

under the Railway Labor Act (45 U.S.C. 151 et seq.), including agreements related to qualifications of employees, that are not inconsistent with regulations prescribed and orders issued under this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 868.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20110	45:431(a) (2d, last sentences).	Oct. 16, 1970, Pub. L. 91–458, §202(a) (2d, last sentences), 84 Stat. 971.

In clause (2), the words “railroad carriers” are substituted for “common carriers” for consistency in this part.

Editorial Notes

REFERENCES IN TEXT

The Railway Labor Act, referred to in par. (2), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

§ 20111. Enforcement by the Secretary of Transportation

(a) EXCLUSIVE AUTHORITY.—The Secretary of Transportation has exclusive authority—

(1) to impose and compromise a civil penalty for a violation of a railroad safety regulation prescribed or order issued by the Secretary;

(2) except as provided in section 20113 of this title, to request an injunction for a violation of a railroad safety regulation prescribed or order issued by the Secretary; and

(3) to recommend appropriate action be taken under section 20112(a) of this title.

(b) COMPLIANCE ORDERS.—The Secretary may issue an order directing compliance with this part or with a railroad safety regulation prescribed or order issued under this part.

(c) ORDERS PROHIBITING INDIVIDUALS FROM PERFORMING SAFETY-SENSITIVE FUNCTIONS.—

(1) If an individual’s violation of this part, chapter 51 of this title, or a regulation prescribed, or an order issued, by the Secretary under this part or chapter 51 of this title is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after providing notice and an opportunity for a hearing, may issue an order prohibiting the individual from performing safety-sensitive functions in the railroad industry for a specified period of time or until specified conditions are met.

(2) This subsection does not affect the Secretary’s authority under section 20104 of this title to act on an emergency basis.

(d) REGULATIONS REQUIRING REPORTING OF REMEDIAL ACTIONS.—(1) The Secretary shall prescribe regulations to require that a railroad carrier notified by the Secretary that imposition of a civil penalty will be recommended for a failure to comply with this part, chapter 51 or 57 of this title, or a regulation prescribed or order issued under any of those provisions, shall report to the Secretary, not later than the 30th day after the end of the month in which the notification is received—

(A) actions taken to remedy the failure; or

(B) if appropriate remedial actions cannot be taken by that 30th day, an explanation of the reasons for the delay.

(2) The Secretary—

(A) not later than June 3, 1993, shall issue a notice of a regulatory proceeding for proposed regulations to carry out this subsection; and

(B) not later than September 3, 1994, shall prescribe final regulations to carry out this subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 868; Pub. L. 103–440, title II, §205, Nov. 2, 1994, 108 Stat. 4620; Pub. L. 110–432, div. A, title III, §305, Oct. 16, 2008, 122 Stat. 4879.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20111(a)	45:435(a) (last sentence).	Oct. 16, 1970, Pub. L. 91–458, §206(a) (last sentence), 84 Stat. 973; Nov. 16, 1990, Pub. L. 101–615, §28(a)(4), 104 Stat. 3276.
20111(b)	45:437(a) (2d sentence).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §208(a) (2d sentence); added Jan. 3, 1975, Pub. L. 93–633, §206, 88 Stat. 2166; June 22, 1988, Pub. L. 100–342, §8, 102 Stat. 628.
	45:437(d)(1) (last sentence).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §208(d)(1) (last sentence); added Oct. 10, 1980, Pub. L. 96–423, §6(b), 94 Stat. 1814.
20111(c)	45:438(f).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §209(f); added June 22, 1988, Pub. L. 100–342, §3(a)(4), 102 Stat. 625.
20111(d)	45:437 (note).	Sept. 3, 1992, Pub. L. 102–365, §3, 106 Stat. 972.

In this section, the word “impose” is substituted for “assess” for consistency.

In subsection (b), the word “further” is omitted as surplus.

In subsection (d), the words “this part, chapter 51 or 57 of this title” are substituted for “the Federal railroad safety laws, as such term is defined in section 441(e) of this title” because 45:441(e) is not restated as a definition.

Editorial Notes

AMENDMENTS

2008—Subsec. (c). Pub. L. 110–432 amended subsec. (c) generally. Prior to amendment, text read as follows: “If an individual’s violation of this chapter or any of the laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e)(1), (2), and (6)(A) of section 6 of the Department of Transportation Act, as in effect on June 1, 1994, or a regulation prescribed or order issued by the Secretary under this chapter is shown to make that individual unfit for the performance of safety-sensitive functions, the Secretary, after notice and opportunity for a hearing, may issue an order prohibiting the individual from performing safety-sensitive functions in the railroad industry for a specified period of time or until specified conditions are met. This subsection does not affect the Secretary’s authority under section 20104 of this title to act on an emergency basis.”

1994—Subsec. (c). Pub. L. 103–440 inserted “this chapter or any of the laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e)(1), (2), and (6)(A) of section 6 of the Department of Transportation Act, as in effect on June 1, 1994, or” after “individual’s violation of”.

§ 20112. Enforcement by the Attorney General

(a) CIVIL ACTIONS.—At the request of the Secretary of Transportation, the Attorney General may bring a civil action in a district court of the United States—

(1) to enjoin a violation of, or to enforce, this part, except for section 20109 of this title, or a railroad safety regulation prescribed or order issued by the Secretary;

(2) to collect a civil penalty imposed or an amount agreed on in compromise under section 21301, 21302, or 21303 of this title; or

(3) to enforce a subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition issued by the Secretary under this part.

