

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**PART I - CRIMES****CHAPTER 97 - RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR****§ 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air**

(a) **General Prohibitions.**— Whoever, in a circumstance described in subsection (c), knowingly and without lawful authority or permission—

- (1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;
- (2) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;
- (3) places or releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (4), with intent to endanger the safety of any person, or with reckless disregard for the safety of human life;
- (4) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—
 - (A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, and with intent to, or knowing or having reason to know,¹ such activity would likely, derail, disable, or wreck railroad on-track equipment; or
 - (B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, and with intent to, or knowing or having reason to know,¹ such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;
- (5) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal;
- (6) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, controlling, or maintaining railroad on-track equipment or a mass transportation vehicle;
- (7) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (4);
- (8) surveils, photographs, videotapes, diagrams, or otherwise collects information with the intent to plan or assist in planning any of the acts described in paragraphs (1) through (6);
- (9) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt to engage in a violation of this subsection; or
- (10) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (9),

shall be fined under this title or imprisoned not more than 20 years, or both, and if the offense results in the death of any person, shall be imprisoned for any term of years or for life, or subject to death, except in the case of a violation of paragraph (8), (9), or (10).

(b) Aggravated Offense.— Whoever commits an offense under subsection (a) of this section in a circumstance in which—

- (1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense;
- (2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense; or
- (3) the offense was committed with the intent to endanger the safety of any person, or with a reckless disregard for the safety of any person, and the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—
 - (A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations; and
 - (B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations,

shall be fined under this title or imprisoned for any term of years or life, or both, and if the offense resulted in the death of any person, the person may be sentenced to death.

(c) Circumstances Required for Offense.— A circumstance referred to in subsection (a) is any of the following:

- (1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider, or a railroad carrier engaged in interstate or foreign commerce.
- (2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

(d) Definitions.— In this section—

- (1) the term “biological agent” has the meaning given to that term in section 178 (1);
- (2) the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of less than 2½ inches in length and a box cutter;
- (3) the term “destructive device” has the meaning given to that term in section 921 (a)(4);
- (4) the term “destructive substance” means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term “radioactive device” does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;
- (5) the term “hazardous material” has the meaning given to that term in chapter 51 of title 49;
- (6) the term “high-level radioactive waste” has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 (12));
- (7) the term “mass transportation” has the meaning given to that term in section 5302 (a)(7) of title 49, except that the term includes intercity bus transportation² school bus, charter, and sightseeing transportation and passenger vessel as that term is defined in section 2101 (22) of title 46, United States Code;
- (8) the term “on-track equipment” means a carriage or other contrivance that runs on rails or electromagnetic guideways;
- (9) the term “railroad on-track equipment” means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;
- (10) the term “railroad” has the meaning given to that term in chapter 201 of title 49;
- (11) the term “railroad carrier” has the meaning given to that term in chapter 201 of title 49;

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

- (12) the term “serious bodily injury” has the meaning given to that term in section 1365;
- (13) the term “spent nuclear fuel” has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 (23));
- (14) the term “State” has the meaning given to that term in section 2266;
- (15) the term “toxin” has the meaning given to that term in section 178 (2); and
- (16) the term “vehicle” means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.

Footnotes

¹ So in original. The comma probably should not appear.

² So in original. Probably should be followed by a comma.

(Added Pub. L. 109–177, title I, § 110(a), Mar. 9, 2006, 120 Stat. 205; amended Pub. L. 110–53, title XV, § 1539, Aug. 3, 2007, 121 Stat. 468.)

Prior Provisions

A prior section 1992, acts June 25, 1948, ch. 645, 62 Stat. 794; Pub. L. 103–322, title VI, § 60003(a)(8), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 1969, 2147; Pub. L. 104–88, title IV, § 402(b), Dec. 29, 1995, 109 Stat. 955; Pub. L. 107–56, title VIII, § 811(e), Oct. 26, 2001, 115 Stat. 381; Pub. L. 107–273, div. B, title IV, § 4002(a)(6), Nov. 2, 2002, 116 Stat. 1807, related to penalties for wrecking a train used by a railroad in interstate or foreign commerce, prior to repeal by Pub. L. 109–177, title I, § 110(a), Mar. 9, 2006, 120 Stat. 205.

Amendments

2007—Subsec. (d)(7). Pub. L. 110–53 inserted “intercity bus transportation” after “includes”.