SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 825, 903, 904, 906, 922 of this title.

§ 921. Office of Rail Public Counsel

The Office of Rail Public Counsel may appear and be heard in the case in the bankruptcy court involving the reorganization of the Milwaukee Railroad, for purposes of representing affected shippers, localities, and municipalities with respect to the proposed abandonment of any line of the Milwaukee Railroad.

(Pub. L. 96–101, § 25, Nov. 4, 1979, 93 Stat. 747.)

§ 922. Employee stock ownership plan for surviving portion of Milwaukee Railroad

If an event described in section 920(b) of this title occurs, resulting in the survival of less than the entire Milwaukee Railroad system, then any relief provided for such surviving Milwaukee Railroad system under the Emergency Rail Services Act of 1970 [45 U.S.C. 661 et seq.] or any other Federal legislation shall be conditioned upon good faith efforts by the trustee or the Milwaukee Railroad, or both, to establish an employee stock ownership plan which shall embrace the purchase or acquisition of qualifying employer securities of the Milwaukee Railroad equal in value to 25 per centum of the amount of such relief provided.

(Pub. L. 96–101, § 26, Nov. 4, 1979, 93 Stat. 747.)

REFERENCES IN TEXT

The Emergency Rail Services Act of 1970, referred to in text, is Pub. L. 91–663, Jan. 8, 1971, 84 Stat. 1975, as amended, which is classified generally to chapter 15 (§ 661 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 661 of this title and Tables.

CHAPTER 19—ROCK ISLAND RAILROAD EMPLOYEE ASSISTANCE

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 231f, 913 of this title.

§ 1001. Congressional findings

Congress hereby finds that—

(1) uninterrupted continuation of services over Rock Island lines is dependent on adequate employee protection provisions covering Rock Island Railroad employees who are not hired by other railroads;

(2) for those Rock Island Railroad employees not hired by other rail carriers, there is no other practicable means of obtaining funds to meet the necessary costs of such employee protection that are assumed by the Rock Island Railroad;

(3) a cessation of necessary operations of the Rock Island Railroad would have serious repercussions on the economies of the States in which such railroad principally operates; and

(4) premature cessation of services over lines which are the subject of pending purchase application would result in harm to the shipping public and could imperil continuation of vital commuter service.

(Pub. L. 96–254, title I, § 102, May 30, 1980, 94 Stat. 399.)

SHORT TITLE

Section 101 of title I of Pub. L. 96–254 provided that: ''This title [enacting this chapter, amending sections 231f, 726, 825, 902, 911, 913, and 916 of this title, and enacting provisions set out as a note under this section] may be cited as the 'Rock Island Railroad Transition and Employee Assistance Act'.''

SAVINGS PROVISION

Section 125, formerly § 124, of title I of Pub. L. 96–254, renumbered Pub. L. 96–448, title VII, § 701(a)(1), Oct. 14, 1980, 94 Stat. 1959, provided that: ''If any provision of this title [see Short Title note above] or the application thereof to any person or circumstance is held invalid, the remainder of this title and the application of such provision to other persons or circumstances shall not be affected thereby.''

§ 1002. Definitions

As used in this chapter, the term—

(1) ''bankruptcy court'' means the court having jurisdiction over the reorganization of the Rock Island Railroad;

(2) ''Board'' means the Railroad Retirement Board;

(3) ''Commission'' means the Interstate Commerce Commission;

(4) ''employee'' includes any employee of the Rock Island Railroad as of August 1, 1979, but does not include any individual serving as president, vice-president, secretary, treasurer, comptroller, counsel, member of the board of directors, or any other person performing such functions;

(5) the term ''Rock Island Railroad'' means the Chicago, Rock Island and Pacific Railroad Company, the estate of such Company in its reorganization proceeding, or the trustee appointed in such proceeding; and

(6) the term ''Secretary'' means the Secretary of Transportation.

(Pub. L. 96–254, title I, § 103, May 30, 1980, 94 Stat. 399; Pub. L. 96–448, title VII, § 701(b)(3), Oct. 14, 1980, 94 Stat. 1960.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title I (§ 101 et seq.) of Pub. L. 96–254, May 30, 1980, 94 Stat. 399, as amended, known as the Rock Island Railroad Transition and Employee Assistance Act, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 1001 of this title and Tables.

