

(1) **IN GENERAL.**—Except as provided in paragraph (2), a railroad carrier subject to the requirements of subsection (a) may take appropriate enforcement or administrative action against any employee that tampers with or disables an audio or inward- or outward-facing image recording device installed by the railroad carrier.

(2) **TEMPORARILY OBSCURING FIELD OF VIEW OF AN IMAGE RECORDING DEVICE WHILE EXPRESSING BREAST MILK.**—

(A) **IN GENERAL.**—For purposes of expressing breast milk, an employee may temporarily obscure the field of view of an image recording device required under this section if the passenger train on which such device is installed is not in motion.

(B) **RESUMING OPERATION.**—The crew of a passenger train on which an image recording device has been obscured pursuant to subparagraph (A) shall ensure that such image recording device is no longer obscured immediately after the employee has finished expressing breast milk and before resuming operation of the passenger train.

(g) **PRESERVATION OF DATA.**—Each railroad carrier subject to the requirements of subsection (a) shall preserve recording device data for 1 year after the date of a reportable accident or incident.

(h) **INFORMATION PROTECTIONS.**—The Secretary may not disclose publicly any part of an in-cab audio or image recording or transcript of oral communications by or among train employees or other operating employees responsible for the movement and direction of the train, or between such operating employees and company communication centers, related to an accident or incident investigated by the Secretary. The Secretary may make public any part of a transcript or any written depiction of visual information that the Secretary determines is relevant to the accident at the time a majority of the other factual reports on the accident or incident are released to the public.

(i) **PROHIBITED USE.**—An in-cab audio or image recording obtained by a railroad carrier under this section may not be used to retaliate against an employee.

(j) **SAVINGS CLAUSE.**—Nothing in this section may be construed as requiring a railroad carrier to cease or restrict operations upon a technical failure of an inward- or outward-facing image recording device or in-cab audio device. Such railroad carrier shall repair or replace the failed inward- or outward-facing image recording device as soon as practicable.

(Added Pub. L. 114-94, div. A, title XI, §11411(a), Dec. 4, 2015, 129 Stat. 1686; amended Pub. L. 117-328, div. KK, §102(c), Dec. 29, 2022, 136 Stat. 6096.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (a), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

AMENDMENTS

2022—Subsec. (f). Pub. L. 117-328 designated existing provisions as par. (1) and inserted heading, substituted

“Except as provided in paragraph (2), a railroad carrier” for “A railroad carrier”, and added par. (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-328, div. KK, §103(c), Dec. 29, 2022, 136 Stat. 6096, provided that: “The amendments made by section 102(c) [amending this section] shall take effect on the date of enactment of this Act [Dec. 29, 2022].”

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

§ 20169. Speed limit action plans

(a) **IN GENERAL.**—Not later than March 3, 2016, each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation, in consultation with any applicable host railroad carrier, shall survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel.

(b) **ACTION PLANS.**—Not later than 120 days after the date that the survey under subsection (a) is complete, a railroad carrier described in subsection (a) shall submit to the Secretary of Transportation an action plan that—

(1) identifies each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel;

(2) describes appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified under paragraph (1), including—

(A) modification to automatic train control systems, if applicable, or other signal systems;

(B) increased crew size;

(C) installation of signage alerting train crews of the maximum authorized speed for passenger trains in each location identified under paragraph (1);

(D) installation of alerters;

(E) increased crew communication; and

(F) other practices;

(3) contains milestones and target dates for implementing each appropriate action described under paragraph (2); and

(4) ensures compliance with the maximum authorized speed at each location identified under paragraph (1).

(c) **APPROVAL.**—Not later than 90 days after the date on which an action plan is submitted under subsection (b) or (d)(2), the Secretary shall approve, approve with conditions, or disapprove the action plan.

