

**49 USC 10501: General jurisdiction**

Text contains those laws in effect on March 4, 2026

**From Title 49-TRANSPORTATION**

SUBTITLE IV-INTERSTATE TRANSPORTATION

PART A-RAIL

CHAPTER 105-JURISDICTION

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**§10501. General jurisdiction**

(a)(1) Subject to this chapter, the Board has jurisdiction over transportation by rail carrier that is-

- (A) only by railroad; or
- (B) by railroad and water, when the transportation is under common control, management, or arrangement for a continuous carriage or shipment.

(2) Jurisdiction under paragraph (1) applies only to transportation in the United States between a place in-

- (A) a State and a place in the same or another State as part of the interstate rail network;
- (B) a State and a place in a territory or possession of the United States;
- (C) a territory or possession of the United States and a place in another such territory or possession;
- (D) a territory or possession of the United States and another place in the same territory or possession;
- (E) the United States and another place in the United States through a foreign country; or
- (F) the United States and a place in a foreign country.

**(b) The jurisdiction of the Board over-**

(1) transportation by rail carriers, and the remedies provided in this part with respect to rates, classifications, rules (including car service, interchange, and other operating rules), practices, routes, services, and facilities of such carriers; and

(2) the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State,

is exclusive. Except as otherwise provided in this part, the remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law.

(c)(1) In this subsection-

(A) the term "local governmental authority"-

(i) has the same meaning given that term by section 5302 of this title; and

(ii) includes a person or entity that contracts with the local governmental authority to provide transportation services; and

(B) the term "public transportation" means transportation services described in section 5302 of this title that are provided by rail.

(2) Except as provided in paragraph (3), the Board does not have jurisdiction under this part over-

(A) public transportation provided by a local government authority; or

(B) a solid waste rail transfer facility as defined in section 10908 of this title, except as provided under sections 10908 and 10909 of this title.

(3)(A) Notwithstanding paragraph (2) of this subsection, a local governmental authority, described in paragraph (2), is subject to applicable laws of the United States related to-

(i) safety;

(ii) the representation of employees for collective bargaining; and

(iii) employment, retirement, annuity, and unemployment systems or other provisions related to dealings between employees and employers.

(B) The Board has jurisdiction under sections 11102 and 11103 of this title over transportation provided by a local governmental authority only if the Board finds that such governmental authority meets all of the standards and requirements for being a rail carrier providing transportation subject to the jurisdiction of the Interstate Commerce Commission that were in effect immediately before January 1, 1996. The enactment of the ICC Termination Act of 1995 shall neither expand nor contract coverage of employees and employers by the Railway Labor Act, the Railroad Retirement Act of 1974, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act.

(Added Pub. L. 104–88, title I, §102(a), Dec. 29, 1995, 109 Stat. 807 ; amended Pub. L. 104–287, §5(21), Oct. 11, 1996, 110 Stat. 3390 ; Pub. L. 110–432, div. A, title VI, §602, Oct. 16, 2008, 122 Stat. 4900 ; Pub. L. 114–94, div. A, title III, §3030(g), Dec. 4, 2015, 129 Stat. 1497 .)

## EDITORIAL NOTES

### REFERENCES IN TEXT

The ICC Termination Act of 1995, referred to in subsec. (c)(3)(B), is Pub. L. 104–88, Dec. 29, 1995, 109 Stat. 803 . For complete classification of this Act to the Code, see Short Title of 1995 Amendment note set out under section 101 of this title and Tables.

The Railway Labor Act, referred to in subsec. (c)(3)(B), is act May 20, 1926, ch. 347, 44 Stat. 577 , which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

The Railroad Retirement Act of 1974, referred to in subsec. (c)(3)(B), is act Aug. 29, 1935, ch. 812, as amended generally by Pub. L. 93–445, title I, §101, Oct. 16, 1974, 88 Stat. 1305 , which is classified generally to subchapter IV (§231 et seq.) of chapter 9 of Title 45. For further details and complete classification of this Act to the Code, see Codification note set out preceding section 231 of Title 45, section 231t of Title 45, and Tables.

The Railroad Retirement Tax Act, referred to in subsec. (c)(3)(B), is act Aug. 16, 1954, ch. 736, §§3201, 3202, 3211, 3212, 3221, and 3231 to 3233, 68A Stat. 431 , which is classified generally to chapter 22 (§3201 et seq.) of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see section 3233 of Title 26 and Tables.

The Railroad Unemployment Insurance Act, referred to in subsec. (c)(3)(B), is act June 25, 1938, ch. 680, 52 Stat. 1094 , which is classified principally to chapter 11 (§351 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 367 of Title 45 and Tables.

### PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 10501 and 10504 of this title prior to the general amendment of this subtitle by Pub. L. 104–88, §102(a).

A prior section 10501, Pub. L. 95–473, Oct. 17, 1978, 92 Stat. 1359 ; Pub. L. 96–448, title II, §214(c)(3)–(5), Oct. 14, 1980, 94 Stat. 1915 ; Pub. L. 103–272, §4(j)(15), July 5, 1994, 108 Stat. 1369 , related to jurisdiction of the Interstate Commerce Commission, prior to the general amendment of this subtitle by Pub. L. 104–88, §102(a). See sections 10501 and 15301 of this title.

### AMENDMENTS

**2015**-Subsec. (c)(1)(A)(i). Pub. L. 114–94, §3030(g)(1)(A), substituted "section 5302" for "section 5302(a)".

Subsec. (c)(1)(B). Pub. L. 114–94, §3030(g)(1)(B), substituted "public transportation" for "mass transportation" and "section 5302" for "section 5302(a)".

Subsec. (c)(2)(A). Pub. L. 114–94, §3030(g)(2), substituted "public transportation" for " mass transportation".

**2008**-Subsec. (c)(2). Pub. L. 110–432 amended par. (2) generally. Prior to amendment, text read as follows: "Except as provided in paragraph (3), the Board does not have jurisdiction under this part over mass transportation provided by a local governmental authority."

**1996**-Subsec. (c)(3)(B). Pub. L. 104–287 substituted "January 1, 1996" for "the effective date of the ICC Termination Act of 1995".

### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

### STATUTORY NOTES AND RELATED SUBSIDIARIES

### **EFFECTIVE DATE**

Section effective Jan. 1, 1996, except as otherwise provided in Pub. L. 104–88, see section 2 of Pub. L. 104–88, set out as a note under section 1301 of this title.

### **ABOLITION OF INTERSTATE COMMERCE COMMISSION**

Interstate Commerce Commission abolished by section 101 of Pub. L. 104–88, set out as a note under section 1301 of this title.