

(2) PROCEDURE.—The Board shall establish and publish the procedures for appeals under this subsection.

(3) LIMITATION ON APPLICABILITY.—This subsection shall not apply in the case of an accident that results in a loss of life.

(Added Pub. L. 104-264, title IV, § 407(a)(1), Oct. 9, 1996, 110 Stat. 3257; amended Pub. L. 108-168, § 5, Dec. 6, 2003, 117 Stat. 2034.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsecs. (a) and (b)(1), is the date of enactment of Pub. L. 104-264, which was approved Oct. 9, 1996.

#### AMENDMENTS

2003—Subsec. (c). Pub. L. 108-168 added subsec. (c).

#### EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

### SUBCHAPTER III—AUTHORITY

#### § 1131. General authority

(a) GENERAL.—(1) The National Transportation Safety Board shall investigate or have investigated (in detail the Board prescribes) and establish the facts, circumstances, and cause or probable cause of—

(A) an aircraft accident the Board has authority to investigate under section 1132 of this title or an aircraft accident involving a public aircraft as defined by section 40102(a)(37)<sup>1</sup> of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States;

(B) a highway accident, including a railroad grade crossing accident, the Board selects in cooperation with a State;

(C) a railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train;

(D) a pipeline accident in which there is a fatality, substantial property damage, or significant injury to the environment;

(E) a major marine casualty (except a casualty involving only public vessels) occurring on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988, or involving a vessel of the United States (as defined in section 2101(46)<sup>1</sup> of title 46), under regulations prescribed jointly by the Board and the head of the department in which the Coast Guard is operating; and

(F) any other accident related to the transportation of individuals or property when the Board decides—

- (i) the accident is catastrophic;
- (ii) the accident involves problems of a recurring character; or
- (iii) the investigation of the accident would carry out this chapter.

(2)(A) Subject to the requirements of this paragraph, an investigation by the Board under paragraph (1)(A)–(D) or (F) of this subsection has priority over any investigation by another department, agency, or instrumentality of the United States Government. The Board shall provide for appropriate participation by other departments, agencies, or instrumentalities in the investigation. However, those departments, agencies, or instrumentalities may not participate in the decision of the Board about the probable cause of the accident.

(B) If the Attorney General, in consultation with the Chairman of the Board, determines and notifies the Board that circumstances reasonably indicate that the accident may have been caused by an intentional criminal act, the Board shall relinquish investigative priority to the Federal Bureau of Investigation. The relinquishment of investigative priority by the Board shall not otherwise affect the authority of the Board to continue its investigation under this section.

(C) If a Federal law enforcement agency suspects and notifies the Board that an accident being investigated by the Board under subparagraph (A), (B), (C), or (D) of paragraph (1) may have been caused by an intentional criminal act, the Board, in consultation with the law enforcement agency, shall take necessary actions to ensure that evidence of the criminal act is preserved.

(3) This section and sections 1113, 1116(b), 1133, and 1134(a) and (c)–(e) of this title do not affect the authority of another department, agency, or instrumentality of the Government to investigate an accident under applicable law or to obtain information directly from the parties involved in, and witnesses to, the accident. The Board and other departments, agencies, and instrumentalities shall ensure that appropriate information developed about the accident is exchanged in a timely manner.

(b) ACCIDENTS INVOLVING PUBLIC VESSELS.—(1) The Board or the head of the department in which the Coast Guard is operating shall investigate and establish the facts, circumstances, and cause or probable cause of a marine accident involving a public vessel and any other vessel. The results of the investigation shall be made available to the public.

(2) Paragraph (1) of this subsection and subsection (a)(1)(E) of this section do not affect the responsibility, under another law of the United States, of the head of the department in which the Coast Guard is operating.

(c) ACCIDENTS NOT INVOLVING GOVERNMENT MISFEASANCE OR NONFEASANCE.—(1) When asked by the Board, the Secretary of Transportation or the Secretary of the department in which the Coast Guard is operating may—

(A) investigate an accident described under subsection (a) or (b) of this section in which misfeasance or nonfeasance by the Government has not been alleged; and

(B) report the facts and circumstances of the accident to the Board.

(2) The Board shall use the report in establishing cause or probable cause of an accident described under subsection (a) or (b) of this section.

<sup>1</sup> See References in Text note below.

(d) ACCIDENTS INVOLVING PUBLIC AIRCRAFT.—The Board, in furtherance of its investigative duties with respect to public aircraft accidents under subsection (a)(1)(A) of this section, shall have the same duties and powers as are specified for civil aircraft accidents under sections 1132(a), 1132(b), and 1134(a), (b), (d), and (f) of this title.