AMENDMENTS

1980—Par. (5). Pub. L. 96–448 inserted '', the estate of such Company in its reorganization proceeding, or the trustee appointed in such proceeding'' after ''Railroad Company''. The amendment was executed by inserting amendatory text preceding the semicolon instead of the period at end of par. (5) as directed to reflect the probable intent of Congress, in view of par. (5) being enacted without a closing period.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–448 effective Oct. 14, 1980, see section 710(d) of Pub. L. 96–448, set out as a note under section 1170 of Title 11, Bankruptcy.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104–88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of Title 49.

§ 1003. Service continuation

(a) Situations requiring directed service; time period

Notwithstanding the provisions of Public Law 96–131, the Commission shall order directed service for a period of not to exceed 90 days over any line of the Rock Island Railroad if the Secretary finds and certifies to the Commission that—

(1) a lack of rail service exists which cannot be resolved by a grant of interim operating authority over such line and grains or foods are ready to be shipped to market; or

(2) a lack of rail service exists which cannot be resolved by a grant of interim operating authority over such line and a rail carrier, shipper, State, or other interested party has expressed in writing to the Secretary an interest in purchasing, leasing, or rehabilitating the particular rail line or facility for purposes of providing rail services, and there is a reasonable expectation that such transaction will be consummated.

(b) Availability of funds

(1) Not more than $15,000,000 of the funds available for expenditure by the Secretary out of the Railroad Rehabilitation and Improvement Fund established under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) may be made available by the Secretary to the Commission for purposes of providing directed service under this section and section 916(b)[1] of this title.

(2) Funds may be made available for directed service under this section without regard to the findings of the Secretary required under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 [45 U.S.C. 821 et seq.], and section 516 of such Act (45 U.S.C. 836) shall not apply to any directed service provided with such funds.

(c) Continuation of compensation terms for trackage rights, joint facilities, etc.

The terms of compensation for all trackage rights, joint facilities, and similar arrangements between other rail carriers and the trustee of the Rock Island Railroad which are in effect on or after March 15, 1980, on portions of the lines of the Rock Island Railroad involved in temporary emergency operations shall be continued in effect during the duration of the temporary emergency operating authority with the carrier providing temporary emergency service substituting for the trustee, except where the Rock Island Railroad has been given more favorable treatment by virtue of its bankruptcy. Such continuation shall not alter or affect the ultimate rights of other rail carriers under trackage rights, joint facilities, or similar arrangements nor prejudice the ultimate determination of any controversy or proceeding concerning rights of the parties with regard to assignment by the trustee of rights in or to the facilities or under the arrangements.

(Pub. L. 96–254, title I, § 104, May 30, 1980, 94 Stat. 400; Pub. L. 104–88, title III, § 329(1), Dec. 29, 1995, 109 Stat. 952.)

REFERENCES IN TEXT

Public Law 96–131, referred to in subsec. (a), is Pub. L. 96–131, Nov. 30, 1979, 93 Stat. 1023, known as the Department of Transportation and Related Agencies Appropriation Act, 1980, which enacted provisions set out as notes under former section 851 of this title, section 92 of Title 14, Coast Guard, and section 106 and former section 10344 of Title 49, Transportation. For complete classification of this Act to the Code, see Tables.

The Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsec. (b), is Pub. L. 94–210,

[1] See References in Text note below.

Feb. 5, 1976, 90 Stat. 31, as amended. Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is classified generally to subchapter II (§ 821 et seq.) of chapter 17 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 801 of this title and Tables.

Section 916(b) of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 104–88, title III, § 328, Dec. 29, 1995, 109 Stat. 952.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–88 substituted ''the provisions of Public Law 96–131'' for ''the provisions of section 11125 of title 49 or Public Law 96–131''.

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 701 of Title 49, Transportation.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104–88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of Title 49.

§ 1004. Railroad hiring

(a) Each person who is an employee of the Rock Island Railroad on August 1, 1979, and who, prior to January 1, 1984, is separated or furloughed (other than for cause) from his employment with such railroad, or from his employment with another rail carrier providing temporary service over lines of the Rock Island Railroad, as a result of a reduction of service by such railroad or such temporary service carrier shall, unless found to be less qualified than other applicants, have the first right of hire by any other rail carrier that is subject to regulation by the Commission for any vacancy that is not covered by (1) an affirmative action plan, or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulations, or Executive order, or by the order of a Federal or State court or agency, or (2) a permissible voluntary affirmative action plan. For purposes of this section, a rail carrier shall not be considered to be hiring new employees when it recalls any of its own furloughed employees.

