

SURFACE TRANSPORTATION BOARD REPORTS

STB EX PARTE NO. 525

TRANSFER OF REGULATIONS FROM THE
INTERSTATE COMMERCE COMMISSION TO THE
SURFACE TRANSPORTATION BOARD
PURSUANT TO THE ICC TERMINATION ACT OF 1995

49 CFR CHAPTER X

Decided January 18, 1996

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: Effective January 1, 1996, the ICC Termination Act of 1995 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation (DOT) the Surface Transportation Board (the Board). The Act provides that the Board shall perform a number of functions previously performed by the Commission. The Act further provides that, with certain exceptions, all regulations previously issued by the Commission shall continue in effect according to their terms until modified or terminated. The Board is therefore changing the name of the agency in the heading of the chapter in which the Commission's (now the Board's) regulations are issued, chapter X of subtitle B of title 49 of the *Code of Federal Regulations*.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

1 S.T.B.

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, abolished the Commission and established the Board within DOT. See Act sections 2 (effective date) and 101 (abolition of the Commission). See also 49 U.S.C. 701 (establishment of the Board within DOT), as added by Act section 201 (a).

The Act provides that, with certain exceptions, all regulations previously issued by the Commission and in effect on January 1, 1996, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board, any other authorized official, a court of competent jurisdiction, or operation of law. See Act section 204(a).

The Act further provides that, except as otherwise provided in the Act or in the amendments made thereby, the Board shall perform all functions that, immediately prior to January 1, 1996, were functions of the Commission or were performed by any officer or employee of the Commission in the capacity as such officer or employee. See 49 U.S.C. 702, as added by Act section 201(a). See also 49 U.S.C. 721(a) (authority of the Board to prescribe regulations), also as added by Act section 201(a).

Because the regulations previously issued by the Commission are now subject, for the most part, to the jurisdiction of the Board, the Board, by the action taken here, is changing the name of the agency in the heading of the chapter in which the Board's (formerly the Commission's) regulations are issued, chapter X of subtitle B of title 49 of the *Code of Federal Regulations*. Because this action merely reflects, and is required by, the enactment of the Act and will not have an adverse effect on the interests of any person, this action will be deemed to be effective as of January 1, 1996.

The Act makes numerous and substantial changes in subtitle IV of title 49, United States Code, and the Board intends to proceed, as expeditiously as its resources allow, to issue certain new regulations required by the Act and to conform its old regulations to the changes in the laws it administers. The actions taken in issuing new regulations and in revising old regulations will be, to varying degrees, substantive in nature. The action taken today, by contrast, is ministerial in nature: it simply changes the name of the agency in the heading of chapter X.

All persons referencing the chapter X regulations should be advised that certain of these regulations will henceforth be administered, in whole or in part, by the Secretary of Transportation. Such regulations will ultimately be removed from this chapter. *See* 49 U.S.C. 13101 to 14914 (authority of the Secretary of Transportation to administer, in part, 49 U.S.C. Subtitle IV, Part B), as added by Act section 103.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

APPENDIX

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, subtitle B of the Code of Federal Regulations is amended by revising the heading for chapter X to read as follows:

CHAPTER X -- SURFACE TRANSPORTATION BOARD, DEPARTMENT OF
TRANSPORTATION