

Subsec. (c)(1). Pub. L. 117–58, § 22211(c)(1), substituted “subsection (a)(5)” for “subsection (a)(4)” and “subsection (a)(7)” for “subsection (a)(6)”.

Subsec. (c)(4). Pub. L. 117–58, § 22211(c)(2), inserted “related to a State-supported route that a State sponsors that is” after “amount”.

Subsec. (e). Pub. L. 117–58, § 22211(d), inserted “, including incentives to increase revenue, reduce costs, finalize contracts by the beginning of the fiscal year, and require States to promptly make payments for services delivered” before period at end.

Subsec. (f)(1). Pub. L. 117–58, § 22211(e)(1), inserted “, and review and update, as necessary,” after “shall develop”.

Subsec. (f)(2). Pub. L. 117–58, § 22211(e)(2), substituted “As applicable, based on updates, the Committee shall submit an updated statement” for “Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Committee shall transmit the statement”.

Subsec. (f)(3). Pub. L. 117–58, § 22211(e)(3), added par. (3).

Subsecs. (g) to (l). Pub. L. 117–58, § 22211(f), added subsecs. (g) to (j) and redesignated former subsecs. (g) and (h) as (k) and (l), RESPECTIVELY.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as an Effective Date of 2015 Amendment note under section 5313 of Title 5, Government Organization and Employees.

CHAPTER 249—NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

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Editorial Notes

AMENDMENTS

2021—Pub. L. 117–58, div. B, title II, § 22307(b), Nov. 15, 2021, 135 Stat. 730, substituted “Federal-State partnership for intercity passenger rail” for “Federal-State partnership for state of good repair” in item 24911.

2015—Pub. L. 114–94, div. A, title XI, §§ 11302(b), 11305(d)(2), 11306(b)(2), Dec. 4, 2015, 129 Stat. 1651, 1658, 1660, added items 24904 and 24911, redesignated former item 24904 as 24903, and substituted “Northeast Corridor Commission” for “Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee” in item 24905.

2008—Pub. L. 110–432, div. B, title II, § 212(b)(1), title III, § 306(b), Oct. 16, 2008, 122 Stat. 4924, 4953, amended item 24905 generally, substituting “Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee” for “Coordination board and safety committee”, and added item 24910.

1997—Pub. L. 105–134, title IV, § 405(a), Dec. 2, 1997, 111 Stat. 2586, struck out item 24903 “Program master plan for Boston-New York main line”.

§ 24901. Definitions

In this chapter—

¹ So in original. Does not conform to section catchline.

(1) “final system plan” means the final system plan (including additions) adopted by the United States Railway Association under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

(2) “rail carrier” means an express carrier and a rail carrier as defined in section 10102 of this title, including Amtrak.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 930.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24901(1)	(no source).	
24901(2)	(no source).	

This section is derived from 45:802 for clarity. That section contains definitions for the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210, 90 Stat. 33). Title VII of that Act is the source of the source provisions restated in this chapter. However, other titles of that Act are not being restated because they are outside the scope of the restatement. Therefore, 45:802 is not being restated in this restatement and only the relevant definitions are accounted for in this chapter.

Editorial Notes

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in par. (1), is Pub. L. 93–236, Jan. 2, 1974, 87 Stat. 985, which is classified principally to chapter 16 (§ 701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

§ 24902. Goals and requirements

(a) **MANAGING COSTS AND REVENUES.**—Amtrak shall manage its operating costs, pricing policies, and other factors with the goal of having revenues derived each fiscal year from providing intercity rail passenger transportation over the Northeast Corridor route between the District of Columbia and Boston, Massachusetts, equal at least the operating costs of providing that transportation in that fiscal year.

(b) **PRIORITIES IN SELECTING AND SCHEDULING PROJECTS.**—When selecting and scheduling specific projects, Amtrak shall apply the following considerations, in the following order of priority:

(1) Safety-related items should be completed before other items because the safety of the passengers and users of the Northeast Corridor is paramount.

(2) Activities that benefit the greatest number of passengers should be completed before activities involving fewer passengers.

(3) Reliability of intercity rail passenger transportation must be emphasized.

(4) Trip-time requirements of this section must be achieved to the extent compatible with the priorities referred to in paragraphs (1)–(3) of this subsection.

