

- Sec.  
403. Appropriation to railroad unemployment insurance account; transfer and repayment of funds; interest.
404. Temporary increase in employers' contribution rate.

**§ 401. Payment of compensation; eligibility; duration; maximum aggregate amount payable; duplication of benefits; application of railroad unemployment insurance provisions**

An employee as defined in the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.] who has, after June 30, 1960, and before April 1, 1962, exhausted (within the meaning prescribed by the Railroad Retirement Board by regulation) his right to unemployment benefits under the Railroad Unemployment Insurance Act, shall be paid unemployment benefits in accordance otherwise with the provisions of such Act for days of unemployment, not exceeding sixty-five, and not exceeding in the aggregate, an amount equal to 50 per centum of the total amount of unemployment benefits which were payable to him in the benefit year in which he last exhausted his rights before making his first claim under this chapter, which occur in registration periods, as defined in the Railroad Unemployment Insurance Act, beginning on or after the fifteenth day after the date of enactment of the Temporary Extended Unemployment Compensation Act of 1961 [March 24, 1961], and before April 1, 1962, and which would not be days with respect to which he would be held entitled otherwise to receive unemployment benefits under the Railroad Unemployment Insurance Act: *Provided*, That an employee entitled under this section to benefits for a day before April 1, 1962, may receive such benefits for days in registration periods which begin before July 1, 1962: *Provided further*, That payment of benefits otherwise provided for in this chapter shall not be made with respect to any individual for any day of unemployment to the extent that such payment, when added to the sum of the benefits under the Railroad Unemployment Insurance Act and under this chapter paid such individual with respect to prior days in the benefit year, would exceed one hundred and ninety-five times such individual's daily benefit rate for such benefit year. An employee who has filed, and established, a first claim for benefits under the provisions of the Temporary Extended Unemployment Compensation Act of 1961, may not thereafter establish a claim under this section, and an employee who has registered for, and established, a claim under this section may not thereafter establish a claim under the provisions of the Temporary Extended Unemployment Compensation Act of 1961. Except to the extent inconsistent with this section, the provisions of the Railroad Unemployment Insurance Act shall be applicable in the administration of this section.

(Pub. L. 87-7, § 2, Mar. 24, 1961, 75 Stat. 16.)

**Editorial Notes**

REFERENCES IN TEXT

The Railroad Unemployment Insurance Act, referred to in text, is act June 25, 1938, ch. 680, 52 Stat. 1094,

which is classified principally to chapter 11 (§351 et seq.) of this title. For complete classification of this Act to the Code, see section 367 of this title and Tables.

The Temporary Extended Unemployment Compensation Act of 1961, referred to in text, is Pub. L. 87-6, Mar. 24, 1961, 75 Stat. 8, which enacted sections 1105 and 1400f to 1400v of Title 42, The Public Health and Welfare, amended sections 3301 and 3302 of Title 26, Internal Revenue Code, and enacted provisions set out as notes under sections 1101 and 1400f of Title 42. For complete classification of this Act to the Code, see Tables.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

Pub. L. 87-7, §1, Mar. 24, 1961, 75 Stat. 16, provided: "That this Act [enacting this chapter] may be cited as the 'Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961'."

**§ 402. Exchange of information between Secretary of Labor and Railroad Retirement Board**

The Secretary of Labor, upon request, shall furnish the Railroad Retirement Board information deemed necessary by such Board for the administration of section 401 of this title, and such Board, upon request, shall furnish the Secretary of Labor information deemed necessary by the Secretary for the administration of the Temporary Extended Unemployment Compensation Act of 1961.

(Pub. L. 87-7, § 3, Mar. 24, 1961, 75 Stat. 17.)

**Editorial Notes**

REFERENCES IN TEXT

The Temporary Extended Unemployment Compensation Act of 1961, referred to in text, is Pub. L. 87-6, Mar. 24, 1961, 75 Stat. 8, which enacted sections 1105 and 1400f to 1400v of Title 42, The Public Health and Welfare, amended sections 3301 and 3302 of Title 26, Internal Revenue Code, and enacted provisions set out as notes under sections 1101 and 1400f of Title 42. For complete classification of this Act to the Code, see Tables.

