

“(1) submit a report summarizing the findings of the study conducted pursuant to subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

“(2) publish such report on the website of the Federal Railroad Administration.

“(d) RULEMAKING.—Following the completion of the study required under subsection (a), and after considering the costs and benefits of the proposed protection systems, the Administrator may promulgate a rule that establishes standards for the use of occupant protection systems in new passenger rail rolling stock.”

§ 20134. Grade crossings and railroad rights of way

(a) GENERAL.—To the extent practicable, the Secretary of Transportation shall maintain a coordinated effort to develop and carry out solutions to the railroad grade crossing problem and measures to protect pedestrians in densely populated areas along railroad rights of way. To carry out this subsection, the Secretary may use the authority of the Secretary under this chapter and over highway, traffic, and motor vehicle safety and over highway construction. The Secretary may purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to preventing trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.

(b) SIGNAL SYSTEMS AND OTHER DEVICES.—Not later than June 22, 1989, the Secretary shall prescribe regulations and issue orders to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.

(c) DEMONSTRATION PROJECTS.—(1) The Secretary shall establish demonstration projects to evaluate whether accidents and incidents involving trains would be reduced by—

(A) reflective markers installed on the road surface or on a signal post at railroad grade crossings;

(B) stop signs or yield signs installed at grade crossings; and

(C) speed bumps or rumble strips installed on the road surfaces at the approaches to grade crossings.

(2) Not later than June 22, 1990, the Secretary shall submit a report on the results of the demonstration projects to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 873; Pub. L. 104–287, §5(48), Oct. 11, 1996, 110 Stat. 3393; Pub. L. 110–432, div. A, title II, §208(c), Oct. 16, 2008, 122 Stat. 4876.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20134(b)	45:431(q).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §§202(q), 215(a), (b); added June 22, 1988, Pub. L. 100–342, §§20, 23, 102 Stat. 638, 639; Sept. 3, 1992, Pub. L. 102–365, §2(4), 106 Stat. 972.
20134(c)	45:445(a), (b).	

In subsection (a), the words “In addition” are omitted as surplus. The word “maintain” is substituted for “undertake” for clarity because the effort has begun. The words “the objective of” are omitted as surplus. The words “To carry out this section, the Secretary may use” are added for clarity.

In subsection (b), the words “Not later than June 22, 1989” are substituted for “within one year after June 22, 1988” for clarity.

In subsection (c)(1), before clause (A), and (2), the word “Secretary” is substituted for “Federal Railroad Administration” for clarity and consistency in the revised title. In this restatement, the Secretary of Transportation carries out all laws. However, this subsection is based on source provisions that provide that the Federal Railroad Administration carries out the subsection. A cross-reference to this subsection has been included in 49:103 to preserve duties and powers under this subsection to the Administrator of the Federal Railroad Administration.

In subsection (c)(1), before clause (A), the words “and incidents” are added for consistency in this part.

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–432 inserted at end “The Secretary may purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to preventing trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.”

1996—Subsec. (c)(2). Pub. L. 104–287 substituted “Committee on Transportation and Infrastructure” for “Committee on Energy and Commerce”.

Statutory Notes and Related Subsidiaries

PEDESTRIAN CROSSING SAFETY

Pub. L. 110–432, div. A, title II, §201, Oct. 16, 2008, 122 Stat. 4868, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 16, 2008], the Secretary shall provide guidance to railroads on strategies and methods to prevent pedestrian accidents, incidents, injuries, and fatalities at or near passenger stations, including—

“(1) providing audible warning of approaching trains to the pedestrians at railroad passenger stations;

“(2) using signs, signals, or other visual devices to warn pedestrians of approaching trains;

“(3) installing infrastructure at pedestrian crossings to improve the safety of pedestrians crossing railroad tracks;

“(4) installing fences to prohibit access to railroad tracks; and

“(5) other strategies or methods as determined by the Secretary.”

[For definitions of “crossing”, “Secretary”, and “railroad”, as used in section 201 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.]

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20134(a)	45:433(b).	Oct. 16, 1970, Pub. L. 91–458, §204(b), 84 Stat. 972.

§ 20135. Licensing or certification of locomotive operators

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the licensing or certification, after one year after the program is established, of any operator of a locomotive.

