



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

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BUTCH ELEY
DEPUTY GOVERNOR &
COMMISSIONER OF TRANSPORTATION

BILL LEE
GOVERNOR

DATE: December 13, 2024

TO: Honorable Bill Lee, Governor

Honorable Randy McNally, Lieutenant Governor
State Senate

Honorable Cameron Sexton, Speaker of the House
House of Representatives

FROM: Butch Eley, Deputy Governor &
Commissioner of Transportation

David Gerregano, Commissioner
Department of Revenue

**SUBJECT: Transportation Equity Fund Report for FY 2023-2024
per T.C.A. § 67-6-408**

This provides the information required by T.C.A. § 67-6-408 relative to collection and use of funds under T.C.A. § 67-6-103(b) for the fiscal year ending June 30, 2024.

The tax revenue reported by the Department of Revenue for FY 2023-2024 was:

Aviation	\$27,553,604.06
Rail	\$ 3,198,954.82
Waterways	<u>\$ 59,703.36</u>
Total	<u>\$30,812,262.24</u>

The funds were budgeted to the three programs at the beginning of the year based on the relative contributions from each mode in previous years and State Funding Board

estimates. Those amounts were adjusted during the year based on actual revenue reported by the Department of Revenue. The Rail revenue reported above came from tax payments made by the short line railroads.

The Department of Transportation's Aeronautics Division provides Transportation Equity Funding revenues to the five (5) Commercial Service Airports by formula. Those airports request the funds at their discretion for planning, development, promotion, construction, and operation.

Some of the funds allocated to the Rail program had been held in reserve pending the resolution of the Class I railroads' challenges to the validity of the (former) sales tax on railroad diesel fuel. See, e.g., CSX Transportation, Inc. v. Tennessee Department of Revenue, U.S. District Court, Middle District of Tennessee, Docket No. 3:13-cv-0911. These cases have been settled and resolved. However, the Class I railroads have also filed separate lawsuits in Federal Court challenging the validity of the current per gallon excise tax on railroad diesel fuel. See, e.g., BNSF Railway Company vs. Tennessee Department of Revenue, U.S. District Court, Middle District of Tennessee, Docket No. 3:14-cv-01399. Partial payments of this tax by the Class I railroads are being held in escrow by the court pending resolution of these lawsuits.

The Waterways funds were used to pay Tennessee's annual dues to the Tennessee Tombigbee Waterway Development Authority.

If you have questions or need additional information, please contact Gretchen Lancaster with TDOT Budget at 615-741-2449.

BE:gl