

Surface Transportation Board

§ 1022.2

(b) Debtor is any person or corporation subject to civil penalties or forfeitures for violation of the provisions of the Interstate Commerce Act or legislation supplementary thereto.

§ 1021.3 Enforcement collection designee.

The Director, Office of Compliance and Enforcement, Surface Transportation Board, is the Board's designee to take all necessary action administratively to settle by collection, compromise, suspension or termination, enforcement claims within the contemplation of the Federal Claims Collection Act of 1966.

[45 FR 31374, May 13, 1980, as amended at 64 FR 53267, Oct. 1, 1999]

§ 1021.4 Notice of claim and demand.

Initiation of administrative collection of enforcement claims will be commenced by the enforcement collection designee mailing a letter of notice of claim and demand to the debtor. Such letter will state the statutory basis for the claim, a brief resume of the factual basis for the claim, the amount of the claim, and indicate the availability of the designee or his personal agent for discussion of the claim should the debtor so desire.

§ 1021.5 Agreement and release.

Upon the debtor's agreement to settle a claim, an Agreement and Release Form will be provided to the debtor in duplicate. This form, after reciting the statutory basis for the claim, will contain a statement to be signed in duplicate by the debtor evidencing his agreement to settlement of the claim for the amount stated in the agreement. Both copies of the signed agreement shall be returned to the collection designee. Upon final collection of the claim, one copy of the agreement and release shall be returned to the debtor with the release thereon signed by the enforcement collection designee.

§ 1021.6 Method of claim payment.

(a) Debtors: Debtors shall be required to settle claims by:

(1) Payment by bank cashier check or other instrument acceptable to designee.

(2) Installment payments by check after the execution of a promissory note containing an agreement for judgment.

(b) All checks or other instruments will be made out to "Surface Transportation Board," and after receipt will be forwarded to U.S. Treasury.

PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

Sec.

1022.1 Scope and purpose.

1022.2 Definitions.

1022.3 Civil monetary penalty inflation adjustment.

1022.4 Cost-of-living adjustments of civil monetary penalties.

AUTHORITY: 5 U.S.C. 551-557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 14916, 16101, 16103.

SOURCE: 77 FR 64432, Oct. 22, 2012, unless otherwise noted.

§ 1022.1 Scope and purpose.

The purpose of this part is to establish a method to adjust for inflation the civil monetary penalties provided by law within the jurisdiction of the Board, in conformity with the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note), as amended by the Debt Collection Improvement Act of 1996, Public Law 104-134, 110 Stat. 1321, and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114-74, 129 Stat. 599. These penalties shall be subject to review and adjustment annually using the method specified in this part.

[81 FR 72543, Oct. 20, 2016]

§ 1022.2 Definitions.

As used in this part:

(a) *Board* means the Surface Transportation Board.

(b) *Civil monetary penalty* means any penalty, fine, or other sanction that:

(1)(i) Is for a specific monetary amount as provided by federal law; or

(ii) Has a maximum amount provided by federal law;

(2) Is assessed or enforced by the Board pursuant to federal law; and

§ 1022.3

49 CFR Ch. X (10–1–23 Edition)

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.

(c) *Consumer Price Index* means the Consumer Price Index for all urban consumers published by the Department of Labor.

(d) *Cost-of-Living Adjustment* means the percentage (if any) by which the Consumer Price Index for the month of October preceding the adjustment exceeds the Consumer Price Index for the month of October one year before the month of October preceding date of the adjustment.

(e) *Initial Cost-of-Living Adjustment* means, for each civil monetary penalty, the percentage (if any) by which the Consumer Price Index for the month of October 2015 exceeds the Consumer Price Index of the month of October of the calendar year during which the amount of such civil monetary penalty was established or adjusted under a provision of law.

[77 FR 64432, Oct. 22, 2012, as amended at 81 FR 72543, Oct. 20, 2016]

§ 1022.3 Civil monetary penalty inflation adjustment.

The Board shall, immediately, and at least every year thereafter—

(a) By regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Board by the inflation adjustment described in § 1022.4; and

(b) Publish each such adjustment in the FEDERAL REGISTER.

[77 FR 64432, Oct. 22, 2012, as amended at 81 FR 72543, Oct. 20, 2016]

§ 1022.4 Cost-of living adjustments of civil monetary penalties.

(a) The inflation adjustment under § 1022.3 will initially be determined by increasing each maximum civil monetary penalty by the initial cost-of-living adjustment. Not later than January 15 of every year thereafter, the inflation adjustment will subsequently be determined by increasing the maximum civil monetary penalty for each civil monetary penalty by the cost-of-living adjustment. Any increase determined under this section shall be rounded to the nearest dollar.

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

TABLE 1 TO PARAGRAPH (b)

| U.S. Code citation | Civil monetary penalty description | 2022—Penalty amount | 2023—Adjusted penalty amount |
|-----------------------------|---|---------------------|------------------------------|
| | | EP 716 _7 (2022) | EP 716 _8 (2023) |
| Rail Carrier | | | |
| 49 U.S.C. 11901(a) | Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day. | \$8,736 | \$9,413 |
| 49 U.S.C. 11901(b) | For each violation under section 11124(a)(2) or (b) | 874 | 942 |
| 49 U.S.C. 11901(b) | For each day violation continues | 45 | 48 |
| 49 U.S.C. 11901(c) | Maximum penalty for each knowing violation under sections 10901–10906. | 8,736 | 9,413 |
| 49 U.S.C. 11901(d) | For each violation under section 11123 or section 11124(a)(1). | 174–\$874 | 187–\$942 |
| 49 U.S.C. 11901(d) | For each day violation continues | 87 | 94 |
| 49 U.S.C. 11901(e)(1), (4). | For each violation under sections 11141–11145, for each day. | 874 | 942 |
| 49 U.S.C. 11901(e)(2), (4). | For each violation under section 11144(b)(1), for each day | 174 | 187 |
| 49 U.S.C. 11901(e)(3)–(4). | For each violation of reporting requirements, for each day .. | 174 | 187 |
| Motor and Water Carrier | | | |
| 49 U.S.C. 14901(a) | Minimum penalty for each violation and for each day | 1,195 | 1,288 |
| 49 U.S.C. 14901(a) | For each violation under section 13901 or section 13902(c) | 11,957 | 12,883 |
| 49 U.S.C. 14901(a) | For each violation related to transportation of passengers .. | 29,893 | 32,208 |
| 49 U.S.C. 14901(b) | For each violation of the hazardous waste rules under section 3001 of the Solid Waste Disposal Act. | 23,915–47,829 | 25,767–51,534 |

