

In subsection (c), the words “a final action of the Secretary” are substituted for “Any final agency action taken by the Secretary” to eliminate unnecessary words. The words “this part or, as applicable to railroad safety, chapter 51 or 57 of this title” are substituted for “this subchapter or under any of the other Federal railroad safety laws, as defined in section 441(e) of this title” because of the restatement. The words “is subject to judicial review as provided in chapter 7 of title 5” are omitted as unnecessary because 5:ch. 7 applies unless otherwise stated. The words “by and in the manner prescribed” are omitted as surplus.

§ 20115. User fees

(a) SCHEDULE OF FEES.—The Secretary of Transportation shall prescribe by regulation a schedule of fees for railroad carriers subject to this chapter. The fees—

(1) shall cover the costs of carrying out this chapter (except section 20108(a));

(2) shall be imposed fairly on the railroad carriers, in reasonable relationship to an appropriate combination of criteria such as revenue ton-miles, track miles, passenger miles, or other relevant factors; and

(3) may not be based on that part of industry revenues attributable to a railroad carrier or class of railroad carriers.

(b) COLLECTION PROCEDURES.—The Secretary shall prescribe procedures to collect the fees. The Secretary may use the services of a department, agency, or instrumentality of the United States Government or of a State or local authority to collect the fees, and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

(c) COLLECTION, DEPOSIT, AND USE.—(1) The Secretary shall impose and collect fees under this section for each fiscal year before the end of the fiscal year.

(2) Fees collected under this section shall be deposited in the general fund of the Treasury as offsetting receipts. The fees may be used, to the extent provided in advance in an appropriation law, only to carry out this chapter.

(3) Fees prescribed under this section shall be imposed in an amount sufficient to pay for the costs of activities under this chapter. However, the total fees received for a fiscal year may not be more than 105 percent of the total amount of the appropriations for the fiscal year for activities to be financed by the fees.

(d) ANNUAL REPORT.—(1) Not later than 90 days after the end of each fiscal year in which fees are collected under this section, the Secretary shall report to Congress on—

(A) the amount of fees collected during that fiscal year;

(B) the impact of the fees on the financial health of the railroad industry and its competitive position relative to each competing mode of transportation; and

(C) the total cost of Government safety activities for each other competing mode of transportation, including any part of that total cost defrayed by Government user fees.

(2) Not later than 90 days after submitting a report for a fiscal year, the Secretary shall submit to Congress recommendations for corrective legislation if the report includes a finding that—

(A) there has been an impact from the fees on the financial health of the railroad indus-

try or its competitive position relative to each competing mode of transportation; or

(B) there is a significant difference in the burden of Government user fees on the railroad industry and other competing modes of transportation.

(e) EXPIRATION.—This section expires on September 30, 1995.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 870.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20115(a)	45:447(a)(1), (3).	Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §216; added Nov. 5, 1990, Pub. L. 101-508, §10501(a), 104 Stat. 1388-399.
20115(b)	45:447(a)(2).	
20115(c)	45:447(b)-(d).	
20115(d)	45:447(e).	
20115(e)	45:447(f).	

In subsection (a), before clause (1), the words “after notice and comment” are omitted as unnecessary because of 5:553.

In subsection (c), the words “beginning on March 1, 1991” are omitted as obsolete.

§ 20116. Rulemaking process

No rule or order issued by the Secretary under this part shall be effective if it incorporates by reference a code, rule, standard, requirement, or practice issued by an association or other entity that is not an agency of the Federal Government, unless—

(1) the date on which the code, rule, standard, requirement, or practice was adopted is specifically cited in the rule or order; or

(2) the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.

(Added Pub. L. 110-432, div. A, title I, §107(a), Oct. 16, 2008, 122 Stat. 4859; amended Pub. L. 114-94, div. A, title XI, §11316(c), Dec. 4, 2015, 129 Stat. 1676.)

PRIOR PROVISIONS

A prior section 20116, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 871; amended Pub. L. 103-440, title II, §206(a), Nov. 2, 1994, 108 Stat. 4620, related to biennial safety reports prior to repeal by Pub. L. 104-66, title I, §1121(g)(1), Dec. 21, 1995, 109 Stat. 724.

AMENDMENTS

2015—Pub. L. 114-94 substituted “unless—” for “unless”, inserted par. (1) designation before “the date”, substituted “order; or” for “order, or” in par. (1), inserted par. (2) designation before “the code, rule, standard, requirement, or practice has been subject to notice and comment under a rule or order issued under this part.”, and realigned margins.

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.

§ 20117. Authorization of appropriations

(a) IN GENERAL.—(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out respon-