

## AMENDMENTS

1997—Subsec. (b). Pub. L. 105-134 inserted “or on January 1, 1997,” after “1979.”

**§ 24310. Management accountability**

(a) IN GENERAL.—Within 3 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and 2 years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

(b) ASSESSMENT.—The management assessment undertaken by the Inspector General may include a review of—

- (1) effectiveness in improving annual financial planning;
- (2) effectiveness in implementing improved financial accounting;
- (3) efforts to implement minimum train performance standards;
- (4) progress maximizing revenues, minimizing Federal subsidies, and improving financial results; and
- (5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.

(Added Pub. L. 110-432, div. B, title II, § 221(a), Oct. 16, 2008, 122 Stat. 4931.)

## REFERENCES IN TEXT

The Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (a), is div. B of Pub. L. 110-432, Oct. 16, 2008, 122 Stat. 4907. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 20101 of this title and Tables.

## PRIOR PROVISIONS

A prior section 24310, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 914, allowed petition or application for assistance in upgrading facilities to correct dangerous conditions or State and local violations, prior to repeal by Pub. L. 105-134, title IV, § 403, Dec. 2, 1997, 111 Stat. 2585.

**§ 24311. Acquiring interests in property by eminent domain**

(a) GENERAL AUTHORITY.—(1) To the extent financial resources are available, Amtrak may acquire by eminent domain under subsection (b) of this section interests in property—

(A) necessary for intercity rail passenger transportation, except property of a rail carrier, a State, a political subdivision of a State, or a governmental authority; or

(B) requested by the Secretary of Transportation in carrying out the Secretary’s duty to design and build an intermodal transportation terminal at Union Station in the District of Columbia if the Secretary assures Amtrak that the Secretary will reimburse Amtrak.

(2) Amtrak may exercise the power of eminent domain only if it cannot—

(A) acquire the interest in the property by contract; or

(B) agree with the owner on the purchase price for the interest.

(b) CIVIL ACTIONS.—(1) A civil action to acquire an interest in property by eminent domain

under subsection (a) of this section must be brought in the district court of the United States for the judicial district in which the property is located or, if a single piece of property is located in more than one judicial district, in any judicial district in which any piece of the property is located. An interest is condemned and taken by Amtrak for its use when a declaration of taking is filed under this subsection and an amount of money estimated in the declaration to be just compensation for the interest is deposited in the court. The declaration may be filed with the complaint in the action or at any time before judgment. The declaration must contain or be accompanied by—

(A) a statement of the public use for which the interest is taken;

(B) a description of the property sufficient to identify it;

(C) a statement of the interest in the property taken;

(D) a plan showing the interest taken; and

(E) a statement of the amount of money Amtrak estimates is just compensation for the interest.

(2) When the declaration is filed and the deposit is made under paragraph (1) of this subsection, title to the property vests in Amtrak in fee simple absolute or in the lesser interest shown in the declaration, and the right to the money vests in the person entitled to the money. When the declaration is filed, the court may decide—

(A) the time by which, and the terms under which, possession of the property is given to Amtrak; and

(B) the disposition of outstanding charges related to the property.

(3) After a hearing, the court shall make a finding on the amount that is just compensation for the interest in the property and enter judgment awarding that amount and interest on it. The rate of interest is 6 percent a year and is computed on the amount of the award less the amount deposited in the court from the date of taking to the date of payment.

(4) On application of a party, the court may order immediate payment of any part of the amount deposited in the court for the compensation to be awarded. If the award is more than the amount received, the court shall enter judgment against Amtrak for the deficiency.

(c) AUTHORITY TO CONDEMN RAIL CARRIER PROPERTY INTERESTS.—(1) If Amtrak and a rail carrier cannot agree on a sale to Amtrak of an interest in property of a rail carrier necessary for intercity rail passenger transportation, Amtrak may apply to the Surface Transportation Board for an order establishing the need of Amtrak for the interest and requiring the carrier to convey the interest on reasonable terms, including just compensation. The need of Amtrak is deemed to be established, and the Board, after holding an expedited proceeding and not later than 120 days after receiving the application, shall order the interest conveyed unless the Board decides that—

(A) conveyance would impair significantly the ability of the carrier to carry out its obligations as a common carrier; and

(B) the obligations of Amtrak to provide modern, efficient, and economical rail passenger transportation can be met adequately by acquiring an interest in other property, either by sale or by exercising its right of eminent domain under subsection (a) of this section.

(2) If the amount of compensation is not determined by the date of the Board's order, the order shall require, as part of the compensation, interest at 6 percent a year from the date prescribed for the conveyance until the compensation is paid.

