

of such service in motor vehicles especially designed and equipped for the distribution of mail en route: *Provided*, That such vehicles shall be constructed, fitted up, maintained, and operated in accordance with such specifications, rules, and regulations as he may prescribe: *Provided further*, That the Postmaster General is authorized, within his discretion, to transport and provide for the distribution of mails in Government-owned motor vehicles on such routes between points where in his judgment the conditions justify the operation of such service: *Provided further*, That all laws and regulations governing Star Route Service, not in conflict with sections 505—508 of this title, shall be applicable to contracts made under the authority of said sections: *and provided further*, That no contract shall be awarded for a period of less than two years nor in excess of four years, and that payment for such service shall be from the appropriations for inland transportation by star routes. (July 11, 1940, ch. 582, § 1, 54 Stat. 756.)

**§ 506. Same; supervision; pay and allowances of personnel.**

The Postmaster General may, in his discretion, and in the interest of the Postal Service, and under such rules and regulations as he may prescribe, provide for the distribution of mail on motor-vehicle routes in motor vehicles specially designed and equipped for that purpose and provided for in section 505 of this title: *Provided*, That the supervision and distribution of mails in motor-vehicle service, as herein provided, shall be under the jurisdiction of the Second Assistant Postmaster General, and the personnel therein shall be a part of the Railway Mail Service under the same working conditions, rates of pay, travel allowance, and other benefits applicable to railway postal clerks: *And provided further*, That payment for such service shall be from the appropriations for Railway Mail Service salaries and railway postal clerks' travel allowance. (July 11, 1940, ch. 582, § 2, 54 Stat. 756.)

**TRANSFER OF FUNCTIONS**

The offices of the First, Second, Third and Fourth Assistant Postmasters General were abolished and functions transferred to the Postmaster General by 1949 Reorg. Plan No. 3, §§ 1 (a), 5 (b), eff. Aug. 20, 1949, 14 F. R. 5225, 63 Stat. 1066. See note set out under section 369 of Title 5, Executive Departments and Government Officers and Employees.

**§ 507. Same; transportation of inspectors and postal officials.**

Every individual or company carrying the mails shall carry on any vehicle it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and post-office inspectors while traveling on official business, upon the exhibition of their credentials. (July 11, 1940, ch. 582, § 3, 54 Stat. 757.)

**§ 508. Same; rules and regulations.**

The Postmaster General is authorized to promulgate such specifications, rules, and regulations as

may be necessary to carry out the provisions of sections 505—508 of this title. (July 11, 1940, ch. 582, § 4, 54 Stat. 757.)