(5) Improvements that will pay for the investment by achieving lower operating or maintenance costs should be carried out before other improvements.

(6) Construction operations should be scheduled so that the fewest possible passengers are inconvenienced, transportation is maintained,

and the on-time performance of Northeast Corridor commuter rail passenger and rail freight transportation is optimized.

(7) Planning should focus on completing activities that will provide immediate benefits to users of the Northeast Corridor.

(c) COMPATIBILITY WITH FUTURE IMPROVEMENTS AND PRODUCTION OF MAXIMUM LABOR BENEFITS.—Improvements under this section shall be compatible with future improvements in transportation and shall produce the maximum labor benefit from hiring individuals presently unemployed.

(d) AUTOMATIC TRAIN CONTROL SYSTEMS.—A train operating on the Northeast Corridor main line or between the main line and Atlantic City shall be equipped with an automatic train control system designed to slow or stop the train in response to an external signal.

(e) HIGH-SPEED TRANSPORTATION.—If practicable, Amtrak shall establish intercity rail passenger transportation in the Northeast Corridor that carries out section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 121).

(f) EQUIPMENT DEVELOPMENT.—Amtrak shall develop economical and reliable equipment compatible with track, operating, and marketing characteristics of the Northeast Corridor, including the capability to meet reliable trip times under section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 121) in regularly scheduled revenue transportation in the Corridor, when the Northeast Corridor improvement program is completed. Amtrak must decide that equipment complies with this subsection before buying equipment with financial assistance of the Government. Amtrak shall submit a request for an authorization of appropriations for production of the equipment.

(g) AGREEMENTS FOR OFF-CORRIDOR ROUTING OF RAIL FREIGHT TRANSPORTATION.—(1) Amtrak may make an agreement with a rail freight carrier or a regional transportation authority under which the carrier will carry out an alternate off-corridor routing of rail freight transportation over rail lines in the Northeast Corridor between the District of Columbia and New York metropolitan areas, including intermediate points. The agreement shall be for at least 5 years.

(2) Amtrak shall apply to the Surface Transportation Board for approval of the agreement and all related agreements accompanying the application as soon as the agreement is made. If the Board finds that approval is necessary to carry out this chapter, the Board shall approve the application and related agreements not later than 90 days after receiving the application.

(3) If an agreement is not made under paragraph (1) of this subsection, Amtrak, with the consent of the other parties, may apply to the Surface Transportation Board. Not later than 90 days after the application, the Board shall decide on the terms of an agreement if it decides that doing so is necessary to carry out this chapter. The decision of the Board is binding on the other parties.

(h) COORDINATION.—(1) The Secretary of Transportation shall coordinate—

(A) transportation programs related to the Northeast Corridor to ensure that the programs are integrated and consistent with the Northeast Corridor improvement program; and

(B) amounts from departments, agencies, and instrumentalities of the Government to achieve urban redevelopment and revitalization in the vicinity of urban rail stations in the Northeast Corridor served by intercity and commuter rail passenger transportation.

(2) If the Secretary finds significant noncompliance with this section, the Secretary may deny financing to a noncomplying program until the noncompliance is corrected.

(i) COMPLETION.—Amtrak shall give the highest priority to completing the program.

