

city, judge of a county court, or court of common pleas of any State, or a notary public who is not counsel or attorney of a party or interested in the proceeding.

(4) Before taking a deposition, reasonable notice must be given in writing by the party or the attorney of that party proposing to take a deposition to the opposing party or the attorney of record of that party, whoever is nearest. The notice shall state the name of the witness and the time and place of taking the deposition.

(5) The testimony of a person deposed under this subsection shall be taken under oath. The person taking the deposition shall prepare, or cause to be prepared, a transcript of the testimony taken. The transcript shall be subscribed by the deponent.

(6) The testimony of a witness who is in a foreign country may be taken by deposition before an officer or person designated by the Board or agreed on by the parties by written stipulation filed with the Board. A deposition shall be filed with the Board promptly.

(e) WITNESS FEES.—Each witness summoned before the Board or whose deposition is taken under this section and the individual taking the deposition are entitled to the same fees and mileage paid for those services in the courts of the United States.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 935, §721; renumbered §1321, Pub. L. 114-110, §3(a)(5), Dec. 18, 2015, 129 Stat. 2228.)

AMENDMENTS

2015—Pub. L. 114-110 renumbered section 721 of this title as this section.

§ 1322. Board action

(a) EFFECTIVE DATE OF ACTIONS.—Unless otherwise provided in subtitle IV, the Board may determine, within a reasonable time, when its actions, other than an action ordering the payment of money, take effect.

(b) TERMINATING AND CHANGING ACTIONS.—An action of the Board remains in effect under its own terms or until superseded. The Board may change, suspend, or set aside any such action on notice. Notice may be given in a manner determined by the Board. A court of competent jurisdiction may suspend or set aside any such action.

(c) RECONSIDERING ACTIONS.—The Board may, at any time on its own initiative because of material error, new evidence, or substantially changed circumstances—

- (1) reopen a proceeding;
- (2) grant rehearing, reargument, or reconsideration of an action of the Board; or
- (3) change an action of the Board.

An interested party may petition to reopen and reconsider an action of the Board under this subsection under regulations of the Board.

(d) FINALITY OF ACTIONS.—Notwithstanding subtitle IV, an action of the Board under this section is final on the date on which it is served, and a civil action to enforce, enjoin, suspend, or set aside the action may be filed after that date.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 936, §722; renumbered §1322, Pub. L. 114-110, §3(a)(5), Dec. 18, 2015, 129 Stat. 2228.)

AMENDMENTS

2015—Pub. L. 114-110 renumbered section 722 of this title as this section.

§ 1323. Service of notice in Board proceedings

(a) DESIGNATION OF AGENT.—A carrier providing transportation subject to the jurisdiction of the Board under subtitle IV shall designate an agent on whom service of notices in a proceeding before, and of actions of, the Board may be made.

(b) FILING AND CHANGING DESIGNATIONS.—A designation under subsection (a) shall be in writing and filed with the Board. The designation may be changed at any time in the same manner as originally made.

(c) SERVICE OF NOTICE.—Except as otherwise provided, notices of the Board shall be served on its designated agent at the office or usual place of residence of that agent. A notice of action of the Board shall be served immediately on the agent or in another manner provided by law. If that carrier does not have a designated agent, service may be made by posting the notice in the office of the Board.

(d) SPECIAL RULE FOR RAIL CARRIERS.—In a proceeding involving the lawfulness of classifications, rates, or practices of a rail carrier that has not designated an agent under this section, service of notice of the Board on an attorney in fact for the carrier constitutes service of notice on the carrier.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 937, §723; renumbered §1323 and amended Pub. L. 114-110, §§3(a)(5), 8(a), Dec. 18, 2015, 129 Stat. 2228, 2232.)

AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 723 of this title as this section.

Subsec. (a). Pub. L. 114-110, §8(a)(1), struck out “in the District of Columbia,” after “designate an agent”.

Subsec. (c). Pub. L. 114-110, §8(a)(2), struck out “in the District of Columbia” after “usual place of residence”.

§ 1324. Service of process in court proceedings

(a) DESIGNATION OF AGENT.—A carrier providing transportation subject to the jurisdiction of the Board under subtitle IV shall designate an agent on whom service of process in an action before a district court may be made. Except as otherwise provided, process in an action before a district court shall be served on the designated agent of that carrier at the office or usual place of residence of that agent. If the carrier does not have a designated agent, service may be made by posting the notice in the office of the Board.

(b) CHANGING DESIGNATION.—A designation under this section may be changed at any time in the same manner as originally made.

(Added Pub. L. 104-88, title II, §201(a), Dec. 29, 1995, 109 Stat. 937, §724; renumbered §1324 and amended Pub. L. 114-110, §§3(a)(5), 8(b), Dec. 18, 2015, 129 Stat. 2228, 2232.)

AMENDMENTS

2015—Pub. L. 114-110, §3(a)(3), renumbered section 724 of this title as this section.

Subsec. (a). Pub. L. 114-110, §8(b), struck out “in the District of Columbia” after “designate an agent” and “usual place of residence”.