

## EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

## EFFECTIVE DATE

Section effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

## PART C—PIPELINE CARRIERS

## AMENDMENTS

1996—Pub. L. 104-287, §5(40), Oct. 11, 1996, 110 Stat. 3392, made technical amendment to part heading.

## CHAPTER 151—GENERAL PROVISIONS

## Sec.

15101. Transportation policy.  
15102. Definitions.  
15103. Remedies as cumulative.

## AMENDMENTS

1996—Pub. L. 104-287, §5(41), Oct. 11, 1996, 110 Stat. 3392, struck out duplicative chapter heading.

## § 15101. Transportation policy

(a) IN GENERAL.—To ensure the development, coordination, and preservation of a transportation system that meets the transportation needs of the United States, including the national defense, it is the policy of the United States Government to oversee the modes of transportation and in overseeing those modes—

- (1) to recognize and preserve the inherent advantage of each mode of transportation;
- (2) to promote safe, adequate, economical, and efficient transportation;
- (3) to encourage sound economic conditions in transportation, including sound economic conditions among carriers;
- (4) to encourage the establishment and maintenance of reasonable rates for transportation without unreasonable discrimination or unfair or destructive competitive practices;
- (5) to cooperate with each State and the officials of each State on transportation matters; and
- (6) to encourage fair wages and working conditions in the transportation industry.

(b) ADMINISTRATION TO CARRY OUT POLICY.—This part shall be administered and enforced to carry out the policy of this section.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 921; amended Pub. L. 105-102, §2(13), Nov. 20, 1997, 111 Stat. 2205.)

## HISTORICAL AND REVISION NOTES

## PUB. L. 105-102

This amends 49:15101(a) to correct a grammatical error.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10101 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

## AMENDMENTS

1997—Subsec. (a). Pub. L. 105-102 struck out “of” after “Government to oversee”.

## EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

## GAO REPORT

Pub. L. 104-88, title I, §106(b), Dec. 29, 1995, 109 Stat. 932, directed the Comptroller General, within 3 years after Jan. 1, 1996, to transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the impact of regulations on the competitiveness of pipelines and to recommend whether to continue, revise, or sunset such regulations.

## § 15102. Definitions

In this part—

(1) BOARD.—The term “Board” means the Surface Transportation Board.

(2) PIPELINE CARRIER.—The term “pipeline carrier” means a person providing pipeline transportation for compensation.

(3) RATE.—The term “rate” means a rate or charge for transportation.

(4) STATE.—The term “State” means a State of the United States and the District of Columbia.

(5) TRANSPORTATION.—The term “transportation” includes—

(A) property, facilities, instrumentalities, or equipment of any kind related to the movement of property, regardless of ownership or an agreement concerning use; and

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

(6) UNITED STATES.—The term “United States” means the States of the United States and the District of Columbia.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 921.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10102 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

## § 15103. Remedies as cumulative

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

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 922.)

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10103 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

## CHAPTER 153—JURISDICTION

## Sec.

15301. General pipeline jurisdiction.  
15302. Authority to exempt pipeline carrier transportation.

## AMENDMENTS

1996—Pub. L. 104-287, §5(42), Oct. 11, 1996, 110 Stat. 3392, struck out duplicative chapter heading.

**§ 15301. General pipeline jurisdiction**

(a) IN GENERAL.—The Board has jurisdiction over transportation by pipeline, or by pipeline and railroad or water, when transporting a commodity other than water, gas, or oil. Jurisdiction under this subsection applies only to transportation in the United States between a place in—

- (1) a State and a place in another State;
- (2) the District of Columbia and another place in the District of Columbia;
- (3) a State and a place in a territory or possession of the United States;
- (4) a territory or possession of the United States and a place in another such territory or possession;
- (5) a territory or possession of the United States and another place in the same territory or possession;
- (6) the United States and another place in the United States through a foreign country; or
- (7) the United States and a place in a foreign country.

(b) NO JURISDICTION OVER INTRASTATE TRANSPORTATION.—The Board does not have jurisdiction under subsection (a) over the transportation of property, or the receipt, delivery, storage, or handling of property, entirely in a State (other than the District of Columbia) and not transported between a place in the United States and a place in a foreign country except as otherwise provided in this part.

