

principally to chapter 8 (§151 et seq.) of this title. For complete classification of this Act to the Code, see section 151 of this title and Tables.

§ 797I. Class II railroads receiving Federal assistance

The Surface Transportation Board shall impose no labor protection conditions in approving an application under section 10902 of title 49 when the application involves a Class II rail carrier which—

(1) is headquartered in a State, and operates in at least one State, with a population of less than 1,000,000 persons, as determined by the 1990 census; and

(2) has, as of January 1, 1996, been a recipient of repayable Federal Railroad Administration assistance in excess of \$5,000,000.

(Pub. L. 93-236, title VII, §713, as added Pub. L. 104-88, title III, §327(5)(A), formerly §327(5), Dec. 29, 1995, 109 Stat. 952, renumbered Pub. L. 104-287, §6(f)(4)(B), Oct. 11, 1996, 110 Stat. 3399.)

Editorial Notes

PRIOR PROVISIONS

A prior section 797I, Pub. L. 93-236, title VII, §713, as added Pub. L. 97-35, title XI, §1143(a), Aug. 13, 1981, 95 Stat. 668, authorized appropriations to carry out activities for protection of employees of Consolidated Rail Corporation, prior to repeal by Pub. L. 99-509, title IV, §4033(a)(2), Oct. 21, 1986, 100 Stat. 1908.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of Title 49, Transportation.

§ 797m. Arbitration

Any dispute or controversy with respect to the interpretation, application, or enforcement of the provisions of this subchapter, except sections 797b, 797c, 797g, and 797I¹ of this title, or section 1144 of the Northeast Rail Service Act of 1981, and except those matters subject to judicial review under section 1152 of the Northeast Rail Service Act of 1981 [45 U.S.C. 1105], which have not been resolved within 90 days, may be submitted by either party to an Adjustment Board for a final and binding decision thereon as provided in section 153 of this title, in which event the burden of proof on all issues so presented shall be on the Corporation, or the Association, where appropriate.

(Pub. L. 93-236, title VII, §714, as added Pub. L. 97-35, title XI, §1143(a), Aug. 13, 1981, 95 Stat. 668.)

Editorial Notes

REFERENCES IN TEXT

Section 797I of this title, referred to in text, was repealed by Pub. L. 99-509, title IV, §4033(a)(2), Oct. 21, 1986, 100 Stat. 1908, and a new section 797I of this title was subsequently added by Pub. L. 104-88, §327(5).

Section 1144 of the Northeast Rail Service Act of 1981, referred to in text, is section 1144 of Pub. L. 97-35, title

¹ See References in Text note below.

XI, Aug. 13, 1981, 95 Stat. 669, which repealed subchapter V (§771 et seq.) of this chapter and sections 910 and 1006 of this title and enacted provisions set out as a note under section 771 of this title.

Statutory Notes and Related Subsidiaries

ABOLITION OF UNITED STATES RAILWAY ASSOCIATION AND TRANSFER OF FUNCTIONS AND SECURITIES

See section 1341 of this title.

CHAPTER 17—RAILROAD REVITALIZATION AND REGULATORY REFORM

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

- 801. Declaration of policy.
- 802. Definitions.
- 803. Repealed.

SUBCHAPTER II—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

821 to 838. Repealed or Transferred.

SUBCHAPTER III—NORTHEAST CORRIDOR PROJECT IMPLEMENTATION

851 to 856. Repealed.

SUBCHAPTER I—GENERAL PROVISIONS

§ 801. Declaration of policy

(a) Purpose

The purpose of this Act and chapter 224 of title 49, United States Code, is to provide the means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy, through—

(1) ratemaking and regulatory reform;

(2) the encouragement of efforts to restructure the system on a more economically justified basis, including planning authority in the Secretary of Transportation, an expedited procedure for determining whether merger and consolidation applications are in the public interest, and continuing reorganization authority;

(3) financing mechanisms that will assure adequate rehabilitation and improvement of facilities and equipment, implementation of the final system plan, and implementation of the Northeast Corridor project;

(4) transitional continuation of service on light-density rail lines that are necessary to continued employment and community well-being throughout the United States;

(5) auditing, accounting, reporting, and other requirements to protect Federal funds and to assure repayment of loans and financial responsibility; and

(6) necessary studies.

(b) Policy

The policy of this Act and chapter 224 of title 49, United States Code, is to—

(1) balance the needs of carriers, shippers, and the public;