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 that [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-

tions for 4 years after the final regulations are prescribed.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 880.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20143(a)	45:431(u)(6).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, § 202(u); added Oct. 27, 1992, Pub. L. 102–533, § 14, 106 Stat. 3522.
20143(b)	45:431(u)(2) (1st, 2d sentences).	
20143(c)	45:431(u)(1).	
20143(d)	45:431(u)(3).	
20143(e)(1) ..	45:431(u)(5).	
20143(e)(2) ..	45:431(u)(4).	
20143(e)(3) ..	45:431(u)(2) (last sentence).	

In this section, the word ''visibility'' is substituted for ''conspicuity'' for clarity and consistency in this chapter.

In subsection (a), the words ''by means of lighting, reflective materials, or other means'' are omitted as surplus.

In subsection (b), the words ''those lights'' are substituted for ''such measures'' for clarity.

In subsection (c), the word ''Secretary's'' is substituted for ''Department of Transportation's'' because of 49:102(b). The word ''using'' is substituted for ''having . . . in service'' to eliminate unnecessary words.

In subsection (e)(2) and (3) of this section, the reference is to paragraph (1) of this subsection, rather than to subsection (d) of this section, because the regulations are prescribed under paragraph (1).

In subsection (e)(2), the words ''a category'' are substituted for ''and category'' to correct an apparent mistake in the source provision. See S. Rept. 102–990, 102d Cong., 2d Sess., p. 18 (1992).

In subsection (e)(3), the word ''full'' is omitted as surplus.

§ 20144. Blue signal protection for on-track vehicles

The Secretary of Transportation shall prescribe regulations applying blue signal protection to on-track vehicles where rest is provided.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 881.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
20144	(uncodified).	June 22, 1988, Pub. L. 100–342, § 19(c), 102 Stat. 638.

The words ''prescribe regulations'' are substituted for ''within one year after the date of the enactment of this Act, amend part 218 of title 49, Code of Federal Regulations'' because the regulations to carry out this section have been prescribed.

§ 20145. Report on bridge displacement detection systems

Not later than 18 months after November 2, 1994, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report concerning any action that has been taken by the Secretary on railroad bridge displacement detection systems.

(Added Pub. L. 103–440, title II, § 207(a), Nov. 2, 1994, 108 Stat. 4621; amended Pub. L. 104–287, § 5(48), (49), Oct. 11, 1996, 110 Stat. 3393.)

AMENDMENTS

1996—Pub. L. 104–287 substituted ''November 2, 1994'' for ''the date of enactment of the Federal Railroad Safety Authorization Act of 1994'' and ''Committee on Transportation and Infrastructure'' for ''Committee on Energy and Commerce''.

§ 20146. Institute for Railroad Safety

The Secretary of Transportation, in conjunction with a university or college having expertise in transportation safety, shall establish, within one year after November 2, 1994, an Institute for Railroad Safety. The Institute shall research, develop, fund, and test measures for reducing the number of fatalities and injuries relevant to railroad operations. There are authorized to be appropriated to the Secretary $1,000,000 for each of the fiscal years 1996 through 2000 to fund activities carried out under this section by the Institute, which shall report at least once each year on its use of such funds in carrying out such activities and the results thereof to the Secretary of Transportation and the Congress.

(Added Pub. L. 103–440, title II, § 210(a), Nov. 2, 1994, 108 Stat. 4621; amended Pub. L. 104–287, § 5(49), Oct. 11, 1996, 110 Stat. 3393.)

AMENDMENTS

1996—Pub. L. 104–287 substituted ''November 2, 1994'' for ''the date of enactment of the Federal Railroad Safety Authorization Act of 1994''.

§ 20147. Warning of civil liability

The Secretary of Transportation shall encourage railroad carriers to warn the public about potential liability for violation of regulations related to vandalism of railroad signs, devices, and equipment and to trespassing on railroad property.

(Added Pub. L. 103–440, title II, § 211(a), Nov. 2, 1994, 108 Stat. 4622.)

§ 20148. Railroad car visibility

(a) REVIEW OF RULES.—The Secretary of Transportation shall conduct a review of the Department of Transportation's rules with respect to railroad car visibility. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced visibility measures in service.

(b) REGULATIONS.—If the review conducted under subsection (a) establishes that enhanced railroad car visibility would likely improve safety in a cost-effective manner, the Secretary shall initiate a rulemaking proceeding to prescribe regulations requiring enhanced visibility standards for newly manufactured and remanufactured railroad cars. In such proceeding the Secretary shall consider, at a minimum—

(1) visibility of railroad cars from the perspective of nonrailroad traffic;

(2) whether certain railroad car paint colors should be prohibited or required;

(3) the use of reflective materials;

(4) the visibility of lettering on railroad cars;

(5) the effect of any enhanced visibility measures on the health and safety of train crew members; and