**Chapter 15.—RAILWAY SERVICE**

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| <p>Sec.<br/>521.<br/>522.<br/>523.<br/>524.<br/>525.<br/>526.<br/>527.<br/>528.<br/>529.<br/>530.<br/>531.<br/>532.<br/>533.<br/>534.<br/>535.<br/>536.<br/>537.<br/>538.<br/>539.<br/>540.<br/>541.<br/>541-1.<br/>541a.<br/>542.<br/>543.<br/>544.<br/>545.<br/>546.<br/>547.<br/>548.<br/>549.<br/>550.<br/>551.<br/>552.<br/>553.<br/>554.<br/>555.<br/>556.<br/>557.<br/>558.</p> | <p>Repealed.<br/>Transportation of official matter by railway or express companies.<br/>Free transportation for persons in charge of mails.<br/>Conditions of railway service; adjustment of compensation.<br/>Classes of routes enumerated.<br/>Full railway post-office car service.<br/>Apartment railway post-office car service.<br/>Storage-car service.<br/>Service by full and apartment railway post-office cars and storage cars.<br/>Closed-pouch service.<br/>Rates of payment for classes of routes<br/>(a) Full railway post-office car service.<br/>(b) Apartment railway post-office car service.<br/>(c) Storage-car service.<br/>(d) Closed-pouch service.<br/>Cars of less than standard lengths; cars of excess length.<br/>Initial and terminal rates to cover certain expenses; varying allowances for full railway post-office cars, apartment railway post-office cars, and storage cars.<br/>Computation of car-miles; railway post-office cars and apartment railway post-office cars<br/>Same; storage cars.<br/>Land-grant roads.<br/>Style, construction, and maintenance of post-office cars; pay for unsound cars; steel cars.<br/>Facilities for carrying and handling mails; cars at station; station room; offices for employees.<br/>Selection of trains; carrying on any train.<br/>Service operated by railroad and steamboats<br/>Transportation required in manner, under conditions, and with service prescribed by Postmaster General; compensation therefor.<br/>Maintenance of schedules; fines for delay.<br/>Transportation by motor vehicle.<br/>Interstate Commerce Commission to fix and determine rates and compensation.<br/>Relation between the railroads as public-service corporations and the Government to be considered.<br/>Procedure for ascertaining rates.<br/>Filing of statement by Postmaster General with Interstate Commerce Commission showing transportation required.<br/>Employment of clerical assistance; plan for transportation filed with Interstate Commerce Commission.<br/>Notice by Interstate Commerce Commission to railroads; answer of railroads; hearings<br/>Taking testimony, evidence, penalties, and procedure.<br/>Classification of carriers by Interstate Commerce Commission<br/>Additional weighing of mails.<br/>Orders of Interstate Commerce Commission establishing rate or compensation.<br/>Percentage of rates allowed land-grant railroads.<br/>Applications for reexaminations.<br/>Powers conferred on Interstate Commerce Commission.<br/>Conveyance under special arrangement in freight trains; rates<br/>Proof of performance of service.<br/>Information from Interstate Commerce Commission as to revenues from express companies; rates for transporting matter other than first class.<br/>Determination by Interstate Commerce Commission of postal carload or less rate for transportation of fourth-class matter and periodicals.</p> |
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## Sec.

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§ 521. Repealed. Feb. 28, 1933, ch. 131, § 1, 47 Stat. 1319.

Section. R S. § 3999, related to carrying mail on railway routes by horse express.

§ 522. Transportation of official matter by railway or express companies.

The Postmaster General may provide for the transportation of official matter of any department of the Government, over any railroad or express company, whenever he can do so at a saving to the Government and without detriment to the public service: *Provided*, That nothing in this section shall apply to official matter franked by members of Congress. (July 13, 1892, ch. 165, § 5, 27 Stat. 148.)

§ 523. Free transportation for persons in charge of mails.

Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails and when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Railway Mail Service and post-office inspectors while traveling on official business, upon the exhibition of their credentials. (July 28, 1916, ch. 261, § 1, 39 Stat. 419.)

§ 524. Conditions of railway service; adjustment of compensation.

The Postmaster General is authorized and directed to adjust the compensation to be paid to railroad companies for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided. (July 28, 1916, ch. 261, § 5, 39 Stat. 425.)

§ 525. Classes of routes enumerated.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service. (July 28, 1916, ch. 261, § 5, 39 Stat. 425.)

§ 526. Full railway post-office car service.

Full railway post-office car mail service shall be service by cars forty feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars sixty feet in length, inside measurement, except as hereinafter provided. (July 28, 1916, ch. 261, § 5, 39 Stat. 425.)

§ 527. Apartment railway post-office car service.

Apartment railway post-office car mail service shall be service by apartments less than forty feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments fifteen feet and thirty feet in length, inside measurement, except as hereinafter provided. (July 28, 1916, ch. 261, § 5, 39 Stat. 425.)

§ 528. Storage-car service.

Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars sixty feet in length, inside measurement, except as hereinafter provided. Storage space in units of three feet, seven feet, fifteen feet, and thirty feet, both sides of car, may be authorized in baggage cars at not exceeding pro rata of the rates hereinafter named for sixty-foot storage cars. (July 28, 1916, ch. 261, § 5, 39 Stat. 425.)

§ 529. Service by full and apartment railway post-office cars and storage cars.

Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried. (July 28, 1916, ch. 261, § 5, 39 Stat. 426.)

§ 530. Closed-pouch service.

Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided. The authorizations for closed-pouch service shall be for units of seven feet and three feet in length, both sides of car. (July 28, 1916, ch. 261, § 5, 39 Stat. 426.)

§ 531. Rates of payment for classes of routes.

The rates of payment for the services authorized in accordance with sections 524—541 and 542—568 of this title shall be as follows, namely:

**(a) Full railway post-office car service.**

For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a sixty-foot car.