(b) The rights afforded to Rock Island Railroad employees by this section shall be coequal to the rights afforded to Chicago, Milwaukee, Saint Paul and Pacific Railroad Company employees by section 907 of this title.

(Pub. L. 96–254, title I, § 105, May 30, 1980, 94 Stat. 400; Pub. L. 97–468, title II, § 236(b), Jan. 14, 1983, 96 Stat. 2547.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–468 substituted ''January 1, 1984'' for ''January 1, 1981''.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104–88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of Title 49.

EXEMPTION OF NATIONAL RAILROAD PASSENGER CORPORATION IN HIRING QUALIFIED TRAIN AND ENGINE EMPLOYEES

Section inapplicable to National Railroad Passenger Corporation in hiring of qualified train and engine employees holding seniority rights to work in intercity rail passenger service in connection with the assumption by such Corporation of functions previously performed under contract by other carriers, see section 4011(c) of Pub. L. 99–272, set out as a note under section 797b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 797b, 797c of this title.

§ 1005. Employee protection agreement

(a) Authorization; time for agreement; use of funds

The Secretary and the representatives of the various classes and crafts of employees of the Rock Island Railroad shall, not later than 90 days after January 14, 1983, enter into an agreement providing protection for employees of the Rock Island Railroad who are adversely affected as a result of a reduction in service by such Railroad. Such agreement may provide for the use of funds described in subsection (c) of this section for the following purposes:

(1) Subsistence allowances to employees.

(2) Moving expenses for employees who must make a change in residence.

(3) Retraining expenses for employees who are seeking employment in new areas.

(4) Separation allowances for employees.

(5) Health and welfare insurance premiums.

(6) Such other purposes as may be agreed upon by the parties.

(b) Failure to reach agreement; benefit schedule

If the parties are unable to reach agreement within the time period specified in subsection (a) of this section, the Secretary shall, within 30 days after the expiration of such time period, prescribe a schedule of benefits for employee protection not inconsistent with the provisions of this chapter.

(c) Limitations on funds

Any agreement entered into under subsection (a) of this section, and any benefit schedule prescribed under subsection (b) of this section, shall not require the expenditure of funds in excess of amounts authorized to be appropriated under section 727(f)(1)(C) of this title, nor shall any individual employee receive benefits in excess of $20,000 under such agreement or benefit schedule. No benefits or assistance may be provided under any agreement entered into or benefit schedule prescribed under this section after April 1, 1984.

(d) Administration of funds; promulgation of regulations

The Board shall, in such manner as it shall prescribe by regulation, administer the distribu-

tion of funds under any agreement entered into or benefit schedule prescribed under this section, and shall determine the amount for which each employee is eligible under such agreement or benefit schedule. Such regulation shall include procedures to resolve by final and binding arbitration any dispute over an employee's eligibility or claim.

(Pub. L. 96–254, title I, § 106, May 30, 1980, 94 Stat. 401; Pub. L. 96–448, title VII, § 701(b)(1), Oct. 14, 1980, 94 Stat. 1959; Pub. L. 97–468, title II, § 231, Jan. 14, 1983, 96 Stat. 2546.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original ''this Act'', which probably was meant to be a reference to ''this title'', meaning title I (§ 101 et seq.) of Pub. L. 96–254, May 30, 1980, 94 Stat. 399, as amended, known as the Rock Island Railroad Transition and Employee Assistance Act, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Prior to the general amendment of section 106 of Pub. L. 96–254 by Pub. L. 97–468, section was comprised of subsecs. (a) to (e) of section 106 of Pub. L. 96–254, and subsec. (f) of section 106 amended section 231f(b)(7) of this title.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–468 substituted provisions relating to an agreement between the Secretary and the employees for provisions relating to an agreement between the Rock Island Railroad and the employees.

Subsec. (b). Pub. L. 97–468 substituted provisions relating to the prescription of benefits by the Secretary if no agreement is reached with the employees, for provisions relating to imposition of agreement by the Interstate Commerce Commission if none was reached between the Rock Island Railroad and the employees.

