

## **RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976**

[Public Law 94-210]

[As Amended Through P.L. 117–58, Enacted November 15, 2021]

【Currency: This publication is a compilation of the text of Public Law 94-210. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities, and rehabilitation and improvement financing, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, divided into titles and sections according to the following table of contents, may be cited as the “Railroad Revitalization and Regulatory Reform Act of 1976”:

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<sup>2</sup>Public Law 95-374 repealed sections 305 and 312 without repealing the items relating to those sections in the table of contents.

<sup>3</sup>All items in the table of contents relating to title V should probably be struck. See amendment made by section 21301(b)(1)(A) of division B. of Public Law 117-58.

<sup>4</sup>Sections 701-706(a), (c)-(i), 707, 803, 808, 901-904 were repealed by P.L. 103-272 without repealing the corresponding items in the table of contents.

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## TITLE I—GENERAL PROVISIONS

## DECLARATION OF POLICY

SEC. 101. (a) PURPOSE.—The purpose of this Act and chapter 224 of title 49, United States Code, is to provide the means to rehabilitate and maintain the physical facilities, improve the operations and structure, and restore the financial stability of the railway system of the United States, and to promote the revitalization of such railway system, so that this mode of transportation will remain viable in the private sector of the economy and will be able to provide energy-efficient, ecologically compatible transportation services with greater efficiency, effectiveness, and economy, through—

- (1) ratemaking and regulatory reform;
- (2) the encouragement of efforts to restructure the system on a more economically justified basis, including planning authority in the Secretary of Transportation, an expedited procedure for determining whether merger and consolidation applications are in the public interest, and continuing reorganization authority;
- (3) financing mechanisms that will assure adequate rehabilitation and improvement of facilities and equipment, implementation of the final system plan, and implementation of the Northeast Corridor project;
- (4) transitional continuation of service on light-density rail lines that are necessary to continued employment and community well-being throughout the United States;
- (5) auditing, accounting, reporting, and other requirements to protect Federal funds and to assure repayment of loans and financial responsibility; and
- (6) necessary studies.

(b) POLICY.—The policy of this Act and chapter 224 of title 49, United States Code, is to—

- (1) balance the needs of carriers, shippers, and the public;
- (2) foster competition among all carriers by railroad and other modes of transportation, to promote more adequate and efficient transportation services, and to increase the attractiveness of investing in railroads and rail-service-related enterprises;
- (3) permit railroads greater freedom to raise or lower rates for rail services in competitive markets;
- (4) promote the establishment of railroad rate structures which are more sensitive to changes in the level of seasonal, regional, and shipper demand;

(5) promote separate pricing of distinct rail and rail-related services;

(6) formulate standards and guidelines for determining adequate revenue levels for railroads; and

(7) modernize and clarify the functions of railroad rate bureaus.

【45 U.S.C. 801】

#### DEFINITIONS

SEC. 102. As used in this Act, unless the context otherwise indicates, the term—

(1) “Association” means the United States Railway Association;

(2) “Commission” means the Interstate Commerce Commission;

(3) “Corporation” means the Consolidated Rail Corporation;

(4) “final system plan” means the final system plan and any additions thereto adopted by the Association pursuant to the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.);

(5) “includes” and variants thereof should be read as if the phrase “but is not limited to” were also set forth;

(6) “Office” means the Rail Services Planning Office of the Commission;

(7) “railroad” has the meaning given that term in section 20102 of title 49, United States Code; and

(8) “Secretary” means the Secretary of Transportation or his designated representative.

【45 U.S.C. 802】

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【Titles II, III, and IV are omitted because they consist entirely of sections making amendments to other laws in this compilation or obsolete policy.】

#### TITLE V—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING<sup>5</sup>

【Titles VI and VII are omitted because they consist of sections making amendments to other laws in this compilation.】

【Titles VIII and IX, except for section 809, are omitted because they consist of sections making amendments to other laws in this compilation.】

#### TITLE VIII—LOCAL RAIL SERVICE CONTINUATION

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<sup>5</sup>Sections 501–504 of title V were repealed by section 21301(b)(1)(A) of division B of Public Law 117-58 after the text of such sections were moved to sections 22401 through 22404 of title 49, United States Code by subsection (a) of such section 21301. The heading of title V of this Act remains in law, however, it probably should have been struck.

