

L. 111-314, set out as a note under section 101 of this title.

EMPLOYEE PROTECTION REFORMS

Pub. L. 105-134, title I, §§141, 142, Dec. 2, 1997, 111 Stat. 2575, 2576, provided that:

“SEC. 141. RAILWAY LABOR ACT PROCEDURES.

“(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act [Dec. 2, 1997], notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

“(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act [Dec. 2, 1997].

“(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act [Dec. 2, 1997].

“(d) DISPUTE RESOLUTION.—(1) With respect to the dispute described in subsection (a) which—

“(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act [Dec. 2, 1997]; and

“(B) is not submitted to arbitration as described in subsection (c),

Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board shall immediately select such individual.

“(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad.

“(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act [45 U.S.C. 160] shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

“(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

“(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

“(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

“(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act [see Short Title of 1997 Amendment note set out

under section 20101 of this title], or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act [Dec. 2, 1997].

“SEC. 142. SERVICE DISCONTINUANCE.

“(a) REPEAL.—Section 24706(c) is repealed.

“(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act [Dec. 2, 1997] between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

“(c) SPECIAL EFFECTIVE DATE.—Subsections (a) [amending this section] and (b) of this section shall take effect 180 days after the date of the enactment of this Act [Dec. 2, 1997].

“(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.”

[[§§ 24707, 24708. Repealed. Pub. L. 105-134, title I, § 101(d), (e), Dec. 2, 1997, 111 Stat. 2572]

Section 24707, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 928, required annual route, financial, and performance reviews.

Section 24708, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 929, related to continuing, modifying, or discontinuing passenger transportation routes.

§ 24709. International transportation

Amtrak may develop and operate international intercity rail passenger transportation between the United States and Canada and between the United States and Mexico. The Secretary of the Treasury and the Attorney General, in cooperation with Amtrak, shall maintain, consistent with the effective enforcement of the immigration and customs laws, en route customs inspection and immigration procedures for international intercity rail passenger transportation that will—

- (1) be convenient for passengers; and
- (2) result in the quickest possible international intercity rail passenger transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 929.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24709	45:545(e)(7) (less words between parentheses).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(e)(7) (less words between parentheses); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 551.
	45:545(i).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(i); added Oct. 28, 1974, Pub. L. 93-496, §4, 88 Stat. 1527; re-stated May 26, 1975, Pub. L. 94-25, §3, 89 Stat. 90; Sept. 29, 1979, Pub. L. 96-73, §106, 93 Stat. 539; Aug. 13, 1981, Pub. L. 97-35, §1176, 95 Stat. 692; Apr. 7, 1986, Pub. L. 99-272, §13031(h)(1), 100 Stat. 310.

In this section, before clause (1), the words “points within”, “points in”, and “including Montreal, Canada; Vancouver, Canada; and Nuevo Laredo, Mexico” in 45:545(e)(7) are omitted as surplus. The words “established and” in 45:545(i) (1st sentence) are omitted as executed. The words “trains operated in” are omitted as surplus.

CROSS-BORDER PASSENGER RAIL SERVICE

Pub. L. 110-432, div. B, title IV, § 406, Oct. 16, 2008, 122 Stat. 4958, provided that:

“(a) PLAN.—Not later than 1 year after the date of the enactment of this Act [Oct. 16, 2008], Amtrak shall, in consultation with the Secretary [of Transportation], the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

“(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ‘Amtrak Cascades’);

“(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

“(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

“(b) TRAVEL FACILITATION.—Using existing authority or agreements, or upon reaching additional agreements with Canada, the Secretary [of Transportation] and other Federal agencies, as appropriate, are authorized to establish facilities and procedures to conduct pre-clearance of passengers traveling on Amtrak trains from Canada to the United States. The Secretary shall seek to establish such facilities and procedures—

“(1) in Vancouver, Canada, no later than June 1, 2009; and

“(2) in other areas as determined appropriate by the Secretary.”

§ 24710. Long-distance routes

(a) ANNUAL EVALUATION.—Using the financial and performance metrics developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008, Amtrak shall—

(1) evaluate annually the financial and operating performance of each long-distance passenger rail route operated by Amtrak; and

(2) rank the overall performance of such routes for 2008 and identify each long-distance passenger rail route operated by Amtrak in 2008 according to its overall performance as belonging to the best performing third of such routes, the second best performing third of such routes, or the worst performing third of such routes.

(b) PERFORMANCE IMPROVEMENT PLAN.—Amtrak shall develop and post on its website a performance improvement plan for its long-distance passenger rail routes to achieve financial and operating improvements based on the data collected through the application of the financial and performance metrics developed under section 207 of that Act. The plan shall address—

- (1) on-time performance;
- (2) scheduling, frequency, routes, and stops;
- (3) the feasibility of restructuring service into connected corridor service;
- (4) performance-related equipment changes and capital improvements;
- (5) on-board amenities and service, including food, first class, and sleeping car service;
- (6) State or other non-Federal financial contributions;
- (7) improving financial performance;
- (8) anticipated Federal funding of operating and capital costs; and

(9) other aspects of Amtrak’s long-distance passenger rail routes that affect the financial, competitive, and functional performance of service on Amtrak’s long-distance passenger rail routes.

(c) IMPLEMENTATION.—Amtrak shall implement the performance improvement plan developed under subsection (b)—

(1) beginning in fiscal year 2010 for those routes identified as being in the worst performing third under subsection (a)(2);

(2) beginning in fiscal year 2011 for those routes identified as being in the second best performing third under subsection (a)(2); and

(3) beginning in fiscal year 2012 for those routes identified as being in the best performing third under subsection (a)(2).

(d) ENFORCEMENT.—The Federal Railroad Administration shall monitor the development, implementation, and outcome of improvement plans under this section. If the Federal Railroad Administration determines that Amtrak is not making reasonable progress in implementing its performance improvement plan or, after the performance improvement plan is implemented under subsection (c)(1) in accordance with the terms of that plan, Amtrak has not achieved the outcomes it has established for such routes, under the plan for any calendar year, the Federal Railroad Administration—

(1) shall notify Amtrak, the Inspector General of the Department of Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate of its determination under this subsection;

(2) shall provide Amtrak with an opportunity for a hearing with respect to that determination; and

(3) may withhold appropriated funds otherwise available to Amtrak for the operation of a route or routes from among the worst performing third of routes currently served by Amtrak on which Amtrak is not making reasonable progress, other than funds made available for passenger safety or security measures.

(Added Pub. L. 110-432, div. B, title II, §210(a), Oct. 16, 2008, 122 Stat. 4918.)

REFERENCES IN TEXT

Section 207 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (a) and (b), is section 207 of Pub. L. 110-432, which is set out in a note under section 24101 of this title.

§ 24711. Alternate passenger rail service pilot program

(a) IN GENERAL.—Within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Federal Railroad Administration shall complete a rule-making proceeding to develop a pilot program that—

- (1) permits a rail carrier or rail carriers that own infrastructure over which Amtrak operates a passenger rail service route described in subparagraph (B), (C), or (D) of section 24102(5) or in section 24702 to petition the Administration to be considered as a passenger rail serv-