

## STB EX PARTE NO. 534

REMOVAL OF OBSOLETE PASSENGER TRAIN OR  
FERRY DISCONTINUANCE REGULATIONS

49 CFR Part 1153

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*Decided February 15, 1996*

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AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (the Board) is removing obsolete regulations concerning passenger train and ferry discontinuances from 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.]

SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the Act), abolished the Interstate Commerce Commission (the Commission) and established within the Department of Transportation the Surface Transportation Board. Section 204 of the Act provides that "[t]he Board shall promptly rescind all regulations established by the [Commission] that are based on provisions of law repealed and not substantively reenacted by this Act." 49 U.S.C. 10908 and

1 S.T.B.

10909, the statutory bases for the part 1153 passenger train or ferry discontinuance regulations, have been repealed. We are therefore removing the now obsolete part 1153 regulations.<sup>1</sup> These changes are not necessarily the final changes in the regulations resulting from the elimination of 49 U.S.C. 10908 and 10909.<sup>2</sup>

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.

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

#### List of Subjects

#### 49 CFR Part 1153

Administrative practice and procedure, Railroads.

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

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<sup>1</sup> These regulations were last modified in *Discontinuance or Change of Train or Ferry Service*, 366 I.C.C. 877 (1983).

<sup>2</sup> At this time, we are not removing related matters found in the regulations concerning user fees (§ 1002) and environmental regulations (§ 1105.6), because we plan to separately address those parts shortly. Parties may submit other suggested changes to the *Code of Federal Regulations* in light of the elimination of § 10908 and § 10909.

## APPENDIX

For the reasons set forth in the preamble and under the authority of 49 U.S.C. 721(a), title 49, chapter X of the Code of Federal Regulations is amended as set forth below:

## PART 1153 [amended]

1. Part 1153 is removed.