Subsec. (c). Pub. L. 97–468 added subsec. (c). Former subsec. (c), which related to direction to the bankruptcy trustee to carry out the agreement between the Rock Island Railroad and the employees, was struck out.

Subsec. (d). Pub. L. 97–468 added subsec. (d). Former subsec. (d), which prescribed conditions for appeals from orders of the Commission or bankruptcy court, limiting them to the Seventh Circuit Court of Appeals, was struck out.

Subsec. (e). Pub. L. 97–468 struck out subsec. (e) which related to prescription of regulations by the Board for the filing and payment of benefits and allowances.

1980—Subsec. (a). Pub. L. 96–448 substituted ''5 days after October 14, 1980'' for ''10 days after May 30, 1980''.

Subsec. (b). Pub. L. 96–448 substituted ''5 days after October 14, 1980'' for ''10 days after May 30, 1980'' and ''15 days after October 14, 1980'' for ''30 days after May 30, 1980''.

Subsec. (c). Pub. L. 96–448 reenacted subsec. (c) without change.

Subsec. (d). Pub. L. 96–448 substituted provision that any order of the Commission or bankruptcy court be appealed only to the United States Court of Appeals for the Seventh Circuit for provision that an order of the Commission not be stayed by the Commission or any other court, an order by the bankruptcy court not be stayed by any other court, appeals of Commission or bankruptcy court orders only be made to the court of appeals of the United States having jurisdiction to review decisions and orders of the bankruptcy court, and no determinations of the court of appeals be review in any other court.

Subsec. (e). Pub. L. 96–448 reenacted subsec. (e) without change.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–448 effective Oct. 14, 1980, see section 710(d) of Pub. L. 96–448, set out as a note under section 1170 of Title 11, Bankruptcy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 727, 1007, 1012, 1014, 1018 of this title.

§ 1006. Repealed. Pub. L. 97–35, title XI, § 1144(b), Aug. 13, 1981, 95 Stat. 669

Section, Pub. L. 96–254, title I, § 107, May 30, 1980, 94 Stat. 402, set forth provisions respecting employment of Rock Island Railroad employees. See section 797c of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 13, 1981, see section 1169 of Pub. L. 97–35, set out as an Effective Date note under section 1101 of this title.

§ 1007. Election

(a) Assistance received under employee protection agreement; waiver of other employee protection benefits; exception

Any employee who receives any assistance under an employee protection agreement entered into or benefit schedule prescribed under section 1005 of this title or any new career training assistance under section 1014 of this title shall be deemed to waive any employee protection benefits otherwise available to such employee under the Bankruptcy Act, subtitle IV of title 49 or any applicable contract or agreement (other than as provided in the agreement entered into in Washington, District of Columbia, on March 4, 1980, entitled ''Labor Protective Agreement Between Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives' Association).

(b) Filing of statement

Any employee of the Rock Island Railroad who is entitled to receive assistance under this chapter shall, no later than 120 days after the effective date of any agreement entered into under section 1005(a) of this title or of any benefit schedule prescribed under section 1005(b) of this title, as the case may be, file a statement with the Board indicating whether such employee elects to receive (1) assistance under this chapter; or (2) any employee protection benefits otherwise available to such employee under the Bankruptcy Act, subtitle IV of title 49, or any applicable contract or agreement.

(c) Effect on priority, timing, etc., of employee protection payments

With regard to any employee who elects benefits under subsection (b)(2) of this section, nothing in this chapter shall be deemed to determine or otherwise affect the priority, status, or timing of payment of, or the liability for any claim for, employee protection which might have existed in the absence of this chapter.

(d) Limitation on assistance eligibility

An employee shall not be eligible to receive any assistance (other than moving expenses) under an employee protection agreement en-

tered into or benefit schedule prescribed under section 1005 of this title or any new career training assistance under section 1014 of this title—

(1) during any period in which such employee is employed by any rail carrier providing temporary service over any lines of the Rock Island Railroad; or

(2) at any time after the date such employee receives an offer of employment, in his craft and for which such employee is qualified, from a rail carrier acquiring lines of the Rock Island Railroad.

