

## Surface Transportation Board, DOT

Pt. 1120

be heard for each of the opposing interests, unless additional presentations are specifically authorized.

### PART 1117—PETITIONS (FOR RELIEF) NOT OTHERWISE COVERED

AUTHORITY: 49 U.S.C. 721.

#### § 1117.1 Petitions.

A party seeking relief not provided for in any other rule may file a petition for such relief. The petition should contain (a) a short, plain statement of the grounds upon which the Board's jurisdiction is based; (b) a short plain statement of the claim showing that the petitioner is entitled to relief; and (c) a demand for the relief the petitioner believes is appropriate.

[47 FR 49569, Nov. 1, 1982]

### PART 1118—PROCEDURES IN INFORMAL PROCEEDINGS BEFORE EMPLOYEE BOARDS

Sec.

- 1118.1 Scope.
- 1118.2 Proceedings to be informal.
- 1118.3 Appeals.

AUTHORITY: 49 CFR 721.

SOURCE: 62 FR 50884, Sept. 29, 1997, unless otherwise noted.

#### § 1118.1 Scope.

The rules in this part govern proceedings before employee boards.

#### § 1118.2 Proceedings to be informal.

The proceedings in all matters governed by this part will be informal. No transcript of these proceedings will be made. Subpoenas will not be issued and, except when applications, petitions, or statements are required to be attested, oaths will not be administered.

#### § 1118.3 Appeals.

(a) *Standing to appeal.* Appeals of the decisions of the employee boards subject to this part and replies to appeals may be filed by any person.

(b) *Number of copies.* The original and 10 copies of each pleading or paper permitted or required to be filed under

this section should be furnished for the use of the Board.

(c) *Time for filing.* Appeals in proceedings governed by this part must be filed within 20 days after the date of service of the decision.

(d) *Where filed.* Appeals and replies to appeals of decisions issued by employee boards must be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E St., SW., Washington, DC 20423-0001.

(e) *Decisions on appeal.* An appeal from an employee board's initial decision in a matter subject to this part will be reviewed by the employee board, which may elect to modify its decision in light of new facts or arguments presented on appeal. If the employee board elects not to modify its prior decision, the appeal will be forwarded to the entire Board for determination. If a modified decision is issued by the employee board, a further appeal lies under this part.

[62 FR 50884, Sept. 29, 1997, as amended at 74 FR 52908, Oct. 15, 2009]

### PART 1119—COMPLIANCE WITH BOARD DECISIONS

AUTHORITY: 49 U.S.C. 721.

#### § 1119.1 Compliance.

A defendant or respondent directed by the Board to do or desist from doing a particular thing must notify the Board on or before the compliance date specified in the decision of the manner of compliance. Notification should be by verified affidavit showing simultaneous service upon all parties to the proceeding. Where a change in rates or schedules is directed, notification specifying the Surface Transportation Board tariff or schedule numbers must be given in addition to the filing of proper tariffs or schedules.

[47 FR 49570, Nov. 1, 1982]

### PART 1120—USE OF 1977-1978 STUDY OF MOTOR CARRIER PLAT- FORM HANDLING FACTORS

Sec.

- 1120.1 Scope.