

AMENDMENTS

2005—Subsec. (k). Pub. L. 109-59, §9003(h), in heading, substituted “Evaluation” for “Investigation” and, in text, inserted “the cost of evaluating the application, including” after “reasonable charge for” and inserted at end “Amounts collected under this subsection shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended to pay for the evaluation costs described in this subsection.”

Subsec. (l). Pub. L. 109-59, §9003(i), added subsec. (l).

1998—Subsec. (b). Pub. L. 105-178, §7203(a)(4), redesignated subsec. (c) of section 831 of this title as subsec. (b) of this section, relating to full faith and credit backing of guarantees entered into by Secretary. See Codification note above.

§§ 824, 825. Repealed. Pub. L. 105-178, title VII, §7203(a)(1), (2), June 9, 1998, 112 Stat. 471, 477

Section 824, Pub. L. 94-210, title V, §504, Feb. 5, 1976, 90 Stat. 70; Pub. L. 94-555, title II, §§216(c), 220(d), Oct. 19, 1976, 90 Stat. 2627, 2629, related to capital needs study to be submitted to Secretary.

Section 825, Pub. L. 94-210, title V, §505, Feb. 5, 1976, 90 Stat. 71; Pub. L. 94-555, title II, §§212, 216(a), Oct. 19, 1976, 90 Stat. 2624, 2626; Pub. L. 95-565, §5, Nov. 1, 1978, 92 Stat. 2400; Pub. L. 95-607, title III, §§301(a), 302, Nov. 8, 1978, 92 Stat. 3066; Pub. L. 95-620, title VIII, §803(c)(5), (6), Nov. 9, 1978, 92 Stat. 3347, 3348; Pub. L. 96-73, title IV, §401, Sept. 29, 1979, 93 Stat. 557; Pub. L. 96-101, §§16, 24(a), Nov. 4, 1979, 93 Stat. 744, 747; Pub. L. 96-254, title I, §112, May 30, 1980, 94 Stat. 404; Pub. L. 96-448, title IV, §§404, 405(a)(1), (c)(1), (2), (4), (5), 406, title VII, §701(d), Oct. 14, 1980, 94 Stat. 1945-1947, 1961; Pub. L. 97-35, title XI, §1162(a), (c), (d), Aug. 13, 1981, 95 Stat. 683, 684; Pub. L. 97-468, title IV, §§401, 403(b), Jan. 14, 1983, 96 Stat. 2550, 2551; Pub. L. 99-509, title IV, §4033(c)(3), Oct. 21, 1986, 100 Stat. 1908; Pub. L. 104-88, title III, §330(2), Dec. 29, 1995, 109 Stat. 953, related to rehabilitation and improvement financing.

§ 825a. Repealed. Pub. L. 99-509, title IV, §4033(c)(6), Oct. 21, 1986, 100 Stat. 1909

Section, Pub. L. 97-468, title IV, §402, Jan. 14, 1983, 96 Stat. 2550, provided for financial assistance to responsible persons for purchase, lease, or rehabilitation of rail lines of Consolidated Rail Corporation.

§§ 826 to 830. Repealed. Pub. L. 105-178, title VII, §7203(a)(2), June 9, 1998, 112 Stat. 477

Section 826, Pub. L. 94-210, title V, §506, Feb. 5, 1976, 90 Stat. 73; Pub. L. 94-555, title II, §§213, 214, Oct. 19, 1976, 90 Stat. 2624, 2625; Pub. L. 96-448, title IV, §405(c)(3)(A), (C), Oct. 14, 1980, 94 Stat. 1946, 1947, related to redeemable preference shares.

Section 827, Pub. L. 94-210, title V, §507, Feb. 5, 1976, 90 Stat. 74; Pub. L. 95-607, title III, §301(b), Nov. 8, 1978, 92 Stat. 3066; Pub. L. 96-73, title IV, §401, Sept. 29, 1979, 93 Stat. 557; Pub. L. 96-448, title IV, §§404, 405(a)(2), (c)(3)(B), Oct. 14, 1980, 94 Stat. 1945, 1946; Pub. L. 97-468, title IV, §401, Jan. 14, 1983, 96 Stat. 2550, related to fund anticipation notes.

Section 828, Pub. L. 94-210, title V, §508, Feb. 5, 1976, 90 Stat. 74, related to fund bonds.

Section 829, Pub. L. 94-210, title V, §509, Feb. 5, 1976, 90 Stat. 76; Pub. L. 94-555, title II, §216(d), Oct. 19, 1976, 90 Stat. 2627; Pub. L. 95-607, title III, §301(c), Nov. 8, 1978, 92 Stat. 3066; Pub. L. 96-73, title IV, §401, Sept. 29, 1979, 93 Stat. 557; Pub. L. 96-448, title IV, §§404, 405(a)(2), (b)(1), Oct. 14, 1980, 94 Stat. 1945; Pub. L. 97-35, title XI, §1162(e), (f), Aug. 13, 1981, 95 Stat. 684, 685; Pub. L. 97-468, title IV, §§401, 403(a), Jan. 14, 1983, 96 Stat. 2550, 2551; Pub. L. 99-509, title IV, §4033(c)(4), Oct. 21, 1986, 100 Stat. 1909; Pub. L. 104-88, title III, §330(3), Dec. 29, 1995, 109 Stat. 953, related to authorization of appropriations, purchases, transfer of funds, and restrictions.