(Pub. L. 96–254, title I, § 108, May 30, 1980, 94 Stat. 402; Pub. L. 96–448, title VII, § 701(b)(2), Oct. 14, 1980, 94 Stat. 1960; Pub. L. 97–468, title II, § 232, Jan. 14, 1983, 96 Stat. 2547.)

REFERENCES IN TEXT

The Bankruptcy Act, referred to in subsecs. (a) and (b), is act July 1, 1898, ch. 541, 30 Stat. 544, as amended, which was classified generally to former Title 11, Bankruptcy. The Act was repealed effective Oct. 1, 1979, by Pub. L. 95–598, §§ 401(a), 402(a), Nov. 6, 1978, 92 Stat. 2682, section 101 of which enacted revised Title 11. For current provisions relating to railroad reorganization, see subchapter IV (§ 1161 et seq.) of chapter 11 of Title 11.

This chapter, referred to in subsecs. (b) and (c), was in the original ''this title'', meaning title I (§ 101 et seq.) of Pub. L. 96–254, May 30, 1980, 94 Stat. 399, as amended, known as the Rock Island Railroad Transition and Employee Assistance Act, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 1001 of this title and Tables.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–468, § 232(1), substituted ''entered into or benefit schedule prescribed'' for ''or arrangement entered into''.

Subsec. (b). Pub. L. 97–468, § 232(2), substituted ''120 days after the effective date of any agreement entered into under section 1005(a) of this title or of any benefit schedule prescribed under section 1005(b) of this title, as the case may be'' for ''April 1, 1981''.

Subsec. (d). Pub. L. 97–468, § 232(1), substituted ''entered into or benefit schedule prescribed'' for ''or arrangement entered into''.

1980—Subsec. (a). Pub. L. 96–448 inserted reference to the agreement entered into in Washington on Mar. 4, 1980, and included the title of the agreement.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–448 effective Oct. 14, 1980, see section 710(d) of Pub. L. 96–448, set out as a note under section 1170 of Title 11, Bankruptcy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1012 of this title.

§ 1008. Repealed. Pub. L. 97–468, title II, § 234(a), Jan. 14, 1983, 96 Stat. 2547

Section, Pub. L. 96–254, title I, § 110, May 30, 1980, 94 Stat. 403; Pub. L. 96–448, title VII, § 701(a)(2), Oct. 14, 1980, 94 Stat. 1959, related to authorization, etc., for obligation guarantees.

§ 1009. Expedited proceedings

(a) The Commission shall give all proceedings involving the Rock Island Railroad preference over all other pending proceedings related to rail carriers and make all of its decisions at the earliest practicable time.

(b) The Commission shall, within 100 days of the filing of an application (or such shorter period as the court may set) pursuant to section 915 of this title, reach a decision on all proceedings filed after January 1, 1980, which involve a sale, transfer or lease of any line of the Rock Island Railroad to a solvent carrier.

(Pub. L. 96–254, title I, § 111, May 30, 1980, 94 Stat. 404.)

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104–88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of Title 49.

§ 1010. Applicability of National Environmental Policy Act and section 6362(b) of title 42

The provisions of the National Environmental Policy Act [42 U.S.C. 4321 et seq.] and section 6362(b) of title 42 shall not apply to transactions carried out pursuant to this chapter.

(Pub. L. 96–254, title I, § 113, May 30, 1980, 94 Stat. 405.)

REFERENCES IN TEXT

The National Environmental Policy Act, referred to in text, probably means the National Environmental Policy Act of 1969, Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

This chapter, referred to in text, was in the original ''this title'', meaning title I (§ 101 et seq.) of Pub. L. 96–254, May 30, 1980, 94 Stat. 399, as amended, known as the Rock Island Railroad Transition and Employee Assistance Act, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 1001 of this title and Tables.

§ 1011. Authority of Railroad Retirement Board

(a) The Board may prescribe such regulations as may be necessary to carry out its duties under this chapter.

(b) In carrying out its duties under this chapter, the Board may exercise such of the powers, duties, and remedies provided in subsections (a), (b), and (d) of section 362 of this title as are not inconsistent with the provisions of this chapter.

(Pub. L. 96–254, title I, § 114, May 30, 1980, 94 Stat. 405.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title I (§ 101 et seq.) of Pub. L. 96–254, May 30, 1980, 94 Stat. 399, as amended, known as the Rock Island Railroad Transition and Employee Assistance Act, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 1001 of this title and Tables.