(c) PROTECTION OF STATES POWERS.—This part does not affect the power of a State, in exercising its police power, to require reasonable intrastate transportation by carriers providing transportation subject to the jurisdiction of the Board under this chapter unless the State requirement is inconsistent with an order of the Board issued under this part or is prohibited under this part.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 922.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10501 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

**§ 15302. Authority to exempt pipeline carrier transportation**

(a) IN GENERAL.—In a matter related to a pipeline carrier providing transportation subject to jurisdiction under this chapter, the Board shall exempt a person, class of persons, or a transaction or service when the Board finds that the application, in whole or in part, of a provision of this part—

- (1) is not necessary to carry out the transportation policy of section 15101; and
- (2) either (A) the transaction or service is of limited scope, or (B) the application, in whole or in part, of the provision is not needed to protect shippers from the abuse of market power.

(b) INITIATION OF PROCEEDING.—The Board may, where appropriate, begin a proceeding under this section on its own initiative or an interested party.

(c) PERIOD OF EXEMPTION.—The Board may specify the period of time during which an exemption granted under this section is effective.

(d) REVOCATION.—The Board may revoke an exemption, to the extent it specifies, when it finds that application, in whole or in part, of a provision of this part to the person, class, or transportation is necessary to carry out the transportation policy of section 15101.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 923.)

**CHAPTER 155—RATES**

Sec. 15501.	Standards for pipeline rates, classifications, through routes, rules, and practices.
15502.	Authority for pipeline carriers to establish rates, classifications, rules, and practices.
15503.	Authority and criteria: rates, classifications, rules, and practices prescribed by Board.
15504.	Government traffic.
15505.	Prohibition against discrimination by pipeline carriers.
15506.	Facilities for interchange of traffic.

**§ 15501. Standards for pipeline rates, classifications, through routes, rules, and practices**

(a) REASONABLENESS.—A rate, classification, rule, or practice related to transportation or service provided by a pipeline carrier subject to this part must be reasonable. A through route established by such a carrier must be reasonable.

(b) NONDISCRIMINATION.—A pipeline carrier providing transportation subject to this part may not discriminate in its rates against a connecting line of any other pipeline, rail, or water carrier providing transportation subject to this subtitle or unreasonably discriminate against that line in the distribution of traffic that is not routed specifically by the shipper.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 923.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10701 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

**§ 15502. Authority for pipeline carriers to establish rates, classifications, rules, and practices**

A pipeline carrier providing transportation or service subject to this part shall establish—

- (1) rates and classifications for transportation and service it may provide under this part; and
- (2) rules and practices on matters related to that transportation or service.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 923.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10702 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

**§ 15503. Authority and criteria: rates, classifications, rules, and practices prescribed by Board**

(a) IN GENERAL.—When the Board, after a full hearing, decides that a rate charged or collected by a pipeline carrier for transportation subject to this part, or that a classification, rule, or practice of that carrier, does or will violate this part, the Board may prescribe the rate, classification, rule, or practice to be followed. In prescribing the rate, classification, rule, or practice, the Board may utilize rate reasonableness procedures that provide an effective simulation of a market-based price for a stand alone pipeline. The Board may order the carrier to stop the violation. When a rate, classification, rule, or practice is prescribed under this subsection, the affected carrier may not publish, charge, or collect a different rate and shall adopt the classification and observe the rule or practice prescribed by the Board.

(b) FACTORS TO CONSIDER.—When prescribing a rate, classification, rule, or practice for transportation or service by a pipeline carrier, the Board shall consider, among other factors—

- (1) the effect of the prescribed rate, classification, rule, or practice on the movement of traffic by that carrier;
- (2) the need for revenues that are sufficient, under honest, economical, and efficient management, to let the carrier provide that transportation or service; and
- (3) the availability of other economic transportation alternatives.

