

struck out former part D “MISCELLANEOUS” and former item for chapter 261 “Law Enforcement . . . 26101”, and added part E and item for chapter 281.

PART A—SAFETY

CHAPTER 201—GENERAL

SUBCHAPTER I—GENERAL

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¹ Section catchline amended by Pub. L. 110-53 without corresponding amendment of chapter analysis.

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Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, div. B, title II, §§ 22403(b)(2), 22415(b), 22416(b), 22425(b), Nov. 15, 2021, 135 Stat. 736, 747, 748, 756, added items 20167 and 20169 to 20171.

2015—Pub. L. 114-94, div. A, title XI, §§ 11301(c)(1), 11411(b), 11413(b), Dec. 4, 2015, 129 Stat. 1648, 1687, 1689, added items 20121 and 20168 and struck out items 20154 “Capital grants for rail line relocation projects” and 20167 “Railroad safety infrastructure improvement grants”. Items 20121 and 20168 were added to the analysis for this chapter to reflect the probable intent of Congress, notwithstanding directory language adding those items to the analyses for subchapters I and II of this chapter, respectively.

2008—Pub. L. 110-432, div. A, title I, §§ 103(b), 104(b), 105(b), 107(b), 109(b), title II, §§ 203(b), 204(b), 205(b), 208(b), 210(b), title III, § 303(b), title IV, §§ 401(b), 402(e), 406(b), 409(b), 413(b), 418(b), Oct. 16, 2008, 122 Stat. 4856, 4858-4860, 4867, 4869, 4871, 4873, 4876, 4877, 4879, 4883, 4884, 4886, 4887, 4889, 4892, added items 20116 and 20118 to 20120, substituted “Railroad trespassing, vandalism, and highway-rail grade crossing warning sign violation prevention strategy” for “Railroad trespassing and vandalism prevention strategy” in item 20151 and “Notification of grade crossing problems” for “Emergency notification of grade crossing problems” in item 20152, and added items 20156 to 20167.

2005—Pub. L. 109-59, title IX, §§ 9002(a)(2), 9005(b)(2), Aug. 10, 2005, 119 Stat. 1921, 1925, added items 20154 and 20155.

1995—Pub. L. 104-66, title I, § 1121(g)(2), Dec. 21, 1995, 109 Stat. 724, struck out item 20116 “Biennial report”.

1994—Pub. L. 103-440, title II, §§ 206(b), 207(b), 210(b), 211(b), 212(b), 213(b), 214(b), 215(b), 219(b), title III, §§ 301(b), 302(b), Nov. 2, 1994, 108 Stat. 4621-4624, 4626, 4628, substituted “Biennial” for “Annual” in item 20116 and “cars” for “equipment” in item 20133 and added items 20145 to 20153.

SUBCHAPTER I—GENERAL

§ 20101. Purpose

The purpose of this chapter is to promote safety in every area of railroad operations and reduce railroad-related accidents and incidents.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 863.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20101	45:421.	Oct. 16, 1970, Pub. L. 91-458, § 101, 84 Stat. 971.

² So in original. Does not conform to section catchline.

The words “The Congress declares that” are omitted as surplus. The words “accidents and incidents” are substituted for “accidents” for consistency with the source provisions restated in section 20105(b)(1)(B) of the revised title. The words “and to reduce deaths and injuries to persons and to reduce damage to property caused by accidents involving any carrier of hazardous materials” are omitted as obsolete because they applied to 49 App.:1761 and 1762, that were repealed by section 113(g) of the Hazardous Materials Transportation Act (Public Law 93–633, 88 Stat. 2163).

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2021 AMENDMENT

Pub. L. 117–58, div. B, title II, §22001, Nov. 15, 2021, 135 Stat. 694, provided that: “This title [see Tables for classification] may be cited as the ‘Passenger Rail Expansion and Rail Safety Act of 2021’.”

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114–94, div. A, title XI, §11001, Dec. 4, 2015, 129 Stat. 1622, provided that: “This title [see Tables for classification] may be cited as the ‘Passenger Rail Reform and Investment Act of 2015’.”

