

employee of the Department of Defense subject to the Uniform Code of Military Justice when the member or employee is performing official duties. The appropriate military authorities are responsible for taking necessary disciplinary action and submitting to the National Transportation Safety Board a timely report on action taken.

(3) The Board may compromise the amount of a civil penalty imposed under this subsection.

(4) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

(5) A civil penalty under this subsection may be collected by bringing a civil action against the person liable for the penalty. The action shall conform as nearly as practicable to a civil action in admiralty.

(b) CRIMINAL PENALTY.—A person that knowingly and without authority removes, conceals, or withholds a part of a civil aircraft involved in an accident, or property on the aircraft at the time of the accident, shall be fined under title 18, imprisoned for not more than 10 years, or both.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 758; Pub. L. 104-264, title VII, §702(b), Oct. 9, 1996, 110 Stat. 3267.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1155(a)(1), (2).	49 App.:1471(a)(1) (related to subchapter VII).	Aug. 23, 1958, Pub. L. 85-726, §901(a)(1) (related to title VII), 72 Stat. 783; restated July 10, 1962, Pub. L. 87-528, §12, 76 Stat. 149; Aug. 5, 1974, Pub. L. 93-366, §107, 88 Stat. 414; Jan. 3, 1975, Pub. L. 93-633, §113(b), 88 Stat. 2162.
	49 App.:1655(d) (1st sentence).	Oct. 15, 1966, Pub. L. 89-670, §6(d) (1st sentence), 80 Stat. 938.
	49 App.:1903(a)(1)(A).	Jan. 3, 1975, Pub. L. 93-633, §304(a)(1)(A), 88 Stat. 2168.
1155(a)(3), (4).	49 App.:1471(a)(2) (related to subchapter VII).	Aug. 23, 1958, Pub. L. 85-726, §901(a)(2) (related to title VII), 72 Stat. 784; July 10, 1962, Pub. L. 87-528, §12, 76 Stat. 150; restated Oct. 24, 1978, Pub. L. 95-504, §35(b), 92 Stat. 1740.
	49 App.:1655(d) (1st sentence).	
	49 App.:1903(a)(1)(A).	
1155(a)(5) ....	49 App.:1473(b)(1).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(1), 72 Stat. 786; Oct. 24, 1978, Pub. L. 95-504, §36, 92 Stat. 1741.
	49 App.:1473(b)(4).	Aug. 23, 1958, Pub. L. 85-726, §903(b)(4), 72 Stat. 787.
	49 App.:1655(d) (1st sentence).	
	49 App.:1903(a)(1)(A).	
1155(b) .....	49 App.:1472(p).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(p); added Oct. 15, 1962, Pub. L. 87-810, §4, 76 Stat. 921; Aug. 5, 1974, Pub. L. 93-366, §103(b), 88 Stat. 410; Dec. 30, 1987, Pub. L. 100-223, §204(e), 101 Stat. 1520.

In subsection (a)(1), the words “section 1132 or 1134(b) or (f)(1) (related to an aircraft accident) of this title” are substituted for “any provision of subchapter . . . VII . . . of this chapter” in 49 App.:1471(a)(1) because those sections restate the relevant source provisions of 49 App.:ch. 20 carried out by the Board. The words “regulation prescribed or order issued under either of those sections” are substituted for “rule, regulation, or order

issued thereunder” for clarity and consistency in the revised title and with other titles of the United States Code and because “rule” and “regulation” are synonymous. The words “liable to the United States Government” are substituted for “subject to” for clarity. The words “for each such violation” are omitted as unnecessary because of 18:1.

In subsection (a)(2), the word “civilian” is omitted as unnecessary. The words “with respect thereto” are omitted as surplus.

In subsection (a)(4), the words “imposed or compromised” are substituted for “finally determined or fixed by order of the Board, or the amount agreed upon in compromise” in 49 App.:1471(a)(2) for consistency and to eliminate unnecessary words.

In subsection (a)(5), the words “imposed or assessed” are omitted as surplus. The words “civil action against the person” are substituted for “proceedings in personam against the person” in 49 App.:1473(b)(1) for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and to eliminate unnecessary words. The text of 49 App.:1473(b)(1) (1st sentence words after 1st comma and last sentence) is omitted as unnecessary because penalties imposed by the National Transportation Safety Board do not involve liens on aircraft. The text of 49 App.:1473(b)(4) is omitted as unnecessary because of 28:ch. 131.

REFERENCES IN TEXT

The Uniform Code of Military Justice, referred to in subsec. (a)(2), is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

PRIOR PROVISIONS

Prior chapter 31 (§§3101-3104) of subtitle II redesignated and restated as chapter 315 (§§31501-31504) of subtitle VI of this title by Pub. L. 103-272, §1(c), (e).

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-264 substituted “, section 1134(b), section 1134(f)(1), or section 1136(g)” for “or 1134(b) or (f)(1)” and “any of” for “either of”.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

CHAPTER 13—SURFACE TRANSPORTATION BOARD

I—ESTABLISHMENT<sup>1</sup>

Sec.	
1301.	Establishment of Board
1302.	Functions.
1303.	Administrative provisions.
1304.	Reports.
1305.	Authorization of appropriations.
1306.	Reporting official action.
	II—ADMINISTRATIVE <sup>1</sup>
1321.	Powers.
1322.	Board action.
1323.	Service of notice in Board proceedings.
1324.	Service of process in court proceedings.
1325.	Railroad-Shipper Transportation Advisory Council.
1326.	Authority of the Inspector General.

