

# **Kansas Administrative Regulations**

## **Kansas Corporation Commission**

### **Article 9.—Railroad Rates**

#### **82-9-1. Railroad tariff filing requirements.**

(a)(1) Each railroad tariff for rates or provisions published in connection with a new service, and each railroad tariff change that would result in increased rates, shall be on file with the commission at least 20 days prior to its effective date.

(2) Each railroad tariff which would result in decreased rates or increased value of service shall be on file at least 10 days prior to its effective date.

(3) Each rate publication filed with the commission shall be on forms prescribed by the commission and shall contain such information as the commission may require, including, but not limited to:

(A) a tariff containing all relevant and material provisions relating to the rate and its application; and

(B) a statement as to whether the rate will increase, decrease, or produce no change in the carrier's revenue.

(4) Each railroad tariff which would result in a decrease in the value of service shall be on file at least 20 days prior to its effective date.

(5) Each railroad tariff which would result in neither increases or reductions of rate or services shall be filed at least 10 days prior to its effective date.

(6) Independently filed new and reduced rail rates may become effective on one day's notice pursuant to 3 I.C.C. 323 (1987) and 49 C.F.R. § 1312.39(h) as in effect on October 1, 1989.

(7) Shorter notice will be available for changes in rail rates upon a showing of good cause pursuant to 49 C.F.R. § 1312.2 as in effect on October 1, 1989.

(b) The interstate commerce commission's decision in ex parte No. 355, cost standards for railroad rates 364 I.C.C. 898 (1981) is hereby adopted by reference in implementing minimum rate regulation.

(c) Rate Discrimination.

(1) Differences between rates, classifications, rules and practices of rail carriers providing transportation subject to the jurisdiction of this commission shall not constitute unlawful discrimination if such differences result from different services provided by rail carriers.

(2) The commission recognizes that the following matter are not unjust, unreasonably discriminating or unduly preferential:

(A) contracts approved by the commission except as provided in 49 U.S.C. 10713;

(B) surcharges or cancellations pursuant to 49 U.S.C. 10705a;

(C) separate rates for distinct rail services;

(D) rail rates applicable to different routes; and

(E) expenses authorized under 49 U.S.C. 10751.

(3) The discrimination limitations of 49 U.S.C. § 10741 do not restrict the commission's mandate to eliminate discrimination in the rail transportation of recyclables.

(d) The commission hereby adopts 49 U.S.C. § 10730 by reference, authorizing railroads to publish rates under which the liability of the carrier is limited to a value established by the written declaration of the shipper or by written agreement between the carrier and the shipper.

(e) All actions regarding the operation of railroads within the state of Kansas will be consistent with 49 U.S.C. § 10101a.

(Authorized by K.S.A. 66-106; implementing K.S.A. 66-107, 66-110 and K.S.A. 1989 Supp. 66-146; effective May 1, 1984; amended May 1, 1985; amended Oct. 29, 1990.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*