

or locomotive or tender part or appurtenance results in an accident or incident causing serious personal injury or death, the railroad carrier owning or operating the locomotive or tender—

(1) immediately shall file with the Secretary of Transportation a written statement of the fact of the accident or incident; and

(2) when the locomotive is disabled to the extent it cannot be operated under its own power, shall preserve intact all parts affected by the accident or incident, if possible without interfering with traffic, until an investigation of the accident or incident is completed.

(b) INVESTIGATIONS.—The Secretary shall—

(1) investigate each accident and incident reported under subsection (a) of this section;

(2) inspect each part affected by the accident or incident; and

(3) make a complete and detailed report on the cause of the accident or incident.

(c) PUBLICATION AND USE OF INVESTIGATION REPORTS.—When the Secretary considers publication to be in the public interest, the Secretary may publish a report of an investigation made under this section, stating the cause of the accident or incident and making appropriate recommendations. No part of a report may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 886.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20703(a) .....	45:30 (1st sentence related to 45:32).  45:32 (1st, 3d sentences).  49 App.:1655(e) (1)(E)-(G).	Mar. 4, 1915, ch. 169, §2 (1st sentence related to §8 of Act of Feb. 17, 1911), 38 Stat. 1192; Apr. 22, 1940, ch. 124, §2, 54 Stat. 148; Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 79 Stat. 1320.  Feb. 17, 1911, ch. 103, §8, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1(1)-(3) (related to §8 of Act of Feb. 17, 1911), 54 Stat. 148; Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 79 Stat. 1320; June 22, 1988, Pub. L. 100-342, §14(6), 102 Stat. 633.  Oct. 15, 1966, Pub. L. 89-670, §6(e)(1)(E)-(G), 80 Stat. 939.
20703(b) .....	45:32 (2d, last sentences).	
20703(c) .....	45:33. 49 App.:1655(e) (1)(E)-(G).	

In this section, the words “or incident” and “and incident” are added for consistency in this part.

In subsection (a), before clause (1), the words “locomotive, tender, or locomotive or tender part or appurtenance . . . the locomotive or tender” are substituted for “locomotive boiler or its appurtenances . . . said locomotive” in 45:32 and the text of 45:30 (1st sentence related to 45:32) for clarity and because of the restatement. The word “personal” is substituted for “to one or more persons” to eliminate unnecessary words. In clause (1), the word “immediately” is substituted for “forthwith” for consistency in this chapter. In clause (2), the words “operated under its own power” are substituted for “cannot be run by its own steam” for clarity. The words “hindrance or” are omitted as being included in “interfering”. The word “investigation” is substituted for “inspection” for consistency in this section.

In subsection (c), the words “at any time call upon the director of locomotive inspection for a report of

any accident embraced in section 32 of this title, and upon the receipt of said report” are omitted as obsolete because of Reorganization Plan No. 3 of 1965 (eff. July 27, 1965, 79 Stat. 1320) and 49 App.:1655(e)(1)(E)-(G). The text of 45:33 (2d sentence) is omitted as surplus. The words “civil action” are substituted for “suit or action” for consistency in the revised title and with other titles of the United States Code. The words “resulting from” are substituted for “growing out of” for clarity. The words “or investigation” are omitted as unnecessary because of the restatement.

CHAPTER 209—ACCIDENTS AND INCIDENTS

Sec.	
20901.	Reports.
20902.	Investigations.
20903.	Reports not evidence in civil actions for damages.

§ 20901. Reports

(a) GENERAL REQUIREMENTS.—Not later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier’s operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.

(b) MONETARY THRESHOLD FOR REPORTING.—(1) In establishing or changing a monetary threshold for the reporting of a railroad accident or incident, the Secretary shall base damage cost calculations only on publicly available information obtained from—

(A) the Bureau of Labor Statistics; or

(B) another department, agency, or instrumentality of the United States Government if the information has been collected through objective, statistically sound survey methods or has been previously subject to a public notice and comment process in a proceeding of a Government department, agency, or instrumentality.

(2) If information is not available as provided in paragraph (1)(A) or (B) of this subsection, the Secretary may use any other source to obtain the information. However, use of the information shall be subject to public notice and an opportunity for written comment.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 886.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20901(a) .....	45:38 (1st sentence).  45:39 (related to time of filing report).	May 6, 1910, ch. 208, §1 (1st sentence), 36 Stat. 350; restated Sept. 13, 1960, Pub. L. 86-762, §1, 74 Stat. 903; June 22, 1988, Pub. L. 100-342, §15(1)(A), (B), 102 Stat. 633.  May 6, 1910, ch. 208, §2 (related to time of filing report), 36 Stat. 351; Jan. 3, 1975, Pub. L. 93-633, §204(b), 88 Stat. 2166; June 22, 1988, Pub. L. 100-342, §15(2), 102 Stat. 634.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20901(b) .....	45:43a.	June 22, 1988, Pub. L. 100-342, § 24, 102 Stat. 639.
	49 App.:1655(e)(1)(K).	Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(K), 80 Stat. 939.
	45:38 (note).	Sept. 3, 1992, Pub. L. 102-365, § 15, 106 Stat. 981.

