

ACCIDENT AND INCIDENT REPORTING

Pub. L. 110-432, div. A, title II, §209, Oct. 16, 2008, 122 Stat. 4876, provided that: "The Federal Railroad Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to any Federal national accident database."

[For definitions of "railroad" and "crossing", as used in section 209 of Pub. L. 110-432, set out above, see section 2(a) of Pub. L. 110-432, set out as a note under section 20102 of this title.]

§ 20902. Investigations

(a) GENERAL AUTHORITY.—The Secretary of Transportation, or an impartial investigator authorized by the Secretary, may investigate—

(1) an accident or incident resulting in serious injury to an individual or to railroad property, occurring on the railroad line of a railroad carrier; and

(2) an accident or incident reported under section 20505 of this title.

(b) OTHER DUTIES AND POWERS.—In carrying out an investigation, the Secretary or authorized investigator may subpoena witnesses, require the production of records, exhibits, and other evidence, administer oaths, and take testimony. If the accident or incident is investigated by a commission of the State in which it occurred, the Secretary, if convenient, shall carry out the investigation at the same time as, and in coordination with, the commission's investigation. The railroad carrier on whose railroad line the accident or incident occurred shall provide reasonable facilities to the Secretary for the investigation.

(c) REPORTS.—When in the public interest, the Secretary shall make a report of the investigation, stating the cause of the accident or incident and making recommendations the Secretary considers appropriate. The Secretary shall publish the report in a way the Secretary considers appropriate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 887.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 20902(a), 20902(b), and 20902(c) with their respective legislative sources.

In this section, the words "accident" and "incident" are used, and the words "collision" and "derailment" are omitted, for consistency in this part.

Subsection (a)(2) is substituted for the text of 49 App.:26(f) (words after last semicolon) for clarity.

In subsection (b), the words "In carrying out an investigation" are substituted for "shall have authority

to investigate such collisions, derailments, or other accidents aforesaid, and all the attending facts, conditions, and circumstances, and for that purpose" to eliminate unnecessary words. The words "books, papers, orders, memoranda" are omitted as being included in "papers". The words "in coordination with" are substituted for "in connection with" for clarity. The words "The railroad carrier on whose railroad line the accident or incident occurred" are added for clarity.

In subsection (c), the words "When in the public interest" are substituted for "when he deems it to the public interest" to eliminate unnecessary words.

§ 20903. Reports not evidence in civil actions for damages

No part of an accident or incident report filed by a railroad carrier under section 20901 of this title or made by the Secretary of Transportation under section 20902 of this title may be used in a civil action for damages resulting from a matter mentioned in the report.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 887.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 20903 with source 45:41 and Statutes at Large reference.

The words "civil action" are substituted for "suit or action" for consistency in the revised title and with other titles of the United States Code.

CHAPTER 211—HOURS OF SERVICE

- Sec. 21101. Definitions.
21102. Nonapplication, exemption, and alternate hours of service regime.
21103. Limitations on duty hours of train employees.
21104. Limitations on duty hours of signal employees.
21105. Limitations on duty hours of dispatching service employees.
21106. Limitations on employee sleeping quarters.
21107. Maximum duty hours and subjects of collective bargaining.
21108. Pilot projects.
21109. Regulatory authority.

AMENDMENTS

2008—Pub. L. 110-432, div. A, title I, §108(d)(2), (e)(2)(A), Oct. 16, 2008, 122 Stat. 4864, 4865, substituted item 21102 for former item 21102 "Nonapplication and exemption" and added item 21109.

1994—Pub. L. 103-440, title II, §203(b), Nov. 2, 1994, 108 Stat. 4620, added item 21108.

§ 21101. Definitions

In this chapter—

(1) "designated terminal" means the home or away-from-home terminal for the assignment of a particular crew.

(2) "dispatching service employee" means an operator, train dispatcher, or other train employee who by the use of an electrical or mechanical device dispatches, reports, transmits, receives, or delivers orders related to or affecting train movements.

(3) "employee" means a dispatching service employee, a signal employee, or a train employee.

(4) "signal employee" means an individual who is engaged in installing, repairing, or maintaining signal systems.