

In subsection (b)(2), the words “Immediately after the reinspection is completed” are substituted for “upon such reexamination the boiler is found in serviceable condition . . . immediately” and “but if the reexamination of said boiler sustains the decision of the district inspector . . . at once” in 45:29 to eliminate unnecessary words. The words “give written notice . . . stating whether the locomotive, tender, part, or appurtenance is in compliance” are substituted for “in writing” and “that the appeal from the decision of the inspector is dismissed” for clarity and consistency in this subsection. The words “after providing an opportunity for a proceeding” are substituted for “after hearing” as being more appropriate and for consistency in the revised title and with other titles of the United States Code. The words “may revise or set aside the finding of noncompliance” are substituted for “shall have power to revise, modify, or set aside such action . . . and declare that said locomotive is in serviceable condition and authorize the same to be operated” to eliminate unnecessary words.

Subsection (b)(3) is substituted for “and thereafter such boiler shall not be used until in serviceable condition” and “whereupon such boiler may be put into service without further delay” in 45:29 and the text of 45:29 (last proviso) for clarity and to eliminate unnecessary words.

In subsection (c), before clause (1), the words “make and keep” are substituted for “keep” for clarity.

Subsection (d) is substituted for the text of 45:28 (1st sentence last proviso) and 30 (1st sentence related to 45:28) for clarity and because of the restatement.

§ 20703. Accident reports and investigations

(a) ACCIDENT REPORTS AND SCENE PRESERVATION.—When the failure of a locomotive, tender, or locomotive or tender part or appurtenance results in an accident or incident causing serious personal injury or death, the railroad carrier owning or operating the locomotive or tender—

(1) immediately shall file with the Secretary of Transportation a written statement of the fact of the accident or incident; and

(2) when the locomotive is disabled to the extent it cannot be operated under its own power, shall preserve intact all parts affected by the accident or incident, if possible without interfering with traffic, until an investigation of the accident or incident is completed.

(b) INVESTIGATIONS.—The Secretary shall—

(1) investigate each accident and incident reported under subsection (a) of this section;

(2) inspect each part affected by the accident or incident; and

(3) make a complete and detailed report on the cause of the accident or incident.

(c) PUBLICATION AND USE OF INVESTIGATION REPORTS.—When the Secretary considers publication to be in the public interest, the Secretary may publish a report of an investigation made under this section, stating the cause of the accident or incident and making appropriate recommendations. No part of a report may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 886.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20703(a)	45:30 (1st sentence related to 45:32). 45:32 (1st, 3d sentences). 49 App.:1655(e) (1)(E)–(G).	Mar. 4, 1915, ch. 169, §2 (1st sentence related to §8 of Act of Feb. 17, 1911), 38 Stat. 1192; Apr. 22, 1940, ch. 124, §2, 54 Stat. 148; Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 79 Stat. 1320. Feb. 17, 1911, ch. 103, §8, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1(1)–(3) (related to §8 of Act of Feb. 17, 1911), 54 Stat. 148; Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 79 Stat. 1320; June 22, 1988, Pub. L. 100–342, §14(6), 102 Stat. 633. Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(E)–(G), 80 Stat. 939.
20703(b)	45:32 (2d, last sentences).	
20703(c)	45:33. 49 App.:1655(e) (1)(E)–(G).	

In this section, the words “or incident” and “and incident” are added for consistency in this part.

In subsection (a), before clause (1), the words “locomotive, tender, or locomotive or tender part or appurtenance . . . the locomotive or tender” are substituted for “locomotive boiler or its appurtenances . . . said locomotive” in 45:32 and the text of 45:30 (1st sentence related to 45:32) for clarity and because of the restatement. The word “personal” is substituted for “to one or more persons” to eliminate unnecessary words. In clause (1), the word “immediately” is substituted for “forthwith” for consistency in this chapter. In clause (2), the words “operated under its own power” are substituted for “cannot be run by its own steam” for clarity. The words “hindrance or” are omitted as being included in “interfering”. The word “investigation” is substituted for “inspection” for consistency in this section.

In subsection (c), the words “at any time call upon the director of locomotive inspection for a report of any accident embraced in section 32 of this title, and upon the receipt of said report” are omitted as obsolete because of Reorganization Plan No. 3 of 1965 (eff. July 27, 1965, 79 Stat. 1320) and 49 App.:1655(e)(1)(E)–(G). The text of 45:33 (2d sentence) is omitted as surplus. The words “civil action” are substituted for “suit or action” for consistency in the revised title and with other titles of the United States Code. The words “resulting from” are substituted for “growing out of” for clarity. The words “or investigation” are omitted as unnecessary because of the restatement.

CHAPTER 209—ACCIDENTS AND INCIDENTS

Sec.	
20901.	Reports.
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20903.	Reports not evidence in civil actions for damages.

§ 20901. Reports

(a) GENERAL REQUIREMENTS.—Not later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier’s operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee