

**SURFACE TRANSPORTATION BOARD ADOPTS REGULATIONS REDUCING BURDENS
ASSOCIATED WITH "NONCONTIGUOUS DOMESTIC TRADE" TARIFFS**

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Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has issued final rules establishing simplified procedures that will reduce filing burdens on the only carriers still required to file tariffs, those operating in the "noncontiguous domestic trade." These final rules represent yet another rulemaking completed to implement the ICC Termination Act of 1995 (ICCTA). Historically, surface transportation carriers generally were required to file tariffs, that is, written documents setting forth the rates that the carriers would charge for the services they offered. The former Interstate Commerce Commission (ICC) developed extensive regulations establishing detailed format specifications for tariffs filed by motor carriers, railroads, and water carriers, including water carriers offering "intermodal" services involving joint rates with surface carriers

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in the noncontiguous domestic trade (domestic service to or from points in Alaska, Hawaii, or U.S. territories or possessions). Water carrier tariffs setting forth only "port-to-port" noncontiguous domestic trade rates were subject to similar regulations issued by the Federal Maritime Commission (FMC). Recent legislation, including the ICCTA (which abolished the ICC), largely eliminated the tariff filing requirement. The ICCTA also transferred regulation of port-to-port services in the noncontiguous domestic trade from the FMC to the Board. Now, tariff filing at the Board is required only for the transportation of property by or with a water carrier in the noncontiguous domestic trade (in either intermodal or port-to-port service).

In its final rules applicable to carriers operating in the noncontiguous domestic trade, the Board eliminated the detailed filing requirements from its regulations governing printed tariffs, and instead provided carriers with additional flexibility to establish appropriate formats for the noncontiguous domestic trade tariffs still required. Additionally, the final rules give carriers operating in the noncontiguous domestic trade the option of filing either "paper" tariffs, or of filing their tariffs

electronically at the Board through the FMC's Automated Tariff Filing and Information System electronic tariff filing system.

With respect to tariff filing, the Board's decision noted that, in light of the Board's recent move to new quarters at 1925 K Street, N.W., Washington, DC, it is no longer possible to deliver filings to the Board outside of normal business hours. Rather, filings requiring physical delivery (e.g., printed tariffs) must now be made only during regular business hours. Electronic tariff filings that do not require a physical delivery may be made at any time.

The Board's final rules were adopted in Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or with a Water Carrier in the Noncontiguous Domestic Trade, STB Ex Parte No. 618, issued to the public on April 17, 1997.

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