RAILROAD LAW 101: THE BASICS

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2008 APTA Legal Affairs Seminar
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
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
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
FELA

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:

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