

(d) SUBMISSION OF CERTAIN DOCUMENTS TO CONGRESS.—

(1) IN GENERAL.—If the Board submits any budget estimate, budget request, supplemental budget estimate, or other budget information, legislative recommendation, prepared testimony for a congressional hearing, or comment on legislation to the President or to the Office of Management and Budget, the Board shall concurrently submit a copy of such document to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) NO APPROVAL REQUIRED.—No officer or agency of the United States has any authority to require the Board to submit budget estimates or requests, legislative recommendations, prepared testimony for congressional hearings, or comments on legislation to any officer or agency of the United States for approval, comments, or review before submitting such recommendations, testimony, or comments to Congress.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §703; renumbered §1303 and amended Pub. L. 114-110, §§3(a)(3), (c)(1), 5, Dec. 18, 2015, 129 Stat. 2228-2230.)

#### AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 703 of this title as this section.

Subsec. (a). Pub. L. 114-110, §5, amended subsec. (a) generally. Prior to amendment, text read as follows: “For purposes of section 552b of title 5, United States Code, the Board shall be deemed to be an agency.”

Pub. L. 114-110, §3(c)(1)(A), (B), redesignated subsec. (b) as (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Chapter 9 of title 5, United States Code, shall apply to the Board in the same manner as it does to an independent regulatory agency, and the Board shall be an establishment of the United States Government.”

Subsec. (b). Pub. L. 114-110, §3(c)(1)(B), redesignated subsec. (d) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 114-110, §3(c)(1)(A), (B), redesignated subsec. (e) as (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “In the performance of their functions, the members, employees, and other personnel of the Board shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent of any other part of the Department of Transportation.”

Subsec. (d). Pub. L. 114-110, §3(c)(1)(C), added subsec. (d). Former subsec. (d) redesignated (b).

Subsec. (e). Pub. L. 114-110, §3(c)(1)(B), redesignated subsec. (e) as (c).

Subsecs. (f), (g). Pub. L. 114-110, §3(c)(1)(A), struck out subsecs. (f) and (g) which read as follows:

“(f) BUDGET REQUESTS.—In each annual request for appropriations by the President, the Secretary of Transportation shall identify the portion thereof intended for the support of the Board and include a statement by the Board—

“(1) showing the amount requested by the Board in its budgetary presentation to the Secretary and the Office of Management and Budget; and

“(2) an assessment of the budgetary needs of the Board.

“(g) DIRECT TRANSMITTAL TO CONGRESS.—The Board shall transmit to Congress copies of budget estimates, requests, and information (including personnel needs), legislative recommendations, prepared testimony for

congressional hearings, and comments on legislation at the same time they are sent to the Secretary of Transportation. An officer of an agency may not impose conditions on or impair communications by the Board with Congress, or a committee or Member of Congress, about the information.”

#### § 1304. Reports

(a) ANNUAL REPORT.—The Board shall annually transmit to the Congress a report on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.

(b) RATE CASE REVIEW METRICS.—

(1) QUARTERLY REPORTS.—The Board shall post a quarterly report of rail rate review cases pending or completed by the Board during the previous quarter that includes—

(A) summary information of the case, including the docket number, case name, commodity or commodities involved, and rate review guideline or guidelines used;

(B) the date on which the rate review proceeding began;

(C) the date for the completion of discovery;

(D) the date for the completion of the evidentiary record;

(E) the date for the submission of closing briefs;

(F) the date on which the Board issued the final decision; and

(G) a brief summary of the final decision;

(2) WEBSITE POSTING.—Each quarterly report shall be posted on the Board’s public website.

(c) COMPLAINTS.—

(1) IN GENERAL.—The Board shall establish and maintain a database of complaints received by the Board.

(2) QUARTERLY REPORTS.—The Board shall post a quarterly report of formal and informal service complaints received by the Board during the previous quarter that includes—

(A) the date on which the complaint was received by the Board;

(B) a list of the type of each complaint;

(C) the geographic region of each complaint; and

(D) the resolution of each complaint, if appropriate.

(3) WRITTEN CONSENT.—The quarterly report may identify a complainant that submitted an informal complaint only upon the written consent of the complainant.

(4) WEBSITE POSTING.—Each quarterly report shall be posted on the Board’s public website.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §704; renumbered §1304 and amended Pub. L. 114-110, §§3(a)(3), 6, Dec. 18, 2015, 129 Stat. 2228, 2231.)

#### AMENDMENTS

2015—Pub. L. 114-110, §6, substituted “Reports” for “Annual report” in section catchline, designated existing provisions as subsec. (a) and inserted heading, substituted “on its activities, including each instance in which the Board has initiated an investigation on its own initiative under this chapter or subtitle IV.” for “on its activities.”, and added subsecs. (b) and (c).

