

(ii) facilitate the continued or greater use of railroad transportation for freight shipments; and

(iii) reduce the use of less fuel efficient modes of transportation in the transportation of such shipments; or

(B) demonstrate innovative technologies and advanced research and development that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation.

(2) PROVISION OF GRANTS.—Grants may be provided under this chapter—

(A) directly to the class II or class III railroad; or

(B) with the concurrence of the class II or class III railroad, to a State or local government.

(3) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

(4) REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

(c) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

(d) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

(e) LABOR STANDARDS.—

(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the “Davis-Bacon Act”). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the¹ subchapter IV of chapter 31 of title 40.

(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.

(Added Pub. L. 110–140, title XI, § 1112(a), Dec. 19, 2007, 121 Stat. 1758; amended Pub. L. 110–432, div. A, title VII, § 701(b), Oct. 16, 2008, 122 Stat. 4906.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (d), probably means the date of enactment of Pub. L. 110–140, which amended this chapter generally and was approved Dec. 19, 2007.

The Railway Labor Act, referred to in subsec. (e)(2), 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.

PRIOR PROVISIONS

A prior section 22301, added Pub. L. 105–178, title VII, § 7202(a), June 9, 1998, 112 Stat. 470, related to grants for light density rail line pilot projects, prior to the general amendment of this chapter by Pub. L. 110–140.

AMENDMENTS

2008—Subsec. (a)(1)(A)(iii). Pub. L. 110–432 substituted “or” for “and”.

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

CHAPTER 225—FEDERAL GRANTS TO STATES FOR HIGHWAY-RAIL GRADE CROSSING SAFETY

Sec.	
22501.	Financial assistance to States for certain projects.
22502.	Distribution.
22503.	Standards for awarding grants.
22504.	Use of funds.
22505.	Authorization of appropriations.

§ 22501. Financial assistance to States for certain projects

The Secretary of Transportation shall make grants—

¹ So in original. The word “the” probably should not appear.

(1) to a maximum of 3 States per year for development or continuance of enhanced public education and awareness activities, in combination with targeted law enforcement, to significantly reduce violations of traffic laws at highway-rail grade crossings and to help prevent and reduce injuries and fatalities along railroad rights-of-way; and

(2) to provide for priority highway-rail grade crossing safety improvements, including the installation, repair, or improvement of—

(A) railroad crossing signals, gates, and related technologies, including median barriers and four quadrant gates;

(B) highway traffic signalization, including highway signals tied to railroad signal systems;

(C) highway lighting and crossing approach signage;

(D) roadway improvements, including railroad crossing panels and surfaces; and

(E) related work to mitigate dangerous conditions.

(Added Pub. L. 110-432, div. A, title II, §207(a), Oct. 16, 2008, 122 Stat. 4873.)

STATE ACTION PLANS

Pub. L. 110-432, div. A, title II, §202, Oct. 16, 2008, 122 Stat. 4868, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 16, 2008], the Secretary shall identify the 10 States that have had the most highway-rail grade crossing collisions, on average, over the past 3 years and require those States to develop a State grade crossing action plan within a reasonable period of time, as determined by the Secretary. The plan shall identify specific solutions for improving safety at crossings, including highway-rail grade crossing closures or grade separations, and shall focus on crossings that have experienced multiple accidents or are at high risk for such accidents. The Secretary shall provide assistance to the States in developing and carrying out, as appropriate, the plan. The plan may be coordinated with other State or Federal planning requirements and shall cover a period of time determined to be appropriate by the Secretary. The Secretary may condition the awarding of any grants under section 20158, 20167, or 22501 of title 49, United States Code, to a State identified under this section on the development of such State’s plan.

“(b) REVIEW AND APPROVAL.—Not later than 60 days after the Secretary receives a plan under subsection (a), the Secretary shall review and approve or disapprove it. If the proposed plan is disapproved, the Secretary shall notify the affected State as to the specific areas in which the proposed plan is deficient, and the State shall correct all deficiencies within 30 days following receipt of written notice from the Secretary.”

[For definitions of “Secretary”, “State”, and “crossing”, as used in section 202 of Pub. L. 110-432, set out above, see section 2(a) of Pub. L. 110-432, set out as a note under section 20102 of this title.]

OPERATION LIFESAVER

Pub. L. 110-432, div. A, title II, §206, Oct. 16, 2008, 122 Stat. 4873, provided that:

“(a) GRANT.—The Federal Railroad Administration shall make a grant or grants to Operation Lifesaver to carry out a public information and education program to help prevent and reduce pedestrian, motor vehicle, and other accidents, incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings. The program shall include, as appropriate, development, placement, and dissemination of Public Service Announcements in newspaper, radio, television, and other media. The pro-

gram shall also include, as appropriate, school presentations, brochures and materials, support for public awareness campaigns, and related support for the activities of Operation Lifesaver’s member organizations. As part of an educational program funded by grants awarded under this section, Operation Lifesaver shall provide information to the public on how to identify and report to the appropriate authorities unsafe or malfunctioning highway-rail grade crossings.

“(b) PILOT PROGRAM.—The Secretary may allow funds provided under subsection (a) also to be used by Operation Lifesaver to implement a pilot program, to be known as the Railroad Safety Public Awareness Program, that addresses the need for targeted and sustained community outreach on the subjects described in subsection (a). Such a pilot program shall be established in 1 or more States identified under section 202 of this division [set out above]. In carrying out such a pilot program Operation Lifesaver shall work with the State, community leaders, school districts, and public and private partners to identify the communities at greatest risk, to develop appropriate measures to reduce such risks, and shall coordinate the pilot program with the State grade crossing action plan.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section—

“(1) \$2,000,000 for each of fiscal years 2010 and 2011; and

“(2) \$1,500,000 for each of fiscal years 2012 and 2013.”

