

track inspection, and grants under section 20105(e) of this title remain available until expended.

(d) **MINIMUM AVAILABLE FOR CERTAIN PURPOSES.**—At least 50 percent of the amounts appropriated to the Secretary for a fiscal year to carry out railroad research and development programs under this chapter or another law shall be available for safety research, improved track inspection and information acquisition technology, improved railroad freight transportation, and improved railroad passenger systems.

(e) **OPERATION LIFESAVER.**—In addition to amounts otherwise authorized by law, there are authorized to be appropriated for railroad research and development \$300,000 for fiscal year 1995, \$500,000 for fiscal year 1996, and \$750,000 for fiscal year 1997, to support Operation Lifesaver, Inc.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 872; Pub. L. 103–440, title II, §§202, 218, Nov. 2, 1994, 108 Stat. 4619, 4625; Pub. L. 110–432, div. A, §3, Oct. 16, 2008, 122 Stat. 4850.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20117(a)(1) ..	45:444(a) (1st sentence).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §214(a) (1st sentence); added Oct. 10, 1980, Pub. L. 96–423, §2, 94 Stat. 1811; Aug. 13, 1981, Pub. L. 97–35, §1195, 95 Stat. 702; Jan. 14, 1983, Pub. L. 97–468, §703, 96 Stat. 2580; restated June 22, 1988, Pub. L. 100–342, §2, 102 Stat. 624; Nov. 5, 1990, Pub. L. 101–508, §10501(b), 104 Stat. 1388–400; restated Sept. 3, 1992, Pub. L. 102–365, §12, 106 Stat. 980.
20117(a)(2) ..	45:435(h).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §206(h); Nov. 16, 1990, Pub. L. 101–615, §28(d), 104 Stat. 3277.
20117(b) .....	45:445(c).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §215(c); added June 22, 1988, Pub. L. 100–342, §20, 102 Stat. 638.
20117(c) .....	45:444(b).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §214(b); added Oct. 10, 1980, Pub. L. 96–423, §2, 94 Stat. 1811; Jan. 14, 1983, Pub. L. 97–468, §703, 96 Stat. 2580; restated June 22, 1988, Pub. L. 100–342, §2, 102 Stat. 624.
20117(d) .....	45:442.	Nov. 2, 1978, Pub. L. 95–574, §3, 92 Stat. 2459.

In subsection (a), references to fiscal years prior to 1993 are omitted as obsolete.

#### REFERENCES IN TEXT

Section 403 of the Rail Safety Improvement Act of 2008, referred to in subsec. (a)(2), is section 403 of Pub. L. 110–432, which is set out as a note under section 20142 of this title.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110–432 amended subsec. (a) generally. Prior to amendment, subsec. (a) authorized appropriations for fiscal years 1993 through 1998.

1994—Subsec. (a)(1)(C) to (F). Pub. L. 103–440, §202, added subpars. (C) to (F).

Subsec. (e). Pub. L. 103–440, §218, added subsec. (e).

#### § 20118. Prohibition on public disclosure of railroad safety analysis records

(a) **IN GENERAL.**—Except as necessary for the Secretary of Transportation or another Federal agency to enforce or carry out any provision of Federal law, any part of any record (including, but not limited to, a railroad carrier's analysis of its safety risks and its statement of the mitigation measures it has identified with which to address those risks) that the Secretary has obtained pursuant to a provision of, or regulation or order under, this chapter related to the establishment, implementation, or modification of a railroad safety risk reduction program or pilot program is exempt from the requirements of section 552 of title 5 if the record is—

(1) supplied to the Secretary pursuant to that safety risk reduction program or pilot program; or

(2) made available for inspection and copying by an officer, employee, or agent of the Secretary pursuant to that safety risk reduction program or pilot program.

(b) **EXCEPTION.**—Notwithstanding subsection (a), the Secretary may disclose any part of any record comprised of facts otherwise available to the public if, in the Secretary's sole discretion, the Secretary determines that disclosure would be consistent with the confidentiality needed for that safety risk reduction program or pilot program.

(c) **DISCRETIONARY PROHIBITION OF DISCLOSURE.**—The Secretary may prohibit the public disclosure of risk analyses or risk mitigation analyses that the Secretary has obtained under other provisions of, or regulations or orders under, this chapter if the Secretary determines that the prohibition of public disclosure is necessary to promote railroad safety.

(Added Pub. L. 110–432, div. A, title I, §109(a), Oct. 16, 2008, 122 Stat. 4866.)

#### § 20119. Study on use of certain reports and surveys

(a) **STUDY.**—The Federal Railroad Administration shall complete a study to evaluate whether it is in the public interest, including public safety and the legal rights of persons injured in railroad accidents, to withhold from discovery or admission into evidence in a Federal or State court proceeding for damages involving personal injury or wrongful death against a carrier any report, survey, schedule, list, or data compiled or collected for the purpose of evaluating, planning, or implementing a railroad safety risk reduction program required under this chapter, including a railroad carrier's analysis of its safety risks and its statement of the mitigation measures with which it will address those risks. In conducting this study, the Secretary shall solicit input from the railroads, railroad non-profit employee labor organizations, railroad accident victims and their families, and the general public.

(b) **AUTHORITY.**—Following completion of the study required under subsection (a), the Secretary, if in the public interest, including public safety and the legal rights of persons injured in railroad accidents, may prescribe a rule subject