

(3) the term “rail carrier” includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.

(Added Pub. L. 105-134, title I, §161(a), Dec. 2, 1997, 111 Stat. 2577.)

REFERENCES IN TEXT

The Federal Employers’ Liability Act, referred to in subsec. (d), is act Apr. 22, 1908, ch. 149, 35 Stat. 65, as amended, which is classified generally to chapter 2 (§51 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 51 of Title 45 and Tables.

ADJUSTMENT BASED ON CONSUMER PRICE INDEX

Pub. L. 114-94, div. A, title XI, §11415(b), Dec. 4, 2015, 129 Stat. 1689, provided that: “The liability cap under section 28103(a)(2) of title 49, United States Code, shall be adjusted on the date of enactment of this Act [Dec. 4, 2015] to reflect the change in the Consumer Price Index-All Urban Consumers between such date and December 2, 1997, and the Secretary [of Transportation] shall provide appropriate public notice of such adjustment. The adjustment of the liability cap shall be effective 30 days after such notice. Every fifth year after the date of enactment of this Act, the Secretary shall adjust such liability cap to reflect the change in the Consumer Price Index-All Urban Consumers since the last adjustment. The Secretary shall provide appropriate public notice of each such adjustment, and the adjustment shall become effective 30 days after such notice.”

CHAPTER 283—STANDARD WORK DAY

Sec.	
28301.	General.
28302.	Penalties.

§ 28301. General

(a) EIGHT HOUR DAY.—In contracts for labor and service, 8 hours shall be a day’s work and the standard day’s work for determining the compensation for services of an employee employed by a common carrier by railroad subject to subtitle IV of this title and actually engaged in any capacity in operating trains used for transporting passengers or property on railroads from—

- (1) a State of the United States or the District of Columbia to any other State or the District of Columbia;
- (2) one place in a territory or possession of the United States to another place in the same territory or possession;
- (3) a place in the United States to an adjacent foreign country; or
- (4) a place in the United States through a foreign country to any other place in the United States.

(b) APPLICATION.—Subsection (a) of this section—

- (1) does not apply to—
 - (A) an independently owned and operated railroad not exceeding one hundred miles in length;
 - (B) an electric street railroad; and
 - (C) an electric interurban railroad; but
- (2) does apply to an independently owned and operated railroad less than one hundred miles in length—
 - (A) whose principal business is leasing or providing terminal or transfer facilities to other railroads; or

(B) engaged in transfers of freight between railroads or between railroads and industrial plants.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
28301	45:65. (uncodified).	Sept. 3, 5, 1916, ch. 436, § 1, 39 Stat. 721. Sept. 3, 5, 1916, ch. 436, §§ 2, 3, 39 Stat. 721.

In subsection (a), the word “determining” is substituted for “reckoning” for clarity. The words “who are not or may hereafter be employed” are omitted as surplus. In clause (1), the words “or territory” are omitted because the existing territories of the United States are now connected to the United States by rail. In clause (2), the words “or possession of the United States” are added for consistency in the revised title and with other titles of the United States Code.

The text of sections 2 and 3 of the Act of September 3, 5, 1916 (ch. 436, 39 Stat. 721), is omitted to eliminate executed provisions.

§ 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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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 ¹
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

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