lawful requirements of any other governmental body prescribing longer retention periods for any category of records.

## § 379.5 Protection and storage of records.

(a) The company shall protect records subject to this part from fires, floods, and other hazards, and safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of ventilation.

(b) The company shall notify the Secretary if prescribed records are substantially destroyed or damaged before the term of the prescribed retention periods.

#### § 379.7 Preservation of records.

(a) All records may be preserved by any technology that is immune to alteration, modification, or erasure of the underlying data and will enable production of an accurate and unaltered paper copy.

(b) Records not originally preserved on hard copy shall be accompanied by a statement executed by a person having personal knowledge of the facts indicating the type of data included within the records. One comprehensive statement may be executed in lieu of individual statements for multiple records if the type of data included in the multiple records is common to all such records. The records shall be indexed and retained in such a manner as will render them readily accessible. The company shall have facilities available to locate, identify and produce legible paper copies of the records.

(c) Any significant characteristic, feature or other attribute that a particular medium will not preserve shall be clearly indicated at the beginning of the applicable records as appropriate.

(d) The printed side of forms, such as instructions, need not be preserved for each record as long as the printed matter is common to all such forms and an identified specimen of the form is

maintained on the medium for reference.

## § 379.9 Companies going out of business.

The records referred to in the regulations in this part may be destroyed after business is discontinued and the company is completely liquidated. The records may not be destroyed until dissolution is final and all pending transactions and claims are completed. When a company is merged with another company under jurisdiction of the Secretary, the successor company shall preserve records of the merged company in accordance with the regulations in this part.

# § 379.11 Waiver of requirements of the regulations in this part.

A waiver from any provision of the regulations in this part may be made by the Secretary upon his/her own initiative or upon submission of a written request by the company. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures, or techniques, or that compliance with such prescribed requirements would impose an unreasonable burden on the company.

## § 379.13 Disposition and retention of records.

The schedule in appendix A to this part shows periods that designated records shall be preserved. The descriptions specified under the various general headings are for convenient reference and identification, and are intended to apply to the items named regardless of what the records are called in individual companies and regardless of the record media. The retention periods represent the prescribed number of years from the date of the document and not calendar years. Records not listed in appendix A to this part shall be retained as determined by the management of each company.

APPENDIX A TO PART 379—SCHEDULE OF RECORDS AND PERIODS OF RETENTION

Item and category of records	Retention period
A. Corporate and General	
Incorporation and reorganization:     (a) Charter or certificate of incorporation and amendments	Note A

