establishing the Center has expired and the Center has been established. The words ''The Department of Transportation'' are added because of the restatement of the section. The words ''(hereafter in this section referred to as the 'Center')'' after ''Minority Resource Center'' are omitted because of the style of the revised title.

In subsection (b)(1), the word ''include'' is substituted for ''establish and maintain'', and the words ''to disseminate information'' are substituted for ''and disseminate information from'', for clarity. The words ''to them . . . related to'' are substituted for ''to such entrepreneurs and businesses . . . with respect to'' to omit unnecessary words. The words ''for purposes of furnishing . . . information'' before ''with respect to'' are omitted as surplus.

In subsection (b)(2), the words ''those business opportunities'' are substituted for ''such opportunities'' after ''identify'' for clarity.

In subsection (b)(4), the words ''those business opportunities'' are substituted for ''the maintenance, rehabilitation, restructuring, improvement, and revitalization of the Nation's railroads'' to eliminate surplus words.

In subsection (b)(5), the words ''related to the maintenance, rehabilitation, restructuring, improvement, and revitalization of the nation's railroads'' are omitted as unnecessary because of the restatement.

In subsection (b)(7), the words ''make arrangements'' are substituted for ''enter into such contracts, cooperative agreements, or other transactions'' to eliminate unnecessary words. The words ''as may be necessary'' after ''transactions'' are omitted as surplus. The words ''to carry out this section'' are substituted for ''in the conduct of its functions and duties'' for clarity and consistency.

In subsection (c), the words ''The Secretary shall make the appointments'' and the words ''Each of those trade associations may submit a list of not more than'' are added for clarity and because of the restatement of the section.

In subsection (d), the words ''in carrying out this section'' are substituted for ''in connection with the performance of its functions'' for clarity and consistency.

AMENDMENTS

2005—Subsec. (e). Pub. L. 109–59 added subsec. (e).

ABOLITION OF UNITED STATES RAILWAY ASSOCIATION AND TRANSFER OF FUNCTIONS AND SECURITIES

The United States Railway Association abolished effective Apr. 1, 1987, all powers, duties, rights, and obligations of Association relating to Consolidated Rail Corporation under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) transferred to Secretary of Transportation on Jan. 1, 1987, and any securities of Corporation held by Association transferred to Secretary of Transportation on Oct. 21, 1986, see section 1341 of Title 45, Railroads.

§ 333. Responsibility for rail transportation unification and coordination projects

(a) The Secretary of Transportation may develop and make available to interested persons any plans, proposals, and recommendations for mergers, consolidations, reorganizations, and other unification or coordination projects for rail transportation (including arrangements for joint use of tracks and other facilities and acquisition or sale of assets) that the Secretary believes will result in a rail system that is more efficient and consistent with the public interest.

(b) To achieve a more efficient, economical, and viable rail system in the private sector, the Secretary, when requested by a rail carrier and under this section, may assist in planning, negotiating, and carrying out a unification or coordination of operations and facilities of at least 2 rail carriers.

(c)(1) The Secretary may conduct studies to determine the potential cost savings and possible improvements in the quality of rail transportation that are likely to result from unification or coordination of at least 2 rail carriers, through—

(A) elimination of duplicating or overlapping operations and facilities;

(B) reducing switching operations;

(C) using the shortest or more efficient and economical routes;

(D) exchanging trackage rights;

(E) combining trackage and terminal or other facilities;

(F) upgrading tracks and other facilities used by at least 2 rail carriers;

(G) reducing administrative and other expenses; and

(H) other measures likely to reduce costs and improve rail transportation.

(2) When the Secretary requests information for a study under this section, a rail carrier shall provide the information requested. In carrying out this section, the Secretary may designate an officer or employee to get from a rail carrier information on the kind, quality, origin, destination, consignor, consignee, and routing of property. This information may be obtained without the consent of the consignor or consignee notwithstanding section 11904 of this title. When appropriate, the designated officer or employee has the powers described in section 203(c) of the Regional Rail Reorganization Act of 1973 to carry out this section, but a subpena must be issued under the signature of the Secretary.

(d)(1) When requested by a rail carrier, the Secretary may hold conferences on and mediate disputes resulting from a proposed unification or coordination project. The Secretary may invite to a conference—

(A) officers and directors of an affected rail carrier;

(B) representatives of rail carrier employees who may be affected;

(C) representatives of the Interstate Commerce Commission;

(D) State and local government officials, shippers, and consumer representatives; and

(E) representatives of the Federal Trade Commission and the Attorney General.

(2) A person attending or represented at a conference on a proposed unification or coordination project is not liable under the antitrust laws of the United States for any discussion at the conference and for any agreements reached at the conference, that are entered into with the approval of the Secretary to achieve or determine a plan of action to carry out the unification or coordination project.

(e) When the approval of a proposal submitted by a rail carrier for a merger or other action is subject to the jurisdiction of the Interstate Commerce Commission under section 11323(a) of this title, the Secretary may study the proposal to decide whether it satisfies section 11324(b) of this title. When the proposal is the subject of an application and proceeding before the Commission, the Secretary may appear in any proceeding related to the application.

