

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

Water Transport Ass'n v. Interstate Commerce Commission

260 U.S. App. D.C. 390 (D.C. Cir. 1987) · Decided June 5, 1987

SUMMARY

The D.C. Circuit reviewed the Interstate Commerce Commission’s approval of Southern Pacific Railroad’s rail-rate contracts under the Staggers Rail Act. The court held that the Water Transport Association had party status but lacked standing to challenge the adequacy of the Commission’s public disclosure of contract information, because water carriers’ competitive interests were outside the statute’s zone of interests. The petition for review was dismissed.

CASE DETAILS

COURT	United States Court of Appeals for the District of Columbia Circuit
WRITING FOR THE COURT	Spottswood W. Robinson, III; MacKinnon; Robinson; Wright
JURISDICTION	Federal
DECIDED	June 5, 1987
DISPOSITION	dismissed
PROCEDURAL POSTURE	Water Transport Association petitioned for review of the Interstate Commerce Commission's approval of Southern Pacific Railroad's rail-rate contracts and its rejection of WTA's protest concerning public disclosure of the contracts' essential terms.
STANDARD OF REVIEW	The court independently determined whether WTA was a party aggrieved entitled to invoke judicial review under 28 U.S.C. §§ 2321(a) and 2344, applying traditional constitutional and prudential standing principles, including injury in fact, causation, redressability, and the zone-of-interests test.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Water Transport Association v. Interstate Commerce Commission

TOPICS

judicial review of agency action

appellate jurisdiction

administrative law

statutory interpretation

legislative intent

PRACTICE AREAS

administrative law

appellate procedure

standing

transportation regulation

QUESTIONS PRESENTED

1. Whether WTA had party status based on its participation in the informal Commission proceeding.
2. Whether WTA was a party aggrieved with standing to challenge the adequacy of the Commission's public disclosure of the rail-rate contracts.
3. Whether the Staggers Rail Act's zone of interests included the competitive concerns of water carriers seeking additional information about rail contracts.

HOLDINGS

1. WTA achieved party status because it substantially participated in the informal Commission proceeding by submitting a protest in response to the Commission's invitation and the Commission considered and rejected its objections.
2. WTA was not a party aggrieved because its competitive interests were outside the zone of interests protected or regulated by the Staggers Rail Act.
3. The court did not reach the propriety of the Commission's disclosure decision or its disposition of Southern Pacific's contracts because WTA lacked standing.

KEY QUOTATIONS

“It requires that ‘the interest sought to be protected by the complainant [be] arguably within the zone of interest to be protected or regulated by the statute or constitutional guarantee in question.’” (260 U.S. App. D.C. at 395)

“To permit motor or water carriers to initiate or participate in rail-contract proceedings — even for the minimal purpose of obtaining additional information — would be tantamount to giving these competitors the power to delay or frustrate implementation of rail contracts whenever they so desired.” (260 U.S. App. D.C. at 398)

“We thus have no occasion to consider the propriety of the Commission’s disposition of Southern Pacific’s rail-transportation agreements.” (260 U.S. App. D.C. at 398)

FACTUAL BACKGROUND

Southern Pacific Railroad submitted two rail-rate contracts to the Interstate Commerce Commission under the Staggers Rail Act and requested that the rates take effect before the statutory thirty-day waiting period expired. The Commission proposed to waive the waiting period and invited protests, but disclosed only brief summaries and did not publish the contracts' essential terms. Water Transport Association, representing water carriers, protested that inadequate disclosure prevented competitors from assessing the contracts' effects on rail-water competition; the Commission rejected the protest.

PROCEDURAL HISTORY

Southern Pacific sought expedited effectiveness of two rail-rate contracts under the Staggers Rail Act. The Commission provisionally waived the statutory thirty-day waiting period, invited protests, and rejected WTA's objections, concluding that WTA lacked standing to challenge the contracts and that the exemption was proper. WTA sought review in the D.C. Circuit, which dismissed the petition for lack of statutory standing.

DISPOSITION

dismissed

CASES CITED

- *Simmons v. ICC*, 230 U.S. App. D.C. 236, 716 F.2d 40 (D.C. Cir. 1983)
- *B.J. McAdams v. ICC*, 225 U.S. App. D.C. 332, 698 F.2d 498 (D.C. Cir. 1983)
- *S.C. Loveland Co. v. United States*, 175 U.S. App. D.C. 221, 534 F.2d 958 (D.C. Cir. 1976)
- *Pacific Gas & Elec. Co. v. FPC*, 164 U.S. App. D.C. 371, 506 F.2d 33 (D.C. Cir. 1974)
- *National Treasury Employees Union v. Merit Systems Protection Board*, 240 U.S. App. D.C. 51, 743 F.2d 895 (D.C. Cir. 1984)
- *United States v. FMC*, 224 U.S. App. D.C. 227, 694 F.2d 793 (D.C. Cir. 1982)
- *Regular Common Carrier Conference v. United States*, 253 U.S. App. D.C. 305, 793 F.2d 376 (D.C. Cir. 1986)
- *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976)
- *Association of Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150 (1970)
- *Community for Creative Non-Violence v. Pierce*, 814 F.2d 663 (D.C. Cir. 1987)
- *Warth v. Seldin*, 422 U.S. 490 (1975)
- *Valley Forge Christian College v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464 (1982)
- *Clarke v. Securities Industry Ass'n*, 479 U.S. 388 (1987)
- *Investment Co. Institute v. FDIC*, 815 F.2d 1540 (D.C. Cir. 1987)
- *Gull Airborne Industries v. Weinberger*, 224 U.S. App. D.C. 272, 694 F.2d 838 (D.C. Cir. 1982)
- *Copper & Brass Fabricators v. Department of Treasury*, 220 U.S. App. D.C. 133, 679 F.2d 951 (D.C. Cir. 1982)
- *Block v. Community Nutrition Institute*, 467 U.S. 340 (1984)
- *Public Citizen v. Lockheed Aircraft Corp.*, 184 U.S. App. D.C. 133, 565 F.2d 708 (D.C. Cir. 1977)
- *Water Transp. Ass'n v. ICC*, 722 F.2d 1025 (2d Cir. 1983)
- *Texas v. United States*, 730 F.2d 409 (5th Cir. 1984), modified in part on other grounds, 749 F.2d 1144 (5th Cir. 1985)
- *Sea-Land Serv., Inc. v. ICC*, 238 U.S. App. D.C. 165, 738 F.2d 1311 (D.C. Cir. 1984)
- *United States v. FMC*, 210 U.S. App. D.C. 134, 655 F.2d 247 (D.C. Cir. 1980)
- *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333 (1977)
- *Rockford League of Women Voters v. Nuclear Regulatory Commission*, 679 F.2d 1218 (7th Cir. 1982)

- **Control Data Corp. v. Baldrige**, 210 U.S. App. D.C. 170, 655 F.2d 283 (D.C. Cir. 1981)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/dc-circuit/1987/water-transport-ass-n-v-interstate-commerce-commission-3ooj7d38>