AMENDMENTS

2015—Pub. L. 114-110, §§3(a)(1), (2), 10, Dec. 18, 2015, 129 Stat. 2228, 2233, renumbered chapter 7 of this title as

<sup>1</sup> So in original. Does not conform to subchapter heading since word “SUBCHAPTER” does not appear.

this chapter and amended analysis generally, substituting items 1301 to 1306 and 1321 to 1326 for former items 701 to 706 and 721 to 727, respectively.

#### SUBCHAPTER I—ESTABLISHMENT

##### § 1301. Establishment of Board

(a) ESTABLISHMENT.—The Surface Transportation Board is an independent establishment of the United States Government.

(b) MEMBERSHIP.—(1) The Board shall consist of 5 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members may be appointed from the same political party.

(2) At all times—

(A) at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation, transportation regulation, or economic regulation; and

(B) at least 2 members shall be individuals with professional or business experience (including agriculture) in the private sector.

(3) The term of each member of the Board shall be 5 years and shall begin when the term of the predecessor of that member ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

(4) No individual may serve as a member of the Board for more than 2 terms. In the case of an individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, such individual may not be appointed for more than one additional term.

(5) A member of the Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

(6) A vacancy in the membership of the Board does not impair the right of the remaining members to exercise all of the powers of the Board. The Board may designate a member to act as Chairman during any period in which there is no Chairman designated by the President.

(c) CHAIRMAN.—(1) There shall be at the head of the Board a Chairman, who shall be designated by the President from among the members of the Board. The Chairman shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

(2) Subject to the general policies, decisions, findings, and determinations of the Board, the Chairman shall be responsible for administering the Board. The Chairman may delegate the powers granted under this paragraph to an officer, employee, or office of the Board. The Chairman shall—

(A) appoint and supervise, other than regular and full-time employees in the immediate

offices of another member, the officers and employees of the Board, including attorneys to provide legal aid and service to the Board and its members, and to represent the Board in any case in court;

(B) appoint the heads of offices with the approval of the Board;

(C) distribute Board business among officers and employees and offices of the Board;

(D) prepare requests for appropriations for the Board and submit those requests to the President and Congress with the prior approval of the Board; and

(E) supervise the expenditure of funds allocated by the Board for major programs and purposes.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 932, §701; amended Pub. L. 104-287, §5(5), Oct. 11, 1996, 110 Stat. 3389; renumbered §1301 and amended Pub. L. 114-110, §§3(a)(3), (b), 4, Dec. 18, 2015, 129 Stat. 2228, 2229.)

#### AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 701 of this title as this section.

Subsec. (a). Pub. L. 114-110, §3(b), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: "There is hereby established within the Department of Transportation the Surface Transportation Board."

Subsec. (b)(1). Pub. L. 114-110, §4(a)(1), substituted "5 members" for "3 members" and "3 members" for "2 members".

Subsec. (b)(2). Pub. L. 114-110, §4(a)(2), added par. (2) and struck out former par. (2) which read as follows: "At any given time, at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation or transportation regulation, and at least one member shall be an individual with professional or business experience (including agriculture) in the private sector."

Subsec. (b)(4). Pub. L. 114-110, §4(b)(3), struck out "who becomes a member of the Board pursuant to paragraph (4), or an individual" after "In the case of an individual".

Pub. L. 114-110, §4(b)(1), (2), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: "On January 1, 1996, the members of the Interstate Commerce Commission serving unexpired terms on December 29, 1995, shall become members of the Board, to serve for a period of time equal to the remainder of the term for which they were originally appointed to the Interstate Commerce Commission. Any member of the Interstate Commerce Commission whose term expires on December 31, 1995, shall become a member of the Board, subject to paragraph (3)."

Subsec. (b)(5), (6). Pub. L. 114-110, §4(b)(2), redesignated pars. (6) and (7) as (5) and (6), respectively. Former par. (5) redesignated (4).

1996—Subsec. (b)(4). Pub. L. 104-287 substituted "January 1, 1996" for "the effective date of this section" and "December 29, 1995," for "the date of the enactment of the ICC Termination Act of 1995".

#### EFFECTIVE DATE

Pub. L. 104-88, §2, Dec. 29, 1995, 109 Stat. 804, provided that: "Except as otherwise provided in this Act [see Tables for classification], this Act shall take effect on January 1, 1996."

#### SAVINGS PROVISION

Pub. L. 104-88, title II, §204, Dec. 29, 1995, 109 Stat. 941, provided that:

"(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

“(1) that have been issued, made, granted, or allowed to become effective by the Interstate Commerce Commission, any officer or employee of the Interstate Commerce Commission, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act [see Tables for classification] or the amendments made by this Act; and

“(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board [Surface Transportation Board], any other authorized official, a court of competent jurisdiction, or operation of law. The Board shall promptly rescind all regulations established by the Interstate Commerce Commission that are based on provisions of law repealed and not substantively reenacted by this Act.

“(b) PROCEEDINGS.—(1) The provisions of this Act shall not affect any proceedings or any application for any license pending before the Interstate Commerce Commission at the time this Act takes effect [see Effective Date note above], insofar as those functions are retained and transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

“(2) The Board and the Secretary are authorized to provide for the orderly transfer of pending proceedings from the Interstate Commerce Commission.

“(3)(A) Except as provided in subparagraphs (B) and (C), in the case of a proceeding under a provision of law repeal [repealed], and not reenacted, by this Act such proceeding shall be terminated.

“(B) Any proceeding involving a pipeline carrier under subtitle IV of title 49, United States Code, shall be continued to be heard by the Board under such subtitle, as in effect on the day before the effective date of this section [see Effective Date note above], until completion of such proceeding.

