

1980 WL 121065 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1980

**\*1 Re: South Carolina Rail Services Plan Your File No.—G-130**

Robert T. Bockman  
General Counsel  
S. C. Public Service Commission  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Dear Mr. Bockman:

The Attorney General has asked me to review and reply to your letter of September 15, 1980 regarding whether or not any state agency may act as disbursing agent for federal funds and matching local or private funds to private persons for rehabilitation or restoration of railway lines located within the State and, assuming that a South Carolina state agency could assume such a function, whether or not the Public Service Commission was the proper agency to act as disbursing agent for such funds.

As I indicated in my conversation of September 30, 1980, the opinion request was received in my office on September 25, 1980 late in the afternoon. Therefore, I had very little time to research the subject. However, the brief research I was able to do indicated that there appeared to be sufficient public purpose involved in the relocations and rehabilitation of railway lines within the state to justify a state agency in handling money received from both federal and private sources to conduct such rehabilitation through the use of private contractors. Furthermore, it is clear to me, from both the pertinent Federal and State legislation, that the Public Service Commission is the only state agency which would have the necessary authority to act as disbursing agent for the State of these funds.

Therefore, it is my opinion that the Public Service Commission is authorized to act as the disbursing agent for Federal funds and matching local or private funds to private contractors for the rehabilitation and restoration of railway lines within the State, pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976, [45 U.S.C. §§ 801, et seq.](#) This letter does not constitute a formal opinion of the Attorney General's office but rather is this attorney's opinion on the basis of the limited amount of research I was able to conduct. If you still need a formal opinion from this office, please notify me.

Yours very truly,

William L. Todd  
Assistant Attorney General

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