

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA  
CIRCUIT

Water Transport Association v. Interstate Commerce Commission  
and United States of America

260 U.S. App. D.C. 390 (D.C. Cir. 1987) · No. No. 81-1451 · Decided June 5, 1987

SUMMARY

The United States Court of Appeals for the District of Columbia Circuit dismissed Water Transport Association’s petition for review of the Interstate Commerce Commission’s approval of two rail-rate contracts under the Staggers Rail Act of 1980. The court held that, although the Association had participated sufficiently to qualify as a party, it lacked standing because competing water carriers’ interests were outside the Act’s zone of interests concerning disclosure of rail-contract information.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the District of Columbia Circuit                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Spottswood W. Robinson, III; Robinson, Circuit Judge; Wright, Senior Circuit Judge; MacKinnon, Senior Circuit Judge                                                                                                                                                                              |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                                                          |
| DECIDED               | June 5, 1987                                                                                                                                                                                                                                                                                     |
| DOCKET                | No. 81-1451                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Water Transport Association petitioned for review of an Interstate Commerce Commission order approving Southern Pacific Railroad rail-rate contracts and rejecting WTA's protest concerning disclosure of contract information.                                                                  |
| STANDARD OF REVIEW    | The court independently determined whether WTA was a party aggrieved entitled to invoke review jurisdiction under 28 U.S.C. § 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, United States of America                                                                                                                                                                                                          |

## TOPICS

appellate jurisdiction

judicial review of agency action

administrative law

statutory interpretation

appellate procedure

## PRACTICE AREAS

administrative law

appellate procedure

transportation law

standing and judicial review

## QUESTIONS PRESENTED

1. Whether WTA participated sufficiently in the informal ICC proceeding to qualify as a party for purposes of judicial review.
2. Whether WTA was a party aggrieved under 28 U.S.C. § 2344 and had standing to challenge the adequacy of the ICC's public disclosure of rail-rate contract information.
3. Whether the Staggers Rail Act's disclosure provisions or its rail-water competition provision placed the competitive interests of water carriers within the statute's zone of interests.

## HOLDINGS

1. WTA's substantial participation in the informal ICC proceeding, including submission of a protest invited by the Commission and consideration of its objections, was sufficient to confer party status.
2. WTA lacked standing because the competitive interests of water carriers were not within the zone of interests protected or regulated by the Staggers Rail Act.
3. The court did not reach the propriety of the ICC's disposition of the contracts because WTA lacked standing.

## KEY QUOTATIONS

*"We conclude that WTA lacks standing to challenge the sufficiency of the Commission's public disclosure of information concerning contracts for transportation of freight by rail. Accordingly, we dismiss the petition."* (¶ 1)

*"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."* (¶ 15)

*"We find that WTA lacked standing to protest the adequacy of the Commission's public disclosure of information on the terms of filed rail-freight contracts."* (¶ 16)

## FACTUAL BACKGROUND

Southern Pacific Railroad submitted two rail-rate contracts to the ICC under the Staggers Rail Act and requested that the contracts take effect before expiration of the statutory thirty-day waiting period. The ICC provisionally granted the request, invited protests, and published only brief summaries without the essential contract terms.

WTA, a group representing water carriers, protested that nondisclosure impaired competition and that the contracts could undermine rail-water competition; the ICC rejected the protest.

## PROCEDURAL HISTORY

Southern Pacific sought expedited effectiveness of two rail-rate contracts under the Staggers Rail Act. The ICC provisionally waived the statutory thirty-day waiting period, invited protests, and rejected WTA's objections, including its challenge to the adequacy of public disclosure. WTA petitioned the D.C. Circuit for review; the court held that WTA lacked standing to challenge the disclosure policy and dismissed the petition.

## DISPOSITION

dismissed

## CASES CITED

- *Simmons v. ICC*, 716 F.2d 40 (D.C. Cir. 1983)
- *B.J. McAdams v. ICC*, 698 F.2d 498 (D.C. Cir. 1983)
- *S.C. Loveland Co. v. United States*, 534 F.2d 958 (D.C. Cir. 1976)
- *Gage v. United States Atomic Energy Commission*, 479 F.2d 1214 (D.C. Cir. 1973)
- *Pacific Gas & Electric Co. v. FPC*, 506 F.2d 33 (D.C. Cir. 1974)
- *National Treasury Employees Union v. Merit Systems Protection Board*, 743 F.2d 895 (D.C. Cir. 1984)
- *Regular Common Carrier Conference v. United States*, 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)
- *Block v. Community Nutrition Institute*, 467 U.S. 340 (1984)
- *Warth v. Seldin*, 422 U.S. 490 (1975)
- *Clarke v. Securities Industry Association*, 479 U.S. 388 (1987)
- *Investment Company Institute v. FDIC*, 815 F.2d 1540 (D.C. Cir. 1987)
- *Gull Airborne Industries v. Weinberger*, 694 F.2d 838 (D.C. Cir. 1982)
- *Copper & Brass Fabricators v. Department of Treasury*, 679 F.2d 951 (D.C. Cir. 1982)
- *United States v. FMC*, 694 F.2d 793 (D.C. Cir. 1982)
- *Martinez de Mendoza v. INS*, 567 F.2d 1222 (3d Cir. 1977)
- *Public Citizen v. Lockheed Aircraft Corp.*, 565 F.2d 708 (D.C. Cir. 1977)
- *Valley Forge Christian College v. Americans United for Separation of Church & State, Inc.*, 454 U.S. 464 (1982)
- *Water Transport Association v. ICC*, 722 F.2d 1025 (2d Cir. 1983)
- *Texas v. United States*, 730 F.2d 409 (5th Cir. 1984), modified, 749 F.2d 1144 (5th Cir. 1985)
- *Sea-Land Service, Inc. v. ICC*, 738 F.2d 1311 (D.C. Cir. 1984)

- *International Ladies Garment Workers' Union v. Donovan*, 722 F.2d 795 (D.C. Cir. 1983)
- *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)

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