

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302, 10321, 10505, 10525, 10526, 10544, 10702, 10704, 10706, 10708, 10721, 10761, 10762, 10766, 10922, 10923, 10924, 10930, 10933, 10935, 11108, 11343 of this title; title 33 section 1803.

§ 10101a. Rail transportation policy

In regulating the railroad industry, it is the policy of the United States Government—

(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Interstate Commerce Commission;

(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;

(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;

(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

(7) to reduce regulatory barriers to entry into and exit from the industry;

(8) to operate transportation facilities and equipment without detriment to the public health and safety;

(9) to cooperate with the States on transportation matters to assure that intrastate regulatory jurisdiction is exercised in accordance with the standards established in this subtitle;

(10) to encourage honest and efficient management of railroads and, in particular, the elimination of noncompensatory rates for rail transportation;

(11) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

(12) to encourage fair wages and safe and suitable working conditions in the railroad industry;

(13) to prohibit predatory pricing and practices, to avoid undue concentrations of market power and to prohibit unlawful discrimination;

(14) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information; and

(15) to encourage and promote energy conservation.

(Added Pub. L. 96-448, title I, § 101(a), Oct. 14, 1980, 94 Stat. 1897.)

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 710(a) of Pub. L. 96-448, set out as an Effective Date of 1980 Amendment note under section 10101 of this title.

CONGRESSIONAL DECLARATION OF FINDINGS

Section 2 of Pub. L. 96-448 provided that: “The Congress hereby finds that—

“(1) historically, railroads were the essential factor in the national transportation system;

“(2) the enactment of the Interstate Commerce Act [Feb. 4, 1887, ch. 104, 24 Stat. 379, which was repealed and is covered by this subtitle] was essential to prevent an abuse of monopoly power by railroads and to establish and maintain a national railroad network;

“(3) today, most transportation within the United States is competitive;

“(4) many of the Government regulations affecting railroads have become unnecessary and inefficient;

“(5) nearly two-thirds of the Nation’s intercity freight is transported by modes of transportation other than railroads;

“(6) earnings by the railroad industry are the lowest of any transportation mode and are insufficient to generate funds for necessary capital improvements;

“(7) by 1985, there will be a capital shortfall within the railroad industry of between \$16,000,000,000 and \$20,000,000,000;

“(8) failure to achieve increased earnings within the railroad industry will result in either further deterioration of the rail system or the necessity for additional Federal subsidy; and

“(9) modernization of economic regulation for the railroad industry with a greater reliance on the marketplace is essential in order to achieve maximum utilization of railroads to save energy and combat inflation.”

STATEMENT OF PURPOSE AND GOALS

Section 3 of Pub. L. 96-448 provided that: “The purpose of this Act [see Short Title of 1980 Amendment note set out under section 10101 of this title] is to provide for the restoration, maintenance, and improvement of the physical facilities and financial stability of the rail system of the United States. In order to achieve this purpose, it is hereby declared that the goals of this Act are—

“(1) to assist the railroads of the Nation in rehabilitating the rail system in order to meet the demands of interstate commerce and the national defense;

“(2) to reform Federal regulatory policy so as to preserve a safe, adequate, economical, efficient, and financially stable rail system;

“(3) to assist the rail system to remain viable in the private sector of the economy;

“(4) to provide a regulatory process that balances the needs of carriers, shippers, and the public; and

“(5) to assist in the rehabilitation and financing of the rail system.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 302, 10101, 10505, 10705a, 10706, 10707a, 10712 of this title.

§ 10102. Definitions

In this subtitle—

(1) “broker” means a person, other than a motor carrier or an employee or agent of a motor carrier, that as a principal or agent sells, offers for sale, negotiates for, or holds itself out by solicitation, advertisement, or otherwise as selling, providing, or arranging for, transportation by motor carrier for compensation.

(2) “carrier” means a common carrier and a contract carrier.

(3) “car service” includes (A) the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, other vehicles, and special types of equipment used in the transportation of

property by a rail carrier, and (B) the supply of trains by a rail carrier.

(4) "common carrier" means an express carrier, a pipeline carrier, a rail carrier, a sleeping car carrier, a motor common carrier, a water common carrier, and a household goods freight forwarder.

(5) "commuter bus operations" means short-haul regularly scheduled passenger service provided by motor vehicle in metropolitan and suburban areas, whether within or across the geographical boundaries of a State, and utilized primarily by passengers using reduced-fare, multiple-ride, or commutation tickets during morning and evening peak period operations.

