

CHAPTER 160. UTILITIES GROSS RECEIPTS TAX

Sec.
160.11. Railroad gross receipts tax credit.

Authority

The provisions of this Chapter 160 issued under section 1101.2 of the Tax Reform Code of 1971 (72 P. S. § 8101.2), unless otherwise noted.

Source

The provisions of this Chapter 160 adopted January 2, 1981, effective January 3, 1981, 11 Pa.B. 19, unless otherwise noted.

§ 160.11. Railroad gross receipts tax credit.

(a) *Availability.* Railroad companies may, under section 1101.2 of the TRC (72 P. S. § 8101.2), apply for a tax credit for tax years commencing 1981 equal to 25% of the actual amount expended during the preceding calendar year, starting 1980, in this Commonwealth for the maintenance and improvement of rights-of-way.

(b) *Applications.* Application for credit shall be made upon Form REV-1269 AS (9-80) SCHEDULE RR not later than 60 days prior to the commencement of the tax year to which the credit is to be applied. Terms and conditions set forth in section 1101.2 of the TRC (72 P. S. § 8101.2) shall be met.

(c) *Adjustment of credit.* Assuming no material change in the facts between the date of application and the close of the tax year to which it relates, the decision of the Secretary granting or denying a claimed tax credit is final, subject only to review by the Commonwealth Court in the manner prescribed by 2 Pa.C.S. §§ 701—704 (relating to judicial review of Commonwealth agency action). The amount of a credit granted is, of course, subject to adjustment by the Department with respect to that portion of the credit application based upon estimated rather than actual expenditures. The adjustment shall be made by the Department following submission by the railroad company of the annual report required by section 1101.2 of the TRC (72 P. S. § 8101.2) showing actual expenditures for the entire year.

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