HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20133(a)	45:431(h)(1)(A) (1st, last sentences), (B), (4).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(h); added Oct. 10, 1980, Pub. L. 96–423, §14, 94 Stat. 1817; Jan. 14, 1983, Pub. L. 97–468, §702(a), 96 Stat. 2579.
20133(b)	45:431(h)(1)(A) (2d, 3d sentences), (2).	
20133(c)	45:431(h)(3).	

In subsection (a), the words ''within one year after January 14, 1983'' and ''initial'' are omitted as obsolete. The text of 45:431(h)(1)(B) is omitted as executed. The words ''after a hearing in accordance with subsection (b) of this section'' are omitted as surplus because of section 20103(e) of the revised title.

In subsections (b) and (c), the word ''subsequent'' is omitted as surplus.

In subsection (c), the word ''Amtrak'' is substituted for ''National Railroad Passenger Corporation'' for consistency in this subtitle. The word ''regulatory'' is substituted for ''rulemaking'' for consistency in the revised title.

Editorial Notes

AMENDMENTS

2022—Subsec. (d). Pub. L. 117–286 substituted ''chapter 10 of title 5,'' for ''the Federal Advisory Committee Act (5 U.S.C. App.),''.

1996—Subsec. (b)(1). Pub. L. 104–287, §5(47)(A), substituted ''November 2, 1994'' for ''the date of enactment of the Federal Railroad Safety Authorization Act of 1994''.

Subsec. (b)(2). Pub. L. 104–287, §5(47)(B), substituted ''November 2, 1994'' for ''such date of enactment''.

1994—Pub. L. 103–440 amended section generally, substituting present provisions for provisions requiring the Secretary to take administrative action to ensure that the construction, operation, and maintenance of passenger rail equipment maximize the safety of passengers, and providing for areas of consideration and concentration, as well as consultation with Amtrak.

Statutory Notes and Related Subsidiaries

EMERGENCY LIGHTING

Pub. L. 117–58, div. B, title II, §22406, Nov. 15, 2021, 135 Stat. 738, provided that: ''Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall initiate a rulemaking to require that all rail carriers providing intercity passenger rail transportation or commuter rail passenger transportation (as such terms are defined in section 24102 of title 49, United States Code), develop and implement periodic inspection plans to ensure that passenger equipment offered for revenue service complies with the requirements under part 238 of title 49, Code of Federal Regulations, including ensuring that, in the event of a loss of power, there is adequate emergency lighting available to allow passengers, crew members, and first responders—

''(1) to see and orient themselves;

''(2) to identify obstacles;

''(3) to safely move throughout the rail car; and

''(4) to evacuate safely.''

PASSENGER RAIL VEHICLE OCCUPANT PROTECTION SYSTEMS

Pub. L. 117–58, div. B, title II, §22420, Nov. 15, 2021, 135 Stat. 749, provided that:

''(a) STUDY.—The Administrator of the Federal Railroad Administration shall conduct a study of the potential installation and use in new passenger rail rolling stock of passenger rail vehicle occupant protection systems that could materially improve passenger safety.

''(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Administrator shall consider minimizing the risk of secondary collisions, including estimating the costs and benefits of the new requirements, through the use of—

''(1) occupant restraint systems;

''(2) air bags;

''(3) emergency window retention systems; and

''(4) interior designs, including seats, baggage restraints, and table configurations and attachments.

''(c) REPORT.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], the Administrator shall—

''(1) submit a report summarizing the findings of the study conducted pursuant to subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

''(2) publish such report on the website of the Federal Railroad Administration.

''(d) RULEMAKING.—Following the completion of the study required under subsection (a), and after considering the costs and benefits of the proposed protection systems, the Administrator may promulgate a rule that establishes standards for the use of occupant protection systems in new passenger rail rolling stock.''

§ 20134. Grade crossings and railroad rights of way

(a) GENERAL.—To the extent practicable, the Secretary of Transportation shall maintain a coordinated effort to develop and carry out solutions to the railroad grade crossing problem and measures to protect pedestrians in densely populated areas along railroad rights of way. To carry out this subsection, the Secretary may use the authority of the Secretary under this chapter and over highway, traffic, and motor vehicle safety and over highway construction. The Secretary may purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to preventing trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.

(b) SIGNAL SYSTEMS AND OTHER DEVICES.—Not later than June 22, 1989, the Secretary shall prescribe regulations and issue orders to ensure the safe maintenance, inspection, and testing of signal systems and devices at railroad highway grade crossings.

(c) DEMONSTRATION PROJECTS.—(1) The Secretary shall establish demonstration projects to evaluate whether accidents and incidents involving trains would be reduced by—

(A) reflective markers installed on the road surface or on a signal post at railroad grade crossings;

(B) stop signs or yield signs installed at grade crossings; and

(C) speed bumps or rumble strips installed on the road surfaces at the approaches to grade crossings.