**§ 403. Appropriation to railroad unemployment insurance account; transfer and repayment of funds; interest**

There are authorized to be appropriated to the railroad unemployment insurance account, without fiscal year limitation, such amounts as may be necessary to carry out the provisions of this chapter. The amounts so appropriated shall be transferred from time to time to the railroad unemployment insurance account on the basis of estimates by the Secretary of the Treasury after consultation with the Railroad Retirement Board of the amounts required from time to time to carry out the provisions of this chapter. Amounts so transferred shall be repayable advances without interest.

(Pub. L. 87-7, § 4, Mar. 24, 1961, 75 Stat. 17; Pub. L. 88-133, title III, §303(c), Oct. 5, 1963, 77 Stat. 222.)

**Editorial Notes**

AMENDMENTS

1963—Pub. L. 88-133 repealed provision for repayment of advances by transfers from account to general fund of Treasury when funds of account derived from in-

crease in employers' contribution rate are adequate for such purpose, which is now covered by section 303(b) of Pub. L. 88-133, set out as a note below.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1963 AMENDMENT

Pub. L. 88-133, title III, §303(c), Oct. 5, 1963, 77 Stat. 222, provided that the amendment made by such section 303(c) is effective with respect to contributions collected on compensation paid after Dec. 31, 1963.

#### REPAYMENT BY ACCOUNT OF ADVANCES FROM GENERAL FUND OF TREASURY FROM CONTRIBUTIONS COLLECTED ON COMPENSATION PAID AFTER DECEMBER 31, 1963

Pub. L. 88-133, title III, §303(b), Oct. 5, 1963, 77 Stat. 222, provided that: "Effective with respect to contributions collected by the Railroad Retirement Board pursuant to section 8(f) of the Railroad Unemployment Insurance Act [section 358(f) of this title] on compensation paid after December 31, 1963, that part of such contributions equal to one-fourth of 1 per centum of the compensation on which such contributions are based shall, notwithstanding the provisions of section 10(b) of such Act [section 360(b) of this title], be applied by the Board exclusively for transfers from the railroad unemployment insurance account to the general fund of the Treasury until the full amount advanced from the general fund of the Treasury to the railroad unemployment insurance account pursuant to section 4 of the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 [this section] has been repaid."

### § 404. Temporary increase in employers' contribution rate

Notwithstanding the provisions of section 358(a)2<sup>1</sup> of this title, the rate of contribution required to be paid under the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.] by every employer as defined in such Act shall be 4 per centum with respect to compensation as defined in such Act, paid after December 31, 1961, and before January 1, 1964.

(Pub. L. 87-7, §5, Mar. 24, 1961, 75 Stat. 17.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 358(a) of this title, referred to in text, was amended generally by Pub. L. 100-647, title VII, §7102(a), Nov. 10, 1988, 102 Stat. 3759, and, as so amended, does not contain a cl. "2".

The Railroad Unemployment Insurance Act, referred to in text, is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of this title. For complete classification of this Act to the Code, see section 367 of this title and Tables.

## CHAPTER 13—RAILROAD SAFETY

### SUBCHAPTER I—GENERAL PROVISIONS

### § 421. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 91-458, title I, §101, Oct. 16, 1970, 84 Stat. 971, stated congressional declaration of purpose for this chapter. See section 20101 of Title 49, Transportation.

<sup>1</sup> See References in Text note below.

### SUBCHAPTER II—RULES, REGULATIONS, ORDERS, AND STANDARDS

### §§ 431 to 447. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379

Section 431, Pub. L. 91-458, title II, §202, Oct. 16, 1970, 84 Stat. 971; Pub. L. 94-348, §5, July 8, 1976, 90 Stat. 819; Pub. L. 96-423, §14, Oct. 10, 1980, 94 Stat. 1817; Pub. L. 97-468, title VII, §702(a), (c), Jan. 14, 1983, 96 Stat. 2579; Pub. L. 100-342, §§4(a), 7, 9, 10, 19(a), 21-23, June 22, 1988, 102 Stat. 625, 628, 629, 637-639; Pub. L. 102-143, title V, §4, Oct. 28, 1991, 105 Stat. 957; Pub. L. 102-365, §§2, 5(a)(1), 7, 8, 10, Sept. 3, 1992, 106 Stat. 972, 975, 976, 978; Pub. L. 102-533, §14, Oct. 27, 1992, 106 Stat. 3522, authorized Secretary of Transportation to promulgate rules, regulations, orders, and standards for all areas of railroad safety. See sections 20102, 20103, 20103 note, 20108, 20110, 20114, 20131 to 20143, and 24902 of Title 49, Transportation.

