

(1) **PREVAILING WAGES.**—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the “Davis-Bacon Act”). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

(2) **WAGE RATES.**—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the¹ subchapter IV of chapter 31 of title 40.

(f) **STUDY.**—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.

(Added Pub. L. 110–140, title XI, § 1112(a), Dec. 19, 2007, 121 Stat. 1758; amended Pub. L. 110–432, div. A, title VII, § 701(b), Oct. 16, 2008, 122 Stat. 4906.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (d), probably means the date of enactment of Pub. L. 110–140, which amended this chapter generally and was approved Dec. 19, 2007.

The Railway Labor Act, referred to in subsec. (e)(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.

PRIOR PROVISIONS

A prior section 22301, added Pub. L. 105–178, title VII, § 7202(a), June 9, 1998, 112 Stat. 470, related to grants for light density rail line pilot projects, prior to the general amendment of this chapter by Pub. L. 110–140.

AMENDMENTS

2008—Subsec. (a)(1)(A)(iii). Pub. L. 110–432 substituted “or” for “and”.

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

¹ So in original. The word “the” probably should not appear.

[CHAPTER 225—REPEALED]

[§§ 22501 to 22505. Repealed. Pub. L. 114–94, div. A, title XI, § 11301(c)(3), Dec. 4, 2015, 129 Stat. 1648]

Section 22501, Pub. L. 110–432, div. A, title II, § 207(a), Oct. 16, 2008, 122 Stat. 4873, related to financial assistance to States for certain projects.

Section 22502, Pub. L. 110–432, div. A, title II, § 207(a), Oct. 16, 2008, 122 Stat. 4874, related to distribution of grants.

Section 22503, Pub. L. 110–432, div. A, title II, § 207(a), Oct. 16, 2008, 122 Stat. 4874, related to standards for awarding grants.

Section 22504, Pub. L. 110–432, div. A, title II, § 207(a), Oct. 16, 2008, 122 Stat. 4874, related to use of grant funds.

Section 22505, Pub. L. 110–432, div. A, title II, § 207(a), Oct. 16, 2008, 122 Stat. 4874, related to authorization of appropriations.

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

CHAPTER 227—STATE RAIL PLANS

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§ 22701. Definitions

In this subchapter:¹

(1) **PRIVATE BENEFIT.**—

(A) **IN GENERAL.**—The term “private benefit”—

(i) means a benefit accrued to a person or private entity, other than Amtrak, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

(B) **CONSULTATION.**—The Secretary may seek the advice of the States and rail carriers in further defining this term.

(2) **PUBLIC BENEFIT.**—

(A) **IN GENERAL.**—The term “public benefit”—

(i) means a benefit accrued to the public, including Amtrak, in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

¹ So in original. Probably should be “chapter:”.

(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

(3) STATE.—The term “State” means any of the 50 States and the District of Columbia.

(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term “State rail transportation authority” means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.

(Added Pub. L. 110–432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4947.)

§ 22702. Authority

(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this chapter.

(b) REQUIREMENTS.—The Secretary shall establish the minimum requirements for the preparation and periodic revision of a State rail plan, including that a State shall—

- (1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;
- (2) establish or designate a State rail plan approval authority to approve the plan;
- (3) submit the State’s approved plan to the Secretary of Transportation for review; and
- (4) revise and resubmit a State-approved plan no less frequently than once every 4 years for acceptance by the Secretary.

(Added Pub. L. 110–432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4948; amended Pub. L. 114–94, div. A, title XI, §11315(a)(1), Dec. 4, 2015, 129 Stat. 1674.)

AMENDMENTS

2015—Subsec. (b)(4). Pub. L. 114–94 substituted “4 years for acceptance by the Secretary” for “5 years for reapproval by the Secretary”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

§ 22703. Purposes

(a) PURPOSES.—The purposes of a State rail plan are as follows:

- (1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.
- (2) To establish the period covered by the State rail plan.
- (3) To present priorities and strategies to enhance rail service in the State that benefits the public.
- (4) To serve as the basis for Federal and State rail investments within the State.

(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs, including the plan required under section 135 of title 23, and set forth rail transportation’s role within the State transportation system.

(Added Pub. L. 110–432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4948.)

§ 22704. Transparency; coordination; review

(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for comment and other input to the public, rail carriers, commuter and transit authorities operating in, or affected by rail operations within the State, units of local government, and other interested parties in the preparation and review of its State rail plan.

(b) INTERGOVERNMENTAL COORDINATION.—A State shall review the freight and passenger rail service activities and initiatives by regional planning agencies, regional transportation authorities, and municipalities within the State, or in the region in which the State is located, while preparing the plan, and shall include any recommendations made by such agencies, authorities, and municipalities as deemed appropriate by the State.

(Added Pub. L. 110–432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4949.)

§ 22705. Content

(a) IN GENERAL.—Each State rail plan shall, at a minimum, contain the following:

(1) An inventory of the existing overall rail transportation system and rail services and facilities within the State and an analysis of the role of rail transportation within the State’s surface transportation system.

(2) A review of all rail lines within the State, including proposed high-speed rail corridors and significant rail line segments not currently in service.

(3) A statement of the State’s passenger rail service objectives, including minimum service levels, for rail transportation routes in the State.

(4) A general analysis of rail’s transportation, economic, and environmental impacts in the State, including congestion mitigation, trade and economic development, air quality, land-use, energy-use, and community impacts.

(5) A long-range rail investment program for current and future freight and passenger infrastructure in the State that meets the requirements of subsection (b).

(6) A statement of public financing issues for rail projects and service in the State, including a list of current and prospective public capital and operating funding resources, public subsidies, State taxation, and other financial policies relating to rail infrastructure development.

(7) An identification of rail infrastructure issues within the State that reflects consultation with all relevant stakeholders.

(8) A review of major passenger and freight intermodal rail connections and facilities within the State, including seaports, and prioritized options to maximize service integration and efficiency between rail and other modes of transportation within the State.

(9) A review of publicly funded projects within the State to improve rail transportation safety and security, including all major projects funded under section 130 of title 23.