

(iii) hazardous materials shippers; and
 (iv) individuals;

(5) identifies the number of locomotive engineer certification denial or revocation cases appealed to and the average length of time it took to be decided by—
 (A) the Locomotive Engineer Review Board;
 (B) an administrative hearing officer or administrative law judge; or
 (C) the Administrator of the Federal Railroad Administration;

(6) provides an explanation regarding any changes in the Secretary’s or the Federal Railroad Administration’s enforcement programs or policies that may substantially affect the information reported; and
 (7) includes any additional information that the Secretary determines is useful to improve the transparency of its enforcement program.

(Added Pub. L. 110-432, div. A, title III, §303(a), Oct. 16, 2008, 122 Stat. 4878; amended Pub. L. 114-94, div. A, title XI, §11316(d), Dec. 4, 2015, 129 Stat. 1676.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-94, §11316(d)(1), substituted “Web site” for “website” in introductory provisions.

Subsec. (a)(1). Pub. L. 114-94, §11316(d)(2), substituted “accident and incident reporting” for “accident and incidence reporting”.

Subsec. (a)(2)(G). Pub. L. 114-94, §11316(d)(3), inserted “and” at end.

Subsec. (a)(5)(B). Pub. L. 114-94, §11316(d)(4), substituted “administrative hearing officer or administrative law judge” for “Administrative Hearing Officer or Administrative Law Judge”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

§ 20121. Repair and replacement of damaged track inspection equipment

The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government-owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

(Added Pub. L. 114-94, div. A, title XI, §11413(a), Dec. 4, 2015, 129 Stat. 1688.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amend-

ment note under section 5313 of Title 5, Government Organization and Employees.

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

§ 20131. Restricted access to rolling equipment

The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to require that when railroad carrier employees (except train or yard crews) assigned to inspect, test, repair, or service rolling equipment have to work on, under, or between that equipment, every manually operated switch, including each crossover switch, providing access to the track on which the equipment is located is lined against movement to that track and secured by an effective locking device that can be removed only by the class or craft of employees performing the inspection, testing, repair, or service.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 872.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20131	45:431(g) (1st sentence cl. (1)).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(g) (1st sentence cl. (1)); added July 8, 1976, Pub. L. 94-348, §5(b), 90 Stat. 820.

The words “within 180 days after July 8, 1976” are omitted as expired.

§ 20132. Visible markers for rear cars

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to require that—

(1) the rear car of each passenger and commuter train has at least one highly visible marker that is lighted during darkness and when weather conditions restrict clear visibility; and

(2) the rear car of each freight train has highly visible markers during darkness and when weather conditions restrict clear visibility.

(b) PREEMPTION.—Notwithstanding section 20106 of this title, subsection (a) of this section does not prohibit a State from continuing in force a law, regulation, or order in effect on July 8, 1976, related to lighted markers on the rear car of a freight train except to the extent it would cause the car to be in violation of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 873.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20132(a)	45:431(g) (1st sentence cls. (2), (3)).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(g) (1st sentence cls. (2), (3), last sentence); added July 8, 1976, Pub. L. 94-348, §5(b), 90 Stat. 820.
20132(b)	45:431(g) (last sentence).	

In subsection (a), before clause (1), the words “within 180 days after July 8, 1976” are omitted as expired.

§ 20133. Passenger cars

(a) **MINIMUM STANDARDS.**—The Secretary of Transportation shall prescribe regulations establishing minimum standards for the safety of cars used by railroad carriers to transport passengers. Before prescribing such regulations, the Secretary shall consider—

- (1) the crashworthiness of the cars;
- (2) interior features (including luggage restraints, seat belts, and exposed surfaces) that may affect passenger safety;
- (3) maintenance and inspection of the cars;
- (4) emergency response procedures and equipment; and
- (5) any operating rules and conditions that directly affect safety not otherwise governed by regulations.

The Secretary may make applicable some or all of the standards established under this subsection to cars existing at the time the regulations are prescribed, as well as to new cars, and the Secretary shall explain in the rulemaking document the basis for making such standards applicable to existing cars.

(b) **INITIAL AND FINAL REGULATIONS.**—(1) The Secretary shall prescribe initial regulations under subsection (a) within 3 years after November 2, 1994. The initial regulations may exempt equipment used by tourist, historic, scenic, and excursion railroad carriers to transport passengers.

