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SERVICE DATE - DECEMBER 20, 1996

SURFACE TRANSPORTATION BOARD

STB Ex Parte No. 618

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

AGENCY: Surface Transportation Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Board proposes to modify its tariff filing regulations to reflect the elimination of most tariff filing requirements for surface carrier transportation, and to provide carriers with additional flexibility to establish appropriate formats for the filed tariffs that continue to be required. The proposed regulations eliminate obsolete provisions, and provide more flexibility for carriers to devise publications that will best fulfill the needs of the carriers and their customers.

DATES: Comments are due on January 19, 1997.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 618 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660.  
[TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICCTA), abolished the Interstate Commerce Commission (ICC), significantly reduced the regulation of surface carrier transportation, and transferred certain regulatory responsibilities to the Surface Transportation Board (Board). As pertinent here, the ICCTA eliminated tariff filing requirements for surface carrier transportation, except for the transportation of property (with certain exceptions) by or with a water carrier in the noncontiguous domestic trade. In the noncontiguous domestic trade, the ICCTA transferred from the Federal Maritime Commission (FMC) to the Board the responsibility for regulating port-to-port water carriage, and from the ICC to the Board the responsibility for regulating intermodal transportation.

The tariff regulations at 49 CFR part 1312, which the Board inherited from the ICC, have not been revised for several years. They contain numerous provisions that have become obsolete as tariff requirements have been eliminated or (for certain tariff requirements that were not eliminated) addressed in other parts of the CFR.

More specifically, the regulations at part 1312 contain broad tariff provisions addressed to rail carriers, pipeline carriers, motor carriers, water carriers, and household goods freight forwarders. However, rail carriers are no longer required by statute to maintain tariffs; regulations addressing their rate disclosure and dissemination requirements are now set forth in 49 CFR part 1300.<sup>1/</sup> Similarly, pipeline carriers are no

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1/Disclosure, Publication, and Notice of Change of Rates and Other  
(continued...)

longer required to maintain tariffs; regulations addressing their rate disclosure requirements are now set forth in 49 CFR part 1305.<sup>2/</sup> Moreover, motor carriers and freight forwarders are now required to maintain tariffs only for household goods movements and intermodal movements in the noncontiguous domestic trade. Regulations to address their household goods tariff requirements have been proposed to be placed in 49 CFR part 1310.<sup>3/</sup> Thus, the only portions of part 1312 that have not been superseded or rendered obsolete are addressed to intermodal movements in the noncontiguous domestic trade.

As a result, we propose to revise part 1312 to remove unnecessary provisions. At the same time, we propose to expand part 1312 to embrace tariffs for port-to-port water movements in the noncontiguous domestic trade. Tariffs for such port-to-port water movements were formerly filed with the FMC, and thus were not addressed in the ICC's regulations. It seems logical and appropriate to address in the same regulations those tariff requirements together with the tariff requirements for intermodal movements in the same markets (the noncontiguous domestic trade).

The regulations we propose will require that these tariffs contain all of the information needed to determine the rates and service terms applicable to shipments that are subject to such tariffs, and that the information be made available in user friendly ways; however, we propose to eliminate the specific, detailed format specifications formerly set forth in part 1312. The prescription of detailed tariff formats was needed to facilitate rate and service comparisons when tens of thousands of motor carriers were required to file voluminous tariffs with the ICC detailing all of their rate and service offerings. We do not believe that such requirements are warranted today. The volume of tariffs filed with the Board is but a small fraction of the tariffs filed with the ICC when part 1312 was formulated, and many of the tariffs currently filed with the Board are filed electronically (and are, therefore, not subject to the printed tariff format requirements).<sup>4/</sup>

In an earlier rulemaking proceeding, the ICC had proposed to establish general requirements for filed tariffs, in lieu of the detailed formats previously prescribed.<sup>5/</sup> Because of the

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1/(...continued)

Service Terms for Rail Common Carriage, 1 S.T.B. 153 (served June 28, 1996) (STB Ex Parte No. 528), 61 Fed. Reg. 35139 (July 5, 1996).

2/Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage, 1 S.T.B. 146 (served June 28, 1996) (STB Ex Parte No. 538), 61 Fed. Reg. 35141 (July 5, 1996).

3/Household Goods Tariffs, STB Ex Parte No. 555 (served Nov. 4, 1996), 61 Fed. Reg. 56656 (Nov. 4, 1996).

4/We propose to codify in the regulations the authority for carriers to file their tariffs electronically through FMC's Automated Tariff Filing and Information (ATFI) system. See Electronic Filing of Noncontiguous Domestic Trade Tariffs, Special Tariff Authority No. 4 (STB served Oct. 1, 1996).

5/Electronic Filing of Tariffs, Ex Parte No. 444 (ICC served Oct. (continued...))

voluminous motor carrier tariffs then on file, certain motor carriers and shippers expressed concern that the elimination of detailed format specifications would make tariffs more difficult to use.<sup>5/</sup> The subsequent elimination of most motor carrier tariff filing requirements has, we believe, alleviated that concern.

Additionally, as noted above, many tariffs now required to be filed are filed with the Board electronically through the FMC's ATFI system, and those tariffs are subject to the format requirements established for that system. The use of electronic filings further reduces the need for detailed format specifications for printed tariffs, such as are now contained in part 1312, as there would be no consistency in the format of electronic and printed tariffs.

In these circumstances, we believe that replacing the current, restrictive filing regulations for printed tariffs with more flexible regulations will be in the public interest. The proposed regulations will not change the type or amount of information required to be included in tariffs, but they will provide carriers with additional flexibility to devise appropriate tariff publications to better serve their needs and the needs of their customers. This should increase the utility of tariffs and reduce the burden of complying with the tariff filing requirement.

#### **Request for Comments**

We invite comments on all aspects of the proposed regulations. We encourage any commenter that has the necessary technical wherewithal to submit its comments as computer data on a 3.5-inch floppy diskette formatted for WordPerfect 5.1, or formatted so that it can be readily converted into WordPerfect 5.1. Any such diskette submission (one diskette will be sufficient) should be in addition to the written submission (an original and 10 copies).

#### **Small Entities**

The Board preliminarily concludes that these rules, if adopted, would not have a significant economic effect on a substantial number of small entities. The proposed regulations eliminate obsolete provisions and offer carriers additional flexibility to establish appropriate formats for the tariffs that continue to be required. The Board nevertheless seeks comment on whether there would be effects on small entities that should be considered, so that the Board can determine whether to prepare a regulatory flexibility analysis at the final rule stage.

#### **Environment**

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

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<sup>5/</sup>(...continued)  
21, 1987).

<sup>6/</sup>The general requirements for filed tariffs proposed in the earlier proceeding were subsequently adopted for railroad tariffs, but not for the tariffs of other modes.

**List of Subjects in 49 CFR Part 1312**

Motor carriers, Noncontiguous domestic trade, Tariffs, Water carriers.

Decided: December 9, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons and Commissioner Owen.

Vernon A. Williams  
Secretary

For the reasons set forth in the preamble, the Board proposes to revise part 1312 of title 49, chapter X, of the Code of Federal Regulations to read as follows:

**PART 1312 -- REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS FOR THE TRANSPORTATION OF PROPERTY BY OR WITH A WATER CARRIER IN NONCONTIGUOUS DOMESTIC TRADE**

Sec.

- 1312.1 Scope; Definitions.
- 1312.2 Requirement to publish and file a tariff.
- 1312.3 Tariff contents and standards; Essential criteria.
- 1312.4 Filing of tariffs.
- 1312.5 Amendments to tariffs.
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- 1312.10 Notification of tariff changes and nature of changes.
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- 1312.12 Posting requirements.
- 1312.13 Furnishing copies of tariff publications.
- 1312.14 Powers of attorney and concurrences.
- 1312.15 Change of carrier or agent.
- 1312.16 Substitution of service.
- 1312.17 Electronic filing of tariffs.

**Authority:** 49 U.S.C. 721(a), 13702(a), 13702(b) and 13702(d).

**§ 1312.1 Scope; Definitions.**

(a) *Applicability.* The provisions of this part address the requirements in 49 U.S.C. 13702 that carriers subject to the Board's jurisdiction under 49 U.S.C. Chapter 135 and providing transportation or service for the movement of property (except bulk cargo, forest products, recycled metal scrap, waste paper, and paper waste) by or with a water carrier in noncontiguous domestic trade shall publish and file with the Board tariffs containing the rates for such transportation.

(b) *Exception.* The provisions of this part do not apply to any transportation or service provided by a carrier pursuant to 49 U.S.C. 14101(b).

(c) *Definitions.* For the purposes of this part:

*Act* means part B of subtitle IV of title 49 of the United States Code.