(c) PROCEEDING.—The Board may begin a proceeding under this section on complaint. A complaint under this section must contain a full statement of the facts and the reasons for the complaint and must be made under oath.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 924.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10704 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

**§ 15504. Government traffic**

A pipeline carrier providing transportation or service for the United States Government may transport property for the United States Government without charge or at a rate reduced from the applicable commercial rate. Section 6101(b) to (d) of title 41 does not apply when transportation for the United States Government can be obtained from a carrier lawfully operating in the area where the transportation would be provided.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 924; amended Pub. L. 111-350, §5(o)(6), Jan. 4, 2011, 124 Stat. 3853.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10721 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

2011—Pub. L. 111-350 substituted “Section 6101(b) to (d) of title 41” for “Section 3709 of the Revised Statutes (41 U.S.C. 5)”.

**§ 15505. Prohibition against discrimination by pipeline carriers**

A pipeline carrier providing transportation or service subject to this part may not subject a person, place, port, or type of traffic to unreasonable discrimination.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 924.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10741 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

**§ 15506. Facilities for interchange of traffic**

A pipeline carrier providing transportation subject to this part shall provide reasonable, proper, and equal facilities that are within its power to provide for the interchange of traffic between, and for the receiving, forwarding, and delivering of property to and from, its respective line and a connecting line of a pipeline, rail, or water carrier under this subtitle.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 924.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10742 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

**CHAPTER 157—OPERATIONS OF CARRIERS**

SUBCHAPTER A—GENERAL REQUIREMENTS

Sec.

15701. Providing transportation and service.

SUBCHAPTER B—OPERATIONS OF CARRIERS

15721. Definitions.

15722. Records: form; inspection; preservation.

15723. Reports by carriers, lessors, and associations.

AMENDMENTS

1996—Pub. L. 104-287, §5(43)(A), Oct. 11, 1996, 110 Stat. 3392, struck out duplicative chapter heading and made technical amendments to items for subchapters A and B.

SUBCHAPTER A—GENERAL REQUIREMENTS

AMENDMENTS

1996—Pub. L. 104-287, §5(43)(B)(i), Oct. 11, 1996, 110 Stat. 3393, made technical amendment to subchapter heading.

**§ 15701. Providing transportation and service**

(a) SERVICE ON REASONABLE REQUEST.—A pipeline carrier providing transportation or service under this part shall provide the transportation or service on reasonable request.

(b) RATES AND OTHER TERMS.—A pipeline carrier shall also provide to any person, on request, the carrier’s rates and other service terms. The response by a pipeline carrier to a request for the carrier’s rates and other service terms shall be—

- (1) in writing and forwarded to the requesting person promptly after receipt of the request; or
- (2) promptly made available in electronic form.

(c) LIMITATION ON RATE INCREASES AND CHANGES TO SERVICE TERMS.—A pipeline carrier

may not increase any common carrier rates or change any common carrier service terms unless 20 days have expired after written or electronic notice is provided to any person who, within the previous 12 months—

(1) has requested such rates or terms under subsection (b); or

(2) has made arrangements with the carrier for a shipment that would be subject to such increased rates or changed terms.

(d) PROVISION OF SERVICE.—A pipeline carrier shall provide transportation or service in accordance with the rates and service terms, and any changes thereto, as published or otherwise made available under subsection (b) or (c).

(e) REGULATIONS.—The Board shall, by regulation, establish rules to implement this section. The regulations shall provide for immediate disclosure and dissemination of rates and service terms, including classifications, rules, and practices, and their effective dates. The regulations may modify the 20-day period specified in subsection (c). Final regulations shall be adopted by the Board not later than 180 days after January 1, 1996.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 925; amended Pub. L. 104-287, §5(44), Oct. 11, 1996, 110 Stat. 3393.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11101 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-287 substituted “January 1, 1996” for “the effective date of this section”.

EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

SUBCHAPTER B—OPERATIONS OF CARRIERS

AMENDMENTS

1996—Pub. L. 104-287, §5(43)(B)(ii), Oct. 11, 1996, 110 Stat. 3393, made technical amendment to subchapter heading.

§ 15721. Definitions

In this subchapter, the following definitions apply:

(1) CARRIER, LESSOR.—The terms “carrier” and “lessor” include a receiver or trustee of a pipeline carrier and lessor, respectively.

(2) LESSOR.—The term “lessor” means a person owning a pipeline that is leased to and operated by a carrier providing transportation under this part.

