

1 Transportation Regulation Board

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3 Adopted Rules Relating to Motor Carrier Collective Ratemaking

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5 Rules as Adopted

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7 8900.0100 DEFINITIONS.

8 Subpart 1. Scope. The terms used in this chapter have the
9 meanings given them in this part.

10 Subp. 2. Board. "Board" means the Minnesota
11 Transportation Regulation Board.

12 Subp. 3. Collective ratemaking. "Collective ratemaking"
13 means the joint consideration and establishment of rates,
14 charges, and classifications, and rules related to them, by two
15 or more carriers subject to rate regulation under Minnesota
16 Statutes, chapter 221.

17 Subp. 4. Collective ratemaking organization. "Collective
18 ratemaking organization" means an organization or association of
19 two or more carriers engaged in collective ratemaking for
20 publishing rates, charges, and classifications, and rules
21 related to them. Administrative activities of the collective
22 ratemaking organization are at the express direction of
23 participating carriers. Carriers who are members of a trade
24 association, tariff publishing bureau, or similar organization
25 may establish one or more collective ratemaking organizations
26 within that association, bureau, or organization.

27 Subp. 5. Docketing. "Docketing" means submitting a rate
28 proposal to the collective ratemaking organization.

29 Subp. 6. Joint docket bulletin. "Joint docket bulletin"
30 means a periodic listing of rate proposals submitted to the
31 collective ratemaking organization for consideration by member
32 carriers and other interested parties.

33 Subp. 7. Joint line rate. "Joint line rate" means a rate
34 applicable from a point located on one transportation line to a
35 point located on another transportation line, made by agreement

1 or arrangement between the carriers and published in a single
2 tariff under proper concurrence of the transportation lines over
3 which the rate applies.

4 Subp. 8. **Single line rate.** "Single line rate" means a
5 rate applicable from origin to destination over the lines of one
6 carrier.

7 Subp. 9. **Rate proposal.** "Rate proposal" means a proposed
8 rate, charge, rule, or classification to be published for the
9 account of a proponent carrier and other participating carriers
10 concurring in the proposal.

11 Subp. 10. **Tariff.** "Tariff" means a published schedule
12 showing the rates, fares, charges, classifications, rules,
13 regulations, and other provisions applying to transportation and
14 incidental services.

15 8900.0200 PURPOSE.

16 To ensure that rates and charges for shippers and receivers
17 are nondiscriminatory, to ensure that joint through interline
18 service is continued, to ensure that just and reasonable rates
19 and charges are published and maintained under uniform,
20 reasonably related rate structures, and to promote efficiency in
21 establishing, submitting, and considering rate proposals, motor
22 carriers subject to rate regulation under Minnesota Statutes,
23 chapter 221, unless exempted under part 8900.1000, shall
24 collectively establish, maintain, and publish schedules of
25 rates, charges, and classifications, and rules and practices
26 relating to them, in joint agency tariffs covering their
27 transportation service under Minnesota Statutes, section 221.165
28 and this chapter.

29 8900.0300 GENERAL DUTIES.

30 Subpart 1. **Motor carrier participation.** Motor carriers
31 subject to rate regulation under Minnesota Statutes, chapter
32 221, unless exempted under part 8900.1000, shall participate in
33 collective ratemaking organizations for collectively
34 establishing, maintaining, and publishing joint or single line
35 schedules of rates, charges, and classifications, and rules and

1 practices relating to them, covering their transportation
2 service.

3 Subp. 2. Submission to board. A collective ratemaking
4 organization established under this chapter shall establish and
5 submit to the board for its approval, procedures for jointly
6 considering, initiating, establishing, maintaining, and
7 publishing rates, charges, and classifications, and rules and
8 practices relating to them.

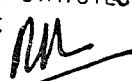
9 8900.0400 PROVISIONAL APPROVAL REQUIREMENTS.

10 Subpart 1. Board approval. A collective ratemaking
11 agreement, and the bylaws and rules of procedure of a collective
12 ratemaking organization established or continued under that
13 agreement, must be filed with and approved by the board. The
14 board shall provisionally approve initial filings that conform
15 generally to the requirements in subparts 2 to 12.

16 Subp. 2. Identification. Each carrier that is a party to
17 the agreement must be identified by name, mailing address, and
18 telephone number.

19 Subp. 3. Rate proposal discussion, vote. All member
20 carriers must be allowed to discuss a docketed rate proposal,
21 but only those carriers with authority to participate in the
22 type of transportation service covered by the rate proposal may
23 vote on the proposal. This subpart applies only to docketed
24 proposals involving rates and charges and does not apply to
25 classification matters, in connection with voting on docketed
26 rate proposals.

27 Subp. 4. Right of independent action. Participating
28 carriers in a collective ratemaking organization have the right
29 of independent action and must be permitted to docket a rate
30 proposal relating to them or to withdraw from the collective
31 ratemaking organization. An agreement or action by or between
32 two or more participating carriers to not exercise the right of
33 independent action or to boycott, coerce, or intimidate a
34 participating carrier from exercising its right of independent
35 action is prohibited.

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1 Subp. 5. Notice of rate proposals. Notice of rate
2 proposals must be given in a joint docket bulletin that is
3 furnished to the board, to carriers participating in the
4 collective ratemaking organization, and to persons who subscribe
5 to the bulletin.

6 Subp. 6. Tariff items published for account of motor
7 carrier. The collective ratemaking organization must not be
8 allowed to protest or complain of tariff items published for the
9 account of a motor carrier.