Pub. L. 114–94, div. A, title XI, §11501, Dec. 4, 2015, 129 Stat. 1690, provided that: “This subtitle [subtitle E (§§11501–11504) of title XI of div. A of Pub. L. 114–94, enacting sections 24201 and 24202 of this title, amending section 303 of this title and section 138 of Title 23, Highways, and enacting provisions set out as a note under section 4370m of Title 42, The Public Health and Welfare] may be cited as the ‘Track, Railroad, and Infrastructure Network Act’ or the ‘TRAIN Act’.”

Pub. L. 114–73, title I, §1302(a), Oct. 29, 2015, 129 Stat. 576, provided that: “This section [amending section 20157 of this title] may be cited as the ‘Positive Train Control Enforcement and Implementation Act of 2015’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–432, div. A, §1(a), Oct. 16, 2008, 122 Stat. 4848, provided that: “This division [see Tables for classification] may be cited as the ‘Rail Safety Improvement Act of 2008’.”

Pub. L. 110–432, div. B, §1(a), Oct. 16, 2008, 122 Stat. 4907, provided that: “This division [enacting chapters 227, 244, and 285 of this title and sections 24105, 24310, 24316, 24702, 24710, 24711, 24910, and 26106 of this title, amending sections 103, 24101, 24102, 24302, 24308, 24706, 24904, 24905, 26101, and 26104 of this title, enacting provisions set out as notes under sections 24101, 24302, 24305, 24307, 24308, 24405, 24702, 24709, 24711, 24902, and 26106 of this title, and amending provisions set out as a note under section 24101 of this title] may be cited as the ‘Passenger Rail Investment and Improvement Act of 2008’.”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–134, §1(a), Dec. 2, 1997, 111 Stat. 2570, provided that: “This Act [enacting section 28103 of this title, amending sections 24101, 24102, 24104, 24301 to 24307, 24309, 24312, 24315, 24701, 24706, 24902, and 24904 of this title, section 8G of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, Government Organization and Employees, and section 9101 of Title 31, Money and Finance, repealing sections 24310, 24314, 24501 to 24506, 24702 to 24705, 24707, 24708, and 24903 of this title, and section 1111 of Title 45, Railroads, and enacting provisions set out as notes under this section and sections 24101, 24104, 24301, 24304, 24305, 24307, 24312, 24315, 24501, and 24706 of this title, section 8G of the Appendix to Title 5, and section 172 of Title 26, Internal Revenue Code] may be cited as the ‘Amtrak Reform and Accountability Act of 1997’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103–440, title I, §101, Nov. 2, 1994, 108 Stat. 4615, provided that: “This title [enacting sections 26101

to 26105 of this title, renumbering former sections 26101 and 26102 of this title as 28101 and 28102 of this title, respectively, and enacting provisions set out as notes under section 26101 of this title and section 838 of Title 45, Railroads] may be cited as the ‘Swift Rail Development Act of 1994’.”

Pub. L. 103–440, title II, §201, Nov. 2, 1994, 108 Stat. 4619, provided that: “This title [enacting sections 20145 to 20151 and 21108 of this title, amending sections 103, 20103, 20111, 20116, 20117, 20133, 20142, and 21303 of this title, and enacting provisions set out as a note under section 11504 of this title] may be cited as the ‘Federal Railroad Safety Authorization Act of 1994’.”

DATA ACCESSIBILITY

Pub. L. 117–58, div. B, title II, §22405, Nov. 15, 2021, 135 Stat. 738, provided that:

“(a) REVIEW.—Not later than 180 days after the date of enactment of this Act [Nov. 15, 2021], the Chief Information Officer of the Department [of Transportation] shall—

“(1) conduct a review of the website of the Office of Safety Analysis of the Federal Railroad Administration; and

“(2) provide recommendations to the Secretary [of Transportation] for improving the public’s usability and accessibility of the website referred to in paragraph (1).

