

proved by the Secretary of Transportation” and “the Secretary may . . . revise, amend, or modify” for clarity and to eliminate unnecessary words. The words “regulation or . . . a requirement applicable to a railroad carrier for installing, maintaining, inspecting, or repairing a signal system under this chapter” are substituted for “rules, standards, and instructions herein provided for” and “rules, standards, and instructions prescribed by him under this subsection” for clarity, for consistency in the revised title, and because of the restatement. Clause (1) is substituted for “such railroad may from time to time change . . . but such change shall not take effect and the new rules, standards, and instructions be enforced until they shall have been filed with” for clarity and to eliminate unnecessary words. The words “and as revised, amended, or modified they shall be obligatory upon the railroad after a copy thereof shall have been served as above provided” are omitted as being superseded by 5:ch. 5, subch. II.

**§ 20504. Inspection, testing, and investigation**

(a) SYSTEMS IN USE.—(1) The Secretary of Transportation may—

(A) inspect and test a signal system used by a railroad carrier; and

(B) decide whether the system is in safe operating condition.

(2) In carrying out this subsection, the Secretary may employ only an individual who—

(A) has no interest in a patented article required to be used on or with a signal system; and

(B) has no financial interest in a railroad carrier or in a concern dealing in railroad supplies.

(b) SYSTEMS SUBMITTED FOR INVESTIGATION AND TESTING.—The Secretary may investigate, test, and report on the use of and need for a signal system, without cost to the United States Government, when the system is submitted in completed shape for investigation and testing.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 884.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)     | Source (Statutes at Large)   |
|-----------------|------------------------|--|
| 20504(a) .....  | 49 App.:26(d).         | Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(d); added Feb. 28, 1920, ch. 91, §441, 41 Stat. 498; restated Aug. 26, 1937, ch. 818, 50 Stat. 836; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919; June 22, 1988, Pub. L. 100-342, §17(4), (8), 102 Stat. 635, 636. |
|                 | 49 App.:1655(e)(6)(A). | Oct. 15, 1966, Pub. L. 89-670, §6(e)(1)(I), (6)(A), 80 Stat. 939.  |
| 20504(b) .....  | 45:36.                 | May 27, 1908, ch. 200, §1 (1st complete par. on p. 325), 35 Stat. 325.   |
|                 | 49 App.:1655(e)(1)(I). |  |

In subsection (a)(1)(B), the words “safe operating condition” are substituted for “proper condition to operate and provide adequate safety” to eliminate unnecessary words.

In subsection (a)(2), before clause (A), the text of 49:26(d) (2d sentence) is omitted because of 5:3101. The text of 49:26(d) (3d sentence) is omitted because of 5:ch. 33. The words “In carrying out this subsection, the Secretary may employ” are substituted for “shall be used for such purpose” for clarity. In clause (A), the words “either directly or indirectly” are omitted as surplus.

In subsection (b), the word “experimentally” is omitted as surplus. The words “signal system” are substituted for “any appliances or systems intended to

promote the safety of railway operation” because of the definition of “signal system” in section 20501 of the revised title. The text of 45:36 (last sentence) is omitted because of 49:323.

**§ 20505. Reports of malfunctions and accidents**

In the way and to the extent required by the Secretary of Transportation, a railroad carrier shall report to the Secretary a failure of a signal system to function as intended. If the failure results in an accident or incident causing injury to an individual or property that is required to be reported under regulations prescribed by the Secretary, the carrier owning or maintaining the signal system shall report to the Secretary immediately in writing the fact of the accident or incident.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 884.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                           | Source (Statutes at Large)  |
|-----------------|--|---|
| 20505 .....     | 49 App.:26(f) (words before last semicolon). | Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(f) (words before last semicolon); added Feb. 28, 1920, ch. 91, §441, 41 Stat. 498; restated Aug. 26, 1937, ch. 818, 50 Stat. 836; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919; June 22, 1988, Pub. L. 100-342, §17(6), (8), 102 Stat. 636. |
|                 | 49 App.:1655(e)(6)(A).                       | Oct. 15, 1966, Pub. L. 89-670, §6(e)(6)(A), 80 Stat. 939.   |

The words “signal system” are substituted for “such systems, devices, or appliances” because of the definition of “signal system” in section 20501 of the revised title. The word “indicate” is omitted as being included in “function”. The words “or incident” are added for consistency in this part. The word “individual” is substituted for “person”, and the word “immediately” is substituted for “forthwith”, for consistency in the revised title and with other titles of the United States Code.

**CHAPTER 207—LOCOMOTIVES**

Sec.

- 20701. Requirements for use.
- 20702. Inspections, repairs, and inspection and repair reports.
- 20703. Accident reports and investigations.

**§ 20701. Requirements for use**

A railroad carrier may use or allow to be used a locomotive or tender on its railroad line only when the locomotive or tender and its parts and appurtenances—

- (1) are in proper condition and safe to operate without unnecessary danger of personal injury;
- (2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and
- (3) can withstand every test prescribed by the Secretary under this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 885.)