(Pub. L. 97–449, § 1(b), Jan. 12, 1983, 96 Stat. 2429; Pub. L. 104–88, title III, § 308(b), Dec. 29, 1995, 109 Stat. 946.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
333(a)	49:1654(a).	Oct. 15, 1966, Pub. L. 89–670, 80 Stat. 931, § 5(a)–(e); added Feb. 5, 1976, Pub. L. 94–210, § 401, 90 Stat. 61.
333(b)	49:1654(b).	
333(c)	49:1654(c).	
333(d)	49:1654(d).	
333(e)	49:1654(e).	

In the section, the word ''transportation'' is substituted for ''services'' for consistency.

In subsection (a), the words ''feasible'' and ''but not limited to'' are omitted as surplus.

In subsection (b), the words ''In order'' are omitted as surplus. The words ''at least 2'' are substituted for ''two or more'' for consistency.

In subsection (c)(1), the words ''as are deemed'' are omitted as unnecessary.

In subsection (c)(2), the words ''and the study described in section 901 of the Railroad Revitalization and Regulatory Reform Act of 1976'' and ''or such section 901'' are omitted as executed. The word ''nature'' is omitted as covered by ''kind''. The word ''When'' is substituted for ''to the extent'' for consistency. The word ''necessary'' is omitted as being included in ''appropriate''. A cross-reference to section 203(c) of the Regional Rail Reorganization Act of 1973 is included even though the law is unclear because section 1149 of the Omnibus Reconciliation Act of 1981 (Pub. L. 97–35, 95 Stat. 675) amended section 203 to repeal the powers referred to in the source provisions. No position is taken as to whether the powers described in section 203(c) are still in existence.

In subsection (d)(1)(A), the word ''appropriate'' is omitted as surplus.

In subsection (d)(1)(C), the words ''representatives of'' are added for consistency in the section.

In subsection (e), the words ''in his judgment'' are omitted as unnecessary and covered by ''decide''. The word ''satisfies'' is substituted for ''is in accordance with the standards set forth in'' to eliminate unnecessary words.

REFERENCES IN TEXT

Section 203 of the Regional Rail Reorganization Act of 1973, referred to in subsec. (c)(2), which is classified to section 713 of Title 45, Railroads, was amended generally by Pub. L. 97–35, title XI, § 1149, Aug. 13, 1981, 95 Stat. 675, and as so amended does not contain a subsec. (c). For further details, see the fifth par. of Historical and Revision Notes above.

AMENDMENTS

1995—Subsec. (c)(2). Pub. L. 104–88, § 308(b)(1), substituted ''11904'' for ''11910(a)(1)''.

Subsec. (e). Pub. L. 104–88, § 308(b)(2), substituted ''11323(a)'' for ''11343(a)'' and ''11324(b)'' for ''11344(b)''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of this title.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104–88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of this title.

[§§ 334, 335. Repealed. Pub. L. 103–272, § 4(j)(9)(A), July 5, 1994, 108 Stat. 1367]

Section 334, Pub. L. 97–449, § 1(b), Jan. 12, 1983, 96 Stat. 2430; Pub. L. 98–216, § 2(2), Feb. 14, 1984, 98 Stat. 5; Pub. L. 100–223, title III, § 304, Dec. 30, 1987, 101 Stat. 1525; Pub. L. 100–690, title VII, § 7207(c)(3), Nov. 18, 1988, 102 Stat. 4428, related to a limit on aviation charges. See section 45301 of this title.

Section 335, Pub. L. 97–449, § 1(b), Jan. 12, 1983, 96 Stat. 2430, authorized appropriations to the Secretary of Transportation for fiscal years ending Sept. 30, 1983, and Sept. 30, 1984.

§ 336. Civil penalty procedures

(a) After notice and an opportunity for a hearing, a person found by the Secretary of Transportation to have violated a provision of law that the Secretary carries out through the Maritime Administrator or the Commandant of the Coast Guard or a regulation prescribed under that law by the Secretary for which a civil penalty is provided, is liable to the United States Government for the civil penalty provided. The amount of the civil penalty shall be assessed by the Secretary by written notice. In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

(b) The Secretary may compromise, modify, or remit, with or without consideration, a civil penalty until the assessment is referred to the Attorney General.

(c) If a person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General for collection in an appropriate district court of the United States.

(d) The Secretary may refund or remit a civil penalty collected under this section if—

(1) application has been made for refund or remission of the penalty within one year from the date of payment; and

(2) the Secretary finds that the penalty was unlawfully, improperly, or excessively imposed.

(Added Pub. L. 101–225, title III, § 305(1), Dec. 12, 1989, 103 Stat. 1924.)

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 337. Budget request for the Director of Intelligence and Security

The annual budget the Secretary of Transportation submits shall include a specific request for the Office of the Director of Intelligence and