

§ 20306. Exemption for technological improvements

(a) GENERAL.—Subject to subsection (b) of this section, the Secretary of Transportation may exempt from the requirements of this chapter railroad equipment or equipment that will be operated on rails, when those requirements preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law.

(b) CONDITIONS FOR EXEMPTION.—The Secretary may grant an exemption under subsection (a) of this section only on the basis of—

- (1) findings based on evidence developed at a hearing; or
(2) an agreement between national railroad labor representatives and the developer of the new equipment or technology.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 883.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20306, 45:1013, May 30, 1980, Pub. L. 96-254, §117, 94 Stat. 406.

In subsection (a), the words “Notwithstanding any other provision of law” and “the mandatory requirements of” are omitted as surplus. The words “existing law” are substituted for “the existing statutes” for consistency in the revised title.

In subsection (b), the words before clause (1) are added because of the restatement. Clause (1) is substituted for “after a hearing and consistent with findings based upon evidence developed therein” to eliminate unnecessary words. In clause (2), the words “an agreement” are substituted for “expressions of agreement” to eliminate unnecessary words.

CHAPTER 205—SIGNAL SYSTEMS

Table with 2 columns: Sec., Definition. Rows: 20501. Definition. 20502. Requirements for installation and use. 20503. Amending regulations and changing requirements. 20504. Inspection, testing, and investigation. 20505. Reports of malfunctions and accidents.

§ 20501. Definition

In this chapter, “signal system” means a block signal system, an interlocking, automatic train stop, train control, or cab-signal device, or a similar appliance, method, device, or system intended to promote safety in railroad operations.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 883.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 20501, (no source).

This section is added to eliminate the unnecessary repetition of the words used in the definition. The definition is derived from 49 App.:26(b)–(f).

Statutory Notes and Related Subsidiaries

SIGNAL PROTECTION

Pub. L. 114–94, div. A, title XI, §11408, Dec. 4, 2015, 129 Stat. 1684, provided that:

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall initiate a rulemaking to require that on-track safety regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

“(b) ALTERNATIVE SAFETY MEASURES.—The Secretary shall consider exempting from any final requirements of this section each segment of track for which operations are governed by a positive train control system certified under section 20157 of title 49, United States Code, or any other safety technology or practice that would achieve an equivalent or greater level of safety in providing additional signal protection.”

§ 20502. Requirements for installation and use

(a) INSTALLATION.—(1) When the Secretary of Transportation decides after an investigation that it is necessary in the public interest, the Secretary may order a railroad carrier to install, on any part of its railroad line, a signal system that complies with requirements of the Secretary. The order must allow the carrier a reasonable time to complete the installation. A carrier may discontinue or materially alter a signal system required under this paragraph only with the approval of the Secretary.

(2) A railroad carrier ordered under paragraph (1) of this subsection to install a signal system on one part of its railroad line may not be held negligent for not installing the system on any part of its line that was not included in the order. If an accident or incident occurs on a part of the line on which the signal system was not required to be installed and was not installed, the use of the system on another part of the line may not be considered in a civil action brought because of the accident or incident.

(b) USE.—A railroad carrier may allow a signal system to be used on its railroad line only when the system, including its controlling and operating appurtenances—

(1) may be operated safely without unnecessary risk of personal injury; and

(2) has been inspected and can meet any test prescribed under this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 883.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows: 20502(a), 20502(b) with detailed source information including dates and statute numbers.

In this section, the words “signal system” are substituted for “block signal system, interlocking, automatic train stop, train control, and/or cab-signal devices, and/or other similar appliances, methods, and

systems intended to promote the safety of railroad operation” and “such systems, devices, appliances, or methods” in 49 App.:26(b) and “any system, device, or appliance covered by this section” and “such apparatus” in 49 App.:26(e) because of the definition of “signal system” in section 20501 of the revised title.

In subsection (a)(1), the words “decides after an investigation that it is necessary in the public interest” are substituted for “after investigation, if found necessary in the public interest” for clarity. The word “specifications” is omitted as included in “requirements”. The words “The order must allow the carrier a reasonable time to complete the installation” are substituted for “such order to be issued and published a reasonable time (as determined by the Secretary) in advance of the date for its fulfillment” to eliminate unnecessary words. The words “a signal system required under this paragraph” are substituted for “That block signal systems, interlocking, automatic train stop, train control, and cab-signal devices in use on August 26, 1937, or such systems or devices hereinafter installed” to eliminate unnecessary or obsolete words and because of the definition of “signal system” in section 20501 of the revised title.