(e) ACCIDENT REPORTS.—The Board shall report on the facts and circumstances of each accident investigated by it under subsection (a) or (b) of this section. The Board shall make each report available to the public at reasonable cost.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 752; Pub. L. 103-411, §3(c), Oct. 25, 1994, 108 Stat. 4237; Pub. L. 106-424, §§6(a), 7, Nov. 1, 2000, 114 Stat. 1885, 1886; Pub. L. 108-168, §7, Dec. 6, 2003, 117 Stat. 2034; Pub. L. 109-443, §9(b), (c), Dec. 21, 2006, 120 Stat. 3301.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1131(a)(1) ....	49 App.:1903(a)(1)(A)–(E) (less last sentence of (E)), (F).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A)–(F), 88 Stat. 2168; Oct. 24, 1992, Pub. L. 102-508, §303, 106 Stat. 3307.
1131(a)(2) ....	49 App.:1903(a)(1) (2d, 3d sentences).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1) (less (A)–(F)), 88 Stat. 2168; Nov. 3, 1981, Pub. L. 97-74, §3, 95 Stat. 1065.
1131(a)(3) ....	49 App.:1903(a)(1) (4th, 5th sentences).	
1131(b) .....	49 App.:1903(a)(1)(E) (last sentence).	
1131(c) .....	49 App.:1441(f). 49 App.:1655(c)(1). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A) (6th, last sentences).	Aug. 23, 1958, Pub. L. 85-726, §701(a)(4), (f), 72 Stat. 781. Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444. Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938.
1131(d) .....	49 App.:1441(a)(4). 49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A). 49 App.:1903(a)(2).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(2), 88 Stat. 2168; July 19, 1988, Pub. L. 100-372, §3(a), 102 Stat. 876.

In this section, the word “conditions” is omitted as being included in “circumstances”. The words “head of the department in which the Coast Guard is operating” are substituted for “Secretary of the department in which the Coast Guard is operating” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1)(A), the words “the Board has authority to investigate under section 1132 of this title” are substituted for “which is within the scope of the functions, powers, and duties transferred from the Civil Aeronautics Board under section 1655(d) of this Appendix pursuant to title VII of the Federal Aviation Act of 1958, as amended [49 App. U.S.C. 1441 et seq.]” because of the restatement.

In subsection (a)(1)(F), before subclause (i), the word “decides” is substituted for “in the judgment of” for clarity. The word “individuals” is substituted for “people” for consistency in the revised title. In subclause (iii), the words “the investigation of” are added as being more precise.

In subsection (a)(3), the word “developed” is substituted for “obtained or developed” to eliminate unnecessary words.

In subsection (b)(2), the word “affect” is substituted for “eliminate or diminish” for clarity.

In subsection (c), the text of 49 App.:1441(f) is omitted as superseded by 49 App.:1903(a)(1) (6th, last sentences).

In subsection (d), the words “in writing” in 49 App.:1903(a)(2) are omitted as surplus. The words “by it” are added for clarity. The text of 49 App.:1441(a)(4) is omitted as superseded by 49 App.:1903(a)(1)(A) and (2).

REFERENCES IN TEXT

Section 40102(a)(37) of this title, referred to in subsec. (a)(1)(A), was redesignated section 40102(a)(41) by Pub. L. 108-176, title II, §225(a)(3), Dec. 12, 2003, 117 Stat. 2528.

Presidential Proclamation No. 5928, referred to in subsec. (a)(1)(E), is set out as a note under section 1331 of Title 43, Public Lands.

Section 2101(46) of title 46, referred to in subsec. (a)(1)(E), was repealed and reenacted as section 116 of title 46 by Pub. L. 109-304, §§4, 15(2)(A), Oct. 6, 2006, 120 Stat. 1486, 1702.

AMENDMENTS

2006—Subsec. (a)(1)(E). Pub. L. 109-443, §9(b), substituted “on or under the navigable waters, internal waters, or the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988,” for “on the navigable waters or territorial sea of the United States,” and inserted “(as defined in section 2101(46) of title 46)” after “vessel of the United States”.

Subsec. (c)(1). Pub. L. 109-443, §9(c), inserted “or the Secretary of the department in which the Coast Guard is operating” after “Transportation” in introductory provisions.

2003—Subsec. (a)(2)(B), (C). Pub. L. 108-168 realigned margins.