Section 830, Pub. L. 94-210, title V, §510, Feb. 5, 1976, 90 Stat. 76; Pub. L. 104-88, title III, §330(4), Dec. 29, 1995, 109 Stat. 953, related to exemption of redeemable preference shares from certain Federal and State securities provisions.

§ 831. Transferred

CODIFICATION

Section, Pub. L. 94-210, title V, §511, Feb. 5, 1976, 90 Stat. 76; Pub. L. 94-555, title II, §§215, 220(e), (f), Oct. 19, 1976, 90 Stat. 2625, 2629, 2630; Pub. L. 96-448, title IV, §405(e), Oct. 14, 1980, 94 Stat. 1947; Pub. L. 99-509, title IV, §4033(c)(5), Oct. 21, 1986, 100 Stat. 1909; Pub. L. 102-240, title I, §1036(e), Dec. 18, 1991, 105 Stat. 1986, which related to guarantee of obligations, was repealed, except for subsec. (c), by Pub. L. 105-178, title VII, §7203(a)(2), June 9, 1998, 112 Stat. 477. Subsec. (c) of section 831 was amended, redesignated, and transferred to section 823(b) of this title by Pub. L. 105-178, title VII, §7203(a)(3), (4), June 9, 1998, 112 Stat. 477.

§§ 832 to 834. Repealed. Pub. L. 105-178, title VII, §7203(a)(2), June 9, 1998, 112 Stat. 477

Section 832, Pub. L. 94-210, title V, §512, Feb. 5, 1976, 90 Stat. 79, related to issuance of notes or obligations.

Section 833, Pub. L. 94-210, title V, §513, Feb. 5, 1976, 90 Stat. 80, related to default on guaranteed obligations.

Section 834, Pub. L. 94-210, title V, §514, Feb. 5, 1976, 90 Stat. 81, related to audit of transactions.

§ 835. Repealed. Pub. L. 97-375, title I, §111(d), Dec. 21, 1982, 96 Stat. 1821; Pub. L. 105-178, title VII, §7203(a)(2), June 9, 1998, 112 Stat. 477

Section, Pub. L. 94-210, title V, §515, Feb. 5, 1976, 90 Stat. 82, directed Secretary to report to Congress within 90 days following end of each fiscal year on financial condition and operations of Fund and of obligation guarantee fund during such fiscal year, and on anticipated condition and operations of Fund and of obligation guarantee fund during current fiscal year.

§ 836. Employee protection

(a) General

Fair and equitable arrangements shall be provided, in accordance with this section, to protect the interests of any employees not otherwise protected under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.), who may be affected by actions taken pursuant to authorizations or approval obtained under this subchapter. Such arrangements shall be determined by the execution of an agreement between the representatives of the railroads and the representatives of their employees, within 120 days after February 5, 1976. In the absence of such an executed agreement, the Secretary of Labor shall prescribe the applicable protective arrangements, within 150 days after February 5, 1976.

(b) Terms

The arrangements required by subsection (a) of this section shall apply to each employee who has an employment relationship with a railroad on the date on which such railroad first applies for applicable financial assistance under this subchapter. Such arrangements shall include such provisions as may be necessary for the negotiation and execution of agreements as to the manner in which the protective arrangements

shall be applied, including notice requirements. Such agreements shall be executed prior to implementation of work funded from financial assistance under this subchapter. If such an agreement is not reached within 30 days after the date on which an application for such assistance is approved, either party to the dispute may submit the issue for final and binding arbitration. The decision on any such arbitration shall be rendered within 30 days after such submission. Such arbitration decision shall in no way modify the protection afforded in the protective arrangements established pursuant to this section, shall be final and binding on the parties thereto, and shall become a part of the agreement. Such arrangements shall also include such provisions as may be necessary—

(1) for the preservation of compensation (including subsequent general wage increases, vacation allowances, and monthly compensation guarantees), rights, privileges, and benefits (including fringe benefits such as pensions, hospitalization, and vacations, under the same conditions and so long as such benefits continue to be accorded to other employees of the employing railroad in active service or on furlough, as the case may be) to such employees under existing collective-bargaining agreements or otherwise;

(2) to provide for final and binding arbitration of any dispute which cannot be settled by the parties, with respect to the interpretation, application, or enforcement of the provisions of the protective arrangements;

(3) to provide that an employee who is unable to secure employment by the exercise of his or her seniority rights, as a result of actions taken with financial assistance obtained under this subchapter, shall be offered reassignment and, where necessary, retraining to fill a position comparable to the position held at the time of such adverse effect and for which he is, or by training and retraining can become, physically and mentally qualified, so long as such offer is not in contravention of collective bargaining agreements relating thereto; and

(4) to provide that the protection afforded pursuant to this section shall not be applicable to employees benefited solely as a result of the work which is financed by funds provided pursuant to this subchapter.