(3) ASSOCIATION.—The term “association” means an organization maintained by or in the interest of a group of pipeline carriers that performs a service, or engages in activities, related to transportation under this part.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 925.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11141 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 15722. Records: form; inspection; preservation

(a) FORM OF RECORDS.—The Board may prescribe the form of records required to be prepared or compiled under this subchapter by pipeline carriers and lessors, including records related to movement of traffic and receipts and expenditures of money.

(b) INSPECTION.—The Board, or an employee designated by the Board, may on demand and display of proper credentials—

(1) inspect and examine the lands, buildings, and equipment of a pipeline carrier or lessor; and

(2) inspect and copy any record of—

(A) a pipeline carrier, lessor, or association; and

(B) a person controlling, controlled by, or under common control with a pipeline carrier if the Board considers inspection relevant to that person’s relation to, or transaction with, that carrier.

(c) PRESERVATION PERIOD.—The Board may prescribe the time period during which operating, accounting, and financial records must be preserved by pipeline carriers and lessors.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 926.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11144 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 15723. Reports by carriers, lessors, and associations

(a) FILING OF REPORTS.—The Board may require pipeline carriers, lessors, and associations, or classes of them as the Board may prescribe, to file annual, periodic, and special reports with the Board containing answers to questions asked by it.

(b) UNDER OATH.—Any report under this section shall be made under oath.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 926.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11145 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

CHAPTER 159—ENFORCEMENT: INVESTIGATIONS, RIGHTS, AND REMEDIES

Sec.	
15901.	General authority.
15902.	Enforcement by the Board.
15903.	Enforcement by the Attorney General.
15904.	Rights and remedies of persons injured by pipeline carriers.
15905.	Limitation on actions by and against pipeline carriers.
15906.	Liability of pipeline carriers under receipts and bills of lading.

AMENDMENTS

1998—Pub. L. 105-225, §7(d), Aug. 12, 1998, 112 Stat. 1512, made technical amendment to directory language of Pub. L. 104-287, §5(45)(A), effective Oct. 11, 1996. See 1996 Amendment note below.

1997—Pub. L. 105-102, §3(d)(1)(A), Nov. 20, 1997, 111 Stat. 2215, which directed technical correction of direc-

tory language of Pub. L. 104-287, §5(45)(A), by substituting "ENFORCEMENT:" for "ENFORCEMENT," could not be executed because "ENFORCEMENT," does not appear in section 5(45)(A).

Pub. L. 105-102, §2(14), Nov. 20, 1997, 111 Stat. 2205, substituted "pipeline" for "certain" in item 15904.

1996—Pub. L. 104-287, §5(45)(B), Oct. 11, 1996, 110 Stat. 3393, struck out item 15907 "Liability when property is delivered in violation of routing instructions".

Pub. L. 104-287, §5(45)(A), Oct. 11, 1996, 110 Stat. 3393, as amended by Pub. L. 105-225, struck out duplicative chapter heading.

### § 15901. General authority

(a) INVESTIGATION; COMPLIANCE ORDER.—Except as otherwise provided in this part, the Board may begin an investigation under this part only on complaint. If the Board finds that a pipeline carrier is violating this part, the Board shall take appropriate action to compel compliance with this part. The Board shall provide the carrier notice of the investigation and an opportunity for a proceeding.

(b) COMPLAINT.—A person, including a governmental authority, may file with the Board a complaint about a violation of this part by a pipeline carrier providing transportation or service subject to this part. The complaint must state the facts that are the subject of the violation. The Board may dismiss a complaint it determines does not state reasonable grounds for investigation and action. However, the Board may not dismiss a complaint made against a pipeline carrier providing transportation subject to this part because of the absence of direct damage to the complainant.

(c) AUTOMATIC DISMISSAL.—A formal investigative proceeding begun by the Board under subsection (a) is dismissed automatically unless it is concluded by the Board with administrative finality by the end of the 3d year after the date on which it was begun.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 926.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11701 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

#### EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

### § 15902. Enforcement by the Board

The Board may bring a civil action to enforce an order of the Board, except a civil action to enforce an order for the payment of money, when it is violated by a pipeline carrier providing transportation subject to this part.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 927.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11702 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

### § 15903. Enforcement by the Attorney General

(a) ON BEHALF OF BOARD.—The Attorney General may, and on request of the Board shall,

bring court proceedings to enforce this part or a regulation or order of the Board and to prosecute a person violating this part or a regulation or order of the Board issued under this part.