*Agent* means a person, association or corporation authorized to publish and file rates and provisions on behalf of one or more carriers in tariffs published in the agent's name.

*Agent's tariff* means a tariff filed in the name of an agent.

*ATFI* means the Automated Tariff Filing and Information System maintained by the Federal Maritime Commission (FMC), a computer-based system for creating, filing, processing and retrieving tariffs.

*Board* means the Surface Transportation Board.

*Bound tariff* means a tariff consisting of two or more sheets bound at the left edge in pamphlet or book form or a single-sheet tariff.

*Carrier* means a motor carrier, water carrier or freight forwarder subject to the Board's jurisdiction under 49 U.S.C. Chapter 135.

*Carrier's tariff* means a tariff filed in the name of a carrier.

*Collectively established tariff matter* means a rate, charge, rule or other tariff provision established pursuant to 49 U.S.C. 13703.

*Independently established tariff matter* means any rate, charge, rule or other tariff provision not established pursuant to 49 U.S.C. 13703.

*Item* means a tariff provision of any kind bearing an item number designation.

*Joint rate* means a rate that applies over the lines or routes of two or more carriers made by an agreement between the carriers and effected by a concurrence or power of attorney.

*Joint tariff* means a tariff that contains joint rates or provisions affecting joint rates.

*Local rate* means a rate that applies only to one carrier.

*Local tariff* means a tariff that contains local rates or provisions affecting local rates.

*Looseleaf page* means a single page published as part of a new or reissued looseleaf tariff or as an amendment to such a tariff.

*Looseleaf tariff* means a tariff consisting of looseleaf pages.

*Noncontiguous domestic trade* means transportation subject to jurisdiction under 49 U.S.C. Chapter 135 involving traffic originating in or destined to Alaska, Hawaii, or a territory or possession of the United States.

*Original tariff* means a bound or looseleaf tariff as originally filed excluding amendments.

*Page* means that portion of a tariff or supplement printed on one side of a sheet.

*Post* refers to making filed tariffs available to the public.

*Publication* means a bound tariff, a tariff supplement, or a looseleaf tariff page.

*Rate* means a rate or charge.

*Service terms* means all classifications, rules and practices that affect the rates or level of service.

*Supplement* means a single sheet, or two or more sheets bound at the left edge in pamphlet or book form, identified as a supplement and published to amend or cancel a bound or looseleaf tariff.

*Tariff* means an issuance (in whole or in part) bearing designations required by this part and containing rates, rules, regulations, classifications or other provisions published and filed with the Board for compliance with 49 U.S.C. 13702.

**§ 1312.2 Requirement to publish and file a tariff.**

(a) *Requirement for tariff.* Except when providing transportation for charitable purposes without charge, carriers subject to the Board's jurisdiction under 49 U.S.C. Chapter 135 may provide transportation or service described in § 1312.1(a) only if the rates, and related rules and practices, for such transportation or service are contained in a published tariff that is on file with the Board and in effect under this part.

(b) *Adherence to tariff.* The carrier may not charge or receive a different compensation for the transportation or service than the rate specified in the tariff, whether by returning a part of that rate to a person, giving a person a privilege, allowing the use of a facility that affects the value of that transportation or service, or another device. The carrier shall keep such tariffs available for public inspection and shall make such tariffs available to subscribers as required in this part.

(c) *Other information.* Provisions for information purposes only may be included in a tariff, provided they are clearly identified as such. Such provisions may include rates and service terms covering transportation not subject to regulation by the Board, and advertising and promotional material.

(d) *Effect of filing.* The tender of a tariff and its receipt by the Board does not relieve a carrier of liability for violations of the Act, other laws or the Board's regulations.

(e) *Tariff relief.* Relief from the provisions of this part may be sought. Requests for such relief shall be submitted in duplicate and accompanied by the appropriate fee (see 49 CFR part 1002). Packages containing applications for relief shall be prominently marked "SPECIAL TARIFF AUTHORITY APPLICATION." The application shall cite all pertinent tariff matter and shall provide complete information regarding applicant's justification, purpose and manner of relief sought.

(f) *Striking or rejection of tariffs.* Tariff publications that violate the Act, the Board's regulations, or any decision of the Board or a court, may be rejected or stricken by the Board. When a tariff publication is rejected or stricken, the party that filed it will be furnished a written explanation of the reasons for such action. Tariff publications issued in lieu of rejected publications shall so state.