In this section, the words “accident” and “incident” are used, and the words “collision” and “derailment” are omitted, for consistency in this part. The words “the general manager, superintendent, or other proper officer of” in 45:38 are omitted as surplus because any duty of a railroad carrier must necessarily be carried out through its proper officers and agents. The text of 45:38 (1st sentence proviso) is omitted as executed.

In subsection (b), the words “or incident” are added for consistency. The text of section 15(c) of the Rail Safety Enforcement and Review Act (Pub. L. 102-365, 106 Stat. 981) is omitted as executed.

**Statutory Notes and Related Subsidiaries**

SAFETY REPORTING

Pub. L. 117-58, div. B, title II, § 22421(b), Nov. 15, 2021, 135 Stat. 750, provided that: “Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], and annually thereafter for the following 4 years, the Secretary [of Transportation] shall update Special Study Block 49 on Form FRA F 6180.54 (Rail Equipment Accident/Incident Report) to collect, with respect to trains involved in accidents required to be reported to the Federal Railroad Administration—

“(1) the number of cars and length of the involved trains; and

“(2) the number of crew members who were aboard a controlling locomotive involved in an accident at the time of such accident.”

ACCIDENT AND INCIDENT REPORTING

Pub. L. 110-432, div. A, title II, § 209, Oct. 16, 2008, 122 Stat. 4876, provided that: “The Federal Railroad Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to any Federal national accident database.”

[For definitions of “railroad” and “crossing”, as used in section 209 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.]

**§ 20902. Investigations**

(a) GENERAL AUTHORITY.—The Secretary of Transportation, or an impartial investigator authorized by the Secretary, may investigate—

(1) an accident or incident resulting in serious injury to an individual or to railroad property, occurring on the railroad line of a railroad carrier; and

(2) an accident or incident reported under section 20505 of this title.

(b) OTHER DUTIES AND POWERS.—In carrying out an investigation, the Secretary or authorized investigator may subpoena witnesses, require the production of records, exhibits, and other evidence, administer oaths, and take testimony. If the accident or incident is investigated by a commission of the State in which it occurred, the Secretary, if convenient, shall carry out the investigation at the same time as, and in coordination with, the commission’s investigation. The railroad carrier on whose railroad

line the accident or incident occurred shall provide reasonable facilities to the Secretary for the investigation.

(c) REPORTS.—When in the public interest, the Secretary shall make a report of the investigation, stating the cause of the accident or incident and making recommendations the Secretary considers appropriate. The Secretary shall publish the report in a way the Secretary considers appropriate.

(d) GATHERING INFORMATION AND TECHNICAL EXPERTISE.—

(1) IN GENERAL.—The Secretary shall create a standard process for investigators to use during accident and incident investigations conducted under this section for determining when it is appropriate and the appropriate method for—

(A) gathering information about an accident or incident under investigation from railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary; and

(B) consulting with railroad carriers, contractors or employees of railroad carriers or representatives of employees of railroad carriers, and others, as determined relevant by the Secretary, for technical expertise on the facts of the accident or incident under investigation.

(2) CONFIDENTIALITY.—In developing the process required under paragraph (1), the Secretary shall factor in ways to maintain the confidentiality of any entity identified under paragraph (1) if—

(A) such entity requests confidentiality;

(B) such entity was not involved in the accident or incident; and

(C) maintaining such entity’s confidentiality does not adversely affect an investigation of the Federal Railroad Administration.

(3) APPLICABILITY.—This subsection shall not apply to any investigation carried out by the National Transportation Safety Board.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 887; Pub. L. 117-58, div. B, title II, § 22417, Nov. 15, 2021, 135 Stat. 748.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20902(a) .....	45:40 (1st sentence, 2d sentence words between 1st and 2d commas). 49 App.:26(f) (words after last semicolon).	May 6, 1910, ch. 208, § 3, 36 Stat. 351; June 22, 1988, Pub. L. 100-342, § 15(3), 102 Stat. 634. Feb. 4, 1887, ch. 104, 24 Stat. 379, § 25(f) (words after last semicolon); added Feb. 28, 1920, ch. 91, § 441, 41 Stat. 498; restated Aug. 26, 1937, ch. 818, 50 Stat. 836; Sept. 18, 1940, ch. 722, § 14(b), 54 Stat. 919.
20902(b) .....	49 App.:1655(e)(1)(K).	Oct. 15, 1966, Pub. L. 89-670, § 6(e)(1)(K), 80 Stat. 939.
20902(c) .....	45:40 (2d sentence less words between 1st and 2d commas). 45:40 (3d, last sentences).	

In this section, the words “accident” and “incident” are used, and the words “collision” and “derailment” are omitted, for consistency in this part.