In addition thereto he may allow not exceeding \$4.25 as a combined initial and terminal rate for each one-way trip of a sixty-foot car.

**(b) Apartment railway post-office car service.**

For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a thirty-foot apartment car and 6 cents for each mile of service by a fifteen-foot apartment car.

In addition thereto he may allow not exceeding \$2.75 as a combined initial and terminal rate for each one-way trip of a thirty-foot apartment car and \$2 as a combined initial and terminal rate for each one-way trip of a fifteen-foot apartment car.

**(c) Storage-car service.**

For storage-car mail service at not exceeding 21 cents for each mile of service by a sixty-foot car.

In addition thereto he may allow not exceeding \$4.25 as a combined initial and terminal rate for each one-way trip of a sixty-foot car.

**(d) Closed-pouch service.**

For closed-pouch service, at not exceeding 1½ cents for each mile of service when a three-foot unit is authorized, and 3 cents for each mile of service when a seven-foot unit is authorized.

In addition thereto he may allow not exceeding 25 cents as the combined initial and terminal rate for each one-way trip of a three-foot unit of service and 50 cents as a combined initial and terminal rate for each one-way trip of a seven-foot unit of service. (July 28, 1916, ch. 261, § 5, 39 Stat. 426.)

**CROSS REFERENCES**

Rates and compensation for transportation of mail matter by railway common carriers to be fixed by Interstate Commerce Commission, see section 542 of this title.

**§ 532. Cars of less than standard lengths; cars of excess length.**

Where authorizations are made for cars of the standard lengths of sixty, thirty, and fifteen feet, as provided by sections 526 and 527 of this title, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by section 531 of this title for the standard length so authorized. The Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths. (July 28, 1916, ch. 261, § 5, 39 Stat. 426.)

**CROSS REFERENCES**

Space and weights to be used in determining rates and compensation of railroads for carrying mail matter to be fixed by Interstate Commerce Commission, see section 542 of this title.

**§ 533. Initial and terminal rates to cover certain expenses; varying allowances for full railway post-office cars, apartment railway post-office cars, and storage cars.**

The initial and terminal rates provided for in section 531 of this title shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service, and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance. (July 28, 1916, ch. 261, § 5, 39 Stat. 426.)

**§ 534. Computation of car-miles; railway post-office cars and apartment railway post-office cars.**

In computing the car-miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon. (July 28, 1916, ch. 261, § 5, 39 Stat. 427.)

**CROSS REFERENCES**

Rates and compensation for transportation of mail matter by railway common carriers to be fixed by Interstate Commerce Commission, see section 542 of this title.

Space and weights to be used in determining rates and compensation of railroads for carrying mail matter to be fixed by Interstate Commerce Commission, see section 542 of this title.

**§ 535. Same; storage cars.**

In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car to be used by the company in the return movement, or otherwise mutually agreed upon. (July 28, 1916, ch. 261, § 5, 39 Stat. 427.)

**CROSS REFERENCES**

Rates and compensation for transportation of mail matter by railway common carriers to be fixed by Interstate Commerce Commission, see section 542 of this title.

**§ 536. Land-grant roads.**

Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per centum of the compensation otherwise authorized by sections 524—541 and 542—568 of this title. (July 28, 1916, ch. 261, § 5, 39 Stat. 426.)

**§ 537. Style, construction, and maintenance of post-office cars; pay for unsound cars; steel cars.**

All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by

any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. The Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material; and all full railway post-office cars accepted for this service and contracted for by the railroad companies shall be constructed of steel. (July 28, 1916, ch. 261, § 5, 39 Stat. 427.)

**§ 538. Facilities for carrying and handling mails; cars at station; station room; offices for employees.**

Railroad companies carrying the mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, storing, and transfer of mails in transit, including the separation thereof, by packages for connecting lines, and such distribution of registered mail in transit as may be necessary, and for offices for the employees of the Railway Mail Service engaged in such station work when required by the Postmaster General, in which mail from station boxes may be distributed if it does not require additional space. (July 28, 1916, ch. 261, § 5, 39 Stat. 427.)

