

RAILROAD LAW 101: THE BASICS

Charles A. Spitulnik
Kaplan Kirsch & Rockwell LLP
Washington, DC
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KAPLAN KIRSCH ROCKWELL

THE STATUTES AND REGULATORS

- Surface Transportation Board
- Federal Railroad Administration
- Railroad Retirement Board
- National Mediation Board
- The Courts - FELA



THE STB

- Jurisdiction: Interstate Commerce
 - Rail (all), Water (some), Motor Carrier (some)
 - ... “exclusive and plenary”
 - Commerce – rates; sales, leases and use agreements; abandonment



THE STB –cont'd

- Rail Lines:
 - Acquisition or Construction: Ready, Set, Go
 - Structure of Transaction is KEY to determining whether STB has jurisdiction
 - Abandonment: It's over when.....
 - Mergers
 - **LABOR PROTECTION**



THE STB –cont'd

- **PREEMPTION –**

- 49 U.S.C. 10502
- 49 U.S.C. 11321



The FRA

- IT'S ALL ABOUT SAFETY
- 49 U.S.C. §20106:
 - National Uniformity of Regulation
 - Preemption of State Law



The FRA – cont'd

- 49 CFR Part 209, Appendix A
 - Joint Use of Rail Lines
 - “Connection” of “electric interurban rail system” to interstate rail system
- Preemption under attack



National Mediation Board

- Railway Labor Act: 45 USC § 151 *et seq.*
 - Railroads and Airlines: In a class by themselves
- Jurisdiction: Rail carriers subject to jurisdiction of STB, companies under common control with carriers



NMB – cont'd

- Contract Negotiation (“Major Disputes”)
 - A nearly endless process
- Grievance Resolution (“Minor Disputes”)
 - National Railroad Adjustment Board
 - Judicial Review of NRAB Decisions
 - ... among the narrowest known to the law...



Railroad Retirement

- Covered employers:
 - carriers by railroad subject to the jurisdiction of the STB
 - companies under common control that operates facilities in connection with transportation by railroad
- Generous Benefits, \$\$\$\$ for the Employer



- 45 USC §51, et seq.
- Railroad workplace injuries:
 - “... every common carrier by railroad while engaging in ...[interstate commerce]...”
liable for injuries to employees incurred while they are engaged in such commerce



FELA – cont'd

- Why you don't want to be here:
 - Negligence Standard
 - Jury trial v. Administrative Agency



QUESTIONS:

Charles A. Spitulnik

Kaplan Kirsch & Rockwell LLP

Washington, DC

(202) 955-5600

cspitulnik@kaplankirsch.com

