

teria of section 26101 of title 49, United States Code, (other than subsections (a) and (b)(2)) that are undertaken after the Secretary submits reports to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as required under subsection (e), not to exceed \$5,000,000 is authorized to be appropriated from funds made available under section 26104(a) of such title. Only 1 proposal for each corridor under subsection (a) shall be eligible for such funds.

“(g) NO ACTIONS WITHOUT ADDITIONAL AUTHORITY.—No Federal agency may take any action to implement, establish, facilitate, or otherwise act upon any proposal submitted under this section, other than those actions specifically authorized by this section, without explicit statutory authority enacted after the date of enactment of this Act [Oct. 16, 2008].

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) INTERCITY PASSENGER RAIL.—The term ‘intercity passenger rail’ means intercity rail passenger transportation as defined in section 24102 of title 49, United States Code.

“(2) STATE.—The term ‘State’ means any of the 50 States or the District of Columbia.

“(3) NORTHEAST CORRIDOR.—The term ‘Northeast Corridor’ has the meaning given under section 24102 of title 49, United States Code.

“(4) HIGH-SPEED RAIL CORRIDOR.—The terms ‘high-speed rail corridor’ and ‘corridor’ mean a corridor designated by the Secretary pursuant to [former] section 104(d)(2) of title 23, United States Code, and the Northeast Corridor.”

## PART E—MISCELLANEOUS

### Editorial Notes

#### AMENDMENTS

1994—Pub. L. 103-440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616, redesignated part D of this subtitle as part E.

## CHAPTER 281—LAW ENFORCEMENT

Sec.

- 28101. Rail police officers.
- 28102. Limit on certain accident or incident liability.
- 28103. Limitations on rail passenger transportation liability.

### Editorial Notes

#### AMENDMENTS

1997—Pub. L. 105-134, title I, §161(b), Dec. 2, 1997, 111 Stat. 2578, added item 28103.

1994—Pub. L. 103-440, title I, §103(a)(1), (b)(2), Nov. 2, 1994, 108 Stat. 4616, 4619, renumbered chapter 261 of this title as chapter 281 and items 26101 and 26102 as 28101 and 28102, respectively.

### Statutory Notes and Related Subsidiaries

#### UNITED STATES-CANADA ALASKA RAIL COMMISSION

Pub. L. 106-570, title III, Dec. 27, 2000, 114 Stat. 3043, provided that:

“SEC. 301. SHORT TITLE.

“This title may be cited as the ‘Rails to Resources Act of 2000’.

“SEC. 302. FINDINGS.

“Congress finds that—

“(1) rail transportation is an essential component of the North American intermodal transportation system;

“(2) the development of economically strong and socially stable communities in the western United

States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the States, territories and provinces of the two countries;

“(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

“(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

“(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

“(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

#### “SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

“The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

#### “SEC. 304. COMPOSITION OF COMMISSION.

“(a) MEMBERSHIP.—

“(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

“(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

“(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

“(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

“(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

“(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

“(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

“(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

“(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

“(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

“(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

“(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

“SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

“(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

“(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

“(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

“(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(c) STAFF.—

“(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

“(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

“(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

“(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“SEC. 306. DUTIES.

“(a) STUDY.—

“(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis

of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

“(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

“(A) Railroad engineering.

“(B) Land ownership.

“(C) Geology.

“(D) Proximity to mineral, timber, tourist, and other resources.

“(E) Market outlook.

“(F) Environmental considerations.

“(G) Social effects, including changes in the use or availability of natural resources.

“(H) Potential financing mechanisms.

“(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

“(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

“(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

“SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

“(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

“(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

“SEC. 308. FUNDING.

“(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

“(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the ‘Rails to Resources Fund’.

“(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

“(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

“(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) \$6,000,000, to remain available until expended.

“SEC. 309. DEFINITIONS.

“In this title:

“(1) AGREEMENT.—The term ‘Agreement’ means an agreement described in section 303.

“(2) COMMISSION.—The term ‘Commission’ means a commission established pursuant to any Agreement.”

