

(b) Section 2 of the Act of May 6, 1910 (45 U S C 39) is amended by adding at the end thereof the following new sentence "In lieu of the foregoing, any such carrier may be required to pay a civil penalty pursuant to subsections (b) and (c) of section 209 of the Federal Railroad Safety Act of 1970 (4) U S C 438(b))

AUTHORIZATION FOR APPROPRIATIONS

SEC 205 Section 212 of the Federal Railroad Safety Act of 1970 (45 U S C 441) is amended to read as follows

(1) There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$3,000,000 for the fiscal year ending June 30, 1975

(b) Subject to the provisions of subsection (c), amounts appropriated under subsection (a) of this section shall be available for expenditure as follows

(1) Not to exceed \$18,000,000 for the Office of Safety, including salaries and expenses for up to 350 safety inspectors and up to 80 clerical personnel

(2) Not to exceed \$3,500,000 to carry out the provisions of section 206(d) of this Act

(3) Not to exceed \$3,500,000 for the Federal Railroad Administration, for salaries and expenses not otherwise provided for

(4) Not to exceed \$10,000,000 for conducting research and development activities under this Act

(c) The aggregate of amounts obligated and expended in fiscal year 1975 for conducting research and development activities under this Act shall not exceed the aggregate of amounts expended in such fiscal year for the investigation and enforcement of railroad safety rules, regulations, orders and standards prescribed or in effect under this Act

ENFORCEMENT

SEC 206 Section 208(1) of the Federal Railroad Safety Act of 1970 (45 U S C 437(1)) is amended by adding at the end thereof the following new sentence "The Secretary is further authorized to issue orders directing compliance with this Act or with any railroad safety rule regulation order or standard issued under this Act, the district courts of the United States shall have jurisdiction, upon petition by the Attorney General to enforce such orders by appropriate means

TITLE III—INDEPENDENT SAFETY BOARD

SHORT TITLE

SEC 301 This title may be cited as the Independent Safety Board Act of 1974

FINDINGS

SEC 302 The Congress finds and declares

(1) The National Transportation Safety Board was established by statute in 1966 (Public Law 89-670, 80 Stat 935) as an independent Government agency, located within the Department of Transportation, to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations

(2) Proper conduct of the responsibilities assigned to this Board requires vigorous investigation of accidents involving transportation modes regulated by other agencies of Government, demands

continual review appraisal and assessment of the operating practices and regulations of all such agencies and calls for the making of conclusions and recommendations that may be critical of or adverse to any such agency or its officials No Federal agency can properly perform such functions unless it is totally separate and independent from any other department, bureau commission or agency of the United States

NATIONAL TRANSPORTATION SAFETY BOARD

SEC 303 (a) ESTABLISHMENT—The National Transportation Safety Board (hereafter in this title referred to as the Board) previously established within the Department of Transportation, shall be an independent agency of the United States, in accordance with this section, on and after April 1, 1975

(b) ORGANIZATION—(1) The Board shall consist of five members, including a Chairman Members of the Board shall be appointed by the President by and with the advice and consent of the Senate No more than three members of the Board shall be of the same political party At any given time no less than two members of the Board shall be individuals who have been appointed in the field of accident reconstruction safety engineering or transportation safety

(2) The terms of office of members of the Board shall be 5 years except as otherwise provided in this paragraph Any individual appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of that term Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified Individuals serving as members of the National Transportation Safety Board on the date of enactment of this title shall continue to serve as members of the Board until the expiration of their then current term of office Any member of the Board may be removed by the President for inefficiency neglect of duty, or malfeasance in office

(3) On or before January 1, 1976 (and thereafter as required), the President shall—

(A) designate by and with the advice and consent of the Senate an individual to serve as the Chairman of the Board (hereafter in this title referred to as the "Chairman") and

(B) an individual to serve as Vice Chairman

The Chairman and Vice Chairman each shall serve for a term of 2 years The Chairman shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board with respect to the appointment and supervision of personnel employed by the Board the distribution of business among such personnel and among any administrative units of the Board, and the use and expenditure of funds The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman The Chairman or Acting Chairman shall be governed by the general policies established by the Board, including any decisions findings determinations, rules regulations, and formal resolutions

(4) Three members of the Board shall constitute a quorum for the transaction of any function of the Board