(c) Subcontracting

The arrangements which are required to be negotiated by the parties or prescribed by the Secretary of Labor, pursuant to subsections (a) and (b) of this section, shall include provisions regulating subcontracting by the railroads of work which is financed by funds provided pursuant to this subchapter.

(Pub. L. 94-210, title V, § 504, formerly § 516, Feb. 5, 1976, 90 Stat. 82; renumbered § 504, Pub. L. 105-178, title VII, § 7203(a)(5), June 9, 1998, 112 Stat. 477.)

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsec. (a), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended. Title V of the Regional Rail Reorganization Act of 1973, which was classified generally

to subchapter V (§ 771 et seq.) of chapter 16 of this title, was repealed by Pub. L. 97-35, title XI, § 1144(a)(1), Aug. 13, 1981, 95 Stat. 669. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

PRIOR PROVISIONS

A prior section 504 of Pub. L. 94-210 was classified to section 824 of this title prior to repeal by Pub. L. 105-178.

§§ 837, 838. Repealed. Pub. L. 105-178, title VII, § 7203(a)(2), June 9, 1998, 112 Stat. 477

Section 837, Pub. L. 94-210, title V, § 517, Feb. 5, 1976, 90 Stat. 83, related to intercity rail passenger service. Section 838, Pub. L. 94-210, title V, § 518, as added Pub. L. 102-533, § 12(a), Oct. 27, 1992, 106 Stat. 3521, related to Columbus and Greenville Railway.

SUBCHAPTER III—NORTHEAST CORRIDOR PROJECT IMPLEMENTATION

§ 851. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 94-210, title VII, § 701, Feb. 5, 1976, 90 Stat. 119; Pub. L. 96-254, title II, § 205, May 30, 1980, 94 Stat. 412, specified powers and duties of National Railroad Passenger Corporation with respect to implementing the Northeast Corridor improvement project. See sections 24102, 24305, 24315, 24902, and 24904 of Title 49, Transportation.

§ 852. Repealed. Pub. L. 97-35, title XI, § 1188(e), Aug. 13, 1981, 95 Stat. 699

Section, Pub. L. 94-210, title VII, § 702, Feb. 5, 1976, 90 Stat. 120, set forth provisions relating to the Operations Review Panel.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 1189 of Pub. L. 97-35.

§§ 853 to 855. Repealed. Pub. L. 103-272, § 7(b), July 5, 1994, 108 Stat. 1379

Section 853, Pub. L. 94-210, title VII, § 703, Feb. 5, 1976, 90 Stat. 121; Pub. L. 95-421, §§ 5, 8, Oct. 5, 1978, 92 Stat. 926, 927; Pub. L. 96-254, title II, §§ 202, 203, 209, May 30, 1980, 94 Stat. 410, 414; Pub. L. 97-468, title III, § 301(1), Jan. 14, 1983, 96 Stat. 2547; Pub. L. 99-272, title IV, § 4007(d), Apr. 7, 1986, 100 Stat. 108, enumerated goals of Northeast Corridor improvement project. See section 24902 of Title 49, Transportation.

Section 854, Pub. L. 94-210, title VII, § 704, Feb. 5, 1976, 90 Stat. 122; Pub. L. 94-555, title II, § 217, Oct. 19, 1976, 90 Stat. 2627; Pub. L. 95-421, § 9, Oct. 5, 1978, 92 Stat. 928; Pub. L. 96-254, title II, §§ 204(a), (b), 210, May 30, 1980, 94 Stat. 411, 414; Pub. L. 97-35, title XI, § 1193, Aug. 13, 1981, 95 Stat. 701; Pub. L. 97-468, title III, § 301(2)-(4), Jan. 14, 1983, 96 Stat. 2548, 2549; Pub. L. 100-342, § 6, June 22, 1988, 102 Stat. 627, related to funding of Northeast Corridor improvement project. See sections 24104, 24902, 24904, 24907, and 24909 of Title 49.

Section 855, Pub. L. 94-210, title VII, § 705, as added Pub. L. 96-254, title II, § 206(a), May 30, 1980, 94 Stat. 412; amended Pub. L. 97-468, title III, § 301(5), Jan. 14, 1983, 96 Stat. 2550, related to transfers of authority with respect to track improvements and implementation of Northeast Corridor improvement project goals. See sections 24902, 24904, and 24909 of Title 49.

§ 856. Repealed. Pub. L. 103-429, § 7(a)(1), Oct. 31, 1994, 108 Stat. 4388

Section, Pub. L. 94-210, title VII, § 708, as added Pub. L. 102-533, § 4(a), Oct. 27, 1992, 106 Stat. 3516, directed Secretary to develop and report to Congress within one