

person primarily engaged in auto-ferry service shall not be deemed to be a railroad), from providing such” to eliminate unnecessary words. The text of 45:545(b) (2d sentence words after “the public”) is omitted as obsolete.

In subsection (b)(2), the words “may provide” are substituted for “Nothing in this section shall be construed to restrict the right of . . . from performing” to eliminate unnecessary words and for clarity. The words “rail lines” are substituted for “lines” for clarity and consistency in the revised title and with other titles of the Code.

In subsection (b)(3), the words “has the effect of prohibiting or”, “fine, penalty, or other”, and “for violation of” are omitted as surplus. The words “rail carrier” are substituted for “common carrier by railroad” for consistency in the revised title and with other titles of the Code.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-134, §102(1), struck out at end “When requested by Amtrak, a department, agency, or instrumentality of the United States Government shall assist in carrying out this section.”

Subsec. (b). Pub. L. 105-134, §102(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

“(1) A person primarily providing auto-ferry transportation and any other person not a rail carrier may provide auto-ferry transportation over any route under a certificate issued by the Interstate Commerce Commission if the Commission finds that the auto-ferry transportation—

“(A) will not impair the ability of Amtrak to reduce its losses or increase its revenues; and

“(B) is required to meet the public demand.

“(2) A rail carrier that has not made a contract with Amtrak to provide rail passenger transportation may provide auto-ferry transportation over its own rail lines.

“(3) State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.”

§ 24307. Special transportation

(a) REDUCED FARE PROGRAM.—Amtrak shall maintain a reduced fare program for the following:

- (1) individuals at least 65 years of age.
- (2) individuals (except alcoholics and drug abusers) who—
 - (A) have a physical or mental impairment that substantially limits a major life activity of the individual;
 - (B) have a record of an impairment; or
 - (C) are regarded as having an impairment.

(b) EMPLOYEE TRANSPORTATION.—(1) In this subsection, “rail carrier employee” means—

- (A) an active full-time employee of a rail carrier or terminal company and includes an employee on furlough or leave of absence;
- (B) a retired employee of a rail carrier or terminal company; and
- (C) a dependent of an employee referred to in clause (A) or (B) of this paragraph.

(2) Amtrak shall ensure that a rail carrier employee eligible for free or reduced-rate rail transportation on April 30, 1971, under an agreement in effect on that date is eligible, to the greatest extent practicable, for free or reduced-rate intercity rail passenger transportation pro-

vided by Amtrak under this part, if space is available, on terms similar to those available on that date under the agreement. However, Amtrak may apply to all rail carrier employees eligible to receive free or reduced-rate transportation under any agreement a single systemwide schedule of terms that Amtrak decides applied to a majority of employees on that date under all those agreements. Unless Amtrak and a rail carrier make a different agreement, the carrier shall reimburse Amtrak at the rate of 25 percent of the systemwide average monthly yield of each revenue passenger-mile. The reimbursement is in place of costs Amtrak incurs related to free or reduced-rate transportation, including liability related to travel of a rail carrier employee eligible for free or reduced-rate transportation.

(3) This subsection does not prohibit the Surface Transportation Board from ordering retroactive relief in a proceeding begun or reopened after October 1, 1981.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 911; Pub. L. 105-134, title IV, §406(b), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 112-141, div. C, title II, §32932(c)(1), July 6, 2012, 126 Stat. 829.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24307(a)	45:545(c)(2).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(c)(2); added Sept. 29, 1979, Pub. L. 96-73, §105(2), 93 Stat. 539.
24307(b)	45:545(c)(1).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(c)(1); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 550; Sept. 29, 1979, Pub. L. 96-73, §105(1), 93 Stat. 539.
24307(c)	45:565(f).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §405(f); added June 22, 1972, Pub. L. 92-316, §8, 86 Stat. 230; Sept. 29, 1979, Pub. L. 96-73, §120(a), 93 Stat. 547; Aug. 13, 1981, Pub. L. 97-35, §1184, 95 Stat. 697.

In subsection (a), before clause (1), the word “maintain” is substituted for “Within 90 days after September 29, 1979” and “establish” for clarity.

In subsection (b), before clause (1), the word “act” is substituted for “take all steps necessary to” to eliminate unnecessary words. The words “access to” are added for clarity. In clause (1), the words “and devices” are omitted as surplus. In clause (4), the words “architectural and other” are omitted as surplus.

In subsection (c)(1)(A), the words “period of” and “while on” are omitted as surplus.

In subsection (c)(2), the words “take such action as may be necessary to”, “the terms of . . . policy or”, and “to such railroad employee” are omitted as surplus. The words “or group of railroads” are omitted because of 1:1.

AMENDMENTS

2012—Subsec. (b)(3). Pub. L. 112-141 substituted “Surface Transportation Board” for “Interstate Commerce Commission”.

