

quiring the 2-way end-of-train devices. The regulations at least shall—

(A) establish standards for the devices based on performance;

(B) prohibit a railroad carrier, on or after the date that is one year after the regulations are prescribed, from acquiring any end-of-train device for use on trains that is not a 2-way device meeting the standards established under clause (A) of this paragraph;

(C) require that the trains be equipped with 2-way end-of-train devices meeting those standards not later than 4 years after the regulations are prescribed; and

(D) provide that any 2-way end-of-train device acquired for use on trains before the regulations are prescribed shall be deemed to meet the standards.

(2) The Secretary may consider petitions to amend the regulations prescribed under paragraph (1) of this subsection to allow the use of alternative technologies that meet the same basic performance requirements established by the regulations.

(3) In developing the regulations required by paragraph (1) of this subsection, the Secretary shall consider information presented under subsection (a) of this section.

(c) EXCLUSIONS.—The Secretary may exclude from regulations prescribed under subsections (a) and (b) of this section any category of trains or rail operations if the Secretary decides that the exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reasons for the exclusion. The Secretary at least shall exclude from the regulations prescribed under subsection (b)—

- (1) trains that have manned cabooses;
- (2) passenger trains with emergency brakes;
- (3) trains that operate only on track that is not part of the general railroad system;
- (4) trains that do not exceed 30 miles an hour and do not operate on heavy grades, except for any categories of trains specifically designated by the Secretary; and
- (5) trains that operate in a push mode.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 878.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20141(a) .....	45:431(r)(1), (2).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(r); added Sept. 3, 1992, Pub. L. 102–365, §7, 106 Stat. 976.
20141(b) .....	45:431(r)(3).	
20141(c) .....	45:431(r)(4).	

**§ 20142. Track safety**

(a) REVIEW OF EXISTING REGULATIONS.—Not later than March 3, 1993, the Secretary of Transportation shall begin a review of Department of Transportation regulations related to track safety standards. The review at least shall include an evaluation of—

- (1) procedures associated with maintaining and installing continuous welded rail and its attendant structure, including cold weather installation procedures;
- (2) the need for revisions to regulations on track excepted from track safety standards; and

(3) employee safety.

(b) REVISION OF REGULATIONS.—Not later than September 1, 1995, the Secretary shall prescribe regulations and issue orders to revise track safety standards, considering safety information presented during the review under subsection (a) of this section and the report of the Comptroller General submitted under subsection (c) of this section.

(c) COMPTROLLER GENERAL’S STUDY AND REPORT.—The Comptroller General shall study the effectiveness of the Secretary’s enforcement of track safety standards, with particular attention to recent relevant railroad accident experience and information. Not later than September 3, 1993, the Comptroller General shall submit a report to Congress and the Secretary on the results of the study, with recommendations for improving enforcement of those standards.

(d) IDENTIFICATION OF INTERNAL RAIL DEFECTS.—In carrying out subsections (a) and (b), the Secretary shall consider whether or not to prescribe regulations and issue orders concerning—

- (1) inspection procedures to identify internal rail defects, before they reach imminent failure size, in rail that has significant shelling; and
- (2) any specific actions that should be taken when a rail surface condition, such as shelling, prevents the identification of internal defects.

(e) TRACK STANDARDS.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this subsection, the Federal Railroad Administration shall—

(A) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(B) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors’ areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(C) establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors periodically.

(2) INSPECTION.—Whenever the Administration determines that it is necessary or appropriate, the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 879; Pub. L. 103–440, title II, §208, Nov. 2, 1994, 108 Stat. 4621; Pub. L. 109–59, title IX, §9005(a), Aug. 10, 2005, 119 Stat. 1924.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20142(a) .....	45:431(s)(1) (1st sentence), (2).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, §202(s); added Sept. 3, 1992, Pub. L. 102–365, §8, 106 Stat. 976.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20142(b) .....	45:431(s)(1) (last sentence).	
20142(c) .....	45:431(s)(3).	

In subsection (c), the word “information” is substituted for “data” for consistency in the revised title.

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2005—Subsec. (e). Pub. L. 109–59 added subsec. (e).  
 1994—Subsec. (a)(1). Pub. L. 103–440, §208(2), inserted “, including cold weather installation procedures” after “attendant structure”.

Subsec. (b). Pub. L. 103–440, §208(1), substituted “September 1, 1995” for “September 3, 1994”.

Subsec. (d). Pub. L. 103–440, §208(3), added subsec. (d).