“(b) UPDATES.—Not later than 1 year after receiving recommendations from the Chief Information Officer pursuant to subsection (a)(2), the Secretary, after considering such recommendations, shall update the website of the Office of Safety Analysis of the Federal Railroad Administration to improve the usability and accessibility of the website.”

FEDERAL RAILROAD ADMINISTRATION REPORTING REQUIREMENTS

Pub. L. 117–58, div. B, title II, §22421(a), Nov. 15, 2021, 135 Stat. 750, provided that:

“(a) ELIMINATION OF DUPLICATIVE OR UNNECESSARY REPORTING OR PAPERWORK REQUIREMENTS IN THE FEDERAL RAILROAD ADMINISTRATION.—

“(1) REVIEW.—The Administrator of the Federal Railroad Administration (referred to in this subsection as the ‘FRA Administrator’), in consultation with the Administrator of the Federal Transit Administration, shall conduct a review of existing reporting and paperwork requirements in the Federal Railroad Administration to determine if any such requirements are duplicative or unnecessary.

“(2) ELIMINATION OF CERTAIN REQUIREMENTS.—If the FRA Administrator determines, as a result of the review conducted pursuant to paragraph (1), that any reporting or paperwork requirement that is not statutorily required is duplicative or unnecessary, the FRA Administrator, after consultation with the Administrator of the Federal Transit Administration, shall terminate such requirement.

“(3) REPORT.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the FRA Administrator shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that—

“(A) identifies all of the reporting or paperwork requirements that were terminated pursuant to paragraph (2); and

“(B) identifies any statutory reporting or paperwork requirements that are duplicative or unnecessary and should be repealed.”

SHARED-USE STUDY

Pub. L. 114–94, div. A, title XI, §11311, Dec. 4, 2015, 129 Stat. 1670, as amended by Pub. L. 117–58, div. B, title I, §21301(j)(4)(C), Nov. 15, 2021, 135 Stat. 693, provided that:

“(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation], in consultation with Am-

trak, commuter rail passenger transportation authorities, other railroad carriers, railroad carriers that own rail infrastructure over which both passenger and freight trains operate, States, the Surface Transportation Board, the Northeast Corridor Commission established under section 24905 of title 49, United States Code, the State-Supported Route Committee established under section 24712 of such title, and groups representing rail passengers and customers, as appropriate, shall complete a study that evaluates—

“(1) the shared use of right-of-way by passenger and freight rail systems; and
 “(2) the operational, institutional, and legal structures that would best support improvements to the systems referred to in paragraph (1).

“(b) AREAS OF STUDY.—In conducting the study under subsection (a), the Secretary shall evaluate—

“(1) the access and use of railroad right-of-way by a rail carrier that does not own the right-of-way, such as passenger rail services that operate over privately-owned right-of-way, including an analysis of—

“(A) access agreements;

“(B) costs of access; and

“(C) the resolution of disputes relating to such access or costs;

“(2) the effectiveness of existing contractual, statutory, and regulatory mechanisms for establishing, measuring, and enforcing train performance standards, including—

“(A) the manner in which passenger train delays are recorded;

“(B) the assignment of responsibility for such delays; and

“(C) the use of incentives and penalties for performance;

“(3) the strengths and weaknesses of the existing mechanisms described in paragraph (2) and possible approaches to address the weaknesses;

“(4) mechanisms for measuring and maintaining public benefits resulting from publicly funded freight or passenger rail improvements, including improvements directed towards shared-use right-of-way by passenger and freight rail;

“(5) approaches to operations, capacity, and cost estimation modeling that—

“(A) allow for transparent decisionmaking; and

“(B) protect the proprietary interests of all parties;

“(6) liability requirements and arrangements, including—

“(A) whether to expand statutory liability limits to additional parties;

“(B) whether to revise the current statutory liability limits;

“(C) whether current insurance levels of passenger rail operators are adequate and whether to establish minimum insurance requirements for such passenger rail operators; and

“(D) whether to establish alternative insurance models, including other models administered by the Federal Government;

“(7) the effect on rail passenger services, operations, liability limits, and insurance levels of the assertion of sovereign immunity by a State; and

“(8) other issues identified by the Secretary.

