

described in paragraph (1), except that the limitation on claims of 150 days shall be 2 years.

(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—Not later than 6 months after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall—

(1) survey the use by the Federal Railroad Administration of categorical exclusions in transportation projects since 2005; and

(2) publish in the Federal Register for notice and public comment a review of the survey that includes a description of—

(A) the types of actions categorically excluded; and

(B) any actions the Secretary is considering for new categorical exclusions, including those that would conform to those of other modal administrations.

(c) NEW CATEGORICAL EXCLUSIONS.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall publish a notice of proposed rulemaking to propose new and existing categorical exclusions for railroad projects that require the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including those identified under subsection (b), and develop a process for considering new categorical exclusions to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations.

(d) TRANSPARENCY.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any railroad project carried out under this title.

(e) PROTECTIONS FOR EXISTING AGREEMENTS AND NEPA.—Nothing in subtitle E of the Passenger Rail Reform and Investment Act of 2015, or any amendment made by such subtitle, shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, as that title was in effect on the day preceding the date of enactment of such subtitle.

(Added Pub. L. 114-94, div. A, title XI, § 11503(a), Dec. 4, 2015, 129 Stat. 1691.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsecs. (a)(1) and (c), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subsecs. (b) and (c), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

Subtitle E of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (e), is subtitle E (§§ 11501-11504) of title XI of div. A of Pub. L. 114-94, known as the Track, Railroad, and Infrastructure Network Act and also as the TRAIN Act, which enacted this section and section 24202 of this title, amended section 303 of this title and section 138 of Title 23, High-

ways, and enacted provisions set out as a note under section 4370m of Title 42, The Public Health and Welfare. For complete classification of this subtitle to the Code, see Short Title of 2015 Amendment note set out under section 20101 of this title and Tables.

The date of enactment of such subtitle, referred to in subsec. (e), is the date of enactment of subtitle E of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

§ 24202. Railroad rights-of-way

(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary shall submit a proposed exemption of railroad rights-of-way from the review under section 306108 of title 54 to the Advisory Council on Historic Preservation for consideration, consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(b) FINAL EXEMPTION.—Not later than 180 days after the date on which the Secretary submits the proposed exemption under subsection (a) to the Council, the Council shall issue a final exemption of railroad rights-of-way from review under chapter 3061 of title 54 consistent with the exemption for interstate highways approved on March 10, 2005 (70 Fed. Reg. 11,928).

(Added Pub. L. 114-94, div. A, title XI, § 11504(a), Dec. 4, 2015, 129 Stat. 1692.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (a), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 243—AMTRAK

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Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, div. B, title II, §§ 22206(c)(2), 22207(b), 22208(b)(2), 22209(b), Nov. 15, 2021, 135 Stat. 703, 706-708, substituted “Grant process and reporting” for “Grant process” in item 24319, “Amtrak 5-year service line and asset line plans” for “Amtrak 5-year business line and asset plans” in item 24320, and “Food and beverage service” for “Food and beverage reform” in item 24321 and added item 24323.

2015—Pub. L. 114-94, div. A, title XI, §§ 11201(b), 11202(b), 11203(c), 11207(b), 11208(b), 11316(m), Dec. 4, 2015, 129 Stat. 1627, 1630, 1634, 1639, 1640, 1678, substituted “Plans to address the needs of families of passengers involved in rail passenger accidents” for “Plan to assist families of passengers involved in rail passenger accidents” in item 24316 and added items 24317 to 24322.

2008—Pub. L. 110-432, div. A, title V, § 502(b), div. B, title II, § 221(b), Oct. 16, 2008, 122 Stat. 4899, 4932, added items 24310 and 24316.

1997—Pub. L. 105-134, title IV, §§ 403, 404, 415(a)(2), Dec. 2, 1997, 111 Stat. 2585, 2586, 2590, substituted “Employee stock ownership plans” for “Capitalization” in item 24304 and struck out item 24310 “Assistance for upgrading facilities” and item 24314 “Demonstration of new technology”.

§ 24301. Status and applicable laws

(a) STATUS.—Amtrak—

(1) is a railroad carrier under section 20102(2)¹ and chapters 261 and 281 of this title;

(2) shall be operated and managed as a for-profit corporation; and

(3) is not a department, agency, or instrumentality of the United States Government, and shall not be subject to title 31.

(b) **PRINCIPAL OFFICE AND PLACE OF BUSINESS.**—The principal office and place of business of Amtrak are in the District of Columbia. Amtrak is qualified to do business in each State in which Amtrak carries out an activity authorized under this part. Amtrak shall accept service of process by certified mail addressed to the secretary of Amtrak at its principal office and place of business. Amtrak is a citizen only of the District of Columbia when deciding original jurisdiction of the district courts of the United States in a civil action.

(c) **APPLICATION OF SUBTITLE IV.**—Subtitle IV of this title shall not apply to Amtrak, except for sections 11123, 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.

(d) **APPLICATION OF SAFETY AND EMPLOYEE RELATIONS LAWS AND REGULATIONS.**—Laws and reg-

ulations governing safety, employee representation for collective bargaining purposes, the handling of disputes between carriers and employees, employee retirement, annuity, and unemployment systems, and other dealings with employees that apply to a rail carrier subject to part A of subtitle IV of this title apply to Amtrak.

(e) **APPLICATION OF CERTAIN ADDITIONAL LAWS.**—Section 552 of title 5, this part, and, to the extent consistent with this part, the District of Columbia Business Corporation Act (D.C. Code § 29-301 et seq.) apply to Amtrak. Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.

(f) **TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.**—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.

(g) **NONAPPLICATION OF RATE, ROUTE, AND SERVICE LAWS.**—A State or other law related to rates, routes, or service does not apply to Amtrak in connection with rail passenger transportation.

(h) **NONAPPLICATION OF PAY PERIOD LAWS.**—A State or local law related to pay periods or days for payment of employees does not apply to Amtrak. Except when otherwise provided under a collective bargaining agreement, an employee of Amtrak shall be paid at least as frequently as the employee was paid on October 1, 1979.

(i) **PREEMPTION RELATED TO EMPLOYEE WORK REQUIREMENTS.**—A State may not adopt or continue in force a law, rule, regulation, order, or standard requiring Amtrak to employ a specified number of individuals to perform a particular task, function, or operation.

(j) **NONAPPLICATION OF LAWS ON JOINT USE OR OPERATION OF FACILITIES AND EQUIPMENT.**—Prohibitions of law applicable to an agreement for the joint use or operation of facilities and equipment necessary to provide quick and efficient rail passenger transportation do not apply to a person making an agreement with Amtrak to the extent necessary to allow the person to make and carry out obligations under the agreement.

(k) **EXEMPTION FROM ADDITIONAL TAXES.**—(1) In this subsection—

(A) “additional tax” means a tax or fee—

(i) on the acquisition, improvement, ownership, or operation of personal property by Amtrak; and

(ii) on real property, except a tax or fee on the acquisition of real property or on the value of real property not attributable to improvements made, or the operation of those improvements, by Amtrak.

(B) “Amtrak” includes a rail carrier subsidiary of Amtrak and a lessor or lessee of Amtrak or one of its rail carrier subsidiaries.

(2) Amtrak is not required to pay an additional tax because of an expenditure to acquire or improve real property, equipment, a facility,

¹ So in original. Does not conform to section catchline.

¹ See References in Text note below.