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49 USC CHAPTER 203 - SAFETY APPLIANCES

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION

SUBTITLE V - RAIL PROGRAMS

PART A - SAFETY

CHAPTER 203 - SAFETY APPLIANCES

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CHAPTER 203 - SAFETY APPLIANCES

-MISC1-

Sec.

20301. Definition and nonapplication.

20302. General requirements.

20303. Moving defective and insecure vehicles needing repairs.

20304. Assumption of risk by employees.

20305. Inspection of mail cars.

20306. Exemption for technological improvements.

-SECREP-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 103, 20105, 21302 of this title; title 31 section 3711.

-End-

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49 USC Sec. 20301

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION

SUBTITLE V - RAIL PROGRAMS

PART A - SAFETY

CHAPTER 203 - SAFETY APPLIANCES

-HEAD-

Sec. 20301. Definition and nonapplication

-STATUTE-

(a) Definition. - In this chapter, "vehicle" means a car, locomotive, tender, or similar vehicle.

(b) Nonapplication. - This chapter does not apply to the following:

(1) a train of 4-wheel coal cars.

(2) a train of 8-wheel standard logging cars if the height of each car from the top of the rail to the center of the coupling is not more than 25 inches.

(3) a locomotive used in hauling a train referred to in clause (2) of this subsection when the locomotive and cars of the train are used only to transport logs.

(4) a car, locomotive, or train used on a street railway.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 881; Pub. L. 104-287, Sec. 5(52), Oct. 11, 1996, 110 Stat. 3393.)

-MISC1-

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20301(a)	45:8 ("trains, locomotives, tenders, cars, and similar vehicles"). 45:9 (3d sentence).	
20301(b)	45:6 (1st sentence proviso). 45:8 (words after 16th comma).	Mar. 2, 1893, ch. 196, Sec. 6 (1st sentence proviso), 27 Stat. 532; restated Apr. 1, 1896, ch. 87, 29 Stat. 85. Mar. 2, 1903, ch. 976, Sec. 1 (words after 23d comma), 32 Stat. 943.

Subsection (a) is added to avoid repeating the substance of the definition throughout this chapter.

In subsection (b), the words before clause (1) are substituted for "Provided, That nothing in sections 1 to 7 of this title shall apply to" in 45:6 because 45:9, 11, and 16 provide that 45:9 and 11-16 apply to the same vehicles and trains as 45:1-7 apply to. In clause (1), the word "coal" is added for clarity because of the decision of the Supreme Court in *Baltimore & Ohio Railway Co. v. Jackson*, 353 U.S. 325, 333 (1957) and the legislative history of 45:6 (proviso). See 24 Cong. Rec. 1477 (1893). The text of 45:8 (words after last comma) is omitted as unnecessary because of the definition of "railroad" in section 20102 of the revised title.

PUB. L. 104-287

This amends 49:20301(b) to clarify the restatement of 45:8 by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 881).

AMENDMENTS

1996 - Subsec. (b)(4). Pub. L. 104-287 added par. (4).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

-End-

-CITE-

49 USC Sec. 20302

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 203 - SAFETY APPLIANCES

-HEAD-

Sec. 20302. General requirements

-STATUTE-

(a) General. - Except as provided in subsection (c) of this section and section 20303 of this title, a railroad carrier may use or allow to be used on any of its railroad lines -

(1) a vehicle only if it is equipped with -

(A) couplers coupling automatically by impact, and capable of being uncoupled, without the necessity of individuals going between the ends of the vehicles;

(B) secure sill steps and efficient hand brakes; and

(C) secure ladders and running boards when required by the Secretary of Transportation, and, if ladders are required, secure handholds or grab irons on its roof at the top of each ladder;

(2) except as otherwise ordered by the Secretary, a vehicle only if it is equipped with secure grab irons or handholds on its ends and sides for greater security to individuals in coupling and uncoupling vehicles;

(3) a vehicle only if it complies with the standard height of drawbars required by regulations prescribed by the Secretary;

(4) a locomotive only if it is equipped with a power-driving wheel brake and appliances for operating the train-brake system; and

(5) a train only if -

(A) enough of the vehicles in the train are equipped with power or train brakes so that the engineer on the locomotive hauling the train can control the train's speed without the necessity of brake operators using the common hand brakes for that purpose; and

(B) at least 50 percent of the vehicles in the train are equipped with power or train brakes and the engineer is using the power or train brakes on those vehicles and on all other vehicles equipped with them that are associated with those vehicles in the train.