“(c) REPORT.—Not later than 60 days after the study under subsection (a) is complete, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

“(1) the results of the study; and

“(2) any recommendations for further action, including any legislative proposals consistent with such recommendations.

“(d) IMPLEMENTATION.—The Secretary shall integrate, as appropriate, the recommendations submitted under subsection (c) into the financial assistance programs under subtitle V of title 49, United States Code.”

RAILROAD SAFETY STRATEGY

Pub. L. 110-432, div. A, title I, §102, Oct. 16, 2008, 122 Stat. 4852, as amended by Pub. L. 114-94, div. A, title

XI, §11316(j)(3), Dec. 4, 2015, 129 Stat. 1677, provided that:

“(a) SAFETY GOALS.—In conjunction with existing federally-required and voluntary strategic planning efforts ongoing at the Department and the Federal Railroad Administration as of the date of enactment of this Act [Oct. 16, 2008], the Secretary shall develop a long-term strategy for improving railroad safety to cover a period of not less than 5 years. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

“(1) Reducing the number and rates of accidents, incidents, injuries, and fatalities involving railroads including train collisions, derailments, and human factors.

“(2) Improving the consistency and effectiveness of enforcement and compliance programs.

“(3) Improving the identification of high-risk highway-rail grade crossings and strengthening enforcement and other methods to increase grade crossing safety.

“(4) Improving research efforts to enhance and promote railroad safety and performance.

“(5) Preventing railroad trespasser accidents, incidents, injuries, and fatalities.

“(6) Improving the safety of railroad bridges, tunnels, and related infrastructure to prevent accidents, incidents, injuries, and fatalities caused by catastrophic and other failures of such infrastructure.

“(b) RESOURCE NEEDS.—The strategy and annual plan shall include estimates of the funds and staff resources needed to accomplish the goals established by subsection (a). Such estimates shall also include the staff skills and training required for timely and effective accomplishment of each such goal.

“(c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—The Secretary shall submit the strategy and annual plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the same time as the President’s budget submission.

“(d) ACHIEVEMENT OF GOALS.—

“(1) PROGRESS ASSESSMENT.—No less frequently than annually, the Secretary shall assess the progress of the Department toward achieving the strategic goals described in subsection (a). The Secretary shall identify any deficiencies in achieving the goals within the strategy and develop and institute measures to remediate such deficiencies. The Secretary and the Administrator shall convey their assessment to the employees of the Federal Railroad Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

“(2) REPORT TO CONGRESS.—Beginning in 2009, not later than November 1 of each year, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the performance of the Federal Railroad Administration containing the progress assessment required by paragraph (1) toward achieving the goals of the railroad safety strategy and annual plans under subsection (a).”

[For definitions of “railroad”, “Department”, “Secretary”, and “crossing”, as used in section 102 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.]

REPORTS ON STATUTORY MANDATES AND RECOMMENDATIONS

Pub. L. 110-432, div. A, title I, §106, Oct. 16, 2008, 122 Stat. 4859, provided that: “Not later than December 31, 2008, and annually thereafter, the Secretary shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation on the specific actions taken to implement unmet statutory mandates regarding railroad safety

and each open railroad safety recommendation made by the National Transportation Safety Board or the Department's Inspector General."

[For definitions of "Secretary", "railroad", and "Department", as used in section 106 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.]

§ 20102. Definitions

In this part—

(1) "Class I railroad", "Class II railroad", and "Class III railroad" mean railroad carriers that have annual carrier operating revenues that meet the threshold amount for Class I carriers, Class II carriers, and Class III carriers, respectively, as determined by the Surface Transportation Board under section 1201.1-1 of title 49, Code of Federal Regulations.

