

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 895.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 22102 | 49 App.:1654(a). | Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §5(a); added Feb. 5, 1976, Pub. L. 94-210, §803, 90 Stat. 130; Nov. 8, 1978, Pub. L. 95-607, §§102-106(a), 107-109(a), 92 Stat. 3059, 3062; Oct. 12, 1979, Pub. L. 96-86, §115(b), 93 Stat. 662; Aug. 13, 1981, Pub. L. 97-35, §§1191, 1192, 95 Stat. 699; Jan. 14, 1983, Pub. L. 97-468, §501, 96 Stat. 2551; Apr. 7, 1986, Pub. L. 99-272, §4018, 100 Stat. 111; restated Dec. 11, 1989, Pub. L. 101-213, §2(a), (c), 103 Stat. 1843, 1844. |

In this section, before clause (1), the words “and the Secretary decides that” are substituted for “and the Secretary determines that such State meets or exceeds the requirements of paragraphs (1) through (4) of this subsection” to eliminate unnecessary words. In clauses (2) and (3), the word “authority” is substituted for “agency” for consistency in the revised title. In clause (2), the word “fair” is substituted for “equitable” for consistency in the revised title. In clause (3)(A), the words “is authorized” are substituted for “has authority and administrative jurisdiction” to eliminate unnecessary words. In clause (3)(B), the words “directly or indirectly” are omitted as surplus. In clause (4), the word “adopt” is omitted as being included in “maintain”.

§ 22103. Applications

(a) FILING.—A State must file an application with the Secretary of Transportation for financial assistance for a project described under section 22101(a) of this title not later than January 1 of the fiscal year for which amounts have been appropriated. However, for a fiscal year for which the authorization of appropriations for assistance under this chapter has not been enacted by the first day of the fiscal year, the State must file the application not later than 90 days after the date of enactment of a law authorizing the appropriations for that fiscal year. The Secretary shall prescribe the form of the application.

(b) CONSIDERATIONS.—In considering an application under this subsection, the Secretary shall consider the following:

- (1) the percentage of rail lines that rail carriers have identified to the Surface Transportation Board for abandonment or potential abandonment in the State.
- (2) the likelihood of future abandonments in the State.
- (3) the ratio of benefits to costs for a proposed project calculated using the methodology established under section 22101(b) of this title.
- (4) the likelihood that the rail line will continue operating with assistance.
- (5) the impact of rail bankruptcies, rail restructuring, and rail mergers on the State.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 896; Pub. L. 104-88, title III, §308(f)(3), Dec. 29, 1995, 109 Stat. 947.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------------------|--|
| 22103(a) | 49 App.:1654(f) (1st sentence). | Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §5(f); added Feb. 5, 1976, Pub. L. 94-210, §803, 90 Stat. 130; Nov. 8, 1978, Pub. L. 95-607, §§102-106(a), 107-109(a), 92 Stat. 3059, 3062; Oct. 12, 1979, Pub. L. 96-86, §115(b), 93 Stat. 662; Aug. 13, 1981, Pub. L. 97-35, §§1191, 1192, 95 Stat. 699; Jan. 14, 1983, Pub. L. 97-468, §501, 96 Stat. 2551; Apr. 7, 1986, Pub. L. 99-272, §4018, 100 Stat. 111; restated Dec. 11, 1989, Pub. L. 101-213, §2(a), (c), 103 Stat. 1843, 1846. |
| 22103(b) | 49 App.:1654(f) (last sentence). | |

In subsection (a), the words “under this chapter” are added for clarity. The words “a law” are substituted for “legislation” for consistency in the revised title.

In subsection (b)(3), the words “established by the Secretary” are omitted as surplus.

In subsection (b)(5), the words “applying for assistance” are omitted as unnecessary because of the restatement.

Editorial Notes

AMENDMENTS

1995—Subsec. (b)(1). Pub. L. 104-88 substituted “Surface Transportation Board” for “Interstate Commerce Commission”.

Statutory Notes and Related Subsidiaries

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 1301 of this title.

§ 22104. State rail plan financing

(a) ENTITLEMENT AND USES.—On the first day of each fiscal year, each State is entitled to \$36,000 of the amounts made available under section 22108¹ of this title during that fiscal year to be used—

(1) to establish, update, revise, and modify the State plan required by section 22102 of this title; or

(2) to carry out projects described in section 22101(a)(1), (2), or (3) of this title, as designated by the State, if those projects meet the requirements of section 22101(c)(1)(B) of this title.

(b) APPLICATIONS.—Each State must apply for amounts under this section not later than the first day of the fiscal year for which the amounts are available. However, for any fiscal year for which the authorization of appropriations for financial assistance under this chapter has not been enacted by the first day of the fiscal year, the State must apply for amounts under this section not later than 60 days after the date of enactment of a law authorizing the appropriations for that fiscal year. Not later than 60 days after receiving an application, the Secretary of Transportation shall consider the application and notify the State of the approval or disapproval of the application.

¹ See References in Text note below.

