

(4) to provide that the protection afforded pursuant to this section shall not be applicable to employees benefited solely as a result of the work which is financed by funds provided pursuant to this chapter.

(c) SUBCONTRACTING.—The arrangements which are required to be negotiated by the parties or prescribed by the Secretary of Labor, pursuant to subsections (a) and (b) of this section, shall include provisions regulating subcontracting by the railroads of work which is financed by funds provided pursuant to this chapter.

(Added and amended Pub. L. 117–58, div. B, title I, § 21301(a)(2), (6), (f), Nov. 15, 2021, 135 Stat. 683, 690.)

Editorial Notes

CODIFICATION

The text of section 836 of Title 45, Railroads, which was transferred to this section and amended by Pub. L. 117–58, div. B, title I, § 21301(a)(6), (f), was based on Pub. L. 94–210, title V, § 504, formerly § 516, Feb. 5, 1976, 90 Stat. 82; renumbered § 504, Pub. L. 105–178, title VII, § 7203(a)(5), June 9, 1998, 112 Stat. 477.

AMENDMENTS

2021—Pub. L. 117–58, § 21301(a)(6), transferred text of section 836 of Title 45, Railroads, to this section.

Subsec. (a). Pub. L. 117–58, § 21301(f)(1), in first sentence, struck out “not otherwise protected under title V of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 771 et seq.),” after “any employees” and substituted “under this chapter” for “under this title”; in second sentence, substituted “not later than 120 days after February 5, 1976” for “within 120 days after the date of enactment of this title”; and in third sentence, substituted “not later than 150 days after February 5, 1976” for “within 150 days after the date of enactment of this title”.

Subsec. (b). Pub. L. 117–58, § 21301(f)(2)(A), substituted “applicable financial assistance under this chapter” for “applicable financial assistance under this title” and “from financial assistance under this chapter” for “from financial assistance under this title” in introductory provisions.

Subsec. (b)(3). Pub. L. 117–58, § 21301(f)(2)(B), substituted “under this chapter” for “under this title”.

Subsec. (b)(4). Pub. L. 117–58, § 21301(f)(2)(C), substituted “to this chapter” for “to this title”.

Subsec. (c). Pub. L. 117–58, § 21301(f)(3), substituted “to this chapter” for “to this title”.

§ 22405. Substantive criteria and standards

The Secretary shall—

(1) publish in the Federal Register and post on a website of the Department of Transportation the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 22402; and

(2) ensure that adequate procedures and guidelines are in place to permit the filing of complete applications not later than 30 days after the publication referred to in paragraph (1).

(Added Pub. L. 117–58, div. B, title I, § 21301(g), Nov. 15, 2021, 135 Stat. 690.)

§ 22406. Authorization of appropriations.¹

(a) AUTHORIZATION.—

¹ So in original. The period probably should not appear.

(1) IN GENERAL.—There is authorized to be appropriated for credit assistance under this chapter, which shall be provided at the discretion of the Secretary, \$50,000,000 for each of fiscal years 2022 through 2026.

(2) REFUND OF PREMIUM.—There is authorized to be appropriated to the Secretary \$70,000,000 to repay the credit risk premium in accordance with section 22402(f)(5).

(3) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Credit assistance provided under subsection (a) may not exceed \$20,000,000 for any loan or loan guarantee.

(2) ADMINISTRATIVE COSTS.—Not less than 3 percent of the amounts appropriated pursuant to subsection (a) in each fiscal year shall be made available to the Secretary for use in place of charges collected under section 22403(l)(1) for passenger railroads and freight railroads other than Class I carriers.

(3) SHORT LINE SET-ASIDE.—Not less than 50 percent of the amounts appropriated pursuant to subsection (a)(1) for each fiscal year shall be set aside for freight railroads other than Class I carriers.

(Added Pub. L. 117–58, div. B, title I, § 21301(h), Nov. 15, 2021, 135 Stat. 690.)

[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.

Statutory Notes and Related Subsidiaries

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

Sec.	
22701.	Definitions.
22702.	Authority.
22703.	Purposes.
22704.	Transparency; coordination; review.
22705.	Content.
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§ 22701. Definitions

In this subchapter:¹

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

(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.

(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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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