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Effective: October 16, 2008

United States Code Annotated [Currentness](#)

Title 49. Transportation ([Refs & Annos](#))

Subtitle V. RAIL Programs

Part A. Safety

[Chapter 201](#). General ([Refs & Annos](#))

[Subchapter I](#). General

→ → § 20102. Definitions

In this part--

(1) “Class I railroad”, “Class II railroad”, and “Class III railroad” mean railroad carriers that have annual carrier operating revenues that meet the threshold amount for Class I carriers, Class II carriers, and Class III carriers, respectively, as determined by the Surface Transportation Board under [section 1201.1-1 of title 49, Code of Federal Regulations](#).

(2) “railroad”--

(A) means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including--

(i) commuter or other short-haul railroad passenger service in a metropolitan or suburban area and commuter railroad service that was operated by the Consolidated Rail Corporation on January 1, 1979; and

(ii) high speed ground transportation systems that connect metropolitan areas, without regard to whether those systems use new technologies not associated with traditional railroads; but

(B) does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation.

(3) “railroad carrier” means a person providing railroad transportation, except that, upon petition by a group of commonly controlled railroad carriers that the Secretary determines is operating within the United States as a single, integrated rail system, the Secretary may by order treat the group of railroad carriers as a single railroad carrier for purposes of one or more provisions of part A, subtitle V of this title and implementing regulations and order, subject to any appropriate conditions that the Secretary may impose.

(4) “safety-related railroad employee” means--

(A) a railroad employee who is subject to chapter 211;

(B) another operating railroad employee who is not subject to chapter 211;

(C) an employee who maintains the right of way of a railroad;

- (D) an employee of a railroad carrier who is a hazmat employee as defined in [section 5102\(3\)](#) of this title;
- (E) an employee who inspects, repairs, or maintains locomotives, passenger cars, or freight cars; and
- (F) any other employee of a railroad carrier who directly affects railroad safety, as determined by the Secretary.

CREDIT(S)

(Added [Pub.L. 103-272](#), § 1(e), July 5, 1994, 108 Stat. 863; amended [Pub.L. 110-432](#), Div. A, § 2(b), Title IV, § 407, Oct. 16, 2008, 122 Stat. 4850, 4886.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts.

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20102(1)	45:16.	Apr. 14, 1910, ch. 160, § 1, 36 Stat. 298; restated June 22, 1988, Pub.L. 100-342, § 13(3)(E), 102 Stat. 632.
	45:22.	Feb. 17, 1911, ch. 103, § 1, 36 Stat. 913; June 7, 1924, ch. 355, § 1, 43 Stat. 659; restated June 22, 1988, Pub.L. 100-342, § 14(1), 102 Stat. 632.
	45:38(last sentence).	May 6, 1910, ch. 208, 36 Stat. 350, § 1(last sentence); added June 22, 1988, Pub.L. 100-342, § 15(1)(C), 102 Stat. 633.
	45:61(a).	Mar. 4, 1907, ch. 2939, § 1(a), 34 Stat. 1415; Dec. 26, 1969, Pub.L. 91-169, § 1, 83 Stat. 463; restated Nov. 2, 1978, Pub.L. 95-574, § 5, 92 Stat. 2461; June 22, 1988, Pub.L. 100-342, § 16(1)(A), 102 Stat. 634.
	45:61(b)(1).	Mar. 4, 1907, ch. 2939, § 1(b)(1), 34 Stat. 1415; restated Dec. 26, 1969, Pub.L. 91-169, § 1, 83 Stat. 463; June 22, 1988, Pub.L. 100-342, § 16(1)(B), 102 Stat. Stat. 634.
	45:431(e).	Oct. 16, 1970, Pub.L. 91-458, § 202(e), 84 Stat. 971; restated June 22, 1988, Pub.L. 100-342, § 7(a), 102 Stat. 628.
	49:App.:26(a).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 25(a); added Feb. 28, 1920, ch. 91, § 441, 41 Stat. 498; Aug. 26, 1937, ch. 818, 50 Stat. 835; Sept. 18, 1940, ch. 722, § 14(b), 54 Stat. 919; restated June 22, 1988, Pub.L. 100-342, § 17(1), 102 Stat. 635.
20102(2)	(no source).	

Clause (1) is substituted for the source provisions to avoid repeating the definition of “railroad” in each chapter in this part.

Clause (2) is added to distinguish between railroad transportation and the entity providing railroad transportation. [House Report](#)

[No. 103-180.](#)

2008 Acts. [House Report No. 110-336](#), see 2008 U.S. Code Cong. and Adm. News, p. 2142.

References in Text

Part A, subtitle V of this title, referred to in par. (3), is [49 U.S.C.A. § 20101 et seq.](#)

Chapter 211, referred to in par. (4)(A), (B), is chapter 211 of this title, [49 U.S.C.A. § 21101 et seq.](#)

Amendments

2008 Amendments. Par. (1). Pub.L. 110-432, Div. A, § 2(b)(1), (2), redesignated former par. (1) as par. (2) and inserted a new par. (1).

Par. (2). Pub.L. 110-432, Div. A, § 2(b)(1), redesignated former par. (1) as par. (2), and redesignated former par. (2) as par. (3).