(5) The Board shall establish and maintain distinct and appropriately staffed bureaus divisions, or offices to investigate and report on accidents involving each of the following modes of transportation

49 USC 1902

Membership

Term

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1901

1654

(A) aviation (B) highway and motor vehicle, (C) railroad and tracked vehicle, and (D) pipeline The Board shall, in addition, establish and maintain any other such office as is needed, including an office to investigate and report on the safe transportation of hazardous materials

(c) GENERAL — (1) The General Services Administration shall furnish the Board with such offices equipment, supplies, and services as it is authorized to furnish to any other agency or instrumentality of the United States

(2) The Board shall have a seal which shall be judicially recognized

(3) Subject to the civil service and classification laws, the Board is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges as shall be necessary to carry out its powers and duties under this title

GENERAL PROVISIONS

SFC 304 (a) DUTIES OF BOARD — The Board shall—

(1) investigate or cause to be investigated (in such detail as it shall prescribe), and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any—

(A) aircraft accident which is within the scope of the functions powers, and duties transferred from the Civil Aeronautics Board under section 6(d) of the Department of Transportation Act (49 USC 4655(d)) pursuant to title VII of the Federal Aviation Act of 1958, as amended (49 USC 1441),

(B) highway accident, including any railroad grade crossing accident, that it selects in cooperation with the States,

(C) railroad accident in which there is a fatality, substantial property damage, or which involves a passenger train,

(D) pipeline accident in which there is a fatality or substantial property damage,

(E) major marine casualty, except one involving only public vessels, occurring on the navigable waters or territorial seas of the United States, or involving a vessel of the United States, in accordance with regulations to be prescribed jointly by the Board and the Secretary of the department in which the Coast Guard is operating Nothing in this subparagraph shall be construed to eliminate or diminish any responsibility under any other Federal statute of the Secretary of the department in which the Coast Guard is operating *Provided* That any marine accident involving a public vessel and any other vessel shall be investigated and the facts, conditions, and circumstances, and the cause or probable cause determined and made available to the public by either the Board or the Secretary of the Department in which the Coast Guard is operating, and

(F) other accident which occurs in connection with the transportation of people or property which, in the judgment of the Board, is catastrophic, involves problems of a recurring character, or would otherwise carry out the policy of this title

The Board may request the Secretary of Transportation (hereafter in this title referred to as the "Secretary") to make investigations with regard to such accidents and to report to the

Board the facts conditions, and circumstances thereof (except in accidents where misfeasance or nonfeasance by the Federal Government is alleged) and the Secretary or his designees are authorized to make such investigations Thereafter, the Board, utilizing such reports shall make its determination of cause or probable cause under this paragraph,

(2) report in writing on the facts, conditions and circumstances of each accident investigated pursuant to paragraph (1) of this subsection and cause such reports to be made available to the public at reasonable cost and to cause notice of the issuance and availability of such reports to be published in the Federal Register

Report publication in Federal Register

(3) issue periodic reports to the Congress Federal State, and local agencies concerned with transportation safety and other interested persons recommending and advocating meaningful responses to reduce the likelihood of recurrence of transportation accidents similar to those investigated by the Board and proposing corrective steps to make the transportation of persons as safe and free from risk of injury as is possible, including steps to minimize human injuries from transportation accidents

Reports to Congress Federal State and local agencies

(4) initiate and conduct special studies and special investigations on matters pertaining to safety in transportation including human injury avoidance,

(5) assess and reassess techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for accident investigations

(6) establish by regulation requirements binding on persons reporting accidents subject to the Board's investigatory jurisdiction under this subsection

(7) evaluate assess the effectiveness and publish the findings of the Board with respect to the transportation safety consciousness and efficacy in preventing accidents of other Government agencies

(8) evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of other Government agencies charged with assuring the safe transportation of such materials and

(9) review on appeal (A) the suspension amendment modification, revocation or denial of any operating certificate or license issued by the Secretary of Transportation under sections 602 609 or 611(c) of the Federal Aviation Act of 1958 (49 USC 1422, 1429, or 1431(c)), and (B) the decisions of the Commandant of the Coast Guard, on appeals from the orders of any administrative law judge revoking, suspending or denying a license certificate, document, or register in proceedings under section 4450 of the Revised Statutes of the United States (46 USC 239), the Act of July 15 1954 (46 USC 239 (a) and (b)), or section 4 of the Great Lakes Pilotage Act (46 USC 216(b))

46 USC 239a
239b
46 USC 216b

(b) POWERS OF BOARD — (1) The Board or upon the authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Chairman, may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such evidence as the Board or such officer or employee deems advisable Subpoenas shall be issued under the signature of the Chairman or his delegate and may

be served by any person designated by the Chairman. Witnesses summoned to appear before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Such attendance of witnesses and production of evidence may be required from any place in the United States to any designated place of such hearing in the United States.

