

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)<sup>1</sup> 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 regulations 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, or right-of-way material or structures used in providing rail passenger transportation, even if that use is indirect.

(l) EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1981.—(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are exempt from a tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom after September 30, 1981. In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.

(2) The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this subsection and may grant equitable or declaratory relief requested by Amtrak.

(m) WASTE DISPOSAL.—(1) An intercity rail passenger car manufactured after October 14, 1990, shall be built to provide for the discharge of human waste only at a servicing facility. Amtrak shall retrofit each of its intercity rail pas-

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

senger cars that was manufactured after May 1, 1971, and before October 15, 1990, with a human waste disposal system that provides for the discharge of human waste only at a servicing facility. Subject to appropriations—

(A) the retrofit program shall be completed not later than October 15, 2001; and

(B) a car that does not provide for the discharge of human waste only at a servicing facility shall be removed from service after that date.

(2) Section 361 of the Public Health Service Act (42 U.S.C. 264) and other laws of the United States, States, and local governments do not apply to waste disposal from rail carrier vehicles operated in intercity rail passenger transportation. The district courts of the United States have original jurisdiction over a civil action Amtrak brings to enforce this paragraph and may grant equitable or declaratory relief requested by Amtrak.

(n) RAIL TRANSPORTATION TREATED EQUALLY.—When authorizing transportation in the continental United States for an officer, employee, or member of the uniformed services of a department, agency, or instrumentality of the Government, the head of that department, agency, or instrumentality shall consider rail transportation (including transportation by extra-fare trains) the same as transportation by another authorized mode. The Administrator of General Services shall include Amtrak in the contract air program of the Administrator in markets in which transportation provided by Amtrak is competitive with other carriers on fares and total trip times.

(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 904; Pub. L. 104-88, title III, §308(g), Dec. 29, 1995, 109 Stat. 947; Pub. L. 105-134, title I, §§106(b), 110(a), title II, §208, title IV, §§401, 402, 415(d)(1), Dec. 2, 1997, 111 Stat. 2573, 2574, 2584, 2585, 2590; Pub. L. 108-199, div. F, title I, §150(2), Jan. 23, 2004, 118 Stat. 303; Pub. L. 110-53, title XV, §1527, Aug. 3, 2007, 121 Stat. 452.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	45:546(a) (words after "The Corporation" and before "and shall be subject to").	Oct. 30, 1970, Pub. L. 91-518, §306(a), 84 Stat. 1332; June 22, 1972, Pub. L. 92-316, §3(a), 86 Stat. 228; Sept. 29, 1979, Pub. L. 96-73, §112(a), 93 Stat. 541; Apr. 7, 1986, Pub. L. 99-272, §4015, 100 Stat. 110.
24301(b) .....	45:546(m).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(m); added Sept. 29, 1979, Pub. L. 96-73, §112(c), 93 Stat. 541; Apr. 7, 1986, Pub. L. 99-272, §4013, 100 Stat. 109.
24301(c)(1), (2)(A).	45:546(a) (less words after "The Corporation" and before "and shall be subject to").	
24301(c) (2)(B).	45:546a.	Oct. 5, 1978, Pub. L. 95-421, §7, 92 Stat. 927.
24301(d) .....	45:546(b).	Oct. 30, 1970, Pub. L. 91-518, §§305(a) (last sentence), 306(b)-(e), 84 Stat. 1332, 1333.
24301(e) .....	45:541 (4th sentence), 45:545(a) (last sentence), 45:545(e)(8).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(e)(8); added Nov. 3, 1973, Pub. L. 93-146, §6, 87 Stat. 551.
	45:546(g).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(g); added June 22, 1972, Pub. L. 92-316, §3(b), 86 Stat. 228.
24301(f) .....	45:546(d).	
24301(g) .....	45:546(c).	
24301(h) .....	45:546(i).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(i); added Sept. 29, 1979, Pub. L. 96-73, §112(c), 93 Stat. 541.
24301(i) .....	45:797j (words "the National Railroad Passenger Corporation,")	Jan. 2, 1974, Pub. L. 93-236, 87 Stat. 985, §711 (words "the National Railroad Passenger Corporation,"); added Aug. 13, 1981, Pub. L. 97-35, §1143(a), 95 Stat. 667.
24301(j) .....	45:546(e).	
24301(k) .....	45:546(n).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(n); added Aug. 13, 1981, Pub. L. 97-35, §1178, 95 Stat. 692; restated Oct. 27, 1992, Pub. L. 102-533, §6, 106 Stat. 3517.
24301(l) .....	45:546b.	Sept. 10, 1982, Pub. L. 97-257, §107 (par. under heading "Grants to the National Railroad Passenger Corporation"), 96 Stat. 852.
24301(m) .....	45:546(i).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(i); added Feb. 5, 1976, Pub. L. 94-210, §706(e), 90 Stat. 124; Oct. 19, 1976, Pub. L. 94-555, §105, 90 Stat. 2615; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Nov. 16, 1990, Pub. L. 101-610, §601(a), 104 Stat. 3185.
24301(n) .....	45:546(f).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §306(f); added June 22, 1972, Pub. L. 92-316, §3(b), 86 Stat. 228; Apr. 7, 1986, Pub. L. 99-272, §4004, 100 Stat. 107.

