

Original sponsor: Sumner

Offered: 5/6/77
Referred: Rules

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2 CS FOR SENATE BILL NO. 166

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the authority of the Alaska Trans-
7 portation Commission over joint carrier agreements."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 42.10.350 is repealed and re-enacted to read:

10 Sec. 42.10.350. CARRIERS' AGREEMENTS. (a) Every agreement, which
11 includes an amendment or supplement to a previously approved agreement,
12 entered into by a carrier or carriers shall be submitted to the commis-
13 sion for approval before the agreement shall become effective if the
14 terms of the agreement relate to or affect

15 (1) rates, fares, or classifications;

16 (2) pooling of profits or earnings, division of profits or
17 earnings, allowances, or charges for use of facilities, equipment or
18 authority;

19 (3) acquisition or sale of substantial assets, merger, con-
20 solidation, or divestiture; or

21 (4) procedures that regulate the conduct of the agreeing
22 parties with respect to the establishment of or implementation of any
23 agreement or procedure applicable to the resolution of disputes between
24 or among the agreeing parties.

25 (b) The commission shall by order approve any agreement to which
26 this section applies if it finds that the relief granted by (k) of this
27 section would advance the policy declared in this section and sec. 10 of
28 this chapter. Otherwise, the agreement shall be denied. The commission
29 may approve all or any part of an agreement and attach any terms or

1 conditions to that approval that are consistent with sec. 10 of this
2 chapter and in the public interest.

3 (c) Agreements solely between or among carriers of different
4 classes that concern joint rates or over through routes may be approved
5 if the policy declared in sec. 10 of this chapter is advanced and
6 approval is consistent with the public interest. For purposes of this
7 section, "a class of carrier" is a motor carrier, bus carrier, air
8 carrier, water carrier, rail carrier, or pipeline carrier.

9 (d) The commission may not approve under this section any agree-
10 ment described in (a)(2) or (a)(3) or this section, unless the commis-
11 sion finds that the agreement will result in either better service or
12 economy of operation and will not unduly restrict competition.

13 (e) The commission may not approve any agreement establishing a
14 conference, bureau, committee, or other organization that is authorized
15 to develop uniform rates, fares, or classifications, unless the commis-
16 sion finds that there is accorded to each party under the agreement the
17 right to take action independent from any other party at any time.

18 (f) An agreement required to be approved by the commission takes
19 effect without approval 30 days after the agreement has been submitted
20 to the commission by a carrier party, unless (1) the commission deter-
21 mines that the public interest requires a hearing, (2) the agreement is
22 designated by the commission as one involving issues of unusual complex-
23 ity or difficulty, or (3) the approval is denied. Designation of an
24 agreement as one involving issues of unusual complexity or difficulty is
25 not a final order of the commission. An order denying approval of all
26 or any part of an agreement is a final order of the commission. A court
27 may not stay a final order of the commission pending appeal of the
28 order.

29 (g) Commission proceedings involving an agreement subject to this

1 section shall take precedence over all other matters, and the commission
2 shall expeditiously process such proceedings.

3 (h) The commission may temporarily approve all or any part of an
4 agreement pending its final determination if it finds that the public
5 interest requires a hearing, the agreement has been designated as one
6 involving issues of unusual complexity or difficulty, and the public
7 interest requires the agreement be temporarily approved. Temporary
8 approval of all or any part of an agreement is not a final order of the
9 commission.

10 (i) The approval of any agreement by the commission may be modi-
11 fied in whole or in part, suspended, or revoked if the commission finds
12 that the terms and conditions upon which approval was originally granted
13 have not been observed, the public interest no longer requires the
14 approval of such an agreement, or the agreement unduly restricts compe-
15 tition.

16 (j) The commission may designate certain evidence submitted in
17 support of or in opposition to the approval of an agreement under this
18 section as confidential records, if the commission finds the records
19 are a trade secret or would substantially affect the competitive position
20 of the party offering the records.

21 (k) Parties to any agreement approved by the commission are re-
22 lieved from the operation of the anti-trust laws of this state (AS 45.-
23 52) with respect to establishing or implementing an approved agreement
24 in conformity with the provisions of the agreement and any terms and
25 conditions prescribed by the commission.
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