[For definitions of “railroad”, “crossing”, “Secretary”, and “State”, as used in section 206 of Pub. L. 110-432, set out above, see section 2(a) of Pub. L. 110-432, set out as a note under section 20102 of this title.]

§ 22502. Distribution

The Secretary shall provide the grants to the State agency or agencies responsible for highway-rail grade crossing safety.

(Added Pub. L. 110-432, div. A, title II, §207(a), Oct. 16, 2008, 122 Stat. 4874.)

§ 22503. Standards for awarding grants

(a) SECTION 22501(1) GRANTS.—The Secretary shall provide grants under section 22501(1) based upon the merits of the proposed program of activities provided by the State and upon a determination of where the grants will provide the greatest safety benefits. The Secretary may give priority to States that have developed and implemented a State grade crossing action plan, as described under section 202 of the Rail Safety Improvement Act of 2008.

(b) SECTION 22501(2) GRANTS.—The Secretary shall provide grants to State and local governments under section 22501(2) to provide priority grade crossing safety improvements on an expedited basis at a location where there has been a highway-rail grade crossing collision within the previous two years involving major loss of life or multiple serious bodily injuries.

(Added Pub. L. 110-432, div. A, title II, §207(a), Oct. 16, 2008, 122 Stat. 4874.)

REFERENCES IN TEXT

Section 202 of the Rail Safety Improvement Act of 2008, referred to in subsec. (a), is section 202 of Pub. L. 110-432, which is set out as a note under section 22501 of this title.

§ 22504. Use of funds

(a) IN GENERAL.—Any State receiving a grant under section 22501(1) shall use the funds to de-

velop, implement, and continue to measure the effectiveness of a dedicated program of public education and enforcement of highway-rail crossing safety laws and to prevent casualties along railroad rights-of-way. The Secretary may not make a grant under this chapter available to assist a State or political subdivision thereof in establishing or continuing a quiet zone pursuant to part 222 of title 49, Code of Federal Regulations.

(b) MAXIMUM GRANT AMOUNT UNDER SECTION 22501(2).—No grant awarded under section 22501(2) may exceed \$250,000.

(Added Pub. L. 110-432, div. A, title II, §207(a), Oct. 16, 2008, 122 Stat. 4874.)

§ 22505. Authorization of appropriations

There are authorized to be appropriated to the Secretary \$1,500,000 for each of fiscal years 2010 through 2013 to carry out the provisions of section 22501(1) of this chapter. There are authorized to be appropriated to the Secretary \$1,500,000 for each of fiscal years 2010 through 2013 to carry out the provisions of section 22501(2) of this chapter. Amounts appropriated pursuant to this section shall remain available until expended.

(Added Pub. L. 110-432, div. A, title II, §207(a), Oct. 16, 2008, 122 Stat. 4874.)

CHAPTER 227—STATE RAIL PLANS

Sec.	
22701.	Definitions.
22702.	Authority.
22703.	Purposes.
22704.	Transparency; coordination; review.
22705.	Content.
22706.	Review.

§ 22701. Definitions

In this subchapter:¹

(1) PRIVATE BENEFIT.—

(A) IN GENERAL.—The term “private benefit”—

(i) means a benefit accrued to a person or private entity, other than Amtrak, that directly improves the economic and competitive condition of that person or entity through improved assets, cost reductions, service improvements, or any other means as defined by the Secretary; and

(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

(2) PUBLIC BENEFIT.—

(A) IN GENERAL.—The term “public benefit”—

(i) means a benefit accrued to the public, including Amtrak, in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced

public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects as defined by the Secretary; and

(ii) shall be determined on a project-by-project basis, based upon an agreement between the parties.

(B) CONSULTATION.—The Secretary may seek the advice of the States and rail carriers in further defining this term.

(3) STATE.—The term “State” means any of the 50 States and the District of Columbia.

(4) STATE RAIL TRANSPORTATION AUTHORITY.—The term “State rail transportation authority” means the State agency or official responsible under the direction of the Governor of the State or a State law for preparation, maintenance, coordination, and administration of the State rail plan.

(Added Pub. L. 110-432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4947.)

§ 22702. Authority

(a) IN GENERAL.—Each State may prepare and maintain a State rail plan in accordance with the provisions of this chapter.

(b) REQUIREMENTS.—The Secretary shall establish the minimum requirements for the preparation and periodic revision of a State rail plan, including that a State shall—

(1) establish or designate a State rail transportation authority to prepare, maintain, coordinate, and administer the plan;

(2) establish or designate a State rail plan approval authority to approve the plan;

(3) submit the State’s approved plan to the Secretary of Transportation for review; and

(4) revise and resubmit a State-approved plan no less frequently than once every 5 years for reapproval by the Secretary.

(Added Pub. L. 110-432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4948.)

§ 22703. Purposes

(a) PURPOSES.—The purposes of a State rail plan are as follows:

(1) To set forth State policy involving freight and passenger rail transportation, including commuter rail operations, in the State.

(2) To establish the period covered by the State rail plan.

(3) To present priorities and strategies to enhance rail service in the State that benefits the public.

(4) To serve as the basis for Federal and State rail investments within the State.

(b) COORDINATION.—A State rail plan shall be coordinated with other State transportation planning goals and programs, including the plan required under section 135 of title 23, and set forth rail transportation’s role within the State transportation system.

(Added Pub. L. 110-432, div. B, title III, §303(a), Oct. 16, 2008, 122 Stat. 4948.)

§ 22704. Transparency; coordination; review

(a) PREPARATION.—A State shall provide adequate and reasonable notice and opportunity for

¹ So in original. Probably should be “chapter:”.