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 701 of this title.

§ 22108. Authorization of appropriations

(a) GENERAL.—(1) Not more than the following amounts may be appropriated to the Secretary of Transportation to carry out this chapter:

(A) $25,000,000 for the fiscal year ending September 30, 1993.

(B) $30,000,000 for the fiscal year ending September 30, 1994.

(2) Amounts appropriated under paragraph (1) of this subsection remain available until expended.

(3) No amount may be appropriated under this subsection to the Secretary for any period after September 30, 1994, to carry out this chapter.

(b) DISTRIBUTION OF AMOUNTS.—The Secretary shall establish procedures necessary to ensure that amounts available to the Secretary for projects under this chapter are distributed not later than April 1 of the fiscal year for which the amounts are appropriated. If any amounts are not distributed by April 1, the Secretary shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of those amounts and the reasons for the delay in distribution.

(c) AVAILABILITY OF OTHER AMOUNTS.—Amounts appropriated to carry out section 5(i)[1] of the Department of Transportation Act for fiscal year 1990 that are not applied for or that remain unobligated on January 1, 1991, are available to the Secretary for projects under this chapter.

(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.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
22108(a)	49 App.:1654(q).	Oct. 15, 1966, Pub. L. 89–670, 80 Stat. 931, § 5(h), (q); 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, 1848; Sept. 3, 1992, Pub. L. 102–365, § 14, 106 Stat. 980.
22108(b)	49 App.:1654(h).	
22108(c)	(no source).	

In subsection (a), the words ''to carry out this chapter'' are substituted for ''for the purposes of this section'' and ''under this section'' for clarity. The reference to fiscal years 1991 and 1992 is omitted as obsolete.

Subsection (c) is added because section 2(b)(1) of the Local Rail Service Reauthorizing Act (Public Law 101–213, 103 Stat. 1843) provided that amounts available for fiscal year 1990 to carry out section 5(i) of the Department of Transportation Act that were not applied for or remained unobligated are available to the Secretary in carrying out projects under this chapter, as in effect on October 1, 1990.

PUB. L. 103–429

This amends 49:22108(a)(3) to clarify the restatement of 49 App.:1654(q) by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 898).

REFERENCES IN TEXT

Section 5(i) of the Department of Transportation Act, referred to in subsec. (c), is section 5(i) of Pub. L. 89–670, which was classified to section 1654(i) of former Title 49, Transportation, and was repealed and reenacted as section 22106(e) of this title by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 898, 1379. Subsequently, section 22106(e) of this title was repealed by Pub. L. 110–432, div. A, title VII, § 701(a)(3), Oct. 16, 2008, 122 Stat. 4906.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–287 substituted ''Committee on Transportation and Infrastructure'' for ''Committee on Energy and Commerce''.

1994—Subsec. (a)(3). Pub. L. 103–429 inserted ''under this subsection'' after ''appropriated''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–429 effective July 5, 1994, see section 9 of Pub. L. 103–429, set out as a note under section 321 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which the 11th item on page 135 identifies a reporting provision which, as subsequently amended, is contained in subsec. (b) of this section), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

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

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

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;

[1] See References in Text note below.

(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 grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

(d) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

(e) LABOR STANDARDS.—

(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the ''Davis-Bacon Act''). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the[1] subchapter IV of chapter 31 of title 40.

(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.

(Added Pub. L. 110–140, title XI, § 1112(a), Dec. 19, 2007, 121 Stat. 1758; amended Pub. L. 110–432, div. A, title VII, § 701(b), Oct. 16, 2008, 122 Stat. 4906.)

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (d), probably means the date of enactment of Pub. L. 110–140, which amended this chapter generally and was approved Dec. 19, 2007.

The Railway Labor Act, referred to in subsec. (e)(2), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 8 (§ 151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

PRIOR PROVISIONS

A prior section 22301, added Pub. L. 105–178, title VII, § 7202(a), June 9, 1998, 112 Stat. 470, related to grants for light density rail line pilot projects, prior to the general amendment of this chapter by Pub. L. 110–140.

AMENDMENTS

2008—Subsec. (a)(1)(A)(iii). Pub. L. 110–432 substituted ''or'' for ''and''.

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

CHAPTER 225—FEDERAL GRANTS TO STATES FOR HIGHWAY-RAIL GRADE CROSSING SAFETY

Sec.
22501. Financial assistance to States for certain projects.
22502. Distribution.
22503. Standards for awarding grants.
22504. Use of funds.
22505. Authorization of appropriations.

§ 22501. Financial assistance to States for certain projects

The Secretary of Transportation shall make grants—

[1] So in original. The word ''the'' probably should not appear.