

Public Law 96-258
96th Congress

An Act

To amend subtitle IV of title 49, United States Code, to codify recent law and improve the Code without substantive change.

June 3, 1980

[H.R. 3807]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Interstate
Commerce Act,
amendment.

AMENDMENTS TO SUBTITLE IV OF TITLE 49

SECTION 1. Title 49, United States Code, is amended as follows:

- (1) Section 10324(c) is amended to read as follows: 49 USC 10324.
“(c)(1) An action of the Commission is enforceable unless the Commission stays or postpones the action.
“(2) The Commission shall stay or postpone a decision made by a division, an individual Commissioner, a board, or an employee if an application for rehearing, reargument, or reconsideration is made under section 10323 of this title before the decision becomes effective. The stay or postponement is effective until the Commission or appellate division disposes of the matter.” 49 USC 10323.
- (2) Section 10327(k)(1) is amended by striking out “at least 7” and substituting “a majority of the”. 49 USC 10327.
- (3) Section 10382(a) is amended— 49 USC 10382.
(A) by redesignating clauses (5) and (6) as (6) and (7), respectively;
(B) by inserting the following new clause immediately below clause (4):
“(5) shall present the views of users, the general public, affected communities, and, when appropriate, providers of rail transportation in proceedings of departments, agencies, and instrumentalities of the United States Government related to—
“(A) the impact of energy proposals and actions on rail transportation; and
“(B) whether transportation policy is consistent with the energy policies of the United States Government;”; and
(C) by striking out “clauses (1)–(4)” in clause (6), as redesignated, and substituting “clauses (1)–(5)”.
- (4) The first sentence of section 10525(d) is amended by striking out “is, or is likely” and substituting “affects or impairs, or is likely”. 49 USC 10525.
- (5) Section 10526(a) is amended— 49 USC 10526.
(A) by striking out “is” in clause (2);
(B) by striking out “or” in clause (8);
(C) by striking out the period in clause (9) and substituting a semicolon and “or”; and
(D) by inserting the following new clause immediately below clause (9):
“(10) a motor vehicle carrying not more than 15 individuals in a single, daily roundtrip to commute to and from work.”
- (6) Section 10544(d)(1) is amended by inserting “or the District of Columbia,” immediately after “States”. 49 USC 10544.

- 49 USC 10706. (7) Section 10706(c)(2) is amended by striking out the period after "section" and substituting a dash.
- 49 USC 10784. (8) Section 10784(a) is amended—
 (A) by striking out "thereafter correct, revise, and supplement that valuation, including previous inventories and classifications, by keeping" and substituting "keep"; and
 (B) by adding at the end thereof the following new sentence: "When necessary, the Commission may correct, revise, and supplement an inventory or valuation of property it has made."
- 49 USC 10923. (9) Section 10923(b)(2) is amended—
 (A) by striking out "and" in clause (C);
 (B) by striking out ", and the changing character of the requirements of those shippers." in clause (D) and substituting a semicolon and "and"; and
 (C) by inserting the following new clause immediately below clause (D):
 "(E) the changing character of the requirements of those shippers."
- 49 USC 11101. (10) Section 11101(c) is amended—
 (A) in clause (1)(A) by inserting "(i)" before "a farmer", and by striking out "or a motor private carrier;" and substituting a comma and "or (ii)";
 (B) in clause (1)(B) by striking out "(B)" and substituting "a motor private carrier and it" as a flush phrase after "or (ii)" in clause (1)(A), and by striking out "(i)" and "(ii)";
 (C) in clause (1)(C) by striking out "(C)" and substituting "(B)"; and
 (D) in clause (2) by striking out "(1)(C)" and substituting "(1)(B)".
- 49 USC 11121. (11) Section 11121(a) is amended to read as follows:
 "a(1) A rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission under subchapter I of chapter 105 of this title shall furnish safe and adequate car service and establish, observe, and enforce reasonable rules and practices on car service. The Commission may require a rail carrier to provide facilities and equipment that are reasonably necessary to furnish safe and adequate car service if the Commission decides that the rail carrier has materially failed to furnish that service. The Commission may begin a proceeding under this paragraph when an interested person files an application with it. The Commission may act only after a hearing on the record and an affirmative finding, based on the evidence presented, that—
 "(A) providing the facilities or equipment will not materially and adversely affect the ability of the carrier to provide safe and adequate transportation;
 "(B) the amount spent for the facilities or equipment, including a return equal to the carrier's current cost of capital, will be recovered; and
 "(C) providing the facilities or equipment will not impair the ability of the carrier to attract adequate capital."
 "(2) The Commission may require a rail carrier to—
 "(A) file its car service rules with the Commission; and
 "(B) incorporate those rules in its tariffs."
- 49 USC 11304. (12) Section 11304(a)(2) is amended—
 (A) by striking out "bankruptcy from" and substituting "a case under title 11 from"; and
- 11 USC 101. Hearing.
- Rail carrier car service.