### § 28101. Rail police officers

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Transportation, a rail police officer who is directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of any jurisdiction in which the rail carrier owns property, to the extent of the authority of a police officer certified or commissioned under the laws of that jurisdiction, to protect—

(1) employees, passengers, or patrons of the rail carrier;

(2) property, equipment, and facilities owned, leased, operated, or maintained by the rail carrier;

(3) property moving in interstate or foreign commerce in the possession of the rail carrier; and

(4) personnel, equipment, and material moving by rail that are vital to the national defense.

(b) ASSIGNMENT.—A railroad police officer directly employed by or contracted by a railroad carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second railroad carrier in carrying out law enforcement duties upon the request of the second railroad carrier, at which time the police officer shall be considered to be an employee or agent, as applicable, of the second railroad carrier and shall have authority to enforce the laws of any jurisdiction in which the second railroad carrier owns property to the same extent as provided in subsection (a).

(c) TRANSFERS.—

(1) IN GENERAL.—If a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State transfers primary employment or residence from the certifying or commissioning State to another State or jurisdiction, the railroad police officer, not later than 1 year after the date of transfer, shall apply to be certified or commissioned as a police officer<sup>1</sup> under the laws of the State of new primary employment or residence.

(2) INTERIM PERIOD.—During the period beginning on the date of transfer and ending 1 year after the date of transfer, a railroad police officer directly employed by or contracted by a rail carrier and certified or commissioned as a police officer under the laws of a State may enforce the laws of the new jurisdiction in which the railroad police officer resides, to the same extent as provided in subsection (a).

(d) TRAINING.—

(1) IN GENERAL.—A State may recognize as meeting that State’s basic police officer certification or commissioning requirements for qualification as a rail police officer under this section any individual who successfully com-

pletes a program at a State-recognized police training academy in another State or at a Federal law enforcement training center and who is certified or commissioned as a police officer by that other State.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as superseding or affecting any State training requirements related to criminal law, criminal procedure, motor vehicle code, any other State law, or State-mandated comparative or annual in-service training academy or Federal law enforcement training center.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 939, §26101; renumbered §28101, Pub. L. 103–440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616; amended Pub. L. 110–53, title XV, §1526(a), Aug. 3, 2007, 121 Stat. 452; Pub. L. 114–94, div. A, title XI, §11412(a), Dec. 4, 2015, 129 Stat. 1687.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
26101 .....	45:446.	Nov. 29, 1990, Pub. L. 101–647, §1704, 104 Stat. 4846.

The words “to the extent of the authority of a police officer certified or commissioned under the laws of that jurisdiction” are placed before clause (1) rather than at the end of clause (4), as in the source provision, to reflect the probable intent of Congress.

#### Editorial Notes

##### AMENDMENTS

2015—Subsec. (a). Pub. L. 114–94, §11412(a)(1), substituted “directly employed by or contracted by” for “employed by” in introductory provisions.

Subsec. (b). Pub. L. 114–94, §11412(a)(1), (2), substituted “directly employed by or contracted by” for “employed by” and inserted “or agent, as applicable,” after “an employee”.

Subsecs. (c), (d). Pub. L. 114–94, §11412(a)(3), added subsecs. (c) and (d).

2007—Pub. L. 110–53 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1994—Pub. L. 103–440 renumbered section 26101 of this title as this section.

#### 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.

##### REGULATIONS

Pub. L. 114–94, div. A, title XI, §11412(b), Dec. 4, 2015, 129 Stat. 1688, provided that: “Not later than 1 year after the date of enactment of this Act [Dec. 4, 2015], the Secretary [of Transportation] shall revise the regulations in part 207 of title 49, Code of Federal Regulations (relating to railroad police officers), to permit a railroad to designate an individual, who is commissioned in the individual’s State of legal residence or State of primary employment and directly employed by or contracted by a railroad to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.”

### § 28102. Limit on certain accident or incident liability

(a) GENERAL.—When a publicly financed commuter transportation authority established

<sup>1</sup> So in original. Probably should be “officer”.