Surface Transportation Board

§ 1033.1

TABLE 1 TO PARAGRAPH (b)—Continued

| U.S. Code citation | Civil monetary penalty description | 2022—Penalty amount | 2023—Adjusted penalty amount |
|-----------------------------|---|---------------------|------------------------------|
| | | EP 716 _7 (2022) | EP 716 _8 (2023) |
| 49 U.S.C. 14901(d)(1) ... | Minimum penalty for each violation of household good regulations, and for each day. | 1,746 | 1,881 |
| 49 U.S.C. 14901(d)(2) ... | Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement. | 17,473 | 18,826 |
| 49 U.S.C. 14901(d)(3) ... | Minimum penalty for each instance of transportation of household goods without being registered. | 43,678 | 47,061 |
| 49 U.S.C. 14901(e) | Minimum penalty for each violation of a transportation rule | 3,494 | 3,765 |
| 49 U.S.C. 14901(e) | Minimum penalty for each additional violation | 8,736 | 9,413 |
| 49 U.S.C. 14903(a) | Maximum penalty for undercharge or overcharge of tariff rate, for each violation. | 174,724 | 188,257 |
| 49 U.S.C. 14904(a) | For first violation, rebates at less than the rate in effect | 349 | 376 |
| 49 U.S.C. 14904(a) | For all subsequent violations | 438 | 472 |
| 49 U.S.C. 14904(b)(1) ... | Maximum penalty for first violation for undercharges by freight forwarders. | 874 | 942 |
| 49 U.S.C. 14904(b)(1) ... | Maximum penalty for subsequent violations | 3,494 | 3,765 |
| 49 U.S.C. 14904(b)(2) ... | Maximum penalty for other first violations under section 13702. | 874 | 942 |
| 49 U.S.C. 14904(b)(2) ... | Maximum penalty for subsequent violations | 3,494 | 3,765 |
| 49 U.S.C. 14905(a) | Maximum penalty for each knowing violation of section 14103(a), and knowingly authorizing, consenting to, or permitting a violation of section 14103(a) or (b). | 17,473 | 18,826 |
| 49 U.S.C. 14906 | Minimum penalty for first attempt to evade regulation | 2,392 | 2,577 |
| 49 U.S.C. 14906 | Minimum amount for each subsequent attempt to evade regulation. | 5,978 | 6,441 |
| 49 U.S.C. 14907 | Maximum penalty for recordkeeping/reporting violations | 8,736 | 9,413 |
| 49 U.S.C. 14908(a)(2) ... | Maximum penalty for violation of section 14908(a)(1) | 3,494 | 3,765 |
| 49 U.S.C. 14910 | When another civil penalty is not specified under this part, for each violation, for each day. | 874 | 942 |
| 49 U.S.C. 14915(a)(1)–(2). | Minimum penalty for holding a household goods shipment hostage, for each day. | 13,885 | 14,960 |
| 49 U.S.C. 14916(c)(1) ... | Maximum penalty for each knowing violation under section 14916(a) for unlawful brokerage activities. | 11,957 | 12,883 |
| Pipeline Carrier | | | |
| 49 U.S.C. 16101(a) | Maximum penalty for violation of this part, for each day | 8,736 | 9,413 |
| 49 U.S.C. 16101(b)(1), (4). | For each recordkeeping violation under section 15722, each day. | 874 | 942 |
| 49 U.S.C. 16101(b)(2), (4). | For each inspection violation liable under section 15722, each day. | 174 | 187 |
| 49 U.S.C. 16101(b)(3)–(4). | For each reporting violation under section 15723, each day | 174 | 187 |
| 49 U.S.C. 16103(a) | Maximum penalty for improper disclosure of information | 1,746 | 1,881 |

[81 FR 72543, Oct. 20, 2016, as amended at 82 FR 4797, Jan. 17, 2017; 83 FR 993, Jan. 9, 2018; 83 FR 67699, Dec. 31, 2018; 85 FR 839, Jan. 8, 2019; 86 FR 3027, Jan. 14, 2021; 87 FR 2354, Jan. 14, 2022; 88 FR 2269, Jan. 13, 2022]

Parts 1030–1039—Carriers Subject to Part I, Interstate Commerce Act

PART 1033—CAR SERVICE

Sec.

1033.1 Car hire rates.

1033.2 Car service orders.

AUTHORITY: 49 U.S.C. 1321, 11121, 11122.

§ 1033.1 Car hire rates.

(a) Definitions applicable to this section:

(1) *Car*. A freight car bearing railroad reporting marks, other than an excluded boxcar as defined in §1039.14(c)(2) of this chapter whenever it is owned or leased by any class III carrier and bears a class III carrier's reporting marks.

(2) *Car hire*. Compensation to be paid by a user to an owner for use of a car.