

shall issue final classifications. The Board shall ensure that air travel accident covered under this section is classified in accordance with the final classifications issued under this section for data for calendar year 1997, and for each subsequent calendar year.

(4) PUBLICATION.—The Board shall publish on a periodic basis accident and safety data in accordance with the final classifications issued under paragraph (3).

(5) RECOMMENDATIONS OF THE ADMINISTRATOR.—The Administrator may, from time to time, request the Board to consider revisions (including additions to the classification system developed under this section). The Board shall respond to any request made by the Administrator under this section not later than 90 days after receiving that request.

(c) APPEALS.—

(1) NOTIFICATION OF RIGHTS.—In any case in which an employee of the Board determines that an occurrence associated with the operation of an aircraft constitutes an accident, the employee shall notify the owner or operator of that aircraft of the right to appeal that determination to the Board.

(2) PROCEDURE.—The Board shall establish and publish the procedures for appeals under this subsection.

(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply in the case of an accident that results in a loss of life.

(Added Pub. L. 104-264, title IV, § 407(a)(1), Oct. 9, 1996, 110 Stat. 3257; amended Pub. L. 108-168, § 5, Dec. 6, 2003, 117 Stat. 2034.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b)(1), is the date of enactment of Pub. L. 104-264, which was approved Oct. 9, 1996.

AMENDMENTS

2003—Subsec. (c). Pub. L. 108-168 added subsec. (c).

EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

SUBCHAPTER III—AUTHORITY

§ 1131. General authority

(a) GENERAL.—(1) The National Transportation Safety Board shall investigate or have investigated (in detail the Board prescribes) and establish the facts, circumstances, and cause or probable cause of—

(A) an aircraft accident the Board has authority to investigate under section 1132 of this title or an aircraft accident involving a public aircraft as defined by section 40102(a)(37)¹ of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States;

(B) a highway accident, including a railroad grade crossing accident, the Board selects in cooperation with a State;

(C) a railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train;

(D) a pipeline accident in which there is a fatality, substantial property damage, or significant injury to the environment;

(E) a major marine casualty (except a casualty involving only public vessels) occurring on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988, or involving a vessel of the United States (as defined in section 2101(46)¹ of title 46), under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and

(F) any other accident related to the transportation of individuals or property when the Board decides—

(i) the accident is catastrophic;

(ii) the accident involves problems of a recurring character; or

(iii) the investigation of the accident would carry out this chapter.

(2)(A) Subject to the requirements of this paragraph, an investigation by the Board under paragraph (1)(A)–(D) or (F) of this subsection has priority over any investigation by another department, agency, or instrumentality of the United States Government. The Board shall provide for appropriate participation by other departments, agencies, or instrumentalities in the investigation. However, those departments, agencies, or instrumentalities may not participate in the decision of the Board about the probable cause of the accident.

(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

(3) This section and sections 1113, 1116(b), 1133, and 1134(a) and (c)–(e) of this title do not affect the authority of another department, agency, or instrumentality of the Government to investigate an accident under applicable law or to obtain information directly from the parties involved in, and witnesses to, the accident. The Board and other departments, agencies, and instrumentalities shall ensure that appropriate information developed about the accident is exchanged in a timely manner.

(b) ACCIDENTS INVOLVING PUBLIC VESSELS.—(1) The Board or the head of the department in which the Coast Guard is operating shall inves-

¹ See References in Text note below.

tigate and establish the facts, circumstances, and cause or probable cause of a marine accident involving a public vessel and any other vessel. The results of the investigation shall be made available to the public.

(2) Paragraph (1) of this subsection and subsection (a)(1)(E) of this section do not affect the responsibility, under another law of the United States, of the head of the department in which the Coast Guard is operating.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—(1) When asked by the Board, the Secretary of Transportation or the Secretary of the department in which the Coast Guard is operating may—

(A) investigate an accident described under subsection (a) or (b) of this section in which misfeasance or nonfeasance by the Government has not been alleged; and

(B) report the facts and circumstances of the accident to the Board.

(2) The Board shall use the report in establishing cause or probable cause of an accident described under subsection (a) or (b) of this section.

(d) ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—The Board, in furtherance of its investigative duties with respect to public aircraft accidents under subsection (a)(1)(A) of this section, shall have the same duties and powers as are specified for civil aircraft accidents under sections 1132(a), 1132(b), and 1134(a), (b), (d), and (f) of this title.

