

completes a rehabilitation program established by a railroad carrier or approved by the Secretary, the individual may not be denied a license or certification under subsection (b)(4) of this section because of—

(A) a conviction for operating a motor vehicle when under the influence of, or impaired by, alcohol or a controlled substance; or

(B) the cancellation, revocation, or suspension of the individual's motor vehicle operator's license for operating a motor vehicle when under the influence of, or impaired by, alcohol or a controlled substance.

(d) OPPORTUNITY FOR HEARING.—An individual denied a license or certification or whose license or certification is conditioned on requirements prescribed under subsection (b)(4) of this section shall be entitled to a hearing under section 20103(e) of this title to decide whether the license has been properly denied or conditioned.

(e) OPPORTUNITY TO EXAMINE AND COMMENT ON INFORMATION.—The Secretary, employer, or prospective employer, as appropriate, shall make information obtained under subsection (b)(6) of this section available to the individual. The individual shall be given an opportunity to comment in writing about the information. Any comment shall be included in any record or file maintained by the Secretary, employer, or prospective employer that contains information to which the comment is related.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 874.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 20135(a) | 45:431(i)(1). | Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(i); added June 22, 1988, Pub. L. 100–342, §§4(a), 7(b), 102 Stat. 625, 628; Sept. 3, 1992, Pub. L. 102–365, §2(1), 106 Stat. 972. |
| 20135(b) | 45:431(i)(2). | |
| 20135(c)(1) .. | 45:431(i)(4). | |
| 20135(c)(2) .. | 45:431(i)(6). | |
| 20135(d) | 45:431(i)(5). | |
| 20135(e) | 45:431(i)(3). | |

In subsection (a), the words “within 12 months after June 22, 1988” are omitted as executed. The words “including any locomotive engineer” are omitted as surplus. The words “after one year after” are substituted for “after the expiration of 12 months following” to eliminate unnecessary words.

In subsection (b)(5), the word “requirements” is substituted for “terms” for consistency in this section.

In subsection (c)(1), the words “In establishing the program under this subsection” are omitted as surplus.

§ 20136. Automatic train control and related systems

The Secretary of Transportation shall prescribe regulations and issue orders to require that—

(1) an individual performing a test of an automatic train stop, train control, or cab signal apparatus required by the Secretary to be performed before entering territory where the apparatus will be used shall certify in writing that the test was performed properly; and

(2) the certification required under clause (1) of this section shall be maintained in the same way and place as the daily inspection report for the locomotive.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 875; Pub. L. 103–429, §6(19), Oct. 31, 1994, 108 Stat. 4379.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 20136 | 45:431(j). | Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(j); added June 22, 1988, Pub. L. 100–342, §9, 102 Stat. 628. |

The words “Within 90 days after June 22, 1988” are omitted as expired.

PUB. L. 103–429

This amends 49:20136(2) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 875).

Editorial Notes

AMENDMENTS

1994—Par. (2). Pub. L. 103–429 substituted “section” for “subsection”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

§ 20137. Event recorders

(a) DEFINITION.—In this section, “event recorder” means a device that—

(1) records train speed, hot box detection, throttle position, brake application, brake operations, and any other function the Secretary of Transportation considers necessary to record to assist in monitoring the safety of train operation, such as time and signal indication; and

(2) is designed to resist tampering.

(b) REGULATIONS AND ORDERS.—Not later than December 22, 1989, the Secretary shall prescribe regulations and issue orders that may be necessary to enhance safety by requiring that a train be equipped with an event recorder not later than one year after the regulations are prescribed and the orders are issued. However, if the Secretary finds it is impracticable to equip trains within that one-year period, the Secretary may extend the period to a date that is not later than 18 months after the regulations are prescribed and the orders are issued.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 875.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 20137 | 45:431(m). | Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(m); added June 22, 1988, Pub. L. 100–342, §10, 102 Stat. 629. |

In subsection (b), the words “Not later than December 22, 1989” are substituted for “within 18 months after June 22, 1988” for clarity. The words “may extend the period to a date that is not later than 18 months after the regulations are prescribed and the orders are issued” are substituted for “may extend the deadline