(b) VENUE.—(1) Except as provided in paragraph (2) of this subsection, a civil action under this section may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. If an action to collect a penalty is against an individual, the action also may be brought in the judicial district in which the individual resides.

(2) A civil action to enforce a subpoena issued by the Secretary or a compliance order issued under section 20111(b) of this title may be brought in the judicial district in which the defendant resides, does business, or is found.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 869; Pub. L. 110–432, div. A, title III, §309, Oct. 16, 2008, 122 Stat. 4882.)

mean that the Secretary’s request is to the Attorney General rather than to the district court. See H.R. Rept. No. 91–1194, 91st Cong., 2d Sess., p. 20 (1970). The words “the Attorney General may bring a civil action in a district court of the United States” are substituted for “such district court shall have jurisdiction, upon petition by the Attorney General” in 45:437(a) (last sentence), “The district courts of the United States shall have jurisdiction, upon petition by the Attorney General” in 45:437(d)(2), and “The United States district court shall . . . upon petition by the Attorney General on behalf of the United States . . . have jurisdiction” in 45:439(a) for clarity and consistency. It is not necessary to restate that the district court has jurisdiction because of 28:1331 and 1345. See also the statement of Senator Prouty in 115 Cong. Rec. 40205 (1969) explaining that similar language in section 110 of S. 1933, 91st Cong., 1st Sess. (the derivative source for 45:439) would grant the Attorney General the power to seek injunctions. Clauses (1)–(3) are substituted for the source provisions to eliminate unnecessary words. In clause (1), the words “subject to the provisions of rules 65(a) and (b) of the Federal Rules of Civil Procedure” in 45:439(a) are omitted as surplus because the Federal Rules of Civil Procedure (28 App. U.S.C.) apply in the district court unless otherwise provided. In clause (2), the words “or an amount agreed on in compromise” are added for clarity.

In subsection (b)(1), the text of 45:439(c) (words before 1st comma) is omitted because it applies only to actions brought by a State authority. See discussion of the cross-reference in the note for section 20113(c) of the revised title. The last sentence is substituted for “in which the individual resides” in 45:438(c) because of the restatement.

In subsection (b)(2), the words “compliance order issued under section 20111(b) of this title” are substituted for “order, or directive” because the latter words are interpreted as referring to “orders directing compliance” in 45:437(a) (2d sentence), restated in section 20111(b).

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20112(a)	45:437(a) (last sentence related to authority to bring actions). 45:437(d)(2). 45:438(c) (4th sentence related to authority to bring actions). 45:439(a) (related to actions by Attorney General).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §208(a) (last sentence); added June 22, 1988, Pub. L. 100–342, §8, 102 Stat. 628. Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §208(d)(2); added Oct. 10, 1980, Pub. L. 96–423, §6(b), 94 Stat. 1814. Oct. 16, 1970, Pub. L. 91–458, §209(c) (4th sentence), 84 Stat. 975; Oct. 10, 1980, Pub. L. 96–423, §8(a), 94 Stat. 1814; June 22, 1988, Pub. L. 100–342, §3(a)(3)(A), (B), 102 Stat. 624. Oct. 16, 1970, Pub. L. 91–458, §210(a) (related to actions by Attorney General), 84 Stat. 975; Oct. 10, 1980, Pub. L. 96–423, §9(a), 94 Stat. 1814; Nov. 16, 1990, Pub. L. 101–615, §28(f), 104 Stat. 3277.
20112(b)(1) ..	45:438(c) (4th sentence related to venue). 45:439(c) (related to actions by Attorney General).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §210(c) (related to actions by Attorney General); added Oct. 10, 1980, Pub. L. 96–423, §9(b), 94 Stat. 1815.
20112(b)(2) ..	45:437(a) (last sentence related to venue).	

In subsection (a), before clause (1), the words “At the request of the Secretary of Transportation” are substituted for “at the request of the Secretary” in 45:439(a), and are made applicable to all of the source provisions restated in this subsection, for clarity and consistency. The words “at the request of the Secretary” in 45:439(a) are interpreted and restated to

Editorial Notes

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–432, §309(1), inserted “this part, except for section 20109 of this title, or” after “enforce.”

Subsec. (a)(2). Pub. L. 110–432, §309(2), substituted “21301, 21302, or 21303” for “21301”.

Subsec. (a)(3). Pub. L. 110–432, §309(3), (4), substituted “subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition” for “subpena” and “part.” for “chapter.”

§ 20113. Enforcement by the States

(a) INJUNCTIVE RELIEF.—If the Secretary of Transportation does not begin a civil action under section 20112 of this title to enjoin the violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 15 days after the date the Secretary receives notice of the violation and a request from a State authority participating in investigative and surveillance activities under section 20105 of this title that the action be brought, the authority may bring a civil action in a district court of the United States to enjoin the violation. This subsection does not apply if the Secretary makes an affirmative written finding that the violation did not occur or that the action is not necessary because of other enforcement action taken by the Secretary related to the violation.

(b) IMPOSITION AND COLLECTION OF CIVIL PENALTIES.—If the Secretary does not impose the