(j) APPLICABLE PROCEDURES.—No State or local building, zoning, subdivision, or similar or related law, nor any other State or local law from which a project would be exempt if undertaken by the Federal Government or an agency thereof within a Federal enclave wherein Federal jurisdiction is exclusive, including without limitation with respect to all such laws referenced herein above requirements for permits, actions, approvals or filings, shall apply in connection with the construction, ownership, use, operation, financing, leasing, conveying, mortgaging or enforcing a mortgage of (i) any improvement undertaken by or for the benefit of Amtrak as part of, or in furtherance of, the Northeast Corridor Improvement Project (including without limitation maintenance, service, inspection or similar facilities acquired, constructed or used for high speed trainsets) or chapter 241, 243, or 247 of this title or (ii) any land (and right, title or interest created with respect thereto) on which such improvement is located and adjoining, surrounding or any related land. These exemptions shall remain in effect and be applicable with respect to such land and improvements for the benefit of any mortgagee before, upon and after coming into possession of such improvements or land, any third party purchasers thereof in foreclosure (or through a deed in lieu of foreclosure), and their respective successors and assigns, in each case to the extent the land or improvements are used, or held for use, for railroad purposes or purposes accessory thereto. This subsection shall not apply to any improvement or related land unless Amtrak receives a Federal operating subsidy in the fiscal year in which Amtrak commits to or initiates such improvement.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 930; Pub. L. 104-205, title III, §334, Sept. 30, 1996, 110 Stat. 2974; Pub. L. 105-134, title IV, §405(b)(1), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 112-141, div. C, title II, §32932(c)(3), July 6, 2012, 126 Stat. 829.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24902(a)	45:853(1)(A).	Feb. 5, 1976, Pub. L. 94-210, §703(1)(A), 90 Stat. 121; Oct. 5, 1978, Pub. L. 95-421, §8(1), 92 Stat. 927; May 30, 1980, Pub. L. 96-254, §202(1), (2), 94 Stat. 410; Jan. 14, 1983, Pub. L. 97-468, §301(1), 96 Stat. 2547.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
	45:853(1)(B) (1st sentence).	Feb. 5, 1976, Pub. L. 94-210, § 703(1)(B), 90 Stat. 121; Oct. 5, 1978, Pub. L. 95-421, § 8(2), 92 Stat. 927.
	45:853(2)(A).	Feb. 5, 1976, Pub. L. 94-210, § 703(2)(A), 90 Stat. 122; Oct. 5, 1978, Pub. L. 95-421, § 5(1), 92 Stat. 926.
	45:853(2)(B).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 703(2)(B); added Oct. 5, 1978, Pub. L. 95-421, § 5(2), 92 Stat. 927.
	45:853(3)(A).	Feb. 5, 1976, Pub. L. 94-210, § 703(3)(A), 90 Stat. 122; May 30, 1980, Pub. L. 96-254, § 203(1), 94 Stat. 410.
	45:853(4) (1st sentence).	Feb. 5, 1976, Pub. L. 94-210, § 703(1)(C), (4), 90 Stat. 121, 122.
	45:853(6).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 703(6); added May 30, 1980, Pub. L. 96-254, § 203(2), 94 Stat. 411.
	45:855(b).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 705(b); added May 30, 1980, Pub. L. 96-254, § 206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, § 301(5)(B), 96 Stat. 2550.
24902(b)	45:851(d)(1).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 701(d)(1); added May 30, 1980, Pub. L. 96-254, § 205, 94 Stat. 412.
24902(c)(1) ..	45:853(1)(B) (last sentence).	
	45:855(b).	
24902(c)(2), (3).	45:854(i).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 704(i); added May 30, 1980, Pub. L. 96-254, § 204(b), 94 Stat. 411.
	45:855(b).	
24902(d)	45:853(4) (last sentence).	
24902(e)	45:853(7).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 703(7); added May 30, 1980, Pub. L. 96-254, § 209, 94 Stat. 414.
24902(f)	45:853(1)(C).	
24902(g)	45:431(k).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, § 202(k); added June 22, 1988, Pub. L. 100-342, § 9, 102 Stat. 628.
24902(h)	45:853(1)(E).	Feb. 5, 1976, Pub. L. 94-210, § 703(1)(E), 90 Stat. 121; May 30, 1980, Pub. L. 96-254, § 202(3), 94 Stat. 410.
	45:855(b).	
24902(i)	45:853(5).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 703(5); added Oct. 5, 1978, Pub. L. 95-421, § 8(3), 92 Stat. 927.
	45:855(b).	
24902(j)	45:853(3)(B).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 703(3)(B); added May 30, 1980, Pub. L. 96-254, § 203(1), 94 Stat. 410.
	45:855(b).	
24902(k)	45:854(c)(1).	Feb. 5, 1976, Pub. L. 94-210, § 704(c)(1), 90 Stat. 123; May 30, 1980, Pub. L. 96-254, § 210(1), 94 Stat. 414.
	45:854(c)(2).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, § 704(c)(2); added May 30, 1980, Pub. L. 96-254, § 210(2), 94 Stat. 414.
24902(l)	45:545(h) (last sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, § 305(h) (last sentence); added Oct. 28, 1974, Pub. L. 93-496, § 3, 88 Stat. 1527; Sept. 29, 1979, Pub. L. 96-73, § 106, 93 Stat. 539.
	45:855(b).	

In this section, the word “program” is substituted for “project” for consistency in this chapter.