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Item and category of records	Retention period
(b) Legal documents related to mergers, consolidations, reorganization, re- ceiverships and similar actions which affect the identity or organization of	Note A.
the company.  2. Minutes of Directors, Executive Committees, Stockholders and other corporate	Note A.
meetings.	
<ol> <li>Titles, franchises and authorities:</li> <li>(a) Certificates of public convenience and necessity issued by regulating bodies.</li> </ol>	Until expiration or cancellation.
(b) Operating authorizations and exemptions to operate	Until expiration or cancellation.
(c) Copies of formal orders of regulatory bodies served upon the company	Note A.
(d) Deeds, charters, and other title papers	Until disposition of property.
(e) Patents and patent records	Note A.
Annual reports or statements to stockholders      Contracts and agreements:	3 years.
Service contracts, such as for operational management, accounting, financial or legal services, and agreements with agents.	Until expiration or termination plus 3 years.
(b) Contracts and other agreements relating to the construction, acquisition or sale of real property and equipment except as otherwise provided in (a) above.	Until expiration or termination plus 3 years.
(c) Contracts for the purchase or sale of material and supplies except as provided in (a) above.	Until expiration.
(d) Shipping contracts for transportation or caretakers of freight	Until expiration.
(e) Contracts with employees and employee bargaining groups	Until expiration.
(f) Contracts, leases and agreements, not specifically provided for in this sec-	Until expiration or termination plus 1 year.
tion. 6. Accountant's auditor's, and inspector's reports:	
(a) Certifications and reports of examinations and audits conducted by public accountants.	3 years.
(b) Reports of examinations and audits conducted by internal auditors, time inspectors, and others.	3 years.
7. Other	Note A.
B. Treasury	
Capital stock records:	
(a) Capital stock ledger	Note A.
(b) Capital stock certificates, records of or stubs of	Note A.
(c) Stock transfer register	Note A.
<ol> <li>Long-term debt records:</li> <li>(a) Bond indentures, underwritings, mortgages, and other long-term credit agreements.</li> </ol>	Until redemption plus 3 years.
(b) Registered bonds and debenture ledgers	Until redemption plus 3 years. Note A.
3. Authorizations from regulatory bodies for issuance of securities including appli-	Note A.
cations, reports, and supporting papers.	
4. Records of securities owned, in treasury, or held by custodians, detailed ledg-	Until the securities are sold, redeemed or
ers and journals, or their equivalent.	otherwise disposed of.
5. Other	Note A.
C. Financial and Accounting	
1. Ledgers:	
(a) General and subsidiary ledgers with indexes      (b) Balance sheets and trial balance sheets of general and subsidiary ledgers	Until discontinuance of use plus 3 years.  3 years.
2. Journals:	5 years.
(a) General journals	Until discontinuance of use plus 3 years.
(b) Subsidiary journals and any supporting data, except as otherwise pro-	3 years.
vided for, necessary to explain journal entries.	
3. Cash books:	
(a) General cash books	
(b) Subsidiary cash books	3 years.
(a) Voucher registers, indexes, or equivalent	3 years.
(b) Paid and canceled vouchers, expenditure authorizations, detailed distribu- tion sheets and other supporting data including original bills and invoices, if	3 years.
not provided for elsewhere. (c) Paid drafts, paid checks, and receipts for cash paid out	3 years.
Accounts receivable:     (a) Record or register of accounts receivable, indexes thereto, and summarica of distribution.	3 years after settlement.
maries of distribution. (b) Bills issued for collection and supporting data	3 years after settlement.
(a) Authorization for writing off received to	1 year.
(c) Authorization for writing off receivables	1 vear
(c) Authorization for writing off receivables (d) Reports and statements showing age and status of receivables	1 year. 3 years after discontinuance.

Item and category of records	Retention period
D. Property and Equipment	·
Note.—All accounts, records, and memoranda necessary for making a complete be retained for the periods shown. If any of the records elsewhere provided for in be retained for the periods shown below, regardless of any lesser retention period	this schedule are of this character, they shall
Property records:     (a) Records which maintain complete information on cost or other value of all real and personal property or equipment.     (b) Records of additions and betterments made to property and equipment	3 years after disposition of property.  3 years after disposition of property.
(c) Records pertaining to retirements and replacements of property and equipment.     (d) Records pertaining to depreciation	<ul><li>3 years after disposition of property.</li><li>3 years after disposition of property.</li></ul>
(e) Records of equipment number changes (f) Records of motor and engine changes (g) Records of equipment lightweighed and stenciled 2. Engineering records of property changes actually made	years after disposition of property.     years after disposition of property.     Only current or latest records.     years after disposition of property.
3. Other	Note A.
E. Personnel and Payroll  1. Personnel and payroll records	1 year.
F. Insurance and Claims	
<ol> <li>Insurance records:</li> <li>Schedules of insurance against fire, storms, and other hazards and</li> </ol>	Until expiration plus 1 year.
records of premium payments.  (b) Records of losses and recoveries from insurance companies and sup-	1 year after settlement.
porting papers. (c) Insurance policies	Until expiration of coverage plus 1 year.
(a) Claim registers, card or book indexes, and other records which record personal injury, fire and other claims against the company, together with all supporting data.	1 year after settlement.
(b) Claims registers, card or book indexes, and other records which record overcharges, damages, and other claims filed by the company against oth- ers, together with all supporting data.	1 year after settlement.
(c) Records giving the details of authorities issued to agents, carriers, and others for participation in freight claims.	3 years.
(d) Reports, statements and other data pertaining to personal injuries or damage to property when not necessary to support claims or vouchers.	3 years.
(e) Reports, statements, tracers, and other data pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	1 year.
(f) Authorities for disposal of unclaimed, damaged, and refused freight	3 years. Note A.
G. Taxes	
1. Taxes	Note A.
1. Purchases and stores.	Note A.
I. Shipping and Agency Documents	
<ol> <li>Bills of lading and releases:         <ul> <li>(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading, freight bills from other carriers and other similar documents furnished the carrier for movement of freight.</li> </ul> </li> </ol>	1 year.
(b) Shippers' order-to-notify bills of lading taken up and canceled	1 year.
(a) Local waybills	1 year.
(b) Interline waybills received from and made to other carriers	1 year. 1 year.
(d) Express waybills	1 year.
Freight bills and settlements:	
(a) Paid copy of freight bill retained to support receipt of freight charges:     (1) Bus express freight bills provided no claim has been filed	1 year.
(2) All other freight bills	1 year.
other carriers: (1) Bus express freight bills provided no claim has been filed	1 year.
(2) All other freight bills	1 year.
(c) Records of unsettled freight bills and supporting papers	1 year after disposition. 1 year.
4. Other freight records:	
(a) Records of freight received, forwarded, and delivered	1 year. 1 year.
5. Agency records (to include conductors, pursers, stewards, and others):	I