Section 432, Pub. L. 91-458, title II, §203, Oct. 16, 1970, 84 Stat. 972; Pub. L. 96-423, §3, Oct. 10, 1980, 94 Stat. 1811, related to emergency powers of Secretary of Transportation. See section 20104 of Title 49.

Section 433, Pub. L. 91-458, title II, §204, Oct. 16, 1970, 84 Stat. 972, required Secretary of Transportation to submit comprehensive study and recommendation of means of eliminating and protecting railroad grade crossings and protecting pedestrians. See section 20134 of Title 49.

Section 434, Pub. L. 91-458, title II, §205, Oct. 16, 1970, 84 Stat. 972, declared that laws, rules, regulations, orders, and standards relating to railroad safety were to be nationally uniform, but permitted more stringent yet compatible State regulation. See section 20106 of Title 49.

Section 435, Pub. L. 91-458, title II, §206, Oct. 16, 1970, 84 Stat. 972; Pub. L. 96-423, §4, Oct. 10, 1980, 94 Stat. 1812; Pub. L. 101-615, §28(a)-(d), Nov. 16, 1990, 104 Stat. 3276, 3277, related to investigative and surveillance activities by State in connection with any rule, regulation, order, or standard related to railroad safety prescribed by Secretary of Transportation. See sections 20105, 20111, and 20117 of Title 49.

Section 436, Pub. L. 91-458, title II, §207, Oct. 16, 1970, 84 Stat. 974; Pub. L. 95-574, §8, Nov. 2, 1978, 92 Stat. 2461; Pub. L. 96-423, §5, Oct. 10, 1980, 94 Stat. 1812; Pub. L. 101-615, §28(e), Nov. 16, 1990, 104 Stat. 3277, related to actions by State agencies to enforce compliance with Federal railroad safety rules, regulations, orders, and standards. See section 20113 of Title 49.

Section 437, Pub. L. 91-458, title II, §208, Oct. 16, 1970, 84 Stat. 974; Pub. L. 93-633, title II, §206, Jan. 3, 1975, 88 Stat. 2166; Pub. L. 95-574, §9, Nov. 2, 1978, 92 Stat. 2462; Pub. L. 96-423, §6, Oct. 10, 1980, 94 Stat. 1813; Pub. L. 100-342, §8, June 22, 1988, 102 Stat. 628, related to general powers of Secretary of Transportation. See section 54a of this title and sections 20107, 20108, 20111, and 20112 of Title 49.

Section 438, Pub. L. 91-458, title II, §209, Oct. 16, 1970, 84 Stat. 975; Pub. L. 93-633, title II, §204(a), Jan. 3, 1975, 88 Stat. 2165; Pub. L. 96-423, §§7, 8(a), Oct. 10, 1980, 94 Stat. 1814; Pub. L. 97-468, title VII, §706, Jan. 14, 1983, 96 Stat. 2581; Pub. L. 100-342, §3(a), June 22, 1988, 102 Stat. 624; Pub. L. 102-365, §§4(a)(1), (c)(1), 9(a)(1), Sept. 3, 1992, 106 Stat. 973, 974, 977, related to civil penalties for violations of any railroad safety rule, regulation, order, or standard issued under this subchapter or violations of section 39 of this title. See sections 20111, 20112, 20114, 21301, 21302, 21304, and 21311 of Title 49.

Section 439, Pub. L. 91-458, title II, §210, Oct. 16, 1970, 84 Stat. 975; Pub. L. 96-423, §9, Oct. 10, 1980, 94 Stat. 1814; Pub. L. 101-615, §28(f), Nov. 16, 1990, 104 Stat. 3277, related to restraint of violations of this subchapter and certain other statutes and to enforcement of rules, etc., established under such subchapter or statutes. See sections 20112 to 20114 of Title 49.

Section 440, Pub. L. 91-458, title II, §211, Oct. 16, 1970, 84 Stat. 976; Pub. L. 93-633, title II, §203, Jan. 3, 1975, 88 Stat. 2164; Pub. L. 94-56, §2, July 19, 1975, 89 Stat. 263;