

tence), “The district courts of the United States shall have jurisdiction, upon petition by the Attorney General” in 45:437(d)(2), and “The United States district court shall . . . upon petition by the Attorney General on behalf of the United States . . . have jurisdiction” in 45:439(a) for clarity and consistency. It is not necessary to restate that the district court has jurisdiction because of 28:1331 and 1345. See also the statement of Senator Prouty in 115 Cong. Rec. 40205 (1969) explaining that similar language in section 110 of S. 1933, 91st Cong., 1st Sess. (the derivative source for 45:439) would grant the Attorney General the power to seek injunctions. Clauses (1)–(3) are substituted for the source provisions to eliminate unnecessary words. In clause (1), the words “subject to the provisions of rules 65(a) and (b) of the Federal Rules of Civil Procedure” in 45:439(a) are omitted as surplus because the Federal Rules of Civil Procedure (28 App. U.S.C.) apply in the district court unless otherwise provided. In clause (2), the words “or an amount agreed on in compromise” are added for clarity.

In subsection (b)(1), the text of 45:439(c) (words before 1st comma) is omitted because it applies only to actions brought by a State authority. See discussion of the cross-reference in the note for section 20113(c) of the revised title. The last sentence is substituted for “in which the individual resides” in 45:438(c) because of the restatement.

In subsection (b)(2), the words “compliance order issued under section 20111(b) of this title” are substituted for “order, or directive” because the latter words are interpreted as referring to “orders directing compliance” in 45:437(a) (2d sentence), restated in section 20111(b).

Editorial Notes

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-432, §309(1), inserted “this part, except for section 20109 of this title, or” after “enforce.”

Subsec. (a)(2). Pub. L. 110-432, §309(2), substituted “21301, 21302, or 21303” for “21301”.

Subsec. (a)(3). Pub. L. 110-432, §309(3), (4), substituted “subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition” for “subpena” and “part.” for “chapter.”

§ 20113. Enforcement by the States

(a) **INJUNCTIVE RELIEF.**—If the Secretary of Transportation does not begin a civil action under section 20112 of this title to enjoin the violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 15 days after the date the Secretary receives notice of the violation and a request from a State authority participating in investigative and surveillance activities under section 20105 of this title that the action be brought, the authority may bring a civil action in a district court of the United States to enjoin the violation. This subsection does not apply if the Secretary makes an affirmative written finding that the violation did not occur or that the action is not necessary because of other enforcement action taken by the Secretary related to the violation.

(b) **IMPOSITION AND COLLECTION OF CIVIL PENALTIES.**—If the Secretary does not impose the applicable civil penalty for a violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 60 days after the date of receiving notice from a State authority participating in investigative and surveillance activities under section 20105 of this title, the

authority may bring a civil action in a district court of the United States to impose and collect the penalty. This paragraph does not apply if the Secretary makes an affirmative written finding that the violation did not occur.

(c) **VENUE.**—A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. However, a State authority may not bring an action under this section outside the State.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 869.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20113(a)	45:436(b)(1) (related to authority to bring actions), (2). 45:439(a) (related to actions by States).	Oct. 16, 1970, Pub. L. 91-458, §207(b), (c), 84 Stat. 974; Nov. 2, 1978, Pub. L. 95-574, §8, 92 Stat. 2461; restated Oct. 10, 1980, Pub. L. 96-423, §5, 94 Stat. 1812. Oct. 16, 1970, Pub. L. 91-458, §210(a) (related to actions by States), 84 Stat. 975; Oct. 10, 1980, Pub. L. 96-423, §9(a), 94 Stat. 1814; Nov. 16, 1990, Pub. L. 101-615, §28(f), 104 Stat. 3277.
20113(b)	45:436(a)(1) (related to authority to bring actions), (2).	Oct. 16, 1970, Pub. L. 91-458, §207(a), 84 Stat. 974; Nov. 2, 1978, Pub. L. 95-574, §8, 92 Stat. 2461; restated Oct. 10, 1980, Pub. L. 96-423, §5, 94 Stat. 1812; Nov. 16, 1990, Pub. L. 101-615, §28(e), 104 Stat. 3277.
20113(c)	45:436(a)(1) (related to venue), (b)(1) (related to venue), (c). 45:439(c) (related to actions by States).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §210(c) (related to actions by States); added Oct. 10, 1980, Pub. L. 96-423, §9(b), 94 Stat. 1815.

In subsection (a), the language about jurisdiction in 45:439(a) (related to actions by States) is omitted for the reasons explained in the revision note for section 20112(a) of the revised title.

In subsection (b), the word “impose” is substituted for “assess” for consistency. The words “the authority may bring a civil action in an appropriate district court of the United States” are substituted for “agency may apply to the United States district court” for consistency in the revised title and with other titles of the United States Code. The words “included in or made applicable to such rule, regulation, order, or standard” are omitted as surplus.

In subsection (c), the reference to “section 207(d)” in section 210(c) of the Federal Railroad Safety Act of 1970 (Public Law 91-458, 84 Stat. 971), as added by section 9(b) of the Federal Railroad Safety Authorization Act of 1980 (Public Law 96-423, 94 Stat. 1815), is assumed to have been intended as a reference to section 207(c). The Federal Railroad Safety Authorization Act of 1980 was derived from S. 2730, which in turn was derived from H.R. 7104. See 126 Cong. Rec. 26535 (1980). Section 207(d) in an earlier version of H.R. 7104 was redesignated as section 207(c) during the legislative process and no section 207(d) was enacted. See H.R. Rept. No. 96-1025, 96th Cong., 2d Sess., pp. 14, 15 (1980).

§ 20114. Judicial procedures

(a) **CRIMINAL CONTEMPT.**—In a trial for criminal contempt for violating an injunction or restraining order issued under this chapter, the violation of which is also a violation of this chapter, the defendant may demand a jury trial. The defendant shall be tried as provided in rule