to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this chapter, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

(Apr. 22, 1908, ch. 149, § 5, 35 Stat. 66.)

§ 56. Actions; limitation; concurrent jurisdiction of courts

No action shall be maintained under this chapter unless commenced within three years from the day the cause of action accrued.

Under this chapter an action may be brought in a district court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this chapter shall be concurrent with that of the courts of the several States.

(Apr. 22, 1908, ch. 149, § 6, 35 Stat. 66; Apr. 5, 1910, ch. 143, § 1, 36 Stat. 291; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Aug. 11, 1939, ch. 685, § 2, 53 Stat. 1404; June 25, 1948, ch. 646, § 18, 62 Stat. 989.)

CODIFICATION

The first par. of this section is from act Apr. 22, 1908. The second par. of this section is from act Apr. 5, 1910.

AMENDMENTS

1948—Act June 25, 1948, struck out provision in last sentence relating to removal of actions.

1939—Act Aug. 11, 1939, changed limitation in first sentence from two to three years.

CHANGE OF NAME

''District court'' substituted in text for ''circuit court'' to conform to act Mar. 3, 1911, which transferred powers and duties of circuit courts to district courts.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

§ 57. Who included in term "common carrier"

The term ''common carrier'' as used in this chapter shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

(Apr. 22, 1908, ch. 149, § 7, 35 Stat. 66.)

§ 58. Duty or liability of common carriers and rights of employees under other acts not impaired

Nothing in this chapter shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other Act or Acts of Congress.

(Apr. 22, 1908, ch. 149, § 8, 35 Stat. 66.)

§ 59. Survival of right of action of person injured

Any right of action given by this chapter to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

(Apr. 22, 1908, ch. 149, § 9, as added Apr. 5, 1910, ch. 143, § 2, 36 Stat. 291.)

§ 60. Penalty for suppression of voluntary information incident to accidents; separability

Any contract, rule, regulation, or device whatsoever, the purpose, intent, or effect of which shall be to prevent employees of any common carrier from furnishing voluntarily information to a person in interest as to the facts incident to the injury or death of any employee, shall be void, and whoever, by threat, intimidation, order, rule, contract, regulation, or device whatsoever, shall attempt to prevent any person from furnishing voluntarily such information to a person in interest, or whoever discharges or otherwise disciplines or attempts to discipline any employee for furnishing voluntarily such information to a person in interest, shall, upon conviction thereof, be punished by a fine of not more than $1,000 or imprisoned for not more than one year, or by both such fine and imprisonment, for each offense: *Provided*, That nothing herein contained shall be construed to void any contract, rule, or regulation with respect to any information contained in the files of the carrier, or other privileged or confidential reports.

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons and circumstances shall not be affected thereby.

(Apr. 22, 1908, ch. 149, § 10, as added Aug. 11, 1939, ch. 685, § 3, 53 Stat. 1404.)

CHAPTER 3—HOURS OF SERVICE OF EMPLOYEES

§§ 61 to 64b. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 61, acts Mar. 4, 1907, ch. 2939, § 1, 34 Stat. 1415; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 463; July 8, 1976, Pub. L. 94–348, § 4(c), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95–574, §§ 5, 6, 92 Stat. 2461; June 22, 1988, Pub. L. 100–342, § 16(1), 102 Stat. 634, provided that this chapter applied to any railroad and defined ''railroad'', ''employee'', ''time on duty'', and ''designated terminal'' for purposes of this chapter. See sections 20102, 21101, and 21103 of Title 49, Transportation.

Section 62, acts Mar. 4, 1907, ch. 2939, § 2, 34 Stat. 1416; Oct. 15, 1966, Pub. L. 89–670, § 6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 463; July 8, 1976, Pub. L. 94–348, § 4(a), (b), 90 Stat. 818; June 22, 1988, Pub. L. 100–342, §§ 16(2), 19(b)(1), 102 Stat. 634, 638, related to limitations on employees' hours of service, determination of number of hours an employee is on duty, additional duty for crew of wreck or relief trains during emergencies, and inapplicability of this section when provisions of section 63 of this title applied, and defined ''employees'' for purpose of subsec. (a)(3) of this section. See sections 21103, 21105, and 21106 of Title 49.

