

Editorial Notes

AMENDMENTS

2012—Subsec. (c). Pub. L. 112–141, § 32932(c)(2)(B), substituted “Board” for “Commission” wherever appearing.

Subsec. (c)(1). Pub. L. 112–141, § 32932(c)(2)(A), substituted “Surface Transportation Board” for “Interstate Commerce Commission”.

Subsec. (c)(2). Pub. L. 112–141, § 32932(c)(2)(C), substituted “Board’s” for “Commission’s”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

§ 24312. Labor standards

(a) **PREVAILING WAGES AND HEALTH AND SAFETY STANDARDS.**—Amtrak shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed under an agreement made under section 24308(a) of this title will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under sections 3141–3144, 3146, and 3147 of title 40. Amtrak may make such an agreement only after being assured that required labor standards will be maintained on the construction work. Health and safety standards prescribed by the Secretary under section 3704 of title 40 apply to all construction work performed under such an agreement, except for construction work performed by a rail carrier.

(b) **WAGE RATES.**—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed to comply with sections 3141–3144, 3146, and 3147 of title 40.

(c) **AVAILABILITY OF STATION AGENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), beginning on the date that is 1 year after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, Amtrak shall ensure that at least 1 Amtrak ticket agent is employed at each station building—

(A) that Amtrak owns, or operates service through, as part of a long-distance or Northeast Corridor passenger service route;

(B) where at least 1 Amtrak ticket agent was employed on or after October 1, 2017; and

(C) for which an average of 40 passengers boarded or deboarded an Amtrak train per day during all of the days in fiscal year 2017 when the station was serviced by Amtrak, regardless of the number of Amtrak trains servicing the station per day.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any station building in which a commuter rail ticket agent has the authority to sell Amtrak tickets.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 916; Pub. L. 105–134, title I, §§101(f), 105(c), 121(a), Dec. 2, 1997, 111 Stat. 2572–2574; Pub. L. 107–217, §3(n)(4), Aug. 21, 2002, 116 Stat. 1302; Pub. L. 117–58, div. B, title II, §22203, Nov. 15, 2021, 135 Stat. 698.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24312(a)	45:565(d).	Oct. 30, 1970, Pub. L. 91–518, §405(d), 84 Stat. 1337.
24312(b)	45:565(e).	Oct. 30, 1970, Pub. L. 91–518, §405(e), 84 Stat. 1337; Aug. 13, 1981, Pub. L. 97–35, §1177(b), 95 Stat. 692.

In subsection (a)(1), the words “take such action as may be necessary to”, “the performance of”, “with the assistance of funds received”, “contract or”, “at rates”, and “adequate” are omitted as surplus.

In subsection (a)(2), the words “provided for” and “and pursuant to” are omitted as surplus.

In subsection (b)(1), the words “Except as provided in paragraph (2) of this subsection” are omitted as surplus.

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REFERENCES IN TEXT

The Railway Labor Act, referred to in subsec. (b), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

The date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, referred to in subsec. (c)(1), is the date of enactment of title II of div. B of Pub. L. 117–58, which was approved Nov. 15, 2021.

AMENDMENTS

2021—Subsec. (c). Pub. L. 117–58 added subsec. (c).

2002—Subsec. (a). Pub. L. 107–217, §3(n)(4)(A), substituted “sections 3141–3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a–276a–5)” and “section 3704 of title 40” for “section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333)”.

Subsec. (b). Pub. L. 107–217, §3(n)(4)(B), substituted “sections 3141–3144, 3146, and 3147 of title 40” for “the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a–276a–5)”.

1997—Subsec. (a)(1). Pub. L. 105–134, §121(a)(2), redesignated par. (1) as subsec. (a).

Pub. L. 105–134, §§101(f), 105(c), struck out “, 24701(a), or 24704(b)(2)” after “24308(a)”.

Subsec. (a)(2). Pub. L. 105–134, §121(a)(3), redesignated par. (2) as subsec. (b).

Subsec. (b). Pub. L. 105–134, §121(a)(1), (3), redesignated subsec. (a)(2) as (b), inserted heading, and struck out former subsec. (b), which read as follows:

“(b) **CONTRACTING OUT.**—(1) Amtrak may not contract out work normally performed by an employee in a bargaining unit covered by a contract between a labor organization and Amtrak or a rail carrier that provided intercity rail passenger transportation on October 30, 1970, if contracting out results in the layoff of an employee in the bargaining unit.

“(2) This subsection does not apply to food and beverage services provided on trains of Amtrak.”