In subsection (a)(2), the words “railroad line” are substituted for “railroad” for consistency in the revised title. The word “civil” is added for consistency in the revised title and with other titles of the United States Code. The words “or incident” are added for consistency in this part.

In subsection (b), before clause (1), the words “may allow . . . only when” are substituted for “It shall be unlawful . . . unless . . . unless” for clarity. In clause (1), the words “in proper condition and” and “in the service to which it is put” are omitted as being covered by the words of the clause. The words “risk of personal injury” are substituted for “peril to life and limb” for clarity. The words “from time to time” are omitted as surplus. In clause (2), the words “prescribed under this chapter” are substituted for “in accordance with the provisions of this section” and “prescribed in the rules and regulations provided for in this section” for consistency and to eliminate unnecessary words.

**§ 20503. Amending regulations and changing requirements**

The Secretary of Transportation may amend a regulation or change a requirement applicable to a railroad carrier for installing, maintaining, inspecting, or repairing a signal system under this chapter—

- (1) when the carrier files with the Secretary a request for the amendment or change and the Secretary approves the request; or
- (2) on the Secretary’s own initiative for good cause shown.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 884.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20503 .....	49 App.:26(c).  49 App.:1655(e)(6)(A).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(c); added Feb. 28, 1920, ch. 91, §441, 41 Stat. 498; restated Aug. 26, 1937, ch. 818, 50 Stat. 836; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919; June 22, 1988, Pub. L. 100–342, §17(3), (8), 102 Stat. 635, 636. Oct. 15, 1966, Pub. L. 89–670, §6(e)(6)(A), 80 Stat. 939.

In this section, before clause (1), the text of 49 App.:26(c) (words before 2d proviso) is omitted as executed. The words “The Secretary of Transportation may amend . . . change” are substituted for “and approved by the Secretary of Transportation” and “the Secretary may . . . revise, amend, or modify” for clar-

ity and to eliminate unnecessary words. The words “regulation or . . . a requirement applicable to a railroad carrier for installing, maintaining, inspecting, or repairing a signal system under this chapter” are substituted for “rules, standards, and instructions herein provided for” and “rules, standards, and instructions prescribed by him under this subsection” for clarity, for consistency in the revised title, and because of the restatement. Clause (1) is substituted for “such railroad may from time to time change . . . but such change shall not take effect and the new rules, standards, and instructions be enforced until they shall have been filed with” for clarity and to eliminate unnecessary words. The words “and as revised, amended, or modified they shall be obligatory upon the railroad after a copy thereof shall have been served as above provided” are omitted as being superseded by 5:ch. 5, subch. II.

**§ 20504. Inspection, testing, and investigation**

(a) SYSTEMS IN USE.—(1) The Secretary of Transportation may—

- (A) inspect and test a signal system used by a railroad carrier; and
- (B) decide whether the system is in safe operating condition.

(2) In carrying out this subsection, the Secretary may employ only an individual who—

- (A) has no interest in a patented article required to be used on or with a signal system; and
- (B) has no financial interest in a railroad carrier or in a concern dealing in railroad supplies.

(b) SYSTEMS SUBMITTED FOR INVESTIGATION AND TESTING.—The Secretary may investigate, test, and report on the use of and need for a signal system, without cost to the United States Government, when the system is submitted in completed shape for investigation and testing.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 884.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20504(a) .....	49 App.:26(d).  49 App.:1655(e)(6)(A).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(d); added Feb. 28, 1920, ch. 91, §441, 41 Stat. 498; restated Aug. 26, 1937, ch. 818, 50 Stat. 836; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919; June 22, 1988, Pub. L. 100–342, §17(4), (8), 102 Stat. 635, 636. Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(D), (6)(A), 80 Stat. 939.
20504(b) .....	45:36.  49 App.:1655(e)(1)(D).	May 27, 1908, ch. 200, §1 (1st complete par. on p. 325), 35 Stat. 325.

In subsection (a)(1)(B), the words “safe operating condition” are substituted for “proper condition to operate and provide adequate safety” to eliminate unnecessary words.

In subsection (a)(2), before clause (A), the text of 49:26(d) (2d sentence) is omitted because of 5:3101. The text of 49:26(d) (3d sentence) is omitted because of 5:ch. 33. The words “In carrying out this subsection, the Secretary may employ” are substituted for “shall be used for such purpose” for clarity. In clause (A), the words “either directly or indirectly” are omitted as surplus.

In subsection (b), the word “experimentally” is omitted as surplus. The words “signal system” are substituted for “any appliances or systems intended to promote the safety of railway operation” because of the definition of “signal system” in section 20501 of the