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24301(a) .....	45:541 (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, §301 (1st, 4th, last sentences), 84 Stat. 1330.
	45:541 (2d sentence words before 1st comma).	Oct. 30, 1970, Pub. L. 91-518, §301 (2d sentence words before 1st comma), 84 Stat. 1330; Oct. 5, 1978, Pub. L. 95-421, §11, 92 Stat. 928.
	45:541 (3d sentence).	Oct. 30, 1970, Pub. L. 91-518, §301 (3d sentence), 84 Stat. 1330; June 22, 1988, Pub. L. 100-342, §18(a), 102 Stat. 636.
	45:541 (last sentence).	

In subsection (a), before clause (1), the text of 45:541 (1st sentence) is omitted as executed. The text of 45:541 (last sentence) is omitted as surplus. In clause (1), the words "rail carrier" are substituted for "common carrier by railroad" because of 49:10102. In clause (3), the words "department, agency, or instrumentality" are substituted for "agency, instrumentality, authority, or entity, or establishment" for consistency in the revised title and with other titles of the United States Code. The word "instrumentality" includes entities, authorities, establishments, and any other organizational unit of the United States Government that is not a department or agency.

In subsection (b), the words “In connection with the performance of such activities” and “to which the Corporation is a party” are omitted as surplus.

In subsection (c)(1)(B), the words “whether by track-age rights or otherwise” are omitted as surplus.

In subsection (c)(2)(B), the words “adversely affected” are substituted for “aggrieved” for consistency in the revised title and with other titles of the Code.

In subsection (d), the word “same” is omitted as surplus.

In subsection (e), the text of 45:545(a) (last sentence) and (e)(8) is omitted as surplus.

In subsection (f), the words “the place” are omitted as surplus.

In subsection (h), the word “applicable” is omitted as surplus.

In subsection (j), the words “existing”, “including the antitrust laws of the United States”, and “contracts . . . leases” are omitted as surplus.

In subsection (k)(2), the words “of funds” are omitted as surplus.

In subsection (l)(1), the words “Notwithstanding any other provision of law”, “other”, “including such taxes and fees levied after September 30, 1982”, and “notwithstanding any provision of law” are omitted as surplus. The text of 45:546b (2d sentence) is omitted as executed.

In subsection (l)(2), the words “Notwithstanding the provision of section 1341 of title 28” are omitted as surplus.

In subsection (m)(1), before clause (A), the word “New” is omitted as surplus.

In subsection (m)(2), the word “vehicles” is substituted for “conveyances” for clarity.

In subsection (n), the words “uniformed services” are substituted for “Armed Forces or commissioned services” for consistency in the revised title and with other titles of the Code.

### Editorial Notes

#### REFERENCES IN TEXT

Section 20102(2), referred to in subsec. (a)(1), was redesignated section 20102(3) by Pub. L. 110-432, div. A, §2(b)(1), Oct. 16, 2008, 122 Stat. 4850.