Par. (3). Pub.L. 110-432, Div. A, § 2(b)(1), redesignated former par. (2) as par. (3).

Pub.L. 110-432, Div. A, § 407, rewrote par. (3) (as so redesignated), which formerly read: “ ‘railroad carrier’ means a person providing railroad transportation.”

Par. (4). Pub.L. 110-432, Div. A, § 2(b)(3), added par. (4).

Definitions

Pub.L. 110-432, Div. A, § 2(a), Oct. 16, 2008, 122 Stat. 4849, provided that:

“(a) **In general.**--In this division [Division A of Pub.L. 110-432, enacting [49 U.S.C.A. §§ 1139, 10908 to 10910, 20116, 20118 to 20120, 20156 to 20167, 21109, 22501 to 22505](#), and [24316](#), amending this section and [23 U.S.C.A. § 130](#), [45 U.S.C.A. § 822](#), [49 U.S.C.A. §§ 103, 14504a, 20103, 20104, 20107, 20109, 20111, 20112, 20117, 20134, 20151, 20152, 21101 to 21104, 21106, 21108, 21301 to 21303, 21311, 22106](#), and [22301](#), and enacting provisions set out as notes under this section and [49 U.S.C.A. §§ 103, 1139, 5103, 10101, 20101, 20103, 20107, 20109, 20134, 20140, 20142, 20162, 20901, 21101](#), and [22501](#)]:

“(1) **Crossing.**--The term ‘crossing’ means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks at grade where--

“(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

“(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

“(2) **Department.**--The term ‘Department’ means the Department of Transportation.

“(3) **Railroad.**--The term ‘railroad’ has the meaning given that term by section 20102 of title 49, United States Code [this section].

“(4) **Railroad carrier.**--The term ‘railroad carrier’ has the meaning given that term by section 20102 of title 49, United States Code.

“(5) **Secretary.**--The term ‘Secretary’ means the Secretary of Transportation.

“(6) **State.**--The term ‘State’ means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.”

CROSS REFERENCES

“Rail” and “railroad” as having same meaning given “railroad” in this section for purposes of public accommodations and services operated by private entities relating to equal opportunity for individuals with disabilities, see [42 USCA § 12181](#).

LIBRARY REFERENCES

Corpus Juris Secundum

[CJS Employers' Liability for Injuries to Employees § 106](#), Locomotive Inspection Act.

RESEARCH REFERENCES

Encyclopedias

[72 Am. Jur. Trials 1](#), Railroad Health and Safety; a Litigator's Guide.

[Am. Jur. 2d Railroads § 1](#), Generally; Definitions and Distinctions.

[Am. Jur. 2d Railroads § 257](#), Statutory Provisions.

Forms

[Am. Jur. Pl. & Pr. Forms Railroads § 205](#), Introductory Comments.

[Am. Jur. Pl. & Pr. Forms Railroads § 206](#), Complaint in Federal District Court--By Injured Motorist--Failure to Warn of Unlighted Train on Crossing at Night--Violation of Federal Railroad Safety Act--Diversity Of...

Treatises and Practice Aids

[Americans With Disab. Pract. & Compliance Manual § 3:17](#), Railroad.

NOTES OF DECISIONS

Railroad [1](#)

[1](#). Railroad

Word “railroad,” within former chapter giving Secretary of Transportation, through Federal Railroad Administrator, rule-making powers concerning all areas of railroad safety, did not include urban rapid transit systems which are subject to safety requirements imposed by **Urban Mass Transportation** Act of 1964, sections 1601-1612 of Title 49. [Chicago Transit Authority v. Flohr, C.A.7 \(Ill.\) 1977, 570 F.2d 1305, Railroads ¶229\(2\)](#)

Provisions excluding from definition of term “railroad” all rapid transit operations within urban area that are not connected to general railroad system of transportation did not result in commuter authority which was “connected” to general railroad system of transportation being subject to federal regulatory power, including Federal Employers' Liability Act (FELA), where commuter lines were not “connected” to rapid transit lines, but connection was only for service vehicles. [Felton v. Southeastern Pennsylvania Transp. Authority, E.D.Pa.1991, 757 F.Supp. 623, affirmed 952 F.2d 59, Labor And Employment ¶2772](#)

Federal Railroad Administration's (FRA's) determination that passenger rail system was a “commuter or other short-haul railroad passenger service in a metropolitan or suburban area,” as opposed to a “rapid transit operations in an urban area,” and thus, was a “railroad” over which FRA had jurisdiction, was entitled to deference, where FRA determined that primary function of the system would be to facilitate commuter traffic to and from work, based upon fact that areas served by the rail corridor were high-employment areas, number of jobs in that corridor was expected to grow by more than 60 percent over the next two decades, locations of various stations were selected because they served large employment bases and provided access to large number of commuters, and work-related trips would account for at least 63% of all trips on the system. [Research Triangle Regional Public Transp. Authority v. U.S., C.A.4 2003, 83 Fed.Appx. 505, 2003 WL 22939283, Unreported, Railroads ¶9\(1\); Urban Railroads ¶20](#)

49 U.S.C.A. § 20102, 49 USCA § 20102

Current through P.L. 112-39 approved 10-12-11

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