2000—Subsec. (a)(2). Pub. L. 106-424, §6(a), designated existing provisions as subpar. (A), substituted “Subject to the requirements of this paragraph, an investigation” for “An investigation”, and added subpars. (B) and (C).

Subsec. (d). Pub. L. 106-424, §7, substituted “1134(a), (b), (d), and (f)” for “1134(b)(2)”.

1994—Subsec. (a)(1)(A). Pub. L. 103-411, §3(c)(1), inserted before semicolon at end “or an aircraft accident involving a public aircraft as defined by section 40102(a)(37) of this title other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States”.

Subsecs. (d), (e). Pub. L. 103-411, §3(c)(2), added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Section 3(d) of Pub. L. 103-411 provided that: “The amendments made by subsections (a) and (c) [amending this section and section 40102 of this title] shall take effect on the 180th day following the date of the enactment of this Act [Oct. 25, 1994].”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REVISION OF 1977 AGREEMENT

Pub. L. 108-168, §3(b), Dec. 6, 2003, 117 Stat. 2033, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 6, 2003], the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this section [amending section 1136 of this title] and shall submit a copy of the revised agreement to the Committee on Transportation and Infrastructure of the House of Representatives and the

Committee on Commerce, Science, and Transportation of the Senate.”

Pub. L. 106-424, §6(b), Nov. 1, 2000, 114 Stat. 1886, provided that: “Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the National Transportation Safety Board and the Federal Bureau of Investigation shall revise their 1977 agreement on the investigation of accidents to take into account the amendments made by this Act [see Short Title of 2000 Amendment note set out under section 1101 of this title].”

MEMORANDUM OF UNDERSTANDING

Pub. L. 106-424, §8, Nov. 1, 2000, 114 Stat. 1886, provided that: “Not later than 1 year after the date of the enactment of this Act [Nov. 1, 2000], the National Transportation Safety Board and the United States Coast Guard shall revise their Memorandum of Understanding governing major marine accidents—

“(1) to redefine or clarify the standards used to determine when the National Transportation Safety Board will lead an investigation; and

“(2) to develop new standards to determine when a major marine accident involves significant safety issues relating to Coast Guard safety functions.”

§ 1132. Civil aircraft accident investigations

(a) GENERAL AUTHORITY.—(1) The National Transportation Safety Board shall investigate—

(A) each accident involving civil aircraft; and

(B) with the participation of appropriate military authorities, each accident involving both military and civil aircraft.

(2) A person employed under section 1113(b)(1) of this title that is conducting an investigation or hearing about an aircraft accident has the same authority to conduct the investigation or hearing as the Board.

(b) NOTIFICATION AND REPORTING.—The Board shall prescribe regulations governing the notification and reporting of accidents involving civil aircraft.

(c) PARTICIPATION OF SECRETARY.—The Board shall provide for the participation of the Secretary of Transportation in the investigation of an aircraft accident under this chapter when participation is necessary to carry out the duties and powers of the Secretary. However, the Secretary may not participate in establishing probable cause.

(d) ACCIDENTS INVOLVING ONLY MILITARY AIRCRAFT.—If an accident involves only military aircraft and a duty of the Secretary is or may be involved, the military authorities shall provide for the participation of the Secretary. In any other accident involving only military aircraft, the military authorities shall give the Board or Secretary information the military authorities decide would contribute to the promotion of air safety.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 753.)

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1132(a)(2) ....	49 App.:1903(a)(1)(A). 49 App.:1441(c) (1st sentence). 49 App.:1655(d) (1st sentence).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), 88 Stat. 2168.
1132(b) .....	49 App.:1903(a)(1)(A). 49 App.:1441(a)(1). 49 App.:1655(d) (1st sentence).	
1132(c) .....	49 App.:1903(a)(1)(A). 49 App.:1441(g). 49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.
1132(d) .....	49 App.:1655(d) (1st sentence). 49 App.:1903(a)(1)(A). 49 App.:1442(b), (c). 49 App.:1655(c)(1), (d) (1st sentence). 49 App.:1903(a)(1)(A).	

In subsection (a)(1)(A), the words “and report the facts, conditions, and circumstances related to each accident and the probable cause thereof” in 49 App.:1441(a)(2) are omitted as unnecessary because of section 1131(d) of the revised title.

In subsection (a)(1)(B), the words “provide for” in 49 App.:1442(a) are omitted as surplus.

In subsection (a)(2), the words “any member of the National Transportation Safety Board or any officer or employee of the National Transportation Safety Board” in 49 App.:1441(c) are omitted as unnecessary because of sections 1113 and 1134 of the revised title.