In subsection (a)(1)(A) and (B), the words “schedule” and “appropriate” are omitted as surplus.

In subsection (a)(2), the words “in order” and “rail” are omitted as surplus.

In subsection (a)(4)–(6), the words “the goals contained in” are omitted as surplus.

In subsection (a)(4), the text of 45:853(2)(B) is omitted as executed.

In subsection (a)(5), the words “to all users of rail freight service located” are omitted as surplus. The word “in” is substituted for “on” as being more appropriate. The words “all . . . which remain” are omitted as surplus.

In subsection (a)(6), the word “mobile” is added for consistency in this chapter. The word “on” is substituted for “aboard trains operated in” to eliminate unnecessary words. The word “passenger” after “rail” is added for consistency in this chapter. The word “Washington” is omitted as surplus.

In subsection (b), the words “each fiscal year” are substituted for “annual” for clarity. The text of 45:851(d)(1)(A) and (B) is omitted as obsolete.

In subsection (c)(1), the words “in his sole discretion” are omitted as surplus.

In subsection (c)(2)(B), the words “and in the amounts” are omitted as surplus.

In subsection (d), the words “department, agencies, and instrumentalities of the United States Government” are substituted for “relevant Federal agencies, including the Federal Communications Commission” for consistency in the revised title and with other titles of the United States Code. The words “shall assist Amtrak under subsection (a)(6) of this section” are substituted for “shall take such actions as are necessary to achieve this goal” for clarity. The words “including necessary licensing, construction, operation, and maintenance” are omitted as surplus.

In subsection (e), before clause (1), the words “of priority” are added for clarity. In clause (2), the words “Potential ridership should be considered” are omitted as surplus. In clause (5), the words “Reducing maintenance cost levels is desirable” are omitted as surplus. The words “before other improvements” are added for clarity.

In subsection (f), the words “accomplished in a manner which is”, “the accomplishment in the . . . of additional”, and “levels” are omitted as surplus.

In subsection (g), the words “after April 1, 1990” are omitted as executed. The words “between [sic] Washington, D.C., and Boston, Massachusetts” are omitted as surplus. The words “or between the main line and Atlantic City” are substituted for “on the feeder line referred to in section 854(a)(1)(B) of this title” for clarity. The text of 45:431(k)(2) is omitted as executed.

In subsection (h), the text of 45:853(1)(E) (1st–4th sentences) and the word “Thereafter” are omitted as executed. The words “carries out” are substituted for “achieves the service goals specified in” for consistency in this section.

In subsection (i), the words “rolling stock and related”, “designed to be”, “set forth”, and “specified” are omitted as surplus. The text of 45:853(5) (last sentence words after “such equipment”) is omitted as obsolete.

In subsection (j)(1), the words “Within 6 months after May 30, 1980, the Secretary shall develop plans” and the text of 45:853(3)(B)(v) are omitted as executed. The words “rail lines” are substituted for “lines” for clarity and consistency in this chapter. The words “Washington” and “on such terms and conditions as the parties may agree” are omitted as surplus.

In subsection (j)(2), the words “including the provision of service use of tracks and facilities as provided in such application” are omitted as surplus.

In subsection (j)(3), the words “other parties” are substituted for “involved rail freight carriers” to eliminate unnecessary words. The words “conditions and” are omitted as surplus.

In subsection (k)(1), before clause (A), the words “take all steps necessary to” are omitted as surplus. In clause (A), the words “all”, “implementation of”, and “under this subchapter” are omitted as surplus. Clause (B) is substituted for 45:854(c)(2) to eliminate surplus and obsolete words.

Editorial Notes

REFERENCES IN TEXT

Section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs.

(e) and (f), is section 703(1)(E) of Pub. L. 94-210, which was classified to section 853(1)(E) of Title 45, Railroads, and was repealed and reenacted as subsec. (h) of this section by Pub. L. 103-272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 932, 1379.

AMENDMENTS

2012—Subsec. (g)(2), (3). Pub. L. 112-141 substituted “Surface Transportation Board” for “Interstate Commerce Commission” and “Board” for “Commission” wherever appearing.

1997—Pub. L. 105-134 redesignated subsec. (b) as (a) and subssecs. (e) to (m) as (b) to (j), respectively, in subsec. (j) struck out “(m)” after “This subsection”, and struck out former subssecs. (a), (c), and (d) which related to Northeast Corridor improvement plan, cost sharing for nonoperational facilities, and passenger radio mobile telephone service, respectively.