(3) Amtrak subsequently may reconvey to a third party an interest conveyed to Amtrak under this subsection or prior comparable provision of law if the Board decides that the reconveyance will carry out the purposes of this part, regardless of when the proceeding was brought (including a proceeding pending before a United States court on November 28, 1990).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 915; Pub. L. 112-141, div. C, title II, §32932(c)(2), July 6, 2012, 126 Stat. 829.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24311(a) .....	45:545(d)(1) (less words between 11th comma and proviso).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(d)(1); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 550; re-stated Oct. 28, 1974, Pub. L. 93-496, §6, 88 Stat. 1528; Feb. 5, 1976, Pub. L. 94-210, §706(g), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412.
24311(b)(1) ..	45:545(d)(1) (words between 11th comma and proviso). 45:545(d)(2), (3) (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(d)(2)-(5); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 550.
24311(b)(2) ..	45:545(d)(3) (2d sentence), (5).	
24311(b)(3) ..	45:545(d)(3) (3d, last sentences).	
24311(b)(4) ..	45:545(d)(4).	
24311(c) .....	45:562(d).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §402(d); added Nov. 3, 1973, Pub. L. 93-146, §10(2), 87 Stat. 552; Feb. 5, 1976, Pub. L. 94-210, §706(h), 90 Stat. 125; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Nov. 28, 1990, Pub. L. 101-641, §9(a), 104 Stat. 4658.
	45:562 (note).	Nov. 28, 1990, Pub. L. 101-641, §9(b), 104 Stat. 4658.

In subsection (a)(1), before clause (A), the words "the exercise of the right of" and "right-of-way, land, or other" are omitted as surplus.

In subsection (b)(1) and (2), the words "estate or" are omitted as surplus.

In subsection (b)(1), before clause (A), the words "A civil action to acquire an interest in property by eminent domain under subsection (a) of this section must be brought" are added, the words "any judicial district in which any piece of the property is located" are substituted for "any such court", and the words "under this subsection" are added, for clarity.

In subsection (b)(2), before clause (A), the words "When the declaration is filed and the deposit is made under paragraph (1) of this subsection" are substituted for "shall thereupon" for clarity. The word "immediately" is omitted as surplus. In clause (A), the words "possession of the property is given to Amtrak" are substituted for "the parties in possession are required to surrender possession to the Corporation" to elimi-

nate unnecessary words. Clause (B) is substituted for 45:545(d)(5) (last sentence) to eliminate unnecessary words.

In subsection (b)(3), the words "of money" are omitted as surplus. The words "awarding that amount and interest on it" are substituted for "make an award and . . . accordingly. Such judgment shall include, as part of the just compensation awarded, interest" to eliminate unnecessary words. The words "of interest" are added for clarity. The words "finally . . . as the value of the property on the date of taking" and "on such date" are omitted as surplus.

In subsection (b)(4), the word "award" is substituted for "compensation finally awarded" for consistency and to eliminate unnecessary words. The words "of the money . . . by any person entitled to compensation" and "amount of the" are omitted as surplus.

In subsection (c)(1), before clause (A), the words "terms for", "at issue", "to the Corporation", "and conditions", "for the property", "in any event", "from the Corporation", and "to the Corporation on such reasonable terms and conditions as it may prescribe, including just compensation" are omitted as surplus. In clause (A), the words "of the property to the Corporation" are omitted as surplus. In clause (B), the words "either by sale or by exercising its right of eminent domain under subsection (a) of this section" are substituted for "which is available for sale on reasonable terms to the Corporation, or available to the Corporation by the exercise of its authority under section 545(d) of this title" for clarity and to eliminate unnecessary words.

In subsection (c)(3), the words "reconvey . . . an interest conveyed to Amtrak under this subsection or prior comparable provision of law" are substituted for "convey title or other interest in such property" for consistency in the revised title and to eliminate unnecessary words. The words "regardless of when the proceeding was brought" are substituted for section 9(b) (less words in parentheses) of the Independent Safety Board Act Amendments of 1990 (Public Law 101-641, 104 Stat. 4658) to eliminate unnecessary words.

AMENDMENTS

2012—Subsec. (c). Pub. L. 112-141, §32932(c)(2)(B), substituted "Board" for "Commission" wherever appearing.

Subsec. (c)(1). Pub. L. 112-141, §32932(c)(2)(A), substituted "Surface Transportation Board" for "Interstate Commerce Commission".

Subsec. (c)(2). Pub. L. 112-141, §32932(c)(2)(C), substituted "Board's" for "Commission's".

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.

§ 24312. Labor standards

(a) PREVAILING WAGES AND HEALTH AND SAFETY STANDARDS.—Amtrak shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed under an agreement made under section 24308(a) of this title will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141-3144, 3146, and 3147 of title 40. Amtrak may make such an agreement only after being assured that required labor standards will be maintained on the construction work. Health and safety standards prescribed by the Secretary under section 3704 of title 40 apply to all construction work performed under such an agreement, except for construction work performed by a rail carrier.