

In subsection (b), the word “authority” is substituted for “agency” for consistency in the revised title and with other titles of the Code. The words “obtaining the” are omitted as surplus.

In subsection (c)(1), the words “first” and “to take such action” are omitted as surplus.

In subsection (c)(2), before clause (A), the words “need for the” are added for clarity. The words “necessary or” are omitted as surplus. The words “Within 90 days after September 29, 1979” and 45:566(d)(2)(A)(i) are omitted as executed. The word “maintain” is substituted for “take steps to prepare” for clarity. The words “survey plan which shall provide for” and “compilation, and storage” are omitted as surplus. In clause (F), the words “over time” are omitted as surplus.

In subsection (d)(2), before clause (A), the word “timely” is omitted as surplus. In clause (F), the words “rail line” are substituted for “lines of railroad” for consistency in the revised title and with other titles of the Code.

In subsection (e), the words “approval of” are omitted as surplus.

#### Editorial Notes

##### AMENDMENTS

1997—Subsec. (b), Pub. L. 105-134 inserted “or on January 1, 1997,” after “1979.”

#### § 24310. Management accountability

(a) **IN GENERAL.**—Within 3 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, and 2 years thereafter, the Inspector General of the Department of Transportation shall complete an overall assessment of the progress made by Amtrak management and the Department of Transportation in implementing the provisions of that Act.

(b) **ASSESSMENT.**—The management assessment undertaken by the Inspector General may include a review of—

- (1) effectiveness in improving annual financial planning;
- (2) effectiveness in implementing improved financial accounting;
- (3) efforts to implement minimum train performance standards;
- (4) progress maximizing revenues, minimizing Federal subsidies, and improving financial results; and
- (5) any other aspect of Amtrak operations the Inspector General finds appropriate to review.

(Added Pub. L. 110-432, div. B, title II, § 221(a), Oct. 16, 2008, 122 Stat. 4931.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (a), is div. B of Pub. L. 110-432, Oct. 16, 2008, 122 Stat. 4907. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 20101 of this title and Tables.

##### PRIOR PROVISIONS

A prior section 24310, Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 914, allowed petition or application for assistance in upgrading facilities to correct dangerous conditions or State and local violations, prior to repeal by Pub. L. 105-134, title IV, § 403, Dec. 2, 1997, 111 Stat. 2585.

#### § 24311. Acquiring interests in property by eminent domain

(a) **GENERAL AUTHORITY.**—(1) To the extent financial resources are available, Amtrak may acquire by eminent domain under subsection (b) of this section interests in property—

(A) necessary for intercity rail passenger transportation, except property of a rail carrier, a State, a political subdivision of a State, or a governmental authority; or

(B) requested by the Secretary of Transportation in carrying out the Secretary’s duty to design and build an intermodal transportation terminal at Union Station in the District of Columbia if the Secretary assures Amtrak that the Secretary will reimburse Amtrak.

(2) Amtrak may exercise the power of eminent domain only if it cannot—

(A) acquire the interest in the property by contract; or

(B) agree with the owner on the purchase price for the interest.

(b) **CIVIL ACTIONS.**—(1) A civil action to acquire an interest in property by eminent domain under subsection (a) of this section must be brought in the district court of the United States for the judicial district in which the property is located or, if a single piece of property is located in more than one judicial district, in any judicial district in which any piece of the property is located. An interest is condemned and taken by Amtrak for its use when a declaration of taking is filed under this subsection and an amount of money estimated in the declaration to be just compensation for the interest is deposited in the court. The declaration may be filed with the complaint in the action or at any time before judgment. The declaration must contain or be accompanied by—

(A) a statement of the public use for which the interest is taken;

(B) a description of the property sufficient to identify it;

(C) a statement of the interest in the property taken;

(D) a plan showing the interest taken; and

(E) a statement of the amount of money Amtrak estimates is just compensation for the interest.

(2) When the declaration is filed and the deposit is made under paragraph (1) of this subsection, title to the property vests in Amtrak in fee simple absolute or in the lesser interest shown in the declaration, and the right to the money vests in the person entitled to the money. When the declaration is filed, the court may decide—

(A) the time by which, and the terms under which, possession of the property is given to Amtrak; and

(B) the disposition of outstanding charges related to the property.

(3) After a hearing, the court shall make a finding on the amount that is just compensation for the interest in the property and enter judgment awarding that amount and interest on it. The rate of interest is 6 percent a year and is computed on the amount of the award less the amount deposited in the court from the date of taking to the date of payment.