§ 1012. Publications and reports

Within 45 days after May 30, 1980, the Board shall publish, and make available for distribu-

tion by the Rock Island Railroad to all eligible employees, a document which describes in detail the rights of such employees under sections 1005, 1006,[1] 1007, and 1014 of this title.

(Pub. L. 96–254, title I, § 115, May 30, 1980, 94 Stat. 405.)

REFERENCES IN TEXT

Section 1006 of this title, referred to in text, was repealed by Pub. L. 97–35, title XI, § 1144(b), Aug. 13, 1981, 95 Stat. 669.

§ 1013. Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379

Section, Pub. L. 96–254, title I, § 117, May 30, 1980, 94 Stat. 406, authorized Secretary of Transportation to exempt from requirements of the Safety Appliance Acts any railroad equipment when such requirements preclude development or implementation of more efficient railroad transportation equipment or other transportation innovations. See section 20306 of Title 49, Transportation.

§ 1014. New career training assistance

(a) Eligible employees

An employee who elects to receive a separation allowance under an employee protection agreement entered into or a benefit schedule prescribed under section 1005 of this title may, if so provided under such agreement or benefit schedule, receive from the Board reasonable expenses for training in qualified institutions for new career opportunities.

(b) Conditions for assistance

To be eligible for assistance under this section, an employee—

(1) must first exhaust any Federal educational benefits available to such employee under any existing program; and

(2) must begin his course of training within 2 years following the date of such employee's separation from employment with the Rock Island Railroad.

(c) Determination of reasonable expenses by Board

Reasonable expenses for assistance under this section shall be determined by the Board on the basis of an application therefor filed by an employee with the Board.

(d) Assistance prohibited after April 1, 1984

No assistance may be provided under this section after April 1, 1984.

(e) Definitions

As used in this section—

(1) the term ''expenses'' means actual, reasonable expenses paid for room, board, tuition, fees, or educational material in an amount not to exceed $3,000; and

(2) the term ''qualified institution'' means an educational institution accredited for payment by the Veterans' Administration under chapter 36 of title 38, or a State-accredited institution which has been in existence for not less than 2 years.

(Pub. L. 96–254, title I, § 119(a)–(e), May 30, 1980, 94 Stat. 408; Pub. L. 97–468, title II, § 233, Jan. 14, 1983, 96 Stat. 2547.)

[1] See References in Text note below.

CODIFICATION

Section is comprised of subsecs. (a) to (e) of section 119 of Pub. L. 96–254. Subsec. (f) of section 119 amended section 911 of this title.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–468 substituted ''under an employee protection agreement entered into or a benefit schedule prescribed under section 1005 of this title may, if so provided under such agreement or benefit schedule,'' for ''from the Rock Island Railroad under an employee protection agreement or arrangement entered into under section 1005 of this title may''.

CHANGE OF NAME

Reference to Veterans' Administration deemed to refer to Department of Veterans Affairs pursuant to section 10 of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1007, 1012 of this title.

§ 1015. Repealed. Pub. L. 104–88, title III, § 329(2), Dec. 29, 1995, 109 Stat. 952

Section, Pub. L. 96–254, title I, § 120, May 30, 1980, 94 Stat. 408; Pub. L. 97–216, title I, § 101, July 18, 1982, 96 Stat. 188, related to Interstate Commerce Commission ordering directed service over passenger commuter railroad lines that were in operation on Mar. 1, 1980, and had ceased to be in operation.

EFFECTIVE DATE OF REPEAL

Repeal 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 701 of Title 49, Transportation.

§ 1016. Temporary rail banking

During the 180-day period beginning on May 30, 1980, no rail line or facility of the Rock Island Railroad which has been approved for abandonment by the Commission or the bankruptcy court may be downgraded, scrapped, or otherwise disposed of without the approval of the Secretary under this section. In no case before abandonment has been approved and before the 180-day period has elapsed shall the Secretary approve a disposition of such portion of the rail line or related facility to any carrier or other entity not engaged in providing railroad services or not formed for the purpose of providing railroad services. The Secretary, upon application by the Rock Island Railroad, shall grant such approval unless he finds that—

(1) a rail carrier, shipper, State, or other interested party has expressed in writing an interest in purchasing, leasing or rehabilitating the particular rail line or facility for purposes of providing rail service; and

(2) there is a reasonable expectation that such purchase transaction will be consummated.