(B) by striking out “bankruptcy,” and substituting “that case.”

(13)(A) Subchapter III of chapter 113 is amended by adding at the end thereof the following new section:

“§ 11351. Supplemental orders

49 USC 11351.

“When cause exists, the Interstate Commerce Commission may make appropriate orders supplemental to an order made in a proceeding under sections 11342-11345 and 11347 of this title.”

49 USC
11342-11345,
11347.

(B) The analysis of chapter 113 is amended by inserting immediately below item 11350 the following new item:

“11351. Supplemental orders.”

(C) Section 11912 is amended by striking out “or 11347” and substituting “11347, or 11351”.

49 USC 11912.

(14) Section 11707(e) is amended by striking out “that person receives written notice from the carrier that it” and substituting “the carrier gives a person written notice that the carrier”.

49 USC 11707.

(15) Section 11909(a) is amended by striking out “mutilates” and substituting “mutilates”.

49 USC 11909.

(16) The last sentence of section 11914(c) is amended by striking out “Venue” and “was” and substituting “Trial” and “is”, respectively.

49 USC 11914.

LEGISLATIVE PURPOSE AND CONSTRUCTION

SEC. 2. (a) Section 1 of this Act restates, without substantive change, laws enacted before April 24, 1979, that were replaced by that section. That section may not be construed as making a substantive change in the laws replaced. Laws enacted after April 23, 1979, that are inconsistent with this Act are considered as superseding it to the extent of the inconsistency.

49 USC prec.
10101 note.

(b) A reference to a law replaced by section 1 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by section 1 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by section 1 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

Savings
provision.

REPEALS

SEC. 3. (a) The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

49 USC prec.
10101 note.

(b) The laws specified in the following schedule are repealed except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large	
			Volume	Page
1887 Feb. 4	104.....	1(14)(b), 15(8) (c), (d), 20c, 27(4)(f), 203(b)(7b).	24
1976 Feb. 5	94-210.....	202(e)(2) "Sec. 15(8) (c), (d)".....	90	37.
1978 Nov. 6	95-598.....	337.....	92	2680.
	95-599.....	126(c).....	92	2706.
	8	95-607.....	92	3067.
		95-611.....	92	3090.
	9	95-620.....	92	3348.

49 USC 15 note.
24 Stat. 384.
49 USC 15.
49 USC 15.
49 USC 10525
note.
49 USC 11304
note.
49 USC 20c,
313, 922a.

(c) The repeals, by subsection (b) of this section, of section 15(8) (c) and (d) of the Act of February 4, 1887 (ch. 104, 24 Stat. 379), and section 401 of the Act of November 8, 1978 (Public Law 95-607, 92 Stat. 3067), are effective July 1, 1980.

(d) The amendments made by section 1 (4), (5)(A), (6), (7), (8), (9), (10), (13), (14), (15), and (16) of this Act are effective October 17, 1978.

(e) The amendment made by section 1(12) of this Act and the repeal, by subsection (b) of this section, of section 337 of the Act of November 6, 1978 (Public Law 95-598, 92 Stat. 2680), are effective on the date of enactment of this Act or on October 1, 1979, whichever is later.

Approved June 3, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-332 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 125 (1979): July 23, considered and passed House.

Vol. 126 (1980): May 13, considered and passed Senate, amended.

May 20, House concurred in Senate amendments.