In subsections (c) and (d), the words “Secretary of Transportation” and “Secretary” are substituted for “Administrator” in sections 701(g) and 702(b) and (c) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 782) for consistency. Section 6(c)(1) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 938) transferred all duties and powers of the Federal Aviation Agency and the Administrator to the Secretary of Transportation. However, the Secretary was to carry out certain provisions through the Administrator. In addition, various laws enacted since then have vested duties and powers in the Administrator. All provisions of law the Secretary is required to carry out through the Administrator are included in 49:106(g).

In subsection (c), the words “and his representatives” in 49 App.:1441(g) are omitted because of 49:322(b). The words “when participation is necessary to carry out the duties and powers” are substituted for “In order to assure the proper discharge . . . of his duties and responsibilities” to eliminate unnecessary words. The words “or his representatives” are omitted because of 49:322(b).

§ 1133. Review of other agency action

The National Transportation Safety Board shall review on appeal—

(1) the denial, amendment, modification, suspension, or revocation of a certificate issued by the Secretary of Transportation under section 44703, 44709, or 44710 of this title;

(2) the revocation of a certificate of registration under section 44106 of this title;

(3) a decision of the head of the department in which the Coast Guard is operating on an appeal from the decision of an administrative law judge denying, revoking, or suspending a license, certificate, document, or register in a proceeding under section 6101, 6301, or 7503, chapter 77, or section 9303 of title 46; and

(4) under section 46301(d)(5) of this title, an order imposing a penalty under section 46301.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 754.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1132(a)(1) ....	49 App.:1441(a)(2).  49 App.:1442(a). 49 App.:1655(d) (1st sentence).	Aug. 23, 1958, Pub. L. 85-726, §§701(a)(1), (2), (c) (1st sentence), (g), 702, 72 Stat. 781, 782.  Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1133(1)-(3) ...	49 App.:1903(a)(9).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(9), 88 Stat. 2169; Oct. 19, 1984, Pub. L. 98-499, §4(b), 98 Stat. 2315.
1133(4) .....	(no source).	

In clause (1), the word “certificate” is substituted for “operating certificate” for consistency in the revised title. The words “or license” are omitted as unnecessary because only certificates are issued under the sections cited in this section.

In clause (3), the words “head of the department in which the Coast Guard is operating” are substituted for “Commandant of the Coast Guard” for consistency with 14:5 and 46:2101(34).

Clause (4) is added to reflect all the appellate responsibilities of the National Transportation Safety Board.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1134. Inspections and autopsies

(a) ENTRY AND INSPECTION.—An officer or employee of the National Transportation Safety Board—

(1) on display of appropriate credentials and written notice of inspection authority, may enter property where a transportation accident has occurred or wreckage from the accident is located and do anything necessary to conduct an investigation; and

(2) during reasonable hours, may inspect any record, process, control, or facility related to an accident investigation under this chapter.

(b) INSPECTION, TESTING, PRESERVATION, AND MOVING OF AIRCRAFT AND PARTS.—(1) In investigating an aircraft accident under this chapter, the Board may inspect and test, to the extent necessary, any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce.

(2) Any civil aircraft, aircraft engine, propeller, appliance, or property on an aircraft involved in an accident in air commerce shall be preserved, and may be moved, only as provided by regulations of the Board.

(c) AVOIDING UNNECESSARY INTERFERENCE AND PRESERVING EVIDENCE.—In carrying out subsection (a)(1) of this section, an officer or employee may examine or test any vehicle, vessel, rolling stock, track, or pipeline component. The examination or test shall be conducted in a way that—

(1) does not interfere unnecessarily with transportation services provided by the owner or operator of the vehicle, vessel, rolling stock, track, or pipeline component; and

(2) to the maximum extent feasible, preserves evidence related to the accident, consistent with the needs of the investigation and with the cooperation of that owner or operator.

(d) EXCLUSIVE AUTHORITY OF BOARD.—Only the Board has the authority to decide on the way in which testing under this section will be conducted, including decisions on the person that will conduct the test, the type of test that will be conducted, and any individual who will witness the test. Those decisions are committed to the discretion of the Board. The Board shall make any of those decisions based on the needs of the investigation being conducted and, when applicable, subsections (a), (c), and (e) of this section.

(e) PROMPTNESS OF TESTS AND AVAILABILITY OF RESULTS.—An inspection, examination, or test under subsection (a) or (c) of this section shall be started and completed promptly, and the results shall be made available.