(6) "contract carrier" means a motor contract carrier and a water contract carrier.

(7) "control", when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by (A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or (B) any other means.

(8) "express carrier" means a person providing express transportation for compensation.

(9) "freight forwarder" means a person holding itself out to the general public (other than as an express, pipeline, rail, sleeping car, motor, or water carrier) to provide transportation of property for compensation and in the ordinary course of its business—

(A) assembles and consolidates, or provides for assembling and consolidating, shipments and performs or provides for break-bulk and distribution operations of the shipments;

(B) assumes responsibility for the transportation from the place of receipt to the place of destination; and

(C) uses for any part of the transportation a carrier subject to the jurisdiction of the Interstate Commerce Commission under subchapter I, II, or III of chapter 105 of this title.

Such term does not include a person using transportation of an air carrier subject to part A of subtitle VII of this title.

(10) "highway" means a road, highway, street, and way in a State.

(11) "household goods" means—

(A) personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property as the Commission may provide by regulation; except that this subparagraph shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his dwelling and which is transported at the request of, and the transportation charges paid to the carrier by, the householder;

(B) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments and such other similar property as the Commission may provide by regulation; except that

this subparagraph shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as incidental to moving of the establishment, or a portion thereof, from one location to another; and

(C) articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods and such other similar articles as the Commission may provide by regulation; except that this subparagraph shall not be construed to include any article, whether crated or uncrated, which does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods.

(12) "household goods freight forwarder" means a freight forwarder of one or more of the following items: household goods, unaccompanied baggage, or used automobiles.

(13) "individually determined rate, classification, rule, or practice" means a rate, classification, rule, or practice established by—

(A) a single motor common carrier for application to transportation that it can provide over its line; or

(B) 2 or more interlining carriers without participation in an organization established or continued under an agreement approved under section 10706(b) for application to transportation that the interlining carriers can provide jointly over their lines.

(14) "motor carrier" means a motor common carrier and a motor contract carrier.

(15) "motor common carrier" means a person holding itself out to the general public to provide motor vehicle transportation for compensation over regular or irregular routes, or both.

(16) "motor contract carrier" means—

(A) a person, other than a motor common carrier, providing motor vehicle transportation of passengers for compensation under continuing agreements with a person or a limited number of persons—

(i) by assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or

(ii) designed to meet the distinct needs of each such person; and

(B) a person providing motor vehicle transportation of property for compensation under continuing agreements with one or more persons—

(i) by assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or

(ii) designed to meet the distinct needs of each such person.

(17) "motor private carrier" means a person, other than a motor carrier, transporting property by motor vehicle when—

(A) the transportation is as provided in section 10521(a)(1) and (2) of this title;

(B) the person is the owner, lessee, or bailee of the property being transported; and

(C) the property is being transported for sale, lease, rent, or bailment, or to further a commercial enterprise.

(18) "motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on a highway in transportation, or a combination determined by the Commission, but does not include a vehicle, locomotive, or car operated only on a rail, or a trolley bus operated by electric power from a fixed overhead wire, and providing local passenger transportation similar to street-railway service.

(19) "non-contiguous domestic trade" means motor-water transportation subject to the jurisdiction of the Commission under chapter 105 of this title involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States.

(20) "person", in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person.

(21) "pipeline carrier" means a person providing pipeline transportation for compensation.

(22) "rail carrier" means a person providing railroad transportation for compensation.

(23) "railroad" includes—

(A) a bridge, car float, lighter, and ferry used by or in connection with a railroad;

(B) the road used by a rail carrier and owned by it or operated under an agreement; and

(C) a switch, spur, track, terminal, terminal facility, and a freight depot, yard, and ground, used or necessary for transportation.

(24) "rate" means a rate, fare, or charge for transportation.

(25) "sleeping car carrier" means a person providing sleeping car transportation for compensation.

(26) "State" means a State of the United States and the District of Columbia.

(27) "tariff", when used in reference to a contract carrier, means a schedule.

(28) "transportation" includes—

(A) a locomotive, car, vehicle, motor vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, regardless of ownership or an agreement concerning use; and

(B) services related to that movement, including receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, and interchange of passengers and property.

(29) "United States" means the States of the United States and the District of Columbia.