**§ 539. Selection of trains; carrying on any train.**

The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

**§ 540. Service operated by railroad and steamboats.**

The provisions of sections 524—541 and 542—568 of this title shall apply to service operated by railroad companies partly by railroad and partly by steamboats. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

**§ 541. Transportation required in manner, under conditions, and with service prescribed by Postmaster General; compensation therefor.**

All railway common carriers are required to transport such mail matter as may be offered for transportation by the United States in the manner, under the conditions, and with the service prescribed by the Postmaster General and shall be entitled to receive fair and reasonable compensation for such transportation and for the service connected therewith. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

**CROSS REFERENCES**

Establishment of motor vehicle routes by Postmaster General, see sections 505—508 of this title.

**§ 541-1. Maintenance of schedules; fines for delay.**

The Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions. (Mar. 2, 1907, ch. 2513, 34 Stat. 1212.)

**§ 541a. Transportation by motor vehicle.**

The Postmaster General is authorized, in his discretion, to permit railroad and electric-car companies to provide mail transportation by motor vehicle over highways in lieu of service by train, the compensation for such service to be at a rate not in excess of the rate that would be allowed for similar service by railroad or electric car, payment therefor to be made from the appropriate appropriation for railroad transportation and mail messenger service or electric and cable-car service. (Feb 15, 1933, ch. 75, 47 Stat. 809.)

**§ 542. Interstate Commerce Commission to fix and determine rates and compensation.**

The Interstate Commerce Commission is empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of such mail matter by railway common carriers and the service connected therewith, prescribing the method or methods by weight, or space, or both, or otherwise, for ascertaining such rate or compensation, and to publish the same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

**§ 543. Relation between the railroads as public-service corporations and the Government to be considered.**

In fixing and determining the fair and reasonable rates for such service the commission shall consider the relation existing between the railroads as public-service corporations and the Government, and the nature of such service as distinguished, if there be a distinction, from the ordinary transportation business of the railroads. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

**§ 544. Procedure for ascertaining rates.**

The procedure for the ascertainment of said rates and compensation shall be as provided in sections 545—554 of this title. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

**§ 545. Filing of statement by Postmaster General with Interstate Commerce Commission showing transportation required.**

The Postmaster General shall file with the commission a statement showing the transportation required of all railway common carriers, including the number, equipment, size, and construction of the cars necessary for the transaction of the business;

the character and speed of the trains which are to carry the various kinds of mail; the service, both terminal and en route, which the carriers are to render; and all other information which may be material to the inquiry, but such other information may be filed at any time in the discretion of the commission. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

**§ 546. Employment of clerical assistance; plan for transportation filed with Interstate Commerce Commission.**

The Postmaster General may employ such clerical and other assistance as shall be necessary to carry out the provisions of sections 524—541 and 542—568 of this title, and may rent quarters in Washington, District of Columbia, if necessary, for the clerical force engaged thereon, and pay for the same out of the appropriation for inland transportation by railroad routes. The Postmaster General shall file with the commission a comprehensive plan for the transportation of the mails on said railways and shall embody therein what he believes to be the reasonable rate or compensation the said railway carriers should receive. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 547. Notice by Interstate Commerce Commission to railroads; answer of railroads; hearings.**

Thereupon the commission shall give notice of not less than thirty days to each carrier so required to transport mail and render service, and upon a day to be fixed by the commission, not later than thirty days after the expiration of the notice herein required, each of said carriers shall make answer and the commission shall proceed with the hearing as provided by law for other hearings between carriers and shippers or associations. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 548. Taking testimony, evidence, penalties, and procedure.**

All the provisions of the law for taking testimony, securing evidence, penalties, and procedure are made applicable. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 549. Classification of carriers by Interstate Commerce Commission.**

For the purpose of determining and fixing rates or compensation hereunder the commission is authorized to make such classification of carriers as may be just and reasonable and, where just and equitable, fix general rates applicable to all carriers in the same classification. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 550. Additional weighing of mails.**

Pending such hearings, and the final determination of the question, if the Interstate Commerce Commission shall determine that it is necessary or advisable, in order to carry out the provisions of sections 524—541 and 542—568 of this title, to have additional and more frequent weighing of the mails for statistical purposes, the Postmaster General, upon request of the commission, shall provide therefor in the manner prescribed by law, but such weighing

need not be for more than thirty days. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 551. Orders of Interstate Commerce Commission establishing rate or compensation.**