“(C) Any proceeding involving the merger of a motor carrier property under subtitle IV of title 49, United States Code, shall continue to be heard by the Board under such subtitle, as in effect on the day before the effective date of this section, until completion of such proceeding.

“(4) Any proceeding with respect to any tariff, rate charge, classification, rule, regulation, or service that was pending under the Intercoastal Shipping Act, 1933 [former 46 U.S.C. App. 843 et seq.] or the Shipping Act, 1916 [former 46 U.S.C. App. 801 et seq., see Disposition Table preceding section 101 of Title 46, Shipping] before the Federal Maritime Commission on November 1, 1995, shall continue to be heard until completion or issuance of a final order thereon under all applicable laws in effect as of November 1, 1995.

“(c) SUITS.—(1) This Act shall not affect suits commenced before the date of the enactment of this Act [Dec. 29, 1995], except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

“(2) Any suit by or against the Interstate Commerce Commission begun before the effective date of this Act shall be continued, insofar as it involves a function retained and transferred under this Act, with the Board

(to the extent the suit involves functions transferred to the Board under this Act) or the Secretary (to the extent the suit involves functions transferred to the Secretary under this Act) substituted for the Commission.

“(3) If the court in a suit described in paragraph (1) remands a case to the Board or the Secretary, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

“(d) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Interstate Commerce Commission shall abate by reason of the enactment of this Act. No cause of action by or against the Interstate Commerce Commission, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

“(e) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Board may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.”

#### CONSTRUCTION

Pub. L. 114–110, §17, Dec. 18, 2015, 129 Stat. 2238, provided that: “Nothing in this Act [see Tables for classification] may be construed to affect any suit commenced by or against the Surface Transportation Board, or any proceeding or challenge pending before the Surface Transportation Board, before the date of the enactment of this Act [Dec. 18, 2015].”

#### ABOLITION OF INTERSTATE COMMERCE COMMISSION

Pub. L. 104–88, title I, §101, Dec. 29, 1995, 109 Stat. 804, provided that: “The Interstate Commerce Commission is abolished.”

#### ORGANIZATION OF FUNCTIONS OF SURFACE TRANSPORTATION BOARD

Pub. L. 104–88, title II, §202, Dec. 29, 1995, 109 Stat. 940, provided that: “The Chairman of the Surface Transportation Board (in this Act [see Tables for classification] referred to as the ‘Board’) may allocate or reallocate any function of the Board, consistent with this title [see Tables for classification] and [former] subchapter I of chapter 7 [now 49 U.S.C. 1301 et seq.], as amended by section 201 of this title, among the members or employees of the Board, and may establish, consolidate, alter, or discontinue in the Board any organizational entities that were entities of the Interstate Commerce Commission, as the Chairman considers necessary or appropriate.”

#### TRANSFER OF ASSETS AND PERSONNEL

Pub. L. 104–88, title II, §203, Dec. 29, 1995, 109 Stat. 941, provided that:

“(a) TO BOARD.—Except as otherwise provided in this Act [see Tables for classification] and the amendments made by this Act, those personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Board [Surface Transportation Board] by this Act shall be transferred to the Board for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Interstate Commerce Commission shall also be transferred to the Board. Such unexpended balances, allocations, and other funds, together with any unobligated balances from user fees collected by the Commission during fiscal year 1996, may be used to pay for the closedown of the Commission and severance costs for Commission personnel, regardless of whether those costs are incurred at the Commission or at the Board.

“(b) TO SECRETARY.—Except as otherwise provided in this Act and the amendments made by this Act, those

personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Secretary by this Act shall be transferred to the Secretary for use in connection with the functions transferred.

“(C) SEPARATED EMPLOYEES.—Notwithstanding all other laws and regulations, the Department of Transportation shall place all Interstate Commerce Commission employees separated from the Commission as a result of this Act on the DOT reemployment priority list (competitive service) or the priority employment list (excepted service).”

REFERENCES TO INTERSTATE COMMERCE COMMISSION DEEMED TO BE REFERENCES TO SURFACE TRANSPORTATION BOARD

Pub. L. 104-88, title II, §205, Dec. 29, 1995, 109 Stat. 943, provided that: “Any reference to the Interstate Commerce Commission in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Interstate Commerce Commission or an officer or employee of the Interstate Commerce Commission, is deemed to refer to the Board [Surface Transportation Board], a member or employee of the Board, or the Secretary, as appropriate.”

**§ 1302. Functions**

Except as otherwise provided in the ICC Termination Act of 1995, or the amendments made thereby, the Board shall perform all functions that, immediately before January 1, 1996, were functions of the Interstate Commerce Commission or were performed by any officer or employee of the Interstate Commerce Commission in the capacity as such officer or employee.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 933, §702; amended Pub. L. 104-287, §5(6), Oct. 11, 1996, 110 Stat. 3389; renumbered §1302, Pub. L. 114-110, §3(a)(3), Dec. 18, 2015, 129 Stat. 2228.)

REFERENCES IN TEXT

The ICC Termination Act of 1995, referred to in text, is Pub. L. 104-88, Dec. 29, 1995, 109 Stat. 803. For complete classification of this Act to the Code, see Short Title of 1995 Amendment note set out under section 101 of this title and Tables.

AMENDMENTS

2015—Pub. L. 114-110 renumbered section 702 of this title as this section.

1996—Pub. L. 104-287 substituted “January 1, 1996” for “the effective date of such Act”.

ABOLITION OF INTERSTATE COMMERCE COMMISSION

Interstate Commerce Commission abolished by section 101 of Pub. L. 104-88, set out as a note under section 1301 of this title.

**§ 1303. Administrative provisions**

(a) OPEN MEETINGS.—

(1) IN GENERAL.—The Board shall be deemed to be an agency for purposes of section 552b of title 5.

