

paragraphs (A) through (D) of paragraph (1) or the decision of the arbitrator has been rendered.

(4) **SUBSEQUENT REPLACEMENT OF SERVICE.**—If the replacement of existing rail passenger service takes place within 3 years after the replacing entity commences intercity passenger rail service, the replacing entity and the collective bargaining agent or agents for the adversely affected employees of the predecessor provider shall enter into an agreement with respect to the matters set forth in subparagraphs (A) through (D) of paragraph (1). If the parties have not entered into an agreement with respect to all such matters within 60 days after the date on which the replacing entity replaces the predecessor provider, the parties shall select an arbitrator using the procedures set forth in paragraph (2)(B), who shall, within 20 days after the commencement of the arbitration, conduct a hearing and decide all unresolved issues. This decision shall be final, binding, and conclusive upon the parties.

(e) **INAPPLICABILITY TO CERTAIN RAIL OPERATIONS.**—Nothing in this section applies to—

(1) commuter rail passenger transportation (as defined in section 24102(4)² of this title) operations of a State or local government³ authority (as those terms are defined in section 5302(11)² and (6),² respectively, of this title) eligible to receive financial assistance under section 5307 of this title, or to its contractor performing services in connection with commuter rail passenger operations (as so defined);

(2) the Alaska Railroad or its contractors; or

(3) Amtrak's access rights to railroad rights of way and facilities under current law.

(f) **LIMITATION.**—No grants shall be provided under this chapter for commuter rail passenger transportation, as defined in section 24102(4)² of this title.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4942.)

REFERENCES IN TEXT

The Railroad Retirement Act of 1974, referred to in subsec. (b)(1), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Railway Labor Act, referred to in subsec. (b)(2), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (b)(3), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

The date of enactment of this Act, referred to in subsec. (d)(1), probably means the date of enactment of Pub. L. 110-432, which enacted this section and was approved Oct. 16, 2008.

³ So in original. Probably should be "governmental".

Section 24102(4) of this title, referred to in subsecs. (e)(1) and (f), was redesignated section 24102(3) of this title by Pub. L. 110-432, div. B, title II, §201(a)(2), Oct. 16, 2008, 122 Stat. 4909.

Section 5302 of this title, referred to in subsec. (e)(1), was amended generally by Pub. L. 112-141, div. B, §20004, July 6, 2012, 126 Stat. 623, and, as so amended, defines the terms "State" and "local governmental authority" in other pars.

ASSISTANCE WITH BUY AMERICA WAIVER REQUESTS

Pub. L. 110-432, div. B, title III, §301(c), Oct. 16, 2008, 122 Stat. 4946, provided that: "In implementing section 24405(a) of title 49, United States Code, the Federal Highway Administration shall, upon request by the Federal Railroad Administration, assist the Federal Railroad Administration in developing a process for posting on its website or distributing via email notices of waiver requests received pursuant to such subsection and soliciting public comments on the intent to issue a waiver. The Federal Railroad Administration's development of such a process does not relieve the Federal Railroad Administration of the requirements under paragraph (4) of such subsection."

§ 24406. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Transportation for capital grants under this chapter the following amounts:

- (1) For fiscal year 2009, \$100,000,000.
- (2) For fiscal year 2010, \$300,000,000.
- (3) For fiscal year 2011, \$400,000,000.
- (4) For fiscal year 2012, \$500,000,000.
- (5) For fiscal year 2013, \$600,000,000.

(Added Pub. L. 110-432, div. B, title III, §301(a), Oct. 16, 2008, 122 Stat. 4946.)

[CHAPTER 245—REPEALED]

[§§ 24501 to 24506. Repealed. Pub. L. 105-134, title I, § 106(a), Dec. 2, 1997, 111 Stat. 2573]

Section 24501, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 919; Pub. L. 103-429, §6(21), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 104-88, title III, §308(h), Dec. 29, 1995, 109 Stat. 947, related to status of Amtrak Commuter and applicable laws.

Section 24502, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 920, related to board of directors of Amtrak Commuter.

Section 24503, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to appointment and service of officers of Amtrak Commuter.

Section 24504, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to general authority of Amtrak Commuter.

Section 24505, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 921, related to Amtrak's rights and responsibilities as relating to commuter rail passenger transportation.

Section 24506, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 922, provided that certain powers and duties of Consolidated Rail Corporation were not affected by this chapter.

TRACKAGE RIGHTS NOT AFFECTED

Pub. L. 105-134, title I, §106(c), Dec. 2, 1997, 111 Stat. 2573, provided that: "The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities."

CHAPTER 247—AMTRAK ROUTE SYSTEM

Sec.

24701. National rail passenger transportation system.

- Sec.
 24702. Transportation requested by States, authorities, and other persons¹
 [24703 to 24705. Repealed.]
 24706. Discontinuance.
 [24707, 24708. Repealed.]
 24709. International transportation.
 24710. Long distance routes.²
 24711. Alternate passenger rail service pilot program.