(b) Refusal To Receive Vehicles Not Properly Equipped. - A railroad carrier complying with subsection (a)(5)(A) of this section may refuse to receive from a railroad line of a connecting railroad carrier or a shipper a vehicle that is not equipped with power or train brakes that will work and readily interchange with the power or train brakes in use on the vehicles of the complying railroad carrier.

(c) Combined Vehicles Loading and Hauling Long Commodities. - Notwithstanding subsection (a)(1)(B) of this section, when vehicles

are combined to load and haul long commodities, only one of the vehicles must have hand brakes during the loading and hauling.

(d) Authority To Change Requirements. - The Secretary may -

(1) change the number, dimensions, locations, and manner of application prescribed by the Secretary for safety appliances required by subsection (a)(1)(B) and (C) and (2) of this section only for good cause and after providing an opportunity for a full hearing;

(2) amend regulations for installing, inspecting, maintaining, and repairing power and train brakes only for the purpose of achieving safety; and

(3) increase, after an opportunity for a full hearing, the minimum percentage of vehicles in a train that are required by subsection (a)(5)(B) of this section to be equipped and used with power or train brakes.

(e) Services of Association of American Railroads. - In carrying out subsection (d)(2) and (3) of this section, the Secretary may use the services of the Association of American Railroads.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 881.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20302(a) (1)(A)	45:2.	Mar. 2, 1893, ch. 196, Secs. 1-4, 27 Stat. 531; June 22, 1988, Pub. L. 100-342, Sec. 13(1)(A)- (D), 102 Stat.
630.	45:8 (words before 16th comma).	Mar. 2, 1903, ch. 976, Sec. 1 (words before 23d comma), 32 Stat. 943; June 22, 1988, Pub. L. 100-342, Sec. 13(2)(A), 102 Stat. 631.
20302(a) (1)(B)	45:11 (words before proviso related to sill steps and hand brakes).	Apr. 14, 1910, ch. 160, Sec. 2, 36 Stat. 298; June 22, 1988, Pub. L. 100-342, Sec. 13(3)(A), 102 Stat. 631.
20302(a) (1)(C)	45:8 (words before 16th comma). 45:11 (words before proviso related to ladders, running boards, grab irons, and handholds).	
20302(a)(2)	45:4. 45:8 (words before 16th comma). 49	Oct. 15, 1966, Pub. L.

	App.:1655(e)(1)(C).	89-670, Sec. 6(e)(1)(A)-(C), 80 Stat. 939.
20302(a)(3)	45:8 (words before 16th comma). 45:12 (last sentence).	Apr. 14, 1910, ch. 160, Sec. 3 (1st sentence words before semicolon, proviso, last sentence), 36 Stat. 298; June 22, 1988, Pub. L. 100-342, Sec. 13(3)(B), 102 Stat. 631.
	49	
20302(a)(4)	App.:1655(e)(1)(A). 45:1 (related to locomotives). 45:8 (words before 16th comma).	
20302(a) (5)(A)	45:1 (related to trains).	
20302(a) (5)(B)	45:9 (1st sentence words before last semicolon).	Mar. 2, 1903, ch. 976, Sec. 2 (1st sentence), 32 Stat. 943; Apr. 11, 1958, Pub. L. 85-375, Sec. 1(b)(1), (2), 72 Stat. 86.
	45:9 (3d sentence).	Mar. 2, 1903, ch. 976, 32 Stat. 943, Sec. 2 (2d-5th sentences); added Apr. 11, 1958, Pub. L. 85-375, Sec. 1(b)(3), 72 Stat. 86; June 22, 1988, Pub. L. 100-342, Sec. 13(2)(B), 102 Stat.
631.		
20302(b)	45:3. 45:8 (words before 16th comma).	
20302(c)	45:11 (proviso).	
20302(d)(1)	45:12 (1st sentence words before semicolon).	
	49	
20302(d)(2)	App.:1655(e)(1)(C). 45:9 (2d sentence).	
	49	
20302(d)(3)	App.:1655(e)(1)(B). 45:9 (1st sentence words after last semicolon).	
	49	
20302(e)	App.:1655(e)(1)(B). 45:9 (4th sentence).	
	49	
	App.:1655(e)(1)(B).	