(30) "vessel" means a watercraft or other artificial contrivance that is used, is capable of being used, or is intended to be used, as a means of transportation by water.

(31) "water carrier" means a water common carrier and a water contract carrier.

(32) "water common carrier" means a person holding itself out to the general public to provide water transportation for compensation.

(33) "water contract carrier" means a person, other than a water common carrier, providing water transportation for compensation under an agreement with another person, including transportation on a vessel provided to a person other than a carrier subject to the jurisdiction of the Commission under this subtitle when the vessel is used to transport only the property of the other person.

(Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1338; Pub. L. 96-296, § 10(a)(1), July 1, 1980, 94 Stat. 799; Pub. L. 96-454, § 3(a), Oct. 15, 1980, 94 Stat. 2011; Pub. L. 97-261, § 6(d)(1), Sept. 20, 1982, 96 Stat. 1107; Pub. L. 99-521, § 4, Oct. 22, 1986, 100 Stat. 2993; Pub. L. 103-272, § 5(m)(13), July 5, 1994, 108 Stat. 1377; Pub. L. 103-311, title II, §§ 205(b), 206(f), Aug. 26, 1994, 108 Stat. 1683, 1686.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
10102(1)	49:303(a)(18).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 203(a)(1), (8), (9), (12), (13), (14) (less exception), (15), (16), (17), (18), (19); added Aug. 9, 1935, ch. 498, § 1, 49 Stat. 544; June 29, 1938, ch. 811, § 2, 52 Stat. 1237; Sept. 18, 1940, ch. 722, § 18, 54 Stat. 920; Sept. 1, 1950, ch. 835, § 1(a), 64 Stat. 574; Aug. 22, 1957, Pub. L. 85-163, § 1(1), 71 Stat. 411.
10102(2)	(No source).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 1(10); added May 29, 1917, ch. 23, § 1, 40 Stat. 101; restated Feb. 28, 1920, ch. 91, § 402, 41 Stat. 476; Aug. 9, 1935, ch. 498, § 1, 49 Stat. 543.
10102(3)	49:1(10).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 1(10); added May 29, 1917, ch. 23, § 1, 40 Stat. 101; restated Feb. 28, 1920, ch. 91, § 402, 41 Stat. 476; Aug. 9, 1935, ch. 498, § 1, 49 Stat. 543.
10102(4)	49:1(3)(a) (1st sentence).	Feb. 4, 1887, ch. 104, § 1(3)(a), 24 Stat. 379; restated June 29, 1906, ch. 3591, § 1, 34 Stat. 584; restated Feb. 28, 1920, ch. 91, § 400, 41 Stat. 474; June 19, 1934, ch. 652, § 602(b), 48 Stat. 1102; Aug. 9, 1935, ch. 498, § 1, 49 Stat. 543; Sept. 18, 1940, ch. 722, § 2(a), 54 Stat. 899.
	49:303(a)(14) (less exception).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 302(a), (c), (d) (less exception), (e) (1st and 2d sentences), (f), (g), (h), (j), (k), (l), (m); added Sept. 18, 1940, ch. 722, § 201, 54 Stat. 929.
	49:902(d) (less exception).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(5)	(No source).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 1(3)(b); added Sept. 18, 1940, ch. 722, § 2(b), 54 Stat. 899.
10102(6)	49:1(3)(b).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 1(3)(b); added Sept. 18, 1940, ch. 722, § 2(b), 54 Stat. 899.
10102(7)	49:1002(a)(8).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
	49:1(3)(a) (1st sentence related to express carriers), (2d sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(8)	49:303(a)(9).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(9)	49:303(a)(12).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(10)	49:303(a)(16).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(11)	49:303(a)(14) (less exception).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(12)	49:303(a)(15).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(13)	49:303(a)(17).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(14)	49:303(a)(13).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(15)	49:1(3)(a) (last sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
10102(16)	49:303(a)(1).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
	49:902(a).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
	49:1002(a)(1).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.
	49:1(3)(a) (1st sentence related to pipeline carriers), (2d sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 402(a)(1), (3), (4), (5), (8); added May 16, 1942, ch. 318, § 1, 56 Stat. 284; Dec. 20, 1950, ch. 1140, § 1, 64 Stat. 1113.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
10102(17)	49:1(3)(a) (2d sentence). 49:902(1).	
10102(18)	49:1(3)(a) (3d sentence).	
10102(19)	49:1(5)(c)(ii).	
10102(20)	49:1(3)(a) (1st sentence related to sleeping car carriers), (2d sentence).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §1(5)(c)(ii); added Feb. 5, 1976, Pub. L. 94-210, §202(b), 90 Stat. 35.
10102(21)	49:303(a)(8). 49:902(k).	
10102(22)	49:1002(a)(8). (No source).	
10102(23)	49:1(3)(a) (4th sentence). 49:303(a)(19). 49:902(g), (h).	
10102(24)	49:902(j). 49:1002(a)(4).	
10102(25)	49:902(f).	
10102(26)	49:902(c).	
10102(27)	49:902(d) (less exception).	
10102(28)	49:902(e) (1st and 2d sentences).	

