

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 10763 of this title prior to the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Prior sections 10747 to 10751, 10761 to 10767, and 10781 to 10786 were omitted in the general amendment of this subtitle by Pub. L. 104-88, §102(a).

Section 10747, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1393, related to transportation services or facilities furnished by shippers. See section 10745 of this title.

Section 10748, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1393, related to transportation of livestock by rail carrier.

Section 10749, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1393; Pub. L. 96-296, §10(c), July 1, 1980, 94 Stat. 800; Pub. L. 97-468, title VI, §615(b)(3), Jan. 14, 1983, 96 Stat. 2578; Pub. L. 98-216, §2(13), Feb. 14, 1984, 98 Stat. 5; Pub. L. 99-521, §7(j)(1), (2), Oct. 22, 1986, 100 Stat. 2995; Pub. L. 103-272, §4(j)(24), July 5, 1994, 108 Stat. 1369, related to exchange of services and limitation on use of common carriers by household goods freight forwarders.

Section 10750, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1394, related to demurrage charges. See section 10746 of this title.

Section 10751, added Pub. L. 96-296, §33(a), July 1, 1980, 94 Stat. 824; amended Pub. L. 96-448, title II, §215(a), Oct. 14, 1980, 94 Stat. 1915; Pub. L. 103-272, §4(j)(25), July 5, 1994, 108 Stat. 1369, related to business entertainment expenses. See section 14901 of this title.

Section 10761, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1394; Pub. L. 96-296, §33(c), July 1, 1980, 94 Stat. 825; Pub. L. 103-311, title II, §206(b), Aug. 26, 1994, 108 Stat. 1684, related to prohibition of transportation without tariff. See section 13702 of this title.

Section 10762, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1394; Pub. L. 96-296, §5(c), July 1, 1980, 94 Stat. 796; Pub. L. 96-448, title II, §216, Oct. 14, 1980, 94 Stat. 1915; Pub. L. 97-261, §12(b), Sept. 20, 1982, 96 Stat. 1113; Pub. L. 99-521, §7(k), Oct. 22, 1986, 100 Stat. 2995; Pub. L. 103-180, §5, Dec. 3, 1993, 107 Stat. 2050; Pub. L. 103-311, title II, §206(c)-(e), Aug. 26, 1994, 108 Stat. 1684, 1685, related to general tariff requirements. See sections 13702 and 13710 of this title.

Section 10763, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1396, related to designation of certain routes by shippers or Interstate Commerce Commission. See section 10747 of this title.

Section 10764, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1397, related to arrangements between carriers and required copies of arrangements to be filed with Commission.

Section 10765, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1397, related to water transportation under arrangements with certain other carriers.

Section 10766, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1398; Pub. L. 96-296, §10(d), July 1, 1980, 94 Stat. 801; Pub. L. 99-521, §7(l), Oct. 22, 1986, 100 Stat. 2995, related to freight forwarder traffic agreements.

Section 10767, added Pub. L. 103-180, §7(a), Dec. 3, 1993, 107 Stat. 2051, related to billing and collecting practices. See section 13708 of this title.

Section 10781, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1398, related to investigations and reports by Commission on value of carrier property.

Section 10782, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1399, related to requirements for establishing value.

Section 10783, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1400, related to cooperation and assistance of carriers.

Section 10784, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1400; Pub. L. 96-258, §1(8), June 3, 1980, 94 Stat. 426, related to revision of property valuations.

Section 10785, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1401, related to finality of valuations, notices, protests, and review.

Section 10786, Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1401, related to applicability of sections 10781 to 10786 of this title.

CHAPTER 109—LICENSING

Sec.	
10901.	Authorizing construction and operation of railroad lines.
10902.	Short line purchases by Class II and Class III rail carriers.
10903.	Filing and procedure for application to abandon or discontinue.
10904.	Offers of financial assistance to avoid abandonment and discontinuance.
10905.	Offering abandoned rail properties for sale for public purposes.
10906.	Exception.
10907.	Railroad development.
10908.	Regulation of solid waste rail transfer facilities.
10909.	Solid waste rail transfer facility land-use exemption.
10910.	Effect on other statutes and authorities.

AMENDMENTS

2008—Pub. L. 110-432, div. A, title VI, §§603(b), 604(b), 605(b), Oct. 16, 2008, 122 Stat. 4903, 4905, added items 10908 to 10910.

§ 10901. Authorizing construction and operation of railroad lines

(a) A person may—

- (1) construct an extension to any of its railroad lines;
- (2) construct an additional railroad line;
- (3) provide transportation over, or by means of, an extended or additional railroad line; or
- (4) in the case of a person other than a rail carrier, acquire a railroad line or acquire or operate an extended or additional railroad line,

only if the Board issues a certificate authorizing such activity under subsection (c).

(b) A proceeding to grant authority under subsection (a) of this section begins when an application is filed. On receiving the application, the Board shall give reasonable public notice, including notice to the Governor of any affected State, of the beginning of such proceeding.

(c) The Board shall issue a certificate authorizing activities for which such authority is requested in an application filed under subsection (b) unless the Board finds that such activities are inconsistent with the public convenience and necessity. Such certificate may approve the application as filed, or with modifications, and may require compliance with conditions (other than labor protection conditions) the Board finds necessary in the public interest.

(d)(1) When a certificate has been issued by the Board under this section authorizing the construction or extension of a railroad line, no other rail carrier may block any construction or extension authorized by such certificate by refusing to permit the carrier to cross its property if—

- (A) the construction does not unreasonably interfere with the operation of the crossed line;
- (B) the operation does not materially interfere with the operation of the crossed line; and
- (C) the owner of the crossing line compensates the owner of the crossed line.

(2) If the parties are unable to agree on the terms of operation or the amount of payment