

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 476
HOUSE BILL 609

AN ACT TO AMEND G.S. 62-133 RELATING TO RATE INCREASES OF INTRASTATE RAIL CARRIERS.

Whereas, in the past all rate increase applications for intrastate railroad traffic have been heard by the North Carolina Utilities Commission under the authority granted by G.S. 62-133; and

Whereas, the Congress of the United States enacted on October 15, 1980 the Staggers Rail Act of 1980, (Public Law 96-448, 94 Stat. 1895, 49 USC 10101, et seq.), which preempts the State's right to regulate general rate applications of intrastate rail carriers and all other requests for rate increases except for single commodity rate applications; and

Whereas, the Staggers Act of 1980 also sets out the guidelines for gaining absolute increases for single commodity rate applications, which must be adhered to by the various State regulatory agencies; and

Whereas, the Staggers Rail Act of 1980 also places the burden on the State regulatory agencies to entertain the single commodity rate applications, it also absolutely exempts from the State regulatory agency those single commodity applications which are inflation-based rate increases and it also exempts fuel adjustment surcharges; and

Whereas, the Staggers Rail Act of 1980 has preempted the intrastate rail carrier regulatory procedure and set out mandatory parameters and thresholds which the State regulatory agency must follow, the ultimate fact being the State is a hearing forum for implementing the Federal Law; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 62, Article 7, Section 133, is amended by adding a new subsection (h) to read as follows:

"G.S. 62-133(h). The Commission is not authorized to entertain applications filed on behalf of intrastate rail carriers to fix rates for a single commodity or to fix rates for groups of commodities which constitute less than a general rate increase."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1981.