

[United State Code](#)  
[TITLE 49 - TRANSPORTATION](#)  
[SUBTITLE V - RAIL PROGRAMS](#)  
[PART A - SAFETY](#)  
[CHAPTER 201 - GENERAL](#)  
[SUBCHAPTER I - GENERAL](#)

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U.S. Code as of: 01/26/1998

## **Sec. 20113. Enforcement by the States**

(a) Injunctive Relief. - If the Secretary of Transportation does not begin a civil action under section [20112](#) of this title to enjoin the violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 15 days after the date the Secretary receives notice of the violation and a request from a State authority participating in investigative and surveillance activities under section [20105](#) of this title that the action be brought, the authority may bring a civil action in a district court of the United States to enjoin the violation. This subsection does not apply if the Secretary makes an affirmative written finding that the violation did not occur or that the action is not necessary because of other enforcement action taken by the Secretary related to the violation.

(b) Imposition and Collection of Civil Penalties. - If the Secretary does not impose the applicable civil penalty for a violation of a railroad safety regulation prescribed or order issued by the Secretary not later than 60 days after the date of receiving notice from a State authority participating in investigative and surveillance activities under section [20105](#) of this title, the authority may bring a civil action in a district court of the United States to impose and collect the penalty. This paragraph does not apply if the Secretary makes an affirmative written finding that the violation did not occur.

(c) Venue. - A civil action under this section may be brought in the judicial district in which the violation occurred or the defendant has its principal executive office. However, a State authority may not bring an action under this section outside the State.

**Source**

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 869.)

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### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20113(a)	45:436(b)(1) (related to authority to bring actions), (2).	Oct. 16, 1970, Pub. L. 91-458, Sec. 207(b), (c), 84 Stat. 974; Nov. 2, 1978, Pub. L. 95-

		574, Sec. 8, 92 Stat. 2461; restated Oct. 10, 1980, Pub. L. 96- 423, Sec. 5, 94 Stat. 1812.
	45:439(a) (related to actions by States).	Oct. 16, 1970, Pub. L. 91-458, Sec. 210(a) (related to actions by States), 84 Stat. 975; Oct. 10, 1980, Pub. L. 96-423, Sec. 9(a), 94 Stat. 1814; Nov. 16, 1990, Pub. L. 101-615, Sec. 28(f), 104 Stat. 3277.
20113(b)	45:436(a)(1) (related to authority to bring actions), (2).	Oct. 16, 1970, Pub. L. 91-458, Sec. 207(a), 84 Stat. 974; Nov. 2, 1978, Pub. L. 95-574, Sec. 8, 92 Stat. 2461; restated Oct. 10, 1980, Pub. L. 96-423, Sec. 5, 94 Stat. 1812; Nov. 16, 1990, Pub. L. 101-615, Sec. 28(e), 104 Stat. 3277.
20113(c)	45:436(a)(1) (related to venue), (b)(1) (related to venue), (c). 45:439(c) (related to actions by States).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, Sec. 210(c) (related to actions by States); added Oct. 10, 1980, Pub. L. 96-423, Sec. 9(b), 94 Stat. 1815.

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In subsection (a), the language about jurisdiction in 45:439(a) (related to actions by States) is omitted for the reasons explained in the revision note for section 20112(a) of the revised title.

In subsection (b), the word "impose" is substituted for "assess" for consistency. The words "the authority may bring a civil action in an appropriate district court of the United States" are substituted for "agency may apply to the United States district court" for consistency in the revised title and with other titles of the United States Code. The words "included in or made applicable to such rule, regulation, order, or standard" are omitted as surplus.

In subsection (c), the reference to ''section 207(d)'' in section 210(c) of the Federal Railroad Safety Act of 1970 (Public Law 91-458, 84 Stat. 971), as added by section 9(b) of the Federal Railroad Safety Authorization Act of 1980 (Public Law 96-423, 94 Stat. 1815), is assumed to have been intended as a reference to section 207(c). The Federal Railroad Safety Authorization Act of 1980 was derived from S. 2730, which in turn was derived from H.R. 7104. See 126 Cong. Rec. 26535 (1980). Section 207(d) in an earlier version of H.R. 7104 was redesignated as section 207(c) during the legislative process and no section 207(d) was enacted. See H.R. Rept. No. 96-1025, 96th Cong., 2d Sess., pp. 14, 15 (1980).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections [20111](#), [21301](#) of this title.