Statutory Notes and Related Subsidiaries

CONTRACTING OUT

Pub. L. 105–134, title I, §121(b)–(f), Dec. 2, 1997, 111 Stat. 2574, 2575, as amended by Pub. L. 117–58, div. B, title II, §22213, Nov. 15, 2021, 135 Stat. 712, provided that:

“(b) **AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.**—

“(1) **CONTRACTING OUT.**—Any collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees before the date of enactment of this Act [Dec. 2, 1997] is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date [Dec. 2, 1997] of

the amendments made by subsection (a) [amending this section].

“(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act [45 U.S.C. 151 et seq.].

“(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

“(1) shall be included in negotiations under section 6 of the Railway Labor Act (45 U.S.C. 156) between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

“(A) the date on which labor agreements under negotiation on the date of enactment of this Act [Dec. 2, 1997] may be re-opened; or

“(B) November 1, 1999, whichever is earlier;

“(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act; and

“(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act (45 U.S.C. 156) on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

“(d) FURLOUGHED WORK.—Amtrak may not contract out work within the classification of work performed by an employee in a bargaining unit covered by a collective bargaining agreement entered into between Amtrak and an organization representing Amtrak employees during the period such employee has been laid off and has not been recalled to perform such work.

“(e) AGREEMENT PROHIBITIONS ON CONTRACTING OUT.—This section does not—

“(1) supersede a prohibition or limitation on contracting out work covered by an agreement entered into between Amtrak and an organization representing Amtrak employees; or

“(2) prohibit Amtrak and an organization representing Amtrak employees from entering into an agreement that allows for contracting out the work of a furloughed employee that would otherwise be prohibited under subsection (d).

“(f) NO INFERENCE.—The amendment made by subsection (a)(1) [amending this section] is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.”

§ 24313. Rail safety system program

In consultation with rail labor organizations, Amtrak shall maintain a rail safety system program for employees working on property owned by Amtrak. The program shall be a model for other rail carriers to use in developing safety programs. The program shall include—

- (1) periodic analyses of accident information, including primary and secondary causes;
- (2) periodic evaluations of the activities of the program, particularly specific steps taken in response to an accident;
- (3) periodic reports on amounts spent for occupational health and safety activities of the program;

(4) periodic reports on reduced costs and personal injuries because of accident prevention activities of the program;

(5) periodic reports on direct accident costs, including claims related to accidents; and

(6) reports and evaluations of other information Amtrak considers appropriate.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 917.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24313	45:646.	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §807; added Oct. 5, 1978, Pub. L. 95-421, §13, 92 Stat. 929.

In this section, before clause (1), the words “No later than January 1, 1979” are omitted as executed. The word “maintain” is substituted for “develop and implement” for clarity. The words “designed to serve as” and “required under this section” are omitted as surplus. In clause (1), the words “if known” are omitted as surplus. In clause (2), the words “undertaken” and “causes” are omitted as surplus. In clauses (3)–(6), the word “reports” is substituted for “identification” for clarity. In clause (3), the word “included” is omitted as surplus. In clause (4), the words “personal injuries” are substituted for “fatalities, and casualties” for consistency in the revised title. The word “activities” is added for clarity. In clause (6), the words “or data” and “necessary or” are omitted as surplus.

Statutory Notes and Related Subsidiaries

COMPREHENSIVE RAIL SAFETY REVIEW OF AMTRAK

Pub. L. 117-58, div. B, title II, §22407, Nov. 15, 2021, 135 Stat. 739, provided that:

“(a) COMPREHENSIVE SAFETY ASSESSMENT.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall—

“(1) conduct a focused review of Amtrak’s safety-related processes and procedures, compliance with safety regulations and requirements, and overall safety culture; and

“(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes the findings and recommendations resulting from such assessment.

“(b) PLAN.—

“(1) INITIAL PLAN.—Not later than 6 months after the completion of the comprehensive safety assessment under subsection (a)(1), Amtrak shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for addressing the findings and recommendations raised in the comprehensive safety assessment.

“(2) ANNUAL UPDATES.—Amtrak shall submit annual updates of its progress toward implementing the plan submitted pursuant to paragraph (1) to the committees listed in such paragraph.”

[§ 24314. Repealed. Pub. L. 105-134, title IV, § 404, Dec. 2, 1997, 111 Stat. 2586]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 917; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to Amtrak developing plan for demonstrating new technology that may increase train speed in intercity rail passenger system.

§ 24315. Reports and audits

(a) AMTRAK ANNUAL OPERATIONS REPORT.—Not later than February 15 of each year, Amtrak shall submit to Congress a report that—