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Item and category of records	Retention period
(a) Cash books	1 year.
(b) Remittance records, bank deposit slips and supporting papers	1 year.
(c) Balance sheets and supporting papers	1 year.
(d) Statements of corrections in agents' accounts	1 year.
(e) Other records and reports pertaining to ticket sales, baggage handled,	1 year.
miscellaneous collections, refunds, adjustments, etc	1 your.
J. Transportation	
Records pertaining to transportation of household goods:	
(a) Estimate of charges	1 year.
(b) Order for service	1 year.
(c) Vehicle-load manifest	1 year.
(d) Descriptive inventory	1 year.
2. Records and reports pertaining to operation of marine and floating equipment:	
(a) Ship log	3 years.
(b) Ship articles	3 years.
(c) Passenger and room list	3 years.
(d) Floatmen's barge, lighter, and escrow captain's reports, demurrage	2 years.
records, towing reports and checks sheets.	_,-,
<ol><li>Dispatchers' sheets, registers, and other records pertaining to movement of transportation equipment.</li></ol>	3 years.
Import and export records including bonded freight and steamship engagements.	2 years.
Records, reports, orders and tickets pertaining to weighting of freight	3 years.
Records of loading and unloading of transportation equipment	2 years.
7. Records pertaining to the diversion or reconsignment of freight, including re-	2 years.
quests, tracers, and correspondence.	2 years.
8. Other	Note A.
	Note A.
K. Supporting Data for Reports and Statistics	
1. Supporting data for reports filed with the Federal Motor Carrier Safety Adminis-	
tration, the Surface Transportation Board, the Department of Transportation's	
Bureau of Transportation Statistics and regulatory bodies:	
(a) Supporting data for annual financial, operating and statistical reports	3 years.
(b) Supporting data for periodical reports of operating revenues, expenses,	3 years.
and income.	
(c) Supporting data for reports detailing use of proceeds from issuance or	3 years.
sale of company securities.	
(d) Supporting data for valuation inventory reports and records. This includes	3 years after disposition of the property.
related notes, maps and sketches, underlying engineering, land, and ac-	
counting reports, pricing schedules, summary or collection sheets, yearly	
reports of changes and other miscellaneous data, all relating to the valu-	
ation of the company's property by the Federal Highway Administration,	
the Surface Transportation Board, the Department of Transportation's Bu-	
reau of Transportation Statistics or other regulatory body.	
2. Supporting data for periodical reports of accidents, inspections, tests, hours of	3 years.
service, repairs, etc	
3. Supporting data for periodical statistical of operating results or performance by	3 years.
tonnage, mileage, passengers carried, piggyback traffic, commodities, costs,	
analyses of increases and decreases, or otherwise.	
M. Miscellaneous	
1. Index of records	Until revised as record structure changes.
Statement listing records prematurely destroyed or lost	For the remainder of the period as prescribed for records destroyed.

Note A.—Records referenced to this note shall be maintained as determined by the designated records supervisory official. Companies should be mindful of the record retention requirements of the Internal Revenue Service, Securities and Exchange Commission, State and local jurisdictions, and other regulatory agencies. Companies shall exercise reasonable care in choosing retention periods, and the choice of retention periods shall reflect past experiences, company needs, pending litigation, and regulatory requirements.

# PART 381—WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS

### Subpart A—General

Sec.

381.100 What is the purpose of this part?
381.105 Who is required to comply with the rules in this part?

 $381.110\ \ \mbox{What definitions}$  are applicable to this part?

# Subpart B—Procedures for Requesting Waivers

381.200 What is a waiver?

381.205 How do I determine when I may request a waiver?

381.210 How do I request a waiver?