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Ninety-Sixth Congress, Session II
Public Law 96-448 — 94 Stat. 1895 (S. 1946)
October 14, 1980

AN ACT *To reform the economic regulation of railroads, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Staggers Rail Act of 1980".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Goals.
TITLE I—RAIL TRANSPORTATION POLICY
Sec. 101. Rail transportation policy.
TITLE II—RAILROAD RATES AND INTER-CARRIER PRACTICES
Sec. 201. Regulation of railroad rates.
Sec. 202. Determination of market dominance.
Sec. 203. Zone of rate flexibility.
Sec. 204. Transportation of recyclable materials.
Sec. 205. Rate regulation proceedings; adequate revenues.
Sec. 206. Inflation-based rate increases.
Sec. 207. Investigation and suspension of rates.
Sec. 208. Contracts.
Sec. 209. Demand sensitive rates.
Sec. 210. Phaseout of capital incentive rates.
Sec. 211. Permissive limited liability rates.
Sec. 212. Rate discrimination.
Sec. 213. Exemption.
Sec. 214. Intrastate rates.
Sec. 215. Business entertainment expenses.
Sec. 216. Efficient marketing.

Sec. 217. Compensatory joint rate relief.
Sec. 218. Expedited division of revenues proceedings.
Sec. 219. Rate bureaus.
Sec. 220. Long and short haul transportation.
Sec. 221. Railroad entry.
Sec. 222. Service during periods of peak demand.
Sec. 223. Reciprocal switching.
Sec. 224. Car service compensation.
Sec. 225. Car utilization.
Sec. 226. Car service orders for exigent circumstances.
Sec. 227. Employee protection.
Sec. 228. Mergers and other transactions.
Sec. 229. Savings provisions.
TITLE III—RAILROAD COST DETERMINATIONS
Sec. 301. Uniform accounting system.
Sec. 302. Railroad cost accounting.
Sec. 303. Civil penalties for violations of accounting principles provisions.

[94 Stat. 1896–1930 omitted (35 pages)]

such paragraph only if the full Commission, after a hearing, certifies that a transportation emergency exists.

"(3) In carrying out the provisions of this subsection, the Commission shall require, to the maximum extent practicable, the use of the employees who would normally have performed work in connection with the traffic subject to the action of the Commission.".

EMPLOYEE PROTECTION

SEC. 227. (a) Section 1170 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) In authorizing any abandonment of a railroad line under this section, the court shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees as that established under section 11347 of title 49.

"(2) Nothing in this subsection shall be deemed to affect the priorities or timing of payment of employee protection which might have existed in the absence of this subsection.".

(b) Section 1172 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) In approving an application under subsection (b) of this section, the Commission shall require the rail carrier to provide a fair arrangement at least as protective of the interests of employees as that established under section 11347 of title 49.

"(2) Nothing in this subsection shall be deemed to affect the priorities or timing of payment of employee protection which might have existed in the absence of this subsection.".

MERGERS AND OTHER TRANSACTIONS

SEC. 228. (a) Section 11344(b) of title 49, United States Code, is amended—

(1) by inserting immediately after "section" the following: "which involves the merger or control of at least two class I railroads, as defined by the Commission"; and

(2) by adding at the end thereof the following new paragraph:

"(5) whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region.".

(b) Section 11344 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In a proceeding under this section which does not involve the merger or control of at least two class I railroads, as defined by the Commission, the Commission shall approve such an application unless it finds that—

> "(1) as a result of the transaction, there is likely to be substantial lessening of competition, creation of a monopoly, or restraint of trade in freight surface transportation in any region of the United States; and
>
> "(2) the anticompetitive effects of the transaction outweigh the public interest in meeting significant transportation needs.

In making such findings, the Commission shall, with respect to any application that is part of a plan or proposal developed under section 5(a)–(d) of the Department of Transportation Act (49 U.S.C. 1654(a)–(d)), accord substantial weight to any recommendations of the Secretary of Transportation.".

(c) Section 11344 of title 49, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new subsection:

[94 Stat. 1932–1965 omitted (34 pages)]

competitive practice that is unfair, destructive, predatory, or otherwise undermines competition.

SURPLUS PROPERTY

SEC. 708. Notwithstanding any other provision of law, the Consolidated Rail Corporation shall be considered a Federal agency for the sole purpose of Department of the Army Regulations 735–5, paragraph 1–16. Such Corporation may enter into a contract under the authority granted by this section only when it determines that the safety of the public so requires.

STUDY OF ALASKA RAILROAD RATES

SEC. 709. Within 6 months after the effective date of this Act, the Interstate Commerce Commission shall commence and complete a study to determine whether the rates charged by the Alaska Railroad pursuant to ICC–ARR Freight Tariffs 4108 and 4109 (as supplemented by supplements 1–4) would, if such rates had been entered into after the effective date of this Act, have constituted a violation of section 10701a(c)(1) of title 49, United States Code, as amended by this Act. To the extent feasible, such study shall be coordinated with the study by the State of Alaska in progress on the effective date of this Act.

EFFECTIVE DATES

SEC. 710. (a) Except as provided in subsections (b), (c), and (d) of this section, the provisions of this Act and the amendments made by this Act shall take effect on October 1, 1980.

(b) Section 206 of this Act shall take effect on January 1, 1981.

(c) Section 218(b) of this Act shall take effect on October 1, 1983.

(d) Section 701 of this Act shall take effect on the date of enactment of this Act.

APPROVED October 14, 1980.