

STB EX PARTE NO. 555

HOUSEHOLD GOODS TARIFFS

Decided March 5, 1997

The Surface Transportation Board (Board) postpones the effective date of the regulations at 49 CFR 1310.4, until May 31, 1997, to provide carriers with additional time to develop the required notices relating to tariff provisions incorporated by reference into bills of lading for the transportation of household goods.

BY THE BOARD:

In *Household Goods Tariffs*, 2 S.T.B. 21 (1997), the Board adopted regulations, effective March 6, 1997, (1) governing the tariffs that motor carriers and freight forwarders are required to maintain for the transportation of household goods; and (2) establishing the notice requirements with which household goods carriers must comply in order to be entitled to enforce the provisions of their tariffs against individuals whose shipments are subject to such tariffs.¹ The Household Goods Carriers' Bureau Committee (HGCBC) filed a petition on February 25, 1997, requesting a postponement of the effective date of the regulations until May 31, 1997.

The notice requirements set forth in the regulations at 49 CFR 1310.4 for the incorporation of tariff provisions by reference, which embellish upon the statutory notice language, were adopted at the specific request of HGCBC.² Nevertheless, HGCBC now states that additional time is required for carriers to

¹ The regulations adopted by the Board are contained in a new part 1310 to title 49, chapter X, of the *Code of Federal Regulations*.

² HGCBC expressed concern that, without uniform rules specifying what constitutes adequate notice of incorporated tariff provisions, the issue would be litigated in various state and Federal courts, with potentially differing results.

develop and implement the notices required by the regulations. HGCBC contends that the administrative burdens inherent in the notice requirements of the regulations fully justify the need for additional time to ensure compliance.

HGCBC's request for a postponement of the effective date of the provisions at section 1310.4 establishing requirements for the incorporation of tariff provisions by reference will be granted. Those provisions will now become effective on May 31, 1997, as requested. However, no justification has been presented to justify postponing the effective date of other provisions governing the tariffs that household goods carriers are required to publish and maintain, and the March 6, 1997 effective date will be retained for those regulations.

Small Entities

This action will not have a significant economic effect on a substantial number of small entities.

Environment

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

It is ordered:

The effective date of the regulations at 49 CFR 1310.4 is postponed until May 31, 1997.

By the Board, Linda J. Morgan, Chairman.