(2) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(A) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the members may hold a meeting that is not open to public observation to discuss official agency business if—

(i) no formal or informal vote or other official agency action is taken at the meeting;

(ii) each individual present at the meeting is a member or an employee of the Board; and

(iii) the General Counsel of the Board is present at the meeting.

(B) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under subparagraph (C), not later than 2 business days after the conclusion of a meeting under subparagraph (A), the Board shall make available to the public, in a place easily accessible to the public—

(i) a list of the individuals present at the meeting; and

(ii) a summary of the matters discussed at the meeting, except for any matters the Board properly determines may be withheld from the public under section 552b(c) of title 5.

(C) SUMMARY.—If the Board properly determines matters may be withheld from the public under section 555b(c) of title 5, the Board shall provide a summary with as much general information as possible on those matters withheld from the public.

(D) ONGOING PROCEEDINGS.—If a discussion under subparagraph (A) directly relates to an ongoing proceeding before the Board, the Board shall make the disclosure under subparagraph (B) on the date of the final Board decision.

(E) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this paragraph may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the members other than that described in this paragraph.

(F) STATUTORY CONSTRUCTION.—Nothing in this paragraph may be construed—

(i) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under subparagraph (B)(ii); or

(ii) to authorize the Board to withhold from any individual any record that is accessible to that individual under section 552a of title 5, United States Code.

(b) REPRESENTATION BY ATTORNEYS.—Attorneys designated by the Chairman of the Board may appear for, and represent the Board in, any civil action brought in connection with any function carried out by the Board pursuant to this chapter or subtitle IV or as otherwise authorized by law.

(c) ADMISSION TO PRACTICE.—Subject to section 500 of title 5, the Board may regulate the admission of individuals to practice before it and may impose a reasonable admission fee.

(d) SUBMISSION OF CERTAIN DOCUMENTS TO CONGRESS.—

(1) IN GENERAL.—If the Board submits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for a congressional hearing, or comment on legislation to the President or to the Office of Management and Budget, the Board shall concurrently submit a copy of such document to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) NO APPROVAL REQUIRED.—No officer or agency of the United States has any authority to require the Board to submit budget estimates or requests, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review before submitting such recommendations, testimony, or comments to Congress.

(Added Pub. L. 104–88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §703; renumbered §1303 and amended Pub. L. 114–110, §§3(a)(3), (c)(1), 5, Dec. 18, 2015, 129 Stat. 2228–2230.)

#### AMENDMENTS

2015—Pub. L. 114–110, §3(a)(3), renumbered section 703 of this title as this section.

Subsec. (a). Pub. L. 114–110, §5, amended subsec. (a) generally. Prior to amendment, text read as follows: “For purposes of section 552b of title 5, United States Code, the Board shall be deemed to be an agency.”

Pub. L. 114–110, §3(c)(1)(A), (B), redesignated subsec. (b) as (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Chapter 9 of title 5, United States Code, shall apply to the Board in the same manner as it does to an independent regulatory agency, and the Board shall be an establishment of the United States Government.”

Subsec. (b). Pub. L. 114–110, §3(c)(1)(B), redesignated subsec. (d) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 114–110, §3(c)(1)(A), (B), redesignated subsec. (e) as (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “In the performance of their functions, the members, employees, and other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department of Transportation.”

Subsec. (d). Pub. L. 114–110, §3(c)(1)(C), added subsec. (d). Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 114–110, §3(c)(1)(B), redesignated subsec. (e) as (c).

Subsecs. (f), (g). Pub. L. 114–110, §3(c)(1)(A), struck out subsecs. (f) and (g) which read as follows:

“(f) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Secretary of Transportation shall identify the portion thereof intended for the support of the Board and include a statement by the Board—

“(1) showing the amount requested by the Board in its budgetary presentation to the Secretary and the Office of Management and Budget; and

“(2) an assessment of the budgetary needs of the Board.

“(g) DIRECT TRANSMITTAL TO CONGRESS.—The Board shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation. An officer of an agency may not impose conditions on or impair communications by the Board with Congress, or a committee or Member of Congress, about the information.”

#### § 1304. Reports

(a) ANNUAL REPORT.—The Board shall annually transmit to the Congress a report on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.

(b) RATE CASE REVIEW METRICS.—

(1) QUARTERLY REPORTS.—The Board shall post a quarterly report of rail rate review cases pending or completed by the Board during the previous quarter that includes—

(A) summary information of the case, including the docket number, case name, commodity or commodities involved, and rate review guideline or guidelines used;

(B) the date on which the rate review proceeding began;

(C) the date for the completion of discovery;

(D) the date for the completion of the evidentiary record;

(E) the date for the submission of closing briefs;

(F) the date on which the Board issued the final decision; and

(G) a brief summary of the final decision;

(2) WEBSITE POSTING.—Each quarterly report shall be posted on the Board’s public website.

(c) COMPLAINTS.—

(1) IN GENERAL.—The Board shall establish and maintain a database of complaints received by the Board.

(2) QUARTERLY REPORTS.—The Board shall post a quarterly report of formal and informal service complaints received by the Board during the previous quarter that includes—

(A) the date on which the complaint was received by the Board;

(B) a list of the type of each complaint;

(C) the geographic region of each complaint; and

(D) the resolution of each complaint, if appropriate.

(3) WRITTEN CONSENT.—The quarterly report may identify a complainant that submitted an informal complaint only upon the written consent of the complainant.

(4) WEBSITE POSTING.—Each quarterly report shall be posted on the Board’s public website.