(d) **PERIODIC REVIEWS AND UPDATES.**—Each railroad carrier that submits an action plan to the Secretary pursuant to subsection (b) shall—

(1) not later than 1 year after the date of enactment of the Passenger Rail Expansion and

Rail Safety Act of 2021, and annually thereafter, review such plan to ensure the effectiveness of actions taken to enable warning and enforcement of the maximum authorized speed for passenger trains at each location identified pursuant to subsection (b)(1); and

(2) not later than 90 days before implementing any significant operational or territorial operating change, including initiating a new service or route, submit to the Secretary a revised action plan, after consultation with any applicable host railroad, that addresses such operational or territorial operating change.

(e) **NEW SERVICE.**—If a railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation did not exist on the date of enactment of the FAST Act (Public Law 114-94; 129 Stat. 1312), such railroad carrier, in consultation with any applicable host railroad carrier, shall—

(1) survey its routes pursuant to subsection (a) not later than 90 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021; and

(2) develop an action plan pursuant to subsection (b) not later than 120 days after the date on which such survey is complete.

(f) **ALTERNATIVE SAFETY MEASURES.**—The Secretary may exempt from the requirements under this section each segment of track for which operations are governed by a positive train control system certified under section 20157, or any other safety technology or practice that would achieve an equivalent or greater level of safety in reducing derailment risk.

(g) **PROHIBITION.**—No new intercity or commuter rail passenger service may begin operation unless the railroad carrier providing such service is in compliance with the requirements under this section.

(h) **SAVINGS CLAUSE.**—Nothing in this section may be construed to prohibit the Secretary from applying the requirements under this section to other segments of track at high risk of over-speed derailment.

(Added Pub. L. 117-58, div. B, title II, §22415(a), Nov. 15, 2021, 135 Stat. 746.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, referred to in subsecs. (d)(1) and (e)(1), is the date of enactment of title II of div. B of Pub. L. 117-58, which was approved Nov. 15, 2021.

The date of enactment of the FAST Act, referred to in subsec. (e), is the date of enactment of Pub. L. 114-94, which was approved Dec. 4, 2015.

§ 20170. Pre-revenue service safety validation plan

(a) **PLAN SUBMISSION.**—Any railroad providing new, regularly scheduled, intercity or commuter rail passenger transportation, an extension of existing service, or a renewal of service that has been discontinued for more than 180 days shall develop and submit for review a comprehensive pre-revenue service safety validation plan to the

Secretary of Transportation not later than 60 days before initiating such revenue service. Such plan shall include pertinent safety milestones and a minimum period of simulated revenue service to ensure operational readiness and that all safety sensitive personnel are properly trained and qualified.

(b) **COMPLIANCE.**—After submitting a plan pursuant to subsection (a), the railroad shall adopt and comply with such plan and may not amend the plan without first notifying the Secretary of the proposed amendment. Revenue service may not begin until the railroad has completed the requirements of its plan, including the minimum simulated service period required by the plan.

(c) **RULEMAKING.**—The Secretary shall promulgate regulations to carry out this section, including—

(1) requiring that any identified safety deficiencies be addressed and corrected before the initiation of revenue service; and

(2) establishing appropriate deadlines to enable the Secretary to review and approve the pre-revenue service safety validation plan to ensure that service is not unduly delayed.

(Added Pub. L. 117-58, div. B, title II, §22416(a), Nov. 15, 2021, 135 Stat. 747.)

§ 20171. Requirements for railroad freight cars placed into service in the United States

(a) **DEFINITIONS.**—In this section:

(1) **COMPONENT.**—The term “component” means a part or subassembly of a railroad freight car.

(2) **CONTROL.**—The term “control” means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

(3) **COST OF SENSITIVE TECHNOLOGY.**—The term “cost of sensitive technology” means the aggregate cost of the sensitive technology located on a railroad freight car.

(4) **COUNTRY OF CONCERN.**—The term “country of concern” means a country that—

(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021;

(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list (as defined in subsection (g)(3) of such section); and

(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).