In clause (1), the words "bona fide" are omitted for consistency and as being unnecessary. The words "transportation by motor carrier" are substituted for "transportation subject to this chapter" and "such transportation" for clarity and because the jurisdiction of the Commission is stated separately in chapter 105 of the revised title and is unnecessary to be referred to in a definition. The words "furnishes, contracts" are omitted for consistency and as being surplus.

Clauses (2) and (4) are included because a number of the provisions of the subtitle relate to all carriers and all common carriers, respectively, subject to the jurisdiction of the Commission, and the terms "common carriers" and "carrier" provide simple phrases to refer to those carriers.

In clause (3), the words "subject to this chapter" are omitted as unnecessary in the definition and because the jurisdiction of the Commission is stated separately in chapter 105 of the revised title.

Clause (5) is included because a number of the provisions of the subtitle relate to motor contract carriers and water contract carriers, and the term "contract carrier" provides a simple phrase to refer to both of those kinds of carriers.

In clause (6), the words "or persons", "shall be construed to", "or trusts", "or companies", and "direct or indirect" are omitted for consistency and as being surplus. The words "reason of the method of or circumstances surrounding organization or operation, through or by" are omitted as unnecessary as being included in the words "power to exercise control". In 49:1(3)(b), the phrase "For the purposes of sections 5, 12(1), 20, 304(a)(7), 310, 320, 904(b), 910, and 913 of this title" is omitted for consistency and as being unnecessary because the sections referred to, and 49:1002(a)(8), have the effect of applying the "control" definition to the subtitle.

In clauses (7), (16), (17), and (20), the words "for compensation" are substituted for "for hire" for consistency.

In clause (7), the words "natural or artificial" are omitted as surplus in view of the definition of "person" in this section and in section 1 of title 1. The words "providing express transportation" are substituted for "engaged in such transportation as aforesaid" in view of chapter 105 of the revised title.

In clause (8), the words "to transport or" are omitted as surplus because of the use of the broader phrase "provide transportation". The words "or any class or classes of property, . . . in interstate commerce" are omitted as unnecessary in view of the restatement of the various definitions of "interstate commerce" and

"foreign commerce" as grants of jurisdiction to the Commission. The words "ordinary course of its business" are substituted for "ordinary and usual course of its undertaking" for clarity. The word "place" is substituted for "point" for consistency.

In clause (11), the words "in interstate or foreign commerce of passengers or property or any class or classes thereof" are omitted as unnecessary in view of the restatement of the various definitions of "interstate commerce" and "foreign commerce" as grants of jurisdiction to the Commission under chapter 105 of the revised title. The words "or both" are inserted for clarity.

In clause (12), the words "of passengers or property in interstate or foreign commerce" are omitted for consistency and as being unnecessary in view of the restatement of the various definitions of "interstate commerce" and "foreign commerce" as grants of jurisdiction to the Commission. The words "other than a motor common carrier" are substituted for "other than transportation referred to in paragraph (14) of this subsection" as being more precise. The words "and the exception therein" are omitted for consistency and as being unnecessary in view of the restatement of the exception in section 10502 of this title as a jurisdictional provision. The word "agreements" is substituted for "contracts" for consistency. The words "furnishing of transportation services" are omitted as surplus and for clarity. The words "each such person" are substituted for "each individual customer" for consistency within the clause.

In clause (13), the words "motor private carrier" are substituted for "private carrier of property by motor vehicle" for clarity. The words "other than a motor carrier" are substituted for "not included in the terms 'common carrier by motor vehicle' or 'contract carrier by motor vehicle'" in view of the definition in clause (10) that includes both such carriers. The words "the purpose of" are omitted as surplus. The words "as provided in section 10521(a)(1) and (2) of this title" are substituted for "interstate or foreign commerce" in view of the codification of the latter term from 49:303(a)(10) and (11) in section 10521(a) of the revised title.