In subsection (a), before clause (1), the words "Except as provided in subsection (c) of this section and section 20303 of this title" are added to alert the reader to the exceptions

restated in subsection (c) and section 20303. The words "use or allow to be used" are substituted for "haul or permit to be hauled or used" in 45:2 and 11, "use" in 45:4 and 12, "use" and "run" in 45:1, "operated" and "used, hauled, or permitted to be used or hauled" in 45:9, "using . . . running . . . hauling or permitting to be hauled or used" in 45:6, and "used" in 45:8 for consistency in this section and to eliminate unnecessary words. See *United States v. St. Louis Southwestern Ry. Co. of Texas*, 184 F. 28, 32 (5th Cir., 1910); *United States v. Chicago, M. & St. P. Ry. Co.*, 149 F. 486, 488 (D.S.D. Iowa, 1906). The words "That from and after the first day of January, eighteen hundred and ninety-eight", "That on and after the first day of January, eighteen hundred and ninety-eight", and "That from and after the first day of July, eighteen hundred and ninety-five" in sections 1, 2, and 4, respectively, of the Act of March 2, 1893 (ch. 196, 27 Stat. 531), are omitted as obsolete. The words "a railroad carrier . . . on any of its railroad lines" are substituted for "any railroad . . . on its line" in 45:1, "any such railroad . . . on its line" in 45:2, "any railroad company" in 45:4, "railroads in the Territories and the District of Columbia . . . used on any railroad, and in the Territories and the District of Columbia" in 45:8, "Whenever, as provided in sections 1 to 7 of this title" and "any railroad" in 45:9, and "any railroad subject to the provisions of sections 11 to 16 of this title . . . on its line" in 45:11 for clarity, for consistency in the revised title, to eliminate unnecessary words, and because of the definition of "railroad carrier" in section 20102 of the revised title. See *Southern Ry. Co. v. United States*, 222 U.S. 20, 26 (1911). In clauses (1)-(3), the word "vehicle" is substituted for "any car" in 45:2, "car" in 45:4, "all trains, locomotives, tenders, cars, and similar vehicles used on . . . all other locomotives, tenders, cars, and similar vehicles used in connection therewith" in 45:8, and "any car subject to the provisions of said sections . . . to wit: All cars" in 45:11, and "any car or vehicle" in 45:12 for clarity, for consistency in the revised title, to eliminate unnecessary words, and because of the definition of "vehicle" in section 20301 of the revised title. In clause (1)(A), a comma is placed after the word "uncoupled" for clarity. See *Johnson v. Southern Pacific Co.*, 196 U.S. 1, 18 (1904). In clause (1)(C), the words "by the Secretary of Transportation" are added for clarity because of 45:12. In clause (3), the words "required by regulations prescribed by the Secretary" are substituted for "the standard now fixed or the standard so prescribed . . . the standard so prescribed by the Secretary" in 45:12 for clarity and to eliminate unnecessary words. The words "Said Secretary is given authority, after hearing, to modify or change, and to prescribe the standard height of drawbars and to fix the time within which such modification or change shall become effective and obligatory" are omitted as surplus because of 49:322(a). The words "and prior to the time so fixed . . . and after the time so fixed" are omitted as surplus. In clause (4), the word "locomotive" is substituted for "any locomotive engine" in 45:1 and "all trains, locomotives, tenders, cars, and similar vehicles used on . . . all other locomotives, tenders, cars, and similar vehicles used in connection therewith" in 45:8 for clarity and to eliminate unnecessary words. In clause (5)(B), the words "the engineer is using the power or train brakes on those vehicles and on all other vehicles equipped with them that are associated

with those vehicles in the train" are substituted for "their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said 50 per centum shall have their brakes so used and operated" and "all . . . locomotives, tenders, cars, and similar vehicles" for clarity and consistency in this section. The text of section 2 (2d sentence) of the Act of March 2, 1903 (ch. 976, 32 Stat. 943), as added by section (1)(b) of the Power or Train Brakes Safety Appliance Act of 1958 (Public Law 85-375, 72 Stat. 86), is omitted as executed.