(b) ON BEHALF OF OTHERS.—The United States Government may bring a civil action on behalf of a person to compel a pipeline carrier providing transportation or service subject to this part to provide that transportation or service to that person in compliance with this part at the same rate charged, or on conditions as favorable as those given by the carrier, for like traffic under similar conditions to another person.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 927.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11703 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

### § 15904. Rights and remedies of persons injured by pipeline carriers

(a) ENFORCEMENT OF ORDERS.—A person injured because a pipeline carrier providing transportation or service subject to this part does not obey an order of the Board, except an order for the payment of money, may bring a civil action to enforce that order under this subsection.

(b) LIABILITY OF CARRIER.—

(1) EXCESSIVE CHARGES.—A pipeline carrier providing transportation subject to this part is liable to a person for amounts charged that exceed the applicable rate for the transportation.

(2) DAMAGES.—A pipeline carrier providing transportation subject to this part is liable for damages sustained by a person as a result of an act or omission of that carrier in violation of this part.

(c) COMPLAINTS.—

(1) FILING.—A person may file a complaint with the Board under section 15901(b) or bring a civil action under subsection (b) to enforce liability against a pipeline carrier providing transportation subject to this part.

(2) PAYMENT DEADLINE.—When the Board makes an award under subsection (b), the Board shall order the carrier to pay the amount awarded by a specific date. The Board may order a carrier providing transportation subject to this part to pay damages only when the proceeding is on complaint. The person for whose benefit an order of the Board requiring the payment of money is made may bring a civil action to enforce that order under this paragraph if the carrier does not pay the amount awarded by the date payment was ordered to be made.

(d) CIVIL ACTIONS.—

(1) COMPLAINT.—When a person begins a civil action under subsection (b) to enforce an order of the Board requiring the payment of damages by a pipeline carrier providing transportation subject to this part, the text of the order of the Board must be included in the complaint. In addition to the district courts of the United States, a State court of general jurisdiction having jurisdiction of the parties has jurisdiction to enforce an order under this

paragraph. The findings and order of the Board are competent evidence of the facts stated in them. Trial in a civil action brought in a district court of the United States under this paragraph is in the judicial district in which the plaintiff resides or in which the principal operating office of the carrier is located. In a civil action under this paragraph, the plaintiff is liable for only those costs that accrue on an appeal taken by the plaintiff.

(2) ATTORNEY'S FEES.—The district court shall award a reasonable attorney's fee as a part of the damages for which a carrier is found liable under this subsection. The district court shall tax and collect that fee as a part of the costs of the action.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 927; amended Pub. L. 105-102, §2(15), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105-225, §7(b)(2), Aug. 12, 1998, 112 Stat. 1511.)

#### HISTORICAL AND REVISION NOTES

##### PUB. L. 105-102

This amends 49:15904(c)(1) to correct an erroneous cross-reference.

##### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11705 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

##### AMENDMENTS

1998—Subsec. (c)(1). Pub. L. 105-225 inserted "section" before "15901(b)".

1997—Subsec. (c)(1). Pub. L. 105-102 substituted "15901(b)" for "section 11501(b)".

#### § 15905. Limitation on actions by and against pipeline carriers

(a) IN GENERAL.—A pipeline carrier providing transportation or service subject to this part must begin a civil action to recover charges for transportation or service provided by the carrier within 3 years after the claim accrues.

(b) OVERCHARGES.—A person must begin a civil action to recover overcharges under section 15904(b)(1) within 3 years after the claim accrues. If an election to file a complaint with the Board is made under section 15904(c)(1), the complaint must be filed within 3 years after the claim accrues.

(c) DAMAGES.—A person must file a complaint with the Board to recover damages under section 15904(b)(2) within 2 years after the claim accrues.