**§ 1312.3 Tariff contents and standards; Essential criteria.**

(a) *Contents.* Tariffs filed with the Board must include an accurate description of the services offered to the public; must provide the specific applicable rates (or the basis for calculating the specific applicable rates) and service terms; and must be arranged in a way that allows for the determination of the exact rate(s) and service terms applicable to any given shipment (or to any given group of shipments).

(b) *Use of multiple tariffs.* All information necessary to determine applicable rates and service terms for a given shipment need not be contained in a single tariff but, if multiple tariffs are used to convey that information, the tariff containing the rates must make specific reference (by STB tariff designation) to all other tariffs required to determine applicable rates and service terms, and the carrier(s) party to the rates must participate in all of the tariffs so linked.

(c) *Clarity.* Tariff information must be presented in a way that facilitates the determination of the prices and services offered, and the related service terms. Ambiguous terms and complex methods of presentation shall not be used.

(d) *Explanations.* Reference marks and abbreviations, other than commonly used abbreviations, shall be explained either in the item in which they are used or in a separate item.

**§ 1312.4 Filing of tariffs.**

(a) *Filing requirements.* Tariffs shall be filed in English with rates explicitly stated in U.S. dollars and cents. Two copies of each tariff publication shall be filed with the Board. Packages containing tariff filings should be prominently marked "TARIFF FILING" and addressed to:

*Section of Tariffs  
Surface Transportation Board  
Washington, DC 20423*

A tariff filing must be accompanied by an authorized document of transmittal identifying each publication filed, and the appropriate filing fee (see 49 CFR part 1002). Acknowledgement of Board receipt of a tariff filing can be obtained by enclosing a duplicate transmittal letter and a postage-paid, self-addressed return envelope. Each transmittal letter shall clearly indicate in the upper left-hand corner thereof:

- (1) The assigned alpha code of the issuing carrier or agent;
- (2) The number of pages transmitted;
- (3) The filing fee enclosed, the account number to be billed, or the credit card to be charged;
- (4) The transmittal number if the filer utilizes transmittal numbers; and
- (5) If the filing fee is charged to a credit card, the information must include the credit card number and expiration date, and an authorized signature.

(b) *Paper size.* Tariffs shall be printed on paper not larger than 8 1/2 x 11 inches.

**§ 1312.5 Amendments to tariffs.**

(a) *Manner of making changes.* An amendment is a change in, addition to, or cancellation of part of a tariff. Supplements are the tariff publications used to amend bound tariffs, and new or revised pages are the tariff publications normally used to amend looseleaf tariffs, although looseleaf tariffs can also be amended by supplements. Tariffs can also be cancelled by new or reissued tariffs (see § 1312.7).

(b) *Supplements.* Supplements issued to amend a tariff shall be consecutively numbered. Each new supplement shall identify any supplement(s) that it cancels, and any supplement(s) that are still in effect. A tariff amendment published in a supplement may be carried forward to later supplements if it is identified as reissued without change from the supplement in which it was originally published.

(c) *Looseleaf pages.* Looseleaf pages to an original tariff shall be designated as "Original" (e.g., Original Title Page, Original Page 1, Original Page 2, etc.). Looseleaf pages issued to amend the tariff shall bear consecutive revision numbers and shall cancel the prior version(s) of the same page (e.g., 1st Revised Page 1 Cancels Original Page 1, 2nd Revised Page 1 Cancels 1st Revised Page 1, etc.). Additional original pages may also be issued to amend a tariff, by adding new numbered pages after the last numbered page, or by adding existing numbered pages with alphabetic suffixes (e.g., a page designated as Original Page 2-A could be added between pages 2 and 3, etc.). Each looseleaf tariff shall include a Check Sheet, a Correction Number Check Sheet, or some other method of determining the looseleaf pages issued to amend such tariff.

**§ 1312.6 Advance notice required.**

(a) *Notice requirement.* Unless otherwise specifically authorized by the Board, tariffs must be filed with the Board on not less than the notice shown in paragraph (b) of this section. Notice means the number of days the publication is on file with the Board prior to its effective date(s). The date the publication is received by the Board counts as the first day of notice.

(b) *Length of notice.* The number of days' notice required is:

(1) One day's notice for independently established new tariff matter;

(2) One day's notice for independently established reduced tariff matter;

(3) Seven workdays' notice for independently established increased tariff matter; and

(4) Thirty days' notice for all collectively established tariff matter.