In subsection (b), the words "A railroad carrier complying with subsection (a)(5)(A) of this section" are substituted for "any railroad shall have equipped a sufficient number of its cars so as to comply with the provisions of section 1 of this title" in 45:3 and "The provisions and requirements of sections 1 to 7 of this title shall be held to apply to railroads in the Territories and the District of Columbia" in 45:8 for clarity, for consistency in this section, and because of the definition of "railroad carrier" in section 20102 of the revised title. The words "a vehicle that is not equipped with power or train brakes that will work and readily interchange with the power or train brakes in use on the vehicles of the complying railroad carrier" are substituted for "any cars not equipped sufficiently, in accordance with said section, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by sections 1 to 7 of this title" in 45:3 for clarity and to eliminate unnecessary words.

In subsection (c), the words "Notwithstanding subsection (a)(1)(B) of this section" are added for clarity.

In subsection (d)(1), the words "change . . . only for . . . and after" are substituted for "shall remain as the standards of equipment to be used on all cars subject to the provisions of sections 11 to 16 of this title, unless changed by an order of said Secretary of Transportation to be made after . . . and for" for clarity and to eliminate unnecessary words. The text of section 3 (proviso) of the Act of April 14, 1910 (ch. 160, 36 Stat. 298), is omitted as obsolete.

In subsection (d)(2), the text of 45:9 (2d sentence words before proviso) is omitted as executed.

In subsection (d)(3), the words "to more fully carry into effect the objects of said sections" and "from time to time" are omitted as surplus. The words "an opportunity for" are added for clarity and consistency in the revised title and with other titles of the Code. The words "equipped and used" are substituted for "operated" for consistency in this section.

In subsection (e), the words "and may avail himself of the advice and assistance of any department, commission, or board of the United States Government, and of State governments" are omitted as unnecessary because of 49:301(6) and (7) and 322(c). The words "but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law" are omitted as surplus because of 5:5533.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 20304 of this title.

-End-

-CITE-

49 USC Sec. 20303

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 203 - SAFETY APPLIANCES

-HEAD-

Sec. 20303. Moving defective and insecure vehicles needing repairs

-STATUTE-

(a) General. - A vehicle that is equipped in compliance with this chapter whose equipment becomes defective or insecure nevertheless may be moved when necessary to make repairs, without a penalty being imposed under section 21302 of this title, from the place at which the defect or insecurity was first discovered to the nearest available place at which the repairs can be made -

(1) on the railroad line on which the defect or insecurity was discovered; or

(2) at the option of a connecting railroad carrier, on the railroad line of the connecting carrier, if not farther than the place of repair described in clause (1) of this subsection.

(b) Use of Chains Instead of Drawbars. - A vehicle in a revenue train or in association with commercially-used vehicles may be moved under this section with chains instead of drawbars only when the vehicle contains livestock or perishable freight.

(c) Liability. - The movement of a vehicle under this section is at the risk only of the railroad carrier doing the moving. This section does not relieve a carrier from liability in a proceeding to recover damages for death or injury of a railroad employee arising from the movement of a vehicle with equipment that is defective, insecure, or not maintained in compliance with this chapter.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 882.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20303(a)	45:13 (2d sentence proviso words before 1st semicolon).	Apr. 14, 1910, ch. 160, Sec. 4 (2d sentence proviso), 36 Stat. 299; Jan. 14, 1983, Pub. L. 97-468, Sec. 704, 96

Stat. 2580.

20303(b) 45:13 (2d sentence
proviso words after
last semicolon).
20303(c) 45:13 (2d sentence
proviso words
between semicolons).

In subsections (a) and (b), the word "moved" is substituted for "hauled" and "hauling" for consistency in this section.

In subsection (a), before clause (1), the words "A vehicle that is equipped in compliance with this chapter" are substituted for "where any car shall have been properly equipped, as provided in sections 1 to 16 of this title" to eliminate unnecessary words. The words "while such car was being used by such carrier upon its line of railroad" are omitted as surplus since this chapter only applies in the case of vehicles used by railroad carriers on their railroad lines. The word "nevertheless" is added for clarity. The words "when necessary to make repairs" are substituted for "if any such movement is necessary to make such repairs and such repairs cannot be made except at any such repair point" to eliminate unnecessary words. The words "without a penalty being imposed under section 21302 of this title" are substituted for "without liability for the penalties imposed by this section or section 6 of this title" because of the restatement.

