

or locomotive or tender part or appurtenance results in an accident or incident causing serious personal injury or death, the railroad carrier owning or operating the locomotive or tender—

(1) immediately shall file with the Secretary of Transportation a written statement of the fact of the accident or incident; and

(2) when the locomotive is disabled to the extent it cannot be operated under its own power, shall preserve intact all parts affected by the accident or incident, if possible without interfering with traffic, until an investigation of the accident or incident is completed.

(b) INVESTIGATIONS.—The Secretary shall—

(1) investigate each accident and incident reported under subsection (a) of this section;

(2) inspect each part affected by the accident or incident; and

(3) make a complete and detailed report on the cause of the accident or incident.

(c) PUBLICATION AND USE OF INVESTIGATION REPORTS.—When the Secretary considers publication to be in the public interest, the Secretary may publish a report of an investigation made under this section, stating the cause of the accident or incident and making appropriate recommendations. No part of a report may be admitted into evidence or used in a civil action for damages resulting from a matter mentioned in the report.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20703(a)	45:30 (1st sentence related to 45:32). 45:32 (1st, 3d sentences). 49 App.:1655(e) (1)(E)-(G).	Mar. 4, 1915, ch. 169, §2 (1st sentence related to §8 of Act of Feb. 17, 1911), 38 Stat. 1192; Apr. 22, 1940, ch. 124, §2, 54 Stat. 148; Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 79 Stat. 1320. Feb. 17, 1911, ch. 103, §8, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1(1)-(3) (related to §8 of Act of Feb. 17, 1911), 54 Stat. 148; Reorg. Plan No. 3 of 1965, eff. July 27, 1965, 79 Stat. 1320; June 22, 1988, Pub. L. 100-342, §14(6), 102 Stat. 633. Oct. 15, 1966, Pub. L. 89-670, §6(e)(1)(E)-(G), 80 Stat. 939.
20703(b)	45:32 (2d, last sentences).	
20703(c)	45:33. 49 App.:1655(e) (1)(E)-(G).	

In this section, the words “or incident” and “and incident” are added for consistency in this part.

In subsection (a), before clause (1), the words “locomotive, tender, or locomotive or tender part or appurtenance . . . the locomotive or tender” are substituted for “locomotive boiler or its appurtenances . . . said locomotive” in 45:32 and the text of 45:30 (1st sentence related to 45:32) for clarity and because of the restatement. The word “personal” is substituted for “to one or more persons” to eliminate unnecessary words. In clause (1), the word “immediately” is substituted for “forthwith” for consistency in this chapter. In clause (2), the words “operated under its own power” are substituted for “cannot be run by its own steam” for clarity. The words “hindrance or” are omitted as being included in “interfering”. The word “investigation” is substituted for “inspection” for consistency in this section.

In subsection (c), the words “at any time call upon the director of locomotive inspection for a report of

any accident embraced in section 32 of this title, and upon the receipt of said report” are omitted as obsolete because of Reorganization Plan No. 3 of 1965 (eff. July 27, 1965, 79 Stat. 1320) and 49 App.:1655(e)(1)(E)-(G). The text of 45:33 (2d sentence) is omitted as surplus. The words “civil action” are substituted for “suit or action” for consistency in the revised title and with other titles of the United States Code. The words “resulting from” are substituted for “growing out of” for clarity. The words “or investigation” are omitted as unnecessary because of the restatement.

CHAPTER 209—ACCIDENTS AND INCIDENTS

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

§ 20901. Reports

(a) GENERAL REQUIREMENTS.—Not later than 30 days after the end of each month, a railroad carrier shall file a report with the Secretary of Transportation on all accidents and incidents resulting in injury or death to an individual or damage to equipment or a roadbed arising from the carrier’s operations during the month. The report shall be under oath and shall state the nature, cause, and circumstances of each reported accident or incident. If a railroad carrier assigns human error as a cause, the report shall include, at the option of each employee whose error is alleged, a statement by the employee explaining any factors the employee alleges contributed to the accident or incident.

(b) MONETARY THRESHOLD FOR REPORTING.—(1) In establishing or changing a monetary threshold for the reporting of a railroad accident or incident, the Secretary shall base damage cost calculations only on publicly available information obtained from—

(A) the Bureau of Labor Statistics; or

(B) another department, agency, or instrumentality of the United States Government if the information has been collected through objective, statistically sound survey methods or has been previously subject to a public notice and comment process in a proceeding of a Government department, agency, or instrumentality.

(2) If information is not available as provided in paragraph (1)(A) or (B) of this subsection, the Secretary may use any other source to obtain the information. However, use of the information shall be subject to public notice and an opportunity for written comment.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20901(a)	45:38 (1st sentence). 45:39 (related to time of filing report).	May 6, 1910, ch. 208, §1 (1st sentence), 36 Stat. 350; restated Sept. 13, 1960, Pub. L. 86-762, §1, 74 Stat. 903; June 22, 1988, Pub. L. 100-342, §15(1)(A), (B), 102 Stat. 633. May 6, 1910, ch. 208, §2 (related to time of filing report), 36 Stat. 351; Jan. 3, 1975, Pub. L. 93-633, §204(b), 88 Stat. 2166; June 22, 1988, Pub. L. 100-342, §15(2), 102 Stat. 634.