AMENDMENTS

2008—Pub. L. 110-432, div. B, title II, §§201(b)(2), 210(b), 214(c), Oct. 16, 2008, 122 Stat. 4910, 4920, 4929, added items 24702, 24710, and 24711.

1997—Pub. L. 105-134, title I, §§101(a)(2), (b), (d), (e), 103-105(a), Dec. 2, 1997, 111 Stat. 2572, 2573, substituted “National rail passenger transportation system” for “Operation of basic system” in item 24701 and struck out item 24702 “Improving rail passenger transportation”, item 24703 “Route and service criteria”, item 24704 “Transportation requested by States, authorities, and other persons”, item 24705 “Additional qualifying routes”, item 24707 “Cost and performance review”, and item 24708 “Special commuter transportation”.

§ 24701. National rail passenger transportation system

Amtrak shall operate a national rail passenger transportation system which ties together existing and emergent regional rail passenger service and other intermodal passenger service.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 923; Pub. L. 105-134, title I, §101(a)(1), Dec. 2, 1997, 111 Stat. 2572.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24701(a)	45:561(b).	Oct. 30, 1970, Pub. L. 91-518, §401(b), 84 Stat. 1335.
24701(b)	45:561(c).	Oct. 30, 1970, Pub. L. 91-518, §401(c), 84 Stat. 1335; Nov. 3, 1973, Pub. L. 93-146, §9, 87 Stat. 551.

In subsection (a), before clause (1), the text of 45:561(b) (1st sentence words after 3d comma) is omitted as obsolete because no regional transportation authority provided intercity rail passenger transportation after May 1, 1971. The words “On May 1, 1971” and “begin” are omitted as executed. The words “between points” and “either” are omitted as surplus. In clause (2), the words “under contract with Amtrak” are substituted for 45:561(b) (last sentence) for clarity and to eliminate unnecessary words. The words “at any time subsequent to May 1, 1971” are omitted as executed.

In subsection (b), the words “concerning auto-ferry service . . . railroad or any other” are omitted as surplus.

AMENDMENTS

1997—Pub. L. 105-134 substituted section catchline for former catchline which read “Operation of basic system” and amended text generally. Prior to amendment, text read as follows:

“(a) BY AMTRAK.—Amtrak shall provide intercity rail passenger transportation within the basic system unless the transportation is provided by—

“(1) a rail carrier with which Amtrak did not make a contract under section 401(a) of the Rail Passenger Service Act; or

“(2) a regional transportation authority under contract with Amtrak.

¹ So in original. Probably should be followed by a period.

² So in original. Does not conform to section catchline.

“(b) BY OTHERS WITH CONSENT OF AMTRAK.—Except as provided in section 24306 of this title, a person may provide intercity rail passenger transportation over a route over which Amtrak provides scheduled intercity rail passenger transportation under a contract under section 401(a) of the Act only with the consent of Amtrak.”

§ 24702. Transportation requested by States, authorities, and other persons

(a) CONTRACTS FOR TRANSPORTATION.—Amtrak may enter into a contract with a State, a regional or local authority, or another person for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract by either party, Amtrak may discontinue such service or route, notwithstanding any other provision of law.

(Added Pub. L. 110-432, div. B, title II, §201(b)(1), Oct. 16, 2008, 122 Stat. 4910.)

PRIOR PROVISIONS

A prior section 24702, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 923; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to carrying out plan to improve intercity rail passenger service prior to repeal by Pub. L. 105-134, title I, §101(b), Dec. 2, 1997, 111 Stat. 2572.

ACCESS TO AMTRAK EQUIPMENT AND SERVICES

Pub. L. 110-432, div. B, title II, §217, Oct. 16, 2008, 122 Stat. 4930, provided that: “If a State desires to select or selects an entity other than Amtrak to provide services required for the operation of an intercity passenger train route described in section 24102(5)(D) or 24702 of title 49, United States Code, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the State to utilize an entity other than Amtrak to provide services required for operation of the route. If the parties cannot agree upon terms, and the Surface Transportation Board finds that access to Amtrak’s facilities or equipment, or the provision of services by Amtrak, is necessary to carry out this provision and that the operation of Amtrak’s other services will not be impaired thereby, the Surface Transportation Board shall, within 120 days after submission of the dispute, issue an order that the facilities and equipment be made available, and that services be provided, by Amtrak, and shall determine reasonable compensation, liability, and other terms for use of the facilities and equipment and provision of the services. Compensation shall be determined, as appropriate, in accordance with the methodology established pursuant to section 209 of this division [49 U.S.C. 24101 note], if available.”

[§§ 24703 to 24705. Repealed. Pub. L. 105-134, title I, §§103-105(a), Dec. 2, 1997, 111 Stat. 2572, 2573]

Section 24703, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 924, provided route and service criteria for modifying or discontinuing routes.

Section 24704, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 925, related to application by States, regional or local authorities, or other persons requesting Amtrak to provide passenger rail service and criteria for decision.

Section 24705, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 926; Pub. L. 104-88, title III, §308(i), Dec. 29, 1995, 109 Stat. 947, related to providing service on routes rec-