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49 USC CHAPTER 209 - ACCIDENTS AND INCIDENTS

01/03/05

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TITLE 49 - TRANSPORTATION  
SUBTITLE V - RAIL PROGRAMS  
PART A - SAFETY  
CHAPTER 209 - ACCIDENTS AND INCIDENTS

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CHAPTER 209 - ACCIDENTS AND INCIDENTS

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

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49 USC Sec. 20901

01/03/05

-EXPCITE-

TITLE 49 - TRANSPORTATION  
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Sec. 20901. Reports

-STATUTE-

(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.

-SOURCE-

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

-MISC1-

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                        | Source (Statutes at Large)  |
|-----------------|---|---|
| 20901(a)        | 45:38 (1st sentence).                     | May 6, 1910, ch. 208, Sec. 1 (1st sentence), 36 Stat. 350; restated Sept. 13, 1960, Pub. L. 86-762, Sec. 1, 74 Stat. 903; June 22, 1988, Pub. L. 100-342, Sec. 15(1)(A), (B), 102 Stat.             |
| 633.            | 45:39 (related to time of filing report). | May 6, 1910, ch. 208, Sec. 2 (related to time of filing report), 36 Stat. 351; Jan. 3, 1975, Pub. L. 93-633, Sec. 204(b), 88 Stat. 2166; June 22, 1988, Pub. L. 100-342, Sec. 15(2), 102 Stat. 634. |
|                 | 45:43a.                                   | June 22, 1988, Pub. L. 100-342, Sec. 24, 102 Stat. 639.   |
|                 | 49 App.:1655(e)(1)(K).                    | Oct. 15, 1966, Pub. L. 89-670, Sec. 6(e)(1)(K), 80 Stat. 939.   |
| 20901(b)        | 45:38 (note).                             | Sept. 3, 1992, Pub. L. 102-365, Sec. 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.

-End-

-CITE-

49 USC Sec. 20902

01/03/05

-EXPCITE-

TITLE 49 - TRANSPORTATION  
SUBTITLE V - RAIL PROGRAMS  
PART A - SAFETY  
CHAPTER 209 - ACCIDENTS AND INCIDENTS

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Sec. 20902. Investigations

-STATUTE-

(a) General Authority. - The Secretary of Transportation, or an impartial investigator authorized by the Secretary, may investigate

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(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.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 887.)

-MISC1-

#### HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large) |
|--------------------|--------------------|----------------------------|
| 20902(a)           | 45:40 (1st         | May 6, 1910, ch. 208, Sec. |

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

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

Subsection (a)(2) is substituted for the text of 49 App.:26(f) (words after last semicolon) for clarity.

In subsection (b), the words "In carrying out an investigation" are substituted for "shall have authority to investigate such collisions, derailments, or other accidents aforesaid, and all the attending facts, conditions, and circumstances, and for that purpose" to eliminate unnecessary words. The words "books, papers, orders, memoranda" are omitted as being included in "papers". The words "in coordination with" are substituted for "in connection with" for clarity. The words "The railroad carrier on whose railroad line the accident or incident occurred" are added for clarity.

In subsection (c), the words "When in the public interest" are substituted for "when he deems it to the public interest" to eliminate unnecessary words.

-End-

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49 USC Sec. 20903

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TITLE 49 - TRANSPORTATION  
 SUBTITLE V - RAIL PROGRAMS  
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Sec. 20903. Reports not evidence in civil actions for damages

-STATUTE-

No part of an accident or incident report filed by a railroad carrier under section 20901 of this title or made by the Secretary of Transportation under section 20902 of this title may be used in a civil action for damages resulting from a matter mentioned in the report.

-SOURCE-

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 887.)

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HISTORICAL AND REVISION NOTES

| Revised<br>Section | Source (U.S. Code) | Source (Statutes at Large)                     |
|--------------------|--------------------|--|
| 20903              | 45:41.             | May 6, 1910, ch. 208, Sec.<br>4, 36 Stat. 351. |

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.

-End-