

**§ 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;

Pub. L. 99-521, §5(a), Oct. 22, 1986, 100 Stat. 2994, related to intervention in Commission proceedings.

Section 10329, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1351; Pub. L. 99-521, §5(b), Oct. 22, 1986, 100 Stat. 2994, related to service of notice in Commission proceedings.

Section 10330, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1352, related to service of process in court proceedings.

Section 10341, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1352, authorized Commission to refer matters to joint boards.

Section 10342, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1353, related to establishment and membership of joint boards.

Section 10343, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1353, related to powers of joint boards.

Section 10344, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1354; Pub. L. 96-296, §36, July 1, 1980, 94 Stat. 826, related to administration and proceedings of joint boards.

Section 10361, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1355, related to Rail Services Planning Office.

Section 10362, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1355; Pub. L. 98-216, §2(5)-(7), Feb. 14, 1984, 98 Stat. 5; Pub. L. 99-509, title IV, §4033(c)(7), Oct. 21, 1986, 100 Stat. 1909; Pub. L. 103-272, §4(j)(13), July 5, 1994, 108 Stat. 1368, related to duties of Rail Services Planning Office.

Section 10363, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1356; Pub. L. 103-272, §4(j)(14), July 5, 1994, 108 Stat. 1369, related to appointment and duties of Director of Rail Services Planning Office.

Section 10364, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1356; Pub. L. 103-272, §5(m)(15), July 5, 1994, 108 Stat. 1377, related to powers of and assistance to Director.

Section 10381, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1357, related to Office of Rail Public Counsel.

Section 10382, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1357; Pub. L. 96-258, §1(3), June 3, 1980, 94 Stat. 425, related to duties and standing of Office of Rail Public Counsel.

Section 10383, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1357; Pub. L. 103-272, §4(j)(14), July 5, 1994, 108 Stat. 1369, related to duties and appointment of Director of Office of Rail Public Counsel.

Section 10384, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1358, related to staff of Office of Rail Public Counsel.

Section 10385, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1358; Pub. L. 103-272, §5(m)(15), July 5, 1994, 108 Stat. 1377, related to powers of Office of Rail Public Counsel.

Section 10386, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1358, related to reports concerning activities of Office of Rail Public Counsel.

Section 10387, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1358, related to budget requests and estimates of Office of Rail Public Counsel.

Section 10388, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1358; Pub. L. 96-73, title III, §301, Sept. 29, 1979, 93 Stat. 557, authorized appropriations for Office of Rail Public Counsel for fiscal year ending Sept. 30, 1980.

**CHAPTER 105—JURISDICTION**

Sec.	
10501.	General jurisdiction.
10502.	Authority to exempt rail carrier transportation.

**§ 10501. General jurisdiction**

(a)(1) Subject to this chapter, the Board has jurisdiction over transportation by rail carrier that is—

- (A) only by railroad; or
- (B) by railroad and water, when the transportation is under common control, management, or arrangement for a continuous carriage or shipment.

(2) Jurisdiction under paragraph (1) applies only to transportation in the United States between a place in—

(A) a State and a place in the same or another State as part of the interstate rail network;

(B) a State and a place in a territory or possession of the United States;

(C) a territory or possession of the United States and a place in another such territory or possession;

(D) a territory or possession of the United States and another place in the same territory or possession;

(E) the United States and another place in the United States through a foreign country; or

(F) the United States and a place in a foreign country.

(b) The jurisdiction of the Board over—

(1) transportation by rail carriers, and the remedies provided in this part with respect to rates, classifications, rules (including car service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and

(2) the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State,

is exclusive. Except as otherwise provided in this part, the remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law.

(c)(1) In this subsection—

(A) the term “local governmental authority”—

- (i) has the same meaning given that term by section 5302(a)<sup>1</sup> of this title; and
- (ii) includes a person or entity that contracts with the local governmental authority to provide transportation services; and

(B) the term “mass transportation” means transportation services described in section 5302(a)<sup>1</sup> of this title that are provided by rail.

(2) Except as provided in paragraph (3), the Board does not have jurisdiction under this part over—

(A) mass transportation provided by a local government authority; or

(B) a solid waste rail transfer facility as defined in section 10908 of this title, except as provided under sections 10908 and 10909 of this title.

(3)(A) Notwithstanding paragraph (2) of this subsection, a local governmental authority, described in paragraph (2), is subject to applicable laws of the United States related to—

- (i) safety;
- (ii) the representation of employees for collective bargaining; and
- (iii) employment, retirement, annuity, and unemployment systems or other provisions related to dealings between employees and employers.

(B) The Board has jurisdiction under sections 11102 and 11103 of this title over transportation

<sup>1</sup> See References in Text note below.