

## § 1310.6

shall be in large print and posted in a conspicuous place. In addition, the carrier shall, upon request, make its 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.

(e) Any publication referred to in a tariff must be maintained with that tariff.

(f) If any tariff maintained pursuant to paragraph (b) of this section has not been used for a substantial length of time, the availability of that tariff, including its reissues, may be discontinued at that office until such time as it is again requested. It shall then be made available within 20 days.

### § 1310.6 Furnishing copies of tariff publications.

(a) Copies of tariffs, specific tariff provisions or tariff subscriptions shall be provided upon request to any interested person.

(b) Except for providing to shippers the full text of tariff terms incorporated by reference into the bill of lading or other document embodying the contract of carriage for the transportation of household goods, as described in § 1310.4(a)(1), carriers may assess charges for furnishing copies of tariff publications to interested persons. If a charge is made, the charge must be reasonable, and identical for the same publications and delivery service.

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

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

SOURCE: 62 FR 19058, Apr. 18, 1997, unless otherwise noted.

### § 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) *Exceptions.* The provisions of this part do not apply to:

(1) Any transportation or service provided by a carrier pursuant to 49 U.S.C. 14101(b); or

(2) The transportation of any cargo or type of cargo or service which was not subject to regulation by, or under the jurisdiction of, either the Federal Maritime Commission (FMC) or the Interstate Commerce Commission under Federal law in effect on November 1, 1995.

(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.

*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.

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*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* mean 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.

[62 FR 19058, Apr. 18, 1997, as amended at 64 FR 5195, Feb. 3, 1999]

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

(a) *Requirement for tariff.* Except when providing transportation for charitable purposes without charge, or when providing transportation or service described in § 1312.1(b), 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 and acceptance by the Board do not relieve a carrier of liability for violations of the Act, other laws, the Board's regulations, or any decision of the Board or a court, or have any effect on the rights of persons