10 Subp. 7. Computing composite expense level. Revenues and
11 expenses of carriers participating in a rate proposal must be
12 considered in forming a composite expense level used in arriving
13 at a uniform rate level applicable to any defined group of
14 carriers.

15 Subp. 8. Employee restrictions. Employees of the
16 collective ratemaking organization are prohibited from docketing
17 or voting upon a proposal affecting a change in a tariff
18 published by or for the account of a member carrier.

19 Subp. 9. Disclosure of names of proponents. The
20 collective ratemaking organization must divulge to a person upon
21 request the names of proponents of a rate proposal docketed in
22 that organization.

23 Subp. 10. Opportunity for comment. Member carriers and
24 other persons must be granted an opportunity to make oral or
25 written statements respecting rate proposals to the collective
26 ratemaking organization and its members.

27 Subp. 11. Public meetings, votes; notice. Meetings of the
28 collective ratemaking organization discussing rate proposals
29 must be open to the board and public. The collective ratemaking
30 organization must divulge to a person upon request the vote cast
31 by a member carrier on a rate proposal. The collective
32 ratemaking organization shall give written notice of meetings to
33 member carriers and the board mailed by first-class mail not
34 less than five days before the meeting.

35 Subp. 12. Quorum; voting. At meetings of the collective
36 ratemaking organization that involve a discussion of rates,

1 charges, classifications, or rules, the organization shall
2 establish a minimum quorum standard of 30 percent of the
3 membership for general meetings and 30 percent of the membership
4 of a committee for committee meetings. At all meetings the
5 presence in person of the membership is necessary to establish
6 quorum requirements and to transact business. Instead of
7 personal attendance, members may vote by a written statement
8 received before or at the commencement of the meeting. Each
9 participating carrier must have one vote. A rate proposal must
10 be approved if voted for by a simple majority of the carriers
11 voting on the proposal, provided that quorum requirements are
12 met before voting.

13 8900.0500 FINAL NOTICE OF APPROVAL OR DISAPPROVAL.

14 Upon finding that the agreement, bylaws, and rules of
15 procedure of a collective ratemaking organization further the
16 objectives of Minnesota Statutes, section 221.165 and after
17 necessary amendments ordered by the board in connection with the
18 provisionally approved agreement have been submitted, the board
19 shall issue a final notice of approval or disapproval within six
20 months from the date of filing the provisional agreement.

21 8900.0600 FILING TARIFF.

22 Upon approval of a rate proposal by a collective ratemaking
23 organization under the agreement and procedures provisionally or
24 finally approved by the board under part 8900.0400 or 8900.0500,
25 a tariff must be filed with the commissioner of transportation
26 under Minnesota Statutes, sections 221.041 and 221.161.

27 8900.0700 INDIVIDUAL NAME ON TARIFFS.

28 A member carrier of a collective ratemaking organization
29 may prepare, at its own expense, tariffs bearing the member
30 carrier's individual business name if the copies indicate that
31 they are based on a tariff, specifying the number, that has been
32 filed and that has become effective under Minnesota Statutes,
33 sections 221.041 and 221.161, and this chapter.

34 8900.0800 INDIVIDUAL DEVIATIONS.

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1 Motor carriers participating in collective ratemaking may
2 petition the board for authority to deviate from collectively
3 established rates, charges, and classifications, and rules
4 relating to them. Suspensions of and complaints and protests
5 against petitions for deviation, and hearings on them, must be
6 processed under Minnesota Statutes, section 221.161. The board
7 shall allow a carrier to deviate from the collectively
8 established rates, charges, and classifications, and rules
9 relating to them, if the board deems the proposed deviation to
10 be just and reasonable and otherwise in accord with Minnesota
11 Statutes, section 221.161.

12 8900.0900 BOARD MONITORS ACTIVITIES.

13 The board shall actively supervise the activities of each
14 collective ratemaking organization. The supervision may
15 include, without limitation, periodic field audits, attendance
16 at scheduled meetings, and review of minutes from those meetings
17 to the extent necessary to ensure compliance with board-approved
18 collective ratemaking procedures.

19 8900.1000 EXEMPTION.

20 Subpart 1. Request for exemption. A carrier authorized by
21 Minnesota Statutes, section 221.165 to engage in collective
22 ratemaking may request that the board exempt its operations, or
23 any part of its operations, by commodity or type of authority
24 held, from the collective ratemaking procedures prescribed in
25 this chapter, by filing with the board a written request. The
26 written request must:

- 27 A. be executed by a duly authorized representative;
- 28 B. state that the carrier, from the date of the
29 request and until the exemption is withdrawn in writing by the
30 carrier or the board, will not engage in collective ratemaking
31 with respect to its entire operations, a specified commodity, or
32 type or types of authority held; and
- 33 C. set forth the reasons why exemption is sought.

34 Subp. 2. Grant of exemption. After considering the
35 reasons set forth in the request, the board shall exempt the

1 petitioning carrier from the collective ratemaking procedures
2 prescribed in this chapter if it finds that:

3 A. the carrier will suffer no hardship in publishing
4 its own rates and tariffs;

5 B. the grant will not conflict with the legislative
6 purpose to be accomplished by board approval of collective
7 ratemaking; and

8 C. the grant will be consistent with the public
9 interest.

10 8900.1100 PENALTY FOR VIOLATION.

11 The failure of a motor carrier subject to rate regulation
12 under Minnesota Statutes, chapter 221 to comply with this
13 chapter may result in suspension or revocation of its
14 certificate or permit under Minnesota Statutes, section 221.021,
15 as well as other penalties provided for in Minnesota Statutes,
16 chapter 221 and appropriate to the violations.

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