Pub. L. 114-110, §3(a)(3), renumbered section 704 of this title as this section.

## QUARTERLY REPORTS

Pub. L. 114-110, §15(b), Dec. 18, 2015, 129 Stat. 2238, provided that: "Beginning not later than 60 days after the date of the enactment of this Act [Dec. 18, 2015], the Surface Transportation Board shall submit quarterly reports to the congressional committees referred to in section 14(b) [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] that describes the Surface Transportation Board's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline."

**§ 1305. Authorization of appropriations**

There are authorized to be appropriated for the activities of the Board—

- (1) \$33,000,000 for fiscal year 2016;
- (2) \$35,000,000 for fiscal year 2017;
- (3) \$35,500,000 for fiscal year 2018;
- (4) \$35,500,000 for fiscal year 2019; and
- (5) \$36,000,000 for fiscal year 2020.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §705; renumbered §1305 and amended Pub. L. 114-110, §§3(a)(3), 7, Dec. 18, 2015, 129 Stat. 2228, 2232.)

## AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 705 of this title as this section.

Pars. (1) to (5). Pub. L. 114-110, §7, added pars. (1) to (5) and struck out former pars. (1) to (3) which related to appropriations for fiscal years 1996, 1997, and 1998, respectively.

**§ 1306. Reporting official action**

(a) **REPORTS ON PROCEEDINGS.**—The Board shall make a written report of each proceeding conducted on complaint or on its own initiative and furnish a copy to each party to that proceeding. The report shall include the findings, conclusions, and the order of the Board and, if damages are awarded, the findings of fact supporting the award. The Board may have its reports published for public use. A published report of the Board is competent evidence of its contents.

(b) **SPECIAL RULES FOR MATTERS RELATED TO RAIL CARRIERS.**—(1) When action of the Board in a matter related to a rail carrier is taken by the Board, an individual member of the Board, or another individual or group of individuals designated to take official action for the Board, the written statement of that action (including a report, order, decision and order, vote, notice, letter, policy statement, or regulation) shall indicate—

- (A) the official designation of the individual or group taking the action;
- (B) the name of each individual taking, or participating in taking, the action; and
- (C) the vote or position of each participating individual.

(2) If an individual member of a group taking an official action referred to in paragraph (1) does not participate in it, the written statement of the action shall indicate that the member did not participate. An individual participating in taking an official action is entitled to express the views of that individual as part of the written statement of the action. In addition to any

publication of the written statement, it shall be made available to the public under section 552(a) of title 5.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 934, §706; renumbered §1306, Pub. L. 114-110, §3(a)(3), Dec. 18, 2015, 129 Stat. 2228.)

## AMENDMENTS

2015—Pub. L. 114-110 renumbered section 706 of this title as this section.

## SUBCHAPTER II—ADMINISTRATIVE

**§ 1321. Powers**

(a) **IN GENERAL.**—The Board shall carry out this chapter and subtitle IV. Enumeration of a power of the Board in this chapter or subtitle IV does not exclude another power the Board may have in carrying out this chapter or subtitle IV. The Board may prescribe regulations in carrying out this chapter and subtitle IV.

(b) **INQUIRIES, REPORTS, AND ORDERS.**—The Board may—

(1) inquire into and report on the management of the business of carriers providing transportation and services subject to subtitle IV;

(2) inquire into and report on the management of the business of a person controlling, controlled by, or under common control with those carriers to the extent that the business of that person is related to the management of the business of that carrier;

(3) obtain from those carriers and persons information the Board decides is necessary to carry out subtitle IV; and

(4) when necessary to prevent irreparable harm, issue an appropriate order without regard to subchapter II of chapter 5 of title 5.

(c) **SUBPOENA WITNESSES.**—(1) The Board may subpoena witnesses and records related to a proceeding of the Board from any place in the United States, to the designated place of the proceeding. If a witness disobeys a subpoena, the Board, or a party to a proceeding before the Board, may petition a court of the United States to enforce that subpoena.

(2) The district courts of the United States have jurisdiction to enforce a subpoena issued under this section. Trial is in the district in which the proceeding is conducted. The court may punish a refusal to obey a subpoena as a contempt of court.

(d) **DEPOSITIONS.**—(1) In a proceeding, the Board may take the testimony of a witness by deposition and may order the witness to produce records. A party to a proceeding pending before the Board may take the testimony of a witness by deposition and may require the witness to produce records at any time after a proceeding is at issue on petition and answer.

(2) If a witness fails to be deposed or to produce records under paragraph (1), the Board may subpoena the witness to take a deposition, produce the records, or both.

(3) A deposition may be taken before a judge of a court of the United States, a United States magistrate judge, a clerk of a district court, or a chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a