(b) PROGRAM REQUIREMENTS.—The program established under subsection (a) of this section—

(1) shall be carried out through review and approval of each railroad carrier's operator qualification standards;

(2) shall provide minimum training requirements;

(3) shall require comprehensive knowledge of applicable railroad carrier operating practices and rules;

(4) except as provided in subsection (c)(1) of this section, shall require consideration, to the extent the information is available, of the motor vehicle driving record of each individual seeking licensing or certification, including—

(A) any denial, cancellation, revocation, or suspension of a motor vehicle operator's license by a State for cause within the prior 5 years; and

(B) any conviction within the prior 5 years of an offense described in section 30304(a)(3)(A) or (B) of this title;

(5) may require, based on the individual's driving record, disqualification or the granting of a license or certification conditioned on requirements the Secretary prescribes; and

(6) shall require an individual seeking a license or certification—

(A) to request the chief driver licensing official of each State in which the individual has held a motor vehicle operator's license within the prior 5 years to provide information about the individual's driving record to the individual's employer, prospective employer, or the Secretary, as the Secretary requires; and

(B) to make the request provided for in section 30305(b)(4) of this title for information to be sent to the individual's employer, prospective employer, or the Secretary, as the Secretary requires.

(c) WAIVERS.—(1) The Secretary shall prescribe standards and establish procedures for waiving subsection (b)(4) of this section for an individual or class of individuals who the Secretary decides are not currently unfit to operate a locomotive. However, the Secretary may waive subsection (b)(4) for an individual or class of individuals with a conviction, cancellation, revocation, or suspension described in paragraph (2)(A) or (B) of this subsection only if the individual or class, after the conviction, cancellation, revocation, or suspension, successfully completes a rehabilitation program established by a railroad carrier or approved by the Secretary.

(2) If an individual, after the conviction, cancellation, revocation, or suspension, successfully completes a rehabilitation program established by a railroad carrier or approved by the Secretary, the individual may not be denied a license or certification under subsection (b)(4) of this section because of—

(A) a conviction for operating a motor vehicle when under the influence of, or impaired by, alcohol or a controlled substance; or

(B) the cancellation, revocation, or suspension of the individual's motor vehicle operator's license for operating a motor vehicle when under the influence of, or impaired by, alcohol or a controlled substance.

(d) OPPORTUNITY FOR HEARING.—An individual denied a license or certification or whose license or certification is conditioned on requirements prescribed under subsection (b)(4) of this section shall be entitled to a hearing under section 20103(e) of this title to decide whether the license has been properly denied or conditioned.

(e) OPPORTUNITY TO EXAMINE AND COMMENT ON INFORMATION.—The Secretary, employer, or prospective employer, as appropriate, shall make information obtained under subsection (b)(6) of this section available to the individual. The individual shall be given an opportunity to comment in writing about the information. Any comment shall be included in any record or file maintained by the Secretary, employer, or prospective employer that contains information to which the comment is related.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 874.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20135(a)	45:431(i)(1).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(i); added June 22, 1988, Pub. L. 100-342, §§4(a), 7(b), 102 Stat. 625, 628; Sept. 3, 1992, Pub. L. 102-365, §2(1), 106 Stat. 972.
20135(b)	45:431(i)(2).	
20135(c)(1) ..	45:431(i)(4).	
20135(c)(2) ..	45:431(i)(6).	
20135(d)	45:431(i)(5).	
20135(e)	45:431(i)(3).	

In subsection (a), the words "within 12 months after June 22, 1988" are omitted as executed. The words "including any locomotive engineer" are omitted as surplus. The words "after one year after" are substituted for "after the expiration of 12 months following" to eliminate unnecessary words.

In subsection (b)(5), the word "requirements" is substituted for "terms" for consistency in this section.

In subsection (c)(1), the words "In establishing the program under this subsection" are omitted as surplus.

§ 20136. Automatic train control and related systems

The Secretary of Transportation shall prescribe regulations and issue orders to require that—

(1) an individual performing a test of an automatic train stop, train control, or cab signal apparatus required by the Secretary to be performed before entering territory where the apparatus will be used shall certify in writing that the test was performed properly; and

(2) the certification required under clause (1) of this section shall be maintained in the same way and place as the daily inspection report for the locomotive.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 875; Pub. L. 103-429, §6(19), Oct. 31, 1994, 108 Stat. 4379.)