At the conclusion of the hearing the commission shall establish by order a fair, reasonable rate or compensation to be received, at such stated times as may be named in the order, for the transportation of mail matter and the service connected therewith, and during the continuance of the order the Postmaster General shall pay the carrier from the appropriation for inland transportation by railroad routes such rate or compensation. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 552. Percentage of rates allowed land-grant railroads.**

The Interstate Commerce Commission shall allow to railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on condition that the mails should be transported over their roads at such price as Congress should by law direct only 80 per centum of the compensation paid other railroads for transporting the mails and all service by the railroads in connection therewith. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 553. Applications for reexaminations.**

Either the Postmaster General or any such carrier may at any time after the lapse of six months from the entry of the order assailed apply for a reexamination, and thereupon substantially similar proceedings shall be had with respect to the rate or rates for service covered by said application, provided said carrier or carriers have an interest therein. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 554. Powers conferred on Interstate Commerce Commission.**

For the purposes of sections 524—541 and 542—568 of this title the Interstate Commerce Commission is vested with all the powers which it is authorized by law to exercise in the investigation and ascertainment of the justness and reasonableness of freight, passenger, and express rates to be paid by private shippers. (July 28, 1916, ch. 261, § 5, 39 Stat. 430.)

**§ 555. Conveyance under special arrangement in freight trains; rates.**

The provisions of sections 524—541 and 542—568 of this title respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

**§ 556. Proof of performance of service.**

Railroad companies carrying the mails shall submit, under the signature of a duly authorized official, when and in such form as may be required by the

Postmaster General, evidence as to the performance of service. (July 28, 1916, ch. 261, § 5, 39 Stat. 428; June 28, 1952, ch. 485, § 1 (4), 66 Stat. 286.)

AMENDMENTS

1952—Act June 28, 1952, amended section to eliminate the requirement of a sworn statement and to substitute the signature of adult authorized official.

§ 557. Information from Interstate Commerce Commission as to revenues from express companies; rates for transporting matter other than first class.

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

§ 558. Determination by Interstate Commerce Commission of postal carload or less rate for transportation of fourth-class matter and periodicals.

The Postmaster General may, in his discretion, petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

§ 559. Distinguishing between several classes of matter.

The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured without material detriment to the service. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

§ 560. Return to mails; postal cards, stamped envelopes, and newspaper wrappers.

The Postmaster General may return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

§ 561. Same; empty mail bags.

The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may return to the mails empty mail bags and other equip-

ment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space, pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

§ 562. Weighing mail; computations.

The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes. (July 28, 1916, ch. 261, § 5, 39 Stat. 429.)

§ 563. Refusal to perform service at rates or methods of compensation provided by law.

It shall be unlawful for any railroad company to refuse to perform mail service at the rates or methods of compensation provided by law when required by the Postmaster General so to do, and for such offense shall be fined \$1,000. Each day of refusal shall constitute a separate offense. (July 28, 1916, ch. 261, § 5, 39 Stat. 431.)

CROSS REFERENCES

Felony and misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 564. New and additional service; reduction or discontinuance of service.

New service and additional service may be authorized at not exceeding the rates provided in sections 524—541 and 542—568 of this title, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require. No additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General. (July 28, 1916, ch. 261, § 5, 39 Stat. 427.)

§ 565. Special contracts for transportation; reports of.

The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where in his judgment the conditions warrant the application of higher rates than those specified in sections 524—541 and 542—568 of this title. (July 28, 1916, ch. 261, § 5, 39 Stat. 427; Aug. 7, 1946, ch. 770, § 1 (34), 60 Stat. 868.)

AMENDMENTS

1946—Act Aug. 7, 1946, amended section by repealing the provisions requiring the Postmaster General to make reports to Congress of cases where special contracts are made with railroad companies under this section.

§ 566. Service over property owned by another company; over land-grant companies.

Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company. Service over land-grant road shall be paid for as provided in sections 524—541 and 542—568 of this title. (July 28, 1916, ch. 261, § 5, 39 Stat. 427.)