(2) Not later than June 22, 1990, the Secretary shall submit a report on the results of the demonstration projects 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. 103–272, § 1(e), July 5, 1994, 108 Stat. 873; Pub. L. 104–287, § 5(48), Oct. 11, 1996, 110 Stat. 3393; Pub. L. 110–432, div. A, title II, § 208(c), Oct. 16, 2008, 122 Stat. 4876.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20134(a)	45:433(b).	Oct. 16, 1970, Pub. L. 91–458, § 204(b), 84 Stat. 972.
20134(b)	45:431(q).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §§ 202(q), 215(a), (b); added June 22, 1988, Pub. L. 100–342, §§ 20, 23, 102 Stat. 638, 639; Sept. 3, 1992, Pub. L. 102–365, § 2(4), 106 Stat. 972.
20134(c)	45:445(a), (b).	

In subsection (a), the words ''In addition'' are omitted as surplus. The word ''maintain'' is substituted for ''undertake'' for clarity because the effort has begun. The words ''the objective of'' are omitted as surplus. The words ''To carry out this section, the Secretary may use'' are added for clarity.

In subsection (b), the words ''Not later than June 22, 1989'' are substituted for ''within one year after June 22, 1988'' for clarity.

In subsection (c)(1), before clause (A), and (2), the word ''Secretary'' is substituted for ''Federal Railroad Administration'' for clarity and consistency in the revised title. In this restatement, the Secretary of Transportation carries out all laws. However, this subsection is based on source provisions that provide that the Federal Railroad Administration carries out the subsection. A cross-reference to this subsection has been included in 49:103 to preserve duties and powers under this subsection to the Administrator of the Federal Railroad Administration.

In subsection (c)(1), before clause (A), the words ''and incidents'' are added for consistency in this part.

Editorial Notes

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–432 inserted at end ''The Secretary may purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to preventing trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.''

1996—Subsec. (c)(2). Pub. L. 104–287 substituted ''Committee on Transportation and Infrastructure'' for ''Committee on Energy and Commerce''.

Statutory Notes and Related Subsidiaries

PEDESTRIAN CROSSING SAFETY

Pub. L. 110–432, div. A, title II, § 201, Oct. 16, 2008, 122 Stat. 4868, provided that: ''Not later than 1 year after the date of enactment of this Act [Oct. 16, 2008], the Secretary shall provide guidance to railroads on strategies and methods to prevent pedestrian accidents, incidents, injuries, and fatalities at or near passenger stations, including—

''(1) providing audible warning of approaching trains to the pedestrians at railroad passenger stations;

''(2) using signs, signals, or other visual devices to warn pedestrians of approaching trains;

''(3) installing infrastructure at pedestrian crossings to improve the safety of pedestrians crossing railroad tracks;

''(4) installing fences to prohibit access to railroad tracks; and

''(5) other strategies or methods as determined by the Secretary.''

[For definitions of ''crossing'', ''Secretary'', and ''railroad'', as used in section 201 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.]

§ 20135. Licensing or certification of locomotive operators

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the licensing or certification, after one year after the program is established, of any operator of a locomotive.

(b) PROGRAM REQUIREMENTS.—The program established under subsection (a) of this section—

(1) shall be carried out through review and approval of each railroad carrier's operator qualification standards;

(2) shall provide minimum training requirements;

(3) shall require comprehensive knowledge of applicable railroad carrier operating practices and rules;

(4) except as provided in subsection (c)(1) of this section, shall require consideration, to the extent the information is available, of the motor vehicle driving record of each individual seeking licensing or certification, including—

(A) any denial, cancellation, revocation, or suspension of a motor vehicle operator's license by a State for cause within the prior 5 years; and

(B) any conviction within the prior 5 years of an offense described in section 30304(a)(3)(A) or (B) of this title;

(5) may require, based on the individual's driving record, disqualification or the granting of a license or certification conditioned on requirements the Secretary prescribes; and

(6) shall require an individual seeking a license or certification—

(A) to request the chief driver licensing official of each State in which the individual has held a motor vehicle operator's license within the prior 5 years to provide information about the individual's driving record to the individual's employer, prospective employer, or the Secretary, as the Secretary requires; and

(B) to make the request provided for in section 30305(b)(4) of this title for information to be sent to the individual's employer, prospective employer, or the Secretary, as the Secretary requires.

(c) WAIVERS.—(1) The Secretary shall prescribe standards and establish procedures for waiving subsection (b)(4) of this section for an individual or class of individuals who the Secretary decides are not currently unfit to operate a locomotive. However, the Secretary may waive subsection (b)(4) for an individual or class of individuals with a conviction, cancellation, revocation, or suspension described in paragraph (2)(A) or (B) of this subsection only if the individual or class, after the conviction, cancellation, revocation, or suspension, successfully completes a rehabilitation program established by a railroad carrier or approved by the Secretary.

(2) If an individual, after the conviction, cancellation, revocation, or suspension, successfully