(2) Any employee of the Board upon presenting appropriate credentials and a written notice of inspection authority is authorized to enter any property wherein a transportation accident has occurred or wreckage from any such accident is located and do all things therein necessary for a proper investigation. The employee may inspect, at reasonable times records, files, papers, processes, controls and facilities relevant to the investigation of such accident. Each inspection shall be commenced and completed with reasonable promptness and the results of such inspection made available.

(3) In case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board or of any duly designated employee thereof, by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such district court shall upon the request of the Board have jurisdiction to issue to such person an order requiring such person to comply forthwith. Failure to obey such an order is punishable by such court as a contempt of court.

(4) The Board is authorized to enter into, without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), such contracts, leases, cooperative agreements or other transactions as may be necessary in the conduct of the functions and the duties of the Board under this title, with any government entity or any person.

(5) The Board is authorized to obtain and shall be furnished, with or without reimbursement, a copy of the report of the autopsy performed by State or local officials on any person who dies as a result of having been involved in a transportation accident within the jurisdiction of the Board and, if necessary, the Board may order the autopsy or seek other tests of such persons as may be necessary to the investigation of the accident. *Provided*, That to the extent consistent with the need of the accident investigation, provisions of local law protecting religious beliefs with respect to autopsies shall be observed.

(6) The Board is authorized to (A) use on a reimbursable basis or otherwise when appropriate, available services, equipment, personnel, and facilities of the Department of Transportation and of other civilian or military agencies and instrumentalities of the Federal Government, (B) confer with employees and use available services, records, and facilities of State, municipal or local governments and agencies, (C) employ experts and consultants in accordance with section 3109 of title 5, United States Code, (D) appoint one or more advisory committees composed of qualified private citizens or officials of Federal, State, or local governments as it deems necessary or appropriate in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I), (E) accept voluntary and uncompensated services notwithstanding any other provision of law, (F) accept gifts or donations of money or property (real, personal, mixed, tangible, or intangible) and (G) enter into contracts with public or private nonprofit entities for the conduct of studies related to any of its functions.

(7) Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget estimate or other budget information, legislative recommendation prepared testimony for congressional hearings or comment on legislation to the President or to the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States

shall have any authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony or comments to the Congress.

(8) The Board is empowered to designate representatives to serve or assist on such committees as the Chairman determines to be necessary or appropriate to maintain effective liaison with other Federal agencies and with State and local government agencies, and with independent standard setting bodies carrying out programs and activities related to transportation safety.

(9) The Board or an employee of the Board duly designated by the Chairman may conduct an inquiry to secure data with respect to any matter pertinent to transportation safety upon publication of notice of such inquiry in the Federal Register and may require by special or general orders Federal, State and local government agencies and persons engaged in the transportation of people or property in commerce to submit written reports and answers to such requests and questions as are propounded with respect to any matter pertinent to any function of the Board. Such reports and answers shall be submitted to the Board or to such employee within such reasonable period of time and in such form as the Board may determine. Copies thereof shall be made available for inspection by the public.

(10) Establish such rules and regulations as may be necessary to the exercise of its functions.

(c) USE OF REPORTS AS EVIDENCE —No part of any report of the Board relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

(d) JUDICIAL REVIEW —Any order affirmative or negative, issued by the Board under this title shall be subject to review by the appropriate court of appeals of the United States or the United States Court of Appeals for the District of Columbia, upon petition filed within 60 days after the entry of such order, by any person disclosing a substantial interest in such order. Such review shall be conducted in accordance with the provisions of chapter 7 of title 5, United States Code.

ANNUAL REPORT

SEC 305 The Board shall report to the Congress on July 1 of each year. Such report shall include but need not be limited to—

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year,

(2) a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each such recommendation,

(3) an appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by Federal or State law with responsibility in this field, and

(4) a biennial appraisal and evaluation and review, and recommendations for legislative and administrative action and change, with respect to transportation safety.

