

SURFACE TRANSPORTATION BOARD

DECISION

Section 5a Application No. 46 (Amendment No. 20)

SOUTHERN MOTOR CARRIERS RATE CONFERENCE, INC.

Decided: August 25, 1997

By notice published in the Federal Register on May 20, 1997, at 62 FR 27654, we requested comments on certain minor by-law revisions proposed by Southern Motor Carriers Rate Conference, Inc. (SMC), in this proceeding.¹ The proposed by-law revisions are summarized, as follows:

1. Current Article I would be changed to delete the requirement that carrier members submit certain information about their operations and financial structure. SMC alleged that the requirement that this information be submitted was eliminated by the ICC Termination Act of 1995.

2. A new paragraph VI of Article XIII would establish a specific procedure for reaching agreement as to divisions when interlining takes place.

3. A new Article XVII would release SMC officers, agents, and employees from damages due to the exercise of their powers except as to damages due to bad faith or gross negligence.

4. The changes would also delete a provision pertaining to an agreement with the Niagara Frontier Tariff Bureau, Inc., concerning the filing of joint agency tariffs. SMC alleged that the underlying agreement is no longer operative.

5. Other amendments would change "Board of Governors" to "Board of Directors," change the titles of various officers, and effect other changes in names.

Comments were due on June 19, 1997. No comments were filed.

We will approve the minor changes in the by-laws because they will have no competitive impact on SMC's previously approved agreement and are not inconsistent with the statutory requirements of 49 U.S.C. 13703.

It is ordered:

1. The aforementioned minor changes are approved.
2. This decision is effective on its date of service.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams
Secretary

¹ Other changes concerning territorial expansion and bureau membership for shippers and other noncarriers were reserved for decision in Section 5a Application No. 118 (Amendment No. 1), et al., EC-MAC Motor Carriers Service Association, Inc., et al., which embraces six other proceedings.