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[Page 381-382]

TITLE 49--TRANSPORTATION

SUBTITLE V--RAIL PROGRAMS

PART A--SAFETY

CHAPTER 201--GENERAL

SUBCHAPTER I--GENERAL

Sec. 20103. General authority

(a) Regulations and Orders.--The Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970. When prescribing a security regulation or issuing a security order that affects the safety of railroad operations, the Secretary of Homeland Security shall consult with the Secretary.

(b) Regulations of Practice for Proceedings.--The Secretary shall prescribe regulations of practice applicable to each proceeding under this chapter. The regulations shall reflect the varying nature of the proceedings and include time limits for disposition of the proceedings. The time limit for disposition of a proceeding may not be more than 12 months after the date it begins.

(c) Consideration of Information and Standards.--In prescribing regulations and issuing orders under this section, the Secretary shall consider existing relevant safety information and standards.

(d) Waivers.--The Secretary may waive compliance with any part of a regulation prescribed or order issued under this chapter if the waiver is in the public interest and consistent with railroad safety. The Secretary shall make public the reasons for granting the waiver.

(e) Hearings.--The Secretary shall conduct a hearing as provided by section 553 of title 5 when prescribing a regulation or issuing an order under this chapter, including a regulation or order establishing, amending, or waiving compliance with a railroad safety regulation prescribed or order issued under this chapter. An opportunity for an oral presentation shall be provided.

(f) Tourist Railroad Carriers.--In prescribing regulations that pertain to railroad safety that affect tourist, historic, scenic, or excursion railroad carriers, the Secretary of Transportation shall take into consideration any financial, operational, or other factors that may be unique to such railroad carriers. The Secretary shall submit a report to Congress not later than September 30, 1995, on actions taken under this subsection.

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 863; Pub. L. 103-440, title II, Sec. 217, Nov. 2, 1994, 108 Stat. 4624; Pub. L. 107-296, title XVII, Sec. 1710(b), Nov. 25, 2002, 116 Stat. 2319.)

Historical and Revision Notes

Revised Section Source (Statutes at Large)	Source (U.S. Code)	
20103(a)..... 16, 1970, Pub. L. 91-458, Sec.	45:431(a) (1st sentence cl. (1)).	Oct.
202(a) (1st sentence cl. (1)), (b), 84 Stat. 971.		(c), Oct.
20103(b)..... 16, 1970, Pub. L. 91-458, Sec.	45:431(d) (21st-last words).	
202(d), 84 Stat. 971; restated July 8, Pub. L. 94-348, Sec. 5(a), 90 819.		1976, Stat.
20103(c).....	45:431(d) (1st-20th words).	
20103(d).....	45:431(c).	
20103(e).....	45:431(b).	

In this part, the word ``rule'' is omitted as being synonymous with ``regulation''. The word ``standard'' is omitted as being included in ``regulation''.

In subsection (a), the words ``(hereafter in this subchapter referred to as the `Secretary')'' in 45:431(a) (1st sentence cl. (1)) are omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section.

In subsection (b), the words ``within 180 days after July 8, 1976'' are omitted as expired. The word ``prescribe'' is substituted for ``take such action as may be necessary to develop and publish'' for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (d), the words ``after hearing in accordance with subsection (b) of this section'' are omitted as surplus because of the language restated in subsection (e) of this section.

[[Page 382]]

Amendments

2002--Subsec. (a). Pub. L. 107-296 inserted at end ``When prescribing a security regulation or issuing a security order that affects the safety of railroad operations, the Secretary of Homeland Security shall consult with the Secretary.''

1994--Subsec. (f). Pub. L. 103-440 added subsec. (f).

Effective Date of 2002 Amendment

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002,

see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

## Regulations

Section 4(t) of Pub. L. 103-272 provided that:

((1) Not later than March 3, 1995, the Secretary of Transportation shall complete a regulatory proceeding to consider prescribing regulations to improve the safety and working conditions of locomotive cabs. The proceeding shall assess--

((A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, or any successor standard, adopted by the Association of American Railroads in 1989 in improving the safety of locomotive cabs; and

((B) the extent to which environmental, sanitary, and other working conditions in locomotive cabs affect productivity, health, and the safe operation of locomotives.

((2) Supporting Research and Analysis.--In support of the proceeding required under paragraph (1) of this subsection, the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider--

((A) the costs and benefits associated with equipping locomotives with--

((i) braced collision posts;

((ii) rollover protection devices;

((iii) deflection plates;

((iv) shatterproof windows;

((v) readily accessible crash refuges;

((vi) uniform sill heights;

((vii) anticleimbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

((viii) equipment to deter post-collision entry of flammable liquids into locomotive cabs;

((ix) any other devices intended to provide crash protection for occupants of locomotive cabs; and

((x) functioning and regularly maintained sanitary facilities; and

((B) the effects on train crews of the presence of asbestos in locomotive components.

((3) Report.--If, on the basis of the proceeding required under paragraph (1) of this subsection, the Secretary decides not to prescribe regulations, the Secretary shall report to Congress on the reasons for that decision.''