(Added Pub. L. 104–88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §704; renumbered §1304 and amended Pub. L. 114–110, §§3(a)(3), 6, Dec. 18, 2015, 129 Stat. 2228, 2231.)

#### AMENDMENTS

2015—Pub. L. 114–110, §6, substituted “Reports” for “Annual report” in section catchline, designated existing provisions as subsec. (a) and inserted heading, substituted “on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.” for “on its activities.”, and added subsecs. (b) and (c).

Pub. L. 114–110, §3(a)(3), renumbered section 704 of this title as this section.

#### QUARTERLY REPORTS

Pub. L. 114–110, §15(b), Dec. 18, 2015, 129 Stat. 2238, provided that: “Beginning not later than 60 days after the date of the enactment of this Act [Dec. 18, 2015], the Surface Transportation Board shall submit quarterly reports to the congressional committees referred to in section 14(b) [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] that describes the Surface Transportation Board’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of

whether the proceeding is subject to a statutory or regulatory deadline.”

### § 1305. Authorization of appropriations

There are authorized to be appropriated for the activities of the Board—

- (1) \$33,000,000 for fiscal year 2016;
- (2) \$35,000,000 for fiscal year 2017;
- (3) \$35,500,000 for fiscal year 2018;
- (4) \$35,500,000 for fiscal year 2019; and
- (5) \$36,000,000 for fiscal year 2020.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §705; renumbered §1305 and amended Pub. L. 114-110, §§3(a)(3), 7, Dec. 18, 2015, 129 Stat. 2228, 2232.)

#### AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 705 of this title as this section.

Pars. (1) to (5). Pub. L. 114-110, §7, added pars. (1) to (5) and struck out former pars. (1) to (3) which related to appropriations for fiscal years 1996, 1997, and 1998, respectively.

### § 1306. Reporting official action

(a) **REPORTS ON PROCEEDINGS.**—The Board shall make a written report of each proceeding conducted on complaint or on its own initiative and furnish a copy to each party to that proceeding. The report shall include the findings, conclusions, and the order of the Board and, if damages are awarded, the findings of fact supporting the award. The Board may have its reports published for public use. A published report of the Board is competent evidence of its contents.

(b) **SPECIAL RULES FOR MATTERS RELATED TO RAIL CARRIERS.**—(1) When action of the Board in a matter related to a rail carrier is taken by the Board, an individual member of the Board, or another individual or group of individuals designated to take official action for the Board, the written statement of that action (including a report, order, decision and order, vote, notice, letter, policy statement, or regulation) shall indicate—

- (A) the official designation of the individual or group taking the action;
- (B) the name of each individual taking, or participating in taking, the action; and
- (C) the vote or position of each participating individual.

(2) If an individual member of a group taking an official action referred to in paragraph (1) does not participate in it, the written statement of the action shall indicate that the member did not participate. An individual participating in taking an official action is entitled to express the views of that individual as part of the written statement of the action. In addition to any publication of the written statement, it shall be made available to the public under section 552(a) of title 5.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §706; renumbered §1306, Pub. L. 114-110, §3(a)(3), Dec. 18, 2015, 129 Stat. 2228.)

#### AMENDMENTS

2015—Pub. L. 114-110 renumbered section 706 of this title as this section.

## SUBCHAPTER II—ADMINISTRATIVE

### § 1321. Powers

(a) **IN GENERAL.**—The Board shall carry out this chapter and subtitle IV. Enumeration of a power of the Board in this chapter or subtitle IV does not exclude another power the Board may have in carrying out this chapter or subtitle IV. The Board may prescribe regulations in carrying out this chapter and subtitle IV.

(b) **INQUIRIES, REPORTS, AND ORDERS.**—The Board may—

(1) inquire into and report on the management of the business of carriers providing transportation and services subject to subtitle IV;

(2) inquire into and report on the management of the business of a person controlling, controlled by, or under common control with those carriers to the extent that the business of that person is related to the management of the business of that carrier;

(3) obtain from those carriers and persons information the Board decides is necessary to carry out subtitle IV; and

(4) when necessary to prevent irreparable harm, issue an appropriate order without regard to subchapter II of chapter 5 of title 5.

(c) **SUBPOENA WITNESSES.**—(1) The Board may subpoena witnesses and records related to a proceeding of the Board from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Board, or a party to a proceeding before the Board, may petition a court of the United States to enforce that subpoena.

(2) The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

(d) **DEPOSITIONS.**—(1) In a proceeding, the Board may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending before the Board may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

(2) If a witness fails to be deposed or to produce records under paragraph (1), the Board may subpoena the witness to take a deposition, produce the records, or both.

(3) A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

(4) Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

(5) The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

(6) The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Board or agreed on by the parties by written stipulation filed with the Board. A deposition shall be filed with the Board promptly.

(e) WITNESS FEES.—Each witness summoned before the Board or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 935, §721; renumbered §1321, Pub. L. 114-110, §3(a)(5), Dec. 18, 2015, 129 Stat. 2228.)

#### AMENDMENTS

2015—Pub. L. 114-110 renumbered section 721 of this title as this section.

### § 1322. Board action

(a) EFFECTIVE DATE OF ACTIONS.—Unless otherwise provided in subtitle IV, the Board may determine, within a reasonable time, when its actions, other than an action ordering the payment of money, take effect.

(b) TERMINATING AND CHANGING ACTIONS.—An action of the Board remains in effect under its own terms or until superseded. The Board may change, suspend, or set aside any such action on notice. Notice may be given in a manner determined by the Board. A court of competent jurisdiction may suspend or set aside any such action.

(c) RECONSIDERING ACTIONS.—The Board may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances—

- (1) reopen a proceeding;
- (2) grant rehearing, reargument, or reconsideration of an action of the Board; or
- (3) change an action of the Board.

