HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
	49 App.:26(h) (1st sentence words after last comma, 4th sentence words after last comma, 5th sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 25(h) (1st sentence words after last comma, 4th sentence words after last comma, 5th sentence); added Feb. 28, 1920, ch. 91, § 441, 41 Stat. 498; restated Aug. 26, 1937, ch. 818, 50 Stat. 837; Sept. 18, 1940, ch. 722, § 14(b), 54 Stat. 919; June 22, 1988, Pub. L. 100–342, § 17(7), 102 Stat. 636.

The word ''official'' is added the 2d time it appears for consistency in this section.

SUBCHAPTER II—CRIMINAL PENALTIES

§ 21311. Records and reports

(a) RECORDS AND REPORTS UNDER CHAPTER 201.—A person shall be fined under title 18, imprisoned for not more than 2 years, or both, if the person knowingly and willfully—

(1) makes a false entry in a record or report required to be made or preserved under chapter 201 of this title;

(2) destroys, mutilates, changes, or by another means falsifies such a record or report;

(3) does not enter required specified facts and transactions in such a record or report;

(4) makes or preserves such a record or report in violation of a regulation prescribed or order issued under chapter 201 of this title; or

(5) files a false record or report with the Secretary of Transportation.

(b) ACCIDENT AND INCIDENT REPORTS.—A railroad carrier not filing a report in violation of section 20901 of this title shall be fined not more than $2,500. A separate violation occurs for each day the violation continues.

(Pub. L. 103–272, § 1(e), July 5, 1994, 108 Stat. 893; Pub. L. 110–432, div. A, title III, § 310, Oct. 16, 2008, 122 Stat. 4882.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
21311(a)	45:438(e).	Oct. 16, 1970, Pub. L. 91–458, 84 Stat. 971, § 209(e); added Oct. 10, 1980, Pub. L. 96–423, § 7, 94 Stat. 1814.
21311(b)	45:39 (related to fine).	May 6, 1910, ch. 208, § 2 (related to fine), 36 Stat. 351; Jan. 3, 1975, Pub. L. 93–633, § 204(b), 88 Stat. 2166; June 22, 1988, Pub. L. 100–342, § 15(2), 102 Stat. 634; Sept. 3, 1992, Pub. L. 102–365, § 4(a)(3), 106 Stat. 973.

In subsection (a), before clause (1), the words ''fined under title 18'' are substituted for ''fined not more than $5,000'' for consistency with title 18. In clause (1), the word ''prepared'' is omitted as surplus. In clause (4), the word ''prepares'' is omitted as surplus.

In subsection (b), the words ''shall be deemed guilty of a misdemeanor'' are omitted for consistency with title 18. The words ''upon conviction thereof by a court of competent jurisdiction'' and ''punished by a'' are omitted as surplus.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–432 amended subsec. (b) generally. Prior to amendment, text read as follows: ''A railroad carrier not filing the report required by section 20901 of this title shall be fined not more than $500 for each violation and not more than $500 for each day during which the report is overdue.''

PART B—ASSISTANCE

CHAPTER 221—LOCAL RAIL FREIGHT ASSISTANCE

Sec.
22101. Financial assistance for State projects.
22102. Eligibility.
22103. Applications.
22104. State rail plan financing.
22105. Sharing project costs.
22106. Limitations on financial assistance.
22107. Records, audits, and information.
22108. Authorization of appropriations.

§ 22101. Financial assistance for State projects

(a) GENERAL.—The Secretary of Transportation shall provide financial assistance to a State, as provided under this chapter, for a rail freight assistance project of the State when a rail carrier subject to part A of subtitle IV of this title maintains a rail line in the State. The assistance is for the cost of—

(1) acquiring, in any way the State considers appropriate, an interest in a rail line or rail property to maintain existing, or to provide future, rail freight transportation, but only if the Surface Transportation Board has authorized, or exempted from the requirements of that authorization, the abandonment of, or the discontinuance of rail transportation on, the rail line related to the project;

(2) improving and rehabilitating rail property on a rail line to the extent necessary to allow adequate and efficient rail freight transportation on the line, but only if the rail carrier certifies that the rail line related to the project carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year; and

(3) building rail or rail-related facilities (including new connections between at least 2 existing rail lines, intermodal freight terminals, sidings, bridges, and relocation of existing lines) to improve the quality and efficiency of the rail freight transportation, but only if the rail carrier certifies that the rail line related to the project carried not more than 5,000,000 gross ton-miles of freight a mile in the prior year.

(b) CALCULATING COST-BENEFIT RATIO.—The Secretary shall establish a methodology for calculating the ratio of benefits to costs of projects proposed under this chapter. In establishing the methodology, the Secretary shall consider the need for equitable treatment of different regions of the United States and different commodities transported by rail. The establishment of the methodology is committed to the discretion of the Secretary.

(c) CONDITIONS.—(1) Assistance for a project shall be provided under this chapter only if—

(A) a rail carrier certifies that the rail line related to the project carried more than 20 carloads a mile during the most recent year during which transportation was provided by the carrier on the line; and

(B) the ratio of benefits to costs for the project, as calculated using the methodology