(f) AUTOPSIES.—(1) The Board may order an autopsy to be performed and have other tests made when necessary to investigate an accident under this chapter. However, local law protecting religious beliefs related to autopsies shall be observed to the extent consistent with the needs of the accident investigation.

(2) With or without reimbursement, the Board may obtain a copy of an autopsy report performed by a State or local official on an individual who died because of a transportation accident investigated by the Board under this chapter.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 754.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1134(a) .....	49 App.:1903(b)(2) (1st sentence words before 3d comma, 3d sentence).	Jan. 3, 1975, Pub. L. 93-633, §304(b)(2), 88 Stat. 2170; Nov. 3, 1981, Pub. L. 97-74, §5, 95 Stat. 1065; Nov. 28, 1990, Pub. L. 101-641, §3, 104 Stat. 4654.
1134(b) .....	49 App.:1441(c) (2d sentence), (d).	Aug. 23, 1958, Pub. L. 85-726, §701(c) (2d, last sentences), (d), 72 Stat. 781; Oct. 15, 1962, Pub. L. 87-810, §1.2, 76 Stat. 921.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938.
	49 App.:1903(a)(1)(A).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), (b)(5), 88 Stat. 2168, 2170.
1134(c) .....	49 App.:1903(b)(2) (1st sentence words after 3d comma, 2d sentence).	
1134(d) .....	49 App.:1903(b)(2) (5th, last sentences).	
1134(e) .....	49 App.:1903(b)(2) (4th sentence).	
1134(f) .....	49 App.:1441(c) (last sentence).	
	49 App.:1655(d) (1st sentence).	
	49 App.:1903(a)(1)(A), (b)(5).	

In subsection (a), before clause (1), the word “officer” is added for consistency in the revised title.

In subsection (b)(1), the words “investigating an aircraft accident” are substituted for “carrying out its duties” in 49 App.:1441(c) for clarity. The words “inspect and test” are substituted for “examine and test” for consistency in the revised title and with other titles of the United States Code.

In subsection (c), before clause (1), the words “In carrying out subsection (a)(1) of this section, an officer or employee” are added because of the restatement. The words “or any part of any such item” are omitted as surplus. The words “when such examination or testing is determined to be required for purposes of such inves-

tigation” are omitted as unnecessary because of the words “do anything necessary to conduct an investigation” in subsection (a)(1) of this section. In clause (1), the word “obstruct” is omitted as being included in “interfere”.

In subsection (d), the word “individuals” is substituted for “persons” the 2d time that word is used for clarity. The words “The Board shall make any of those decisions” are substituted for “and shall be made” because of the restatement.

In subsection (e), the word “promptly” is substituted for “with reasonable promptness” to eliminate unnecessary words.

In subsection (f)(1), the words “In the case of any fatal accident” in 49 App.:1441(c) are omitted as surplus. The words “to examine the remains of any deceased person aboard the aircraft at the time of the accident, who dies as a result of the accident” are omitted as unnecessary because of the authority of the Board to conduct autopsies.

### § 1135. Secretary of Transportation’s responses to safety recommendations

(a) GENERAL.—When the National Transportation Safety Board submits a recommendation about transportation safety to the Secretary of Transportation, the Secretary shall give to the Board a formal written response to each recommendation not later than 90 days after receiving the recommendation. The response shall indicate whether the Secretary intends—

- (1) to carry out procedures to adopt the complete recommendation;
- (2) to carry out procedures to adopt a part of the recommendation; or
- (3) to refuse to carry out procedures to adopt the recommendation.

(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under subsection (a)(1) or (2) of this section shall include a copy of a proposed timetable for completing the procedures. A response under subsection (a)(2) of this section shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendation. A response under subsection (a)(3) of this section shall detail the reasons for the refusal to carry out procedures.

(c) PUBLIC AVAILABILITY.—The Board shall make a copy of each recommendation and response available to the public at reasonable cost.

(d) ANNUAL REPORT ON AIR CARRIER SAFETY RECOMMENDATIONS.—

(1) IN GENERAL.—The Secretary shall submit to Congress and the Board, on an annual basis, a report on the recommendations made by the Board to the Secretary regarding air carrier operations conducted under part 121 of title 14, Code of Federal Regulations.

(2) RECOMMENDATIONS TO BE COVERED.—The report shall cover—

(A) any recommendation for which the Secretary has developed, or intends to develop, procedures to adopt the recommendation or part of the recommendation, but has yet to complete the procedures; and

(B) any recommendation for which the Secretary, in the preceding year, has issued a response under subsection (a)(2) or (a)(3) refusing to carry out all or part of the procedures to adopt the recommendation.

