

**§ 28302. Penalties**

A person violating section 28301 of this title shall be fined under title 18, imprisoned not more than one year, or both.

(Added Pub. L. 104-287, §5(56)(A), Oct. 11, 1996, 110 Stat. 3394.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
28302 .....	45:66.	Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722.

The words “shall be guilty of a misdemeanor” are omitted, and the words “shall be fined under title 18” are substituted for “shall be fined not less than \$100 and not more than \$1,000”, for consistency with title 18. The words “upon conviction” are omitted as surplus.

**CHAPTER 285—COMMUTER RAIL MEDIATION**

Sec.

28501. Definitions<sup>1</sup>  
 28502. Surface Transportation Board mediation of trackage use requests.  
 28503. Surface Transportation Board mediation of rights-of-way use requests.  
 28504. Applicability of other laws.  
 28505. Rules and regulations.

**§ 28501. Definitions**

In this chapter—

(1) the term “Board” means the Surface Transportation Board;

(2) the term “capital work” means maintenance, restoration, reconstruction, capacity enhancement, or rehabilitation work on trackage that would be treated, in accordance with generally accepted accounting principles, as a capital item rather than an expense;

(3) the term “commuter rail passenger transportation” has the meaning given that term in section 24102;

(4) the term “public transportation authority” means a local governmental authority (as defined in section 5302(a)(6))<sup>1</sup> established to provide, or make a contract providing for, commuter rail passenger transportation;

(5) the term “rail carrier” means a person, other than a governmental authority, providing common carrier railroad transportation for compensation subject to the jurisdiction of the Board under chapter 105;

(6) the term “segregated fixed guideway facility” means a fixed guideway facility constructed within the railroad right-of-way of a rail carrier but physically separate from trackage, including relocated trackage, within the right-of-way used by a rail carrier for freight transportation purposes; and

(7) the term “trackage” means a railroad line of a rail carrier, including a spur, industrial, team, switching, side, yard, or station track, and a facility of a rail carrier.

(Added Pub. L. 110-432, div. B, title IV, §401(a), Oct. 16, 2008, 122 Stat. 4955.)

## REFERENCES IN TEXT

Section 5302, referred to in par. (4), was amended generally by Pub. L. 112-141, div. B, §20004, July 6, 2012, 126

<sup>1</sup> So in original. Probably should be followed by a period.

<sup>1</sup> See References in Text note below.

Stat. 623, and, as so amended, no longer contains a subsec. (a). However, the term “local governmental authority” is defined elsewhere in that section.

**§ 28502. Surface Transportation Board mediation of trackage use requests**

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to use trackage of, and have related services provided by, the rail carrier for purposes of commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(Added Pub. L. 110-432, div. B, title IV, §401(a), Oct. 16, 2008, 122 Stat. 4955.)

## REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

**§ 28503. Surface Transportation Board mediation of rights-of-way use requests**

If, after a reasonable period of negotiation, a public transportation authority cannot reach agreement with a rail carrier to acquire an interest in a railroad right-of-way for the construction and operation of a segregated fixed guideway facility to provide commuter rail passenger transportation, the public transportation authority or the rail carrier may apply to the Board for nonbinding mediation. The Board shall conduct the nonbinding mediation in accordance with the mediation process of section 1109.4 of title 49, Code of Federal Regulations, as in effect on the date of enactment of this section.

(Added Pub. L. 110-432, div. B, title IV, §401(a), Oct. 16, 2008, 122 Stat. 4956.)

## REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

**§ 28504. Applicability of other laws**

Nothing in this chapter shall be construed to limit a rail transportation provider’s right under section 28103(b) to enter into contracts that allocate financial responsibility for claims.

(Added Pub. L. 110-432, div. B, title IV, §401(a), Oct. 16, 2008, 122 Stat. 4956.)

**§ 28505. Rules and regulations**

Within 1 year after the date of enactment of this section, the Board shall issue such rules and regulations as may be necessary to carry out this chapter.

(Added Pub. L. 110-432, div. B, title IV, §401(a), Oct. 16, 2008, 122 Stat. 4956.)

## REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.