(d) EXTENSIONS.—The limitation periods under subsection (b) are extended for 6 months from the time written notice is given to the claimant by the carrier of disallowance of any part of the claim specified in the notice if a written claim is given to the carrier within those limitation periods. The limitation periods under subsection (b) and the 2-year period under subsection (c) are extended for 90 days from the time the carrier begins a civil action under subsection (a) to recover charges related to the same transportation or service, or collects (without beginning a civil action under that subsection) the charge for that transportation or service if that action is begun or collection is made within the appropriate period.

(e) PAYMENT.—A person must begin a civil action to enforce an order of the Board against a carrier for the payment of money within one year after the date the order required the money to be paid.

(f) GOVERNMENT TRANSPORTATION.—This section applies to transportation for the United States Government. The time limitations under this section are extended, as related to transportation for or on behalf of the United States Government, for 3 years from the date of—

(1) payment of the rate for the transportation or service involved,

(2) subsequent refund for overpayment of that rate, or

(3) deduction made under section 3726 of title 31,

whichever is later.

(g) ACCRUAL DATE.—A claim related to a shipment of property accrues under this section on delivery or tender of delivery by the carrier.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 928.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11706 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

#### § 15906. Liability of pipeline carriers under receipts and bills of lading

(a) GENERAL LIABILITY.—A pipeline carrier providing transportation or service subject to this part shall issue a receipt or bill of lading for property it receives for transportation under this part. That carrier and any other carrier that delivers the property and is providing transportation or service subject to jurisdiction under this part are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this subsection is for the actual loss or injury to the property caused by the carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading. Failure to issue a receipt or bill of lading does not affect the liability of a carrier.

(b) APPORTIONMENT.—The carrier issuing the receipt or bill of lading under subsection (a) or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

(c) CIVIL ACTIONS.—A civil action under this section may be brought against a delivering carrier in a district court of the United States or in a State court. Trial, if the action is brought in a district court of the United States is in a judicial district, and if in a State court, is in a State, through which the defendant carrier operates a line or route.

(d) MINIMUM PERIOD FOR FILING CLAIMS.—A pipeline carrier may not provide by rule, con-

tract, or otherwise, a period of less than 9 months for filing a claim against it under this section and a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice. For the purposes of this subsection—

(1) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

(2) communications received from a carrier's insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reasons for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 929.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11707 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

### CHAPTER 161—CIVIL AND CRIMINAL PENALTIES

Sec.	
16101.	General civil penalties.
16102.	Recordkeeping and reporting violations.
16103.	Unlawful disclosure of information.
16104.	Disobedience to subpoenas.
16105.	General criminal penalty when specific penalty not provided.
16106.	Punishment of corporation for violations committed by certain individuals.

#### AMENDMENTS

1996—Pub. L. 104-287, §5(46), Oct. 11, 1996, 110 Stat. 3393, struck out duplicative chapter heading.

#### § 16101. General civil penalties

(a) GENERAL.—Except as otherwise provided in this section, a pipeline carrier providing transportation subject to this part, an officer or agent of that carrier, or a receiver, trustee, lessee, or agent of one of them, knowingly violating this part or an order of the Board under this part is liable to the United States for a civil penalty of not more than \$5,000 for each violation. Liability under this subsection is incurred for each distinct violation. A separate violation occurs for each day the violation continues.

(b) RECORDKEEPING AND REPORTING.—

(1) RECORDS.—A person required under chapter 157 to make, prepare, preserve, or submit to the Board a record concerning transportation subject to this part that does not make, prepare, preserve, or submit that record as required under that chapter, is liable to the United States for a civil penalty of \$500 for each violation.

(2) INSPECTION.—A carrier providing transportation subject to this part, and a lessor, receiver, or trustee of that carrier, violating sec-

tion 15722, is liable to the United States for a civil penalty of \$100 for each violation.

(3) REPORTS.—A carrier providing transportation subject to the jurisdiction of the Board under this part, a lessor, receiver, or trustee of that carrier, and an officer, agent, or employee of one of them, required to make a report to the Board or answer a question that does not make the report or does not specifically, completely, and truthfully answer the question, is liable to the United States for a civil penalty of \$100 for each violation.