(c) *Definitions.* For the purposes of this section:

*Increased* means any tariff change that results in higher charges to the payer of freight charges or reduced service at the same rate;

*New* means an initial rate or other provision for a new service;

*Reduced* means any tariff change that results in lower charges to the payer of freight charges or expanded service at the same rate; and

*Workdays* means all days except Saturdays, Sundays and all Federal holidays observed in the District of Columbia.

**§ 1312.7 STB tariff designation.**

(a) *Format.* Every tariff shall show an authorized tariff designation consisting of:

(1) The characters "STB";

(2) The assigned alpha code of the carrier or agent issuing the tariff; and

(3) The tariff number (selected by the carrier or agent) to distinguish that tariff from all other tariffs filed by the same issuing carrier or agent. Tariff numbers shall not exceed 5 numerical digits and may be followed by not more than 2 letter suffixes. Examples of tariff numbers are:

STB XXXX 100  
STB XX 8000-A  
STB XXXX 12345-AB

Suffixes may be used only to designate reissues of tariffs. As an example, a reissue of tariff 1000 could be designated 1000-A, a reissue of tariff 1000-A could be designated 1000-B, etc.

(b) *Alpha codes.* Alpha codes are assigned to carriers and tariff agents by the National Motor Freight Traffic Association, Inc., Manager, Code Publications, 2200 Mill Road, Alexandria, VA 22314.

(c) *Fees for assignment.* Fees may be assessed for the assignment of codes, but may not exceed the processing costs.

(d) *Code listing.* A list of the assigned alphabetical codes, and the names of the carriers and agents to which they are assigned, shall be filed with the Board in tariff form.

**§ 1312.8 Identification of tariff publication.**

Every tariff publication filed with the Board shall include:

(a) The STB tariff designation;

(b) The name of the issuing carrier or agent; and

(c) The date(s) on which the publication is to become effective.

**§ 1312.9 Statement of tariff application.**

Every new or reissued tariff filed with the Board shall lead with a "Title Page," which shall provide a succinct statement of territorial application, mode of serving carrier(s), type of rates, and description of tariff content. EXAMPLES:

(a) Local water carrier rates on FREIGHT, ALL KINDS from points in Alaska to points in the United States.

(b) Joint motor/water commodity rates in containerized service between interior points in the United States and ports in Puerto Rico and Hawaii; and governing rules.

**§ 1312.10 Notification of tariff changes and nature of changes.**

Every publication filed with the Board containing tariff changes shall clearly identify such changes and their nature (whether an increase or decrease in service, rates or transportation charges).

**§ 1312.11 Special notification.**

(a) *Ordered matter.* Every tariff publication containing matter filed in compliance with a Board decision or court order shall indicate in the publication the relevant decision or order, and as well the number of days' notice authorized or required.

(b) *Zone of reasonableness.* Every tariff publication containing matter filed pursuant to the "Zone of Reasonableness" provisions of 49 U.S.C. 13701(d)(1) and (2) shall indicate in the accompanying letter of transmittal the basis for the rate change, as well as the number of days' notice.

**§ 1312.12 Posting requirements.**

(a) General posting requirements.

(1) Each carrier shall maintain, at its principal office, a complete set of its tariffs (proposed and effective) and those to which it is a party.

(2) Each carrier shall also maintain some or all of its tariffs at other locations, as may be useful. Carriers shall provide information regarding all locations where tariffs may be viewed.

(3) At all points where tariffs are posted, they shall be made available for inspection by any person during the carrier's normal business hours. The tariffs shall be accessible and readable. The carrier shall also post, in a conspicuous place in those locations, a notice, in large print, which contains a statement that the tariffs are available for public inspection.

(4) At all other carrier business offices, the carrier shall display a notice advising the public of the location of the nearest available tariff. The notice shall be in large print and posted in a conspicuous place. In addition, the carrier shall, upon request, make particular tariffs available at that location as soon as possible but not later than within 20 days, or provide the sought information orally if satisfactory to the requestor.

(5) Any publication referred to in a tariff must be posted with that tariff.

(b) *Exception to the posting requirements.* If any tariff maintained pursuant to paragraph (a)(2) of this section has not been used for a substantial length of time, the posting of that tariff, including its reissues, may be discontinued at that station until such time as a request is made to have it reposted. It shall then be reposted within 20 days.

**§ 1312.13 Furnishing copies of tariff publications.**

(a) *Definitions.* *Subscriber*, as used in this section, means any person (other than carrier participants in a tariff) that is voluntarily furnished, or that requests that it be furnished, one or more copies of a particular tariff with or without subsequent amendments or reissues of that tariff.