## CONVERSION OF ABANDONED RAILROAD RIGHTS-OF-WAY

SEC. 809. (a) STUDY.—The Secretary shall, within 360 days after the date of enactment of this Act, and in consultation with the Secretary of the Interior, the Office, the Association, the Environmental Protection Agency, any other appropriate Federal agency, any appropriate State and regional transportation agency, any other appropriate State and local governmental entities, and any appropriate private groups and individuals, prepare and submit to the Congress and the President a report on the conversion of railroad rights-of-way. This report shall evaluate and make suggestions concerning potential alternate uses of, and public policy with respect to the conversion of, railroad rights-of-way on which service has been discontinued or is likely to be discontinued. This report shall include—

(1) an inventory statement developed by the Secretary as to all railroad rights-of-way abandoned since 1970 and significant segments of such rights-of-way which retain their linear characteristics, including, as to each, identification of the owner of record and an evaluation of its topography, characteristics, condition, approximate value, and alternate use suitability;

(2) an evaluation of the advantages of establishing a rail bank consisting of selected such rights-of-way, as a means of assuring their availability for potential railroad use in the future, a discussion of interim uses for such rights-of-way, the development of conveyancing and leasing forms, conditions, and practices to assure such availability, a projection as to the costs of such a program, and recommendations regarding the administration of such a program;

(3) a survey of existing Federal, State, and local programs utilizing or attempting to utilize abandoned railroad rights-of-way for public purposes, including an assessment of the benefits and costs of each; and

(4) an assessment and evaluation of suggestions for more effective public utilization of abandoned railroad rights-of-way, including recommendations for legislative, administrative, and regulatory action, if any, and proposals as to the optimum level of funding therefor.

(b) INFORMATION AND FUNDING.—The Secretary of the Interior, after consultation with the Secretary, shall, in accordance with this subsection, provide financial, educational, and technical assistance to local, State, and Federal governmental entities for programs involving the conversion of abandoned railroad rights-of-way to recreational and conservational uses, in such manner as to coordinate and accelerate such conversion, where appropriate. Such assistance shall include—

(1) encouraging and facilitating exchanges of information dealing with the availability of railroad rights-of-way, the technology involved in converting such properties to such public purposes, and related matters;

(2) making grants, in consultation with the Bureau of Outdoor Recreation of the Department of the Interior, to State and local governmental entities to enable them to plan, acquire,

and develop recreational or conservational facilities on abandoned railroad rights-of-way, which grants shall cover not more than 90 percent of the cost of the planning, acquisition, or development activity of the particular project for which funds are sought;

(3) allocating funds to other Federal programs concerned with recreation or conservation in order to enable abandoned railroad rights-of-way, where appropriate, to be included in or made into national parks, national trails, national recreational areas, wildlife refuges, or other national areas dedicated to recreational or conservational uses; and

(4) providing technical assistance to other Federal agencies, States, local agencies, and private groups for the purpose of enhancing conversion projects. To increase the available information and expertise, the Secretary may contract for special studies or projects and may otherwise collect, evaluate, and disseminate information dealing with the utilization of such rights-of-way.

(c) CONFORMING AMENDMENT.—**[Omitted.]**

(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out the provisions of this section, not to exceed \$6,000,000 for the fiscal year and the transitional fiscal period ending September 30, 1976, not to exceed \$7,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$7,000,000 for the fiscal year ending September 30, 1978. Sums appropriated pursuant to this authorization are authorized to remain available until expended. Of the funds appropriated, at least four-fifths are to be made available to the Secretary of the Interior to carry out subsection (b) of this section.

(2) There are authorized to be appropriated, for the purposes of carrying out the provisions of subsection (b)(2) of this section, not to exceed an aggregate amount of \$10,000,000 for the fiscal years 1981, 1982, and 1983. Such sums are authorized to remain available until expended. Notwithstanding the provisions of subsection (b)(2) of this section, the Federal share for each grant made from the funds authorized to be appropriated pursuant to this paragraph may not exceed 80 percent of the total cost of any project.

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