

PART 1581 [RESERVED]**PART 1582—PUBLIC TRANSPORTATION AND PASSENGER RAILROAD SECURITY****Subpart A—General**

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AUTHORITY: 49 U.S.C. 114; Pub. L. 110–53 (121 Stat. 266, Aug. 3, 2007) secs. 1402 (6 U.S.C. 1131), 1405 (6 U.S.C. 1134), and 1408 (6 U.S.C. 1137).

SOURCE: 85 FR 16511, Mar. 23, 2020, unless otherwise noted.

Subpart A—General**§ 1582.1 Scope.**

(a) Except as provided in paragraph (b) of this section, this part includes requirements for the following persons. Specific sections in this part provide detailed requirements.

- (1) Each passenger railroad carrier.
- (2) Each public transportation agency.
- (3) Each operator of a rail transit system that is not operating on track that is part of the general railroad system of transportation, including heavy rail transit, light rail transit, automated guideway, cable car, inclined plane, funicular, and monorail systems.
- (4) Each tourist, scenic, historic, and excursion rail owner/operator, whether operating on or off the general railroad system of transportation.

(b) This part does not apply to a ferry system required to conduct training pursuant to 46 U.S.C. 70103.

§ 1582.3 Terms used in this part.

In addition to the terms in §§1500.3, 1500.5, and 1503.202 of subchapter A and §1570.3 of subchapter D of this chapter, the following term applies to this part.

Security-sensitive employee means an employee whose responsibilities for the owner/operator include one or more of the security-sensitive job functions identified in appendix B to this part if the security-sensitive function is performed in the United States or in direct support of the common carriage of persons or property between a place in the United States and any place outside of the United States.

§ 1582.5 Preemptive effect.

Under 49 U.S.C. 20106, issuance of the passenger railroad and public transportation regulations in this subchapter preempts any State law, regulation, or order covering the same subject matter, except an additional or more stringent law, regulation, or order that is necessary to eliminate or reduce an essentially local security hazard; that is not incompatible with a law, regulation, or order of the U.S. Government; and that does not unreasonably burden interstate commerce.

Subpart B—Security Programs**§ 1582.101 Applicability.**

The requirements of this subpart apply to the following:

- (a) Amtrak (also known as the National Railroad Passenger Corporation).
- (b) Each owner/operator identified in Appendix A to this part.
- (c) Each owner/operator described in §1582.1(a)(1) through (3) that serves as a host railroad to a freight operation described in §1580.101 of this subchapter or to a passenger train operation described in paragraph (a) or (b) of this section.

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