

CHAPTER 8900
DEPARTMENT OF TRANSPORTATION
MOTOR CARRIER RATEMAKING

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NOTE: See also chapter 7800.

8900.0100 DEFINITIONS.

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

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of transportation.

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

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

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

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

Subp. 7. **Joint line rate.** "Joint line rate" means a rate applicable from a point located on one transportation line to a point located on another transportation line, made by agreement or arrangement between the carriers and published in a single tariff under proper concurrence of the transportation lines over which the rate applies.

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

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

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0200 PURPOSE.

To ensure that rates and charges for shippers and receivers are nondiscriminatory, to ensure that joint through interline service is continued, to ensure that just and reasonable rates and charges are published and maintained under uniform, reasonably

related rate structures, and to promote efficiency in establishing, submitting, and considering rate proposals, motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, unless exempted under part 8900.1000, shall collectively establish, maintain, and publish schedules of rates, charges, and classifications, and rules and practices relating to them, in joint agency tariffs covering their transportation service under Minnesota Statutes, section 221.165 and this chapter.

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0300 GENERAL DUTIES.

Subpart 1. **Motor carrier participation.** Motor carriers subject to rate regulation under Minnesota Statutes, chapter 221, unless exempted under part 8900.1000, shall participate in collective ratemaking organizations for collectively establishing, maintaining, and publishing joint or single line schedules of rates, charges, and classifications, and rules and practices relating to them, covering their transportation service.

Subp. 2. **Submission to commissioner.** A collective ratemaking organization established under this chapter shall establish and submit to the commissioner for approval, procedures for jointly considering, initiating, establishing, maintaining, and publishing rates, charges, and classifications, and rules and practices relating to them.

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0400 PROVISIONAL APPROVAL REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

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

Subp. 12. **Quorum; voting.** At meetings of the collective ratemaking organization that involve a discussion of rates, charges, classifications, or rules, the organization shall establish a minimum quorum standard of 30 percent of the membership for general meetings and 30 percent of the membership of a committee for committee meetings. At all meetings the presence in person of the membership is necessary to establish quorum requirements and to transact business. Instead of personal attendance, members may vote by a written statement received before or at the commencement of the meeting. Each participating carrier must have one vote. A rate proposal must be approved if voted for by a simple majority of the carriers voting on the proposal, provided that quorum requirements are met before voting.

Statutory Authority: *MS s 174.02; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0500 FINAL NOTICE OF APPROVAL OR DISAPPROVAL.

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0600 FILING TARIFF.

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0700 INDIVIDUAL NAME ON TARIFFS.

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0800 INDIVIDUAL DEVIATIONS.

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.0900 COMMISSIONER MONITORS ACTIVITIES.

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.1000 EXEMPTION.

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

A. be executed by a duly authorized representative;

B. state that the carrier, from the date of the request and until the exemption is withdrawn in writing by the carrier or the commissioner, will not engage in collective ratemaking with respect to its entire operations, a specified commodity, or type or types of authority held; and

C. set forth the reasons why exemption is sought.

Subp. 2. **Grant of exemption.** After considering the reasons set forth in the request, the commissioner shall exempt the petitioning carrier from the collective ratemaking procedures prescribed in this chapter if the commissioner finds that:

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

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

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*

8900.1100 PENALTY FOR VIOLATION.

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

Statutory Authority: *MS s 174.64; 174A.02; 221.165*

History: *11 SR 691; L 2001 c 213 s 30*