

“(1) to provide locomotive engineers or conductors the knowledge and skills to safely operate trains under conditions that reflect industry practices;

“(2) to adequately address locomotive engineer or conductor route situational awareness, including ensuring locomotive engineers and conductors to demonstrate knowledge on the physical characteristics of a territory under various conditions and using various resources;

“(3) to provide relevant and adequate hands-on training before a locomotive engineer or conductor is certified;

“(4) to adequately prepare locomotive engineers or conductors to understand relevant locomotive operating characteristics, to include instructions on functions they are required to operate on any installed technology; and

“(5) to address any other safety issue that the Secretary determines to be appropriate for better preparing locomotive engineers or conductors.

“(f) ANNUAL REPORT.—The Secretary shall publish an annual report on the public website of the Federal Railroad Administration that—

“(1) summarizes the findings of the prior year’s audits;

“(2) summarizes any updates made pursuant to subsection (c); and

“(3) excludes and confidential business information or sensitive security information.”

REPORT AND REGULATIONS ON CERTIFICATION OF CERTAIN CRAFTS OR CLASSES OF EMPLOYEES

Pub. L. 110-432, div. A, title IV, § 402(b)-(d), Oct. 16, 2008, 122 Stat. 4884, provided that, not later than 6 months after promulgating regulations under this section, the Secretary was to issue a report to Congress about whether the certification of certain crafts or classes of railroad carrier or railroad carrier contractor or subcontractor employees was necessary to reduce the number and rate of accidents and incidents or to improve railroad safety and that the Secretary could prescribe regulations requiring the certification of certain crafts or classes of employees that the Secretary determined necessary to reduce accidents and incidents or to improve railroad safety.

§ 20163. Certification of train conductors

(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation shall prescribe regulations to establish a program requiring the certification of train conductors. In prescribing such regulations, the Secretary shall require that train conductors be trained, in accordance with the training standards developed pursuant to section 20162.

(b) PROGRAM REQUIREMENTS.—In developing the regulations required by subsection (a), the Secretary may consider the requirements of section 20135(b) through (e).

(Added Pub. L. 110-432, div. A, title IV, § 402(a), Oct. 16, 2008, 122 Stat. 4884.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Rail Safety Improvement Act of 2008, referred to in subsec. (a), is the date of enactment of div. A of Pub. L. 110-432, which was approved Oct. 16, 2008.

§ 20164. Development and use of rail safety technology

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Rail Safety Im-

provement Act of 2008, the Secretary of Transportation shall prescribe standards, guidance, regulations, or orders governing the development, use, and implementation of rail safety technology in dark territory, in arrangements not defined in section 20501 or otherwise not covered by Federal standards, guidance, regulations, or orders that ensure the safe operation of such technology, such as—

(1) switch position monitoring devices or indicators;

(2) radio, remote control, or other power-assisted switches;

(3) hot box, high water, or earthquake detectors;

(4) remote control locomotive zone limiting devices;

(5) slide fences;

(6) grade crossing video monitors;

(7) track integrity warning systems; or

(8) other similar rail safety technologies, as determined by the Secretary.

(b) DARK TERRITORY DEFINED.—In this section, the term “dark territory” means any territory in a railroad system that does not have a signal or train control system installed or operational.

(Added Pub. L. 110-432, div. A, title IV, § 406(a), Oct. 16, 2008, 122 Stat. 4886; amended Pub. L. 114-94, div. A, title XI, § 11316(i), Dec. 4, 2015, 129 Stat. 1677.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Rail Safety Improvement Act of 2008, referred to in subsec. (a), is the date of enactment of div. A of Pub. L. 110-432, which was approved Oct. 16, 2008.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-94 substituted “after the date of enactment of the Rail Safety Improvement Act of 2008” for “after enactment of the Railroad Safety Enhancement Act of 2008” in introductory provisions.

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.

§ 20165. Limitations on non-Federal alcohol and drug testing

(a) TESTING REQUIREMENTS.—Any non-Federal alcohol and drug testing program of a railroad carrier must provide that all post-employment tests of the specimens of employees who are subject to both the program and chapter 211 of this title be conducted using a scientifically recognized method of testing capable of determining the presence of the specific analyte at a level above the cut-off level established by the carrier.

(b) REDRESS PROCESS.—Each railroad carrier that has a non-Federal alcohol and drug testing program must provide a redress process to its employees who are subject to both the alcohol and drug testing program and chapter 211 of this title for such an employee to petition for and re-