

§ 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**

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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 ac-

cordance 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 701 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 directory 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 701 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