(b) Sending new publications to subscribers.

(1) The publishing carrier or agent shall send each newly-issued tariff, supplement, or loose-leaf page as requested to each subscriber by first class mail, or other means requested in writing by the subscriber.

(2) Newly-issued tariffs, supplements, or loose-leaf pages shall be sent to each subscriber not later than the time the copies for official filing are sent to the Board.

(3) Carriers or agents may, if acceptable to a subscriber, furnish only specific portions of original tariffs and amendments affecting those portions.

(c) *Certification.* The letter of transmittal accompanying the copies filed with the Board shall contain the following certification:

*I certify that compliance with 49 CFR 1312.13 has been made.*

(d) Charges.

(1) If any charge is made, the charge for copies of tariff publications sent to subscribers shall be reasonable, and identical for the same publications.

(2) No charge may be made (even for the cost of sending the publication) for any publication that is rejected by the Board.

(e) *Notice of rejection.* If a publication is rejected, the subscribers shall be notified.

(f) *Alternative subscription services.* The service described in this section must be available to any subscriber requesting it; however, the requirement to offer such service does not preclude the offering of different services to subscribers requesting those services.

**§ 1312.14 Powers of attorney and concurrences.**

(a) *Authorization.* Rates and services of a carrier must be filed in a tariff issued in that carrier's name unless they are filed:

(1) In an agent's tariff when the carrier has executed a power of attorney authorizing that individual or entity to serve as its tariff agent; or

(2) In a tariff of another carrier through issuance of a concurrence to the latter carrier authorizing the first carrier's participation in joint rates and through routes.

(b) *Disclosure of authorization.* If two or more carriers execute powers of attorney to the same agent, it is not necessary for those carriers to exchange concurrences to participate in joint rates in that agent's tariffs. Powers of attorney and concurrences are not to be filed with the Board, but shall be provided to any person on request.

**§ 1312.15 Change of carrier or agent.**

(a) *Change in carrier.* When a carrier's name is lawfully changed, or a fiduciary assumes possession and control of a carrier's property, all affected tariffs must be amended to reflect the change. The amendments required by this paragraph shall be filed promptly and, if possible, prior to their effective date, but in no case later than 60 days thereafter. Regardless of the date the tariff is actually filed, the effective date for an amendment required by this paragraph is the date the event occurs.

(b) *Change of agent.* When a new agent is appointed to take over an agency, or when an alternate agent assumes the duties of the principal agent, each of the superseded agent's effective tariffs shall immediately be amended to reflect the change, bearing an effective date the same as the date of the transfer. In the case of a new agent, this may only occur after one or more of the participating carriers issues a power of attorney to the new agent, and revokes the previous power of attorney. At the same time, all affected tariffs will be amended to reflect the new powers of attorney, and all carriers who have not issued them must be canceled from the tariff.

**§ 1312.16 Substitution of service.**

If a water or motor carrier (hereafter referred to as Carrier A) desires to have the option of substituting the services of a carrier of a different transportation mode (hereafter referred to as Carrier B) for part of its movement of a shipment, it may do so if:

(a) The shipment moves on the bill of lading that would be used if Carrier A were performing the service;

(b) Carrier A assumes the responsibility for the lading while it is in the possession of Carrier B; and

(c) Movement of the lading has been made prior to, or will be made subsequent to, the service performed by Carrier B.

**§ 1312.17 Electronic filing of tariffs.**

(a) *Use of FMC system.* Subject to the requirements of this section, the tariffs required by this part may be filed electronically through the Federal Maritime Commission's ATFI system, in lieu of being filed in printed form.

(b) *Compliance with FMC requirements.* All tariffs filed electronically must fully comply with the filing procedures, and the data record format and content requirements, established for the ATFI system (see 46 CFR part 514).

(c) *Fees.* Electronically filed tariffs will be subject to the filing and retrieval fees established by the Federal Maritime Commission in 46 CFR 514.21(g) and (i), but such tariffs will not be subject to fee item 78 in 49 CFR 1002.2(f).

(d) *Relief from this part.* Electronically filed tariffs will not be subject to the filing procedures and format requirements for printed tariffs as set forth in §§ 1312.4, 1312.5, and 1312.7 through 1312.15 of this part; however, such tariffs must otherwise fully comply with the requirements of this part.