

PART A—RAIL

CHAPTER 101—GENERAL PROVISIONS

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§ 10101. Rail transportation policy

In regulating the railroad industry, it is the policy of the United States Government—

(1) to allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail;

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues, as determined by the Board;

(4) to ensure the development and continuation of a sound rail transportation system with effective competition among rail carriers and with other modes, to meet the needs of the public and the national defense;

(5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes;

(6) to maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital;

(7) to reduce regulatory barriers to entry into and exit from the industry;

(8) to operate transportation facilities and equipment without detriment to the public health and safety;

(9) to encourage honest and efficient management of railroads;

(10) to require rail carriers, to the maximum extent practicable, to rely on individual rate increases, and to limit the use of increases of general applicability;

(11) to encourage fair wages and safe and suitable working conditions in the railroad industry;

(12) to prohibit predatory pricing and practices, to avoid undue concentrations of market power, and to prohibit unlawful discrimination;

(13) to ensure the availability of accurate cost information in regulatory proceedings, while minimizing the burden on rail carriers of developing and maintaining the capability of providing such information;

(14) to encourage and promote energy conservation; and

(15) to provide for the expeditious handling and resolution of all proceedings required or permitted to be brought under this part.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 805.)

PRIOR PROVISIONS

Prior sections 10101 and 10101a were omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Section 10101, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1337; Pub. L. 96-296, §4, July 1, 1980, 94 Stat. 793; Pub. L. 96-448, title I, §101(b), Oct. 14, 1980, 94 Stat. 1898; Pub. L. 97-261, §5, Sept. 20, 1982, 96 Stat. 1103; Pub. L. 103-311, title II, §204, Aug. 26, 1994, 108 Stat. 1683, related to transportation policy. See sections 13101 and 15101 of this title.

Section 10101a, added Pub. L. 96-448, title I, §101(a), Oct. 14, 1980, 94 Stat. 1897, related to rail transportation policy.

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.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-432, div. A, title VI, §601, Oct. 16, 2008, 122 Stat. 4900, provided that: "This title [enacting sections 10908 to 10910 of this title and amending section 10501 of this title] may be cited as the 'Clean Railroads Act of 2008'."

Pub. L. 110-291, §1, July 30, 2008, 122 Stat. 2915, provided that: "This Act [amending sections 13102, 13902, and 13905 of this title and enacting provisions set out as notes under section 13902 of this title] may be cited as the 'Over-the-Road Bus Transportation Accessibility Act of 2007'."

SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-59, title IV, §4201, Aug. 10, 2005, 119 Stat. 1751, provided that: "This subtitle [subtitle B (§§ 4201-4216) of title IV of Pub. L. 109-59, enacting sections 14710, 14711, and 14915 of this title, amending sections 13102, 13707, 13902, 14104, 14501, 14706, 14708, and 14901 of this title, and enacting provisions set out as notes under sections 13102, 14701, 14706, and 14710 of this title] may be cited as the 'Household Goods Mover Oversight Enforcement and Reform Act of 2005'[".]"

Pub. L. 109-59, title IV, §4301, Aug. 10, 2005, 119 Stat. 1761, provided that: "This subtitle [subtitle C (§§ 4301-4308) of title IV of Pub. L. 109-59, enacting sections 14504a and 14506 of this title, amending sections 13902, 13905, 13906, 13908, 31102, and 31103 of this title, repealing section 14504 of this title, and enacting provisions set out as notes under sections 13902 and 14504 of this title] may be cited as the 'Unified Carrier Registration Act of 2005'."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-298, §1, Nov. 26, 2002, 116 Stat. 2342, provided that: "This Act [amending sections 13102, 13506, 14501, and 31138 of this title] may be cited as the 'Real Interstate Driver Equity Act of 2002'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-521, §1, Oct. 22, 1986, 100 Stat. 2993, provided that: "This Act [see Tables for classification] may be cited as the 'Surface Freight Forwarder Deregulation Act of 1986'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-261, §1, Sept. 20, 1982, 96 Stat. 1102, provided: "That this Act [see Tables for classification] may be cited as the 'Bus Regulatory Reform Act of 1982'."

SHORT TITLE OF 1980 AMENDMENTS

Pub. L. 96-454, §1, Oct. 15, 1980, 94 Stat. 2011, provided: "That this Act [see Tables for classification] may be cited as the 'Household Goods Transportation Act of 1980'."

Pub. L. 96-448, §1, Oct. 14, 1980, 94 Stat. 1895, provided that: "This Act [see Tables for classification] may be cited as the 'Staggers Rail Act of 1980'."

Pub. L. 96-296, §1, July 1, 1980, 94 Stat. 793, provided: "That this Act [see Tables for classification] may be cited as the 'Motor Carrier Act of 1980'."