An interested party may petition to reopen and reconsider an action of the Board under this subsection under regulations of the Board.

(d) FINALITY OF ACTIONS.—Notwithstanding subtitle IV, an action of the Board under this section is final on the date on which it is served, and a civil action to enforce, enjoin, suspend, or set aside the action may be filed after that date.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 936, §722; renumbered §1322, Pub. L. 114-110, §3(a)(5), Dec. 18, 2015, 129 Stat. 2228.)

#### AMENDMENTS

2015—Pub. L. 114-110 renumbered section 722 of this title as this section.

### § 1323. Service of notice in Board proceedings

(a) DESIGNATION OF AGENT.—A carrier providing transportation subject to the jurisdiction of the Board under subtitle IV shall designate an agent on whom service of notices in a proceed-

ing before, and of actions of, the Board may be made.

(b) FILING AND CHANGING DESIGNATIONS.—A designation under subsection (a) shall be in writing and filed with the Board. The designation may be changed at any time in the same manner as originally made.

(c) SERVICE OF NOTICE.—Except as otherwise provided, notices of the Board shall be served on its designated agent at the office or usual place of residence of that agent. A notice of action of the Board shall be served immediately on the agent or in another manner provided by law. If that carrier does not have a designated agent, service may be made by posting the notice in the office of the Board.

(d) SPECIAL RULE FOR RAIL CARRIERS.—In a proceeding involving the lawfulness of classifications, rates, or practices of a rail carrier that has not designated an agent under this section, service of notice of the Board on an attorney in fact for the carrier constitutes service of notice on the carrier.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 937, §723; renumbered §1323 and amended Pub. L. 114-110, §§3(a)(5), 8(a), Dec. 18, 2015, 129 Stat. 2228, 2232.)

#### AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 723 of this title as this section.

Subsec. (a). Pub. L. 114-110, §8(a)(1), struck out “in the District of Columbia,” after “designate an agent”.

Subsec. (c). Pub. L. 114-110, §8(a)(2), struck out “in the District of Columbia” after “usual place of residence”.

### § 1324. Service of process in court proceedings

(a) DESIGNATION OF AGENT.—A carrier providing transportation subject to the jurisdiction of the Board under subtitle IV shall designate an agent on whom service of process in an action before a district court may be made. Except as otherwise provided, process in an action before a district court shall be served on the designated agent of that carrier at the office or usual place of residence of that agent. If the carrier does not have a designated agent, service may be made by posting the notice in the office of the Board.

(b) CHANGING DESIGNATION.—A designation under this section may be changed at any time in the same manner as originally made.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 937, §724; renumbered §1324 and amended Pub. L. 114-110, §§3(a)(5), 8(b), Dec. 18, 2015, 129 Stat. 2228, 2232.)

#### AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 724 of this title as this section.

Subsec. (a). Pub. L. 114-110, §8(b), struck out “in the District of Columbia” after “designate an agent” and “usual place of residence”.

### § 1325. Railroad-Shipper Transportation Advisory Council

(a) ESTABLISHMENT; MEMBERSHIP.—There is established the Railroad-Shipper Transportation Advisory Council (in this section referred to as the “Council”) to be composed of 19 members, of which 15 members shall be appointed by the

Chairman of the Board, after recommendation from rail carriers and shippers, within 60 days after December 29, 1995. The members of the Council shall be appointed as follows:

(1) The members of the Council shall be appointed from among citizens of the United States who are not regular full-time employees of the United States and shall be selected for appointment so as to provide as nearly as practicable a broad representation of the various segments of the railroad and rail shipper industries.

(2) Nine of the members shall be appointed from senior executive officers of organizations engaged in the railroad and rail shipping industries, which 9 members shall be the voting members of the Council. Council action and Council positions shall be determined by a majority vote of the members present. A majority of such voting members shall constitute a quorum. Of such 9 voting members—

(A) at least 4 shall be representative of small shippers (as determined by the Chairman); and

(B) at least 4 shall be representative of Class II or III railroads.

(3) The remaining 6 members of the Council shall serve in a nonvoting advisory capacity only, but shall be entitled to participate in Council deliberations. Of the remaining members—

(A) 3 shall be representative of Class I railroads; and

(B) 3 shall be representative of large shipper organizations (as determined by the Chairman).

(4) The Secretary of Transportation and the members of the Board shall serve as ex officio, nonvoting members of the Council. The Council shall not be subject to the Federal Advisory Committee Act. A list of the members appointed to the Council shall be forwarded to the Chairmen and ranking members of the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) Each ex officio member of the Council may designate an alternate, who shall serve as a member of the Council whenever the ex officio member is unable to attend a meeting of the Council. Any such designated alternate shall be selected from individuals who exercise significant decision-making authority in the Federal agency involved.

(b) **TERM OF OFFICE.**—The members of the Council shall be appointed for a term of office of 3 years, except that of the members first appointed—

(1) 5 members shall be appointed for terms of 1 year; and

(2) 5 members shall be appointed for terms of 2 years,

as designated by the Chairman at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve

after the expiration of his term until his successor has taken office. Vacancies on the Council shall be filled in the same manner in which the original appointments were made. No member of the Council shall be eligible to serve in excess of two consecutive terms.

(c) **ELECTION AND DUTIES OF OFFICERS.**—The Council Chairman and Vice Chairman and other appropriate officers of the Council shall be elected by and from the voting members of the Council. The Council Chairman shall serve as the Council's executive officer and shall direct the administration of the Council, assign officer and committee duties, and shall be responsible for issuing and communicating the reports, policy positions and statements of the Council. In the event that the Council Chairman is unable to serve, the Vice Chairman shall act as Council Chairman.