(c) AVAILABILITY OF AMOUNTS.—Amounts provided under this section remain available to a State for obligation for the first 3 months after the end of the fiscal year for which the amounts were made available. Amounts not applied for under this section or that remain unobligated after the first 3 months after the end of the fiscal year for which the amounts were made available are available to the Secretary for projects meeting the requirements of this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 896.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 22104(a) | 49 App.:1654(g) (1st sentence). | Oct. 15, 1966, Pub. L. 89–670, 80 Stat. 931, §5(g); added Feb. 5, 1976, Pub. L. 94–210, §803, 90 Stat. 130; Nov. 8, 1978, Pub. L. 95–607, §§102–106(a), 107–109(a), 92 Stat. 3059, 3062; Oct. 12, 1979, Pub. L. 96–86, §115(b), 93 Stat. 662; Aug. 13, 1981, Pub. L. 97–35, §§1191, 1192, 95 Stat. 699; Jan. 14, 1983, Pub. L. 97–468, §501, 96 Stat. 2551; Apr. 7, 1986, Pub. L. 99–272, §4018, 100 Stat. 111; restated Dec. 11, 1989, Pub. L. 101–213, §2(a), (c), 103 Stat. 1843, 1846. |
| 22104(b) | 49 App.:1654(g) (2d, 3d sentences). | |
| 22104(c) | 49 App.:1654(g) (4th, last sentences). | |

In subsection (a)(1), the word “modify” is added for consistency with 49 App.:1654(a), restated in section 22102 of the revised title.

In subsection (b), the words “not later than the first day of the fiscal year for which the amounts are available” are substituted for “on or before the first day of the fiscal year” for clarity.

In subsection (c), the word “timely” is omitted as unnecessary. The words “the first 3 months after the end of the fiscal year for which the amounts were made available” are substituted for “the expiration of the period described in the previous sentence” for clarity.

Editorial Notes

REFERENCES IN TEXT

Section 22108 of this title, referred to in subsec. (a), was repealed by Pub. L. 114–94, div. A, title XI, §11301(c)(4), Dec. 4, 2015, 129 Stat. 1648.

§ 22105. Sharing project costs

(a) GENERAL.—(1) The United States Government’s share of the costs of financial assistance for a project under this chapter is 50 percent, except that for assistance provided under section 22101(a)(2) of this title, the Government’s share is 70 percent. The State may pay its share of the costs in cash or through the following benefits, to the extent that the benefits otherwise would not be provided:

(A) forgiveness of taxes imposed on a rail carrier or its property.

(B) real and tangible personal property (provided by the State or a person for the State) necessary for the safe and efficient operation of rail freight transportation.

(C) track rights secured by the State for a rail carrier.

(D) the cash equivalent of State salaries for State employees working on the State project, except overhead and general administrative costs.

(2) A State may pay more than its required percentage share of the costs of a project under this chapter. When a State, or a person acting for a State, pays more than the State share of the costs of its projects during a fiscal year, the excess amount shall be applied to the State share for the costs of the State projects for later fiscal years.

(b) AGREEMENTS TO COMBINE AMOUNTS.—States may agree to combine any part of the amounts made available under this chapter to carry out a project that is eligible for assistance under this chapter when—

(1) the project will benefit each State making the agreement; and

(2) the agreement is not a violation of State law.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 897.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 22105(a) | 49 App.:1654(e). | Oct. 15, 1966, Pub. L. 89–670, 80 Stat. 931, §5(e), (j); added Feb. 5, 1976, Pub. L. 94–210, §803, 90 Stat. 130; Nov. 8, 1978, Pub. L. 95–607, §§102–106(a), 107–109(a), 92 Stat. 3059, 3062; Oct. 12, 1979, Pub. L. 96–86, §115(b), 93 Stat. 662; Aug. 13, 1981, Pub. L. 97–35, §§1191, 1192, 95 Stat. 699; Jan. 14, 1983, Pub. L. 97–468, §501, 96 Stat. 2551; Apr. 7, 1986, Pub. L. 99–272, §4018, 100 Stat. 111; restated Dec. 11, 1989, Pub. L. 101–213, §2(a), (c), 103 Stat. 1843, 1845, 1847. |
| 22105(b) | 49 App.:1654(j). | |

In this section, the words “project” and “projects” are substituted for “program” for clarity and consistency in this section.

In subsection (a)(1), before clause (A), the words “financial assistance for a project under this chapter” are substituted for “rail freight assistance project” for clarity and consistency in this chapter. In clause (B), the words “for use in its rail freight assistance program” are omitted as unnecessary because of the restatement. In clause (D), the words “State employees” are substituted for “State public employees” to eliminate an unnecessary word.

In subsection (b), before clause (1), the words “States may agree” are substituted for “Two or more States . . . enter into an agreement” to eliminate unnecessary words.

§ 22106. Limitations on financial assistance

(a) GRANTS AND LOANS.—A State shall use financial assistance for projects under this chapter to make a grant or lend money to the owner of rail property, or a rail carrier providing rail transportation, related to a project being assisted.

(b) STATE USE OF REPAID FUNDS AND CONTINGENT INTEREST RECOVERIES.—The State shall place the United States Government’s share of money that is repaid and any contingent interest that is recovered in an interest-bearing account. The repaid money, contingent interest, and any interest thereon shall be considered to be State funds. The State shall use such funds to make other grants and loans, consistent with the purposes for which financial assistance may be used under subsection (a), as the State considers to be appropriate.