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Editorial Notes

REFERENCES IN TEXT


The Railway Labor Act, referred to in subsec. (c)(3)(B), is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, which is classified principally to chapter 8 (§§3030–3039) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.


The Railroad Retirement Tax Act, referred to in subsec. (c)(3)(B), is act Aug. 16, 1954, ch. 736, §§3201, 3202, 3211, 3212, 3221, and 3223, and 68A Stat. 431, as amended, which is classified generally to chapter 22 (§§3201 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3223 of Title 26 and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (c)(3)(B), is act June 25, 1938, ch. 812, as amended, which is classified principally to chapter 11 (§§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 10501 and 10504 of this title prior to the general amendment of this title by Pub. L. 104–88, §102(a).


AMENDMENTS


Subsec. (c)(1)(B). Pub. L. 114–94, §3030(g)(1)(B), substituted “public transportation” for “transportation” and “section 5302” for “section 5302(a)”.


2008—Subsec. (c)(2). Pub. L. 110–432 amended par. (2) generally. Prior to amendment, text read as follows: “Except as provided in paragraph (3), the Board does not have jurisdiction under this part over mass transportation provided by a local governmental authority.”


EFFECTIVE DATE OF 2015 AMENDMENT


Statutory Notes and Related Subsidiaries

EFFECTIVE DATE


ABOLITION OF INTERSTATE COMMERCE COMMISSION


§ 10502. Authority to exempt rail carrier transportation

(a) In a matter related to a rail carrier providing transportation subject to the jurisdiction of the Board under this part, the Board, to the maximum extent consistent with this part, shall exempt a person, class of persons, or a transaction or service whenever 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 10101 of this title; 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) The Board may, where appropriate, begin a proceeding under this section on its own initiative or on application by the Secretary of Transportation or an interested party. The Board shall, within 90 days after receipt of any such application, determine whether to begin an appropriate proceeding. If the Board decides not to begin a class exemption proceeding, the reasons for the decision shall be published in the Federal Register. Any proceeding begun as a result of an application under this subsection shall be completed within 9 months after it is begun.

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

(d) 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 10101 of this title. The Board shall, within 90 days after receipt of a request for revocation under this subsection, determine whether to begin an appropriate proceeding. If the Board decides not to begin a proceeding to revoke a class exemption, the reasons for the decision shall be published in the Federal Register. Any proceeding begun as a result of a request under this subsection shall be completed within 9 months after it is begun.

(e) No exemption order issued pursuant to this section shall operate to relieve any rail carrier from the obligation to provide contractual terms for liability and claims which are consistent with the provisions of section 11706 of this title. Nothing in this subsection or section 11706 of this title shall prevent rail carriers from offering alternative terms nor give the Board the authority to require any specific level of rates or services based upon the provisions of section 11706 of this title.
(f) The Board may exercise its authority under this section to exempt transportation that is provided by a rail carrier as part of a continuous intermodal movement.

(g) The Board may not exercise its authority under this section to relieve a rail carrier of its obligation to protect the interests of employees as required by this part.


Statutory Notes and Related Subsidiaries

Effective Date


CHAPTER 107—RATES

SUBCHAPTER I—GENERAL AUTHORITY

Sec.

10701. Standards for rates, classifications, through routes, rules, and practices.

10702. Authority for rail carriers to establish rates, classifications, rules, and practices.

10703. Authority for rail carriers to establish through routes.

10704. Authority and criteria: rates, classifications, rules, and practices prescribed by Board.

10705. Authority: through routes, joint classifications, rates, and divisions prescribed by Board.

10706. Rate agreements: exemption from antitrust laws.

10707. Determination of market dominance in rate proceedings.