(3) CONTENTS.—

(A) PLANS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(A), the report shall contain—

- (i) a description of the recommendation;
- (ii) a description of the procedures planned for adopting the recommendation or part of the recommendation;
- (iii) the proposed date for completing the procedures; and
- (iv) if the Secretary has not met a deadline contained in a proposed timeline developed in connection with the recommendation under subsection (b), an explanation for not meeting the deadline.

(B) REFUSALS TO ADOPT RECOMMENDATIONS.—For each recommendation of the Board described in paragraph (2)(B), the report shall contain—

- (i) a description of the recommendation; and
- (ii) a description of the reasons for the refusal to carry out all or part of the procedures to adopt the recommendation.

(e) REPORTING REQUIREMENTS.—

(1) ANNUAL SECRETARIAL REGULATORY STATUS REPORTS.—On February 1 of each year, the Secretary shall submit a report to Congress and the Board containing the regulatory status of each recommendation made by the Board to the Secretary (or to an Administration within the Department of Transportation) that is on the Board’s “most wanted list”. The Secretary shall continue to report on the regulatory status of each such recommendation in the report due on February 1 of subsequent years until final regulatory action is taken on that recommendation or the Secretary (or an Administration within the Department) determines and states in such a report that no action should be taken.

(2) FAILURE TO REPORT.—If on March 1 of each year the Board has not received the Secretary’s report required by this subsection, the Board shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the Secretary’s failure to submit the required report.

(3) COMPLIANCE REPORT WITH RECOMMENDATIONS.—Within 90 days after the date on which the Secretary submits a report under this subsection, the Board shall review the Secretary’s report and transmit comments on the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 755; Pub. L. 108–168, §6, Dec. 6, 2003, 117 Stat. 2034; Pub. L. 109–443, §2(b), Dec. 21, 2006, 120 Stat. 3298; Pub. L. 111–216, title II, §202, Aug. 1, 2010, 124 Stat. 2351; Pub. L. 111–249, §6(1), (2), Sept. 30, 2010, 124 Stat. 2628.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1135(a), (b)	49 App.:1906(a) (less last sentence).	Jan. 3, 1975, Pub. L. 93-633, § 307(a), 88 Stat. 2172; Nov. 3, 1981, Pub. L. 97-74, § 6, 95 Stat. 1066; July 19, 1988, Pub. L. 100-372, § 3(b), 102 Stat. 876.
1135(c) .....	49 App.:1906(a) (last sentence).	
1135(d) .....	49 App.:1906(b).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, § 307(b); added Nov. 3, 1981, Pub. L. 97-74, § 6, 95 Stat. 1066.

In subsections (a) and (b), the words “carry out” are substituted for “initiate and conduct” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the word “complete” is substituted for “in full” for consistency in the revised title.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-216, § 202(a), as amended by Pub. L. 111-249, § 6(1), inserted “to the Board” after “shall give” in introductory provisions.

Subsecs. (d), (e). Pub. L. 111-216, § 202(b), as amended by Pub. L. 111-249, § 6(2), added subsec. (d) and redesignated former subsec. (d) as (e).

2006—Subsec. (d)(3). Pub. L. 109-443 amended heading and text of par. (3) generally. Prior to amendment, text read as follows: “This subsection shall cease to be in effect after the report required to be filed on February 1, 2008, is filed.”

2003—Subsec. (d). Pub. L. 108-168 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “The Secretary shall submit to Congress on January 1 of each year a report containing each recommendation on transportation safety made by the Board to the Secretary during the prior year and a copy of the Secretary’s response to each recommendation.”

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-249, § 6, Sept. 30, 2010, 124 Stat. 2628, provided that the amendments made by section 6 of Pub. L. 111-249 are effective as of Aug. 1, 2010, and as if included in Pub. L. 111-216 as enacted.

REPORTS ON CERTAIN OPEN SAFETY RECOMMENDATIONS

Pub. L. 108-168, § 9, Dec. 6, 2003, 117 Stat. 2035, provided that:

“(a) INITIAL REPORT.—Within 1 year after the date of enactment of this Act [Dec. 6, 2003], the Secretary of Transportation shall submit a report to Congress and the National Transportation Safety Board containing the regulatory status of each open safety recommendation made by the Board to the Secretary concerning—

- “(1) 15-passenger van safety;
- “(2) railroad grade crossing safety; and
- “(3) medical certifications for a commercial driver’s license.