**§ 567. Failure to furnish cars or compartments.**

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

**§ 568. Deductions from pay for reduction in or non-performance of service.**

The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of sections 524—541 and 542—568 of this title for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company. (July 28, 1916, ch. 261, § 5, 39 Stat. 428.)

**§ 569. Rates for transportation by electric and cable cars.**

The rate of compensation to be paid per mile for inland transportation of mail by electric and cable cars shall not exceed the rate paid on April 24, 1920, to companies performing such service, except that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile paid on that date for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel. The rates for electric-car service on routes over twenty miles in length outside of cities shall not exceed the rates paid for service on steam railroads. (Mar. 3, 1917, ch. 162, § 1, 39 Stat. 1066; Apr. 24, 1920, ch. 161, § 1, 41 Stat. 580.)

**CROSS REFERENCES**

Rates fixed by Interstate Commerce Commission, see section 570 of this title.

**§ 570. Same; rates fixed by Interstate Commerce Commission.**

The Interstate Commerce Commission is empowered and directed to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing. It shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates

or methods of compensation thus provided for such service when required by the Postmaster General so to do, and for such offense shall be fined \$100. Each day of refusal shall constitute a separate offense. (July 2, 1918, ch. 117, § 1, 40 Stat. 748.)

**CROSS REFERENCES**

Felony and misdemeanor defined, see section 1 of Title 18 Crimes and Criminal Procedure.

**§ 571. Contract with railways without advertising.**

The Postmaster General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor. (R. S. § 3942.)

**DERIVATION**

Acts June 8, 1872, ch. 335, § 265, 17 Stat. 316; July 12, 1876, ch. 179, § 13, 19 Stat. 82.

**§ 572. Weighing of mails; readjustments.**

When, during a weighing period, on account of flood or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, may, in his discretion, add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails. (May 18, 1916, ch. 126, § 4, 39 Stat. 161.)

**CROSS REFERENCES**

Space and weights to be used in determining rates and compensation of railroads for carrying mail matter to be fixed by Interstate Commerce Commission, see section 542 of this title.

**§ 573. Same; withdrawal of freightable lots of postal supplies.**

The Postmaster General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country, immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service, except postage stamps, shall be transmitted by either freight or express. (May 12, 1910, ch. 230, 36 Stat. 362.)

**CROSS REFERENCES**

Return to mails for utilization of car space paid for and not needed postal cards, stamped envelopes, newspaper wrappers, furniture, equipment, etc., and empty mail bags, see sections 560 and 561 of this title.

Space and weights to be used in determining rates and compensation of railroads for carrying mail matter to be fixed by Interstate Commerce Commission, see section 542 of this title.

**§ 574. Readjustment of pay for mail diverted after weighing periods.**

When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly. (Aug. 24, 1912, ch. 389, § 4, 37 Stat. 554.)

**CROSS REFERENCES**

Interstate Commerce Commission empowered to fix and determine rates for transportation of mail matter by railway, see section 542 of this title

**§ 575. Weighing mails; payment of expenses of computations.**

Out of the appropriation for inland mail transportation the Postmaster General may pay rental if necessary in Washington, District of Columbia, and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes, as provided by law. (Mar. 4, 1911, ch. 241, § 1, 36 Stat. 1334.)

**CROSS REFERENCES**

Interstate Commerce Commission empowered to fix and determine rates for transportation of mail matter by railway, see section 542 of this title

**§ 576. Sending second-class matter by freight; discriminations; appeals; precedence of proceedings in Court of Appeals.**

No publication shall be sent by freight if such method of transportation results in unfair discrimination. Whenever the owner of any publication required by an order of the Post Office Department to be transmitted by freight believes that he is unfairly discriminated against, he may apply to the Post Office Department for an opportunity to be heard; and upon such application being duly filed in writing, the owner of such publication shall have opportunity for a full and fair hearing before said department, and pending final determination no change shall be made in the method of transportation of such publication as ordered by the department. The testimony in any such hearing or proceedings shall be reduced to writing and filed in the Post Office Department prior to entering an order upon such hearing. Upon such hearing if the Post Office Department decides adversely to the contention of the publisher, such publisher shall have the right, within the period of twenty days after the date of the order of the Post Office Department made upon such hearing, to appeal to the United States Court of Appeals for the District of Columbia, for a review of such order by said court of appeals, by filing in the court a written petition praying that

the order of the Post Office Department be set aside. A copy of such petition shall be forthwith served upon the Post Office Department and thereupon the said department forthwith shall certify and file in the court a transcript of the record and testimony. Upon the filing of such transcript the court shall have jurisdiction to affirm, set aside or modify the order of the department.

