

29962
EB

SERVICE DATE - LATE RELEASE MARCH 5, 1999

SURFACE TRANSPORTATION BOARD

DECISION

STB Section 5a Agreement No. 116 (Sub-No. 1)

WILLAMETTE TARIFF BUREAU, INC.
— RENEWAL OF AGREEMENT —

Decided: March 4, 1999

On January 11, 1999, the Willamette Tariff Bureau, Inc. (Willamette), filed what it terms a “Request for Special Permission” bearing on renewal of the rate bureau agreement under which Willamette had been operating.

Willamette’s filing is in essence a late-filed request for renewal of its rate bureau agreement pursuant to 49 U.S.C. 13703(d).¹ Because Willamette’s bureau agreement expired on December 31, 1998, under 49 U.S.C. 13703(d), we cannot treat the agreement as currently in effect and proceed to consider a request for its renewal. However, no purpose would be served by requiring Willamette to re-file a separate request for approval of its agreement as a new agreement. Under the circumstances, it is appropriate to treat Willamette’s filing as an application for approval of a new rate bureau agreement.

We will not at this time seek comments on Willamette’s agreement but will summarily approve it on a conditional basis until December 31, 1999. We note that the agreement is the same as Willamette’s expired agreement, which had received regulatory approval before its expiration. We recently issued a decision explaining our view of the existing bureau agreements, and of the changes we concluded ought to be made to new agreements. EC-MAC Motor Carriers Service Association, Inc., Et Al., Sec. 5a Application No. 118 (Amendment No. 1), et al. (STB served Dec. 18, 1998) (EC-MAC). In our decision, we expressed the view that continued immunity should be predicated on reductions in class rates to market-based levels. Nevertheless, reflecting a request from Congressional interests, we indicated that we would grant one-year extensions of existing agreements, pending Congressional review of the matter.

As we have noted, Willamette’s request is technically not timely filed, and thus is not directly covered by our decision in EC-MAC. However, given the spirit of our EC-MAC order, and the fact that Willamette’s filing is only a few days late, we believe that it is appropriate that Willamette be treated the same as the other bureaus with respect to continued immunity. Thus, we

¹ Traditionally, motor carrier bureau proceedings have been identified as “Section 5a” proceedings, in reference to section 5a of the Interstate Commerce Act as it existed prior to its 1978 codification as 49 U.S.C. 10706. The provisions of section 10706 bearing on motor carrier rate bureaus were later revised and re-codified into what is now 49 U.S.C. 13703.

STB Section 5a Agreement No. 116 (Sub-No. 1)

find that approval of Willamette's agreement until December 31, 1999, subject to the conditions imposed in EC-MAC, is "in the public interest" under 49 U.S.C. 13703(a)(2).

This decision will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Willamette's rate bureau agreement is approved as it existed on December 31, 1998, subject to the duration and conditions described herein.

2. This decision is effective on its date of service.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams
Secretary