

49 U.S.C.A. § 20142

**C****Effective: August 10, 2005**United States Code Annotated [Currentness](#)Title 49. Transportation ([Refs & Annos](#))

Subtitle V. Rail Programs

Part A. Safety

▣ [Chapter 201](#). General ([Refs & Annos](#))▣ [Subchapter II](#). Particular Aspects of Safety**→ § 20142. Track safety**

**(a) Review of existing regulations.**--Not later than March 3, 1993, the Secretary of Transportation shall begin a review of Department of Transportation regulations related to track safety standards. The review at least shall include an evaluation of--

- (1) procedures associated with maintaining and installing continuous welded rail and its attendant structure, including cold weather installation procedures;
- (2) the need for revisions to regulations on track excepted from track safety standards; and
- (3) employee safety.

**(b) Revision of regulations.**--Not later than September 1, 1995, the Secretary shall prescribe regulations and issue orders to revise track safety standards, considering safety information presented during the review under subsection (a) of this section and the report of the Comptroller General submitted under subsection (c) of this section.

**(c) Comptroller General's study and report.**--The Comptroller General shall study the effectiveness of the Secretary's enforcement of track safety standards, with particular attention to recent relevant railroad accident experience and information. Not later than September 3, 1993, the Comptroller General shall submit a report to Congress and the Secretary on the results of the study, with recommendations for improving enforcement of those standards.

**(d) Identification of internal rail defects.**--In carrying out subsections (a) and (b), the Secretary shall consider whether or not to prescribe regulations and issue orders concerning--

- (1) inspection procedures to identify internal rail defects, before they reach imminent failure size, in rail that has significant shelling; and
- (2) any specific actions that should be taken when a rail surface condition, such as shelling, prevents the identification of internal defects.

**(e) Track standards.**--

**(1) In general.**--Within 90 days after the date of enactment of this subsection, the Federal Railroad Administration shall--

- (A) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to [section 213.119 of title 49, Code of Federal Regulations](#)) to improve the identification of cracks in rail joint bars;

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(B) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(C) establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors periodically.

(2) **Inspection.**--Whenever the Administration determines that it is necessary or appropriate, the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

CREDIT(S)

(Added [Pub.L. 103-272, § 1\(e\)](#), July 5, 1994, 108 Stat. 879, and amended [Pub.L. 103-440, Title II, § 208](#), Nov. 2, 1994, 108 Stat. 4621; [Pub.L. 109-59, Title IX, § 9005\(a\)](#), Aug. 10, 2005, 119 Stat. 1924.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

**1994 Acts.**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20142(a)	45:431(s)(1)(1st sentence), (2).	Oct. 16, 1970, Pub.L. 91-458, 84 Stat. 971, § 202(s); added Sept. 3, 1992, Pub.L. 102-365, § 8, 106 Stat. 976.
20142(b)	45:431(s)(1)(last sentence).	
20142(c)	45:431(s)(3).	

In subsection (c), the word "information" is substituted for "data" for consistency in the revised title. [House Report No. 103-180](#).

[House Report No. 103-692](#), see 1994 U.S. Code Cong. and Adm. News, p. 3670.

2005 Acts. House Conference Report No. 109-203, see 2005 U.S. Code Cong. and Adm. News, p. 452.

Statement by President, see 2005 U.S. Code Cong. and Adm. News, p. S24.

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#### References in Text

The date of enactment of this subsection, referred to in subsec. (e)(1), is Aug. 10, 2005, the date of enactment of [Pub.L. 109-59](#), Aug. 10, 2005, 119 Stat. 1144, also known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU, which enacted this subsection. For complete classification, see Short Title note set out under [23 U.S.C.A. § 101](#) and Tables.

#### Amendments

2005 Amendments. Subsec. (e). [Pub.L. 109-59, § 9005\(a\)](#), added subsec. (e).

1994 Amendments. Subsec. (a)(1). [Pub.L. 103-440, § 208\(2\)](#), inserted ", including cold weather installation procedures" after "attendant structure".

Subsec. (b). [Pub.L. 103-440, § 208\(1\)](#), substituted "September 1, 1995" for "September 3, 1994".

Subsec. (d). [Pub.L. 103-440, § 208\(3\)](#), added subsec. (d).


#### CODE OF FEDERAL REGULATIONS

Railroad operating practices, see [49 CFR § 218.1](#) et seq.

Railroad safety enforcement procedures, see [49 CFR § 209.1](#) et seq.

#### LIBRARY REFERENCES

##### American Digest System

Maintenance, repair, and operation; roadbed, track, bridges, and tunnels, see Railroads 87 et seq., 237.

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