(e) ACCIDENT REPORTS.—The Board shall report on the facts and circumstances of each accident investigated by it under subsection (a) or (b) of this section. The Board shall make each report available to the public at reasonable cost.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 752; Pub. L. 103–411, §3(c), Oct. 25, 1994, 108 Stat. 4237; Pub. L. 106–424, §§6(a), 7, Nov. 1, 2000, 114 Stat. 1885, 1886; Pub. L. 108–168, §7, Dec. 6, 2003, 117 Stat. 2034; Pub. L. 109–443, §9(b), (c), Dec. 21, 2006, 120 Stat. 3301.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1131(a)(1)	49 App.:1903(a)(1)(A)–(E) (less last sentence of (E)), (F).	Jan. 3, 1975, Pub. L. 93–633, §304(a)(1)(A)–(F), 88 Stat. 2168; Oct. 24, 1992, Pub. L. 102–508, §303, 106 Stat. 3307.
1131(a)(2)	49 App.:1903(a)(1) (2d, 3d sentences).	Jan. 3, 1975, Pub. L. 93–633, §304(a)(1) (less (A)–(F)), 88 Stat. 2168; Nov. 3, 1981, Pub. L. 97–74, §3, 95 Stat. 1065.
1131(a)(3)	49 App.:1903(a)(1) (4th, 5th sentences).	
1131(b)	49 App.:1903(a)(1)(E) (last sentence).	
1131(c)	49 App.:1441(f).	Aug. 23, 1958, Pub. L. 85–726, §701(a)(4), (f), 72 Stat. 781.
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89–670, §6(d) (1st sentence), 80 Stat. 938.
	49 App.:1903(a)(1)(A) (6th, last sentences).	
1131(d)	49 App.:1441(a)(4). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A).	

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	49 App.:1903(a)(2).	Jan. 3, 1975, Pub. L. 93–633, §304(a)(2), 88 Stat. 2168; July 19, 1988, Pub. L. 100–372, §3(a), 102 Stat. 876.

In this section, the word “conditions” is omitted as being included in “circumstances”. The words “head of the department in which the Coast Guard is operating” are substituted for “Secretary of the department in which the Coast Guard is operating” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1)(A), the words “the Board has authority to investigate under section 1132 of this title” are substituted for “which is within the scope of the functions, powers, and duties transferred from the Civil Aeronautics Board under section 1655(d) of this Appendix pursuant to title VII of the Federal Aviation Act of 1958, as amended [49 App. U.S.C. 1441 et seq.]” because of the restatement.

In subsection (a)(1)(F), before subclause (i), the word “decides” is substituted for “in the judgment of” for clarity. The word “individuals” is substituted for “people” for consistency in the revised title. In subclause (ii), the words “the investigation of” are added as being more precise.

In subsection (a)(3), the word “developed” is substituted for “obtained or developed” to eliminate unnecessary words.

In subsection (b)(2), the word “affect” is substituted for “eliminate or diminish” for clarity.

In subsection (c), the text of 49 App.:1441(f) is omitted as superseded by 49 App.:1903(a)(1) (6th, last sentences).

In subsection (d), the words “in writing” in 49 App.:1903(a)(2) are omitted as surplus. The words “by it” are added for clarity. The text of 49 App.:1441(a)(4) is omitted as superseded by 49 App.:1903(a)(1)(A) and (2).

REFERENCES IN TEXT

Section 40102(a)(37) of this title, referred to in subsec. (a)(1)(A), was redesignated section 40102(a)(41) by Pub. L. 108–176, title II, §225(a)(3), Dec. 12, 2003, 117 Stat. 2528.

Presidential Proclamation No. 5928, referred to in subsec. (a)(1)(E), is set out as a note under section 1331 of Title 43, Public Lands.

Section 2101(46) of title 46, referred to in subsec. (a)(1)(E), was repealed and reenacted as section 116 of title 46 by Pub. L. 109–304, §§4, 15(2)(A), Oct. 6, 2006, 120 Stat. 1486, 1702.

AMENDMENTS

2006—Subsec. (a)(1)(E). Pub. L. 109–443, §9(b), substituted “on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988,” for “on the navigable waters or territorial sea of the United States,” and inserted “(as defined in section 2101(46) of title 46)” after “vessel of the United States”.