“(b) BIENNIAL UPDATES.—The Secretary shall continue to report on the regulatory status of each such recommendation (and any subsequent recommendation made by the Board to the Secretary concerning a matter described in paragraph (1), (2), or (3) of subsection (a)) at 2-year intervals until—

- “(1) final regulatory action has been taken on the recommendation;
- “(2) the Secretary determines, and states in the report, that no action should be taken on that recommendation; or
- “(3) the report, if any, required to be submitted in 2008 is submitted.

“(c) FAILURE TO REPORT.—If the Board has not received a report required to be submitted under subsection (a) or (b) within 30 days after the date on which that report is required to be submitted, the Board shall

notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.”

NTSB SAFETY RECOMMENDATIONS

Pub. L. 107-355, § 19, Dec. 17, 2002, 116 Stat. 3009, as amended by Pub. L. 108-426, § 2(c)(3), Nov. 30, 2004, 118 Stat. 2424, provided that:

“(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Pipeline and Hazardous Materials Safety Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

“(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in subsections (a) and (b) of section 1135, title 49, United States Code.

“(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.”

§ 1136. Assistance to families of passengers involved in aircraft accidents

(a) IN GENERAL.—As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

- (1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and
- (2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

- (1) To provide mental health and counseling services, in coordination with the disaster response team of the air carrier or foreign air carrier involved.
- (2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.
- (3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organi-

zation, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

(5) To arrange a suitable memorial service, in consultation with the families.

(d) PASSENGER LISTS.—

(1) REQUESTS FOR PASSENGER LISTS.—

(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

(f) USE OF AIR CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

(g) PROHIBITED ACTIONS.—

(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

(2) UNSOLICITED COMMUNICATIONS.—In the event of an accident involving an air carrier providing interstate or foreign air transportation and in the event of an accident involving a foreign air carrier that occurs within the United States, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT ACCIDENT.—The term "aircraft accident" means any aviation disaster regardless of its cause or suspected cause.

(2) PASSENGER.—The term "passenger" includes—

(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.

(i) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to an aircraft accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(2) BOARD ASSISTANCE.—If this section does not apply to an aircraft accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

(Added Pub. L. 104-264, title VII, §702(a)(1), Oct. 9, 1996, 110 Stat. 3265; amended Pub. L. 106-181,

title IV, § 401(a)(1), (b)–(d), Apr. 5, 2000, 114 Stat. 129; Pub. L. 108–168, § 3(a), Dec. 6, 2003, 117 Stat. 2033.)

#### AMENDMENTS

2003—Subsec. (j). Pub. L. 108–168 added subsec. (j).

2000—Subsec. (g)(2). Pub. L. 106–181, § 401(a)(1), substituted “transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,” for “transportation,” inserted “(including any associate, agent, employee, or other representative of an attorney)” after “attorney,” and substituted “45th day” for “30th day”.

Subsec. (g)(3). Pub. L. 106–181, § 401(b), added par. (3).

Subsec. (h)(2). Pub. L. 106–181, § 401(c), amended heading and text generally. Prior to amendment, text read as follows: “The term ‘passenger’ includes an employee of an air carrier aboard an aircraft.”

Subsec. (i). Pub. L. 106–181, § 401(d), added subsec. (i).

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

#### EFFECTIVE DATE

Except as otherwise specifically provided, section applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104–264, set out as an Effective Date of 1996 Amendment note under section 106 of this title.

### § 1137. Authority of the Inspector General

(a) **IN GENERAL.**—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the National Transportation Safety Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

(b) **DUTIES.**—In carrying out this section, the Inspector General shall—

(1) keep the Chairman of the Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

(2) issue findings and recommendations for actions to address such problems; and

(3) report periodically to Congress on any progress made in implementing actions to address such problems.

(c) **ACCESS TO INFORMATION.**—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **AUTHORIZATIONS OF APPROPRIATIONS.**—

(1) **FUNDING.**—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

(2) **REIMBURSABLE AGREEMENT.**—In the absence of an appropriation under this sub-

section for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursable agreement to cover such expense.

(Added Pub. L. 106–424, § 12(a), Nov. 1, 2000, 114 Stat. 1887; amended Pub. L. 109–443, § 4, Dec. 21, 2006, 120 Stat. 3299.)

#### REFERENCES IN TEXT

Section 6 of the Inspector General Act of 1978, referred to in subsec. (c), is section 6 of Pub. L. 95–452, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

2006—Subsec. (d). Pub. L. 109–443 amended heading and text of subsec. (d) generally. Prior to amendment, text read as follows: “The Inspector General shall be reimbursed by the Board for the costs associated with carrying out activities under this section.”