The jurisdiction of the United States Court of Appeals for the District of Columbia to affirm, set aside or modify such orders of the Post Office Department shall be exclusive.

Such proceedings in the United States Court of Appeals for the District of Columbia shall be given precedence over other cases pending therein and shall be in every way expedited. (July 28, 1916, ch. 261, § 2, 39 Stat. 424; June 7, 1934, ch. 426, 48 Stat. 926.)

**§ 577. Lease of terminal railway post offices.**

The Postmaster General may apply a part of the appropriation for rental of space for terminal railway post offices for the distribution of the mails when the furnishing of space for such distribution cannot properly be required of railroad companies without additional compensation, to the purpose of leasing premises for the use of terminal railway post offices at a reasonable annual rental to be paid monthly, for a term not exceeding twenty years. (Mar. 9, 1914, ch. 33, 38 Stat. 301; Apr. 24, 1920, § 1, 41 Stat. 580; June 3, 1926, ch. 456, 44 Stat. 688.)

**§ 578. Mail messengers.**

The Postmaster General may employ such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over bridges or ferries, between post offices, post offices and branch offices or stations, in cases where by the laws and regulations of the Post Office Department, railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post offices the mails carried on their lines or vessels (Mar. 3, 1887, ch. 346, 24 Stat. 492.)

**§ 579. Same; contracts for service.**

In the discretion of the Postmaster General, postmasters, assistant postmasters, clerks, and rural carriers at post offices of the third and fourth class may enter into contracts for the performance of mail-messenger service, and allowance may be made therefor from the appropriations for mail-messenger service: *Provided*, That the Postmaster General shall determine that the performance of such contracts will not interfere with the regular duties of such employees or with the operations of the postal service. The total amount payable under such contract to any postmaster, assistant postmaster, clerk, or rural carrier shall not exceed \$900 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (July 28, 1916, ch. 261, § 1, 39 Stat. 418; June 3, 1924, ch. 237, 43 Stat. 356; July 3, 1952, ch. 552, 66 Stat. 324.)

## AMENDMENTS

1952—Act July 3, 1952, amended section to increase limitation from \$300 to \$900, to include rural carriers within section, and to require Postmaster General to first make a determination that neither the duties of the employee nor the operation of the service will be interfered with by reason of the employee entering into such a contract.

## CROSS REFERENCES

Mail messengers and other postal employees authorized to be employed in dual capacity and compensated for extra duties assigned, see section 136 of this title.

## Chapter 16.—RAILWAY MAIL OFFICERS AND EMPLOYEES

## Sec.

- 601. Expenses of officers of Railway Mail Service.
- 601a. Repealed.
- 602, 602a. Omitted.
- 603. Assistant superintendents; traveling expenses.
- 604. Expenses of supervisory employees.
- 605—608. Omitted.
- 609. Railway postal clerks; appointment.
- 610. Same; classes and grades; salaries.
- 611. Same; original appointments; time of promotion.
- 612. Same; readjustment of grades.
- 613—618. Omitted.
- 618a. Terminal railway post offices; classification of clerks.
- 619. Classes of transfer offices; promotion of clerks.
- 620. Clerk in charge defined.
- 621—623. Omitted.
- 624. Transfer of clerks.
- 625. Promotion withheld.
- 626. Clerks in highest grades of their lines; promotions.
- 627. Restoration to grade after reduction.
- 628, 629. Omitted.
- 630. Postal clerks assigned to road duty; full time for delay to trains.
- 631. Postal clerks; residences.
- 632. Transfers or reassignments, reduction of salary; retention of seniority status; hourly rate for miscellaneous assignments.
- 632a. Su plus clerks; relegation to lower-grade position; transfer.
- 633. Same; travel allowances.
- 634. Same; preference in transfers from service to department or post offices.
- 635. Same; annual vacation.
- 636. Same; full time to clerks deadheading under orders.
- 637. Substitutes for clerks absent otherwise than on annual leave.
- 638. Badges of postal clerks and mail messengers.
- 639. Newspapers; delivery by railway postal clerks.
- 640. Railway postal clerks and substitutes; temporary assignment as substitute sea-post clerks; allowances.

