

(c) ENCOURAGING PARTICIPATION.—To the maximum extent possible, the State shall encourage the participation of shippers, rail carriers, and local communities in paying the State share of assistance costs.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 897; Pub. L. 104-287, §5(55), Oct. 11, 1996, 110 Stat. 3393; Pub. L. 110-432, div. A, title VII, §701(a), Oct. 16, 2008, 122 Stat. 4905; Pub. L. 114-94, div. A, title XI, §11316(k), Dec. 4, 2015, 129 Stat. 1678.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
22106(a)	49 App.:1654(d)(1), (2).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §5(d), (i); 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.
22106(b)	49 App.:1654(d)(3) (1st, 2d sentences).	
22106(c)	49 App.:1654(d)(3) (3d, last sentences).	
22106(d)	49 App.:1654(d)(4).	
22106(e)	49 App.:1654(i).	

In subsection (a), the words “financial assistance for projects under this chapter” are substituted for “assistance provided under subsection (b) of this section” for clarity. The words “rail carrier providing rail transportation” are substituted for “operator of rail service” for consistency in the revised title. The word “conditions” is omitted as being included in “terms”. The words “Secretary of the Treasury” are substituted for “Department of the Treasury” because of 31:301(b).

In subsection (b), the words “in the same manner and under the same conditions as if they were originally granted to the State by the Secretary” are omitted as unnecessary.

In subsection (e)(2), the words “assistance under this chapter” are substituted for “Federal assistance” for clarity and consistency in this chapter.

PUB. L. 104-287

This amends 49:22106(b) to clarify the restatement of 49 App.:1654(d)(3) by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 897).

Editorial Notes

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-94 substituted “interest thereon” for “interest thereof”.

2008—Subsec. (a). Pub. L. 110-432, §701(a)(1), struck out last sentence which read as follows: “The State shall decide on the financial terms of the grant or loan, except that the time for making grant advances shall comply with regulations of the Secretary of the Treasury.”

Subsec. (b). Pub. L. 110-432, §701(a)(2), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The State shall place the United States Government’s share of money that is repaid in an interest-bearing account. However, the Secretary of Transportation may allow a borrower to place that money, for the benefit of the State, in a bank designated by the Secretary of the Treasury under section

10 of the Act of June 11, 1942 (12 U.S.C. 265). The State shall use the money and accumulated interest to make other grants and loans under this chapter in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation.”

Subsecs. (c), (d). Pub. L. 110-432, §701(a)(3), redesignated subsec. (d) as (c) and struck out former subsec. (c). Text of former subsec. (c) read as follows: “The State may pay the Secretary of Transportation the Government’s share of unused money and accumulated interest at any time. However, the State must pay the unused money and accumulated interest to the Secretary when the State ends its participation under this chapter.”

Subsec. (e). Pub. L. 110-432, §701(a)(3), struck out subsec. (e). Text read as follows: “Each State shall retain a contingent interest (redeemable preference shares) for the Government’s share of amounts in a rail line receiving assistance under this chapter. The State may collect its share of the amounts used for the rail line if—

“(1) an application for abandonment of the rail line is filed under chapter 109 of this title; or

“(2) the rail line is sold or disposed of after it has received assistance under this chapter.”

1996—Subsec. (b). Pub. L. 104-287 inserted “in the same manner and under the same conditions as if they were originally granted to the State by the Secretary of Transportation” after “under this chapter”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-287 effective July 5, 1994, see section 8(1) of Pub. L. 104-287, set out as a note under section 5303 of this title.

§ 22107. Records, audits, and information

(a) RECORDS.—Each recipient of financial assistance through an arrangement under this chapter shall keep records required by the Secretary of Transportation. The records shall be kept for 3 years after a project is completed and shall disclose—

- (1) the amount of, and disposition by the recipient, of the assistance;
- (2) the total costs of the project for which the assistance was given or used;
- (3) the amount of that part of the costs of the project paid by other sources; and
- (4) any other records that will make an effective audit easier.

(b) AUDITS.—The Secretary shall make regular financial and performance audits, as provided under chapter 75 of title 31, of activities and transactions assisted under this chapter.

(c) INFORMATION.—The Surface Transportation Board shall provide the Secretary with information the Secretary requests to assist in carrying out this chapter. The Board shall provide the information not later than 30 days after receiving a request from the Secretary.

(d) LIST OF RAIL LINES.—Not later than August 1 of each year, each rail carrier subject to part A of subtitle IV of this title shall submit to the Secretary a list of the rail lines of the carrier that carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 898; Pub. L. 104-88, title III, §308(f)(4), (5), Dec. 29, 1995, 109 Stat. 947; Pub. L. 104-316, title I, §127(c), Oct. 19, 1996, 110 Stat. 3840.)

CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

Sec. 22301. Capital grants for class II and class III railroads.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
22107(a)	49 App.:1654(k)(1).	Oct. 15, 1966, Pub. L. 89-670, 80 Stat. 931, §5(k)-(m); 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, 1847.
22107(b)	49 App.:1654(k)(2), (3).	
22107(c)	49 App.:1654(l).	
22107(d)	49 App.:1654(m).	

In subsection (a), before clause (1), the words “an arrangement” are substituted for “whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements”, and the word “project” is substituted for “project or undertaking”, to eliminate unnecessary words and for consistency in this chapter.

Subsection (b) is substituted for 49 App.:1654(k)(2) and (3) because of 31:ch. 75.

In subsection (d), the words “Not later than” are substituted for “On or before” for clarity. The word “submit” is substituted for “prepare, update, and submit” to eliminate unnecessary words. The words “based on level of usage” are omitted as surplus.

Editorial Notes

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-316 struck out “and the Comptroller General” after “Secretary”.

1995—Subsec. (c). Pub. L. 104-88, §308(f)(4), substituted “Surface Transportation Board” for “Interstate Commerce Commission” and “The Board” for “The Commission”.

Subsec. (d). Pub. L. 104-88, §308(f)(5), substituted “part A of subtitle IV” for “subchapter I of chapter 105”.

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.

§ 22108. Repealed. Pub. L. 114-94, div. A, title XI, § 11301(c)(4), Dec. 4, 2015, 129 Stat. 1648]

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 898; Pub. L. 103-429, §6(20), Oct. 31, 1994, 108 Stat. 4379; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to authorization of appropriations.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 114-94 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.

Editorial Notes

AMENDMENTS

2007—Pub. L. 110-140, title XI, §1112(a), Dec. 19, 2007, 121 Stat. 1758, substituted “CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS” for “LIGHT DENSITY RAIL LINE PILOT PROJECTS” in chapter heading and “Capital grants for class II and class III railroads” for “Light density rail line pilot projects” in item 22301.

§ 22301. Capital grants for class II and class III railroads

(a) ESTABLISHMENT OF PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;

(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