

SURFACE TRANSPORTATION BOARD REVIEWS ANTITRUST IMMUNITY FOR MOTOR CARRIER CLASSIFICATION ACTIVITIES

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has expanded its review of whether antitrust immunity ought to be continued in the motor carrier industry.

Under the law, interstate motor carriers may enter into agreements under which competitors may discuss certain matters related to rate setting, and the Board is directed to approve such "rate bureau agreements" that it finds in the public interest.

Activities conducted under agreements approved by the Board are immunized from the antitrust laws. Under the ICC Termination Act of 1995, the approval for all existing rate bureau agreements will expire on December 31, 1998, unless extended by the Board.

In an earlier decision, the Board initiated a review of whether it should renew antitrust immunity for the "rate setting" bureaus, that is, the bureaus that, among other things, set actual rate levels that are published by carriers. See STB News Release No. 97-38, issued May 20, 1997.

Now, the Board has also initiated a review of whether it should review antitrust immunity for the National Classification Committee (NCC), which administers the National Motor Freight Classification by grouping all articles moving by truck into classes based on their transportation characteristics. In particular, the Board asked for comments on whether the NCC's activities require antitrust immunity, and, if so, whether an exemption from the antitrust laws would be in the public interest. Additionally, the Board sought comments about the relationship between the activities of the rate setting bureaus and those of the NCC, and, more specifically, whether it should grant continued immunity for the NCC even if it were to deny continued immunity for the rate setting bureaus.

The Board's decision in *National Classification Committee--Agreement*, Section 5a Application No. 61, was issued to the public on November 13, 1997.

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