## § 601. Expenses of officers of Railway Mail Service.

The superintendent and the assistant general superintendent and chief clerk of the Railway Mail Service shall be paid their necessary and actual expenses while traveling on the business of the department. (Mar. 1, 1881, ch. 96, § 1, 21 Stat. 374; Apr. 16, 1890, ch. 85, 26 Stat. 56.)

## CROSS REFERENCES

Expenses and subsistence of Government employees generally, see sections 835—842 of Title 5, Executive Departments and Government Officers and Employees.

## § 601a. Repealed. Aug. 2, 1946, ch. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946.

Section, act June 25, 1940, ch. 425, 54 Stat. 571, related to transportation expenses for moving household goods of officers and clerks transferred from one station to another for permanent duty, which is now covered by section 73b-1 of Title 5, Executive Department and Government Officers and Employees.

## §§ 602, 602a. Omitted.

## CODIFICATION

Section 602, act Feb. 28, 1925, ch. 368, § 7, 43 Stat. 1061, which was superseded by act May 26, 1936, ch. 453, 49 Stat. 1374, related to salaries of superintendents, etc., and is now covered by section 866 of this title.

Section 602a, act May 26, 1936, ch. 453, 49 Stat. 1374, which was superseded by act July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1946, related to salaries of superintendents, etc., and is now covered by section 866 of this title.

## § 603. Assistant superintendents; traveling expenses.

Assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses not to exceed the rate of \$9 per day while actually traveling on business of the department away from their several designated headquarters. (Mar. 3, 1901, ch. 851, § 1, 31 Stat. 1105; June 9, 1949, ch. 185, §§ 3, 9, 63 Stat. 166, 167.)

## CODIFICATION

"Not to exceed the rate of \$9 per day" was inserted in lieu of "the rate of \$4 per day" upon the authority of act June 9, 1949.

## CROSS REFERENCES

Expenses and subsistences of Government employees generally, see sections 835—842 of Title 5, Executive Departments and Government Officers and Employees.

## § 604. Expenses of supervisory employees.

Supervisory employees of the Railway Mail Service shall be paid their actual expenses as fixed by law. (Feb. 28, 1925, ch. 368, § 2, 43 Stat. 1055.)

## §§ 605—608. Omitted.

## CODIFICATION

Section 605, act Feb. 28, 1925, ch. 368, § 7, 43 Stat. 1062, which was superseded by act July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945, related to rating of supervisory clerks, and is now covered by section 688 of this title.

Section 606, act Feb. 28, 1925, ch. 368, § 7, 43 Stat. 1062, which was superseded by act July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945, related to salaries of laborers, and is now covered by section 866 of this title.

Section 607, acts Feb. 28, 1925, ch. 368, § 7, 43 Stat. 1062; June 14, 1934, ch. 518, 48 Stat. 958; Oct. 23, 1941, ch. 457, § 2, 55 Stat. 744, which was superseded by act July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945, related to promotion of laborers, and is now covered by section 96 of this title.

Section 607a, acts Feb. 28, 1925, ch. 368, § 7 (pt.); Oct. 23, 1941, ch. 457, § 1, 55 Stat. 744, which was superseded by act July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945, related to laborers' hours and is now covered by section 866 of this title.

Section 608, acts Aug. 24, 1912, ch. 389, § 7, 37 Stat. 555; Feb. 28, 1919, ch. 69, § 2, 40 Stat. 1198, which was superseded by act July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945, related to classification of railway postal clerks, and is now covered by section 866 of this title.

## § 609. Railway postal clerks; appointment.

The Postmaster General may appoint railway postal clerks in such manner and of such respective grades and salaries as may be provided for in the annual appropriation acts for the service of the Post Office Department, for the purpose of sorting and distributing the mail in railway post offices, railway post-office terminals and transfer offices, and for service in the offices of division superintendents and chief clerks, and as transfer clerks and such other