The Railroad Retirement Act of 1974, referred to in subsec. (c), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93-445, title I, §101, Oct. 16, 1974, 88 Stat. 1305, which is classified generally to subchapter IV (§231 et seq.) of chapter 9 of Title 45, Railroads. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (c), is act June 25, 1938, ch. 680, 52 Stat. 1094, which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

The Railroad Retirement Tax Act, referred to in subsec. (c), is act Aug. 16, 1954, ch. 736, §§3201, 3202, 3211, 3212, 3221, and 3231 to 3233, 68A Stat. 431, which is classified generally to chapter 22 (§3201 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3233 of Title 26 and Tables.

The District of Columbia Business Corporation Act, referred to in subsec. (e), is act June 8, 1954, ch. 269, 68 Stat. 179, which is not classified to the Code.

The date of the enactment of this subsection, referred to in subsec. (o), is the date of enactment of Pub. L. 110-53, which was approved Aug. 3, 2007.

#### AMENDMENTS

2007—Subsec. (o). Pub. L. 110-53 added subsec. (o).

2004—Subsec. (c). Pub. L. 108-199 inserted “11123,” after “except for sections”.

1997—Subsec. (a)(1). Pub. L. 105-134, §401(1), substituted “railroad carrier under section 20102(2) and

chapters 261 and 281” for “rail carrier under section 10102”.

Subsec. (a)(3). Pub. L. 105-134, §415(d)(1), inserted “, and shall not be subject to title 31” after “United States Government”.

Subsec. (c). Pub. L. 105-134, §401(2), reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) Part A of subtitle IV of this title applies to Amtrak, except for provisions related to the—

“(A) regulation of rates;

“(B) abandonment or extension of rail lines used only for passenger transportation and the abandonment or extension of operations over those lines;

“(C) regulation of routes and service;

“(D) discontinuance or change of rail passenger transportation operations; and

“(E) issuance of securities or the assumption of an obligation or liability related to the securities of others.

“(2) Notwithstanding this subsection—

“(A) section 10721 of this title applies to Amtrak; and

“(B) on application of an adversely affected motor carrier, the Surface Transportation Board under part A of subtitle IV of this title may hear a complaint about an unfair or predatory rate or marketing practice of Amtrak for a route or service operating at a loss.”

Subsec. (e). Pub. L. 105-134, §110(a), inserted at end “Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.”

Subsec. (f). Pub. L. 105-134, §106(b), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: “The laws of the District of Columbia govern leases and contracts of Amtrak, regardless of where they are executed.”

Subsec. (l)(1). Pub. L. 105-134, §208, inserted heading and substituted in text “Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are” for “Amtrak or a rail carrier subsidiary of Amtrak is”, “tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom” for “tax or fee imposed by a State, a political subdivision of a State, or a local taxing authority and levied on it”, and “In the case of a tax or fee that Amtrak was required to pay as of September 10, 1982, Amtrak is not exempt from such tax or fee if it was assessed before April 1, 1997.” for “However, Amtrak is not exempt under this subsection from a tax or fee that it was required to pay as of September 10, 1982.”

Subsec. (m)(1)(A). Pub. L. 105-134, §402, substituted “2001” for “1996”.

1995—Subsec. (c)(1). Pub. L. 104-88, §308(g)(1)(A), substituted “Part A of subtitle IV” for “Subtitle IV”.

Subsec. (c)(2)(A). Pub. L. 104-88, §308(g)(1)(B), substituted “section 10721 of this title applies” for “sections 10721-10724 of this title apply”.

Subsec. (c)(2)(B). Pub. L. 104-88, §308(g)(1)(C), substituted “Transportation Board under part A of subtitle IV” for “Interstate Commerce Commission under any provision of subtitle IV of this title applicable to a carrier subject to subchapter I of chapter 105”.

Subsec. (d). Pub. L. 104-88, §308(g)(2), substituted “rail carrier subject to part A of subtitle IV” for “common carrier subject to subchapter I of chapter 105”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

## REGULATIONS

Pub. L. 101-610, title VI, § 601(d), (e), Nov. 16, 1990, 104 Stat. 3186, provided that:

“(d) Not later than 1 year after the date of enactment of this Act [Nov. 16, 1990], the Secretary of Transportation, after appropriate notice and comment, and in consultation with the National Railroad Passenger Corporation, the Administrator of the Environmental Protection Agency, the Surgeon General, and State and local officials shall promulgate such regulations as may be necessary to mitigate the impact of the discharge of human waste from railroad passenger cars on areas that may be considered environmentally sensitive.

