road 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be obligatory upon the railroad after a copy thereof shall have been served as above provided" are omitted as being superseded by §ch. 5, subch.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.


$20505. Reports of malfunctions and accidents

In the way and to the extent required by the Secretary of Transportation, a railroad carrier shall report to the Secretary a failure of a signal system to function as intended. If the failure results in an accident or incident causing injury to an individual or property that is required to be reported under regulations prescribed by the Secretary, the carrier owning or maintaining the signal system shall report to the Secretary immediately in writing the fact of the accident or incident.


HISTORICAL AND REVISION NOTES

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The words "signal system" are substituted for "such systems, devices, or appliances" because of the definition of "signal system" in section 20501 of the revised title. The word "indicate" is omitted as being included in "function." The words "or incident" are added for consistency in this part. The word "individual" is substituted for "person," and the word "immediately" is substituted for "forthwith," for consistency in the revised title and with other titles of the United States Code.

CHAPTER 207—LOCOMOTIVES

Sec. 20701. Requirements for use

20702. Inspections, repairs, and inspection and repair reports.

20703. Accident reports and investigations.

§ 20701. Requirements for use

A railroad carrier may use or allow to be used a locomotive or tender on its railroad line only when the locomotive or tender and its parts and appurtenances—
(1) are in proper condition and safe to operate without unnecessary danger of personal injury;
(2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and
(3) can withstand every test prescribed by the Secretary under this chapter.


HISTORICAL AND REVISION NOTES

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In this section, before clause (1), the words “locomotive or tender . . . locomotive or tender and its parts and appurtenances” are substituted for “locomotive . . . locomotive, its boiler, tender, and all parts and appurtenances thereof” in 45:23 and “the provision of sections 22 to 29 . . . of this title as to the equipment of locomotives shall apply to and include the entire locomotive and tender and all their parts with the same force and effect as it applies to locomotive boilers and their appurtenances” in 45:32 for clarity and because of the restatement. In clause (1), the words “in the service to which the same are put” and “in the active service of such railroad” in 45:23 are omitted as surplus. The words “danger of personal injury” are substituted for “peril to life or limb” for clarity and consistency in this part. In clause (2), the words “from time to time” are omitted as surplus. The words “as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter” are substituted for “in accordance with the provisions of sections 22 to 29 and 31 to 34 of this title” for clarity and because of the restatement. In this section, the words “locomotive and tender and their parts and appurtenances as necessary to carry out this chapter, but not necessarily at stated times or at regular intervals; and” (3) ensure that every railroad carrier makes inspections of locomotives and tenders and their parts and appurtenances as required by regulations prescribed by the Secretary and repairs every defect that is disclosed by an inspection before a defective locomotive, tender, part, or appurtenance is used again.

(b) NONCOMPLYING LOCOMOTIVES, TENDERS, AND PARTS.—(1) When the Secretary finds that a locomotive, tender, or locomotive or tender part or appurtenance owned or operated by a railroad carrier does not comply with this chapter or a regulation prescribed under this chapter, the Secretary shall give the carrier written notice describing any defect resulting in noncompliance. Not later than 5 days after receiving the notice of noncompliance, the carrier may submit a written request for a reinspection. On receiving the request, the Secretary shall provide for the reinspection by an officer or employee of the Department of Transportation who did not make the original inspection. The reinspection shall be made not later than 15 days after the date the Secretary gives the notice of noncompliance.

(2) Immediately after the reinspection is completed, the Secretary shall give written notice to the railroad carrier stating whether the locomotive, tender, part, or appurtenance is in compliance. If the original finding of noncompliance is sustained, the carrier has 30 days after receipt of the notice to file an appeal with the Secretary. If the carrier files an appeal, the Secretary, after providing an opportunity for a proceeding, may revise or set aside the finding of noncompliance.

(3) A locomotive, tender, part, or appurtenance found not in compliance under this subsection may be used only after it is—
(A) repaired to comply with this chapter and regulations prescribed under this chapter; or
(B) found on reinspection or appeal to be in compliance.

(c) REPORTS.—A railroad carrier shall make and keep, in the way the Secretary prescribes by regulation, a report of every—
(1) inspection made under regulations prescribed by the Secretary; and
(2) repair made of a defect disclosed by such an inspection.

(d) CHANGES IN INSPECTION PROCEDURES.—A railroad carrier may change a rule or instruction of the carrier governing the inspection by the carrier of the locomotives and tenders and locomotive and tender parts and appurtenances of the carrier when the Secretary approves a request filed by the carrier to make the change.

the entire locomotive and tender and all their parts with the same force and effect as it applies to locomotive boilers and their appurtenances" in 45:30 for clarity and because of the restatement.

In subsection (a), before clause (1), the word "shall" is substituted for "It shall be the duty of", "shall", and "His first duty shall be" in 45:29 and "shall . . . and shall have the same powers and duties with respect to all the parts and appurtenances of the locomotive and tender that they have with respect to the boiler of a locomotive and the appurtenances thereof" in 45:30 for clarity and to eliminate unnecessary words. In clause (1), the words "ordinarily housed or repaired in his district, and if any locomotive is ordinarily housed or repaired in two or more districts, then the director of locomotive inspection or an assistant shall make such division between inspectors as will avoid the necessity for duplication of work" in 45:29 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).

In clause (2), the words "inspect . . . as necessary to carry out" are substituted for "make such personal inspection . . . from time to time as may be necessary to fully carry out the provisions of" in 45:29 and "inspect" in 45:30 to eliminate unnecessary words. The words "under his care" and "as may be consistent with his other duties" in 45:29 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 words "but not necessarily" are substituted for "but he shall not be required to make such inspections" in 45:29 to eliminate unnecessary words. In clause (3), the words "inspections of locomotives and tenders and their parts and appurtenances as required by regulations prescribed by the Secretary" are substituted for "inspections in accordance with the rules and regulations established or approved by the Secretary of Transportation" in 45:29 and "the provision of sections 22 to 29 of this title as to the equipment of locomotives and tenders that they have with respect to the boiler of a locomotive and the appurtenances thereof" in 45:30 for clarity and because of the restatement.

In subsection (a), before clause (1), the word "shall" is substituted for "shall . . . the report.

In 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.

§ 20901

REPORTS

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

(a) G

(b) M

(c) M

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 (24 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

(a) G

(b) M

In subsection (b), the words “or incident” are added for consistency. The text of section 15(c) of the Rail Safety Enforcement and Review Act (Pub. L. 102–365, 106 Stat. 981) is omitted as executed.

ACCIDENT AND INCIDENT REPORTING

Pub. L. 110–432, div. A, title II, §209, Oct. 16, 2008, 122 Stat. 4876, provided that: “The Federal Railroad Administration shall conduct an audit of each Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to any Federal national accident database.”

[For definitions of “railroad” and “crossing”, as used in section 209 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.]

§ 20902. Investigations

(a) G

(b) M

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