(Pub. L. 96–254, title I, § 121, May 30, 1980, 94 Stat. 409.)

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49,

Transportation, and section 101 of Pub. L. 104–88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of Title 49.

§ 1017. Temporary operating approval

(a) Use of tracks and facilities by other rail carriers; terms of compensation; continuation of service

The Commission may authorize any rail carrier willing to do so voluntarily to use the tracks and facilities of a carrier which, on January 14, 1983, was the subject of a proceeding pending under section 77 of the Bankruptcy Act or under subchapter IV of chapter 11 of title 11. The use of such tracks and facilities shall be under such terms of compensation as the carriers establish between themselves, or if the carriers are unable to agree, under such terms of compensation as the Commission finds to be reasonable. The Commission shall have authority to authorize continued rail service under this section over the lines of any such carrier which has been ordered by the court having jurisdiction over such a carrier to liquidate its properties until the disposition of the properties of the estate of such carrier.

(b) Use of employees

In carrying out the provisions of this section, the Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with the traffic subject to the action of the Commission.

(Pub. L. 96–254, title I, § 122, May 30, 1980, 94 Stat. 409; Pub. L. 97–130, § 5(a), Dec. 29, 1981, 95 Stat. 1690; Pub. L. 97–468, title II, § 214, Jan. 14, 1983, 96 Stat. 2545.)

REFERENCES IN TEXT

Section 77 of the Bankruptcy Act, referred to in subsec. (a), was classified to section 205 of former Title 11, Bankruptcy. The Bankruptcy Act (act July 1, 1898, ch. 541, 30 Stat. 544, as amended) was repealed effective Oct. 1, 1979, by Pub. L. 95–598, §§ 401(a), 402(a), Nov. 6, 1978, 92 Stat. 2682, section 101 of which enacted revised Title 11. For current provisions relating to railroad reorganization, see subchapter IV (§ 1161 et seq.) of chapter 11 of Title 11.

AMENDMENTS

1983—Subsec. (a). Pub. L. 97–468, § 214(a), substituted "a carrier which, on January 14, 1983, was the subject of a proceeding pending under section 77 of the Bankruptcy Act or under subchapter IV of chapter 11 of title 11" for "the Rock Island Railroad or the Milwaukee Railroad", and in last sentence substituted "any such carrier which has been ordered by the court having jurisdiction over such a carrier to liquidate its properties until the disposition of the properties of the estate of such carrier" for "the Rock Island Railroad until the disposition of the properties of the estate of the Rock Island Railroad".

Subsec. (c). Pub. L. 97–468, § 214(b), struck out subsec. (c) which defined "Milwaukee Railroad".

1981—Subsec. (a). Pub. L. 97–130 gave the Commission authority to authorize continued rail service under this section over the lines of the Rock Island Railroad until the disposition of the properties of the estate of the Rock Island Railroad.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of Title 49, Transportation, and section 101 of Pub. L. 104–88, set out as a note under section 701 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of Title 49.

TERMINATION OF APPLICABILITY OF AMENDMENT TO INTERSTATE COMMERCE SERVICE ORDER 1498 ON MAY 15, 1982

Section 5(b) of Pub. L. 97–130 provided that: "The applicability of the amendment made by subsection (a) [amending subsec. (a) of this section] to Interstate Commerce Commission Service Order 1498 shall expire at the end of May 15, 1982."

§ 1018. Judicial review

(a) Appeals

Notwithstanding any other provision of law, any appeal from—

(1) any decision of the bankruptcy court with respect to the constitutionality of any provision of this chapter; and

(2) any decision of the court having jurisdiction over the reorganization of the Milwaukee Railroad with respect to the constitutionality of the Milwaukee Railroad Restructuring Act (45 U.S.C. 901 et seq.),

shall be taken to the United States Court of Appeals for the Seventh Circuit.

(b) Appellate proceedings

If appeals are taken from decisions described in subsection (a) of this section involving section 1005 or 1008[1] of this title or section 9 or 15 of the Milwaukee Railroad Restructuring Act [45 U.S.C. 908 or 915], the court of appeals shall determine such appeals in a consolidated proceeding, sitting en banc.