TRACK INSPECTION TIME STUDY

Pub. L. 110–432, div. A, title IV, §403, Oct. 16, 2008, 122 Stat. 4884, provided that:

“(a) STUDY.—Not later than [sic] 2 years after the date of enactment of this Act [Oct. 16, 2008], the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of a study to determine whether—

“(1) the required intervals of track inspections for each class of track should be amended;

“(2) track remedial action requirements should be amended;

“(3) different track inspection and repair priorities or methods should be required; and

“(4) the speed at which railroad track inspection vehicles operate and the scope of the territory they generally cover allow for proper inspection of the track and whether such speed and appropriate scope should be regulated by the Secretary.

“(b) CONSIDERATIONS.—In conducting the study the Secretary shall consider—

“(1) the most current rail flaw, rail defect growth, rail fatigue, and other relevant track- or rail-related research and studies;

“(2) the availability and feasibility of developing and implementing new or novel rail inspection technology for routine track inspections;

“(3) information from National Transportation Safety Board or Federal Railroad Administration accident investigations where track defects were the cause or a contributing cause; and

“(4) other relevant information, as determined by the Secretary.

“(c) UPDATE OF REGULATIONS.—Not later than 2 years after the completion of the study required by subsection (a), the Secretary shall prescribe regulations based on the results of the study conducted under subsection (a).

“(d) CONCRETE CROSS TIES.—Not later than 18 months after the date of enactment of this Act [Oct. 16, 2008], the Secretary shall promulgate regulations for concrete cross ties. In developing the regulations for class 1 through 5 track, the Secretary may address, as appropriate—

- “(1) limits for rail seat abrasion;
- “(2) concrete cross tie pad wear limits;
- “(3) missing or broken rail fasteners;
- “(4) loss of appropriate toeload pressure;
- “(5) improper fastener configurations; and
- “(6) excessive lateral rail movement.”

[For definitions of “Secretary” and “railroad”, as used in section 403 of Pub. L. 110–432, set out above, see section 2(a) of Pub. L. 110–432, set out as a note under section 20102 of this title.]

§ 20143. Locomotive visibility

(a) DEFINITION.—In this section, “locomotive visibility” means the enhancement of day and night visibility of the front end unit of a train, considering in particular the visibility and perspective of a driver of a motor vehicle at a grade crossing.

(b) INTERIM REGULATIONS.—Not later than December 31, 1992, the Secretary of Transportation shall prescribe temporary regulations identifying ditch, crossing, strobe, and oscillating lights as temporary locomotive visibility measures and authorizing and encouraging the installation and use of those lights. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation or to an amendment to a temporary regulation.

(c) REVIEW OF REGULATIONS.—The Secretary shall review the Secretary’s regulations on locomotive visibility. Not later than December 31, 1993, the Secretary shall complete the current research of the Department of Transportation on locomotive visibility. In conducting the review, the Secretary shall collect relevant information from operational experience by rail carriers using enhanced visibility measures.

(d) REGULATORY PROCEEDING.—Not later than June 30, 1994, the Secretary shall begin a regulatory proceeding to prescribe final regulations requiring substantially enhanced locomotive visibility measures. In the proceeding, the Secretary shall consider at least—

(1) revisions to the existing locomotive headlight standards, including standards for placement and intensity;

(2) requiring the use of reflective material to enhance locomotive visibility;

(3) requiring the use of additional alerting lights, including ditch, crossing, strobe, and oscillating lights;

(4) requiring the use of auxiliary lights to enhance locomotive visibility when viewed from the side;

(5) the effect of an enhanced visibility measure on the vision, health, and safety of train crew members; and

(6) separate standards for self-propelled, push-pull, and multi-unit passenger operations without a dedicated head end locomotive.

(e) FINAL REGULATIONS.—(1) Not later than June 30, 1995, the Secretary shall prescribe final regulations requiring enhanced locomotive visibility measures. The Secretary shall require that not later than December 31, 1997, a locomotive not excluded from the regulations be equipped with temporary visibility measures under subsection (b) of this section or the visibility measures the final regulations require.

(2) In prescribing regulations under paragraph (1) of this subsection, the Secretary may exclude a category of trains or rail operations from a specific visibility requirement if the Secretary decides the exclusion is in the public interest and is consistent with rail safety, including grade-crossing safety.

(3) A locomotive equipped with temporary visibility measures prescribed under subsection (b) of this section when final regulations are prescribed under paragraph (1) of this subsection is deemed to be complying with the final regula-