployment, and demonstration of positive train control systems by December 31, 1995.

(Added Pub. L. 103-440, title II, §214(a), Nov. 2, 1994, 108 Stat. 4623.)

§ 20151. Railroad trespassing, vandalism, and highway-rail grade crossing warning sign violation prevention strategy

(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property, vandalism affecting railroad safety, and violations of highway-rail grade crossing signs, signals, markings, or other warning devices and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review shall be completed within 1 year after the date of enactment of the Rail Safety Improvement Act of 2008. The Secretary shall revise the model prevention strategies and enforcement codes periodically.

(b) OUTREACH PROGRAM FOR TRESPASSING AND VANDALISM PREVENTION.—The Secretary shall develop and maintain a comprehensive outreach program to improve communications among Federal railroad safety inspectors, State inspectors certified by the Federal Railroad Administration, railroad police, and State and local law enforcement officers, for the purpose of addressing trespassing and vandalism problems on railroad property, and strengthening relevant enforcement strategies. This program shall be designed to increase public and police awareness of the illegality of, dangers inherent in, and the extent of, trespassing on railroad rights-of-way, to develop strategies to improve the prevention of trespassing and vandalism, and to improve the enforcement of laws relating to railroad trespass, vandalism, and safety.

(c) MODEL LEGISLATION.—(1) Within 18 months after November 2, 1994, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for—

- (A) civil or criminal penalties, or both, for vandalism of railroad equipment or property which could affect the safety of the public or of railroad employees; and
- (B) civil or criminal penalties, or both, for trespassing on a railroad owned or leased right-of-way.

(2) Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signs, signals, markings, or other warning devices.

(d) DEFINITION.—In this section, the term “violation of highway-rail grade crossing signs, signals, markings, or other warning devices” includes any action by a motorist, unless directed by an authorized safety officer—

- (1) to drive around a grade crossing gate in a position intended to block passage over railroad tracks;
- (2) to drive through a flashing grade crossing signal;