(d) **EXPENSES.**—(1) The members of the Council shall receive no compensation for their services as such, but upon request by the Council Chairman, based on a showing of significant economic burden, the Secretary of Transportation or the Chairman of the Board, to the extent provided in advance in appropriation Acts, may provide reasonable and necessary travel expenses for such individual Council members from Department or Board funding sources in order to foster balanced representation on the Council.

(2) Upon request by the Council Chairman, the Secretary or Chairman of the Board, to the extent provided in advance in appropriations Acts, may pay the reasonable and necessary expenses incurred by the Council in connection with the coordination of Council activities, announcement and reporting of meetings, and preparation of such Council documents as are required or permitted by this section.

(3) The Council may solicit and use private funding for its activities, subject to this subsection.

(4) Prior to making any Federal funding requests, the Council Chairman shall undertake best efforts to fund such activities privately unless the Council Chairman determines that such private funding would create a conflict of interest, or the appearance thereof, or is otherwise impractical. The Council Chairman shall not request funding from any Federal agency without providing written justification as to why private funding would create any such conflict or appearance, or is otherwise impractical.

(5) To enable the Council to carry out its functions—

(A) the Council Chairman may request directly from any Federal agency such personnel, information, services, or facilities, on a compensated or uncompensated basis, as the Council Chairman determines necessary to carry out the functions of the Council;

(B) each Federal agency may, in its discretion, furnish the Council with such information, services, and facilities as the Council Chairman may request to the extent permitted by law and within the limits of available funds; and

(C) each Federal agency may, in its discretion, detail to temporary duty with the Council, such personnel as the Council Chairman may request for carrying out the functions of

the Council, each such detail to be without loss of seniority, pay, or other employee status.

(e) MEETINGS.—The Council shall meet at least semi-annually and shall hold other meetings at the call of the Council Chairman. Appropriate Federal facilities, where available, may be used for such meetings. Whenever the Council, or a committee of the Council, considers matters that affect the jurisdictional interests of Federal agencies that are not represented on the Council, the Council Chairman may invite the heads of such agencies, or their designees, to participate in the deliberations of the Council.

(f) FUNCTIONS AND DUTIES; ANNUAL REPORT.—

(1) The Council shall advise the Secretary, the Chairman, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives with respect to rail transportation policy issues it considers significant, with particular attention to issues of importance to small shippers and small railroads, including car supply, rates, competition, and effective procedures for addressing legitimate shipper and other claims.

(2) To the extent the Council addresses specific grain car issues, it shall coordinate such activities with the National Grain Car Council. The Secretary and Chairman shall cooperate with the Council to provide research, technical and other reasonable support in developing any reports and policy statements required or authorized by this subsection.

(3) The Council shall endeavor to develop within the private sector mechanisms to prevent, or identify and effectively address, obstacles to the most effective and efficient transportation system practicable.

(4) The Council shall prepare an annual report concerning its activities and the results of Council efforts to resolve industry issues, and propose whatever regulatory or legislative relief it considers appropriate. The Council shall include in the annual report such recommendations as it considers appropriate with respect to the performance of the Secretary and Chairman under this chapter, and with respect to the operation and effectiveness of meetings and industry developments relating to the Council's efforts, and such other information as it considers appropriate. Such annual reports shall be reviewed by the Secretary and Chairman, and shall include the Secretary's and Chairman's views or comments relating to—

(A) the accuracy of information therein;

(B) Council efforts and reasonableness of Council positions and actions; and

(C) any other aspects of the Council's work as they may consider appropriate.

The Council may prepare other reports or develop policy statements as the Council considers appropriate. An annual report shall be submitted for each fiscal year and shall be submitted to the Secretary and Chairman within 90 days after the end of the fiscal year. Other such reports and statements may be submitted as the Council considers appropriate.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 937, §726; amended Pub. L. 104-287,

§5(7), Oct. 11, 1996, 110 Stat. 3389; renumbered §1325, Pub. L. 114-110, §3(a)(6), Dec. 18, 2015, 129 Stat. 2229.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

2015—Pub. L. 114-110 renumbered section 726 of this title as this section.

1996—Subsec. (a). Pub. L. 104-287 substituted “December 29, 1995” for “the date of enactment of the ICC Termination Act of 1995” in introductory provisions.

#### § 1326. Authority of the Inspector General

(a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, shall have authority to review only the financial management, property management, and business operations of the Surface Transportation Board, including internal accounting and administrative control systems, to determine the Board's compliance with applicable Federal laws, rules, and regulations.

(b) DUTIES.—In carrying out this section, the Inspector General shall—

(1) keep the Chairman of the Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Board;

(2) issue findings and recommendations for actions to address the problems referred to in paragraph (1); and

(3) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives that describe any progress made in implementing actions to address the problems referred to in paragraph (1).

(c) ACCESS TO INFORMATION.—In carrying out this section, the Inspector General may exercise authorities granted to the Inspector General under subsections (a) and (b) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) FUNDING.—There are authorized to be appropriated to the Secretary of Transportation for use by the Inspector General of the Department of Transportation such sums as may be necessary to cover expenses associated with activities pursuant to the authority exercised under this section.

(2) REIMBURSABLE AGREEMENT.—In the absence of an appropriation under this subsection for an expense referred to in paragraph (1), the Inspector General and the Board shall have a reimbursement agreement to cover such expense.

(Added Pub. L. 114-110, §9, Dec. 18, 2015, 129 Stat. 2232.)