§ 10102. Definitions

In this part—

(1) “Board” means the Surface Transportation Board;

(2) “car service” includes (A) the use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars, other vehicles, and special types of equipment used in the transportation of property by a rail carrier, and (B) the supply of trains by a rail carrier;

(3) “control”, when referring to a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by (A) common directors, officers, stockholders, a voting trust, or a holding or investment company, or (B) any other means;

(4) “person”, in addition to its meaning under section 1 of title 1, includes a trustee, receiver, assignee, or personal representative of a person;

(5) “rail carrier” means a person providing common carrier railroad transportation for compensation, but does not include street, suburban, or interurban electric railways not operated as part of the general system of rail transportation;

(6) “railroad” includes—

(A) a bridge, car float, lighter, ferry, and intermodal equipment used by or in connection with a railroad;

(B) the road used by a rail carrier and owned by it or operated under an agreement; and

(C) a switch, spur, track, terminal, terminal facility, and a freight depot, yard, and ground, used or necessary for transportation;

(7) “rate” means a rate or charge for transportation;

(8) “State” means a State of the United States and the District of Columbia;

(9) “transportation” includes—

(A) a locomotive, car, vehicle, vessel, warehouse, wharf, pier, dock, yard, property, facility, instrumentality, or equipment of any kind related to the movement of passengers or property, or both, by rail, regardless of ownership or an agreement concerning use; and

(B) services related to that movement, including receipt, delivery, elevation, transfer in transit, refrigeration, icing, ventilation, storage, handling, and interchange of passengers and property; and

(10) “United States” means the States of the United States and the District of Columbia.

(Added Pub. L. 104-88, title I, §102(a), Dec. 29, 1995, 109 Stat. 806.)

PRIOR PROVISIONS

Prior sections 10102 and 10103 were omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Section 10102, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1338; Pub. L. 96-296, §10(a)(1), July 1, 1980, 94 Stat. 799; Pub. L. 96-454, §3(a), Oct. 15, 1980, 94 Stat. 2011; Pub. L. 97-261, §6(d)(1), Sept. 20, 1982, 96 Stat. 1107; Pub. L. 99-521, §4, Oct. 22, 1986, 100 Stat. 2993; Pub. L. 103-272,

§5(m)(13), July 5, 1994, 108 Stat. 1377; Pub. L. 103-311, title II, §§205(b), 206(f), Aug. 26, 1994, 108 Stat. 1683, 1686, defined terms used in this subtitle. See sections 10102, 13102, and 15102 of this title.

Section 10103, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1340; Pub. L. 96-448, title II, §214(c)(2), Oct. 14, 1980, 94 Stat. 1915, provided that the remedies under this subtitle were cumulative. See sections 10501, 13103, and 15103 of this title.

A prior chapter 103, consisting of sections 10301 to 10311, 10321, 10322, 10324, 10326 to 10330, 10341 to 10344, 10361 to 10364, and 10381 to 10388, was omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a). See chapter 7 of this title.

Section 10301, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1341; Pub. L. 97-253, title V, §502(b), (e), (h)(1), Sept. 8, 1982, 96 Stat. 806, related to organization, membership, administration, seal, and expenses of Interstate Commerce Commission.

Section 10302, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1342, related to divisions of Commission.

Section 10303, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1342, related to Secretary and public records of Commission.

Section 10304, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1342, related to employee boards of Commission.

Section 10305, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1342, related to delegation of authority by Commission.

Section 10306, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1343, related to conduct of Commission proceedings.

Section 10307, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1343, related to offices and sessions of Commission.

Section 10308, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1343, related to admission to practice before Commission.

Section 10309, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1344; Pub. L. 103-437, §18, Nov. 2, 1994, 108 Stat. 4596, related to access to Commission records by congressional committees.

Section 10310, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1344, related to reports of official Commission actions.

Section 10311, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1345, required Commission to submit annual report to Congress.

Section 10321, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1345; Pub. L. 97-261, §24, Sept. 20, 1982, 96 Stat. 1124; Pub. L. 103-272, §4(j)(12), July 5, 1994, 108 Stat. 1368, related to powers of Commission.

Section 10322, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1346; Pub. L. 96-296, §25(a), July 1, 1980, 94 Stat. 816; Pub. L. 96-454, §5(b), Oct. 15, 1980, 94 Stat. 2014; Pub. L. 97-261, §§6(e), 16(c), 17(b), 28(a), Sept. 20, 1982, 96 Stat. 1107, 1117, 1119, 1128; Pub. L. 98-554, title II, §226(c)(1), Oct. 30, 1984, 98 Stat. 2851; Pub. L. 103-272, §5(m)(14), July 5, 1994, 108 Stat. 1377, related to Commission action and appellate procedure in non-rail proceedings.

A prior section 10323, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1346, related to rehearing, reargument, and reconsideration in nonrail proceedings, prior to repeal by Pub. L. 96-296, §25(b), July 1, 1980, 94 Stat. 818.

Section 10324, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1347; Pub. L. 96-258, §1(1), June 3, 1980, 94 Stat. 425; Pub. L. 96-296, §25(c), July 1, 1980, 94 Stat. 818, related to taking effect, duration, and modification of Commission actions.

A prior section 10325, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1347, provided for judicial review in nonrail proceedings, prior to repeal by Pub. L. 96-296, §25(d), July 1, 1980, 94 Stat. 818.

Section 10326, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1348, related to limitations in rulemaking proceedings related to rail carriers.

Section 10327, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1348; Pub. L. 96-258, §1(2), June 3, 1980, 94 Stat. 425; Pub. L. 96-296, §25(e), July 1, 1980, 94 Stat. 818; Pub. L. 97-375, title I, §113, Dec. 21, 1982, 96 Stat. 1821; Pub. L. 104-66, title II, §2101, Dec. 21, 1995, 109 Stat. 730, related to Commission action and appellate procedure in rail carrier proceedings.

Section 10328, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1350; Pub. L. 97-261, §28(b), Sept. 20, 1982, 96 Stat. 1128;