TITLE 49 - TRANSPORTATION
SUBTITLE I - DEPARTMENT OF TRANSPORTATION
CHAPTER 3 - GENERAL DUTIES AND POWERS
SUBCHAPTER I - DUTIES OF THE SECRETARY OF TRANSPORTATION

§ 307. Safety information and intervention in Interstate Commerce Commission proceedings

(a) The Secretary of Transportation shall inspect promptly the safety compliance record in the Department of Transportation of each person applying to the Interstate Commerce Commission for authority to provide transportation or freight forwarder service. The Secretary shall report the findings of the inspection to the Commission.

(b) When the Secretary is not satisfied with the safety record of a person applying for permanent authority to provide transportation or freight forwarder service, or for approval of a proposed transfer of permanent authority, the Secretary shall intervene and present evidence of the fitness of the person to the Commission in its proceedings.

(c) When requested by the Commission, the Secretary shall—

(1) provide the Commission with a complete report on the safety compliance of a carrier providing transportation or freight forwarder service subject to its jurisdiction;  
(2) provide promptly a statement of the safety record of a person applying to the Commission for temporary authority to provide transportation;  
(3) intervene and present evidence in a proceeding in which a finding of fitness is required; and  
(4) make additional safety compliance surveys and inspections the Commission decides are desirable to allow it to act on an application or to make a finding on the fitness of a carrier.


Historical and Revision Notes

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In the section, the words “be the duty of” before “Secretary shall” are omitted as surplus.

In subsection (a), the word “inspect” is substituted for “investigate” as being more appropriate. The words “person applying to the Interstate Commerce Commission for authority to provide transportation or freight forwarder service” are substituted for “applicant seeking operating authority from the Interstate Commerce Commission” as being more precise and to conform to subtitle IV of the revised title. The words “of the inspection” are inserted for clarity.

In subsection (b), the words “person applying for permanent authority to provide transportation or freight forwarder service” are substituted for “applicant for permanent operating authority” as being more precise and to conform to subtitle IV of the revised title. The words “proposed transfer of permanent authority” are substituted for “proposed transaction involving transfer of operating authority” to eliminate surplus words and for clarity because the transfer only involves permanent authority.

In subsection (c)(1), the words “providing transportation or freight forwarder service subject to its jurisdiction” are inserted for clarity.
Subsection (c)(2) is substituted for 49:1653(e)(3) for clarity and to conform to subtitle IV of the revised title. The words “freight forwarder service” are not used because the law does not provide for temporary authority for freight forwarders.

In subsection (c)(3) and (4), the word “finding” is substituted for “determination” to conform to subtitle IV of the revised title.

In subsection (c)(3), the words “necessary or” before “desirable” are omitted as surplus.

**Abolition of Interstate Commerce Commission and Transfer of Functions**

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104–88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104–88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104–88, set out as a note under section 701 of this title.