In clause (14), the words "or rails" are omitted as surplus. The words "of passengers or property" are omitted as unnecessary in view of the definition of transportation that includes passengers and property.

In clause (15), the words "in addition to its meaning under section 1 of title 1" are substituted for "includes an individual, firm, copartnership, corporation, company, association, or joint stock association" for consistency since section 1 of title 1, United States Code, is applicable to all laws unless otherwise provided.

In clause (18), the words "a contract" and "or lease" are omitted as unnecessary because they are included in the word "agreement". The words "of every kind" are omitted as unnecessary. The words "persons or property" and "or delivery" are omitted as unnecessary because those terms are included in the definition of transportation.

In clause (19), the word "charge" is inserted for clarity. The definition is made applicable to the entire subtitle to eliminate repetition of the words "fares or charges". The words "persons or property" are omitted as unnecessary in view of the definition of transportation that includes passengers and property.

In clause (22), the definition of the word "tariff" is added for clarity.

Clause (23) consolidates and restates the source provisions for clarity and consistency. The words "express or implied" are omitted as unnecessary and for consistency. In 49:1(3)(a) (4th sentence), the word "agreement" is substituted for "contract" for consistency. In 49:303(a)(19), the word "service" is omitted to provide only one defined term for consistency in the codification of the subtitle. In 49:303(a)(19), the words "in interstate or foreign commerce" are omitted for consistency and as being unnecessary in view of the restatement of the various definitions of "interstate commerce" and "foreign commerce" as grants of jurisdiction to the

Commission under chapter 105 of the revised title. In 49:902(g), the words "of any kind" are omitted as unnecessary. In 49:902(h), the words "interchange of passengers and property" are substituted for "property transported or the interchange thereof with any other agency of transportation" for consistency and clarity.

In clause (25), the words "of whatever description" are omitted as unnecessary.

In clause (27), the words "in interstate or foreign commerce of passengers or property or any class or classes thereof" are omitted as unnecessary in view of the restatement of the various definitions of "interstate commerce" and "foreign commerce" as grants of jurisdiction to the Commission.

In clause (28), the words "other than a water common carrier" are substituted for "other than transportation referred to in paragraph (d) of this section" as being more precise. The words "and the exception therein" are omitted for consistency and as being unnecessary in view of the restatement of the exception in section 10502 of the title as a jurisdictional provisional provision. The words "contracts or" are omitted as surplus and for consistency. The words "of passengers or property in interstate or foreign commerce" are omitted as unnecessary in view of the restatement of the various definitions of "interstate commerce" and "foreign commerce" as grants of jurisdiction to the Commission.

AMENDMENTS

1994—Par. (9). Pub. L. 103-272 substituted "part A of subtitle VII of this title" for "the Federal Aviation Act of 1958" in concluding provisions.

Pars. (13) to (17). Pub. L. 103-311, § 206(f), added par. (13) and redesignated former pars. (13) to (16) as (14) to (17), respectively. Former par. (17) redesignated (18).

Par. (18). Pub. L. 103-311, § 206(f)(1), redesignated par. (17) as (18). Former par. (18) redesignated (19).

Pub. L. 103-311, § 205(b), added par. (18). Former par. (18) redesignated (19).

Pars. (19) to (32). Pub. L. 103-311, § 206(f)(1), redesignated pars. (18) to (31) as (19) to (32), respectively. Former par. (32) redesignated (33).

Pub. L. 103-311, § 205(b), redesignated pars. (18) to (31) as (19) to (32), respectively.

Par. (33). Pub. L. 103-311, § 206(f)(1), redesignated par. (32) as (33).

1986—Par. (4). Pub. L. 99-521, § 4(1), inserted "household goods" before "freight forwarder".

Par. (9). Pub. L. 99-521, § 4(2), inserted at end "Such term does not include a person using transportation of an air carrier subject to the Federal Aviation Act of 1958."

Pars. (12) to (31). Pub. L. 99-521, § 4(3), added par. (12) and redesignated pars. (12) to (30) as (13) to (31), respectively.

1982—Pars. (5) to (30). Pub. L. 97-261 added par. (5) and redesignated pars. (5) through (29) as (6) through (30), respectively.