Publication in Federal Register

Rules and regulations

5 USC 701

49 USC 1904

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PUBLIC ACCESS TO INFORMATION

1905 SEC 306 (a) GENERAL—Copies of any communication, document, investigation, or other report, or information received or sent by the Board, or any member or employee of the Board, shall be made available to the public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to subsection (b) of this section. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code or which is otherwise protected by law from disclosure to the public.

in pro (b) EXCEPTION—The Board shall not disclose information obtained under this title which concerns or relates to a trade secret referred to in section 1905 of title 18 United States Code, except that such information may be disclosed in a manner designed to preserve confidentiality—

(1) upon request, to other Federal Government departments and agencies for official use,

(2) upon request, to any committee of Congress having jurisdiction over the subject matter to which the information relates,

(3) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceedings, and

(4) to the public in order to protect health and safety, after notice to any interested person to whom the information pertains and an opportunity for such person to comment in writing or orally in closed session on such proposed disclosure (if the delay resulting from such notice and opportunity for comment would not be detrimental to health and safety)

RESPONSE TO BOARD RECOMMENDATIONS

36 SEC 307 Whenever the Board submits a recommendation regarding transportation safety to the Secretary he shall respond to each such recommendation formally and in writing not later than 90 days after receipt thereof. The response to the Board by the Secretary shall indicate his intention to—

(1) initiate and conduct procedures for adopting such recommendation in full, pursuant to a proposed timetable, a copy of which shall be included,

(2) initiate and conduct procedures for adopting such recommendation in part, pursuant to a proposed timetable, a copy of which shall be included. Such response shall set forth in detail the reasons for the refusal to proceed as to the remainder of such recommendation, or

(3) refuse to initiate or conduct procedures for adopting such recommendation. Such response shall set forth in detail the reasons for such refusal.

in ter The Board shall cause notice of the issuance of each such recommendation and of each receipt of a response thereto to be published in the Federal Register, and shall make copies thereof available to the public at reasonable cost.

CONFORMING AMENDMENTS

SEC 308 The Department of Transportation Act is amended—

(1) by deleting section 5 (49 U S C 1654),

(2) by amending section 4(c) thereof (49 U S C 1653(c)) by deleting “or the National Transportation Safety Board” in the first sentence thereof, and by deleting in the second sentence thereof “, the Administrators, or the National Transportation Safety Board” and by inserting in lieu thereof “or the Administrators”, and

(3) by amending section 4(d) thereof (49 U S C 1653(d)) by deleting “, the Administrators, and the National Transportation Safety Board” and by inserting in lieu thereof “and the Administrators”.

AUTHORIZATION OF APPROPRIATIONS

SEC 309 There are authorized to be appropriated for the purposes of this Act not to exceed \$12,000,000 for the fiscal year ending June 30, 1975, and \$12,000,000 for the fiscal year ending June 30, 1976, such sums to remain available until expended.

49 USC 1907

Approved January 3, 1975

Public Law 93-634

AN ACT

Designating San Angelo Dam and Reservoir on the North Concho River as the O C Fisher Dam and Lake'

January 3 1974
[H R 15322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That the San Angelo Dam and Reservoir, North Concho River Texas authorized by the Flood Control Act approved August 18, 1941, shall hereafter be known as the O C Fisher Dam and Lake, and any law, regulation, document or record of the United States in which such project is designated or referred to shall be held to refer to such project under and by the name of “O C Fisher Dam and Lake”.

San Angelo Dam and Reservoir North Concho River Tex
Name change
55 Stat 638

Approved January 3, 1975

Public Law 93-635

AN ACT

To make technical amendments to the Act of September 3 1974 relating to salary increases for District of Columbia police firemen and teachers and to the District of Columbia Real Property Tax Revision Act of 1974 and for other purposes.

January 3 1975
[H R 16925]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That effective on the first day of the first pay period beginning on or after July 1 1974, the salary schedule in section 101(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (DC Code sec 4-82)(a)) is amended by striking out “16,510” in service step 2 of class 4 of such schedule and inserting in lieu thereof “16 540”.

DC
Police firemen and teachers
salary increases
real property taxes