

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 eliminate 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 labor-

ers 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.

(b) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed to comply with sections 3141-3144, 3146, and 3147 of title 40.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 916; Pub. L. 105-134, title I, §§101(f), 105(c), 121(a), Dec. 2, 1997, 111 Stat. 2572-2574; Pub. L. 107-217, §3(n)(4), Aug. 21, 2002, 116 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24312(a)	45:565(d).	Oct. 30, 1970, Pub. L. 91-518, §405(d), 84 Stat. 1337.
24312(b)	45:565(e).	Oct. 30, 1970, Pub. L. 91-518, §405(e), 84 Stat. 1337; Aug. 13, 1981, Pub. L. 97-35, §1177(b), 95 Stat. 692.

In subsection (a)(1), the words “take such action as may be necessary to”, “the performance of”, “with the assistance of funds received”, “contract or”, “at rates”, and “adequate” are omitted as surplus.

In subsection (a)(2), the words “provided for” and “and pursuant to” are omitted as surplus.

In subsection (b)(1), the words “Except as provided in paragraph (2) of this subsection” are omitted as surplus.

REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (b), is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, 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.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-217, §3(n)(4)(A), substituted “sections 3141-3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a-276a-5)” and “section 3704 of title 40” for “section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333)”.

Subsec. (b). Pub. L. 107-217, §3(n)(4)(B), substituted “sections 3141-3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a-276a-5)”.

1997—Subsec. (a)(1). Pub. L. 105-134, §121(a)(2), redesignated par. (1) as subsec. (a).

Pub. L. 105-134, §§101(f), 105(c), struck out “, 24701(a), or 24704(b)(2)” after “24308(a)”.

Subsec. (a)(2). Pub. L. 105-134, §121(a)(3), redesignated par. (2) as subsec. (b).

Subsec. (b). Pub. L. 105-134, §121(a)(1), (3), redesignated subsec. (a)(2) as (b), inserted heading, and struck out former subsec. (b), which read as follows:

“(b) CONTRACTING OUT.—(1) Amtrak may not contract out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak or a rail carrier that provided

intercity rail passenger transportation on October 30, 1970, if contracting out results in the layoff of an employee in the bargaining unit.

“(2) This subsection does not apply to food and beverage services provided on trains of Amtrak.”

CONTRACTING OUT

Pub. L. 105-134, title I, §121(b)-(d), Dec. 2, 1997, 111 Stat. 2574, 2575, provided that:

“(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

“(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act [Dec. 2, 1997] is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date [Dec. 2, 1997] of the amendments made by subsection (a) [amending this section].

“(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act [45 U.S.C. 151 et seq.].

“(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

“(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

“(A) the date on which labor agreements under negotiation on the date of enactment of this Act [Dec. 2, 1997] may be re-opened; or

“(B) November 1, 1999, whichever is earlier;

“(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

“(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

“(d) NO INFERENCE.—The amendment made by subsection (a)(1) [amending this section] is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.”

§ 24313. Rail safety system program

In consultation with rail labor organizations, Amtrak shall maintain a rail safety system program for employees working on property owned by Amtrak. The program shall be a model for other rail carriers to use in developing safety programs. The program shall include—

(1) periodic analyses of accident information, including primary and secondary causes;

(2) periodic evaluations of the activities of the program, particularly specific steps taken in response to an accident;

(3) periodic reports on amounts spent for occupational health and safety activities of the program;