

## **Statutory Support for Rail Fuel Surcharge Reporting**

### **49 USC 10702. Authority for rail carriers to establish rates, classifications, rules, and practices**

A rail carrier providing transportation or service subject to the jurisdiction of the Board under this part shall establish reasonable—

- (1) rates, to the extent required by section 10707, divisions of joint rates, and classifications for transportation and service it may provide under this part; and
- (2) rules and practices on matters related to that transportation or service.

### **49 USC 11144. Records: form; inspection; preservation**

(a) The Board may prescribe the form of records required to be prepared or compiled under this subchapter—

- (1) by rail carriers and lessors, including records related to movement of traffic and receipts and expenditures of money; and
- (2) by persons furnishing cars to or for a rail carrier transportation subject to the jurisdiction of the Board under this part [[49 USCS §§ 10101](#) et seq.] to the extent related to those cars or that service.

(b) The Board, or an employee designated by the Board, may on demand and display of proper credentials—

- (1) inspect and examine the lands, buildings, and equipment of a rail carrier or lessor; and
- (2) inspect and copy any record of—
  - (A) a rail carrier, lessor, or association;
  - (B) a person controlling, controlled by, or under common control with a rail carrier if the Board considers inspection relevant to that person's relation to, or transaction with, that rail carrier; and
  - (C) a person furnishing cars to or for a rail carrier if the Board prescribed the form of that record.

(c) The Board may prescribe the time period during which operating, accounting, and financial records must be preserved by rail carriers, lessors, and persons furnishing cars.

## **49 USC 11145. Reports by rail carriers, lessors, and associations**

(a) The Board may require—

(1) rail carriers, lessors, and associations, or classes of them as the Board may prescribe, to file annual, periodic, and special reports with the Board containing answers to questions asked by it; and

(2) a person furnishing cars to a rail carrier to file reports with the Board containing answers to questions about those cars.

(b) (1) An annual report shall contain an account, in as much detail as the Board may require, of the affairs of the rail carrier, lessor, or association for the 12-month period ending on December 31 of each year.

(2) An annual report shall be filed with the Board by the end of the third month after the end of the year for which the report is made unless the Board extends the filing date or changes the period covered by the report. The annual report and, if the Board requires, any other report made under this section, shall be made under Oath.