### § 1138. Evaluation and audit of National Transportation Safety Board

(a) **IN GENERAL.**—To promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the National Transportation Safety Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the National Transportation Safety Board. Such evaluation and audit shall be conducted at least annually, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

(b) **RESPONSIBILITY OF COMPTROLLER GENERAL.**—The Comptroller General shall evaluate and audit Board programs, operations, and activities, including—

(1) information management and security, including privacy protection of personally identifiable information;

(2) resource management;

(3) workforce development;

(4) procurement and contracting planning, practices and policies;

(5) the extent to which the Board follows leading practices in selected management areas; and

(6) the extent to which the Board addresses management challenges in completing accident investigations.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—For purposes of this section the term “appropriate congressional committees” means the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(Added Pub. L. 109–443, § 5(a), Dec. 21, 2006, 120 Stat. 3299.)

### § 1139. Assistance to families of passengers involved in rail passenger accidents

(a) **IN GENERAL.**—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

(2) designate an independent nonprofit organization, with experience in disasters and post trauma<sup>1</sup> communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

(2) communicating with the families of passengers involved in the accident as to the roles, with respect to the accident and the post-accident activities, of—

(A) the organization designated for an accident under subsection (a)(2);

(B) Government agencies; and

(C) the rail passenger carrier involved.

(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To arrange a suitable memorial service, in consultation with the families.

(d) PASSENGER LISTS.—

(1) REQUESTS FOR PASSENGER LISTS.—

(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its

other trains, to ascertain the names of passengers aboard a train involved in an accident.

(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

(2) USE OF INFORMATION.—Except as provided in subsection (k), the director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

(g) PROHIBITED ACTIONS.—

(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision thereof) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action or settlement offer for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation, including the railroad carrier or rail passenger carrier, to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on

<sup>1</sup> So in original. Probably should be "post-trauma".

the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

(h) DEFINITIONS.—In this section:

(1) RAIL PASSENGER ACCIDENT.—The term “rail passenger accident” means any rail passenger disaster resulting in a major loss of life occurring in the provision of—

(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

(2) RAIL PASSENGER CARRIER.—The term “rail passenger carrier” means a rail carrier providing—

(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term does not include a tourist, historic, scenic, or excursion rail carrier.

(3) PASSENGER.—The term “passenger” includes—

(A) an employee of a rail passenger carrier aboard a train;

(B) any other person aboard the train without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the rail transportation; and

(C) any other person injured or killed in a rail passenger accident, as determined appropriate by the Board.

(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad passenger accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

(2) BOARD ASSISTANCE.—If this section does not apply to a railroad passenger accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.

(k) SAVINGS CLAUSE.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including development of information regarding the nature of injuries sustained and the manner in which they were sustained for the purposes of determining compliance with existing laws and regulations or for identifying means of preventing similar injuries in the future, or both.

(Added Pub. L. 110-432, div. A, title V, §501(a), Oct. 16, 2008, 122 Stat. 4894.)

#### ESTABLISHMENT OF TASK FORCE

Pub. L. 110-432, div. A, title V, §503, Oct. 16, 2008, 122 Stat. 4899, provided that:

“(a) ESTABLISHMENT.—The Secretary [of Transportation], in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1139(a)(2) of title 49, United States Code, rail passenger carriers (as defined in section 1139(h)(2) of title 49, United States Code), and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of rail passenger carrier employees, and representatives of such other entities as the Secretary considers appropriate.

“(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

“(1) a model plan to assist rail passenger carriers in responding to passenger rail accidents;

“(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

“(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

“(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Oct. 16, 2008], the Secretary shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation containing the model plan and recommendations developed by the task force under subsection (b).”

#### SUBCHAPTER IV—ENFORCEMENT AND PENALTIES

##### § 1151. Aviation enforcement

(a) CIVIL ACTIONS BY BOARD.—The National Transportation Safety Board may bring a civil action in a district court of the United States against a person to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), 1136(g)(2), or 1155(a) of this title or a regulation prescribed or order issued under any of those sections. An action under this subsection may be brought in the judicial district in which the person does business or the violation occurred.

(b) CIVIL ACTIONS BY ATTORNEY GENERAL.—On request of the Board, the Attorney General may bring a civil action in an appropriate court—

(1) to enforce section 1132, 1134(b) or (f)(1) (related to an aircraft accident), 1136(g)(2), or 1155(a) of this title or a regulation prescribed or order issued under any of those sections; and