

## STB EX PARTE NO. 547

REMOVAL OF OBSOLETE REGULATIONS CONCERNING FILING  
QUOTATIONS FOR GOVERNMENT SHIPMENTS

49 CFR Part 1330

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*Decided May 2, 1996*

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AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (the Board) is removing from the *Code of Federal Regulations* obsolete regulations concerning the filing of rate quotations for government shipments.

EFFECTIVE DATE: January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-7513.  
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SUPPLEMENTARY INFORMATION: Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA) abolished the Interstate Commerce Commission (ICC) and established the Board within the Department of Transportation. Section 204(a) of ICCTA provides that "[t]he Board shall promptly rescind all regulations established by the [ICC] that are based on provisions of law repealed and not substantively reenacted by this Act."

1 S.T.B.

Former 49 U.S.C. 10721(b)(1) expressly provided that a common carrier could provide transportation for the United States government without charge or at a reduced rate.<sup>1</sup> That provision is retained in new 49 U.S.C. 10721 (rail transportation), 15712 (transportation by motor or water carriage and freight forwarders), and 15504 (pipeline transportation). However, the ICCTA removed the requirement of former 49 U.S.C. 10721(b)(2) that common carriers generally file copies of rate quotations or tenders with both the ICC and the department, agency or instrumentality of the United States government for which they were made. Therefore, the ICC regulations to implement the quotation filing requirement, which were codified in part 1330 and published at 43 Fed. Reg. 59,844 (1978),<sup>2</sup> have been rendered obsolete. Because the statutory basis for the part 1330 regulations has been removed, we are eliminating those rules.

Because this action merely reflects, and is required by, the enactment of the ICCTA 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 1330

Freight, Government procurement, Motor carriers, Moving of household goods, Pipelines, Railroads.

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

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<sup>1</sup> Former section 10721 recodified section 22 of the Interstate Commerce Act. Section 22 allowed common carriers to depart from their tariffs in providing service to the government.

<sup>2</sup> The regulations were later modified to exempt nonagricultural rail rate quotations from the filing requirements. *Railroad Exempt--Filing Quotations--Section 10721*, 7 I.C.C.2d 325 (1991).

APPENDIX

Part 1330 - [Removed]

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 1330.

1 S.T.B.