

49 U.S.C.A. § 20107

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

→ **§ 20107. Inspection and investigation**

**(a) General.**--To carry out this part, the Secretary of Transportation may take actions the Secretary considers necessary, including--

**(1)** conduct investigations, make reports, issue subpoenas, require the production of documents, take depositions, and prescribe recordkeeping and reporting requirements; and

**(2)** delegate to a public entity or qualified person the inspection, examination, and testing of railroad equipment, facilities, rolling stock, operations, and persons.

**(b) Entry and inspection.**--In carrying out this part, an officer, employee, or agent of the Secretary, at reasonable times and in a reasonable way, may enter and inspect railroad equipment, facilities, rolling stock, operations, and relevant records. When requested, the officer, employee, or agent shall display proper credentials. During an inspection, the officer, employee, or agent is an employee of the United States Government under chapter 171 of title 28.

CREDIT(S)

(Added [Pub.L. 103-272, § 1\(e\)](#), July 5, 1994, 108 Stat. 866.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

**1994 Acts.**

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<p>20107(a) . . . . . 45:437(a) (1st  § 208(a) (1st  and after 14th</p>	<p>sentence words  before 9th and  after 14th  commas).</p>	<p>Oct. 16, 1970, Pub.L. 91-458,  sentence words before 9th  commas), 84 Stat. 974, 975.</p>
<p>84 Stat. 971,  added Oct. 10,  6(b), 94 Stat.</p>	<p>45:437(d) (1) (1st  sentence).</p>	<p>Oct. 16, 1970, Pub.L. 91-458,  § 208(d) (1) (1st sentence);  1980, Pub.L. 96-423, §  1813.</p>
<p>20107(b) . . . . . 45:437(b) .  § 208(b), 84  1978, Pub.L.  2462; Oct. 10,  6(a), 94 Stat.</p>	<p>45:437(b) .</p>	<p>Oct. 16, 1970, Pub.L. 91-458,  Stat. 975; restated Nov. 2,  95-574, § 9, 92 Stat.  1980, Pub.L. 96-423, §  1813.</p>

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In subsection (a), before clause (1), the words "To carry out this part, the Secretary of Transportation may" are substituted for "In carrying out his functions under this subchapter, the Secretary is authorized to perform ... to carry out the provisions of this subchapter" and "In carrying out the functions formerly vested in the Interstate Commerce Commission and transferred to the Secretary by section 1655(e)(1), (e)(2), and (e)(6)(A) of title 49, Appendix, the Secretary is authorized to perform any act authorized in subsection (a) of this section ... to carry out such transferred functions" to eliminate unnecessary words. In clause (2), the word "entity" is substituted for "bodies" for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words "In carrying out this part" are substituted for "To carry out the


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Secretary's responsibilities under this subchapter, and under the functions transferred by section 1655(e)(1), (e)(2), and (e)(6)(A) of title 49, Appendix" to eliminate unnecessary words. The word "way" is substituted for "manner" for consistency in the revised title and with other titles of the Code. The word "examine" is omitted as being included in "inspect". The word "considered" is omitted as surplus. [House Report No. 103-180](#).

## Administrative Law

### American Digest System

Authority, powers, and duties of federal officers and agents generally, see United States  40, 41.



Regulation and control of railroads generally; statutory and official regulation, see Railroads  5 et seq., 223 et seq.

## Encyclopedias

## NOTES OF DECISIONS

### **Accident investigations 1** **Reasonableness of entry and inspection 2**


#### 1. Accident investigations

Where National Transportation Safety Board had not exercised jurisdiction over subway accident involving facility operated by Massachusetts Bay Transportation Authority, Federal Railroad Administration was agency authorized by regulation to proceed with the investigation. [U. S. v. Massachusetts Bay Transp. Authority, D.C.Mass.1973, 360 F.Supp. 698](#). Railroads  224; Urban Railroads  22

#### 2. Reasonableness of entry and inspection

Provision authorizing agents of Secretary of Transportation to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations, and pertinent records at reasonable times and in a reasonable manner countenances reasonable cooperation by inspected railroads. U. S. v.

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Missouri Pac. R. Co., C.A.8 ([Mo.](#)) 1977, 553 F.2d 1156. Railroads  229(1)

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Current through P.L. 108-198 (End) approved 12-19-03

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