(4) CONTINUED VIOLATION.—A separate violation occurs for each day violation under this subsection continues.

(c) VENUE.—Trial in a civil action under this section is in the judicial district in which the carrier has its principal operating office.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 930; amended Pub. L. 105-102, §2(16), Nov. 20, 1997, 111 Stat. 2205.)

#### HISTORICAL AND REVISION NOTES

##### PUB. L. 105-102

This amends 49:16101 to redesignate subsection (d) as (c) because no subsection (c) was enacted.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11901 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

#### AMENDMENTS

1997—Subsecs. (c), (d). Pub. L. 105-102 redesignated subsec. (d) as (c).

#### EFFECTIVE DATE

Chapter effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104-88, see section 2 of Pub. L. 104-88, set out as a note under section 1301 of this title.

#### § 16102. Recordkeeping and reporting violations

A person required to make a report to the Board, or make, prepare, or preserve a record, under chapter 157 about transportation subject to this part that knowingly and willfully—

(1) makes a false entry in the report or record,

(2) destroys, mutilates, changes, or by another means falsifies the record,

(3) does not enter business related facts and transactions in the record,

(4) makes, prepares, or preserves the record in violation of a regulation or order of the Board, or

(5) files a false report or record with the Board,

shall be fined under title 18 or imprisoned not more than 2 years, or both.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 930.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11909 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

#### § 16103. Unlawful disclosure of information

(a) GENERAL PROHIBITION.—A pipeline carrier providing transportation subject to this part, or

an officer, agent, or employee of that carrier, or another person authorized to receive information from that carrier, that knowingly discloses to another person, except the shipper or consignee, or a person who solicits or knowingly receives information about the nature, kind, quantity, destination, consignee, or routing of property tendered or delivered to that carrier for transportation provided under this part without the consent of the shipper or consignee, if that information may be used to the detriment of the shipper or consignee or may disclose improperly, to a competitor the business transactions of the shipper or consignee, is liable to the United States for a civil penalty of not more than \$1,000.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—This part does not prevent a pipeline carrier providing transportation under this part from giving information—

(1) in response to legal process issued under authority of a court of the United States or a State;

(2) to an officer, employee, or agent of the United States Government, a State, or a territory or possession of the United States; or

(3) to another carrier or its agent to adjust mutual traffic accounts in the ordinary course of business.

(c) BOARD EMPLOYEE.—An employee of the Board delegated to make an inspection or examination under section 15722 who knowingly discloses information acquired during that inspection or examination, except as directed by the Board, a court, or a judge of that court, shall be fined under title 18 or imprisoned for not more than 6 months, or both.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 931.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11910 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 16104. Disobedience to subpoenas

Whoever does not obey a subpoena or requirement of the Board to appear and testify or produce records shall be fined under title 18 or imprisoned not more than 1 year, or both.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 931.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11913 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 16105. General criminal penalty when specific penalty not provided

When another criminal penalty is not provided under this chapter, a pipeline carrier providing transportation subject to this part, and when that carrier is a corporation, a director or officer of the corporation, or a receiver, trustee, lessee, or person acting for or employed by the corporation that, alone or with another person, willfully violates this part or an order prescribed under this part, shall be fined under title 18 or imprisoned not more than 2 years, or both.

A separate violation occurs each day a violation of this part continues.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 931.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11914 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

§ 16106. Punishment of corporation for violations committed by certain individuals

An act or omission that would be a violation of this subtitle if committed by a director, officer, receiver, trustee, lessee, agent, or employee of a pipeline carrier providing transportation or service subject to this part that is a corporation is also a violation of this part by that corporation. The penalties of this chapter apply to that violation. When acting in the scope of their employment, the actions and omissions of individuals acting for or employed by that carrier are considered to be the actions and omissions of that carrier as well as that individual.

(Added Pub. L. 104-88, title I, §106(a), Dec. 29, 1995, 109 Stat. 931.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 11915 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

SUBTITLE V—RAIL PROGRAMS

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<sup>1</sup> So in original. Probably should be "State Rail Plans".

<sup>2</sup> So in original. Probably should be "Project Delivery".

<sup>3</sup> So in original. Probably should be "Rail Improvement Grants".