

STB EX PARTE NO. 578

ADJUSTMENT OF CIVIL MONETARY
PENALTIES FOR INFLATION

Decided October 18, 1996

AGENCY: Surface Transportation Board.

ACTION: Notice.

SUMMARY: The Surface Transportation Board (the Board) finds that it is unnecessary at this time to amend its regulations to adjust the maximum civil monetary penalties for inflation under statutes within the jurisdiction of the Board.

EFFECTIVE DATE: October 23, 1996.

FOR FURTHER INFORMATION CONTACT: Anthony Jacobik, Jr., (202) 927-5827. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note), as amended by the Debt Collection Improvement Act of 1996 (the Act) (Pub. L. 104-134, 110 Stat. 1321-358, 378), requires each Federal agency with statutory authority to assess a civil monetary penalty (CMP) to adjust each CMP by the inflation adjustment described in section 5 of the Act. Such adjustment is to be by regulation published in the *Federal Register*. The first inflation adjustment is required by October 23, 1996 - 180 days after the enactment of the Act on April 23, 1996. Thereafter, agencies are to make inflation adjustments by regulation at least once every 4 years.

The inflation adjustment is to be determined by increasing the maximum CMPs, or the range of minimum and maximum CMPs, as applicable, for each CMP by the percentage that the Consumer Price Index (CPI) for the month of June of the calendar year preceding the adjustment exceeds the CPI for the month of June of the last calendar year in which the amount of such penalty was last set or adjusted pursuant to law.

The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (ICCTA), enacted December 29, 1995, and effective January 1, 1996, abolished the Interstate Commerce Commission and transferred certain regulatory functions to the Board. Because the CMPs under Board jurisdiction were not even in effect until they were first established in the ICCTA, it is unnecessary to make any adjustments for inflation at this time.

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