In subsection (b), the words "A vehicle . . . may be moved under this section . . . only when" are substituted for "and nothing in this proviso shall be construed to permit the hauling of defective cars . . . unless" for clarity and to eliminate unnecessary words.

In subsection (c), the word "hauling" is omitted for consistency in this section. The word "proceeding" is substituted for "remedial action" for consistency in the revised title and to ensure that administrative, as well as court proceedings, are included. The words "to recover damages" are added for clarity. The words "arising from" are substituted for "caused . . . by reason of or in connection with" to eliminate unnecessary words.

-SECRET-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 20302 of this title.

-End-

-CITE-

49 USC Sec. 20304

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 203 - SAFETY APPLIANCES

-HEAD-

Sec. 20304. Assumption of risk by employees

-STATUTE-

An employee of a railroad carrier injured by a vehicle or train used in violation of section 20302(a)(1)(A), (2), (4), or (5)(A) of this title does not assume the risk of injury resulting from the violation, even if the employee continues to be employed by the carrier after learning of the violation.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 883.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20304	45:7.	Mar. 2, 1893, ch. 196, Sec. 8, 27 Stat. 532; June 22, 1988, Pub. L. 100-342, Sec. 13(1)(H), 102 Stat. 631.
	45:8 (words before 16th comma).	Mar. 2, 1903, ch. 976, Sec. 1 (words before 23d comma), 32 Stat. 943; June 22, 1988, Pub. L. 100-342, Sec. 13(2)(A), 102 Stat. 631.

The words "after learning of the violation" are substituted for "after the unlawful use of such locomotive, car, or train had been brought to his knowledge" in 45:7 for clarity.

-End-

-CITE-

49 USC Sec. 20305

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 203 - SAFETY APPLIANCES

-HEAD-

Sec. 20305. Inspection of mail cars

-STATUTE-

The Secretary of Transportation shall inspect the construction, adaptability, design, and condition of mail cars used on railroads in the United States. The Secretary shall make a report on the inspection and submit a copy of the report to the United States Postal Service.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 883.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20305	45:37.	May 27, 1908, ch. 200, Sec. 1 (6th par. last sentence under heading "Interstate Commerce Commission"), 35 Stat. 325.
		Mar. 4, 1909, ch. 299, Sec. 1 (6th par. last sentence under heading "Interstate Commerce Commission"), 35 Stat. 965.
	49 App.:1655(e)(1)(I), (J).	Oct. 15, 1966, Pub. L. 89-670, Sec. 6(e)(1)(I), (J), 80 Stat. 939.

The words "United States Postal Service" are substituted for "Postmaster General" because of sections 4(a) and 5(e) of the Postal Reorganization Act (Public Law 91-375, 84 Stat. 773, 775).

-End-

-CITE-

49 USC Sec. 20306

01/19/04

-EXPCITE-

TITLE 49 - TRANSPORTATION
SUBTITLE V - RAIL PROGRAMS
PART A - SAFETY
CHAPTER 203 - SAFETY APPLIANCES

-HEAD-

Sec. 20306. Exemption for technological improvements

-STATUTE-

(a) General. - Subject to subsection (b) of this section, the Secretary of Transportation may exempt from the requirements of this chapter railroad equipment or equipment that will be operated on rails, when those requirements preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law.

(b) Conditions for Exemption. - The Secretary may grant an exemption under subsection (a) of this section only on the basis of

- (1) findings based on evidence developed at a hearing; or
- (2) an agreement between national railroad labor representatives and the developer of the new equipment or technology.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 883.)

-MISC1-

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20306	45:1013.	May 30, 1980, Pub. L. 96-254, Sec. 117, 94 Stat. 406.

In subsection (a), the words "Notwithstanding any other provision of law" and "the mandatory requirements of" are omitted as surplus. The words "existing law" are substituted for "the existing statutes" for consistency in the revised title.

In subsection (b), the words before clause (1) are added because of the restatement. Clause (1) is substituted for "after a hearing and consistent with findings based upon evidence developed therein" to eliminate unnecessary words. In clause (2), the words "an agreement" are substituted for "expressions of agreement" to eliminate unnecessary words.

-End-