1997—Subsecs. (b), (c). Pub. L. 105-134 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(b) ACTIONS TO ENSURE ACCESS.—Amtrak may act to ensure access to intercity transportation for elderly or handicapped individuals on passenger trains operated by or for Amtrak. That action may include—

- “(1) acquiring special equipment;
- “(2) conducting special training for employees;
- “(3) designing and acquiring new equipment and facilities;

“(4) eliminating barriers in existing equipment and facilities to comply with the highest standards of design, construction, and alteration of property to accommodate elderly and handicapped individuals; and
“(5) providing special assistance to elderly and handicapped individuals when getting on and off trains and in terminal areas.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

ACCESSIBILITY BY INDIVIDUALS WITH DISABILITIES

Pub. L. 110-432, div. B, title II, § 219, Oct. 16, 2008, 122 Stat. 4931, provided that:

“(a) IN GENERAL.—Amtrak, in consultation with station owners and other railroads operating service through the existing stations that it serves, shall evaluate the improvements necessary to make these stations readily accessible to and usable by individuals with disabilities, as required by such section 242(e)(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)). The evaluation shall include, for each applicable station, improvements required to bring it into compliance with the applicable parts of such section 242(e)(2), any potential barriers to achieving compliance, including issues related to passenger rail station platforms, the estimated cost of the improvements necessary, the identification of the responsible person (as defined in section 241(5) of that Act (42 U.S.C. 12161(5))), and the earliest practicable date when such improvements can be made. The evaluation shall also include a detailed plan and schedule for bringing all applicable stations into compliance with the applicable parts of section 242(e)(2) by the 2010 statutory deadline for station accessibility. Amtrak shall submit the evaluation to the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Commerce, Science, and Transportation of the Senate; the Department of Transportation; and the National Council on Disability by February 1, 2009, along with recommendations for funding the necessary improvements. Should the Department of Transportation issue any rule related to transportation for individuals with disabilities by intercity passenger rail after Amtrak submits its evaluation, Amtrak shall, within 120 days after the date that such rule is published, submit to the above parties a supplemental evaluation on any impact of the rule on its cost and schedule for achieving full compliance.

“(b) ACCESSIBILITY IMPROVEMENTS AND BARRIER REMOVAL FOR PEOPLE WITH DISABILITIES.—There are authorized to be appropriated to the Secretary [of Transportation] for the use of Amtrak such sums as may be necessary to improve the accessibility of facilities, including rail platforms, and services.”

Pub. L. 110-432, div. B, title II, § 220, Oct. 16, 2008, 122 Stat. 4931, provided that: “Using the funds authorized by section 103 of this division [122 Stat. 4909], the Federal Railroad Administration shall monitor and conduct periodic reviews of Amtrak’s compliance with applicable sections of the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.] and the Rehabilitation Act of 1974 [probably means Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.] to ensure that Amtrak’s services and facilities are accessible to individuals with disabilities to the extent required by law.”

Pub. L. 105-134, title IV, § 406(a), Dec. 2, 1997, 111 Stat. 2586, provided that:

“(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements required by the Americans With Disabilities Act of 1990 [42 U.S.C. 12101 et seq.] at any station jointly used by Amtrak and a commuter authority.

“(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under

subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.”

§ 24308. Use of facilities and providing services to Amtrak

(a) GENERAL AUTHORITY.—(1) Amtrak may make an agreement with a rail carrier or regional transportation authority to use facilities of, and have services provided by, the carrier or authority under terms on which the parties agree. The terms shall include a penalty for untimely performance.

(2)(A) If the parties cannot agree and if the Surface Transportation Board finds it necessary to carry out this part, the Board shall—

(i) order that the facilities be made available and the services provided to Amtrak; and

(ii) prescribe reasonable terms and compensation for using the facilities and providing the services.

(B) When prescribing reasonable compensation under subparagraph (A) of this paragraph, the Board shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services.

(C) The Board shall decide the dispute not later than 90 days after Amtrak submits the dispute to the Board.

(3) Amtrak’s right to use the facilities or have the services provided is conditioned on payment of the compensation. If the compensation is not paid promptly, the rail carrier or authority entitled to it may bring an action against Amtrak to recover the amount owed.

(4) Amtrak shall seek immediate and appropriate legal remedies to enforce its contract rights when track maintenance on a route over which Amtrak operates falls below the contractual standard.

(b) OPERATING DURING EMERGENCIES.—To facilitate operation by Amtrak during an emergency, the Board, on application by Amtrak, shall require a rail carrier to provide facilities immediately during the emergency. The Board then shall promptly prescribe reasonable terms, including indemnification of the carrier by Amtrak against personal injury risk to which the carrier may be exposed. The rail carrier shall provide the facilities for the duration of the emergency.

(c) PREFERENCE OVER FREIGHT TRANSPORTATION.—Except in an emergency, intercity and commuter rail passenger transportation provided by or for Amtrak has preference over freight transportation in using a rail line, junction, or crossing unless the Board orders otherwise under this subsection. A rail carrier affected by this subsection may apply to the Board for relief. If the Board, after an opportunity for a hearing under section 553 of title 5, decides that preference for intercity and commuter rail passenger transportation materially will lessen the quality of freight transportation provided to shippers, the Board shall establish the rights of the carrier and Amtrak on reasonable terms.

(d) ACCELERATED SPEEDS.—If a rail carrier refuses to allow accelerated speeds on trains oper-