(2) "railroad"—

(A) means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including—

(i) commuter or other short-haul railroad passenger service in a metropolitan or suburban area and commuter railroad service that was operated by the Consolidated Rail Corporation on January 1, 1979; and

(ii) high speed ground transportation systems that connect metropolitan areas, without regard to whether those systems use new technologies not associated with traditional railroads; but

(B) does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(3) "railroad carrier" means a person providing railroad transportation, except that, upon petition by a group of commonly controlled railroad carriers that the Secretary determines is operating within the United States as a single, integrated rail system, the Secretary may by order treat the group of railroad carriers as a single railroad carrier for purposes of one or more provisions of part A, subtitle V of this title and implementing regulations and order, subject to any appropriate conditions that the Secretary may impose.

(4) "safety-related railroad employee" means—

(A) a railroad employee who is subject to chapter 211;

(B) another operating railroad employee who is not subject to chapter 211;

(C) an employee who maintains the right of way of a railroad;

(D) an employee of a railroad carrier who is a hazmat employee as defined in section 5102(3) of this title;

(E) an employee who inspects, repairs, or maintains locomotives, passenger cars, or freight cars; and

(F) any other employee of a railroad carrier who directly affects railroad safety, as determined by the Secretary.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 863; Pub. L. 110-432, div. A, §2(b), title IV, §407, Oct. 16, 2008, 122 Stat. 4850, 4886.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20102(1)	45:16.	Apr. 14, 1910, ch. 160, §1, 36 Stat. 298; restated June 22, 1988, Pub. L. 100-342, §13(3)(E), 102 Stat. 632.
	45:22.	Feb. 17, 1911, ch. 103, §1, 36 Stat. 913; June 7, 1924, ch. 355, §1, 43 Stat. 659; restated June 22, 1988, Pub. L. 100-342, §14(1), 102 Stat. 632.
	45:38 (last sentence).	May 6, 1910, ch. 208, 36 Stat. 350, §1 (last sentence); added June 22, 1988, Pub. L. 100-342, §15(1)(C), 102 Stat. 633.
	45:61(a).	Mar. 4, 1907, ch. 2939, §1(a), 34 Stat. 1415; Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 463; restated Nov. 2, 1978, Pub. L. 95-574, §5, 92 Stat. 2461; June 22, 1988, Pub. L. 100-342, §16(1)(A), 102 Stat. 634.
	45:61(b)(1).	Mar. 4, 1907, ch. 2939, §1(b)(1), 34 Stat. 1415; restated Dec. 26, 1969, Pub. L. 91-169, §1, 83 Stat. 463; June 22, 1988, Pub. L. 100-342, §16(1)(B), 102 Stat. 634.
	45:431(e).	Oct. 16, 1970, Pub. L. 91-458, §202(e), 84 Stat. 971; restated June 22, 1988, Pub. L. 100-342, §7(a), 102 Stat. 628.
	49:App.:26(a).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §25(a); added Feb. 28, 1920, ch. 91, §441, 41 Stat. 498; Aug. 26, 1937, ch. 818, 50 Stat. 835; Sept. 18, 1940, ch. 722, §14(b), 54 Stat. 919; restated June 22, 1988, Pub. L. 100-342, §17(1), 102 Stat. 635.
20102(2)	(no source).	

Clause (1) is substituted for the source provisions to avoid repeating the definition of "railroad" in each chapter in this part.

Clause (2) is added to distinguish between railroad transportation and the entity providing railroad transportation.

Editorial Notes

AMENDMENTS

2008—Pub. L. 110-432, §2(b), added pars. (1) and (4) and redesignated former pars. (1) and (2) as (2) and (3), respectively.

Par. (3). Pub. L. 110-432, §407, amended par. (3) generally. Prior to amendment, text read as follows: "‘railroad carrier’ means a person providing railroad transportation."

Statutory Notes and Related Subsidiaries

DEFINITIONS APPLICABLE TO DIVISION A OF PUB. L. 110-432

Pub. L. 110-432, div. A, §2(a), Oct. 16, 2008, 122 Stat. 4849, as amended by Pub. L. 114-94, div. A, title XI, §11316(j)(2), Dec. 4, 2015, 129 Stat. 1677, provided that: "In this division [see Short Title of 2008 Amendment note set out under section 20101 of this title]:

"(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks at grade, where—

"(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

"(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private