

**SURFACE TRANSPORTATION BOARD ELIMINATES OBSOLETE REGULATIONS,
REMOVES UNNECESSARY ADMINISTRATIVE SECTIONS & EMPLOYEE BOARDS,
UPDATES ITS "CFR" AUTHORITY CITATIONS**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today several Board actions that will further streamline its regulatory process. The Board has made significant changes to Title 49, Chapter X of the Code of Federal Regulations (CFR). Many of these actions were undertaken to reflect statutory changes made by the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICCTA) and previous statutes. In particular, the Board eliminated nine parts of the CFR and proposed deleting a tenth part. The Board also eliminated nine of its 10 decisional employee boards, removed unnecessary sections of its administrative regulations, and updated its authority citations.

The following outlines the Board's actions:

A.

Miscellaneous Obsolete Regulations

. In this proceeding the Board deleted seven parts of the CFR, finding the parts obsolete either because their statutory bases had been eliminated or, in one instance, because of revisions the Board is making in response to the ICCTA. The obsolete CFR parts concern:

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1. Cooperative agreements with states, Part 1022.
2. Filing of contracts with other carriers, Part 1030.
3. Tariff requirements for Alaskan motor-ocean-motor "substituted service", Part 1091.
4. Petitions to review the state regulation of rates, rules, and practices of interstate motor passenger carriers providing intrastate service, Part 1143.
5. Submission of cost data for reimbursement for directed service, Part 1156.
6. Reemployment rights for employees of motor passenger carriers who lose their jobs because of discontinuances or reductions of regular-route bus service, Part 1170.
7. Procedures for rate complaints and petitions by railroads to review state intrastate rate decisions or applications to prescribe rates, Part 1131.

B.

General Provisions of the Board

. The Board has taken action to reduce unnecessary regulation in the administrative regulations found in Parts 1000, 1001, and 1011. In particular, the Board removed regulations concerning the Interstate Commerce Commission's (ICC) field offices, which have been closed; the inspection of records, buildings and equipment; and international joint ocean-motor through-rate movements, over which the Board does not have jurisdiction.

C.

Authority Citations

. The CFR must identify a citation of the authority under which each regulation is issued. The Board revised authority citations for 44 parts of Title 49, Chapter X of the CFR to reflect statutory changes made by the ICCTA and previous statutes. Many of the changes involved renumbering of the underlying provisions in the governing statute, but in other situations, the Board removed unnecessary or obsolete references and also added statutory authorities.

D.

Employee Boards

. The provisions of 49 CFR 1011.6, the employee board section, established 10 employee boards. Employee boards performed essential functions at a time when more comprehensive transportation regulation required the agency to make a significantly greater number of routine decisions. The elimination of much surface transportation regulation and, in particular, motor carrier regulation in recent years and the transfer of certain motor carrier responsibilities to other agencies have reduced the need for employee boards at this agency. Accordingly, the Board eliminated nine of the 10 employee boards either because the Board no longer exercises jurisdiction in its former, respective areas because

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delegating authority to individual Board offices and employees or reserving matters for the entire

Board would be an adequate and more efficient way of processing cases.

E.

Motor Passenger Carrier Accounting Regulations

. The regulations at 49 CFR Part 1206 establishing a Uniform System of Accounts (USOA) for motor carriers of property were originally issued in 1937. In 1987, the ICC decided that the USOA would no longer be prescribed as the basis for motor carrier reporting, but that the Part 1206 regulations would remain in the CFR "for reference purposes only." Because the ICCTA repealed the uniform accounting provisions of 49 U.S.C. 11142 for motor carriers, the Board determined that the regulations describing the USOA should be removed.

F.

Rail Passenger Regulations

. The Board repealed regulations concerning subsidies for the continuation of commuter rail service, and notices of discontinuance of commuter rail service. The Board found that the statutory basis for the regulations have in large measure been eliminated, and that the rules have no applicability to current commuter transportation.

G.

Rail Service Continuation Subsidy Standards

. The Board proposed to remove regulations concerning subsidies for the continuation of rail service on certain rail properties of railroads in reorganization in the Northeast and Midwest. The rules were originally issued in 1974. While these regulations are based, at least partially, on statutes that are still in effect, under the ICCTA, the Rail Services Planning Office, the statutory body which developed the regulations, was abolished. Moreover, the Board has in place analogous offer of financial assistance regulations providing national subsidy standards. Finally, the regional subsidy regime at 45 U.S.C. 744 may be outdated and may apply in only a limited number of situations. Accordingly, the Board instituted a proceeding to determine whether these regulations may be eliminated.

The Board's decisions eliminating obsolete regulations--STB Ex Parte No. 563,
Commuter Rail Service Continuation Subsidies and Discontinuance Notices
, STB Ex Parte No. 569,

Removal of Obsolete Motor Carrier Accounting Regulations
, and STB Ex Parte No. 572,

Removal of Miscellaneous Obsolete Regulations

--were issued to the public on August 27, 1997, September 5, 1997, and September 29, 1997,
respectively. The Board's notice of proposed rulemaking in STB Ex Parte No. 566,

Rail Service Continuation Subsidy Standards

, was issued on August 8, 1997. The Board issued on September 29, 1997, its decision
eliminating most of its employee boards in STB Ex Parte No. 570,

Technical Amendments Concerning Employee Boards

. Finally, the Board's modification of administrative regulations and its updating of its authority
citations--STB Ex Parte 568,

Modifications to the General Provisions of the Board

, and STB Ex Parte No. 571,

Revision of Authority Citations

--were issued on September 18, 1997, and September 26, 1997, respectively.

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