(c) Action in United States Court of Claims

Nothing in this chapter or in the Milwaukee Railroad Restructuring Act (45 U.S.C. 901 et seq.) shall limit the right of any person to commence an action in the United States Court of Claims[1] under section 1491 of title 28 (commonly referred to as the Tucker Act).

(Pub. L. 96–254, title I, § 124, as added Pub. L. 96–448, title VII, § 701(a)(1), Oct. 14, 1980, 94 Stat. 1959; amended Pub. L. 98–620, title IV, § 402(49), Nov. 8, 1984, 98 Stat. 3361.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (c), was in the original "this title", meaning title I (§ 101 et seq.) of Pub. L. 96–254, May 30, 1980, 94 Stat. 399, as amended, known as the Rock Island Railroad Transition and Employee Assistance Act, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Milwaukee Railroad Restructuring Act, referred to in subsecs. (a)(2) and (c), is Pub. L. 96–101, Nov. 4, 1979, 93 Stat. 736, as amended, which is classified prin-

[1] See References in Text note below.

cipally to chapter 18 (§ 901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 901 of this title and Tables.

Section 1008 of this title, referred to in subsec. (b), was repealed by Pub. L. 97–468, title II, § 234(a), Jan. 14, 1983, 96 Stat. 2547.

The United States Court of Claims, referred to in subsec. (c), and the United States Court of Customs and Patent Appeals were merged effective Oct. 1, 1982, into a new United States Court of Appeals for the Federal Circuit by Pub. L. 97–164, Apr. 2, 1982, 96 Stat. 25, which also created a United States Claims Court [now United States Court of Federal Claims] that inherited the trial jurisdiction of the Court of Claims. See sections 48, 171 et seq., 791 et seq., and 1491 et seq. of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98–620 struck out provision requiring the court to render a final decision no later than 60 days after the filing of the last such appeal.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98–620, set out as a note under section 1657 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective Oct. 14, 1980, see section 710(d) of Pub. L. 96–448, set out as an Effective Date of 1980 Amendment note under section 1170 of Title 11, Bankruptcy.

CHAPTER 20—NORTHEAST RAIL SERVICE

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§ 1101. Congressional findings and declarations

The Congress finds and declares that—

(1) the processes set in motion by the Regional Rail Reorganization Act of 1973 [45 U.S.C. 701 et seq.] have failed to create a self-sustaining railroad system in the Northeast region of the United States and have cost United States taxpayers many billions of dollars over original estimates;

(2) current arrangements for the provision of rail freight and commuter service in the Northeast and Midwest regions of the United States are inadequate to meet the transportation needs of the public and the needs of national security;

(3) although the Federal Government has provided billions of dollars in assistance for Conrail and its employees, the Federal interest in ensuring the flow of interstate commerce through rail service in the private sector has not been achieved, and the protection of interstate commerce requires Federal intervention to preserve essential rail service in the private sector;

(4) the provisions for protection of employees of bankrupt railroads contained in the Regional Rail Reorganization Act of 1973 [45 U.S.C. 701 et seq.] have resulted in the payment of benefits far in excess of levels anticipated at the time of enactment, have imposed an excessive fiscal burden on the Federal taxpayer, and are now an obstacle to the establishment of improved rail service and continued rail employment in the Northeast region of the United States; and

(5) since holding Conrail liable for employee protection payments would destroy its prospects of becoming a profitable carrier and further injure its employees, an alternative employee protection system must be developed and funded.

(Pub. L. 97–35, title XI, § 1132, Aug. 13, 1981, 95 Stat. 644.)

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in pars. (1) and (4), is Pub. L. 93–236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§ 701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

EFFECTIVE DATE

Section 1169 of subtitle E (§§ 1131–1169) of title XI of Pub. L. 97–35 provided that: ''Except as otherwise provided, the provisions of and the amendments made by this subtitle [see Short Title note set out below] shall take effect on the date of the enactment of this subtitle [Aug. 13, 1981].''

SHORT TITLE

Section 1131 of subtitle E (§§ 1131–1169) of title XI of Pub. L. 97–35 provided that: ''This subtitle [enacting this chapter, and sections 159a, 581 to 590, 727 to 729, 744a, 748, 761 to 769c, and 797 to 797m of this title,