1980—Par. (10). Pub. L. 96-454, § 3(a)(1), added par. (10) relating to definition of "household goods". Former par. (10) redesignated (11).

Par. (11). Pub. L. 96-454, § 3(a)(2), redesignated par. (10) as (11). Former par. (11) redesignated (12).

Par. (12). Pub. L. 96-454, § 3(a)(2), redesignated par. (11) as (12). Former par. (12) redesignated (13).

Pub. L. 96-296 included within definition of a motor contract carrier a person providing motor vehicle transportation of property for compensation under continuing agreements with one or more persons.

Pars. (13) to (29). Pub. L. 96-454, § 3(a)(2), redesignated pars. (12) to (28) as (13) to (29), respectively.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 15 of Pub. L. 99-521 provided that: "This Act [amending this section, sections 10328, 10329, 10521, 10523, 10561, 10703, 10704, 10706, 10708, 10722, 10725, 10730, 10741, 10743, 10749, 10762, 10766, 10923, 10925 to 10927, 10930, 10933, 11101, 11127, 11141, 11323, 11501, 11505, 11701, 11705 to

11708, 11904, and 11908 to 11910 of this title, section 250 of Title 26, Internal Revenue Code, and section 5201 of Title 39, Postal Service, repealing section 10562 of this title, and enacting provisions set out as notes under section 10101 of this title] shall take effect sixty days after the date of the enactment of this Act [Oct. 22, 1986]."

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-261 effective on 60th day after Sept. 20, 1982, see section 31(a) of Pub. L. 97-261, set out as a note under section 10101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 501, 10761, 10762, 11126, 11711, 31501, 41718 of this title; title 18 section 921; title 29 section 186; title 39 section 5201; title 42 section 4917; title 45 sections 702, 741, 802, 1344.

§ 10103. Remedies as cumulative

Except as otherwise provided in this subtitle, the remedies provided under this subtitle are in addition to remedies existing under another law or at common law.

(Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1340; Pub. L. 96-448, title II, § 214(c)(2), Oct. 14, 1980, 94 Stat. 1915.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
10103	49:20(11) (2d sentence, 1st proviso).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 20(11) (2d sentence, 1st proviso); added June 29, 1906, ch. 3591, § 7, 34 Stat. 595; Mar. 4, 1915, ch. 176, § 1, 38 Stat. 1196; Feb. 28, 1920, ch. 91, § 436, 41 Stat. 494; Mar. 4, 1927, ch. 510, § 3, 44 Stat. 1448; re-stated Apr. 23, 1930, ch. 208, § 1, 46 Stat. 251.
	49:22(1) (1st sentence words between 5th and 6th semicolons).	Feb. 4, 1887, ch. 104, § 22(1) (1st sentence words between 5th and 6th semicolons), 24 Stat. 387; re-stated Mar. 2, 1889, ch. 382, § 9, 25 Stat. 862; Aug. 18, 1922, ch. 280, § 1, 42 Stat. 827; Aug. 9, 1935, ch. 498, § 1, 49 Stat. 543.
	49:316(j), 317(b) (proviso).	Feb. 4, 1887, ch. 104, 24 Stat. 379, §§ 216(j), 217(b) (proviso); added Aug. 9, 1935, ch. 498, § 1, 49 Stat. 560, 561; Sept. 18, 1940, ch. 722, § 22(e), 54 Stat. 925.
	49:906(c) (proviso).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 306(c) (proviso); added Sept. 18, 1940, ch. 722, § 201, 54 Stat. 935.
	49:1005(c) (proviso).	Feb. 4, 1887, ch. 104, 24 Stat. 379, § 405(c) (proviso); added May 16, 1942, ch. 318, § 1, 56 Stat. 287.

The section consolidates and restates the source provisions for clarity. The word "subtitle" is substituted for "chapter" in 49:22(1) to conform to the revised title. The words "and nothing in this chapter contained shall in any way abridge or alter the remedies now existing" in 49:22(1) are omitted as unnecessary and as being included in the words "are in addition to". The word "law" is substituted for "statute" in 49:22(1) for consistency.

AMENDMENTS

1980—Pub. L. 96-448 which purported to amend subsec. (a) of this section was executed to the text of this section by substituting "Except as otherwise provided in this subtitle, the remedies" for "The remedies" as the probable intent of Congress.