

waste, a solid waste rail transfer facility, or a rail carrier that owns or operates such a facility; and

(7) any other relevant factors, as determined by the Board.

(e) **EXISTING FACILITIES.**—Upon the granting of a petition from the State in which a solid waste rail transfer facility is operating as of the date of enactment of the Clean Railroads Act of 2008 by the Board, the facility shall submit a complete application for a siting permit to the Board pursuant to the procedures issued pursuant to subsection (b). No State may enforce a law, regulation, order, or other requirement affecting the siting of a facility that is operating as of the date of enactment of the Clean Railroads Act of 2008 until the Board has approved or denied a permit pursuant to subsection (c).

(f) **EFFECT OF LAND-USE EXEMPTION.**—If the Board grants a land-use exemption to a solid waste rail transfer facility, all State laws, regulations, orders, or other requirements affecting the siting of a facility are preempted with regard to that facility. An exemption may require compliance with such State laws, regulations, orders, or other requirements.

(g) **INJUNCTIVE RELIEF.**—Nothing in this section precludes a person from seeking an injunction to enjoin a solid waste rail transfer facility from being constructed or operated by or on behalf of a rail carrier if that facility has materially violated, or will materially violate, its land-use exemption or if it failed to receive a valid land-use exemption under this section.

(h) **FEES.**—The Board may charge permit applicants reasonable fees to implement this section, including the costs of third-party consultants.

(i) **DEFINITIONS.**—In this section the terms “solid waste”, “solid waste rail transfer facility”, and “State requirements” have the meaning given such terms in section 10908(e).

(Added Pub. L. 110-432, div. A, title VI, §604(a), Oct. 16, 2008, 122 Stat. 4903; amended Pub. L. 114-94, div. A, title XI, §11316(b), Dec. 4, 2015, 129 Stat. 1676.)

#### REFERENCES IN TEXT

The date of enactment of the Clean Railroads Act of 2008, referred to in subsecs. (a)(2), (b), and (e), is the date of enactment of title VI of div. A of Pub. L. 110-432, which was approved Oct. 16, 2008.

Public Law 108-421, referred to in subsec. (c)(2), is Pub. L. 108-421, Nov. 30, 2004, 118 Stat. 2375, known as the Highlands Conservation Act, which is not classified to the Code.

#### Editorial Notes

##### PRIOR PROVISIONS

For prior section 10909, see note set out under section 10907 of this title.

##### AMENDMENTS

2015—Subsec. (b). Pub. L. 114-94, §11316(b)(1), substituted “Clean Railroads Act of 2008” for “Clean Railroad Act of 2008” in introductory provisions.

Subsec. (e). Pub. L. 114-94, §11316(b)(2), substituted “Upon the granting of a petition from the State” for “Upon the granting of petition from the State”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 10910. Effect on other statutes and authorities

Nothing in section 10908 or 10909 is intended to affect the traditional police powers of the State to require a rail carrier to comply with State and local environmental, public health, and public safety standards that are not unreasonably burdensome to interstate commerce and do not discriminate against rail carriers.

(Added Pub. L. 110-432, div. A, title VI, §605(a), Oct. 16, 2008, 122 Stat. 4905.)

#### Editorial Notes

##### PRIOR PROVISIONS

For prior section 10910, see note set out under section 10907 of this title.

### CHAPTER 111—OPERATIONS

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#### SUBCHAPTER I—GENERAL REQUIREMENTS

#### § 11101. Common carrier transportation, service, and rates

(a) A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part shall provide the transportation or service on reasonable request. A rail carrier shall not be found to have violated this section because it fulfills its reasonable commitments under contracts authorized under section 10709 of this title before responding to reasonable requests for service. Commitments which deprive a carrier of its ability to respond to reasonable requests for common carrier service are not reasonable.

(b) A rail carrier shall also provide to any person, on request, the carrier’s rates and other