

STB EX PARTE NO. 540

REMOVAL OF OBSOLETE REGULATIONS FOR
DETERMINATION OF AVOIDABLE LOSSES UNDER
THE RAIL PASSENGER SERVICE ACT OF 1970

49 CFR Part 1154

Decided April 2, 1996

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board is removing from the *Code of Federal Regulations* obsolete regulations used to determine passenger train avoidable losses.

EFFECTIVE DATE: April 11, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610.
[TDD for the hearing impaired: (202) 927-5721.]SUPPLEMENTARY INFORMATION: The Rail Passenger Service Act, 45 U.S.C. 501 *et seq.*, established the National Railroad Passenger Corporation (Amtrak) as the principal operator of intercity rail passenger service. It permitted railroads then performing passenger service to relieve themselves of

1 S.T.B.

their common carrier obligation by paying certain sums to Amtrak. 45 U.S.C. 561(a). As compensation for being relieved of this responsibility, the rail carrier was to pay Amtrak an amount computed under one of three options pursuant to section 561(a)(2) and (3). Two of these three methods used an amount called "avoidable loss." In *Losses Under the Rail Pass. Serv. Act of 1970*, 343 I.C.C. 379 (1973), the Interstate Commerce Commission (the predecessor of the Surface Transportation Board) issued regulations for developing avoidable losses, which are now found in part 1154.

Section 561(a) was repealed by Pub. L. No. 103-272, section 7(b), July 5, 1994, 108 Stat. 745, 1379.¹ Because the statutory basis for 49 CFR part 1154 has been repealed, we are removing these regulations from the *Code of Federal Regulations* effective immediately.

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 1154

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements.

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

¹ See H.R. Rep. No. 180, 103rd Cong., 1st Sess. 585, *reprinted* in 1994 U.S. Code Cong. & Ad. News 818, 1402. We note that former 45 U.S.C. 561(b) and (c) are now incorporated in 49 U.S.C. 24701.

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 by removing part 1154.

1 S.T.B.