

PRIOR PROVISIONS

Prior chapter 31 (§§3101-3104) of subtitle II redesignated and restated as chapter 315 (§§31501-31504) of subtitle VI of this title by Pub. L. 103-272, §1(c), (e).

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104-264 substituted “, section 1134(b), section 1134(f)(1), or section 1136(g)” for “or 1134(b) or (f)(1)” and “any of” for “either of”.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

CHAPTER 13—SURFACE TRANSPORTATION BOARD

I—ESTABLISHMENT¹

Sec.	
1301.	Establishment of Board
1302.	Functions.
1303.	Administrative provisions.
1304.	Reports.
1305.	Authorization of appropriations.
1306.	Reporting official action.

II—ADMINISTRATIVE¹

1321.	Powers.
1322.	Board action.
1323.	Service of notice in Board proceedings.
1324.	Service of process in court proceedings.
1325.	Railroad-Shipper Transportation Advisory Council.
1326.	Authority of the Inspector General.

AMENDMENTS

2015—Pub. L. 114-110, §§3(a)(1), (2), 10, Dec. 18, 2015, 129 Stat. 2228, 2233, renumbered chapter 7 of this title as this chapter and amended analysis generally, substituting items 1301 to 1306 and 1321 to 1326 for former items 701 to 706 and 721 to 727, respectively.

SUBCHAPTER I—ESTABLISHMENT

§ 1301. Establishment of Board

(a) ESTABLISHMENT.—The Surface Transportation Board is an independent establishment of the United States Government.

(b) MEMBERSHIP.—(1) The Board shall consist of 5 members, to be appointed by the President, by and with the advice and consent of the Senate. Not more than 3 members may be appointed from the same political party.

(2) At all times—

(A) at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of transportation, transportation regulation, or economic regulation; and

(B) at least 2 members shall be individuals with professional or business experience (including agriculture) in the private sector.

(3) The term of each member of the Board shall be 5 years and shall begin when the term of the predecessor of that member ends. An individual appointed to fill a vacancy occurring before the expiration of the term for which the

predecessor of that individual was appointed, shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. The President may remove a member for inefficiency, neglect of duty, or malfeasance in office.

(4) No individual may serve as a member of the Board for more than 2 terms. In the case of an individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed, such individual may not be appointed for more than one additional term.

(5) A member of the Board may not have a pecuniary interest in, hold an official relation to, or own stock in or bonds of, a carrier providing transportation by any mode and may not engage in another business, vocation, or employment.

(6) A vacancy in the membership of the Board does not impair the right of the remaining members to exercise all of the powers of the Board. The Board may designate a member to act as Chairman during any period in which there is no Chairman designated by the President.

(c) CHAIRMAN.—(1) There shall be at the head of the Board a Chairman, who shall be designated by the President from among the members of the Board. The Chairman shall receive compensation at the rate prescribed for level III of the Executive Schedule under section 5314 of title 5.

(2) Subject to the general policies, decisions, findings, and determinations of the Board, the Chairman shall be responsible for administering the Board. The Chairman may delegate the powers granted under this paragraph to an officer, employee, or office of the Board. The Chairman shall—

(A) appoint and supervise, other than regular and full-time employees in the immediate offices of another member, the officers and employees of the Board, including attorneys to provide legal aid and service to the Board and its members, and to represent the Board in any case in court;

(B) appoint the heads of offices with the approval of the Board;

(C) distribute Board business among officers and employees and offices of the Board;

(D) prepare requests for appropriations for the Board and submit those requests to the President and Congress with the prior approval of the Board; and

(E) supervise the expenditure of funds allocated by the Board for major programs and purposes.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 932, §701; amended Pub. L. 104-287, §5(5), Oct. 11, 1996, 110 Stat. 3389; renumbered §1301 and amended Pub. L. 114-110, §§3(a)(3), (b), 4, Dec. 18, 2015, 129 Stat. 2228, 2229.)

AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 701 of this title as this section.

Subsec. (a). Pub. L. 114-110, §3(b), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “There is hereby established within the Department of Transportation the Surface Transportation Board.”

¹ So in original. Does not conform to subchapter heading since word “SUBCHAPTER” does not appear.