

## § 1152.35

the-fence (ATF) values as a surrogate for the value of railroad right-of-way land, given that the physical and economic characteristics (grading and elevation) usually are different from those of surrounding parcels. All adjustments to ATF values to arrive at the right-of-way values shall also be supported and explained.

(2) [Reserved]

(d) *Reasonable return.* A rail carrier shall furnish to the Board, and to any financially responsible person considering making an offer of a rail service continuation payment, a substantiated statement showing its current nominal cost of capital. The railroad's nominal cost of capital shall be the current before tax cost of capital, weighted to the capital structure, and adjusted for the effects of the combined statutory Federal and state income tax rates. This rate of return expressed as a percent, shall be calculated as follows:

(1) The railroad shall determine its permanent capital structure ratio for debt and equity capital such that the two numbers total 100 percent. This capital structure will be the actual capital structure of the railroad. If this calculation is not possible or also not representative because the railroad is part of a conglomerate, the debt-equity ratio from the Board's latest Determination of Adequate Railroad Revenues will be used. However, if the debt-equity ratio for the railroad industry is used then the industry average equity and debt rate from the Board's latest revenue adequacy finding must also be used in paragraphs (d)(2) and (d)(3) of this section.

(2) The current nominal cost of debt shall be determined by taking the average of all debt instruments (including bonds, equipment trust certificates, financial lease arrangements, et cetera) issued by the carrier in the most recent 12-month period. The debt cost calculated by this procedure is a before-tax rate and is not adjusted for inflation or income taxes.

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(3) The current nominal after tax cost of equity shall be an amount equal to that which a prudent investor would expect to earn through investment in the market place. The current after tax nominal cost of equity is divided by 1 minus the combined statutory Federal and state income tax rates. This will develop the nominal cost of equity on a before tax basis.

(4) The current nominal before-tax cost of debt is multiplied by the current percentage of debt to total capital to obtain a weighted before-tax nominal cost of current debt.

(5) The current nominal before-tax cost of equity is multiplied by the current percentage of equity to total capital to obtain a weighted nominal before-tax cost of current equity.

(6) The results of paragraphs (d)(4) and (d)(5) of this section are added together to determine the current nominal cost of capital.

(e) *Holding gain (loss)-road properties.* The railroad shall determine the holding gain (loss) that is projected to occur during the forecast and/or subsidy year. In any instance where the holding gain is not specifically determined for road properties, the Gross Domestic Product deflator calculated by the U.S. Department of Commerce shall be used.

## § 1152.35 [Reserved]

## § 1152.36 Submission of revenue and cost data.

The following information shall be submitted by applicant as Exhibit 1 to an abandonment or discontinuance application (§1152.22(d)) and shall be developed in accordance with the methodology established in §§1152.31 through 1152.35, as applicable. Such information, form and methodology shall also be used by an offeror of financial assistance to formulate a Proposed Subsidy Payment (§1152.27).

**Surface Transportation Board, DOT**

**§ 1152.37**

|  | Base year<br>operations | Forecast<br>year<br>operations | Projected<br>subsidy year<br>operations |
|--|-------------------------|--------------------------------|---|
| Revenues attributable for:   |                         |                                |   |
| 1. Freight originated and/or terminated on branch                              |                         |                                |   |
| 2. Bridge traffic  |                         |                                |   |
| 3. All other revenue and income  |                         |                                |   |
| 4. Total revenues attributable (lines 1 through 3)                             |                         |                                |   |
| Avoidable costs for:   |                         |                                |   |
| 5. On-branch costs (lines 5a through 5k)                                       |                         |                                |   |
| a. Maintenance of way and structures   |                         |                                |   |
| b. Maintenance of equipment  |                         |                                |   |
| c. Transportation  |                         |                                |   |
| d. General administrative  |                         |                                |   |
| e. Deadheading, taxi, and hotel  |                         |                                |   |
| f. Overhead movement   |                         |                                |   |
| g. Freight car costs (other than return on freight cars)                       |                         |                                |   |
| h. Return on value-locomotives   |                         |                                |   |
| i. Return on value-freight cars  |                         |                                |   |
| j. Revenue taxes   |                         |                                |   |
| k. Property taxes  |                         |                                |   |
| 6. Off-branch costs  |                         |                                |   |
| a. Off-branch costs (other than return on freight cars)                        |                         |                                |   |
| b. Return on value-freight cars  |                         |                                |   |
| 7. Total avoidable costs (line 5 plus line 6)                                  |                         |                                |   |
| Subsidization costs for:   |                         |                                |   |
| 8. Rehabilitation <sup>1</sup>   |                         |                                |   |
| 9. Administration costs (subsidy year only) <sup>2</sup>                       |                         |                                |   |
| 10. Casualty reserve account <sup>2</sup>                                      |                         |                                |   |
| 11. Total subsidization costs (lines 8 through 10)                             |                         |                                |   |
| Return on value:   |                         |                                |   |
| 12. Valuation of property (lines 12a through 12c)                              |                         |                                |   |
| a. Working capital .....   | XXXX.                   |                                |   |
| b. Income tax consequences .....   | XXXX.                   |                                |   |
| c. Net liquidation value .....   | XXXX.                   |                                |   |
| 13. Nominal rate of return .....   | XXXX.                   |                                |   |
| 14. Nominal return on value (line 12 times line 13) <sup>3</sup> .....         | XXXX.                   |                                |   |
| 15. Holding gain (loss) .....  | XXXX.                   |                                |   |
| 16. Total return on value (line 14 minus line 15) <sup>3</sup> .....           | XXXX.                   |                                |   |
| 17. Avoidable loss from operations (line 4 minus line 7)                       |                         |                                |   |
| 18. Estimated forecast year loss from operations (line 4 minus lines 7 and 16) |                         |                                |   |
| 19. Estimated subsidy (line 4 minus lines 7, 11 and 16)                        |                         |                                |   |

<sup>1</sup> This projection shall be computed in accordance with § 1152.32(m).

<sup>2</sup> Omit in applications pursuant to §§ 1152.22 and 1152.23.

<sup>3</sup> If the amount in line 12c is a negative for the "Forecast Year operations" insert "0" in this line.

**§ 1152.37 Financial status reports.**

Within 30 days after the end of each quarter of the subsidy year, each carrier which is party to the financial assistance agreement shall submit to the subsidizer a Financial Status Report for each line operated under subsidy. Such Financial Status Report shall be in the form prescribed below. Signifi-

cant deviations from the negotiated estimates must be explained. All data shall be developed in accordance with the methodology set forth in §§ 1152.31 through 1152.35. In the quarterly reports, the actual data for the year to date and a projection to the end of the subsidy year shall be shown for each item.

|   | Actual | Projected |
|---|--------|-----------|
| Revenues for:                                     |        |           |
| 1. Freight originated and/or terminated on branch |        |           |
| 2. Bridge traffic                                 |        |           |
| 3. All other revenue and income                   |        |           |
| 4. Total revenues (lines 1 through 3)             |        |           |
| Avoidable costs for:                              |        |           |
| 5. On-branch costs (lines 5a through 5j)          |        |           |
| a. Maintenance of way and structures              |        |           |
| b. Maintenance of equipment                       |        |           |
| c. Transportation                                 |        |           |
| d. General administrative                         |        |           |
| e. Deadheading, taxi, and hotel                   |        |           |