REFERENCES IN TEXT

Section 6 of the Inspector General Act of 1978, referred to in subsec. (c), is section 6 of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

SUBTITLE III—GENERAL AND INTERMODAL PROGRAMS

Chapter 51. Transportation of Hazardous Material ..... 5101
53. Public Transportation ..... 5301
55. Intermodal Transportation ..... 5501
57. Sanitary Food Transportation ..... 5701
59. Intermodal Safe Container Transportation ..... 5901
61. One-Call Notification Programs ..... 6101
63. Bureau of Transportation Statistics 1 ..... 6301 1
63. Bureau of Transportation Statistics ..... 6301 1
65. Research planning ..... 6501

AMENDMENTS

2015—Pub. L. 114-94, div. A, title VI, §6019(c), Dec. 4, 2015, 129 Stat. 1581, added items for chapters 63 and 65.
2012—Pub. L. 112-141, div. E, title II, §52011(c)(2), July 6, 2012, 126 Stat. 895, added item for chapter 63.
2005—Pub. L. 109-59, title III, §3002(c), Aug. 10, 2005, 119 Stat. 1545, substituted ‘‘Public’’ for ‘‘Mass’’ in item for chapter 53.
1998—Pub. L. 105-178, title VII, §7302(b), June 9, 1998, 112 Stat. 482, added item for chapter 61.

CHAPTER 51—TRANSPORTATION OF HAZARDOUS MATERIAL

Sec. 5101. Purpose.
5102. Definitions.
5103. General regulatory authority.
5103a. Limitation on issuance of hazmat licenses.
5104. Representation and tampering.
5105. Transporting certain highly radioactive material.
5106. Handling criteria.
5107. Hazmat employee training requirements and grants.
5108. Registration.
5109. Motor carrier safety permits.
5110. Shipping papers and disclosure. [5111. Repealed.]
5112. Highway routing of hazardous material.
5113. Unsatisfactory safety rating.
5114. Air transportation of ionizing radiation material.
5115. Training curriculum for the public sector.
5116. Planning and training grants, monitoring, and review.
5117. Special permits and exclusions.
5118. Hazardous material technical assessment, research and development, and analysis program.
5119. Uniform forms and procedures.
5120. International uniformity of standards and requirements.
5121. Administrative.
5122. Enforcement.
5123. Civil penalty.
5124. Criminal penalty.
5125. Preemption.
5126. Relationship to other laws.
5127. Judicial review.

1 So in original. Two items for chapter 63 have been enacted.

Sec. 5128. Authorization of appropriations.

AMENDMENTS

2012—Pub. L. 112-141, div. C, title III, §33007(b), July 6, 2012, 126 Stat. 836, added item 5118.
2005—Pub. L. 109-59, title VII, §§7111, 7115(a)(2), (h), 7123(c), Aug. 10, 2005, 119 Stat. 1899, 1901, 1908, struck out item 5111 ‘‘Rail tank cars’’, substituted ‘‘Special permits and exclusions’’ for ‘‘Exemptions and exclusions’’ in item 5117, struck out item 5118 ‘‘Inspectors’’, added items 5127 and 5128, and struck out former item 5127 ‘‘Authorization of appropriations’’.
2001—Pub. L. 107-56, title X, §1012(a)(2), Oct. 26, 2001, 115 Stat. 397, added item 5103a.

§ 5101. Purpose

The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce.

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 759; Pub. L. 109-59, title VII, §7101(b), Aug. 10, 2005, 119 Stat. 1891.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 5101, 49 App.:1801, Jan. 3, 1975, Pub. L. 93-633, §102, 88 Stat. 2156.

The words ‘‘It is declared to be the policy of Congress’’, ‘‘the Nation’’, and ‘‘which are’’ are omitted as surplus.

AMENDMENTS

2005—Pub. L. 109-59 substituted ‘‘The purpose of this chapter is to protect against the risks to life, property, and the environment that are inherent in the transportation of hazardous material in intrastate, interstate, and foreign commerce’’ for ‘‘The purpose of this chapter is to provide adequate protection against the risks to life and property inherent in the transportation of hazardous material in commerce by improving the regulatory and enforcement authority of the Secretary of Transportation’’.

SHORT TITLE OF 2015 AMENDMENT

Pub. L. 114-94, div. A, title III, §3001, Dec. 4, 2015, 129 Stat. 1446, provided that: ‘‘This title [amending sections 5302 to 5304, 5307, 5309 to 5312, 5314, 5315, 5323, 5325, 5327, 5329, 5336 to 5340, and 10501 of this title and sections 5313 and 5314 of Title 5, Government Organization and Employees, repealing sections 5313, 5319, and 5322 of this title, enacting provisions set out as notes under 5309, 5310, 5325, 5329, 5338 of this title, section 5313 of Title 5, and section 12143 of Title 42, The Public Health and Welfare, amending provisions set out as a note under sections 5303 of this title, and repealing provisions set out as a note under section 5309 of this title] may be cited as the ‘Federal Public Transportation Act of 2015’.’’

Pub. L. 114-94, div. A, title VII, §7001, Dec. 4, 2015, 129 Stat. 1588, provided that: ‘‘This title [amending sections 5103, 5107 to 5109, 5116, 5117, 5121, and 5128 of this title and enacting provisions set out as notes under sections 5103, 5116, 20103, 20141, 20155, and 31305 of this title] may be cited as the ‘Hazardous Materials Transportation Safety Improvement Act of 2015’.’’

SHORT TITLE OF 2012 AMENDMENT

Pub. L. 112-141, div. B, §20001, July 6, 2012, 126 Stat. 622, provided that: ‘‘This division [see Tables for classification] may be cited as the ‘Federal Public Transportation Act of 2012’.’’