

complies with regulations the Secretary of Transportation prescribes under this chapter and the Secretary decides that—

(1) the State has an adequate plan for rail transportation in the State and a suitable process for updating, revising, and modifying the plan;

(2) the State plan is administered or coordinated by a designated State authority and provides for a fair distribution of resources;

(3) the State authority—

(A) is authorized to develop, promote, supervise, and support safe, adequate, and efficient rail transportation;

(B) employs or will employ sufficient qualified and trained personnel;

(C) maintains or will maintain adequate programs of investigation, research, promotion, and development with opportunity for public participation; and

(D) is designated and directed to take all practicable steps (by itself or with other State authorities) to improve rail transportation safety and reduce energy use and pollution related to transportation; and

(4) the State has ensured that it maintains or will maintain adequate procedures for financial control, accounting, and performance evaluation for the proper use of assistance provided by the United States Government.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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.

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 sec-