Subsec. (c)(1). Pub. L. 109–443, §9(c), inserted “or the Secretary of the department in which the Coast Guard is operating” after “Transportation” in introductory provisions.

2003—Subsec. (a)(2)(B), (C). Pub. L. 108–168 realigned margins.

2000—Subsec. (a)(2). Pub. L. 106–424, §6(a), designated existing provisions as subpar. (A), substituted “Subject to the requirements of this paragraph, an investigation” for “An investigation”, and added subpars. (B) and (C).

Subsec. (d). Pub. L. 106–424, §7, substituted “1134(a), (b), (d), and (f)” for “1134(b)(2)”.

1994—Subsec. (a)(1)(A). Pub. L. 103–411, §3(c)(1), inserted before semicolon at end “or an aircraft accident involving a public aircraft as defined by section

40102(a)(37) of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States”.

Subsecs. (d), (e). Pub. L. 103-411, §3(c)(2), added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-411, §3(d), Oct. 25, 1994, 108 Stat. 4237, provided that: “The amendments made by subsections (a) and (c) [amending this section and section 40102 of this title] shall take effect on the 180th day following the date of the enactment of this Act [Oct. 25, 1994].”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REVISION OF 1977 AGREEMENT

Pub. L. 108-168, §3(b), Dec. 6, 2003, 117 Stat. 2033, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 6, 2003], the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section [amending section 1136 of this title] and shall submit a copy of the revised agreement 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. 106-424, §6(b), Nov. 1, 2000, 114 Stat. 1886, provided that: “Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act [see Short Title of 2000 Amendment note set out under section 1101 of this title].”

MEMORANDUM OF UNDERSTANDING

Pub. L. 106-424, §8, Nov. 1, 2000, 114 Stat. 1886, provided that: “Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

“(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

“(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.”

§ 1132. Civil aircraft accident investigations

(a) GENERAL AUTHORITY.—(1) The National Transportation Safety Board shall investigate—

(A) each accident involving civil aircraft; and

(B) with the participation of appropriate military authorities, each accident involving both military and civil aircraft.

(2) A person employed under section 1113(b)(1) of this title that is conducting an investigation or hearing about an aircraft accident has the same authority to conduct the investigation or hearing as the Board.

(b) NOTIFICATION AND REPORTING.—The Board shall prescribe regulations governing the notifi-

cation and reporting of accidents involving civil aircraft.

(c) PARTICIPATION OF SECRETARY.—The Board shall provide for the participation of the Secretary of Transportation in the investigation of an aircraft accident under this chapter when participation is necessary to carry out the duties and powers of the Secretary. However, the Secretary may not participate in establishing probable cause.

(d) ACCIDENTS INVOLVING ONLY MILITARY AIRCRAFT.—If an accident involves only military aircraft and a duty of the Secretary is or may be involved, the military authorities shall provide for the participation of the Secretary. In any other accident involving only military aircraft, the military authorities shall give the Board or Secretary information the military authorities decide would contribute to the promotion of air safety.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 753.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), and Source (Statutes at Large). Rows include references to sections 1132(a)(1), 1132(a)(2), 1132(b), 1132(c), and 1132(d) with corresponding legislative history citations.

In subsection (a)(1)(A), the words “and report the facts, conditions, and circumstances related to each accident and the probable cause thereof” in 49 App.:1441(a)(2) are omitted as unnecessary because of section 1131(d) of the revised title.

In subsection (a)(1)(B), the words “provide for” in 49 App.:1442(a) are omitted as surplus.

In subsection (a)(2), the words “any member of the National Transportation Safety Board or any officer or employee of the National Transportation Safety Board” in 49 App.:1441(c) are omitted as unnecessary because of sections 1113 and 1134 of the revised title.

In subsections (c) and (d), the words “Secretary of Transportation” and “Secretary” are substituted for “Administrator” in sections 701(g) and 702(b) and (c) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 782) for consistency. Section 6(c)(1) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 938) transferred all duties and powers of the Federal Aviation Agency and the Administrator to the Secretary of Transportation. However, the Secretary was to carry out certain provisions through the Administrator. In addition, various laws enacted since then have vested duties and powers in the Administrator. All provisions of law the Secretary is required to carry out through the Administrator are included in 49:106(g).