“(e) Not later than 1 year after the date of enactment of this Act [Nov. 16, 1990], the Secretary of Transportation shall promulgate regulations directing the National Railroad Passenger Corporation to, where appropriate, publish printed information, and make public address announcements, explaining its existing disposal technology and the retrofit and new equipment program, and encouraging passengers using existing equipment not to dispose of wastes in stations, railroad yards, or while the train is moving through environmentally sensitive areas.”

## PASSENGER CHOICE

Pub. L. 105-134, title I, § 109, Dec. 2, 1997, 111 Stat. 2574, provided that: “Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.”

## APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

Pub. L. 105-134, title I, § 110(b), Dec. 2, 1997, 111 Stat. 2574, provided that: “Section 303B(m) of the Federal Property and Administrative Services Act of 1949 ([former] 41 U.S.C. 253b(m)) [now 41 U.S.C. 4702] applies to a proposal in the possession or control of Amtrak.”

## EXEMPTION FROM LAWS RELATING TO ABANDONED OR UNCLAIMED PROPERTY

Pub. L. 104-205, title III, § 347, Sept. 30, 1996, 110 Stat. 2976, provided that: “Hereinafter, the National Railroad Passenger Corporation (Amtrak) shall be exempted from any State or local law relating to the payment or delivery of abandoned or unclaimed personal property to any government authority, including any provision for the enforcement thereof, with respect to passenger rail tickets for which no refund has been or may be claimed, and such law shall not apply to funds held by Amtrak as a result of the purchase of tickets after April 30, 1972 for which no refund has been claimed.”

## § 24302. Board of directors

## (a) COMPOSITION AND TERMS.—

(1) The Amtrak Board of Directors (referred to in this section as the “Board”) is composed of the following 10 directors, each of whom must be a citizen of the United States:

(A) The Secretary of Transportation.

(B) The Chief Executive Officer of Amtrak, who shall serve as a nonvoting member of the Board.

(C) 8 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with general business and financial experience, experience or qualifications in transportation, freight and passenger rail transportation, travel, hospitality, cruise line, or passenger air transportation businesses, or representatives of employees or users of passenger rail transportation or a State government, at least 1 of whom shall be an individual with

a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)) who has a demonstrated history of, or experience with, accessibility, mobility, and inclusive transportation in passenger rail or commuter rail.

(2) In selecting individuals described in paragraph (1) for nominations for appointments to the Board, the President shall consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(3) An individual appointed under paragraph (1)(C) of this subsection shall be appointed for a term of 5 years. Such term may be extended until the individual’s successor is appointed and qualified. Not more than 5 individuals appointed under paragraph (1)(C) may be members of the same political party.

(4) Of the individuals appointed pursuant to paragraph (1)(C)—

(A) 2 individuals shall reside in or near a location served by a regularly scheduled Amtrak service along the Northeast Corridor;

(B) 4 individuals shall reside in or near regions of the United States that are geographically distributed outside of the Northeast Corridor, of whom—

(i) 2 individuals shall reside in States served by a long-distance route operated by Amtrak;

(ii) 2 individuals shall reside in States served by a State-supported route operated by Amtrak; and

(iii) an individual who resides in a State that is served by a State-supported route and a long-distance route may be appointed to serve either position referred to in clauses (i) and (ii);

(C) 2 individuals shall reside either—

(i) in or near a location served by a regularly scheduled Amtrak service on the Northeast Corridor; or

(ii) in a State served by long-distance or a State-supported route; and

(D) each individual appointed to the Board pursuant to this paragraph may only fill 1 of the allocations set forth in subparagraphs (A) through (C).

(5) The Board shall elect a chairperson and vice chairperson, other than the Chief Executive Officer of Amtrak, from among its membership. The vice chairperson shall act as chairperson in the absence of the chairperson.

(6) The Board shall meet at least annually with—

(A) representatives of Amtrak employees;

(B) representatives of persons with disabilities; and

(C) the general public, in an open meeting with a virtual attendance option, to discuss financial performance and service results.

(7) The Secretary may be represented at Board meetings by the Secretary’s designee.

(b) PAY AND EXPENSES.—Each director not employed by the United States Government or Am-