1996—Subsec. (m). Pub. L. 104-205 added subsec. (m).

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.

NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN

Pub. L. 110-432, div. B, title II, § 211, Oct. 16, 2008, 122 Stat. 4920, within 6 months after Oct. 16, 2008, required Amtrak to prepare capital spending plan to return the railroad right-of-way, facilities, stations, and equipment, of the Northeast Corridor main line to a state-of-good-repair by the end of fiscal year 2018 and required review and approval of the plan by the Secretary of Transportation, prior to repeal by Pub. L. 114-94, div. A, title XI, § 11306(b)(3), Dec. 4, 2015, 129 Stat. 1660.

§ 24903. General authority

(a) GENERAL.—To carry out this chapter and the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), Amtrak may—

(1) acquire, maintain, and dispose of any interest in property used to provide improved high-speed rail transportation under section 24902 of this title;

(2) acquire, by condemnation or otherwise, any interest in real property that Amtrak considers necessary to carry out the goals of section 24902;

(3) provide for rail freight, intercity rail passenger, and commuter rail passenger transportation over property acquired under this section;

(4) improve rail rights of way between Boston, Massachusetts, and the District of Columbia (including the route through Springfield, Massachusetts, and routes to Harrisburg, Pennsylvania, and Albany, New York, from the Northeast Corridor main line) to achieve the goals of section 24902 of providing improved high-speed rail passenger transportation between Boston, Massachusetts, and the District of Columbia, and intermediate intercity markets;

(5) acquire, build, improve, and install passenger stations, communications and electric power facilities and equipment, public and private highway and pedestrian crossings, and other facilities and equipment necessary to provide improved high-speed rail passenger transportation over rights of way improved under clause (4) of this subsection;

(6) make agreements with other carriers and commuter authorities to grant, acquire, or make arrangements for rail freight or commuter rail passenger transportation over, rights of way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title; and

(7) appoint a general manager of the Northeast Corridor improvement program.

(b) COMPENSATORY AGREEMENTS.—Rail freight and commuter rail passenger transportation provided under subsection (a)(3) of this section shall be provided under compensatory agreements with the responsible carriers.

(c) COMPENSATION FOR TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES.—(1) An agreement under subsection (a)(6) of this section shall provide for reasonable reimbursement of costs but may not cross-subsidize intercity rail passenger, commuter rail passenger, and rail freight transportation.

(2) If the parties do not agree, the Surface Transportation Board shall order that the transportation continue over facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title and shall determine compensation (without allowing cross-subsidization between commuter rail passenger and intercity rail passenger and rail freight transportation) for the transportation not later than 120 days after the dispute is submitted. The Board shall assign to a rail carrier obtaining transportation under this subsection the costs Amtrak incurs only for the benefit of the carrier, plus a proportionate share of all other costs of providing transportation under this paragraph incurred for the common benefit of Amtrak and the carrier. The proportionate share shall be based on relative measures of volume of car operations, tonnage, or other factors that reasonably reflect the relative use of rail property covered by this subsection.

(3) This subsection does not prevent the parties from making an agreement under subsection (a)(6) of this section after the Board makes a decision under this subsection.

(Pub. L. 103-272, § 1(e), July 5, 1994, 108 Stat. 934, § 24904; Pub. L. 103-429, § 6(22), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105-134, title IV, § 405(b)(2), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 110-432, div. B, title II, § 212(b)(2), Oct. 16, 2008, 122 Stat. 4924; Pub. L. 112-141, div. C, title II, § 32932(c)(4), July 6, 2012, 126 Stat. 829; renumbered § 24903, Pub. L. 114-94, div. A, title XI, § 11306(a)(1), Dec. 4, 2015, 129 Stat. 1658; Pub. L. 117-58, div. B, title I, § 21301(j)(4)(F), Nov. 15, 2021, 135 Stat. 693.)

HISTORICAL AND REVISION NOTES

PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24904(a) (words before (1)).	45:851(a) (words before (1)).	Feb. 5, 1976, Pub. L. 94-210, § 701(a)(1), (3)-(8), 90 Stat. 119.
24904(a)(1) ..	45:851(a)(1).	