

- (A) the number of civil penalties assessed;
- (B) the initial amount of civil penalties assessed;
- (C) the number of civil penalty cases settled;
- (D) the final amount of civil penalties assessed;
- (E) the difference between the initial and final amounts of civil penalties assessed;
- (F) the number of administrative hearings requested and completed related to hazardous materials transportation law violations or enforcement actions against individuals;
- (G) the number of cases referred to the Attorney General for civil or criminal prosecution;²
- (H) the number and subject matter of all compliance orders, emergency orders, or precursor agreements;

(3) analyzes the effect of the number of inspections conducted and enforcement actions taken on the number and rate of reported accidents and incidents and railroad safety;

(4) provide³ the information required by paragraphs (2) and (3)—

- (A) for each Class I railroad individually; and
- (B) in the aggregate for—
 - (i) Class II railroads;
 - (ii) Class III railroads;
 - (iii) hazardous materials shippers; and
 - (iv) individuals;

(5) identifies the number of locomotive engineer certification denial or revocation cases appealed to and the average length of time it took to be decided by—

- (A) the Locomotive Engineer Review Board;
- (B) an Administrative Hearing Officer or Administrative Law Judge; or
- (C) the Administrator of the Federal Railroad Administration;

(6) provides an explanation regarding any changes in the Secretary’s or the Federal Railroad Administration’s enforcement programs or policies that may substantially affect the information reported; and

(7) includes any additional information that the Secretary determines is useful to improve the transparency of its enforcement program.

(Added Pub. L. 110-432, div. A, title III, §303(a), Oct. 16, 2008, 122 Stat. 4878.)

SUBCHAPTER II—PARTICULAR ASPECTS OF SAFETY

§ 20131. Restricted access to rolling equipment

The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to require that when railroad carrier employees (except train or yard crews) assigned to inspect, test, repair, or service rolling equipment have to work on, under, or between that equipment, every manually operated switch, including each crossover switch, providing access to the track on which the equipment is located

² So in original. Probably should be followed by “and”.

³ So in original. Probably should be “provides”.

is lined against movement to that track and secured by an effective locking device that can be removed only by the class or craft of employees performing the inspection, testing, repair, or service.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 872.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20131	45:431(g) (1st sentence cl. (1)).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(g) (1st sentence cl. (1)); added July 8, 1976, Pub. L. 94-348, §5(b), 90 Stat. 820.

The words “within 180 days after July 8, 1976” are omitted as expired.

§ 20132. Visible markers for rear cars

(a) GENERAL.—The Secretary of Transportation shall prescribe regulations and issue orders that may be necessary to require that—

- (1) the rear car of each passenger and commuter train has at least one highly visible marker that is lighted during darkness and when weather conditions restrict clear visibility; and
- (2) the rear car of each freight train has highly visible markers during darkness and when weather conditions restrict clear visibility.

(b) PREEMPTION.—Notwithstanding section 20106 of this title, subsection (a) of this section does not prohibit a State from continuing in force a law, regulation, or order in effect on July 8, 1976, related to lighted markers on the rear car of a freight train except to the extent it would cause the car to be in violation of this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 873.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
20132(a)	45:431(g) (1st sentence cls. (2), (3)).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(g) (1st sentence cls. (2), (3), last sentence); added July 8, 1976, Pub. L. 94-348, §5(b), 90 Stat. 820.
20132(b)	45:431(g) (last sentence).	

In subsection (a), before clause (1), the words “within 180 days after July 8, 1976” are omitted as expired.

§ 20133. Passenger cars

(a) MINIMUM STANDARDS.—The Secretary of Transportation shall prescribe regulations establishing minimum standards for the safety of cars used by railroad carriers to transport passengers. Before prescribing such regulations, the Secretary shall consider—

- (1) the crashworthiness of the cars;
- (2) interior features (including luggage restraints, seat belts, and exposed surfaces) that may affect passenger safety;
- (3) maintenance and inspection of the cars;
- (4) emergency response procedures and equipment; and
- (5) any operating rules and conditions that directly affect safety not otherwise governed by regulations.