

CHAPTER 207—LOCOMOTIVES

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§ 20701. Requirements for use

A railroad carrier may use or allow to be used a locomotive or tender on its railroad line only when the locomotive or tender and its parts and appurtenances—

- (1) are in proper condition and safe to operate without unnecessary danger of personal injury;
- (2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and
- (3) can withstand every test prescribed by the Secretary under this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 885.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20701	45:23.	Feb. 17, 1911, ch. 103, §2, 36 Stat. 913; Mar. 4, 1915, ch. 169, §1, 38 Stat. 1192; re-stated June 7, 1924, ch. 355, §2, 43 Stat. 659; June 22, 1988, Pub. L. 100-342, §14(2), 102 Stat. 632.
	45:30 (1st sentence related to 45:23).	Mar. 4, 1915, ch. 169, §2 (1st sentence related to §2 of Act of Feb. 17, 1911), 38 Stat. 1192; Apr. 22, 1940, ch. 124, §2, 54 Stat. 148.
	49 App.:1655(e)(1)(E), (F).	Oct. 15, 1966, Pub. L. 89-670, §6(e)(1)(E), (F), 80 Stat. 939.

In this section, before clause (1), the words “locomotive or tender . . . locomotive or tender and its parts and appurtenances” are substituted for “locomotive . . . locomotive, its boiler, tender, and all parts and appurtenances thereof” in 45:23 and “the provision of sections 22 to 29 . . . of this title as to the equipment of locomotives shall apply to and include the entire locomotive and tender and all their parts with the same force and effect as it applies to locomotive boilers and their appurtenances” in 45:30 for clarity and because of the restatement. In clause (1), the words “in the service to which the same are put” and “in the active service of such railroad” in 45:23 are omitted as surplus. The words “danger of personal injury” are substituted for “peril to life or limb” for clarity and consistency in this part. In clause (2), the words “from time to time” are omitted as surplus. The words “as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter” are substituted for “in accordance with the provisions of sections 22 to 29 and 31 to 34 of this title” for clarity and consistency. In clause (3), the words “prescribed by the Secretary under this chapter” are substituted for “prescribed in the rules and regulations hereinafter provided for” for clarity and because of the restatement.

§ 20702. Inspections, repairs, and inspection and repair reports

(a) GENERAL.—The Secretary of Transportation shall—

- (1) become familiar, so far as practicable, with the condition of every locomotive and tender and its parts and appurtenances;
- (2) inspect every locomotive and tender and its parts and appurtenances as necessary to

carry out this chapter, but not necessarily at stated times or at regular intervals; and

(3) ensure that every railroad carrier makes inspections of locomotives and tenders and their parts and appurtenances as required by regulations prescribed by the Secretary and repairs every defect that is disclosed by an inspection before a defective locomotive, tender, part, or appurtenance is used again.

(b) NONCOMPLYING LOCOMOTIVES, TENDERS, AND PARTS.—(1) When the Secretary finds that a locomotive, tender, or locomotive or tender part or appurtenance owned or operated by a railroad carrier does not comply with this chapter or a regulation prescribed under this chapter, the Secretary shall give the carrier written notice describing any defect resulting in noncompliance. Not later than 5 days after receiving the notice of noncompliance, the carrier may submit a written request for a reinspection. On receiving the request, the Secretary shall provide for the reinspection by an officer or employee of the Department of Transportation who did not make the original inspection. The reinspection shall be made not later than 15 days after the date the Secretary gives the notice of noncompliance.

(2) Immediately after the reinspection is completed, the Secretary shall give written notice to the railroad carrier stating whether the locomotive, tender, part, or appurtenance is in compliance. If the original finding of noncompliance is sustained, the carrier has 30 days after receipt of the notice to file an appeal with the Secretary. If the carrier files an appeal, the Secretary, after providing an opportunity for a proceeding, may revise or set aside the finding of noncompliance.

(3) A locomotive, tender, part, or appurtenance found not in compliance under this subsection may be used only after it is—

- (A) repaired to comply with this chapter and regulations prescribed under this chapter; or
- (B) found on reinspection or appeal to be in compliance.

(c) REPORTS.—A railroad carrier shall make and keep, in the way the Secretary prescribes by regulation, a report of every—

- (1) inspection made under regulations prescribed by the Secretary; and
- (2) repair made of a defect disclosed by such an inspection.

(d) CHANGES IN INSPECTION PROCEDURES.—A railroad carrier may change a rule or instruction of the carrier governing the inspection by the carrier of the locomotives and tenders and locomotive and tender parts and appurtenances of the carrier when the Secretary approves a request filed by the carrier to make the change.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 885.)