Section 63, acts Mar. 4, 1907, ch. 2939, § 3, 34 Stat. 1416; May 4, 1916, ch. 109, § 1, 39 Stat. 61; Aug. 14, 1957, Pub. L. 85–135, § 2, 71 Stat. 352; Oct. 15, 1966, Pub. L. 89–670,

§ 6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 464; June 22, 1988, Pub. L. 100–342, § 16(3), 102 Stat. 635, related to dispatchers' hours of service. See section 21105 of Title 49.

Section 63a, acts Mar. 4, 1907, ch. 2939, § 3A, as added July 8, 1976, Pub. L. 94–348, § 4(d), 90 Stat. 819; amended Nov. 2, 1978, Pub. L. 95–574, § 4(a), (b), 92 Stat. 2459, 2460; June 22, 1988, Pub. L. 100–342, § 16(4), 102 Stat. 635, related to signal system employees' hours of service. See sections 21102, 21104 to 21107, and 21303 of Title 49.

Section 64, acts Mar. 4, 1907, ch. 2939, § 4, 34 Stat. 1417; Oct. 15, 1966, Pub. L. 89–670, § 6(e)(2), 80 Stat. 939; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 464; June 22, 1988, Pub. L. 100–342, § 16(5), 102 Stat. 635, provided that time on duty requirements of this chapter were maximum permissible hours of service, but shorter periods were proper subjects for collective bargaining. See section 21107 of Title 49.

Section 64a, acts Mar. 4, 1907, ch. 2939, § 5, 34 Stat. 1417; Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 464; July 8, 1976, Pub. L. 94–348, § 4(e), 90 Stat. 819; Oct. 10, 1980, Pub. L. 96–423, § 12, 94 Stat. 1816; June 22, 1988, Pub. L. 100–342, § 16(6), 102 Stat. 635; Sept. 3, 1992, Pub. L. 102–365, §§ 4(a)(2), (c)(2), 9(a)(2), 106 Stat. 973, 974, 977, related to manner of enforcing this chapter concerning hours of service of employees. See sections 21102, 21303, and 21304 of Title 49.

Section 64b, act Mar. 4, 1907, ch. 2939, § 6, as added Dec. 26, 1969, Pub. L. 91–169, § 1, 83 Stat. 465, provided that Secretary of Transportation was to have duty to carry out provisions of this chapter.

SHORT TITLE

Act Mar. 4, 1907, ch. 2939, 34 Stat. 1415, which enacted this chapter and which was repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, was popularly known as the ''Hours of Service Act''.

§§ 65, 66. Repealed. Pub. L. 104–287, § 10(b), Oct. 11, 1996, 110 Stat. 3401

Section 65, act Sept. 3, 5, 1916, ch. 436, § 1, 39 Stat. 721, established eight hour work day for employees of railroads. See section 28301 of Title 49, Transportation.

Section 66, act Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722, provided penalty for violation of section 65 of this title. See section 28302 of Title 49, Transportation.

SHORT TITLE

Act Sept. 3, 5, 1916, ch. 436, 39 Stat. 721, which enacted sections 65 and 66 of this title, was popularly known as the ''Adamson Law''.

CHAPTER 4—CARE OF ANIMALS IN TRANSIT

§§ 71 to 74. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 71, act June 29, 1906, ch. 3594, § 1, 34 Stat. 607, related to transportation of animals, provided maximum time for their confinement while in transit, unloading for rest and feeding, and included special provision for unloading sheep. See section 80502 of Title 49, Transportation.

Section 72, act June 29, 1906, ch. 3594, § 2, 34 Stat. 608, provided that animals in transit were to be fed and watered by or at expense of owner and that railroad was to have a lien upon such animals for food, care, and custody. See section 80502 of Title 49.