(2) The Secretary shall prescribe final regulations under subsection (a) within 5 years after November 2, 1994.

(c) **PERSONNEL.**—The Secretary may establish within the Department of Transportation 2 additional full-time equivalent positions beyond the number permitted under existing law to assist with the drafting, prescribing, and implementation of regulations under this section.

(d) **CONSULTATION.**—In prescribing regulations, issuing orders, and making amendments under this section, the Secretary may consult with Amtrak, public authorities operating railroad passenger service, other railroad carriers transporting passengers, organizations of passengers, and organizations of employees. A consultation is not subject to the Federal Advisory Committee Act (5 U.S.C. App.), but minutes of the consultation shall be placed in the public docket of the regulatory proceeding.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 873; Pub. L. 103–440, title II, §215(a), Nov. 2, 1994, 108 Stat. 4623; Pub. L. 104–287, §5(47), Oct. 11, 1996, 110 Stat. 3393.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20133(a)	45:431(h)(1)(A) (1st, last sentences), (B), (4).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(h); added Oct. 10, 1980, Pub. L. 96–423, §14, 94 Stat. 1817; Jan. 14, 1983, Pub. L. 97–468, §702(a), 96 Stat. 2579.
20133(b)	45:431(h)(1)(A) (2d, 3d sentences), (2).	
20133(c)	45:431(h)(3).	

In subsection (a), the words “within one year after January 14, 1983” and “initial” are omitted as obsolete. The text of 45:431(h)(1)(B) is omitted as executed. The

words “after a hearing in accordance with subsection (b) of this section” are omitted as surplus because of section 20103(e) of the revised title.

In subsections (b) and (c), the word “subsequent” is omitted as surplus.

In subsection (c), the word “Amtrak” is substituted for “National Railroad Passenger Corporation” for consistency in this subtitle. The word “regulatory” is substituted for “rulemaking” for consistency in the revised title.

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104–287, §5(47)(A), substituted “November 2, 1994” for “the date of enactment of the Federal Railroad Safety Authorization Act of 1994”.

Subsec. (b)(2). Pub. L. 104–287, §5(47)(B), substituted “November 2, 1994” for “such date of enactment”.

1994—Pub. L. 103–440 amended section generally, substituting present provisions for provisions requiring the Secretary to take administrative action to ensure that the construction, operation, and maintenance of passenger rail equipment maximize the safety of passengers, and providing for areas of consideration and concentration, as well as consultation with Amtrak.

Statutory Notes and Related Subsidiaries

EMERGENCY LIGHTING

Pub. L. 117–58, div. B, title II, §22406, Nov. 15, 2021, 135 Stat. 738, provided that: “Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall initiate a rulemaking to require that all rail carriers providing intercity passenger rail transportation or commuter rail passenger transportation (as such terms are defined in section 24102 of title 49, United States Code), develop and implement periodic inspection plans to ensure that passenger equipment offered for revenue service complies with the requirements under part 238 of title 49, Code of Federal Regulations, including ensuring that, in the event of a loss of power, there is adequate emergency lighting available to allow passengers, crew members, and first responders—

- “(1) to see and orient themselves;
- “(2) to identify obstacles;
- “(3) to safely move throughout the rail car; and
- “(4) to evacuate safely.”

PASSENGER RAIL VEHICLE OCCUPANT PROTECTION SYSTEMS

Pub. L. 117–58, div. B, title II, §22420, Nov. 15, 2021, 135 Stat. 749, provided that:

“(a) **STUDY.**—The Administrator of the Federal Railroad Administration shall conduct a study of the potential installation and use in new passenger rail rolling stock of passenger rail vehicle occupant protection systems that could materially improve passenger safety.

“(b) **CONSIDERATIONS.**—In conducting the study under subsection (a), the Administrator shall consider minimizing the risk of secondary collisions, including estimating the costs and benefits of the new requirements, through the use of—

- “(1) occupant restraint systems;
- “(2) air bags;
- “(3) emergency window retention systems; and
- “(4) interior designs, including seats, baggage restraints, and table configurations and attachments.

“(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], the Administrator shall—