Section 73, act June 29, 1906, ch. 3594, § 3, 34 Stat. 608, provided penalty for failure to comply with provisions of sections 71 and 72 of this title with proviso that provisions regarding unloading of animals would not apply when animals in transit had proper food, water, space, and opportunity to rest. See section 80502 of Title 49.

Section 74, acts June 29, 1906, ch. 3594, § 4, 34 Stat. 608; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided that penalty created by section 73 of this title was recoverable by civil action and that United States attorneys had duty to prosecute violations of this chapter. See section 80502 of Title 49.

SHORT TITLE

Act June 29, 1906, ch. 3594, 34 Stat. 607, which enacted this chapter and which was repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, was popularly known as the ''Live Stock Transportation Act'' and also as the ''Cruelty to Animals Act'', ''Twenty-Eight Hour Law'', and ''Food and Rest Law''.

§§ 75, 76. Transferred

CODIFICATION

Section 75, acts Mar. 3, 1891, ch. 521, § 1, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 789, relating to rules as to accommodations for export animals, was transferred to section 466a of Title 46, Shipping, and subsequently repealed and reenacted as section 3901 of Title 46 by Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 500. Section 3901 of Title 46 was subsequently repealed by Pub. L. 107–171, title X, § 10418(a)(20), May 13, 2002, 116 Stat. 508.

Section 76, acts Mar. 3, 1891, ch. 521, § 2, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 790, relating to penalties for rule violations, was transferred to section 466b of Title 46, and subsequently repealed and reenacted as section 3902 of Title 46 by Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 500. Section 3902 of Title 46 was subsequently repealed by Pub. L. 107–171, title X, § 10418(a)(20), May 13, 2002, 116 Stat. 508.

CHAPTER 5—GOVERNMENT-AIDED RAILROADS

§§ 81 to 92. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 81, R.S. § 5256; Nov. 6, 1978, Pub. L. 95–598, title III, § 322(g), 92 Stat. 2679, related to Union Pacific Railroad Company, its books, records, correspondence, other documents, dividends, stock issuance, mortgages or pledges, and directors or officers.

Section 82, R.S. § 5257, provided for connection of other roads with Union Pacific Railroad or any of its branches.

Section 83, acts July 2, 1864, ch. 216, § 15, 13 Stat. 362; June 20, 1874, ch. 331, 18 Stat. 111; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided that companies authorized by Pacific Railroad Acts to construct railroads were required to operate roads and telegraphs as one continuous line and to afford equal advantages and facilities as to rates, time, and transportation to the other companies without discrimination.

Section 84, R.S. § 5258, authorized interstate transport by railroads.

Section 85, R.S. § 5259, related to compensation of directors, engineers, commissioners, or other agents appointed by the United States to examine roads or to act in conjunction with other officers of railroads or other corporations receiving land grants or other subsidies.

Section 86, R.S. § 5260, related to withholding by Secretary of the Treasury of payments to certain railroads.

Section 87, R.S. § 5261; June 25, 1948, ch. 646, § 4, 62 Stat. 986; Apr. 2, 1982, Pub. L. 97–164, title I, § 161(8), 96 Stat. 49; Oct. 29, 1992, Pub. L. 102–572, title IX, § 902(b)(2), 106 Stat. 4516, provided that companies from whom payments for freight and transportation had been withheld under provisions of section 86 of this title could sue in Court of Federal Claims.

Section 88, R.S. § 5262; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, related to jurisdiction of proper United States district court to hear and determine all cases of mandamus to compel Union Pacific Railroad Company to operate its road.

Section 89, acts June 22, 1874, ch. 414, 18 Stat. 200; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, directed Secretary of the Treasury to require that railroad companies, their successors and assigns, pay United States a percentage of net earnings as provided for by law.

Section 90, act Mar. 3, 1879, ch. 183, § 1, 20 Stat. 420, authorized Secretary of the Treasury to settle accounts